

# Planning and Highways Committee

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**Tuesday 6 November 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), David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Alan Law, Robert Murphy, Zahira Naz, Peter Price, Chris Rosling-Josephs and Andrew Sangar

## **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 Simon Hughes on 0114 273 4014 or email [simon.hughes@sheffield.gov.uk](mailto:simon.hughes@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  
6 NOVEMBER 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 - 8)  
Minutes of the meeting of the Committee held on 16 October 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. Tree Preservation Order 419A: Land at Platts Lane, Oughtibridge, Sheffield** (Pages 9 - 14)
- 8. Applications Under Various Acts/Regulations** (Pages 15 - 18)  
Report of the Director of City Growth
- 8a. Site Of High Green Training Centre, Westwood Road, High Green, Sheffield, S35 4LE (Case No. 18/03160/FUL)** (Pages 19 - 34)
- 8b. Midcity House 17, 23 Furnival Gate, 127-155 Pinstone Street And 44 Union Street, Sheffield, S1 4QR (Case No. 18/02967/OUT)** (Pages 35 - 56)
- 8c. Swimming Baths Burncross Road, Sheffield, S35 1RX (Case No. 18/02327/FUL)** (Pages 57 - 76)
- 8d. Land Between 94 And 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Case No. 18/02229/FUL)** (Pages 77 - 102)
- 8e. Within The Curtilage Of Elmwood 27 South Street, Mosborough, Sheffield, S20 5DE (Case No. 18/01869/FUL)** (Pages 103 - 120)
- 8f. 104 Page Hall Road, Sheffield, S4 8GW (Case No. 18/01688/FUL)** (Pages 121 - 132)

- 8g. **St Christophers 147 - 149 Langsett Road South, Sheffield, S35 0GZ (Case No. 18/01475/FUL)** (Pages 133 - 154)
- 8h. **Land Between 13 And 15 Greenwood Road, High Green, Sheffield, S35 3GU (Case No. 18/00976/FUL)** (Pages 155 - 166)
- 8i. **Land At Junction With Welbeck Road, Fern Road, Sheffield, S6 5AX (Case No. 18/00845/FUL)** (Pages 167 - 180)
- 8j. **229 Derbyshire Lane, Sheffield, S8 8SB (Case No. 18/00655/FUL)** (Pages 181 - 198)
- 8k. **Brincliffe Towers Former Old Peoples Home Brincliffe Edge Road, Sheffield, S11 9BZ (Case No. 17/04741/FUL)** (Pages 199 - 238)
9. **Record of Planning Appeal Submissions and Decisions** (Pages 239 - 244)  
Report of the Director of City Growth
10. **Date of Next Meeting**  
The next meeting of the Committee will be held on 27 November 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 16 October 2018

**PRESENT:** Councillors Peter Rippon (Chair), David Baker, Michelle Cook, Tony Damms, Roger Davison, Dianne Hurst, Robert Murphy, Zahira Naz, Peter Price, Chris Rosling-Josephs and Andrew Sangar

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Alan Law.

**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 Councillors Dianne Hurst and Peter Rippon declared personal interests, as local Ward Councillors, in an application for planning permission for continued use of the site as a car sales forecourt, retention of portable sales building and siting of 4 floodlights at Express Hand Car Wash, 270 Handsworth Road, Sheffield, S13 9BX (Case No. 18/00266/FUL). Councillors Hurst and Rippon declared that they had not given an opinion on the application prior to the meeting and would therefore take part in the discussion and vote.

3.2 Councillor David Baker declared a personal interest, as a local Ward Councillor, in an application for planning permission for alterations to part of existing stable block to form a dwellinghouse at White Acres Farm, Spout Lane, Sheffield, S6 6EF (Case No. 18/02224/FUL). Councillor Baker declared that he had not given an opinion on the application prior to the meeting and would therefore take part in the discussion and vote.

3.3 Councillor Robert Murphy declared a personal interest, as a local Ward Councillor, in applications for planning permission for (a) erection of single-storey rear extension to dwellinghouse, including terrace to rear and erection of replacement detached outbuilding to rear, at 70 Gell Street, Sheffield, S3 7QW (Case No. 18/02919/FUL) and (b) for erection of 5 to 14 storey mixed-use development comprising 335 residential units with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking at Sylvester Street, Sheffield, S1 4RN (Case No. S1 4rn). Councillor Murphy declared that he had not declared his opinion on the applications prior to the meeting and would therefore take part in the discussions and votes.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee, held on 25 September

2018, were approved as a correct record subject to the addition of Councillors Michelle Cook and Zahira Naz in the list of apologies.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

**6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **RESOLVED:** That 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 70 GELL STREET, SHEFFIELD, S3 7QW (CASE NO. 18/02919/FUL)**

7a.1 Following consideration of additional representations and an officer response, as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from two local residents speaking against the application and from the applicant speaking in support of the application, an application for planning permission for erection of single-storey rear extension to dwellinghouse, including terrace to rear and erection of replacement detached outbuilding to rear, at 70 Gell Street, Sheffield, S3 7QW (Case No. 18/02919/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

**6.2 THORNCLIFFE CRICKET AND SOCIAL CLUB, LOUND SIDE, SHEFFIELD, S35 2US (CASE NO. 18/02710/FUL)**

7b.1 An application for planning permission for erection of ball stop fencing to the Loundside and northern elevations of the playing field at Thorncliffe Cricket and Social Club, Lound Side, Sheffield, S35 2US (Case No. 18/02710/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

**6.3 CURTILAGE OF CROFT HOUSE, 9 NOOK END, SHEFFIELD, S6 6AR (CASE NO. 18/02353/FUL)**

7c.1 Having considered representations at the meeting from two local residents speaking against the application and from the applicant speaking in support of the application, and subject to the inclusion of additional conditions as outlined in a supplementary report circulated at the meeting, an application for planning permission for erection of 1 no. detached dwellinghouse including integral garage (Amended Plan received 30 August 2018) at curtilage of Croft House, 9 Nook End, Sheffield, S6 6AR (Case No. 18/02353/FUL) be granted, conditionally, for

the reasons detailed in the report now submitted.

**6.4 WHITE ACRES FARM, SPOUT LANE, SHEFFIELD, S6 6EF (CASE NO. 18/02224/FUL)**

7d.1 Following consideration of additional representations from the applicant's agent and an officer response, as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from the applicant's agent speaking against the officer recommendation to refuse and from a representative of the Loxley Valley Protection Society speaking in support of the officer recommendation to refuse, an application for planning permission for alterations to part of existing stable block to form a dwellinghouse at White Acres Farm, Spout Lane, Sheffield, S6 6EF (Case No. 18/02224/FUL) be refused for the reasons detailed in the report now submitted.

**6.5 SYLVESTER STREET, SHEFFIELD, S1 4RN (CASE NO. 18/01760/FUL)**

7e.1 Following consideration of an update in respect of the affordable housing contribution, and subject to additional conditions, as outlined in a supplementary report circulated at the meeting, and having heard representations from the applicant's agent speaking in support of the application, an application for planning permission for erection of a 5 to 14 storey mixed use development comprising 335 residential units with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking at Sylvester Street, Sheffield, S1 4RN (Case No. 18/01760/FUL) be granted, conditionally, subject to legal agreement, for the reasons detailed in the report now submitted.

**6.6 EXPRESS HAND CAR WASH, 270 HANDSWORTH ROAD, SHEFFIELD, S13 9BX (CASE NO. 18/00266/FUL)**

7f.1 (a) Having heard representations at the meeting from two local residents speaking against the application, (b) following consideration of an additional representation and an officer response and subject to an amendment to condition 2, as outlined in a supplementary report circulated at the meeting, and (c) subject to an amendment to Condition 1 to read 'The use hereby approved shall cease on or before 1 year from the date of the decision. Reason: To monitor the site.', an application for planning permission for continued use of the site as car sales forecourt, retention of portable sales building and siting of 4 floodlights at Express Hand Car Wash, 270 Handsworth Road, Sheffield, S13 9BX (Case No. 18/00266/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

**6.7 QUARRY MOTORS, THE YARD, RUTLAND STREET, SHEFFIELD, S3 9PA (CASE NO. 16/01375/FUL)**

7g.1 Following consideration of additional representations and an officer response, and a correction to the report, as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from a local resident speaking against the application and from the applicant's agent speaking in

support of the application, an application for planning permission for demolition of buildings, change of use of the land to use as a processing and storage facility for the production and recycling of road aggregate, including the erection of buildings, plant and equipment (Use Class B2 & B8 – general industrial and storage and distribution) as amended 7/6/17, 28/2/18, 1/3/18, 20/3/18, 17/5/18 and 26/9/18 (amended description and drawings) at Quarry Motors, The Yard, Rutland Street, Sheffield, S3 9PA (Case No. 16/01375/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

**6.8 THE PLAYERS LOUNGE, 20 YEW LANE, SHEFFIELD, S5 9AN (CASE NO. 13/00533/CHU)**

7h.1 An application for planning permission for change of use of building for Class A4 (Drinking Establishments) purposes at The Players Lounge, 20 Yew Lane, Sheffield, S5 9AN (Case No. 13/00522/CHU) be granted, conditionally, for the reasons detailed in the report now submitted.

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

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

**8. DATE OF NEXT MEETING**

9.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 6 November 2018 at the Town Hall.



## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Growth Service

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**Date:** 25/10/18

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**Subject:** Tree Preservation Order No. 419A (Land at Platts Lane, Oughtibridge, Sheffield, OS Grid Reference SK 31329356)

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**Author of Report:** Nathan McWhinnie, Urban and Environmental Design Team

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**Summary:** To seek confirmation of Tree Preservation Order No. 419A

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**Reasons for Recommendation**

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order No. 419A should be confirmed unmodified.

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**Background Papers:** A) Tree Preservation Order No. 419A and map attached.

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**Category of Report:** OPEN

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TREE PRESERVATION ORDER NO. 419A  
LAND AT PLATTS LANE, OUGHTIBRIDGE, SHEFFIELD S35 0HP

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 419A.

2.0 BACKGROUND

2.1 Tree Preservation Order No.419A was made on 14<sup>th</sup> June 2018 to protect two wooded areas east and north/north-west of the Internet Refractory Products factory site. A copy of the order with its accompanying map is attached as Appendix A.

2.2 A member of the public alerted the planning department to a significant amount of felling taking place at the factory site. Having attended and assessed the site, the aforementioned wooded areas were found to provide a visual, noise and pollution screen between the factory and public footpaths, public open spaces and residential properties. It was therefore considered expedient to make a Tree Preservation Order to protect the wooded areas in the interests of amenity.

2.3 Parts of the wooded areas are considered to be ancient woodland, making their retention particularly important.

2.4 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The trees are well-established specimens, providing significant visual amenity and maturity to the site. Their value is in preserving the rural character of the area by screening the factory site from public view.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the trees detailed in Tree Preservation Order No.419A will benefit the visual amenity of the local environment and retain the benefits of pollution filtration the trees provide.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

## 7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.419A.

## 8.0 RECOMMENDATION

- 8.1 Recommend Tree Preservation Order No.419A be confirmed.

Rob Murfin, Chief Planning Officer

25<sup>th</sup> October 2018

## Tree Preservation Order

### Town and Country Planning Act 1990

#### The Tree Preservation Order No 419A (2018)

#### Land at Platts Lane, Oughtibridge, Sheffield S35 0HP

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### Citation

1. This Order may be cited as Tree Preservation Order No 419A (2018) – Land at Platts Lane, Oughtibridge, Sheffield S35 0HP

#### Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(bb) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.



Dated this 14<sup>th</sup> June 2018

EXECUTED AS A DEED )  
By Sheffield City Council )  
whose common seal was )  
hereunto affixed in the presence of )

  
Duty Authorised Signatory



### SCHEDULE

#### Specification of trees

##### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

##### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Trees of whatever species contained therein	OS Grid Ref: SK 3132 9356

#### Groups of trees

(encircled in green on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Trees of whatever species contained therein	OS Grid Ref: SK 3132 9356

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Trees specified individually.  
 (Encircled in black on the plan)  
 No on map  
 Description  
 NONE

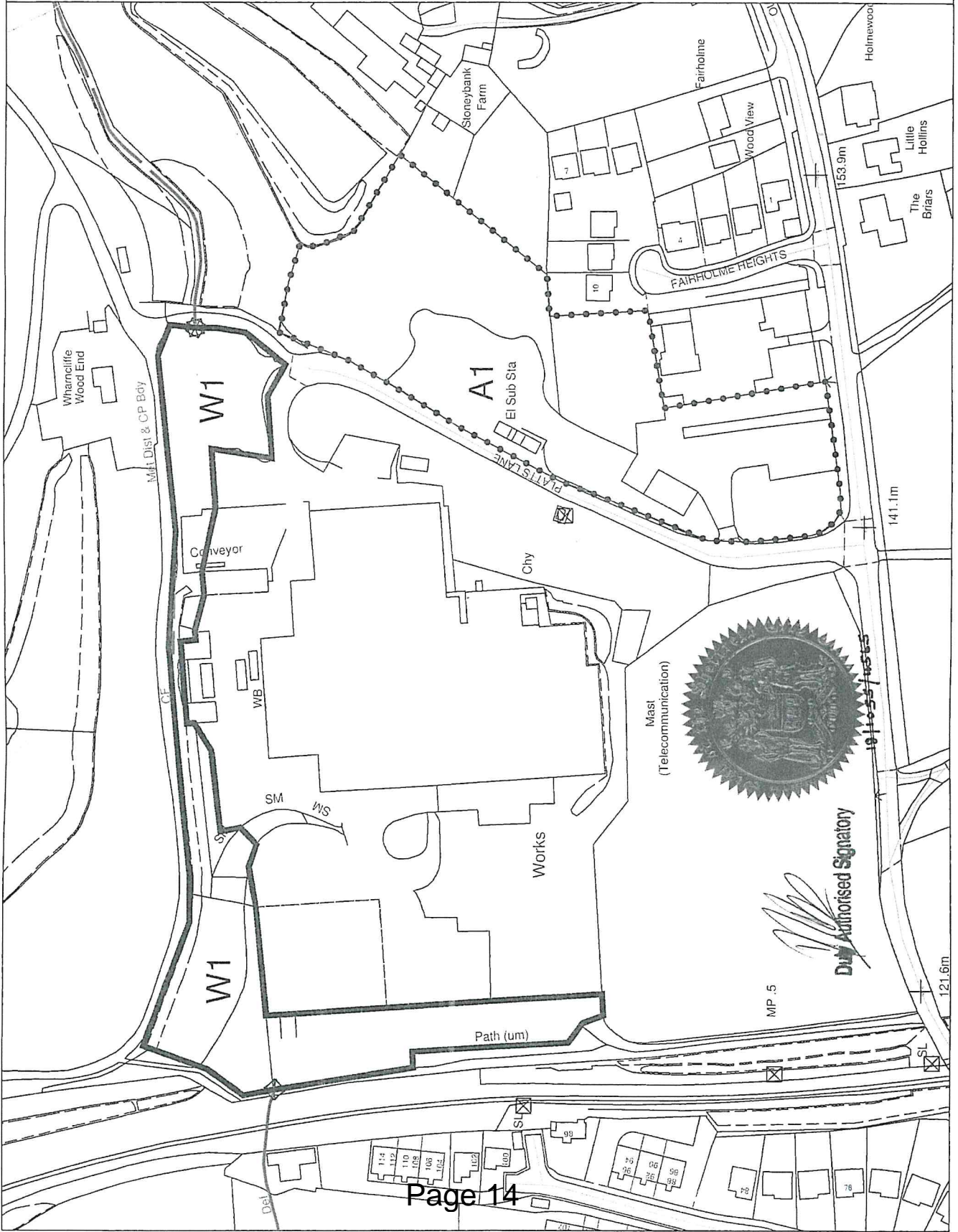
Trees specified by reference to an area  
 (Within a dotted black line on the plan)  
 No on map  
 Description  
 A1 Trees of whatever species contained therein

Trees specified by reference to an group  
 (Within a broken line on the plan)  
 No on map  
 Description  
 NONE

Trees specified by reference to a woodland  
 (Within a continuous line on the plan)  
 No on map  
 Description  
 W1 Trees of whatever species contained therein

O.S. REFERENCE No.: SK 3132 9356

<b>SHEFFIELD CITY COUNCIL</b>	
URBAN AND ENVIRONMENTAL DESIGN TEAM	
PROJECT	TREE PRESERVATION ORDER
NO.	No. 808/419
SITE Site of Inheret Refractory Products Ltd PLATTS LANE, OUGHTIBRIDGE	
SCALE	1:1250
PAPER SIZE	A3
DATE	14 Nov 2018
DESIGNED BY	A3JUED808/419
CHECKED BY	





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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Report of: Director of City Growth Department

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Date: 06/11/2018

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Subject: Applications under various acts/regulations

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Author of Report: Lucy Bond, Michael Johnson and John Williamson

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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

Application No.	Location	Page No.
18/03160/FUL (Formerly PP-07209695)	Site Of High Green Training Centre, Westwood Road, High Green, Sheffield, S35 4LE	
18/02967/OUT (Formerly PP-07178357)	Midcity House 17, 23 Furnival Gate, 127-155 Pinstone Street And 44 Union Street, Sheffield, S1 4QR	
18/02327/FUL (Formerly PP-07059196)	Swimming Baths Burncross Road, Sheffield, S35 1RX	
18/02229/FUL (Formerly PP-07043142)	Land Between 94 And 98 Wheel Lane, Grenoside, Sheffield, S35 8RN	
18/01869/FUL (Formerly PP-06974386)	Within The Curtilage Of Elmwood 27 South Street, Mosborough, Sheffield, S20 5DE	
18/01688/FUL	104 Page Hall Road, Sheffield, S4 8GW	
18/01475/FUL (Formerly PP-06899200)	St Christophers 147 - 149 Langsett Road South, Sheffield, S35 0GZ	
18/00976/FUL (Formerly PP-06773533)	Land Between 13 And 15 Greenwood Road, High Green, Sheffield, S35 3GU	
18/00845/FUL (Formerly PP-06783459)	Land At Junction With Welbeck Road, Fern Road, Sheffield, S6 5AX	
18/00655/FUL (Formerly PP-06741174)	229 Derbyshire Lane, Sheffield, S8 8SB	
17/04741/FUL (Formerly PP-06546431)	Brincliffe Towers Former Old Peoples Home Brincliffe Edge Road, Sheffield, S11 9BZ	



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Case Number	18/03160/FUL (Formerly PP-07209695)
Application Type	Full Planning Application
Proposal	Erection of 5no dwellings including provision of access, parking and landscaping works
Location	Site Of High Green Training Centre Westwood Road High Green Sheffield S35 4LE
Date Received	16/08/2018
Team	West and North
Applicant/Agent	Self Architects
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 ref: 4101-02 rev D  
Site sections ref: 4101-03  
Boundary Treatment drawing ref: 4101-04 rev A  
House type A attached garages ref: 4101-05 rev B  
House type A with detached garages ref: 4101-06 rev B  
House Type B and double detached garage ref: 4101-07 rev B  
House type B with detached garage ref: 4101-09  
Site Location Plan ref: 4101-00

Reason: In order to define the permission.

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

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

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

5. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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



7. No development shall commence until full details of measures to protect the existing category B trees identified in the James Royston Tree Survey ref: 180702 which are to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement detailing how excavations will be undertaken within any of the root protection areas and a plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

8. 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)**

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

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

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

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

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

11. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

12. Within 3 months of the commencement of development details of the location and specification of three bird and two bat boxes which are to be provided within the development site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the bird and bat boxes shall be provided and retained.

Reason: In the interests of the enhancement of Biodiversity.

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

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

15. The development shall not be used unless the verge widening and realigned perimeter fence of plots 4 & 5 has been provided in accordance with amended drawing number 4101-02 revision D, with the land dedicated to the Council under Section 25 of the Highways Act. These works are to include removal of the existing vehicular access adjacent to plot 5 and the associated trip hazard, and the provision of a bollard to stop cars accessing the public right of way.

Reason: In the interests of pedestrian safety.

#### **Other Compliance Conditions**

16. 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.

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

Reason: To ensure satisfactory drainage arrangements.

18. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 3.5 litres per second.

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

19. 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.

20. Should the clearance of site vegetation and/or trees take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably qualified ecologist to establish the presence of nesting birds. If active bird nests are present clearance works can only proceed once all chicks have fledged.

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

21. The development shall not be used unless the footpaths leading to the front doors of plots 2, 3 and 5 have been realigned to avoid being obstructed by parked cars.

Reason: In the interests of pedestrian safety.

22. The development shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

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

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. 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. 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.

4. 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.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 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.
6. 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)

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

Telephone: 0114 273 6677

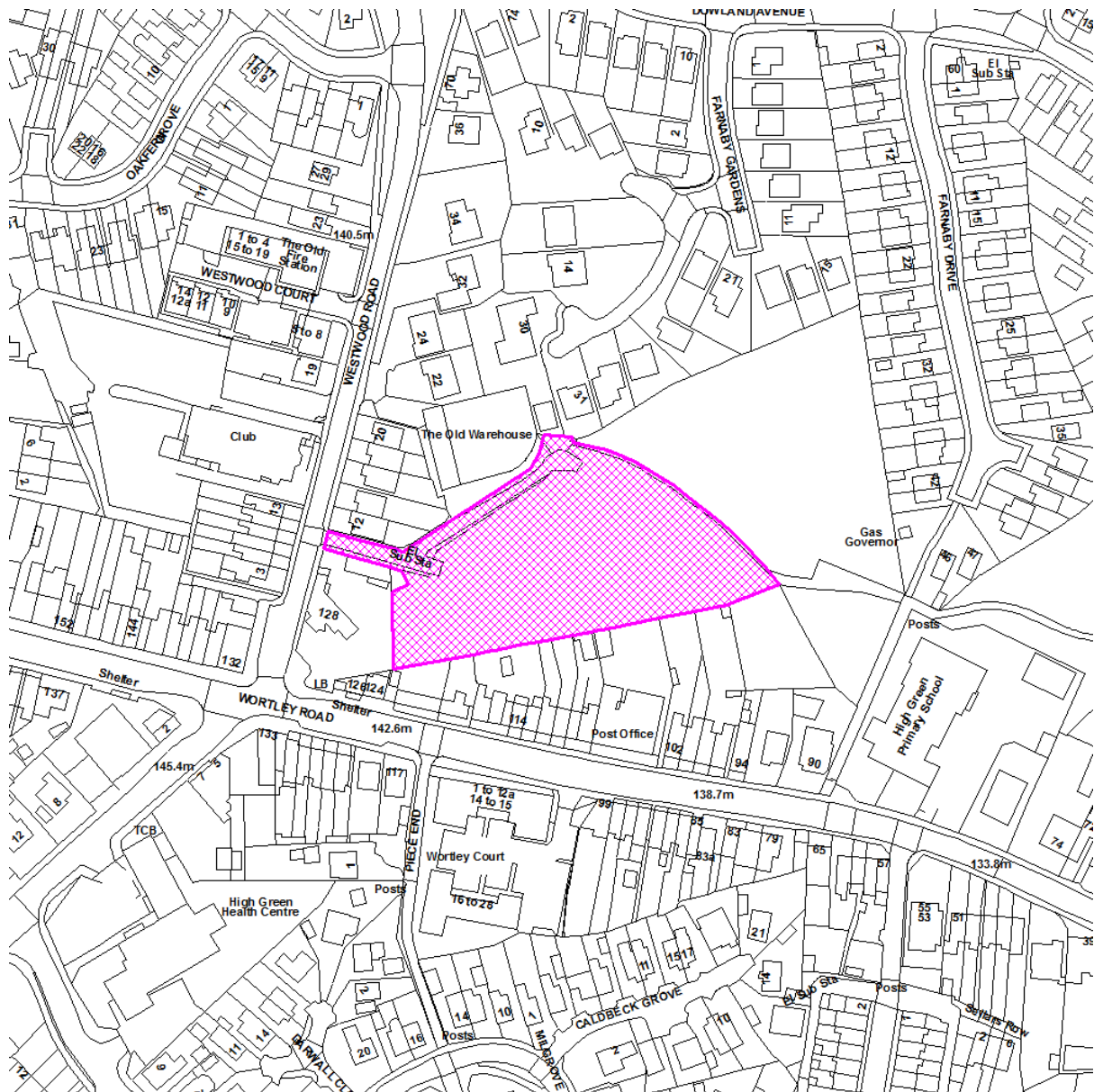
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

8. 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.
9. As the development entails undertaking some verge works next to an existing public footpath, you are advised to contact SCC Public Rights of Way:

Principal Engineer Public Rights of Way  
Highways Maintenance Division  
Howden House  
1 Union Street  
Sheffield  
S1 2SH  
rrow@sheffield.gov.uk  
0114 273 6117.

# Site Location



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## LOCATION AND PROPOSAL

This application relates to the former High Green Training centre (now demolished) which is located to the rear of residential properties on Westwood Road and Wortley Road at High Green. The site is accessed by a private drive from Westwood Road.

Permission is sought to erect 5 detached properties comprising of three bungalows and a pair of two storey dwellings with associated landscaping and car parking. Access to the site will utilise the existing private drive serving the site from Westwood Road.

The application site is in an allocated Housing Area as defined on the Unitary Development Plan (UDP) proposals map. Immediately to the south and west of the site is an Area of Special Character. The site is bound to the north by a public footpath which connects Westwood Road and Wortley Road. To the east of the site is the High Green Primary School and its associated grounds. The south and west boundaries of the site are defined by the curtilages of properties fronting Wortley Road and Westwood Road.

The site is largely level and accommodates some mature trees and overgrown scrub. The site is largely enclosed by 2 metre high security fencing.

## SUMMARY OF REPRESENTATIONS

6 letters of objection have been received including comments from Ecclesfield Parish Council, the issues raised are summarised as follows:

- The proposal will lead to the loss of a number of established trees which support local wildlife including birds and bats.
- The site entrance is too narrow.
- Excessive parking provided; 21 spaces for 5 houses will encourage additional traffic movements. Car parking should be reduced.
- The previous use did not generate a significant amount of traffic movements and there were no movements at the weekend.
- Impact on the amenity of adjoining properties from traffic movements associated with the development including noise, dust, vibrations and air pollution.
- Can a dustbin lorry access the site or will it cause disturbance waiting on Westwood Road?
- Are there examples of other accesses of 3.5 metres for a housing development with 21 parking spaces?
- Restrictive covenants should be imposed ensuring the properties are used for residential purposes only.
- Residents should be provided with some protection from noise and disturbance during building works.
- The site is close to a primary school and parents may start to use the estate to park when collecting and dropping off children.
- Children use the footpath and it is not considered to be wide enough for a footpath and a car to share.

- The increased use will cause safety issues for children and local residents.
- The development will impact local services as this scheme along with others will increase the number of families in the area and existing school and doctors have limited capacity.

#### Ecclesfield Parish Council

- The objections of local residents are supported.
- The access is too narrow for anything other than cars and emergency vehicles and other large vehicles will not be able to enter the site.
- There is insufficient room for a road and a footpath to be provided side by side.
- Overdevelopment as 21 parking spaces are provided.
- The application should be decided by planning committee rather than delegated officers and the Parish Council should be made aware of when the application will be presented to committee so Councillors can attend.

A series of photos have also been sent in from Ecclesfield Parish Council which show the proposed access road and its junction with Westwood Road.

#### PLANNING ASSESSMENT

##### Policy Issues

The site is in an allocated Housing Area as defined in the adopted UDP. Policy H10 (Conditions on Development in Housing Areas) identifies housing (use class C3) as the preferred use of land in the policy area. As such the principle of the redevelopment of this vacant site for housing purposes is considered to accord with policy H10.

##### 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 still positive contribution towards the identified housing supply shortfall and this should be offered 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 with the established urban area of High Green.

#### Efficient Use of Land

The development would be on previously developed land and therefore compliant with the aims of policy CS24.

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 identified by policy CS26 is 30 - 50 dwellings per hectare. The proposal for 5 dwelling with a net site area of 0.4 hectares represents a density of approximately 11 dwellings per hectare. This is well below the recommended density of development as set out in Policy CS26. It is noted that the NPPF paragraph 122 promotes the efficient use of land subject to the availability and capacity of infrastructure. In this case due to the restricted width of the drive the development will be accessed by a private drive rather than an adopted road. In accordance with policy H14 part (b) no more than 5 dwellings can be served from a private drive. Whilst noting the requirements of policy CS24 and the NPPF which seek to promote the efficient use of land, in light of the access restrictions to this site the lower density of development proposed is considered acceptable. The lower density of the development will not appear out of character in the area as there are various types and ages of properties in the locality that have been constructed at different densities.

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

#### Design Issues

Policies CS74 and UDP policies BE5, H14 and H15 expect 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. To the south of the site is an Area of Special Character which includes a collection of older buildings located either side of Wortley Road. Policy BE15 of the UDP seeks to protect the character and appearance of these areas.

The development is not immediately visible in the street scene and is relatively self-contained as it is set well back from the public highway to the rear of existing houses. Two detached two storey properties and three dormer bungalows are proposed. The dwellings are located around the periphery of the site arranged around a central private drive with associated landscaping and hard surfacing.

The properties are of a modern design faced in brick with tiled roofs and some elements of contrasting cladding. There is a variety of building styles and materials in the area and it is considered that the design, scale and layout of the development is acceptable and will not harm the character of the area or the setting and appearance of the adjoining area of special character.

The scheme therefore complies with BE5, BE15, H14 and H15 of the UDP and CS74 of the CS.

### Amenity Issues

UDP Policy H14 (Conditions on Development in Housing Areas) part (c) seeks to ensure that sites are not overdeveloped or deprive residents of light private or security. H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Plots 1 to 3 which back onto existing dwellings on Wortley Road are dormer bungalows. All dormers are in the front roof plane of the dwellings overlooking the new access road which minimises any potential overlooking of adjoining properties.. Roof lights are proposed in the rear elevations of plots 1 to 3 however the bottom edge of these rooflights are 1.8 metres above the internal floor level and therefore will not pose any overlooking issues. The existing boundary wall (minimum 1.8 metres in height) on the eastern boundary of the site to the rear of properties on Wortley Road will prevent any harmful overlooking from ground floor windows. Given the separation distances between the proposed and existing dwellings on Wortley Road it is not considered necessary to remove Permitted Development rights to make alterations to the roofs of plots 1 to 3.

Plots 4 and 5 are orientated so they do not give rise to any harmful overlooking of adjoining properties. All properties benefit from large garden areas and natural surveillance of the adjoining public footpath will be increased as a result of the development.

The drive access to the site accommodated movements associated with the previous commercial use of the site. It is acknowledged that the former training centre use ceased some time ago, however it is considered that the vehicle movements of 5 dwellings would not give rise to any significant increase in traffic movements or associated noise, disturbance, dust or air pollution over and above the historic use of the site.

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 integration of enhanced or increased glazing or ventilation specifications.

In light of the above the proposal is considered to comply with policy of UDP Policy H14 and H15.

### Sustainability, Flood risk and Drainage

Policies CS64 seeks for new buildings to be designed to reduce emissions of greenhouse gases and function in a climate change. Policy CS65 seeks to promote renewable energy and carbon reduction and requires developments to provide a

minimum of 10% of their predicted energy needs to decentralised and renewable or low carbon energy and equivalent reduction in energy demands via a fabric first approach is now also accepted. Policy CS67 seeks developments to incorporate measures to reduce the impact and extent of flooding

The buildings have been designed to maximise efficiency and a 10% reduction in the buildings energy demand is indicated to be achieved through a fabric first approach. The final method to achieve this requirement will however be controlled by condition to allow flexibility, should an alternative be considered more practical and/or viable.

Furthermore the development makes efficient use of a brownfield site and is sustainably located.

The site is located in flood zone 1 which as identified by the Environment Agency as being at the lowest risk of flooding. The applicants have submitted a Sustainable Urban Drainage (Sud's) statement which identifies the need to provide on-site surface water storage in order to provide a restriction rate of surface water discharge from the site. The applicants have identified that there are no available watercourses in the immediate area and ground conditions have been described as unsuitable to allow the infiltration of surface water, although the inclusion of permeable paving on some of the private drives has been identified as a possibility by the applicant's consultants. Yorkshire Water (YW) have identified the availability of a highways drain in Wortley Road which then outfalls to the watercourse that could potentially accommodate surface water discharges from the site. YW require further consideration of all available options for surface water disposal before accepting discharge into the combined sewer. In light of the above details of final surface water drainage design will be secured by condition.

#### Highways Issues

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 including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Policy H14 part (d) seeks to ensure that development would provide safe access to the highways network and appropriate of street parking and not endanger pedestrians.

The site is proposed to be accessed via a private drive located between No. 12 Westwood Road and No. 128 Wortley Road. The existing drive access served the former High Green Training Centre (now demolished). The access to the site also accommodates a public footpath which loops around the site connecting Westwood Road with Wortley Road (adjacent to High Green Primary School). The existing access road is approximately 5 metres wide inclusive of a raised section of the existing drive, adjacent to No. 128 Westwood Road. The Councils highways section have identified that the driveway is not of a suitable width or design to be formally adopted as a public highway and as such the drive will remain private (unadopted). The fact that the access will remain a private drive restricts the amount of

development than can be accommodated on the site. Policy H 14 part b) identifies that no more than 5 dwellings can be provided from a private drive.

Vehicle movements associated with the proposed 5 dwellings are not considered to give rise to any greater impacts on the safety or operation of the public highway or pedestrians than the previous use of the site as a training centre. The existing public footpath from Westwood Road will be retained and will continue to be shared with vehicles as per the existing and previous arrangements associated with the training centre. Parts of the footpath adjacent to the northern and eastern boundaries of the site will be improved through some minor realignment to remove a blind corner and to increase the width of the path. The changes to the footpath will improve the pedestrian environment and the safety of its users.

Each of the dwellings includes a double garage and generous drive way largely as a result of the low density of development. A further visitor parking space is provided within the site and the development has been 'tracked' and can accommodate emergency vehicle access. The parking and turning arrangements are considered satisfactory.

It is considered that due to the limited scale of the development it will not give rise to any severe residual cumulative impacts on the highways network or detrimentally affect highways safety. As such and in accordance with paragraph 109 of the NPPF it is considered that the development should not be resisted on highways grounds.

## Ecology

NPPF paragraph 170 d) that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

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 contains overgrown shrubbery, grass and some mature tree planting located around the periphery of the site.

A Preliminary Ecological Survey has been submitted in support of the application. These documents identify that the site does not contain any habitats or protected species of significant ecological value. A tree survey has also been submitted which shows that there are a few larger trees specimens adjacent to the site boundary which are considered to be category 'B' trees i.e. worthy of retention. There are a few other groups of trees on site that are not considered to be any significant value.

A large majority of the category B tree species will be retained, incorporated into the scheme and protected during the course of the development. The removal of a small number of trees elsewhere on the site in order to facilitate the development is not considered to represent an ecological concern. The ecological report identifies that

site clearance should be undertaken outside the bird nesting season (March to September inclusive) unless supervised by a qualified ecologist and that two bat boxes and three bird boxes should be provided in order to enhance the biodiversity of the site. In order to ensure net gains for biodiversity in accordance with the guidance contained in paragraph 170 of the NPPF details of the above will be secured by condition.

In light of the above the proposal is considered acceptable from an ecology and landscape perspective.

#### Land Contamination

The application site falls within the defined High Risk Coal Mining Area. The application is accompanied by a Phase 1 & 2 Geotechnical and Geo-Environmental Site Investigation report and a supplementary site investigation report dated August 2018. The submitted reports identify that the application site may be at risk from historic coal mining activity and that further site investigations are required to determine what mitigation measures are necessary to protect future residents from historic coal mining issues. The Coal Authority are happy for the further site investigations and any associated mitigation measures to be secured by condition.

The Councils Environmental Protection Services have also requested that additional conditions are imposed to ensure that issues of land contamination are resolved, the submitted reports identify that further monitoring and site investigations are necessary to determine if the development will be affected by ground gas migration.

#### Community Infrastructure Levy (CIL)

The site falls within a zone where the CIL charge is £30 per square metre of floor space.

#### RESPONSE TO REPRESENTATIONS

Noise and disturbance associated with the construction of the development is controlled by the Section 60 of the Control of Pollution Act 1974. A directive has been included on the decision notice informing the applicants of the restrictions.

Emergency vehicle access to the site is provided. Bin collections will take place from Westwood Road, given that collections take place on weekly basis and other dwellings in the vicinity are also collected from the public highway, waste collections associated with the development are not considered to give rise to any significant noise and disturbance.

Restrictive covenants are private legal matters; regardless planning consent would be required to use any of the dwellings for a solely commercial use.

The highway serving the site will be a private drive, should unauthorised parking take place within the site it will be a private matter for residents/occupiers to resolve.

Given the limited scale of the development the proposal is not considered to generate any significant demand on public services in the area that would require mitigation measures to be secured as part of the application.

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

## SUMMARY AND CONCLUSION

This application seeks permission to erect 5 dwellings on the former High Green Training Centre Site.

The site is previously developed is in a relatively sustainable location in an established residential area with good access to local facilities. The development will also make a small contribution towards delivering the Councils required housing land supply needs. As such the principle of a redeveloping the site for residential purposes is considered acceptable.

The development makes the most efficient use of the site given the identified access issues and will deliver a high quality residential development.

The scheme is not considered to give rise to any harmful amenity, highways or ecology issues and the development will make the appropriate CIL contributions.

In light of the above the proposal is considered to accord with adopted national and local planning policy and guidance. It is therefore recommended that planning consent is granted subject to conditions.

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Case Number	18/02967/OUT (Formerly PP-07178357)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved) for the demolition of existing buildings and erection of upto 32 storey mixed use development comprising retail and residential accommodation
Location	Midcity House 17, 23 Furnival Gate, 127-155 Pinstone Street And 44 Union Street Sheffield S1 4QR
Date Received	02/08/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

### **Time Limit for Commencement of Development**

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

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

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

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

### **Approved/Refused Plan(s)**

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

Design and Access Statement (May 2018);  
A-01-P-001 Rev P07 Site Parameters Plan; and  
A-05-P-001 Rev P06 North West and South West Parameter Elevations; all received on 11/10/2018

Reason: In order to define the permission.

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

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post-investigation works.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

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

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

6. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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



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

8. Prior to commencement of development, including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP will specify measures to monitor and control the emission of noise, vibration and dust during demolition and construction works. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, it is essential that this condition is complied with before the development is commenced.

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. In the event that the redevelopment of the site does not immediately follow the works of demolition hereby authorised, a scheme for securing and making good the boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

12. No development shall commence excluding demolition of the existing buildings, 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.

13. No development shall commence, excluding demolition of the existing buildings, prior to 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. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

14. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced, excluding the demolition of existing buildings. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential

that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

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

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

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

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:  
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);  
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);  
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);  
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

NB. The required Validation Testing is separate from, and in addition to, any tests required to comply with Building Regulations in relation to Approved Document E; Resistance to the passage of sound.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

19. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

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

Highways Improvements:

i) Works to the Pinstone Street, Furnival Gate and Union Street footways to comply with any recommendations following from the pedestrian comfort assessment which are likely to entail: removal of trees/tree-pits uplighters and grills from Furnival Gate and replacement at the appropriate ratio in locations to be agreed; repositioning/removal of street furniture from Pinstone Street, Furnival Gate and Union Street; revised/new tactile paving and pole/push-buttons at pedestrian crossings; widening of footway into the carriageway; and reconstruction of footways in accordance with the Urban Design Compendium.

ii) A review of waiting/loading restrictions and promotion of a Traffic Regulation Order on roads in the vicinity of the development site, subject to necessary procedures and provision of associated signing and lining.

iii) Accommodation works to street lighting, highway drainage, traffic signs, road markings, statutory undertaker's equipment and general street furniture as a consequence of the development proposal.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

21. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a pedestrian comfort assessment (in accordance with Transport For London (TFL) Guidelines) along the Pinstone Street, Furnival Gate and Union Street footways, taking account of existing

and generated pedestrian trips and the loss of the under-croft. Recommendations following from the assessment are to be implemented prior to occupation of the development.

Reason: In the interests of pedestrian safety and comfort.

22. No development shall commence, excluding demolition of the existing buildings, until a qualitative assessment of the environmental wind conditions around the building has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pedestrian safety and comfort.

23. 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.

24. Before any commercial use(s) which include the broadcast of amplified sound at above background level commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
  - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c) Be capable of restricting noise breakout and transmission from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
    - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building it is essential for these works to have been carried out before the use commences.

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

- a) Plans showing the location of the fume extract terminating and including a low resistance cowl
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

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

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

26. Before any above ground works commence, 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, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

29. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- 1. Clear and unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
- 2. A package of measures to encourage and facilitate less car dependent living; and,
- 3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
- 4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.

5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

30. The development shall not be occupied until a servicing management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing shall take place in accordance with the approved plan.

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

### **Other Compliance Conditions**

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

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

32. No customer shall be permitted to be on the commercial premises outside the following times:

0730 hours to 2330 hours Monday to Thursday, 0730 hours to 0030 hours (the following day) on Friday and Saturday, and 0800 hours to 2300 hours on Sundays and Public Holidays.

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

33. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

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

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

35. No doors shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
2. The applicant is advised that Core Strategy policy CS41 (a) (Creating Mixed Communities) aims to promote the creation of mixed communities by providing for a broad range of smaller households in the City Centre. No more than half the new homes in this development should consist of a single house type.
3. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: highwayrecords@sheffield.gov.uk

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

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

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

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



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

Telephone: 0114 273 6677

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

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

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

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

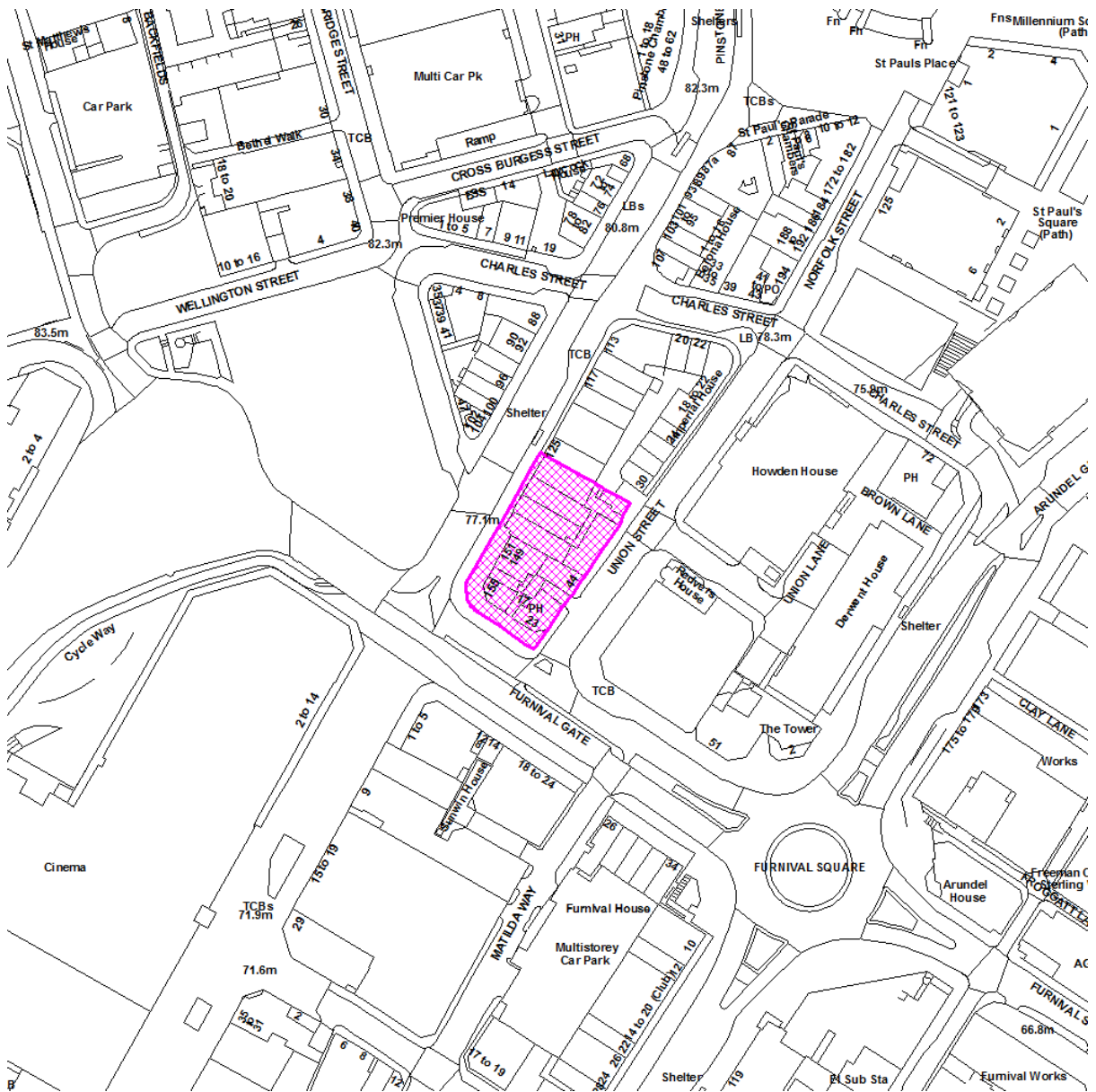
For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk).

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.

8. The construction of the development may lead to the temporary loss of on-street parking bays. In such circumstances you may be required to fund the installation of replacement parking bays including any associated Traffic Regulation Order, to offset the temporary loss of parking in the vicinity of the development.
9. 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.
10. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

11. 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 site is located at the junction of Furnival Gate with Pinstone Street and Union Street, within the Retail Core of the Central Shopping Area and just outside the City Centre Conservation Area. The site is currently occupied by a four storey concrete clad office building with retail units at ground floor level set back from the front elevation on two sides to form a covered arcade.

To the north, along Pinstone Street, the site adjoins a three storey equivalent red brick building with retail uses at ground floor level and offices over. On Union Street, it lies adjacent to an attractive four storey period property with a ground floor restaurant unit. The upper floors have been converted into three self-contained apartments.

Buildings to the west, on the opposite side of Pinstone Street, comprise of the new six-storey office and retail block on the site of the old Grosvenor House Hotel, which forms the first phase of the Sheffield Retail Quarter Masterplan – now known as Heart of the City II. Adjacent to this, numbers 94-104 Pinstone Street are known as the Peppercorn building. It is constructed from red brick with ashlar dressings and it has an ornate roofscape featuring a distinctive turret and Dutch gabled dormers. These properties are in the City Centre Conservation Area and form part of the Victorian frontage that characterises Pinstone Street.

To the south, either side of the entrance to The Moor, stands Debenhams, a four storey department store, and a development site with planning consent for a three storey retail block (16/03725/FUL). This site is currently being cleared.

To the east of the site, on Union Street, stands Redvers House, a 13 storey former office building which is now occupied by student accommodation but which retains a ground floor retail frontage to Furnival Gate.

Outline planning permission is sought, with all matters reserved, for the demolition of the existing buildings on site and the erection of a mixed use development comprising of retail and residential accommodation. A flexible consent is sought, based on the identification of parameters which will illustrate the maximum, and in some areas the minimum development envelope. The parameters are supported by a Design Code and the reserved matters applications will be required to comply with the limits and design objectives that are defined by these documents.

## RELEVANT PLANNING HISTORY

- |               |  |
|---------------|--|
| 05/01323/FUL  | In August 2005, planning permission was granted for the erection of a 19 storey building comprising of retail uses at basement and ground floor with 90 apartments over. This consent has expired. |
| 15/01053/ORPN | A prior notification application for the use of part of the first and third floor (Class B1a) offices for (Class C3) residential purposes. It was determined that prior approval was not required  |

15/03458/FUL      An application for the change of use of the second floor to form 7 residential units (Use Class C3) and external window changes on the first, second and third floor was approved in November 2011.

## SUMMARY OF REPRESENTATIONS

The application was advertised by way of site and press notices and neighbour letters.

One representation was received. No objections were raised but it was requested that consideration is given to retaining 44 Union Street, described as the last Victorian building to survive on Union Street and the former premises of Thomas Henry Vernon, cork manufacturer.

- It is understood that, in 1879, Vernon had premises at 2 Union Street, at the junction with the old line of Pinstone Street. 1875 street improvements resulted in the creation of Moorhead and a comprehensive redevelopment in the area. As part of this, Vernon's old premises were demolished, and he relocated to Norfolk Street. He later moved back to 44 Union Street, which is thought to have been built for him.
- While 44 Union Street has no statutory protection, it would be a great pity to lose it. A retained building or even façade could be a marker for a new entrance and provide some additional interest.

## PLANNING ASSESSMENT

### Land Use

The application site lies within the Retail Core of the Central Shopping Area and immediately adjacent to the City Centre Conservation Area as defined in the Unitary Development Plan (UDP).

Policy S2 of the UDP (Development of Frontages in the City Centre Retail Core) states that, on ground floor frontages within the Retail Core, shops (use class A1) are the preferred use.

Policy S3 (Development in the Central Shopping Area) describes housing (use class A3) as a preferred use above the ground floor retail frontage.

Use of the application site for retail and residential purposes is therefore considered to be acceptable in principle.

Core Strategy policy CS41 (a) (Creating Mixed Communities) aims to promote the creation of mixed communities by providing for a broad range of smaller households in the City Centre. It advises that no more than half the new homes in larger developments should consist of a single house type.

This will be assessed at detailed design stage but a directive is recommended to advise the applicant of the policy requirement.

## Design and Conservation

In relation to design, the NPPF asserts that the creation of high quality buildings and places is fundamental to achieving sustainable development and creates better places in which to live and work (para. 124).

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments, while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

In addition, policy BE16 of the UDP (Development in Conservation Areas) states that developments that would affect the setting of a Conservation Area, or significant views into or out of the Area, will be expected to preserve or enhance the character or appearance of the Conservation Area.

As described above, consent is being sought for outline planning permission, with matters of appearance, landscaping, layout, scale and access reserved for subsequent approval, because it is considered that this will provide future developers with a degree of flexibility, particularly in relation to detailed design. The application sets parameters, or limits within which future reserved matters applications will be expected to fall.

In this case, the parameters comprise of three related blocks occupying each of the three site frontages. Block 1, which fronts Furnival Gate, is expected to form the main tower with a maximum AOD (Above Ordnance Datum) of 182 metres – approximately 32 storeys. Given the site's corner position, at the top of the Moor and at the entrance to the Heart of the City, it is considered that this is an appropriate location for a tall building.

Block 2, fronting Pinstone Street, is arguably the most sensitive site frontage as it faces the conservation area and will be seen in conjunction with the Victorian frontage that characterises most of Pinstone Street. The parameters indicate that Block 2 will have a minimum AOD to Pinstone Street of 95.9 metres and a maximum AOD of 103.9 metres. This equates to a development between 18 and 26 metres, or 4 to 7 storeys in height, which, it is considered, will provide an appropriate level of street enclosure and reflect the character of existing and proposed development in the locality.

Block 3 faces onto Union Street and will sit opposite Redvers House, a building with a 3 storey equivalent podium and a 13 storey tower set back from Furnival Gate. It is considered that Union Street, which also houses Howden House and the St Paul's Place office blocks which range between 7 and 11 storeys in height, can take a building of reasonable height. Therefore the parameters indicate a maximum AOD for Union Street of 124 metres, or up to 13 storeys in height.

In addition to the maximum and minimum heights, the submitted design codes incorporate further principles to which reserved matters application would be expected to adhere. They include the following:

- The main tower, and other vertical elements, should be appropriately grounded and be split vertically to achieve tripartite proportions. (i.e. they should have a ground, a middle and a top).
- The three blocks should achieve a hierarchy of massing and proportions. Block 3 in particular should be directly proportional to block 1 in order to form a slender tower.
- Materials must consider the context and be of an appropriate quality. Inappropriate materials, such as render, timber cladding, poor quality metal cladding, and block work, should be avoided.
- Shop fronts should be highly glazed and shop entrances should face onto the primary frontages of Pinstone Street and Furnival Gate.
- Signage zones should be integrated into the design of shop fronts to avoid a cluttered or unregulated appearance.
- The main residential entrance will be taken from Pinstone Street. A secondary residential entrance from Union Street will include access to cycle storage and for servicing.

It is considered that the limits and aspirations contained within the submitted parameters and design codes are acceptable and will provide appropriate guidance to developers seeking approval of reserved matters.

### Sustainability

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings and conversions of existing buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The proposed development is located in the heart of the city centre and close to a wide range of facilities and public transport options. It will also be built to modern standards and the applicant has indicated that a range of sustainable features will be considered at detailed design stage.

It is proposed that the requirement for 10% of predicted energy needs to be provided from decentralised and renewable or low carbon energy is secured by condition.

### Environmental Issues

The erection of a tall building can lead to wind tunnel effects and affect the usability of adjoining spaces, potentially causing unpleasant or even dangerous conditions.

A desktop wind analysis of the scheme has been carried out by the Building Research Establishment (BRE) which indicates that there should be no harmful impact as a result of the proposed development; however a qualitative assessment of the environmental wind conditions around the building will be needed at detailed design stage

### Residential Amenities

Policy S10 of the UDP (Conditions on Development in Shopping Areas) states that development should not cause residents to suffer from unacceptable living conditions, including noise or other nuisance or risk to health or safety.

The site is located in a mixed commercial area of the city centre with relatively high background levels. The predominant noise source is road traffic on the adjoining streets, though there is also the potential for noise from nearby commercial operations.

That said, there are a number of residential developments in the vicinity and it is considered that an acceptable living environment can be provided for future residents subject to the installation of a suitable scheme of sound attenuation and alternative ventilation systems, details of which are reserved by condition.

The proposed development will be a minimum of 18 metres from the nearest residential accommodation in Redvers House. While this falls short of the standard 21 metre privacy distance expected in suburban locations, it is not unusual in urban settings such as this where residents do not expect the same levels of privacy.

### Highways

The existing building features a ground floor level set back from the front elevation on two sides to form a covered arcade. It is understood that the site owner has historically allowed use of the existing undercroft as public highway via a covenant. This area is also designated as adopted public highway.

There is a desire to infill the arcades and bring the development up to the back edge of the footway, maintaining a minimum pavement width to Pinstone Street and Furnival Gate of 4 metres. This is considered to be acceptable and is described within the submitted Design Code.

The development will remain car free and the applicant will be required by condition to ensure that future occupiers are aware that they will not be eligible for resident parking permits within the designated Permit Parking Zone. However, as on street



parking adjacent the site is controlled by parking restrictions and pay and display parking spaces, it is considered very unlikely that any demand for parking space by residents will be displaced onto the local highway network.

At detailed design stage, the relevant sections of adopted highway will require Stopping Up under Section 247 of the Town and Country Planning Act.

### Archaeology

Much of the site is occupied by 1960s and 70s buildings that include some areas of basement. In these areas the potential for below ground archaeological is minimal. However, as described in the representation made by a member of the public, number 44 Union Street is the last Victorian building to survive on Union Street and the former premises of Thomas Henry Vernon, cork manufacturer. Whilst this building has no special protection as it is not within a conservation area and it is not a listed building it is important to record its history. A condition is therefore proposed to secure a strategy for archaeological investigation.

### Coal Mining

The application site falls within the defined Development High Risk Area, an area where there are coal mining features and hazards that need to be considered in relation to the proposed development.

The submitted Coal Mining Risk Assessment confirms that a worked coal seam (Silkstone) underlies the site and that, due to the relatively shallow depth of the seam and the potential presence of a bell pit, piled foundations are likely to be the most practicable, along with some stabilisation of the voided ground.

The Coal Authority concurs with the recommendations of the assessment and has no objection to the proposed development subject to the imposition of a condition to secure a scheme of remedial measures.

### Affordable Housing

The application falls in an area of the city centre where there is no affordable housing requirement.

### Community Infrastructure Levy (CIL)

The site lies within an area of the city centre where CIL is charged at £50 per square metre for residential development. The retail element of the scheme is not currently liable for CIL as it is less than 3,000m<sup>2</sup>.

## SUMMARY AND RECOMMENDATION

Outline planning permission is sought, with all matters reserved, for the erection of a mixed use development comprising of retail units with residential accommodation over. Parameter plans illustrate the maximum and minimum development envelope and are supported by a design code incorporating further principles and design

objectives to which reserved matters applications would be expected to comply. The parameter plans allow for development comprising of three related blocks occupying each of the three site frontages and which will include a tower fronting Furnival Gate up to 32 storeys in height.

The principle of the proposed development is considered to be acceptable. The tower element appropriately marks the gateway between the Moor and the Heart of the City and, while detailed design is reserved for subsequent approval, it is considered that a high quality tower in this location will also make a positive contribution to the cityscape.

This application is therefore recommended for approval subject to the proposed conditions, including pre-commencement conditions agreed in writing with the applicant.



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Case Number	18/02327/FUL (Formerly PP-07059196)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings (retrospective) and erection of 2/4 storey building to form 38 apartments with associated access, parking and landscaping (amended plans and description)
Location	Swimming Baths Burncross Road Sheffield S35 1RX
Date Received	16/06/2018
Team	West and North
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Dwg No: 2725-PL-0501 - Location Plan  
Dwg No: 2725-PL-0704 - Proposed Internal Courtyard Elevations - 02  
Dwg No: 2725-PL-0803 - Existing and Proposed Site Cross Sections 02  
Dwg No: 2725-PL-0801 rev A - Proposed Sections  
Dwg No: 2725-PL-0802 - Existing and Proposed Site Cross Section  
Dwg No: 2725-PL-0502 rev A - Proposed Site Plan  
Dwg No: 2725-PL-0601 rev C - Proposed Ground Floor GA Plan  
Dwg No: 2725-PL-0602 rev C - Proposed First Floor GA Plan  
Dwg No: 2725-PL-0603 rev C - Proposed Second Floor GA Plan  
Dwg No: 2725-PL-0604 rev C - Proposed Third Floor GA Plan  
Dwg No: 2725-PL-0605 - Proposed Roof Plan  
Dwg No: 2725-SK-0701 rev B - Proposed North and South Elevations  
Dwg No: 2725-PL-0702 rev B - Proposed East and West Elevations  
Dwg No: 2725-SK-0703 rev A - Proposed Internal Courtyard Elevations

Reason: In order to define the permission.

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

3. 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 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 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

6. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved

by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

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

7. The proposed green roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and 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.

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

9. Within 3 months of the commencement of development a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

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

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

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

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstanding's shall be passed through a petrol/oil and grit interceptor/separator the design, construction and details of which shall have been submitted to and approved in writing before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained.

Reason: Prevent pollution of the water environment.

11. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

12. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

- a) Windows
- b) Window reveals
- c) Doors
- d) Parapet
- e) External wall construction
- f) Brickwork detailing
- g) Balconies
- h) Entrance canopies
- i) Rainwater goods

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

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

14. 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.

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

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

16. Within 3 months of the commencement of development details of the location and specification of a minimum of 1 bat box shall be submitted to and approved in writing by the Local Planning Authority. The box shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The bat box shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason: In the interest of Biodiversity.

17. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within 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.

18. Before any above ground works commence, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, drainage and illumination 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 purpose 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.

19. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient covered and secure 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, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

21. The development shall not be used unless the car parking accommodation for 38 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

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

a) Be based on the findings of the noise survey referenced RPT1331 by JSP Consultants dated 25th September 2017.

b) Be capable of achieving the following noise levels:

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

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

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

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

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

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

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

Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

25. 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.

26. Within 6 months of the commencement of development details of the design and appearance of the bin storage area shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the bin store shall be provided in accordance with the approved details.

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

#### **Other Compliance Conditions**

27. No buildings/structures shall be erected within 3 metres of the watercourse.

Reason: To ensure no obstruction and maintenance access.

29. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second.

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

29. 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.

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

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

31. 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.

32. The windows in the western elevation of the building to apartments 201, 210, 301, 308, 309, 401 and 407 facing The Birch Avenue Care Home shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. 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. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit [www.livingroofs.org](http://www.livingroofs.org) or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

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

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

5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be

sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

6. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

7. 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](mailto:dawn.jones@sheffield.gov.uk)

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

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

9. 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)

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

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

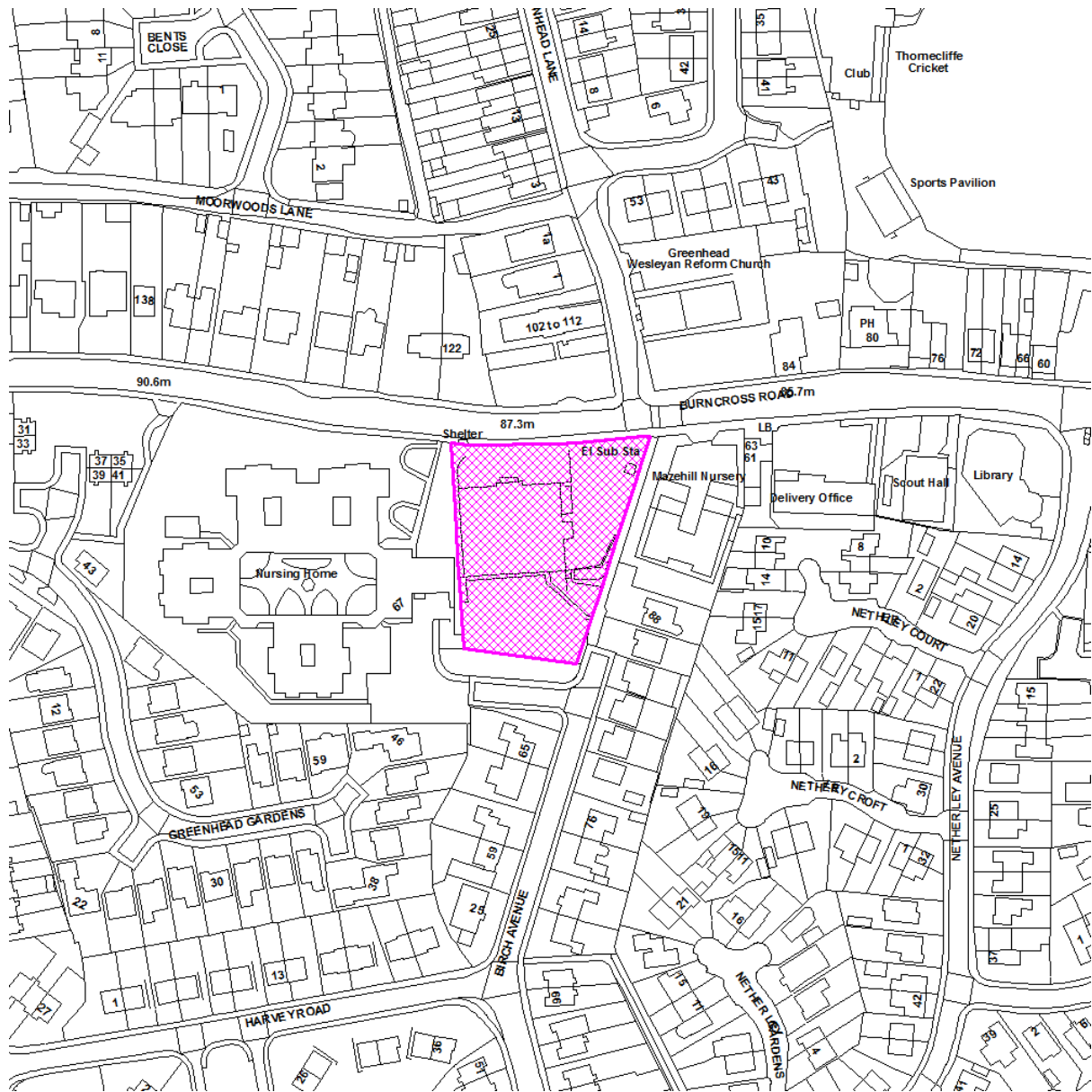
Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349

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

11. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
12. 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.
13. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

# Site Location



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## LOCATION AND PROPOSAL

This application relates to the former Chapeltown Swimming Baths site which is located adjacent to Burncross Road (B6456) in Chapeltown. The former swimming baths has been demolished and the site cleared, some residual demolition material has been spread across the site.

Permission is sought to redevelop the site to accommodate a 2/4 storey block of 1 and 2 bedroom apartments with associated car parking and landscaping. During the course of the application the scheme has been amended which has resulted in the number of apartments proposed being increased from 36 to 38.

The application site is in an allocated Housing Area as identified on the adopted Sheffield Unitary Development Plan (UDP) proposals map. To the north of Burncross Road is an Area of Special Character which contains some listed and unlisted buildings. The site is bound to the west by the Birch Avenue Care Home; to the north by Burncross Road; to the east by a public footpath linking Burncross Road with Birch Avenue; and to the south by an area of landscaping/ verge adjacent to Birch Avenue.

The immediate locality comprises of residential and commercial properties to the west is the Birch Avenue Care Home; to the north and east is a takeaway, a solicitors, a children's nursery and the Royal Mail sorting office.

The site is largely level, rising slightly to the rear where it abuts Birch Avenue.

## REPRESENTATIONS

Two rounds of neighbour notification have been undertaken as amended plans were submitted during the consideration of the application. The application has been advertised by way of site notice, individual neighbour notification letter and by press notice.

5 letters of representation were received in response to the initial round of consultation. 4 in objection and 1 is considered to be a neutral comment, the issues raised are summarised as follows:

- No objection to the principle of redeveloping the site; however four storey's is too high and the development will appear out of place as there are no other developments of this size along Burncross Road.
- Not enough local consultation with people affected has been carried out.
- Parking in the area is already in short supply with restricted and limited parking on the public highway which will be impacted by the addition of further flat and associated cars.
- Visitor parking will overspill onto the public highway exacerbating existing on street parking issues.
- The development will detrimentally impact the amenities of adjoining residents.



- The density of the scheme is too high for this area, as is the scale.
- The development will be taller than the previous baths.
- The retention of the building rubble of on site from the demolished building will further increase the height of the development.
- Impact on views and loss of light as a result of the scale of the development.
- A high brick wall alongside the public footpath would give rise to anti-social behaviour issues.
- Impact on traffic movements in the area creating additional congestion on existing congested routes; traffic already queues from the roundabouts in Chapeltown back to Housley Lane and has been known to stretch back to Ecclesfield School.

Following the submission of amended plans a further round of neighbour consultation was undertaken (18<sup>th</sup> September 2018) by way of site notice, individual neighbour notification letter and by press notice.

A further 5 letters of representation were received. 4 in objection and 1 is considered to be neutral comment. The issues raised are summarised as follows:

- The CIL form has not been filled out correctly.
- The development will have a negative impact on already busy roads in the area.
- A 4 storey building is not in keeping with the area.
- There is an opportunity for a local business to thrive or for an entertainment venue for the local community to be provided on the site.
- The development would suit housing as well as apartments.
- Apartments would increase parking issues in the surrounding streets which are already congested.
- A decision should not be made until further consultation is undertaken.
- Previous comments have been ignored - a four storey building is not in keeping with the area, the scale and density of development is too high, inadequate car parking provision, traffic impacts not adequately considered.
- Site notices have not been posted preventing residents from making further comments.
- Boundary treatments may increase antisocial behaviour.

## PLANNING ASSESSMENT

### Policy Issues

The site is in an allocated Housing Area as defined in the adopted UDP. Policy H10 (Conditions on Development in Housing Areas) identifies housing (use class C3) as the preferred use of land in the policy area. As such the principle of the redevelopment of this now vacant site for housing purposes is considered to accord with policy H10.

## 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 small but positive contribution towards the identified housing supply shortfall and this should be offered appropriate weight as a material consideration.

The proposal accords with Core Strategy Policy CS23 (Locations for Housing Development) as this is considered to be suitable and sustainably located site which is located in the existing built up area of Chapeltown.

## Efficient Use of Land

Policy CS24 seeks to prioritise the redevelopment of previously developed sites. The site is previously developed and therefore compliant with the aims of policy CS24.

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 identified by policy CS26 is 30 - 50 dwellings per hectare. More up to date guidance on the efficient use of land is however contained in the National Planning Policy Framework (NPPF). Para123 of the NPPF identifies that where there is an existing shortage of land for meeting identified housing needs, as is the case in Sheffield, it is especially important that planning decisions avoid development from being built at low densities and ensure that developments make optional use of the potential of each site.

The proposal for 38 flats with a net site area of 0.3 hectares represents a density of approximately 127 dwellings per hectare. Although well above the recommended density set out in Policy CS26 the site is located in close proximity (400 metres) to local shopping and leisure facilities in Chapeltown and also benefits from good access to public transport services including high frequency bus services and the national rail network. The site provides an appropriate amount of amenity space and car parking, and the development is not considered to harm the amenity of adjoining properties or character of the area as a result of its density. As such the site is not considered to be overdeveloped and the proposed increased density of development is considered acceptable in accordance with the guidance contained in the NPPF.

## Design Issues

Policies CS74 and UDP policies BE5, H14 and H15 seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. On the northern side of Burncross Road is an Area of Special Character which includes a collection of older buildings some of which are listed. Policy BE15 of the UDP seeks to protect the character and appearance of these areas.

The scale of the building has been carefully considered in order to ensure it does not exceed the height of the former swimming baths and will not appear out of character in the street scene. The originally submitted scheme was considered to be too tall as a result of the inclusion of a very large pitched roof. The amended scheme comprises of a 4 storey building which reduces to 2/3 storeys to the rear. The building incorporates a flat (green) roof and as part of the amended scheme some of the accommodation has been redistributed into two rear wings of the building. This has allowed the overall scale of the building to be reduced.

A majority of buildings in the immediate vicinity are two storeys in height, however there are also some single storey dwellings as well as a more modern development to the west of the site which extends to three storeys plus a pitched roof. The dwellings on the northern side of Burncross Road are elevated a minimum of a storey above the road and incorporate pitched roofs. The former baths was an established feature in the street and given the scale of the previous building, existing buildings in the area and the fact that the site is located on a prominent road frontage the height and scale of the building is considered appropriate in this location.

The building fronts Burncross Road and also provides an active frontage to the public footpath to the east of the site. A culverted watercourse crosses the site frontage and as such the building cannot be brought any closer to Burncross Road. The frontage of the site will be defined with a suitable boundary treatment and the proposed car parking is broken up with landscaping.

The elevations are treated with a contemporary approach and includes large vertically proportion windows with two feature projecting balconies on the front elevation. These features help to reduce the massing of the building and articulate the building facades. The building is proposed to be faced in red brick with contrasting brick coursing used to define the floors of the building and to add interest to the elevations.

Overall the scale, massing, design and materials are acceptable. The character of the area is varied and the proposed scheme is considered to make a positive contribution to the appearance of the street scene and will enhance the visual amenities of the locality. The proposal is not considered to harm the character, appearance or setting of the adjoining designated area of special character or any of the listed or unlisted buildings located within it.

## Amenity Issues

UDP Policy H14 (Conditions on Development in Housing Areas) part (c) seeks to ensure that sites are not overdeveloped or deprive residents of light private or security. H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Policy H5 seeks to secure suitable living conditions for future occupants and existing neighbours and not result in a concentration of flats that would cause nuisance to existing residents.

The applicants have submitted a noise report in support of their application. The site is subject to traffic noise associated with vehicle movements on Burncross Road. The noise report concludes that acceptable living conditions can be provided for residents subject to the provision of appropriate glazing specifications and suitable acoustically treated passive or mechanical ventilation systems. Full details of which will be secured by condition.

Ground floor residential uses are proposed; however the building is set well back from Burncross Road behind a parking area and as such ground floor residents will be afforded a suitable level of privacy.

In terms of amenity space a number of residents are provided with dedicated balcony space and a communal south facing garden is proposed to the rear of the building. Window proportions have been increased in the revised scheme which will maximise natural light penetration into the living spaces.

Windows on the western elevation are secondary openings to living spaces and will be obscured to prevent any overlooking of the adjacent care home. The proposal will increase natural surveillance of the adjoining footpath. Appropriate outlook is provided to and from all flats and the proposals are not considered to give rise to any unacceptable overbearing, overshadowing or overlooking of adjoining properties.

#### Sustainability, Flood risk and Drainage

Policies CS64 seeks for new buildings to be designed to reduce emissions of greenhouse gases and function in a climate change. Policy CS65 seeks to promote renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs to decentralised and renewable or low carbon energy and equivalent reduction in energy demands via a fabric first approach is now also accepted. Policy CS67 seeks developments to incorporate measures to reduce the impact and extent of flooding

The building has been designed to maximise efficiency and a 10% reduction in the buildings energy demands is indicated to be achieved through a fabric first approach. The final method to achieve this requirement will however be controlled by condition to allow flexibility, should an alternative be considered more practical and/or viable.

Extensive areas of green roof are proposed on the flat roofed sections of the building. Furthermore the development makes efficient use of a brownfield site which is sustainably located.

The site is located in flood zone 1 which as identified by the Environment Agency as being at the lowest risk of flooding. The applicants have submitted a Sustainable Urban Drainage (Sud's) statement which identifies the need to provide on-site surface water storage in order to provide a restriction rate of surface water discharge from the site. The layout of the site has been amended during the course of the application as a culverted water course has been identified which crosses the site frontage. In order to protect the integrity of the watercourse the building has been set a minimum of three metres from the culvert. The applicants have indicated that surface water will discharge to the combined public sewer. Prior to accepting any discharge of surface water into the combined sewer, even at a restricted rate, Yorkshire Water require the developer to demonstrate that all other methods of disposing of surface water have been properly considered. The applicants have indicated that the condition of the culvert requires further investigation before deciding if it can take any additional flow capacity associated with the proposed development. As such details of surface water disposal will be secured by condition.

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

#### Highways Issues

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 including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Policy H14 part (d) seeks to ensure that development would provide safe access to the highways network and appropriate of street parking and not endanger pedestrians.

The scheme includes 38 on site car parking spaces for the use of residents. Access to the car park is taken from Burncross Road approximately in the same position as the previous vehicle access to the swimming baths. The level of car parking proposed is considered acceptable taking account of the highly sustainable location of the site, which has easy access to public transport services, local shopping facilities/amenities and employment opportunities in Chapeltown. Taking account of these factors the likelihood of all occupants requiring a car is considered to be reduced and the development is not considered to generate any more trips than the previous use of the site as a swimming baths. Should any additional parking demand be generated it would need to be accommodated in legitimate spaces and inappropriate parking would be controlled by the relevant enforcement bodies, the proposal is therefore not considered to compromise highway safety. Secure cycle parking is also provided as part of the development.

Local residents have identified that queuing exists at peak times on Burncross Road. It is considered that due to the limited scale of the development it will not give rise to

any severe residual cumulative impacts on the highways network or detrimentally affect highways safety. As such and in accordance with paragraph 109 of the NPPF it is considered that the development should not be resisted on highways grounds.

### Ecology and Landscaping

UDP Policy GE11 (Nature Conservation and Development) states that the natural environment will be protected and enhanced.

The site has been cleared and there is limited landscaping remaining on site. The applicants have submitted a bat survey which identifies that the former building was of limited roosting potential and no bats were observed emerging from the buildings. In accordance with the recommendations of the submitted ecology report and in order to ensure net gains for biodiversity in accordance with the guidance contained in paragraph 170 of the NPPF the provision of a building mounted bat box has been secured by planning condition.

There are some mature trees on the site boundary with the Birch Avenue Care Home which will be affected by the proposed development. These trees are not considered to be of any significant amenity value and suitable replacements are secured on the site frontage as part of the development. The development is considered acceptable from a landscape and ecology perspective.

### Land Contamination

The site has historically been used for commercial purposes. A preliminary site investigation report has been submitted which identifies that further site investigations are required to establish the exact nature of any contamination and necessary mitigation/remediation measures. Full details will be secured by condition.

### Affordable Housing

The site falls in the Chapeltown/Ecclesfield Affordable Housing Area where there is a requirement to provide 10% of the gross internal area of the development as affordable housing. The applicants have provided a viability appraisal which has been independently assessed by the Councils appointed valuer (CP Viability). The Councils valuer has confirmed that the scheme can viably provide a full affordable housing contribution and a full CIL contribution. The applicants have accepted the findings of the valuer and have expressed a preference to provide the affordable housing on site as part of the scheme.

The NPPF encourages the provision of on-site affordable housing where possible and the applicants are in the process of discussing the scheme with various RSL's to gauge interest. The provision of on-site affordable housing or an off-site affordable housing contribution will be secured by way of a section 106. Should there be no interest from an RSL an off-site affordable housing contribution of £397,025 will be payable.

### Community Infrastructure Levy (CIL)

The site falls within a zone where the CIL levy is £30 per square metre (plus indexation) of floor space. As the former baths were demolished prior to the submission of the application the applicants do not benefit from any CIL discount associated with existing building. The full charge is therefore applicable based on the new floor space created.

#### Public Art

Policy BE12 encourages works of public art in places which can readily be seen by the public as an integral part of the development. The final detail of this will be controlled by condition.

### RESPONSE TO REPRESENTATIONS

The scheme has been advertised in accordance with the Councils statement of community involvement with, individual letters were sent out to local residents in the immediate vicinity of the site, sites notices were posted adjacent to the site and notices were published in the press. The same consultation process was repeated following the submission of amended plans.

Details of site boundary treatment have been secured by condition and will be designed to ensure that there is natural surveillance of the adjoining public footpath in order to minimise any concerns regarding anti-social behaviour.

The CIL forms have been corrected and resubmitted to reflect the amended scheme.

Given the limited scale of the proposal the development is not considered to give rise to any severe highway impacts or significantly increase queueing on the adjoining public highway. Adequate car parking is provided on site given its sustainable location.

The scheme submitted must be considered on its merits and does not include any commercial development space.

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

### SUMMARY AND CONCLUSION

This application seeks permission to erect 38 one and two bedroom apartments on the former Chapeltown Swimming Baths site. The former baths have already been demolished.

The site is in an allocated Housing Area as defined in the UDP. It is noted that the density of the development is higher than the recommended density thresholds set out in the Core Strategy. More up to date guidance of density is however contained in the NPPF which encourages the efficient use of land especially where there is an identified shortage in housing supply, as is the case in Sheffield. The amended scheme make efficient use of a previously developed, sustainably located site for a preferred housing use without overdeveloping the site or giving rise to any harmful highways, design or amenity issues.

The scheme has been amended during the course of the application in order to reduce its height and scale. The amended design, scale and layout of the scheme is considered to enhance the character and appearance of the streetscene and visual amenities of the locality.

The development includes extensive areas of green roof and the energy demands of the development are to be reduced by 10% through enhancements to the fabric/construction of the building.

Appropriate off street parking is provided given the sustainable location of the site which benefits from good access to local amenities and public transport services (bus and rail).

The appropriate affordable housing contributions can be secured by way of section 106 agreement and a full CIL contribution is to be provided.

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

#### HEADS OF TERMS

The provision 10% of the gross floor area of the development as affordable housing or an off-site financial contribution of £484, 405 towards the provision or enhancement of affordable housing in the local area, provided in accordance with the principles set out in the Council's CIL and Planning and Obligations Supplementary Planning Document.



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Case Number	18/02229/FUL (Formerly PP-07043142)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse (Re-submission of planning permission 18/00924/FUL) (Amended plans 01.10.2018)
Location	Land Between 94 And 98 Wheel Lane Grenoside Sheffield S35 8RN
Date Received	11/06/2018
Team	West and North
Applicant/Agent	Oakleaf Architecture Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

- Street scene and sections A (PL) - 003 Rev H (Published on 01.10.2018).
- East elevation A(PL)-018 Rev A - (Published on 20.09.2018).
- Site sections A(PL)-016 Rev F - (Published on 01.10.2018).
- Amended location plan, site plan, floor plans and elevations A(PL)-001 Rev:P (Published on 01.10.2018).
- Amended wheel wash details A(PL)-010 Rev D (Published on 01.08.2018).
- Amended landscape and surface plan A(PL)-012 Rev D (Published on 01.08.2018).

Reason: In order to define the permission.

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

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

3. The dwellinghouse hereby permitted shall not be occupied until "privacy fencing" has been erected adjacent to or on top of the existing boundary wall along the section of boundary the application site shares with 98 Wheel Lane and as shown on the landscape and surface plan Ref: A(PL)-012 Rev D (Published on 01.08.2018). The fencing shall ensure that solid screening of a total height of 1.8 metres measured from existing ground level at the application site is achieved. The fencing shall thereafter be retained and maintained.

Reason: In order to ensure minimum privacy levels for dwellings

### **Other Compliance Conditions**

4. The dwellinghouse shall be constructed using the approved external materials as listed on the approved plans.

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

5. If unexpected contamination is encountered at any stage of the development process, works must cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. A Remediation Strategy must then be submitted to and approved in writing by the Local Planning Authority. Development shall not recommence until the Remediation Strategy has been approved and all necessary remediation work carried out in accordance with the approved Remediation Strategy has been carried out.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order amending replacing revoking or re-enacting that Order, no extensions, roof additions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or other alterations which materially affect the external appearance of the dwellinghouse, including windows, or the application site shall be constructed and no additional or alternative window door or other openings shall be installed in the dwellinghouse without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the elevated nature of the curtilage and to ensure that there is no encroachment into the Green Belt.

7. The roof of the flat roofed rear element of the dwellinghouse hereby permitted shall at no time be used as a terrace, balcony, roof garden or similar amenity area.

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

8. The dwellinghouse shall not be occupied until the ground floor window on the elevation of the dwellinghouse facing East towards No.98 Wheel Lane is fully glazed

with obscure glass to a minimum privacy standard of Level 4 Obscurity. The obscure glazing shall thereafter be retained and maintained for the lifetime of the development. No part of the window shall at any time be glazed with clear glass.

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

9. The equipment for the effective cleaning of the wheels and bodies of vehicles as shown on drawing number A(PL)-010 Rev D (Published on 01.08.2018) must be provided on site and retained and maintained at all times during the construction period of the development. The equipment must be used to clean the wheels and bodies of all vehicles leaving the site during the construction period so as to prevent the depositing of mud debris and waste on the highway. No construction works shall be carried out at any time unless such approved equipment is on-site and is being used effectively by every vehicle leaving the site during the construction period of the development.

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

10. The hard and soft landscape scheme shown on the landscape and surface plan Ref: A(PL)-012 Rev D (Published on 01.08.2018) shall be implemented and planted/completed prior to the development being occupied, or within an alternative timescale to be first approved in writing by the Local Planning Authority.

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

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

11. The Aco drain channel shown at the point where the driveway meets the public highway on the Surface Water Plan (Ref: A(PL)-014-RevC) shall be in place before the development is occupied. It shall thereafter be retained and maintained in good working order.

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

Attention is Drawn to the Following Directives:

1. 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:

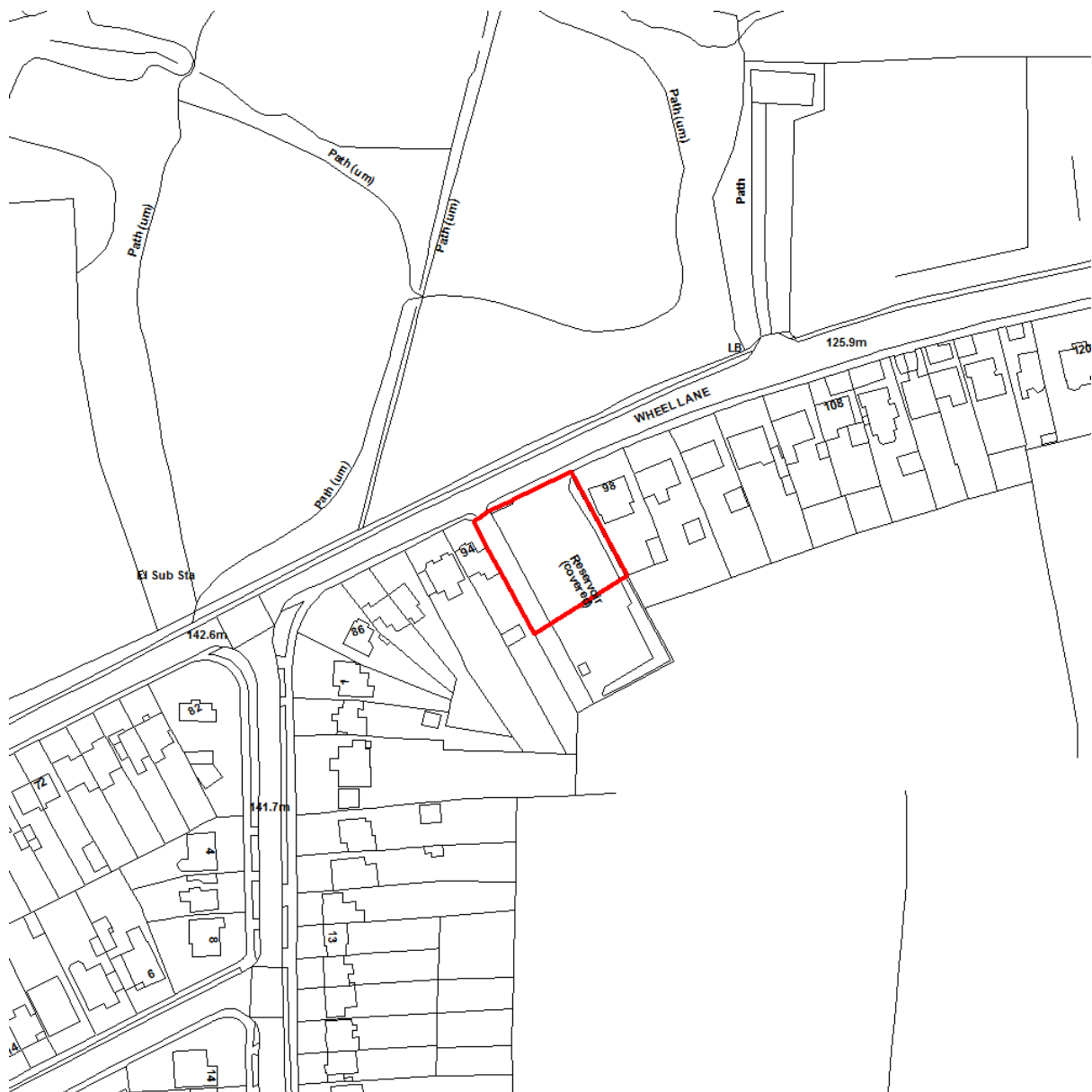
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

2. 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.
3. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a former reservoir site located between numbers 94 and 98 Wheel Lane. The proposed development site area is approximately 0.12 hectares and is in a Housing Policy Area.

Land to the rear of the proposed development site is also within the applicant's ownership but it is in the Green Belt and does not form part of the application site. The site has an existing vehicular access from Wheel Lane. Land levels across the site vary, with levels generally increasing from east to west in line with the incline of the street.

The applicant proposes to erect a five bedroom dwelling on the site with associated parking and garden space. Space is retained within the site for the potential future development of a further dwelling house, however this does not form part of the assessment of this particular application and separate permission would be required.

Members will remember visiting the site previously prior to the 14<sup>th</sup> August committee.

## RELEVANT PLANNING HISTORY

A number of proposals for housing developments on the site have previously been approved. These include planning applications 06/04610/OUT and 09/03060/FUL, which were both for the erection of two dwellinghouses. These permissions expired without being implemented.

With the exception of extensions/alterations to the neighbouring property (98 Wheel Lane), which are accounted for in the following assessment as appropriate, there have been no significant changes in circumstances surrounding the site since these applications were approved. However, there have been a number of policy changes since 2009. This includes the publication of the National Planning Policy Framework which was introduced in 2012 and was revised in July 2018.

Planning permission 18/00924/FUL was granted earlier this year. That permission related to the site to which the current application relates, but also included land to the rear of this application site. Permission was granted for the erection of a dwelling house and an associated area of hardstanding. Whilst the proposed dwelling was not within the Green Belt, a proposed area of hardstanding was within the Green Belt (on land which is now not included within the current red line boundary area). The decision on application 18/00924/FUL was quashed for reasons relating only to the hardstanding in the Green Belt. As such no extant planning consent exists for the redevelopment of the site.

## SUMMARY OF REPRESENTATIONS

Over the life time of the application and following two formal consultation exercises, a total of 69 representations have been received. 68 in objection and 1 neutral comment making reference to an incorrect address being displayed on the web site.

During the second formal round of consultation in October 2018, a number of issues were reported by neighbours with regards to difficulties they experienced when trying to submit comments online via Public Access. In these instances officers were in communication with neighbours and accepted comments which were emailed directly. These were then uploaded to the website manually. Concerns were also raised by some that the 14 day period to submit comments was not sufficient. Concerns were noted and representations that were received after the formal consultation deadline have also been considered within this report.

61 of the letters of objection have been received from local residents; a summary of the comments is listed below:

#### Design and character issues

- The proposed access is not in keeping with the other houses on the street which all have driveways to the front.
- The proposed scale is overly large and dominant and will form a visually incongruous feature within the street scene.
- Design considered to be lacking architectural detailing.
- The proposed footprint breaks the building line.
- The development will dominate the sky line.
- The three storey property is out of context in the row of 12 bungalows.
- Viewing "Plans and elevation (revision p)", I note that item (8), "House type 1 (East) elevation", shows the proposed dwelling as a side elevation however, the superimposed outline of 98 Wheel Lane is shown as an oblique (angled) elevation. The result is a deceptive image intended to, not only make number 98 appear much larger, but also mask the fact that the proposed dwelling stands significantly forward of the long established building line.
- Concerns regarding the position of the new dwelling to the far left of the site rather than centrally located.
- It is alleged that the existing foundations on site are higher than the drawings previously recommended for approval indicated. Now corrected the drawings indicate that the proposed property will be nearly two thirds above the height of number 98.

#### Residential amenity issues

- The land is higher than it was previously; therefore the houses will be much higher and overbear numbers 94 and 98.
- Due to the proposed height of the building it would overlook dwellings to the rear and sides.
- Two metre high boundary fencing would be overbearing to number 98, could permitted development rights be removed?
- Increased traffic movements associated with up to two dwellings would impact on living conditions and the structural integrity at number 94.

- The proposed footprint will impact on the conservatory at number 98, with regards to overlooking and over dominance. Views to the side will also consist of a brick wall.
- Potential for the flat roof to be used as a terrace which would impact on privacy levels.
- The proposed laurel hedging will have maintenance issues and could become over bearing.
- The development will be invasive and dominate the other properties and occupants destroying their right to light and privacy.
- Due to the relationship between the properties including number 98 being at a lower ground level; the proposed dwelling will deprive number 98 of light during the winter months. This could also lead to mental health issues due to Seasonal Affective Disorder.
- The single storey element will be in excess of 4m above the external rear ground level, therefore far greater than a standard single-storey extension and the 45 degree line should apply as outlined in the South Yorkshire Residential Design Guide adopted by Sheffield City Council. Why is SCC not complying with adopted planning policy?
- The window in the side gable will overlook number 98.
- The proposed bin storage location will be a disamenity to number 94.
- No pedestrian access is proposed from Wheel Lane, this will lead to increased traffic down the “lane” alongside the boundary with 94 Wheel Lane.
- Due to the height of the land at the application site there will be privacy implications.
- Change in circumstances which includes the erection of a rear conservatory at number 98 should be considered relevant to the assessment of the application.
- Neighbour correspondence on the portal dated 8th August refers to the council’s position on the extension of 98 Wheel Lane in 2014 and states that the property can only be extended upwards by 750mm maximum and that anything further would be overbearing on neighbouring property 100 Wheel Lane. How then can a property which will stand nearly 4000mm above 98 Wheel Lane not be overbearing?

#### Green Belt and landscape issues

- The red line boundary should be amended to include the housing area only; the remainder of land owned by the applicant in the Green Belt should have a blue line boundary.
- No information has been submitted regarding how the Green Belt land is to be used.
- It is alleged that land levels on site have been altered.
- One of the trees surrounding the site has died and it is alleged that the applicant proposes to remove it.
- The property backs on to agricultural Green Belt land.



- The Green Belt boundary has been moved.
- The lack of clarity around parking arrangement is considered to be linked to future use of green belt land for parking.
- Concerns that council owned farm land to the rear may be sold for housing.
- The drainage information shows soakaways close to the boundary wall. It is requested that these should be moved further into the applicants plot, to prevent potentially detrimental effects on the retaining boundary wall.

#### Highway issues

- Two parking spaces are not considered to be adequate for a 5 bed dwelling.
- There are visibility and highway safety issues with the proposed access.
- Construction vehicles utilising the access would lead to congestion and would disturb the adjacent number 94.
- Turning facilities should be identified on plan for both dwellings.
- Highway safety issues due to existing congestion and that Wheel Lane is a “feeder road” to the M1 motorway.
- Congestion and road safety impacts on the Creswick Lane junction.

#### Other issues

- The ground levels should be reduced as suggested in the application in 2006.
- The garages from the previous submission have been removed; therefore where will future garages be located? The size of the dwelling suggests that garages will be required.
- Plans for one dwelling have been submitted rather than two, this makes it difficult to assess the proposal as a whole.
- It is understood that a second dwelling is to be developed on the remainder of the site; this would multiply the issues of this development.
- Previous proposals on the site have been more sympathetic and these should be reconsidered.
- Ground floor office window identified on plan but not on the east elevation.
- Height of the roof lantern not shown.
- Issues regarding the future development plot and whether it is adequate.
- The plans are not considered to be sufficiently detailed, particularly with regards to land levels and the relationship with neighbouring properties.
- Part of the boundary wall has been damaged during the land clearance.
- Numerous references have been made to Sanderson and Weatherall Design and Access statement from the 2006 application.
- The developer’s financial situation should have no bearing on any planning decision.
- The applicant is continuing the development prior to determination of the application.

- Lack of communication between the planning department and the applicant.
- Concerns have been raised with regards to changes to the committee date and inconvenience caused.
- Issues around communication from the Planning Service.
- The ridge height is 900mm higher than the previously approved scheme.
- Inconsistencies and errors in the drawings.
- The topographical survey does not show any levels in the rear garden of number 98 or the conservatory ridge.
- Many of the previous documents that were published and have been amended have been removed from the website.
- None of the neighbour objections have been addressed.
- The application should be deferred to a later date to allow for scrutiny of the documents.
- The local planning authority appears to have completely reversed its own policy regarding development of this site.
- Concerns that the project will create a precedent for properties of a similar scale to be built on Brownfield and Greenfield land which would spoil the aesthetics of the area.
- It has been commented that the fact that Ecclesfield Parish Council are objecting should be a major influence on any decision.
- Reference has been made to planning applications which relate to a number of properties on Wheel Lane. Concerns are raised regarding consistency and changes in circumstances since these applications were dealt with.
- Concerns that there is a conspiracy surrounding the application.

The remaining 7 letters of objection were received from MP Angela Smith, Councillor David Pepper, Grenoside Conservation Society (x2) and Ecclesfield Parish Council (x3).

Angela Smith MP

I am writing to you with regard to the above application for the construction of a five bedroomed property on Wheel Lane, Grenoside. A number of my constituents have expressed their concern with regard to this application for a number of reasons.

The proposed five-bedroomed property is significantly larger than other properties in the area and has more substantial footprint. In addition, the raised elevation of the land in comparison to neighbouring properties means that the property would be very overbearing, especially when viewed from its immediate downhill neighbour, and would dominate the street scene. As a consequence my constituents would contend that the development would not fit with the local vernacular.

I would ask that the Planning Committee takes into account the above issues when arriving at a decision on this application.

Councillor David Pepper:

The proposed dwelling is out of proportion, has very little garden space and inadequate parking provision for a 5 bedroom house. There are concerns that the Green Belt land to the rear will become an over flow car park. Drawings submitted suggest that part of the Green Belt is to be incorporated in to the residential curtilage. The proposed development is too large for the site and does not respect the semi-rural location. It is requested that this application is referred to the Planning Committee.

Grenoside Conservation Society (two letters of objection):

The proposed dwelling is considered to be out of proportion with the surroundings. Very little garden space is included and if a second house were to be developed there would be issues with parking leading to concerns that the Green Belt area will be used for parking. The development should be sympathetic to the semi-rural location. It is requested that the application is referred to the Planning Committee.

Reference is made to 18/00924/COND1 landscape and surface water plan, which looks to incorporate green belt into the site. This suggests that green belt will be absorbed in the residential garden.

Grenoside Conservation Society reports to be glad to see the buildings have been removed from the green belt.

Ecclesfield Parish Council (EPC) (three letters of objection):

EPC Planning Committee are objecting and recommend refusing this application on the grounds that it will be overbearing and impact the nature of the land, it is not in keeping with the other properties, the dwelling will stand significantly higher than the other properties and this proposal will dominate the landscape significantly. Are Highways aware of the impact of this application? A site visit should be made to see the distance from the front and back from Cinder Hill Lane, Grenoside so Members will be able to see the impact that this application will have on the surrounding area.

A representative from this Committee will also be present at the Planning Committee meeting with regards to this application.

The plans have now been amended but Ecclesfield Parish Council wish to repeat the objection submitted as above as the changes to the plans do not in any way address our objections.

Response to representations

The representations received and summarised above are referred to and addressed within the following report.

PLANNING ASSESSMENT

Policy Context

This assessment will take account of relevant policies from the National Planning Policy Framework (2018), the Sheffield Development Framework Core Strategy and the Sheffield Unitary Development Plan.

#### Principle of the development

The application site is entirely within a designated Housing Area as defined by the Unitary Development Plan (UDP).

Policy H10 states that housing is the preferred use in these areas and therefore the principle of the development is acceptable from a land use perspective.

The area to the rear of the application site, defined by a blue line on the submitted plans, is Green Belt land in the applicant's ownership. No development is proposed in the Green Belt.

The proposal is considered to constitute an infill plot which is located between two existing dwellings in an established housing area.

#### Density

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Core Strategy Policy CS26 states that new housing will be required to make efficient use of the land, but the density of new housing should be in keeping with the character of the area. For the majority of the urban area, which includes the application site, this policy recommends a density of 30-50 dwellings per hectare, however it also states that densities outside this range will be permitted where they achieve good design, reflect the character of an area or protect a sensitive area.

The site area of this application is approximately 0.12 hectares, and with one dwelling proposed on the site results in a density of 8 dwellings per hectare. The proposal is below the recommended density for the area; however the application proposes a single dwelling with garden that is suitably comparable in size with the surrounding properties on Wheel Lane, it is also demonstrated elsewhere in this assessment that the proposal represents good design. It is therefore considered that the proposal would reflect the character of the area and the proposed density can be accepted.

#### Housing Land Supply

Paragraph 73 within the NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer. In addition, Core Strategy Policy CS22 (Scale for the Requirement for New Housing), sets out Sheffield's housing targets until 2026.

In relation to Sheffield's current housing land supply position, although the latest monitoring shows the city has 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 Core Strategy and, as such, the city currently 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 positive contribution towards the identified housing supply shortfall, even if this is limited, and this should be offered appropriate weight as a material consideration.

#### Previously Developed Land

Within the NPPF definition of previously development land it is made clear that a site will be excluded from being classed as previously developed if 'the remains of the permanent structures or fixed surface structures have blended into the landscape.'

In this case there is some ambiguity as to whether the site should be classed as previously development, or not previously developed. For completeness both scenarios are considered in this section of the report.

#### - If Previously Developed

Core Strategy Policy CS24 (Maximising the use of previously developed land for new housing) states that priority will be given to the development of previously developed sites.

#### - If Not Previously Developed

Core Strategy Policy CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that housing on greenfield sites will only be developed in certain circumstances, including within or adjoining urban areas, as long as annual monitoring shows that there is less than a five year supply of deliverable sites.

Completions of properties have not reached the stated 12% and are closer to 5%. In addition, it is recognised that the site is within an existing urban area and there is also not currently a five year supply of deliverable sites.

In both scenarios it is therefore considered that developing the site for housing is suitably compliant with Policy CS24.

#### Local Nature Site

The site falls within a Local Nature Site with geological interest as identified by the UDP Proposals Map.

UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.

GE13 goes on to state that where development would decrease the nature conservation value of a Local Nature Site, that decrease should be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats elsewhere within the site or local area.

This particular site is an infill plot within an established housing area and was previously a covered reservoir which has been infilled. The only notable recognisable features relate to boundary walls and these are being retained within the development. It is therefore not considered that it is proportionate to consider further opportunities to create or enhance wildlife habitats elsewhere within the site or local area, although a new garden area is being created.

Given the above the development is considered to comply with the relevant sections of Policy GE13.

#### Design and Street Scene

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF identifies what planning policies and decisions should ensure development achieves with respect to design this includes:

- They will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- They are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- They are sympathetic to local character and history, including the surrounding built environment and landscape setting.....

Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The part of UDP Policy H14 which is most relevant to design and street scene states that new development will be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

UDP Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and

refurbished buildings and extensions. Section a) within Policy BE5 also notes that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' expects high quality development. Section e) for example states that developments should contribute to place making and are of a high quality.....

It is not considered that this part of Wheel Lane has a distinctive character; however; the majority of dwellings are elevated above street level. Bungalows, dormer bungalows and two-storey dwellings are read in context with the site. Approaches to design also vary with the dwellings directly adjacent being a traditional brick bungalow and a more contemporary dormer bungalow with a largely rendered finish. Garages at lower ground level which abut the highway are also a common feature on the street which impacts on the building line and the overall character of the area.

Due to the incline of the hill from east to west the majority of dwellings naturally stagger in height. However the height differences do not follow a rigid or consistent pattern. For example, due to previous extensions and land level differences, the ridge height of number 98 is significantly higher than neighbouring dwelling number 100. However the height difference between numbers 100 and 102 is much reduced.

The position of the new dwelling within the plot is consistent with the building line of Wheel Lane. The dwelling is positioned to the left of the site with an adjacent plot indicated for future development. This suggested subdivision of the plot is consistent with plot sizes on Wheel Lane and does not raise concerns with regards to the impact on the street scene.

A number of concerns have been raised with regards to the height of the proposed dwelling. However, given the varied appearance of Wheel Lane, it is not considered that the proposed dwelling would result in an overly dominant or intrusive feature in the street scene in this respect, even with an increase in ridge height of approximately four metres when compared to number 98, as similar changes in ridge levels exist in the immediate area of the site.

In response to points made in the neighbour representations and for clarity the following is also worth noting from a street scene perspective:

- Previously approved schemes for this site included a reduction in the ground level, notably within the 2009 application a lower ground floor garage was approved. It is not intended that land levels will be lowered within this proposal.
- The street scene elevations provided indicate that the proposed dwelling is approximately 900mm higher than a previous scheme on the site.
- The overall height of the proposed dwelling has not been reduced within the amended plans and remains as originally proposed.
- The local planning authority has assessed the proposal based on current land levels which have been witnessed on site.

In terms of design detail, the proposal includes front dormer windows which are a common feature in the street scene. While the design lacks a traditional front door,

on balance this is not considered reasonable grounds to refuse the application. The applicant has included a double height feature window in order to maintain an active frontage and break up the overall scale and massing of the dwelling, which is accepted, and overall the proportions and features of the frontage are considered to be an appropriate response to the context.

Rural style facing bricks are proposed as the main facing materials with black weatherboarding to the dormer cheeks, stone lintels and cill detailing is also proposed. The existing stone boundary wall to the front and sides of the site are to be retained. These proposed finishes are viewed as appropriate given the context.

It is also noted that the design and relative heights are very similar to the planning permission that was granted earlier this year (Ref: 18/00924/FUL). Whilst that decision was quashed, the reasons for it being quashed related to hardstanding in the Green Belt, not the proposed design and scale of the dwellinghouse.

Having considered the surrounding context and elements such as the use of high quality materials and features, the proposed design is considered to accord with Part 12 of the NPPF "Achieving well-designed places", including the paragraphs highlighted above. Furthermore the proposed building design and siting is considered to accord with the corresponding UDP and Core Strategy design policies and principles referred to above.

Concerns from local residents about design have been fully assessed but it is not considered that the proposed design is harmful and so a refusal on these grounds would not be warranted in your officers' view.

#### Landscape and Green Belt impacts

Paragraph 127 of the NPPF requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting.....

UDP Policy GE4 states that the scale and character of any development which would be conspicuous from the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

UDP Policy BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. Development should also try to integrate existing landscape features and also use native species where appropriate.

The site has previously been cleared therefore no trees or planting were identified during the case officer site visit which would be affected by the development. Mature trees to the rear of the site in the Green Belt are adequately distanced from the development; therefore their protection is not a concern of this particular application.

A number of representations received suggest that land levels on site have been altered. A number of case officer and enforcement visits, as well as reference to historical images, suggest that land levels have broadly remained unchanged over



the last nine years. The application must be assessed on the basis of the existing land levels.

Details of hard and soft landscaping on the site have been submitted which includes a lawn area, planting and laurel hedging to parts of the site boundary. It is considered that the details provided satisfy the requirements of UDP Policy BE6 and the implementation of the scheme would be covered by condition, if Members are minded to approve the application, including a requirement for 5 years maintenance of the landscaping.

The red line boundary has been amended across the plans confirming that no part of the Green Belt will be incorporated into the residential curtilage.

Although no development is proposed within the Green Belt it is acknowledged that the proposed dwelling will be conspicuous from the Green Belt land to the rear. The proposal relates to an infill plot on an established residential street. It is therefore considered that as the dwelling will be viewed in context of the surrounding dwellings it will not form an incongruous or intrusive feature when viewed from the Green Belt.

Officers are satisfied that the Green Belt boundary indicated is correct. This has been cross referenced with Unitary Development Plan maps.

Based on the above the development is considered to be suitably in keeping with the area and where possible has conserved and enhanced the landscape and natural environment. It is therefore considered to accord with the related local and national policies listed above.

#### Drainage

Drainage details submitted within the Surface Water Plan (revision C) show two small soakaways and areas of soft landscaping. These features, or an alternative drainage arrangement if deemed necessary, will be subject to approval at the Building Regulations stage.

#### Residential Amenity

Paragraph 127 within the NPPF states that the planning system should always seek to secure a high standard of amenity for existing and future users.

UDP Policy H14 states that new development will be permitted provided that the site would not be over developed and the development would not deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

It is noted that the neighbouring conservatory at 98 Wheel Lane is shown on the section plans and main site plans, but not on some of the other plans forming part of the application which have been submitted for the purposes of assessing matters other than the design and scale of the proposed dwelling, these being the surface water plan, wheel washing plan and landscape plan. Officers have been able to assess the impact of the proposed development on this neighbouring property on the

basis of the plans which do clearly show the conservatory. It is not considered essential for the conservatory to have been included on the other plans that relate to surface water, wheel washing and landscaping.

Although at this time a single dwelling is proposed it is acknowledged that the intention is for a future development directly adjacent. Nevertheless the site layout indicates that approximately 150 square metres of rear garden space will be provided even with a plot retained for potential future development. The siting of the dwelling respects the established front building line of Wheel Lane allowing for a sizeable front garden area. The proposal is therefore not considered to be an over development of the plot.

Three windows are proposed in the side elevations at ground level only. The window in the east elevation facing number 98 will be obscured and set off the boundary and this would be secured by planning condition should Members be minded to approve the application.

The openings in the west elevation do not serve main habitable rooms and are adequately distanced from number 94, the gable wall of which is approximately 20 metres away; therefore it is not considered that this neighbouring property will experience unreasonable reductions in privacy.

The alignment of the dwelling is similar to the neighbouring dwellings and therefore it is not considered that the proposed rear windows will lead to overlooking over and above what is expected and is considered acceptable in residential areas. Although Juliet balconies are proposed at first floor level; the principle is similar to that of a window opening as access is not permitted on to the flat roof. A condition will be attached to prevent any future use of the flat roof as a terrace, should Members be minded to approve the application.

Owing to 98 Wheel Lane being set at a slight angle a separation distance of between approximately 2.6 and 3.8 metres is achieved between the new dwelling and this neighbouring dwelling (98 Wheel Lane). Number 98 has been extended significantly including a raised ridge height, hip to gable extensions, dormer windows and a rear extension which projects approximately 3.4 metres. The rear extension is designed largely as a conservatory however the elevation facing the application site is formed of brick with high level windows. Number 98 does not have any other windows in its gable wall.

A topographical survey has been submitted and officers are satisfied that the levels and dimensions of the proposed new dwelling are both accurate and consistent with the topographical survey details.

The proposed dwelling at two-storey level will not project beyond the rear of the conservatory at number 98, therefore a 45 degree line will not be breached when taken from the closest rear facing window within this conservatory. Although this 45 degree 'rule' is a guideline within Sheffield City Council's Supplementary Planning Guidance: Designing House Extensions, so relates much more to house extensions, it is appropriate to employ it in this instance as a measure of acceptability given the

similarities in circumstance and as it sits within a document adopted by Sheffield City Council.

Concerns have been raised that given the height differences between the proposed single storey rear flat roof element and the conservatory at number 98 that it should be considered as a two-storey structure and as such the 45 degree 'rule' should also be applied here.

Owing to the changes in land levels the ridge height for this single storey rear flat roof element is indicated approximately 1.4 metres higher than the ridge of the conservatory at number 98. It is not considered that this level difference would require the single-storey element to be assessed against number 98 as a two-storey structure.

It is considered that, even with level differences taken into account, the approximate separation distance between the proposed new dwelling and number 98, which ranges between 2.6 and 3.8 metres, allows for an approximate 4.2 metre projection of the single-storey element of the development beyond the conservatory at number 98 to be deemed as acceptable. This separation distance will also ensure any impact on the garden area of number 98 will be within acceptable limits.

Due to the separation distances described above it is not considered that the proposal will lead to unreasonable over shadowing or overbearing/over dominating of number 98, even with the changes in land level accounted for.

The existing stone boundary wall between the application site and 98 Wheel Lane is not considered to be high enough to prevent overlooking across into number 98 from the proposed garden area. A section of solid timber boundary fencing along this side of the site is required in order to achieve a boundary treatment which totals 1.8 metres in height in order to address any issues of overlooking. It is proposed that timber fence panels will be attached to the top of the stone boundary wall to achieve a consistent height, as viewed from the applicant's land, along the boundary with number 98.

It is acknowledged that due to the difference in land levels the wall and fencing combined will appear higher at number 98. This will vary between approximately 2.1 metres and 2.8 metres as levels change across the site. The 1.8 metre high boundary treatment when erected on the application site would be standard boundary treatment which would accord with permitted development rights for the enclosure of land. Given this and the land level differences across the area it is considered that the impact would be similar to situations at neighbouring properties and it can be accepted.

There is an adequate separation distance, that being approximately 20 metres, between the gable wall of the new property and the corresponding element of number 94, to ensure undue shadowing and dominating will not occur to this neighbour, which does have windows in its gable wall.

Appropriate bin storage is indicated within the curtilage of the property close to the access lane. It is not considered that the proposed bin storage would impact on living

conditions at adjacent 94 Wheel Lane given that the proposal is for a single residential unit.

Given the above it is considered that the proposed dwelling accords with the NPPF and Policy H14 in terms of its amenity impact.

#### Highway issues

Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The relevant part of UDP Policy H14 relating to highways requires new development to have adequate on-site parking and safe access for vehicles and pedestrians.

Core Strategy Policies CS53 seeks to ensure that parking arrangements are adequate.

It is proposed that the existing access from Wheel Lane will be utilised. The access road is approximately 5.8 metres in width and is therefore considered to be sufficient for two vehicles to pass if necessary (and for construction vehicles to access the site). A distance of approximately 6 metres will be retained between the highway and the security gates in order to allow vehicles to pull clear of the highway when entering the site. Space is available for vehicles to turn around within the residential curtilage to allow vehicles to exit the site onto Wheel Lane in forward gear.

Congestion and highway safety concerns in this area are acknowledged, however it is not considered that the very limited number of vehicle movements associated with the development will lead to any unacceptable impact on highway safety and certainly not to any cumulative impacts on the road network which would be classed as 'severe', which are the NPPF tests in this respect.

Parking provision for three vehicles is indicated on the submitted plans. This meets the maximum parking standard for a five bedroom property as set out in the Council's latest Car Parking Guidelines published in August 2016. Limited on street parking is also available on Wheel Lane and achieving the maximum standard is viewed as acceptable as this will ensure any impact related to on street parking will be reduced.

In relation to points made in representations made by residents the following should be noted:

- With vehicles able to exit the site in forward gear it is considered that the proposal to utilise the existing access track is a safer option than the provision of a new front driveway which may require vehicles to reverse out into Wheel Lane. It is also considered that visibility is acceptable.
- It is not a planning requirement for a garage to be provided.
- It is not considered that the proposed development for a single dwelling will lead to any significant road safety issues at the nearby Creswick Lane junction.

- The private track is the only proposed access to the site. The applicant was asked to consider a separate pedestrian access to the front of the property however this was declined. There is no policy requirement to insist on this and it is not a reason in itself to resist the proposal.
- It is proposed that domestic waste will be taken down the track to the highway for collection. It is not considered that this limited pedestrian activity on the track will be a disamenity to occupiers of 94 Wheel Lane.
- Details of suitable wheel wash facilities for the construction phase have been submitted with the application (drawing number A(PL)-010), this would be conditioned if Members are minded to approve the scheme.
- Details of the proposed driveway drainage scheme have also been submitted on drawing A(PL)-015. These details are considered to be acceptable and will be conditioned if Members are minded to approve the scheme.

The proposed access and parking arrangements are considered to accord with the NPPF, UDP Policy H14 and Core Strategy Policy CS53.

### Public Sector Equality Duty

The committee is obviously aware of the Public Sector Equality Duty in Section 149 of the Equality Act 2010 which requires public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a protected characteristic and persons who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Members should consider whether there are any circumstances which could lead them to conclude that the proposed dwelling house would have implications for persons with any particular protected characteristic to an extent that would impact on equality of opportunity between such persons and persons without that particular protected characteristic and if so what weight if any should be attached to that when making their decision and whether any other action needs to be taken.

### Community Infrastructure Levy

The site lies within Housing Zone 3 where residential development is subject to a charge of £30 per square metre. The applicant has applied for a self-build exemption.

### RESPONSE TO REPRESENTATIONS

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

A surface water plan has been submitted with this application which excludes any green belt land.

Amended plans have been submitted to address the discrepancy with the window in the east elevation. Details of the roof lantern have also been confirmed and are considered acceptable. Additional drawings and a topographical survey have also been provided clarifying levels information.

Amended plans have been received which address discrepancies in how the conservatory at number 98 has been represented. It is indicated that the single-storey element of the new dwelling will be approximately 1.4 metres higher than the conservatory ridge.

Notwithstanding previously submitted plans, officers consider that the revised plans are consistent and accurately represent the proposed scheme in relation to neighbouring dwellings.

Officers consider that a thorough assessment of the application has been possible based on the submitted plans and the site visit carried out. The application has been assessed against relevant planning policies.

It is accepted that there are differences between what has been previously approved on the site and what is currently being recommended for approval. The current proposal has been assessed on its individual merits.

Concerns have been raised that superseded drawings have been removed from the website. Plans relating to the current application are available within the online case file. Plans relating to previous applications are filed within their individual case files.

Reference has been made within the representations to the Design and Access Statement submitted by Sanderson and Weatherall in application 06/04610/OUT. This supporting submission does not form part of the assessment of this current application.

The erection of a single dwelling is proposed in this application. Issues and comments relating to a second dwelling are not material to this particular application.

If any development is taking place prior to determination of the application it is done so at the applicant's risk and could be subject to enforcement action.

A comment has been received with regards to the possible sale of the farmland to the rear of the site. This is not a material consideration in the determination of this planning application.

Issues relating to the length of the construction period are not something that could reasonably be resolved/managed for a minor application such as this.

There is no right to a view across another person's land within planning legislation.

Right to Light is governed by legislation which falls outside the planning process. This report has assessed the amenity impacts of the development on existing dwellings adjacent to the site.

Comments about permitted development rights being removed are acknowledged. A condition will be attached, should Members be minded to approve the scheme, revoking Schedule 2, Part 1 (Classes A to H inclusive) and Part 2 (Class A), of the General Permitted Development Order. This includes amongst other restrictions; extensions, outbuildings and new fences (although a boundary fence is needed between the site and 98 Wheel Lane and this is secured as part of this development).

Further comments received have also made reference to application 13/04217/FUL relating to works to 98 Wheel Lane which obtained planning permission in 2014. Comments have been made in relation to concerns the planning officer dealing with the application had about the increase in ridge height at number 98. When considering that application, the officer did raise concerns about the impact of the proposed roof alterations on the adjoining bungalow at 100 Wheel Lane, but those concerns related in part to overall design as well as height. When assessing that application the planning officer acknowledged that the roof alteration issues were finely balanced. They also stated that they were not convinced it would warrant a refusal. Whilst the originally proposed increase in ridge height at 98 Wheel Lane was not approved, an increase was still however justified within the officer report, with reference to the relationship of the proposals at 98 Wheel Lane with the previously approved scheme for two dwellings on the former reservoir site.

Concerns around communication between the Planning Service and neighbours have been noted. The planning officer has visited neighbouring dwellings and spoken to a number of local residents during the assessment of the application.

The Planning Service regrets that there have been a number of changes with regards to the committee date which have caused inconvenience to some.

Reference has been made to a number of planning applications over recent years on Wheel Lane. While consistency and precedent are considered within the planning process, each individual planning application is assessed on its merits.

Given the limited scale of the development, it is not considered that the associated increased traffic movements would impact on the structural integrity at number 94 Wheel Lane.

Within the representations it is stated that the 45 degree 'rule' as set out on Page 112 of the South Yorkshire Residential Design Guide (SYRDG) should be applied to this development. The SYRDG is not an adopted planning policy for Sheffield. Officers have however assessed the application against the 45 degree 'rule' as set out in the local planning authority's adopted Supplementary Planning Guidance: Designing House Extension and the proposed development does not breach that 'rule.'

Unfortunately there will be an element of disturbance associated with any development, and construction vehicles will form part of this. If Members are minded to approve the proposal a directive stating what Environmental Legislation deems to be reasonable working hours is to be attached to any notice as an informative.

The developer's financial situation does not have any bearing on this planning decision.

The LPA acknowledges that some residents who are opposed to the proposal have repeatedly expressed that they are not opposed to the general principle of development on the site. However that is irrelevant to the determination of the application that has been submitted.

Officers can confirm that all representations have been considered as part of the determination of the application.

## SUMMARY AND RECOMMENDATION

All development within this application is contained within the designated housing area. No development is proposed in the Green Belt.

The assessment of the proposed development has been carried out in accordance with adopted local and national planning policy. The proposed development is considered to be in overall accordance with UDP Policies H10 and H14 relating to residential developments and the built environment.

Due to the use of high quality materials and features the proposed design is considered to accord with Part 12 of the NPPF "Achieving well-designed places". Furthermore the proposed building design and siting is considered to accord with UDP Policies BE5 and BE6 as well as Core Strategy design principles in Policy CS74. The overall scale and appearance is considered to be compatible in the street scene and will not detract from the character of the area.

Furthermore it is not considered that the development will deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, including unreasonable reductions in living standards for neighbouring properties, it therefore accords with the corresponding sections of UDP Policy H14.

No matter if the site is classed as previously developed land or not, the proposals would comply with Core Strategy of Policy CS24 in this regard.

Whilst the density is lower than that recommended by Policy CS26, it is considered that a single dwellinghouse would conform to the general plot sizes in the locality so is in character with it. Policy CS26 for example allows for reduced density where local character needs to be protected.

It is concluded that the development is in accordance with the adopted policies of the UDP and Core Strategy and in compliance with the National Planning Policy



Framework. It is therefore recommended that planning permission be granted subject to the listed conditions.

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Case Number	18/01869/FUL (Formerly PP-06974386)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage and landscaping works
Location	Within The Curtilage Of Elmwood 27 South Street Mosborough Sheffield S20 5DE
Date Received	15/05/2018
Team	City Centre and East
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

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

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

### **Approved/Refused Plan(s)**

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

Site Location Plan 15/022-001 received 21st June 2018

Site Layout Plan 15/022-003 REV C

Ground and First Floor Plans 15/022-004 REV B

Second Floor and Roof Plan 15/022-005 REV B

Front and Rear Elevations 15/022-006 REV C

Side Elevations 15/022-007 REV C

Reason: In order to define the permission.

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

3. No development shall commence unless the intrusive site investigation works described in the coal mining risk assessment produced by Eastwood and Partners have been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial works are required, a remediation strategy shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence unless a foundation method statement in respect of the Grade II Listed wall has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved details.

Reason: In order to ensure that the fabric of the Listed Wall is not damaged it is essential that this condition is complied with before the development is commenced.

5. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

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

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

Rooflights  
Windows and Doors  
Garage doors

Eaves  
Parapet Wall to garage  
Rainwater Goods  
Hard landscaping  
Services  
Boundary Treatments

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

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

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

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

9. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing and drainage of the turning circle and driveway shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be used unless the turning circle and driveway has been provided in accordance with the approved plans and thereafter such turning circle and driveway shall be retained.

Reason: In the interests of the amenities of the locality and to control surface water run off from the site and mitigate against the risk of flooding

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

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

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

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

12. 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.

13. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any

above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

15. Before the development is brought into use the windows on the north elevation of the dwelling facing 29 South Street shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

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

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

#### **Other Compliance Conditions**

17. The rooflights shall be positioned a minimum of 1.7m above the floor of the room in which they are installed.

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

18. The dwelling shall not be used unless turning space for vehicles as shown on the approved plan has been provided and thereafter such turning space shall be retained and not be used for the parking of vehicles.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. 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.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website here:

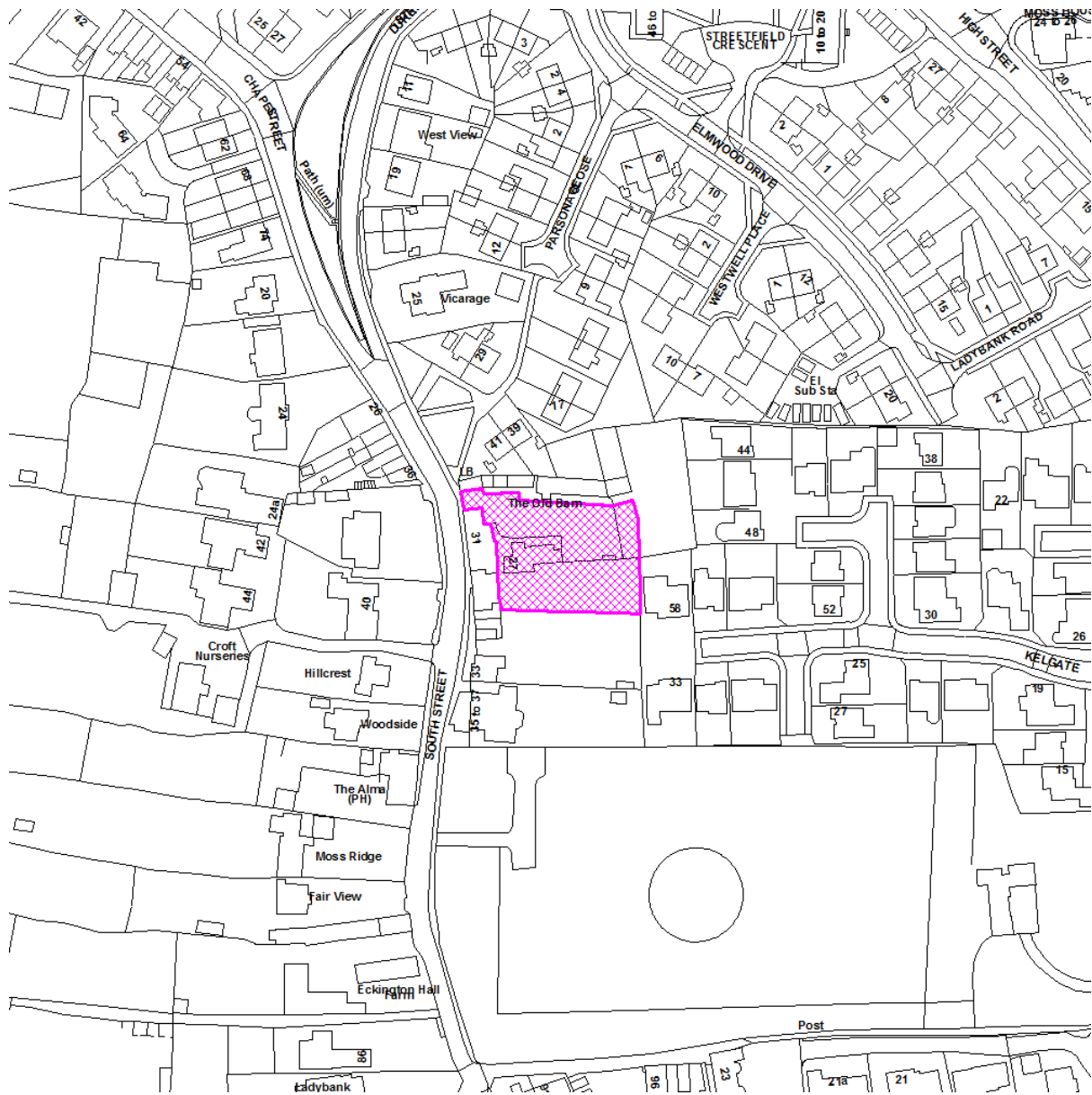
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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

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

# Site Location



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## LOCATION AND PROPOSAL

The application relates to land within the curtilage of a C19th detached former farmhouse which is located to the rear of residential property fronting South Street, Mosborough. The farmhouse which is currently being renovated and extended by the applicant has an attractive stone built south facing elevation and rendered north elevation which faces onto the former gravel farmyard. A stone built barn which was part of the original farm complex and located to the north of the farmyard has previously been converted into a separate residential property. A further brick built barn lies to the east of the converted barn adjacent to an open field which abuts the boundary with Kelgate, a modern residential development consisting of detached brick built dwellings.

The site falls within both a Housing Policy Area and an Area of Special Character as defined by Sheffield's Unitary Development Plan. The dwelling is sited adjacent to the former Mosborough Hall Estate. A Grade II listed wall which also incorporates a former gated entrance to Mosborough Hall extends along the eastern boundary between the application site and neighbouring property on Kelgate. A further Grade II Listed building at 31 South Street is located to the west of the former farmhouse.

The application seeks approval for the erection of a 5 bedroomed detached dwelling to the side of the extended farmhouse with an integral garage. A vehicular turning circle will be provided within the open yard to the front of the dwelling for use by all three dwellings, with the remaining area to the front of the new dwelling being laid out with hard and soft landscaping.

The overall height of the dwelling has been reduced and internal layout amended since first submission and the garage roofline amended to incorporate a flat roof with parapet detailing.

## RELEVANT PLANNING HISTORY

15/03023/FUL: Erection of two storey extension to dwelling house and detached single storey swimming pool. Application granted conditionally on 5<sup>th</sup> November 2015. The two storey extension which was approved at this time is currently under construction. The dwelling which is proposed as part of the current application will be sited on the approximate footprint of the approved swimming pool building.

01/00930/FUL: Alterations and extension to barn for use as a dwelling house. Granted conditionally 14<sup>th</sup> May 2001

## SUMMARY OF REPRESENTATIONS

Seven letters were received in connection with the original submission including two from the occupiers of the converted Old Barn which raised the following concerns:

- South Street is one of the oldest and least developed areas of Mosborough and includes a number of Listed Buildings. The scale, massing and detailing of the proposed dwelling is not in keeping with the character and appearance of the existing building group. The character and history of Elmwood Farm

has been destroyed by the current development which is solely in pursuit of commercial gain with no consideration to quality, taste or preservation of the character of the original building

- The proposed dwelling will be seen from South Street where it will be viewed in context with no 31 South Street a grade II listed building, detracting from its setting. The development also impacts on the setting of the grade II listed Summerhouse and Grade II listed wall on the boundary with Kelgate
- The sheer bulk of the building, the use of large areas of glazing surrounding the main door and large roof lights, creates a building which is not traditional in appearance. The use of obscure glazing within all the front facing windows is not characteristic of the area and considered to be poor design. Though constructed of stone this is not consistent with the former farm house which is rendered brick.
- The letters consider that the applicant has failed to mitigate the harm caused through the design of the building. Planning policies require development to not deprive neighbours of light and privacy; the sentiment of which is reflected in the South Yorkshire Residential Design Guide which Sheffield Council have endorsed. The use of guidance contained with the Council's Supplementary Planning Guidance on Designing House Extensions is inappropriate as the proposal relates to a new dwelling and is not an extension.
- The property will cause unreasonable overshadowing of and overlooking of neighbouring property including south facing habitable room windows within the converted old barn which are positioned approx. 14m away from the front elevation of the proposed dwelling. This falls far short of the normally recognised standards of 21m separation where principle windows face one another. The windows in the north facing elevation include a study window, huge stairwell window, a principle bedroom window and front facing roof lights which all face towards the Old Barn. This is an unacceptable arrangement.
- The principle elevation of the Old Barn faces south and the sheer height of the dwelling will cause loss of light to this neighbouring property. The previously approved swimming pool building did not have the same impact.
- The proposed dwelling is too big for the plot of land which is evident from the site plan and street elevation plan where the house towers over adjacent property creating a bulk and massing that is clearly out of context with its immediate setting including the existing barn conversion. Taking account of plot size and proximity to existing buildings the proposal represents an overdevelopment of the site which will have a negative impact on the character and appearance of the surrounding area.

- The proposal will lead to increased traffic movements onto South Street which will pass immediately adjacent to existing residential property causing noise and air pollution. The existing access has poor visibility and with South Street being subject to high levels of on-street parking, any increase in use of the existing access will be hazardous.
- The existing driveway/yard which will serve the development is unmarked and of poor quality. There is no adequate lighting within the courtyard to facilitate safe vehicular and pedestrian access. Access into the allocated parking area for the development is tight and it will be difficult for vehicles to turn and leave the site in forward gear resulting in vehicles reversing out onto South Street. The proposed turning head can only accommodate a car and not larger vehicles or a fire engine.
- The current development at the former farmhouse is creating noise, dirt and nuisance with work being carried out mainly during evenings and weekends outside of the times previously conditioned on the existing planning approval. The site is untidy and there appears to be scant regard for health and safety principles. There are concerns that the applicant will have similar disregard for neighbours should planning approval be granted.
- The building will encroach onto the existing undeveloped field and reduce separation distances with property on Kelgate where houses currently have an open and quiet aspect to the rear. The field is currently gated with access restricted to key holders. Without the wall and gate the land will be left open significantly compromising security and privacy. There are concerns that the construction site will extend into the field increasing inconvenience and loss of privacy and amenity. The open field provides a welcome informal green space which sustains local wildlife. A comment has also been made that bats have been seen in the area.
- The applicant has used unconventional scales on the submitted drawings which have made the plans hard to fully assess
- A similar proposal for development within the curtilage of 35 South Street was recently refused on grounds that the loss of open space, quality of design and siting of the development were harmful to the character and appearance of the street scene. These same issues are also relevant to the current proposals.

Following receipt of amended plans which reduced the overall height of the eaves by 0.82m and ridgeline by 1.2m and set the dwelling a further 0.75m back into the site neighbours were re-consulted. A further 6 letters were received which considered that the plans provided no material change to the original design, its impact on the

character and appearance of the area, its impact on heritage assets, its impact on neighbouring properties or impact on highway safety. The letters reiterated the previous concerns with the development and considered that the changes did little to reflect the planning policies and the impact of such a large and overbearing property in a listed setting and requested that the initial objections be fully reconsidered.

Following receipt of a further plan which introduced a flat roof with parapet detailing over the garage a further letter was received from the occupiers of the Old Barn which considered the flat roof to be a retrograde step which significantly lowers the design quality of the development. The letter states that there are no other flat roofs within the listed setting of the site and its introduction is not compatible with the character and built form of the area.

Concern has also been raised that the submitted section which shows the angle of clearance achieved by the development in respect of the neighbour's ground floor windows has not been correctly surveyed and as such it cannot be relied on as being accurate.

## PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF

### Land Use Issues

The application property is sited within a Housing Policy Area as defined by the UDP, where residential uses are the preferred use of land. In this respect the proposed development is acceptable in principle subject to other policy requirements and national guidance.

The NPPF stipulates that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The Local Planning Authority has identified a 4.5 year supply, which is a shortfall of 1,185 dwellings, as detailed in the SHLAA Interim Position Paper 2017. The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small but helpful contribution to the local supply of housing land as required by the Corporate Plan, in a sustainable location.

Core Strategy Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/5 and 2025/26. The policy goes on to

state that housing on green field sites will be developed only (b) on small sites within the existing urban areas where it can be justified on sustainability grounds.

Being within a residential garden the application site is considered to be a green field site. The proportion of green field completions is currently 5% of overall completions within Sheffield and in this respect the application proposals for a new dwelling on a sustainable site within the established urban area is considered to meet the requirements of this policy.

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires development to make efficient use of the land but states that the density of new developments should be in keeping with the character of the area. The policy indicates that in this area a density range of 30 – 50 dwellings per hectares should be achieved but that densities outside these ranges will be allowed where they reflect the character of an area.

The development would result in a density of approx. 23 dwellings per hectare which is below the recommended density ranges but considered to be in keeping with the established urban grain within the area. In this respect the proposal complies with policy CS26

#### Design and layout

UDP Policy H14 'Conditions on Development in Housing Areas' requires new buildings to be well designed and in scale and character with neighbouring dwellings

UDP Policy BE5 'Building Design and Siting' expects good design and the use of high quality materials. Original architecture is encouraged but development should complement the scale, form and architecture of surrounding buildings

UDP Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.

UDP Policy BE18 'Development in Areas of Special Character' requires new development to respect the appearance and character of the area.

Core Strategy Policy CS74 'Design Principles' seeks high quality design which respects and takes advantage of the distinctive features of an area.

The NPPF advises that good design is a key aspect of sustainable development which helps make development acceptable to communities and that planning decisions are sympathetic to local character while not preventing or discouraging appropriate innovation or change.

The application proposes the erection of a single stone built dwelling largely sited within the side garden of the former farmhouse, although the front corner does extend into the adjoining open field outside the original domestic curtilage of the property. The farmhouse forms part of a group of buildings including a converted stone barn located to the north of the farmhouse and a further brick built barn with associated retained open field which is surrounded on three sides by more modern

residential development. None of the buildings are listed although the site does fall within an Area of Special Character as defined by the Unitary Development Plan. When the UDP was prepared it was considered important to safeguard Areas of Special character until their declaration as Conservation Area could be considered. The supporting text to Policy BE18 is clear that controls on new development in Areas of Special Character will be less rigorous than in a fully designated Conservation Area which is a statutory designation.

Notwithstanding the above it is important that new development respects and complements the scale character and appearance of the existing building group which is typified by the retained old barn which has previously been converted into residential accommodation. In this respect the proposed dwelling has been designed to appear as an additional barn fronting onto the former farm yard rather than a more suburban dwelling similar to the adjoining Kelgate development.

The proposed dwelling which, is narrower in overall width than either the extended farmhouse or converted Old Barn, will be built up in natural stone with dual pitched natural slate roofline. The dwelling will be set back with its front elevation in line with the original farmhouse building and 0.8m behind and 1.5m from the two storey extension which is currently under construction. The overall height and eaves line of the dwelling is compatible with that of the original farm house and in this respect is considered to be in scale with the original farmhouse building.

The dwelling incorporates a single storey element to the eastern side which incorporates a garage and additional living space to the rear. This part of the dwelling which is inset 1m from the grade II listed wall has been designed with a flat roofline to help reduce the overall massing of the dwelling as viewed from both the former farmyard and neighbouring property on Kelgate. This roof which will be built up with a stone parapet with stone coping stones is lower in overall height than the swimming pool building which was previously approved in this location.

The front elevation which looks onto the shared former farmyard contains four window openings, roof lights and a large glazed opening around the front entrance door reflecting the appearance a large cart shed door typically found in old agricultural barns. It is considered that the appearance of the dwelling largely reflects the character of the building group and is not inappropriate considering the context in which it is viewed. Comment has been made on the inclusion of obscure glazing within the front elevation of the dwelling. This is not considered to detract from the overall appearance of the new dwelling and would not be a reason to resist the application.

Full details of all external materials and large scale details will be conditioned for subsequent approval to ensure an appropriate quality of development. A condition is also proposed to ensure the use of conservation style roof lights on the front and rear roof plane of the dwelling.

Taking account of the above it is considered that the development is in compliance with the approved policy for the area and that a refusal on design grounds would not be justified.

## Impact on Heritage Assets

Policy BE19 'Development affecting Listed Buildings' requires new development to preserve the character and appearance of the listed building and its setting.

The dwelling will be located 1m away from a Grade II Listed Wall which extends along the eastern boundary of the application site. The Listed Wall contains the former gated entrance to Mosborough Hall which is stone faced to the elevation facing Kelgate and brick faced to the application site. The wall is only visible from the public domain from Kelgate where it is viewed in context with the existing modern housing development. The siting of the proposed dwelling ensures that it will not be seen in views from Kelgate and in this respect the proposal will not affect the setting or significance of the Listed Wall. A condition requiring the submission of a foundation method statement will be added to any subsequent approval to ensure no damage to the listed wall during construction. A similar condition was previously added to the 2015 application for the detached swimming pool building.

No 31 South Street is sited adjacent to the pedestrian and vehicular entrance of the site with its front elevation fronting directly onto South Street and its rear elevation forms the western boundary to the former farm yard. The proposed dwelling which is set back 39m from the street frontage will be viewed from South Street across the former farmyard from where there are also views of the Kelgate development, the extended former farm house and the converted old barn. Due to significant setback of the development from no 31 South Street it is not considered that the proposed dwelling will impact on the setting of this heritage asset.

A further grade II listed building, the Summerhouse is located at 32 South Street. The proposed dwelling would be viewed from the garden of this property but with considerable separation (approx.40m) from the Listed Building will not impact on its significance or setting.

It is considered that the proposed dwelling will have no impact on the setting of the local heritage assets and in this respect the proposal does not conflict with Policy BE19 or the guidance contained within the National Planning Policy Framework.

## Amenity Issues

UDP Policy H14 requires that new development does not lead to land being overdeveloped and to protect the amenities of residents.

The NPPF seeks to secure a high standard of amenity for existing and future users of land and buildings

Also of relevance is the guidance contained within the Council's adopted Supplementary Planning Guidance on Designing House Extensions. Although it is acknowledged that the current proposal is for a detached dwelling rather than an extension the SPG does provide some useful guidance on acceptable separation distances between residential developments. The SPG is also reflective of guidance contained within the South Yorkshire Residential Design guide which is referred to in the representations.

The proposed dwelling will have its main front elevation facing onto the former farm yard and opposite part of the front elevation of the Old Barn. It is noted that the front elevation of the Old Barn is already overlooked to some extent by clear glazed windows within the former farmhouse building. The impact of this was previously considered acceptable in 2001 when planning permission was approved for the barn conversion as main windows were not directly facing one another.

The layout of the proposed dwelling is such that all main habitable rooms apart from a ground floor study are located on the rear elevation of the dwelling. The applicant has indicated that all front facing windows including that of the study will be obscurely glazed to a high level of obscurity to prevent any unreasonable overlooking of the Old Barn. It is noted that two of the existing clear glazed windows and a clear glazed door opening in the front elevation of the Old Barn will face directly onto the new dwelling. In addition the roof lights which serve the proposed bedroom accommodation and circulation space within the roof space will be positioned at a high level preventing direct outlook onto the Old Barn. In this respect the proposal will not cause any unreasonable overlooking of this neighbouring dwelling.

Separation distances from the new dwelling to the front south facing elevation of the Old Barn vary from 14.5 m (opposite the garage to the Old Barn) to 15.1m (Opposite the Old Barn's main ground and first floor windows) Guidance within the adopted SPG indicates that to prevent unreasonable overshadowing and overbearing impacts, two storey extensions should not be placed within 12m of neighbouring ground floor windows. The siting of the proposed dwelling complies with this separation distance.

Also of note is the guidance in the South Yorkshire Residential Design Guide which suggests that new development should protect an angle of 25 degrees from the centre point of the lowest neighbouring window which faces it. This document has not been adopted by the Council but does provide best practice guidance. The development has been shown to comply with this requirement.

In view of the compliance with guidance contained within the adopted SPG and SYRDG it is considered that the development will not cause unreasonable overshadowing or overbearing impact on the Old Barn and there would therefore be no justification to resist the proposals on this basis.

The neighbouring property at 58 Kelgate is sited with its main rear elevation facing north. The ground floor of this property has previously benefited from a single storey rear conservatory which extends out in close proximity to the listed wall which lies on the shared boundary line.

The proposed dwelling will be located with its main rear south facing elevation 3.3m forward of the rear north facing elevation of 58 Kelgate with the two storey part of the dwelling inset 6.5m from the boundary line. The proposed single storey flat roofed part of the new dwelling will be largely screened by the listed wall which extends up to 2.2m in overall height.



Due to the relative positioning of the two dwellings, with the new dwelling being located to the north west of 58 Kelgate, there will be no unreasonable overshadowing of this existing property and as the proposed two storey side facing elevation will be inset from the boundary line it will not appear overbearing to occupiers of this neighbouring property. In addition the relative positions of the proposed upper floor windows and existing rear facing windows of 58 Kelgate will ensure that there is no unreasonable overlooking of this neighbouring property.

The proposed dwelling raises no overlooking, overbearing or overshadowing concerns in respect of other property on Kelgate.

The dwelling will be located 10m away from the rear boundary of the site which is shared with the listed Summerhouse on South Street. The dwelling raises no privacy issues in respect of this neighbouring dwelling.

In respect of the amenities of future occupiers, all main habitable room windows, apart from the study, are located on the rear elevation of the building providing adequate outlook for future residents. In addition the proposal ensures the provision of 190m<sup>2</sup> of private garden area to the rear of the property which is considered adequate to serve the proposed five bedroomed property and also allows the retention of a similar sized garden to the former farmhouse.

The property will be located within a predominantly residential area with relatively low background noise levels. Environmental Health Officers have confirmed that standard thermal double glazing with standard frame trickle vents and adherence to Part E of the Building Regulations should provide an adequate noise environment to satisfy internal noise standards.

#### Highway Issues

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

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable. It directs that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

The proposed dwelling will utilise the existing vehicular access point onto South Street which currently gives both vehicular and pedestrian access to the former farmhouse and the Old Barn. A turning circle is provided within the former farmyard ensuring that cars can turn within the site and leave in a forward gear. It is noted that there is good visibility at the point of access along South Street to north but that the side wall of 31 South Street restricts visibility to the south. The intensification of use of the access which would be generated by a single dwelling would not lead to a substantial increase in vehicular movements and a refusal on highway safety grounds would not be justified. A condition is proposed requiring the turning area to be available for use at all times.

The dwelling incorporates an integral double garage and additional off road parking for a further two vehicles to the front of the garage which is considered adequate parking for a five bedroomed dwelling. A vehicular swept path has been shown on the submitted plan which confirms that a vehicle can enter and leave the site in forward gear.

#### Landscaping

The submitted plans confirm that the area to the front of the new dwelling outside the turning area will be finished with a mix of hard and soft landscaping. In addition the applicant has indicated that the vehicular areas including the turning area will be laid with gravel to ensure a suitable running surface. Full details of the landscaping, driveway finish and drainage thereof will be conditioned for subsequent approval to ensure an appropriate quality of finish.

#### Other Issues

For the purposes of the Community Infrastructure Levy, the development is located within Zone 3 where there is a charge of £30 per square metre.

The site lies within a Coal Mining Development High Risk Area and is supported by a Coal Mining Risk Assessment. This recommends further intrusive site investigations prior to development in order to establish the exact situation regarding coal mining legacy issues. The Coal Authority has commented on the application and concurs with the findings of the Risk Assessment. A condition requiring such works is recommended.

#### Pre-Commencement Conditions

In accordance with Section 100ZA of the Town and Country Planning Act 1990 the council has received the written agreement of the applicant that the proposed pre-commencement conditions are acceptable

#### RESPONSE TO REPRESENTATIONS

The majority of the objections are addressed within the main body of this report.

The applicant does not own any of the open field apart from the part to the south west corner which will be used in part for the attached garage and vehicular access thereof. The resulting side boundary, with the open field, appears as a logical extension which links the line of the listed wall, which forms the side boundary with 58 Kelgate, to the front of the retained brick built barn.

Planning approval is not required for the removal of the existing stone wall and gate which form the boundary with the open field. The properties on Kelgate all retain their own boundary with the open field. There is no requirement from a planning point of view that the gate is locked preventing access by non-key holders to the open field.

There is no requirement to use a particular scale for planning drawings. The applicant has when requested provided dimensions for the neighbours.

Environmental Health Officers have powers under Section 60 of the Control of Pollution Act 1974 to control noise and vibration from demolition and construction sites. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. A directive advising the applicant of his responsibilities will be added to any subsequent approval

Although the turning area will not accommodate a fire vehicle, fire appliances can still access the site in case of emergency.

The previous refusal on South Street is not directly comparable to the current proposal in that it directly impacted on an Open Space Policy Area as defined by the Unitary Development Plan. The development was also considered harmful to the character and appearance of the Area of Special Character due to its design, siting and use of inappropriate materials.

#### SUMMARY AND RECOMMENDATION

The proposed detached dwelling is considered acceptable in terms of its scale, form, detail and materials. The siting and design of the dwelling will not impact on the character and appearance of the area nor impact on the setting of heritage assets. It is considered that the proposal will appear neither overbearing to neighbours nor cause any unreasonable overshadowing or loss of privacy to existing residents. The intensification of the means of access does not raise any highway safety concerns. The proposal is considered to satisfy the requirements of the adopted local plan and the National Planning Policy Framework and is recommended for approval subject to the listed conditions.

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Case Number	18/01688/FUL
Application Type	Full Planning Application
Proposal	Change of use of ground floor from residential (Use Class C3) to retail (Use Class A1), and provision of new shop front (Amended description and amended plans received 24th September 2018)
Location	104 Page Hall Road Sheffield S4 8GW
Date Received	01/05/2018
Team	West and North
Applicant/Agent	Kiran Shaheem Mahmood
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 Plans & Elevations received 24th September 2018

Reason: In order to define the permission.

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

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

3. 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.

#### **Other Compliance Conditions**

4. The proposed shop shall not be used on any Sunday or any Public Holiday and shall be used only between 09:00 hours and 17:00 hours on any other day.

Reason: In the interest of the amenity of occupiers of neighbouring residential properties.

5. Commercial bins associated with the use hereby permitted shall not be stored at the front of the properties apart from on collection days, and shall not be stored on the public highway.

Reason: In the interests of the amenities of the local area and in the interests of pedestrian and highways safety.

6. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:00 to 23:00 on Mondays to Saturdays and between the hours of 09:00 to 23:00 on Sundays and Public Holidays.

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

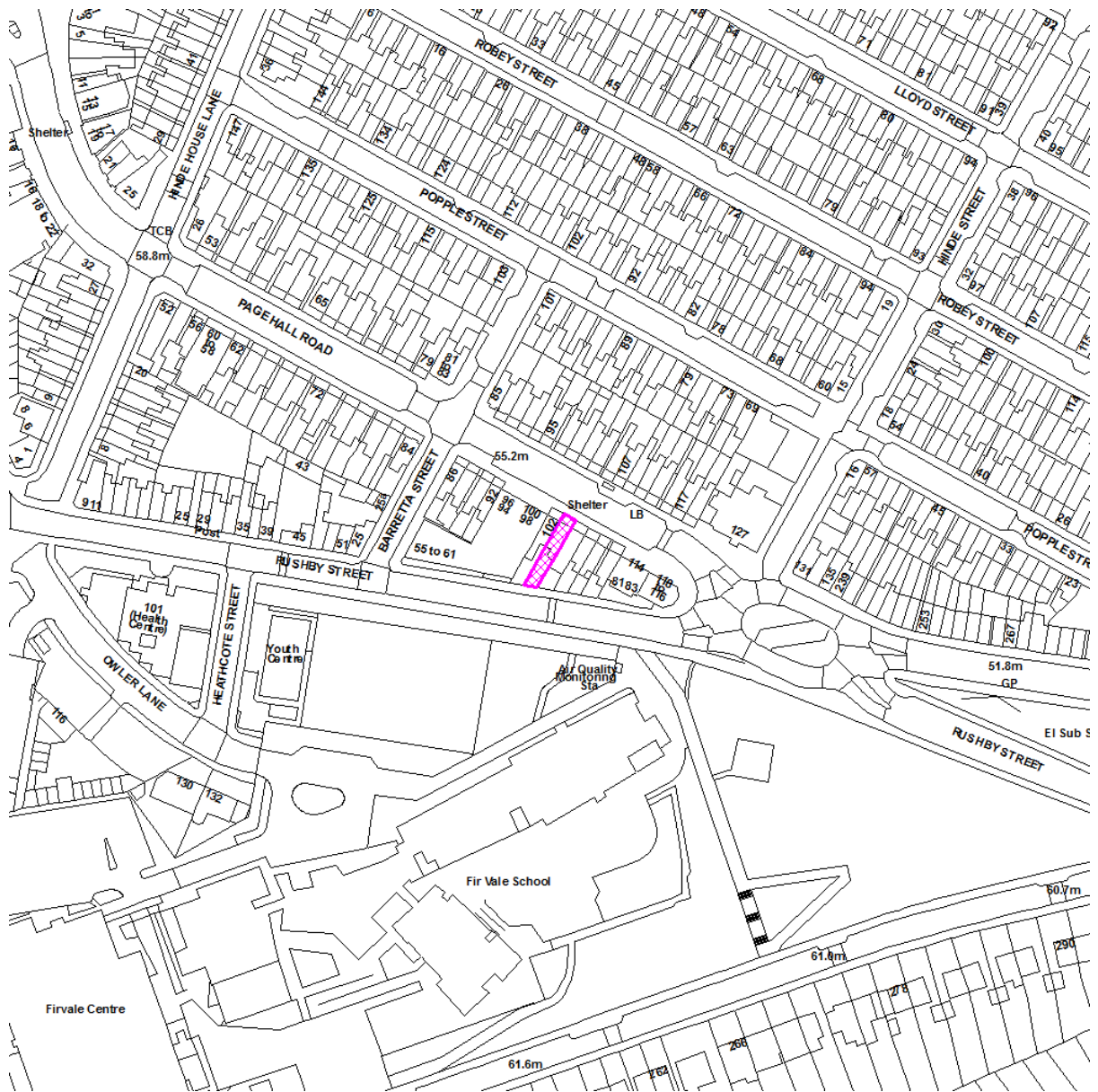
7. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 07:00 to 23:00 Mondays to Saturdays and between the hours of 09:00 to 23:00 on Sundays and Public Holidays.

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

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

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that signage is not approved as a part of this permission and this may require separate Advertisement consent.

# Site Location



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## LOCATION AND PROPOSAL

The application site relates to a mid-terraced residential property on Page Hall Road. The property is part of a row of four residential properties, which are adjoined by retail premises either side. The property lies within a housing area as defined by the Sheffield Unitary Development Plan, however the street scene has numerous retail units located on it. A number of these retail premises are historical uses, notably those located on corner plots. There are a number of properties which have received planning permission for a change of use from a dwellinghouse to a retail unit. There is also a large unit two doors down from the application property, which was granted planning permission for an extension to an existing building to form a retail unit. This neighbouring unit extends back onto Rushby St to the rear and up to Barretta St. It is understood this larger unit previously housed retail units and an MOT garage.

The site is located near to two designated Local Shopping Centres; one nearby on part of Page Hall Road and Firth Park Road, and the other encompasses part of Owler Lane.

This application seeks planning permission for the change of use of property from residential (Use Class C3) to retail (Use Class A1) and provision of new shopfront.

Amended plans have been received, omitting a first floor rear extension following officer advice.

## RELEVANT PLANNING HISTORY

### 88 Page Hall Road

17/01804/FUL - Change of use of ground floor to form shop (Use Class A1 - Retail) including new shop front and erection of external rear stairs (Amended Plans received 19th September 2017) – Granted Conditionally

### 90 Page Hall Road

16/04781/FUL - Continuation of use as a retail unit (Use Class A1) and retention of shopfront – Granted Conditionally

## SUMMARY OF REPRESENTATIONS

Thirteen letters of representation have been received. This includes objections from Gill Furniss MP, 4 local councillors, 3 local residents, and Firvale Community Hub.

Gill Furniss MP has commented with the following:

‘This is a location with a severe litter and fly tipping problem. I would be concerned about any use being agreed that would allow exacerbation of the litter issue without clear conditions to mitigate this. This location also is difficult for parking and has significant noise concerns. I would like planners to fully consider whether conditions can be placed to adequately ensure these issues are not increased in severity.’



Cllr Mark Jones' comments are summarised below:

- Constituents raised concerns with regards to parking and noise disruption for neighbours.
- Concerns of increasing conversion of housing into retail.
- Conversions are damaging community integrity and adding to environmental pressures – which are already intolerable.
- Concerns that if granted, a license will be granted in the future for a fast food outlet – oppose further fast food outlet.

Cllr Talib Hussain's comments are summarised below:

- Objection to the application and support for the local resident's stance that more parking problems, litter and noise nuisance for the area will occur.
- There are big environmental issues in the area.
- It is a residential area, not a retail quarter.

Cllr Shaffaq Mohammed's comments are summarised below:

- Received concerns from local residents notably in relation to noise and disruption this development will cause neighbouring properties.
- Parking cited as a concern and further traffic generation.
- The area is residential, opposition to encroachment of retail.

Cllr Jackie Drayton's comments are summarised below:

- Changes would be out of keeping, as the property is in a residential terrace.
- Plenty of retail in the area, this would be over massing and change the nature of this terrace.
- Additional traffic and blocking of highway. There is limited parking in the area as existing and Page Hall Road is very busy.
- Disposal of waste - no mention of where the bigger waste bins for a retail unit will be sited.
- The area already has a problem with litter and dumping of waste on street – changing to a retail unit will add to this problem.

- This change would have a detrimental effect on neighbouring properties.

Objections have been received from 3 local residents and are summarised below:

#### Planning considerations

- There are enough shops in the neighbourhood.
- The proposed extension to the rear will cause issues (in relation to No.106).
- Concerns over parking, as there are existing issues.
- Concerns that the 1 blue badge parking space will be used by customers of the shop.
- Concerns over noise nuisance.
- Concerns over vermin if to be a grocery store or takeaway.
- Concerns over people loitering and congregating on street, especially outside shops causing antisocial behaviour.
- The property is a house, although if the first floor flat above the shop is rented, concerns over noise disturbance and further parking problems.
- Inaccuracies on the plans – front elevation not a true depiction, rear dormer drawn smaller, second floor plan of flat not submitted, absence of street scene elevations to front and rear.
- Loss of family home, in conflict with the NPPF.
- Rear extension would be out of character to the street, notably from Rushby Street.
- Cramped conditions of first floor living accommodation.

#### Non material planning considerations:

- Concerns that adjacent property values will decrease.

Julie Blacker, Community Work at Firvale Community Hub has commented with the following:

- Application was discussed at Neighbourhood Watch meeting where 18 people attended and requested that an objection was made.

- Concerns over increased litter, in an area that suffers from high environmental issues, and a recent financial investment of £800,000 has been put in place by SCC to tackle this.
- Concerns that increased footfall will increase noise, traffic and gathering, impacting on neighbouring properties.
- Potential to decrease house values.
- Increasing the number of shops will have little, if any value to Page Hall, which has numerous outlets.
- The impact to local residents living conditions will be detrimental.
- Ask that SCC reconsider conversion of houses to retail outlets for the good of local residents and the wider community.

## PLANNING ASSESSMENT

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 lists houses as being the preferred use; however small shops (Use Class A1) (floor space of up to 280 sq metres) are detailed as being an acceptable use.

UDP Policy H14 sets out conditions for development within housing areas.

The National Planning Policy Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered

### Use

Small shops (A1) are accepted under UDP Policy H10. The property would create approx. 30 sq. metres of floor space being used for retail purposes on the ground floor and therefore complies with UDP Policy H10.

There are no available units in the nearby local shopping centre and therefore a sequential test was not considered necessary in this instance. Given the limited scale of the proposal, the development is not considered to have a harmful effect on the vitality or viability of the local shopping area.

It is noted that local residents have raised concerns that there is an increasing number of conversions from residential to retail happening in the local area. Comments also state that there is enough retail in the local area, there is no requirement for further retail and the area should remain residential in character.

Policy H10 does state that housing (Use Class C3) is the preferred use in housing areas, however small shops (Use Class A1) are also accepted. This policy also states that housing is preferred because conversion of existing houses to other uses would lead to a loss of housing; however this policy does not state any figures or guidelines as to when a change of use to retail would be considered to harm the supply of housing in such areas. Page Hall Road has a clear mix of housing and retail on the street scene. A number of these uses are historical, however a number have benefitted from planning permission to change from residential to retail. Considering the housing area as a whole as defined under the Sheffield UDP, the change of use of the application site would have a negligible effect to the supply of housing, as housing would clearly be the dominant use in the area. The other argument is whether the change of use would fundamentally change the character of Page Hall Road, which has a distinct mix of uses.

Policy H10, as well as H14 states that new uses, such as small shops are acceptable providing they do not damage the appearance and residential character of a housing area or cause disturbance to people living there. These matters will be discussed in the following sections of this report.

#### First Floor Apartment

The application is to change the use of the ground floor to a retail unit and retain the first floor in residential use. It is noted that Part 3, Class G of The General Permitted Development Order (Amended) 2015 states that development consisting of a change of use of a building from an A1 retail use to a mixed use for any purpose within Class A1 and as up to 2 flats would be permitted development. Therefore, if the current proposal was to change the whole property to residential and was thus deemed acceptable and granted, permitted development rights would allow the creation of two flats above. The GPDO further stipulates that where the proposal involves the change of use of a building with a display window at ground floor level, the ground floor level must not be used in whole or in part as a flat.

Further to the above, it is not uncommon to have residential accommodation above a retail use. The submitted plans show that the first floor would be self-contained, accessing being taken from the rear of the property.

#### Design

##### Shopfront

The property is from the Victorian period and therefore would have originally had a front bay window to match the other traditional residential properties on the street. The original bay window has at some point been removed, and a newer box bay window has been erected, which runs across the whole width of the property to include an entrance porch. The porch is divided from the box bay by an internal partition wall.

The proposal is to create a shopfront, which would have a similar appearance to the existing box bay window and would project to the same extent. The appearance

would be similar to existing but would include additional brickwork to the outer edges. Ultimately, the appearance is considered to have a negligible impact to the street scene and would have a similar appearance to the existing window. The existing partition wall and the original wall behind the shopfront, which currently separates the existing porch and box bay would be removed, meaning the entrance door would give access straight into the property. Whilst the proposal would have a similar appearance as existing, it should also be noted that there is a strong mix of both residential properties and commercial units with shopfronts on the street and therefore a shopfront would not be out of character for the area.

The proposed appearance is considered to have a negligible impact upon the appearance of the street scene and is therefore considered to comply with Policy H10 and H14 of the UDP.

#### Effect on the Amenities of Residents and the Locality

There are residential properties adjacent to and opposite the site.

The proposed use would generate an increase in movement of pedestrians to and from the site, and would potentially see an increase in customer's vehicles and delivery vehicles in the immediate vicinity of the site. The proposal is for a small shop, which is accepted under Policy H10, and therefore it is considered that the increase in pedestrian and vehicle movements generated by this proposal would not be so significant that it would cause harm and disturbance to the living conditions of adjacent and nearby residents or occupiers of commercial properties in the locality. It should also be noted that Page Hall Road is a main through route towards the main shopping area centred at the top of Page Hall Road and Firth Park Road, and therefore the area currently experiences a high level of pedestrian and vehicular movements, and associated background noise. It is therefore not considered that the introduction of a further retail unit would create such additional movements that would cause significant amenity issues.

Given the proximity of residential properties however, a condition is recommended to be attached restricting the hours of use to between 0900 hours and 1700 hours on any day to limit the propensity of pedestrian movements associated with the use to general working hours – which is in line with other recent approvals in the area. It is noted that a number of existing local commercial uses have unrestricted opening hours, however this is due to them not being subject to planning control as they are historical uses.

Should members be minded to approve the application, it is also considered necessary to impose conditions to restrict delivery and service hours, and also waste collection and disposal to minimise the impact upon adjoining residential properties.

The proposed shopfront would be similar to the existing bay window, projecting no further forward, and therefore it would not affect neighbouring living conditions.

Waste storage

Details have not been submitted with regards to waste storage in connection with the proposed retail unit. There is a rear yard with sufficient space to store commercial bins, which has the benefit of access from Rushby Road at the rear. A condition is recommended to be attached to ensure that waste bins are not stored at the front of the property and not stored on the public highway. This is considered necessary to ensure the proposal does not affect neighbouring properties or harm the appearance of the street.

As mentioned previously, a condition is also recommended to be imposed to restrict waste collection hours.

#### Highway and Transportation Issues

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

The property has no off-street parking and on-street parking is currently at a premium. The site is however in a sustainable location close to bus routes and local facilities. It is noted that the proposal is for a relatively small retail shop, which is likely to generate local trips, similar to the other local shops nearby and therefore dependence on the car is unlikely in this instance.

The NPPF is clear that development should only be prevented on highways grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also states that appropriate opportunities to promote sustainable transport modes can be taken up depending on the type of development and its location. In this instance, whilst lack of designated parking is not ideal, the shop would be located in close proximity to bus stops and would be close to other retail units and the nearby shopping centre. Trips to the premises are therefore likely to be made on foot by passing trade, or by those currently accessing other retail shops in the local area. The proposal is therefore considered to accord with the NPPF and cannot be argued to have such a severe impact upon the highway network to justify a refusal.

A condition is recommended to be imposed to prevent bins from being stored on the public highway for reasons of safety.

#### RESPONSE TO REPRESENTATIONS

The application is to change the use of the ground floor of the building to an A1 use. It is noted that there are concerns that the property could be used as a Hot Food Takeaway (Use Class A5). This would require a separate planning permission.

A number of concerns have been raised with regards to existing litter, fly tipping and other environmental problems in the area. It is understood that Sheffield City Council has invested money to try to resolve these issues, as mentioned within one of the representations. These problems are wider issues for this particular area and not directly connected with this planning application. There is no evidence to hand to suggest that an additional small shop would exacerbate the existing issues within the area, ultimately these are existing issues. Furthermore, there is no evidence to

suggest that the problems are directly connected to retail within the area and therefore it would be unreasonable to recommend refusal of the application on the basis of existing problems.

## SUMMARY AND RECOMMENDATION

This application seeks planning permission for the change of use of the property from residential (Use Class C3) to retail (Use Class A1), including the provision of a new shopfront.

As discussed within the body of the report, the proposed use is accepted under Policy H10 of the Unitary Development Plan.

The proposed shopfront is not considered to be significantly different from the existing box bay window, and thus is considered to have a negligible impact to the character of the street scene. It should also be noted that the street scene has a distinct mix of retail and dwellinghouses, although it is accepted that the property is located between existing residential properties.

Given the wider context of the building being located on a street with both commercial and residential premises, which is a key vehicular and pedestrian route towards the main local shopping centre centred on Page Hall Road and Firth Park Road, it is not considered that a shop of this size would have such a harmful affect to neighbouring residential premises. The proposed use is only likely to generate local trips, or passing trade from people visiting the current array of retail in the area. Conditions are however recommended to be attached restricting opening hours, waste collection and deliveries, to limit any potential disamenity to neighbouring properties.

No off-street parking is to be provided for the use, and on-street parking is currently at a premium. The proposed use is likely to generate local trips, similar to the other local shops nearby and therefore dependence on the car is unlikely in this instance.

For the reasons set out in this report and subject to the imposition of conditions, the proposal is considered to comply with UDP Policies H10, H14 and BE5, and Policy CS74 of the Core Strategy, and the aims of the National Planning Policy Framework (NPPF).

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

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Case Number	18/01475/FUL (Formerly PP-06899200)
Application Type	Full Planning Application
Proposal	Demolition of bungalow and outbuilding, alterations and use of existing car sales building as a supermarket with the provision of a rear fire escape stairway and erection of 2 retail units with customer car park to the front of the site and access road to the rear (as amended 28.8.18, 5.10.18 and 26.10.18)
Location	St Christophers 147 - 149 Langsett Road South Sheffield S35 0GZ
Date Received	16/04/2018
Team	West and North
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing nos.

3472-01 Existing Site Plan received on 16.4.18

3472-02 Existing Elevations received on 16.4.18

3472-04b Proposed Elevations received on 20.8.18

3472-07a Proposed Elevations Including Street Scene received on 20.8.18

3472-03b Proposed Floor Plan received on 5.10.18

3472-08 Swept Path Delivery Plan received on 5.10.18

3472-06c Site and Location Plans received on 26.10.18

Reason: In order to define the permission.

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

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

4. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

- i) Provision of a zebra-crossing to help pedestrians cross Langsett Road South in the vicinity of the development site, with cowls to reduce extraneous light. Exact position of crossing to be fixed by a Stage 1 Road Safety Audit.
- ii) Widening of the footway into the development site to give a width of 2 metres across the development site frontage (fully resurfaced).
- iii) Localised widening of the footway into the southwestern grass verge on Langsett Road South to accommodate zebra-crossing tactile paving.
- iv) Any other accommodation works within 20 metres northwest and southeast of the site frontage to traffic signs, road markings, drainage, lighting columns, and general street furniture deemed necessary as a consequence of the development.
- v) Promotion of a Traffic Regulation Order (waiting/loading restrictions) deemed necessary in the vicinity of the development site and implementation of signs and lines subject to usual procedures

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

development, and in the interests of protecting the free and safe flow of traffic on the public highway.

6. 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.

7. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

8. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

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

10. No development shall commence until 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.

11. Prior to development commencing a detailed phasing plan shall be submitted to the Local Planning Authority for approval. This shall include details of the demolition of the existing buildings on site as well as the construction of the car park, and new buildings as well as proposed landscaping works. The approved plan shall thereafter be implemented and adhered to.

Reason: In the interest of the amenity of the locality.

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

12. Before the development is brought into use, full details of a servicing management strategy (including the hours of servicing) shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

13. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

15. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the 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, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

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

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

17. The development shall not be used unless the car parking accommodation has been surfaced and drained in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority;

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

18. Notwithstanding the submitted plans, the development shall not be used unless the vehicular access has been constructed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority (to include geometric standards, materials/specifications, any drainage implication, any tactile paving, demarcation of highway boundary, any accommodation works to street lighting columns, give-way markings);

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

19. Prior to the use commencing, full details of the type and location of any trolley parking/storage shall have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details prior to occupation;

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

20. 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.

21. 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.

22. 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.

23. Prior to the installation of the proposed ATM shown on the front elevation of the retail unit full details of the proposed ATM shall be submitted to and approved in writing by the Local Planning Authority. These details shall include large scale plans at a scale of 1:20, any illumination or signage as well as intended hours of operation. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interest of the amenity of the locality and occupiers of neighbouring properties.

24. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

26. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance

with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

27. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of 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 inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

### **Other Compliance Conditions**

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

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

29. 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.

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

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

31. Prior to commencement of development, including any works of demolition, details shall be submitted to and approved by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, it is essential that this condition is complied with before the development is commenced.

32. No customer shall be permitted to be on the premises outside the following times: 0700 to 2200 Monday to Saturday and 0800 to 1600 Sundays and Bank Holidays.

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

33. 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 1900 on Sundays and Public Holidays.

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

34. The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

35. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

36. The proposed development shall be carried out in accordance with the recommendations contained in Section 5 paragraphs 5.1 to 5.4 of the Bat Survey - Final report dated 4.9.18 prepared by Whitcher Wildlife Ltd (Ref: 180915/1).

Reason: In the interests of biodiversity.

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

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

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

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

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

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

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

5. 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.
6. 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

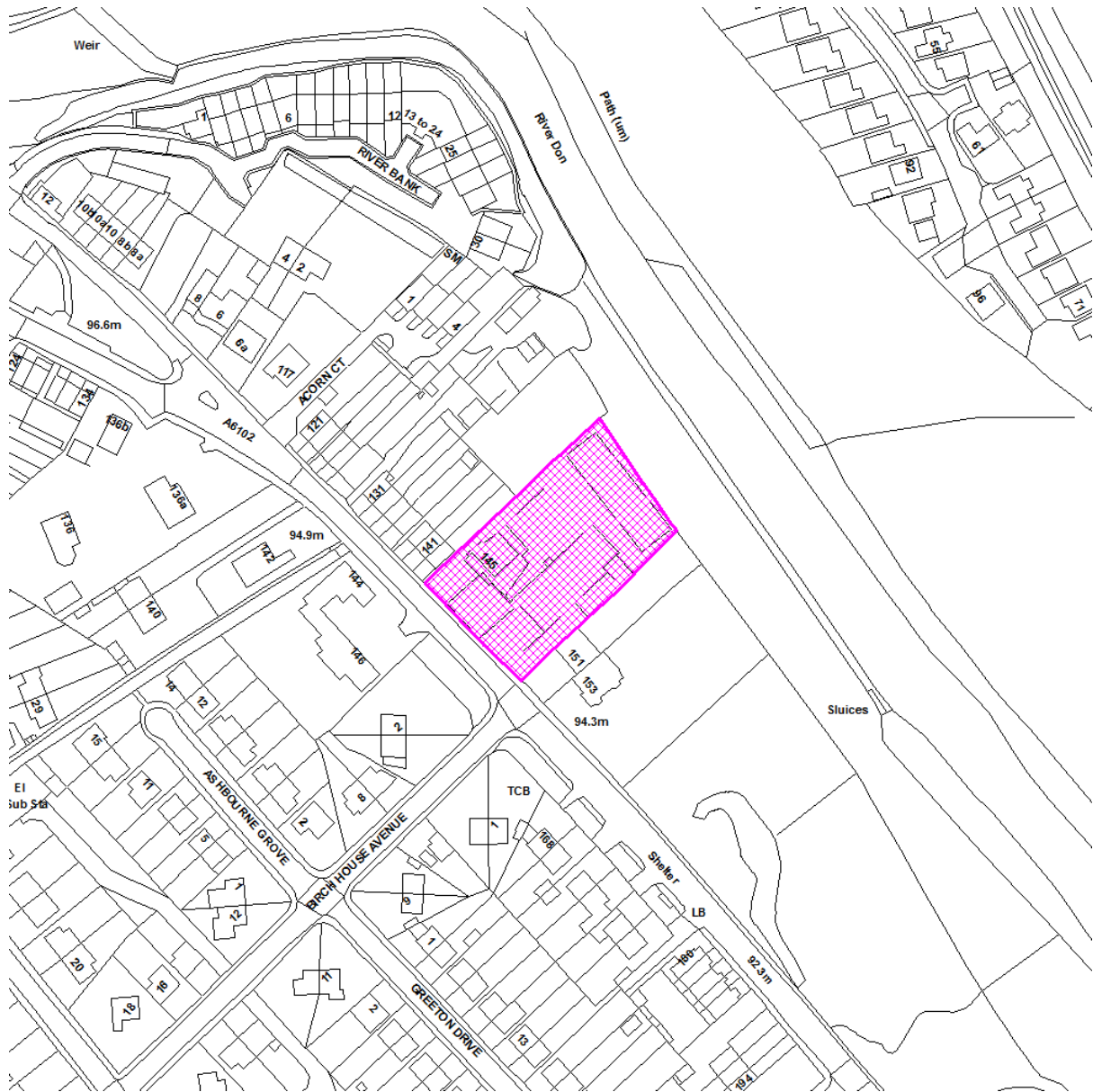
Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 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.

8. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).

# Site Location



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## LOCATION

This site lies on the northeast side of Langsett Road South within a predominantly residential area towards the southern edge of the built up area of Oughtibridge. To the rear of the site there is woodland and the River Don.

The site comprises a residential bungalow (no. 145) and a car sales business with MOT/servicing facilities.

The frontage of the site is dominated by a large open sided canopy and the open display of cars for sale. Behind the canopy is a detached bungalow, a range of large showroom/office/workshop buildings and a yard used for parking. A further detached workshop building runs along the rear boundary of the site.

The main access driveway runs alongside the northwest boundary of the site. A secondary access runs alongside the south-eastern boundary.

## PROPOSAL

The proposal seeks full planning permission for the demolition of the bungalow, canopy and an outbuilding, alterations and use of the existing car sales building as a supermarket including the provision of a rear fire escape stairway, erection of two shop units, provision of a customer car park to the front of the site and an access road to the rear.

The existing MOT/service garage alongside the rear boundary of the site would be retained and would continue in its current use.

The proposal would provide approximately 355 sq metres of retail floorspace within the converted unit (of which 232 sq metres is sales area), and approximately 112 sq metres in each of the two new shop units.

A Planning Statement, Transport Statement, Bat Survey and a Design and Access Statement have been submitted with this application.

## RELEVANT PLANNING HISTORY

In 2016 planning permission was granted subject to conditions for demolition of 145 Langsett Road and erection of single-storey commercial unit (use class A1 non food/A2), demolition of existing canopy and alterations to 147-149 Langsett Road South including erection of front extension to form retail unit (use class A1) with associated car parking accommodation and associated works (including an ATM) (application no. 15/03235/FUL refers).

Previous planning applications made in 2008 (for the erection of 38 residential units in two blocks and an office to be used in connection with the car sales pitch) and in 2014 (for the demolition of the canopy and alterations to the existing building to create a single unit) were withdrawn (application nos. 08/01952/FUL and 14/02547/FUL refer).

## SUMMARY OF REPRESENTATIONS

The application has been advertised by notification letters to nearby residents.

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

- Impact on local shops, no need for a supermarket in this location, there are supermarkets and convenience stores locally already providing a service, will affect small businesses in the community, this will be mostly for passing trade, don't encourage over commercialisation and consumerism;
- Village feel is being eradicated by increased planning proposals;
- Langsett Road South is a very busy road, bus route, ambulance service route from Middlewood Road, main access to/from Sheffield, danger of speeding, uneven road surfaces;
- Increased traffic, will add to traffic in area, will add to an overloaded public highway system, combined with unresolved issue around Forge Lane, Oughtibridge Lane and Orchard Street, future development above the railway line, better sited in Georgia Pacific (former paper mill site) and Internet site development, will put additional burden on emergency vehicle operators;
- Will be considerable congestion at the site;
- If car service facility remains the existing traffic use will not decrease;
- Will not have adequate parking;
- Issues at nearby junctions will be greatly increased, directly opposite an existing give-way on Birch House Avenue, Birch House Avenue is used as a through route instead of Church Street, cars park around this junction, already heavily parked up and difficult to negotiate, difficult to get out of this junction, the out stream from the development complicates this manoeuvre;
- Turning into neighbouring driveways already an issue;
- Potential for further fatal injuries, risk of collision during egress from unit;
- Crossing of Langsett Road for local parents and children attending local schools already difficult without complications of shop users and deliveries, currently no crossing provision or traffic calming measures;
- Transport report has mistakes regarding pedestrian access and public transport as there is no pedestrian crossing in the immediate vicinity of the site, located in a valley pedestrian access to the site would involve an uphill walk after shopping for the majority of residents, the 57 service is hourly and no service on Sunday, the service to Stocksbridge runs from Worrall not near this site, the 268 runs two-hourly with 2 services on Saturday and no service on Sunday, the SL1 and SL1A are not mentioned, there are no speed cameras, there are occasional mobile speed camera vans in the vicinity;
- The immediate area is residential and woodland;
- Impact on wildlife as the property backs onto a river, a wildlife impact assessment needs to be completed;
- Doubtful whether enhances the site, hard structure with busy footfall and high vehicle traffic would not enhance the site, window posters would be detrimental;
- More litter, increased pollution from vehicles, light pollution from lighting and signage;
- Concerned at late opening of retail units to 2300, reduce it to 1900.
- Will encourage and attract antisocial behaviour;

- Issues with privacy, site overlooking neighbouring gardens;
- No mention of waste/removal arrangements, opening and delivery times, underground tanks formerly used for petrol storage, drainage provision as the road is liable to flooding;
- If this development is to be safe will require traffic control measures at bridge hill, Birch House Avenue, increase parking restrictions at Birch House Avenue, traffic calming on Birch House Avenue or a 20 mph zone, and extended parking restrictions on Langsett Road;
- No public signage relating to this proposal;
- This needs to be assessed by committee.

13 representations of support have been received relating to:

- This side of the village has no retail facilities, would be an asset, nowhere offering this service at the moment, need local shops to meet needs of growing village;
- Will allow local people to walk to shops, will reduce need to travel for basic items, access is level therefore easier for elderly, disabled and parents;
- Has dedicated parking and delivery relieving pressure around the village centre;
- Road network in heart of village is a separate issue and needs urgent review;
- Site is currently a bit of an eyesore, would smarten up the area;
- Likelihood will provide employment for local people;
- Consider moving the bus stop towards the site and a bus shelter and layby for buses to pull into instead of blocking the road;
- A cash machine and longer opening hours would be a benefit to local community;
- Any approval should be subject to ample parking, signage that nearby streets should not be parked on, and a one way entry/exit route be implemented;
- Would like to see recycling bins provided.

1 neutral representation has been received relating to:

- With regard to traffic and access consider the overall changes in the area given significant developments planned on the paper mill and cement works site and in Deepcar;
- The proposal will not generate more traffic in itself but the level of traffic through the village is going to increase, consider the site access, pedestrians and cycle safety and flow around the site.

## PLANNING ASSESSMENT

### Policy Issues

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's National Planning Policy Framework (NPPF) (paragraph 11) states that plans and decisions should apply a presumption in favour of sustainable development, and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay, or where

there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole.

### The Principle of the Development

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

The UDP Proposals Map identifies the site as being within a Housing Area where small shops are acceptable, and other shops unless at the edge of the Central Shopping Area or a District or Local Shopping Centre are unacceptable (UDP Policy H10 refers).

The 2013 Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map maintains the Housing Area designation.

The UDP identifies the majority of the land between Langsett Road South and Orchard Street/Low Road/Forge Hill as the Local Shopping Centre. The existing shops in the centre are concentrated close to the Bridge Hill/Langsett Road South junction along with other services and food/drink outlets. There is a public house at the southern end of the local shopping centre. The application site is approximately 200 metres from the edge of the Oughtibridge local shopping centre.

The UDP defines small shops as shops usually with not more than 280 sq metres sales area. In this instance each of the three proposed shop units comprise small shops for the purposes of the UDP. The proposal complies with UDP Policy H10.

UDP Policy S5 relates to shop development outside the Central Shopping Area and District Centres and states that retail development will be permitted where it is a small shop, or it is in or at the edge of a local centre for appropriately sized food stores and other facilities to serve the day to day needs of the local population. Policy S5 also requires such development to satisfy criteria relating to safeguarding the vitality and viability of the Central and District shopping areas, being easily accessible, not significantly harming public transport services, not significantly increasing number and length of customer trips, and not taking up land required for other uses.

In this instance the site is considered to be in an edge of centre location, the three small shops are appropriately sized and would not significantly harm the vitality and viability of existing shopping centres. There would be no significant effect on public transport services or customer trips. The loss of the bungalow would not significantly harm the dominance of housing in this Housing Area. The proposal complies with UDP Policy S5.

The NPPF (paragraph 86) states that local planning authorities should apply a sequential test to planning applications for main town centre use which are neither in an existing centre nor in accordance with an up-to-date plan. The proposal is below the 2,500 sq metres threshold above which the NPPF (paragraph 89) requires an impact assessment. In this instance there are no suitable sites for the development within the local centre and the site is in an edge of centre location. It is considered that the scale and nature of the proposal would not have a significant adverse impact on investment in or the vitality and viability of existing centres.

#### Highway and Transportation Issues

UDP Policy H10 relates to conditions on development in Housing Areas including matters of highway safety. Core Strategy Policies CS51 and CS53 set out the city's transport priorities and the objectives for managing the demand for travel.

NPPF paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Langsett Road South is a bus route. There are bus stops within 100 metres of the site served by services SL1/SL1a (20 minute service), 268 (two-hourly service during the daytime) and 57a (Sunday hourly service northbound). There is a bus stop for the southbound route of service 57 (hourly service southbound) approximately 150 metres to the north of the site on Langsett Road South on the one-way loop road section. Langsett Road South is also part of the strategic network identified in the UDP.

The proposal seeks to reuse the two existing accesses at either end of the site's frontage. A car parking area for customer's vehicles would be provided on-site on the frontage forecourt with a capacity for up to 13 cars and 2 short stay cycle stands. On-site servicing for delivery vehicles is proposed using this forecourt parking area. 2 of the car parking spaces would need to be coned off in advance of the delivery vehicle arriving. 11 customer car parking spaces would continue to be available during vehicle deliveries. 6 car parking spaces and long stay cycle parking for staff would be provided in the rear yard.

Access to and from the retained building at rear of site would be retained.

The applicant's Transport Statement assesses that the proposal would generate 75 two-way trips in the AM peak hour and 95 two-way trips in the PM peak hour. A substantial amount of these trips would already be on the highway network and would comprise transfer, linked and pass-by trips. Compared to the 2016 planning permission, the current proposal would generate 26 and 32 more two-way trips in the AM and PM peak hours respectively.

The applicant's Transport Statement considers the proportion of new trips on the highway network would be less than 10% of the overall traffic generation and would amount to approximately 8 new two-way trips in the AM peak hour and 10 new two-way trips in the PM peak hour.



The applicant has stated that the site would be serviced by a series of delivery vehicles the largest being a 10-metre rigid HGV. The proposed convenience store would be serviced by one rigid vehicle and two transit van type delivery vehicles every morning, and the other two units by a transit van during the day, and three other rigid vehicles per week.

Deliveries would be targeted to occur during lower background traffic flows and avoiding busy convenience store trading periods. The delivery vehicles would enter and leave the site in a forward gear with a one-way flow from north to south through the frontage car park.

The Council's Highway Services has advised that traffic surveys undertaken in 2015 on Langsett Road South identified 1,074 vehicles in the weekday two-way morning peak and 1,043 in the weekday two-way evening peak. The trips resulting from the proposed development are modest compared with the surveyed background flows. TRICS Research (TRICS Report 95/2) suggests only around 30% of trips to food retail developments are actually new trips. Given the modest generation of new trips associated with the development proposal there are no highway objections regarding road safety issues.

The proposed car parking provision is in accordance with the Council's maximum car parking guidelines. The accumulation/occupancy analysis undertaken suggests that the car park would only near capacity very infrequently.

The proposed servicing arrangements are acceptable. A condition to secure the management arrangements for delivery vehicles is recommended.

The Langsett Road South/Birch House Road junction has been assessed. A survey of the Langsett Road South junction with Birch House Road was undertaken during the evening peak hour. No significant queuing of vehicles turning right off Langsett Road South occurred.

Accident data for the period between 2013 and 2017 has been assessed, which discloses that five personal injury accidents, all of which were slight. Four occurred on the one-way sections of Forge Hill and Langsett Road South and one on Langsett Road South close to the junction of Birch House Avenue with no obvious correlation between causation.

The difficulty for pedestrians crossing Langsett Road South has been reviewed. To better connect the proposed development for pedestrians residing on the opposite (southwest side) of Langsett Road South a zebra crossing is proposed. The exact location would be determined by a Stage 1 Road Safety Audit and the position of statutory undertaker's equipment. The footway across the site frontage would be widened.

There are no highway objections to the proposed development subject to conditions.

Impact on the Appearance of the Locality

UDP Policy H10 relating to conditions on development in Housing Areas also includes matters of design and amenity. UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design in new developments.

The existing buildings proposed for demolition have no significant heritage value. The proposed alterations to convert the retained building and the design of the proposed new units are acceptable. A brick wall is proposed along the front boundary between the two accesses. Overall the proposal would make a positive contribution to the streetscene.

#### Effect on the Amenities of Residents

UDP Policy H10 relating to conditions on development in Housing Areas includes matters of amenity.

There are residential properties on Langsett Road South both adjacent to and opposite the proposed development.

The proposed retail units would be set back approximately 15 metres from the frontage of the site. The proposed units would have a single-storey appearance (approximately 4.5 metres high) from the front and due to falling ground levels would be two-storey to the side and rear (approximately 8.9 metres high). The proposed units would have glazing to their front elevations. The existing windows on the side elevation of the retained unit would be bricked up. No windows are proposed on the side and rear elevations of the proposed units. The units would be faced in brick and have flat roofs.

The adjacent dwelling at no.143 Langsett Road South has a secondary window in the side gable facing towards the application site. There are no windows in the side gable of no. 151 Langsett Road South facing towards the site. Both nos.143 and 151 have long rear gardens adjoining the side boundaries of the site.

The proposal would generate noise and disturbance from the movement of customers and vehicles to and from the premises, and from external plant and equipment. The proposal includes a plant area at the rear of the larger of the proposed shop units and an ATM on the front of this building.

It is considered that there would be sufficient separation between the proposed shop units and adjacent and nearby residential properties to ensure that there would be no significant overbearing, overshadowing or overlooking of those residential properties.

The main customer and delivery activity would be on the front part of the site. The ATM is located towards the central part of the shop's frontage away from the site boundaries. It is considered that the proposal would not result in significant noise and general disturbance to existing residents. To ensure there would be no significant noise nuisance to residents during the early morning or late at night, conditions to restrict the hours of opening and hours of commercial deliveries are recommended.

It is recommended that a condition be imposed requiring a lighting plan to be agreed prior to any external lighting being installed to ensure that local residents do not suffer disamenity through light overspill from the proposed development.

Additional conditions to secure appropriate construction and demolition working hours and to mitigate dust during construction and demolition works are recommended.

### Sustainability

Core Strategy Policy CS64 sets out that all new buildings must be designed to reduce emissions of greenhouse gases and use resources sustainably. This includes achieving a high level of energy efficiency, involving solar energy, water re-cycling, using sustainable materials and other means.

Core Strategy Policy CS65 says that on all significant developments, at least 10% of predicted energy needs should be from a decentralised and renewable or low carbon energy. Also, significant development should further reduce predicted energy levels by 20% by way of renewable or low carbon energy technologies.

It is recommended that a condition be imposed requiring further information as to how the policy will be satisfied prior to the commencement of development.

### Ecological Impacts

The applicant's Bat Survey states that a small number of bats passed over the site during the surveys. The buildings have low potential for roosting bats, however no bats emerged from the buildings. No evidence of roosting bats was identified. The woodland to the northeast is a high value foraging habitat. The report recommends that demolition works are undertaken with due care, and any works during the bird nesting season be preceded by a nesting bird survey. The report also recommends that biodiversity enhancements (integrated bat bricks and nest boxes) be incorporated into any new buildings on the site.

The Council's Ecologist has concurred that bats are unlikely to be impacted upon by this development. A condition is recommended to secure with the biodiversity enhancements.

### Land Drainage

The Local Lead Flood Authority has advised that a culverted watercourse runs under south-eastern part of this site. No new buildings are proposed on the line of this culvert. A condition restricting the rate of discharge for surface water from the site is recommended.

### Land Contamination

Given the historic business uses on the site, conditions are recommended to secure the carrying out of an investigation of ground conditions to ensure any existing contamination or ground gas is appropriately mitigated.

## SUMMARY

The UDP Proposals Map identifies the site as being within a Housing Area where small shops are acceptable, and other shops unless at the edge of the Central Shopping Area or a District or Local Shopping Centre are unacceptable.

The site is in an edge of centre location, the three small shops are appropriately sized and would not significantly harm the vitality and viability of existing shopping centres. There would be no significant effect on public transport services or customer trips. The loss of the bungalow would not significantly harm the dominance of housing in this Housing Area. There are no suitable sites for the development within the local centre and the site is in an edge of centre location. It is considered that the scale and nature of the proposal would not have a significant adverse impact on investment in or the vitality and viability of existing centres.

The proposal is acceptable in principle.

The applicant's Transport Statement assesses that the proposal would generate 75 two-way trips in the AM peak hour and 95 two-way trips in the PM peak hour. A substantial amount of these trips would already be on the highway network and would comprise transfer, linked and pass-by trips.

The proposed car parking provision is in accordance with the Council's maximum car parking guidelines, and the proposed servicing arrangements are acceptable.

The difficulty for pedestrians crossing Langsett Road South has been reviewed. To better connect the proposed development for pedestrians residing on the opposite (southwest side) of Langsett Road South a zebra crossing is proposed.

Given the modest generation of new trips associated with the development proposal there are no highway objections regarding road safety issues.

The existing buildings proposed for demolition have no significant heritage value. The proposed alterations to convert the retained building and the design of the proposed new units are acceptable. The proposal would make a positive contribution to the streetscene.

It is considered that there would be sufficient separation between the proposed shop units and adjacent and nearby residential properties to ensure that there would be no significant overbearing, overshadowing or overlooking of those residential properties.

It is considered that the proposal would not result in significant noise and general disturbance to existing residents. To ensure there would be no significant noise nuisance to residents during the early morning or late at night, conditions to restrict the hours of opening and hours of commercial deliveries are recommended.

There are no ecological, contamination or drainage implications subject to appropriate mitigation measures.

The proposal complies with UDP Policies H10, H14, S5, BE5, Core Strategy Policies CS51, CS53, CS64, CS65 and CS74, and the Government's planning policy guidance contained in the NPPF.

#### RECOMMENDATION

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

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Case Number	18/00976/FUL (Formerly PP-06773533)
Application Type	Full Planning Application
Proposal	Erection of a three-storey block comprising 5no apartments with parking and amenity space (Amended Plans received by e-mail on the 9 September 2018)
Location	Land Between 13 And 15 Greenwood Road High Green Sheffield S35 3GU
Date Received	10/03/2018
Team	West and North
Applicant/Agent	Connect Planning
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

2. The development shall be carried out in accordance with the following drawings:-

- JCA-1048-003 Rev P02 (Site Location Plan);
- JCA-1048-010 Rev P02 (Proposed Ground and First Floor Plans);
- JCA-1048-011 Rev P02 (Proposed Second and Roof Level Plans);
- JCA-1048-020 Rev P02 (Proposed North and South Elevations); and
- JCA-1048-021 Rev P02 (Proposed East and West Elevations);

Received on the 8 September 2018.

Reason: In order to define the permission

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

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

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

4. 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.

5. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

7. Prior to construction, full details (including cross-sectional drawings and calculations) of the proposed retaining structure supporting the public footpath flanking the development site shall have been submitted to and approved in writing by the Local Planning Authority. The structure shall have been provided in accordance with the above-mentioned approved details prior to occupation of the dwellings.

Reason: In the interest of pedestrian safety.

8. Prior to construction, full details shall have been submitted to and approved in writing by the Local Planning Authority of arrangements that shall have been entered into



securing the future maintenance of the retaining structure supporting the public footpath flanking the development site. Thereafter, the structure will be maintained in accordance with the above-mentioned approved details.

Reason: In the interest of pedestrian safety

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

9. 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.

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. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of development

12. Notwithstanding the submitted details, prior to construction, full details shall have been submitted to and approved in writing by the Local Planning Authority of the wall/fence being provided on top of the retaining structure in the vicinity of the bend in the public footpath ensuring good intervisibility for users of the path.

Reason: In the interest of pedestrian safety

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

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

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

Reason: In the interests of the safety of road users

15. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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 that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

#### **Other Compliance Conditions**

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

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

18. 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.

Attention is Drawn to the Following Directives:

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

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

Development Services

Howden House  
1 Union Street  
Sheffield S1 2SH

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

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

You should apply for a consent to: -

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

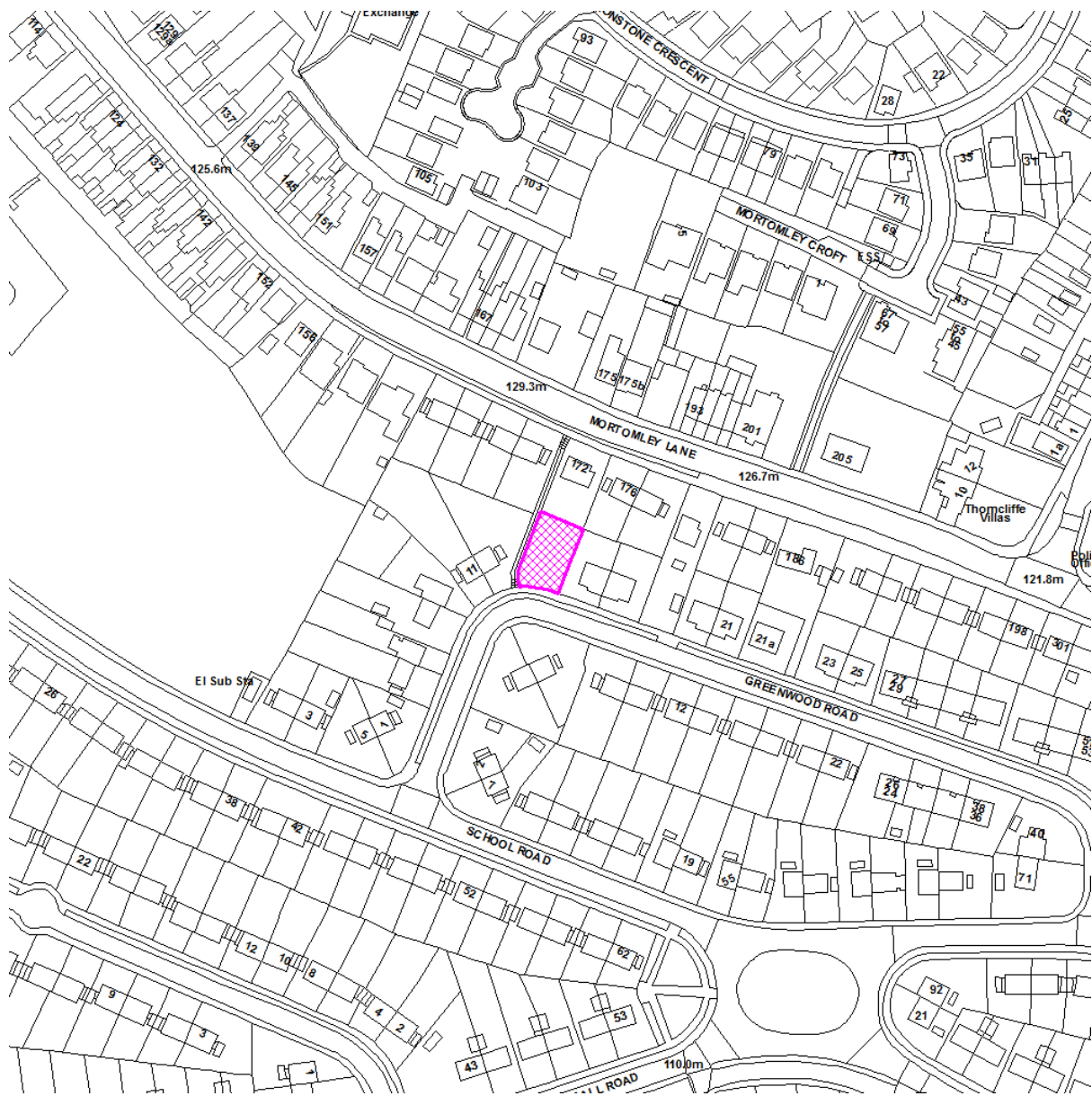
or the attention of Mr S Turner  
Tel: (0114) 27 34383

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any precommencement condition surveys, permits, permissions or licences you may require in order to carry out your works
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website.

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

5. 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.
6. 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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## INTRODUCTION

The application relates to a small parcel of land that is situated between 13 and 15 Greenwood Road in High Green.

A pre-application enquiry (17/04854/FUL) was submitted for this site in November 2017 seeking informal officer advice on a proposal to erect a two-storey apartment block to provide 6 apartments. The applicant's agent was advised by officers that the proposal to erect an apartment block on this site was acceptable in principle but the scale of the development should be reduced in the interests of protecting the residential amenity of neighbouring properties from unacceptable overlooking, and in the interests of highway safety.

Planning permission was granted to erect a pair of two-storey semi-detached dwellinghouses on this site in 2014, under 14/03894/FUL. No work on site commenced within 3 years of the date of the decision and the permission has now lapsed.

## LOCATION AND PROPOSAL

The application site is greenfield (currently grassed) that is situated along the northern side of Greenwood Road; a residential street that is made up of red brick two-storey semi-detached dwellinghouses and bungalows. The site covers an area of some 0.03 hectares, measuring approximately 12.2m by 21.3m. The site slopes up from Greenwood Road with the ground levels approximately 1.5m higher at its northern end. The application site is enclosed by a timber fence with hedgerow along its northern boundary, a dense 1.5m high hedgerow along its eastern boundary and a low brick wall to Greenwood Road. Along its western boundary is a small flight of steps and footpath that links Greenwood Road with Mortomley Lane.

The application site is situated in a Housing Area and lies within a defined Development High risk Area for former coal mining activities. To the north of the site is a detached dwellinghouse (172 Mortomley Lane), to its east is a red brick bungalow (15 Greenwood Lane), and to its west is a pair of two-storey semis (11-13 Greenwood Lane).

The applicant is seeking full planning permission to erect a two-storey apartment block with rear dormers comprising five apartments with off-street parking and amenity space. The application has been amended by drawings received on the 9 September 2018.

## RELEVANT PLANNING HISTORY

17/04854/FUL - Pre-application advice for the erection of a two/three storey apartment block comprising six apartments – Closed

14/03894/FUL - Erection of 2 x two-storey, semi-detached dwellinghouses with off street parking (as amended 1.10.15) – Approved 31 May 2014

## SUMMARY OF REPRESENTATIONS

Objections have been received from eight neighbouring properties in response to neighbour notification.

These are summarised below:-

- Highway safety issues: Extra traffic on an already congested road and parking difficulties. Development could lead to overspill parking on Mortomley Lane;
- Overdevelopment of the Site: The proposed building is too large for the plot;
- Loss of Privacy;
- Loss of light/overshadowing;
- The finished development is likely to be significantly higher than shown on the supporting plans. If the ground levels are correct, the development will require significant excavation work;
- Out of character with the surrounding area;
- Bin store located very close to a neighbouring property (172 Mortomley Lane);
- Ground subsidence due to former underground workings; and
- Noise disturbance

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
- ii. Highway Issues;
- iii. Design Issues and its effect on the character and appearance of the surrounding area;
- iv. Effect on the residential amenity of neighbouring properties;
- v. Ground Conditions and Coal Mining Legacy Issues; and
- vi. Community Infrastructure Levy

### i. Principle of Development – Policy and Land Use

The application site is situated in an area where housing is acceptable under UDP Policy H10. It is also considered that the proposal would not conflict with Core Strategy Policy CS24, which seeks that 88% of all new developments be built on previously developed land (brownfield land). While it is noted that the site is greenfield, the Council is currently achieving a build rate on previously developed land of approximately 95%, meaning that the development of this greenfield site for housing would not conflict with this policy.

Also of relevance is Policy CS26, which seeks the efficient use of housing land. With regard to this policy, the site is located in an area where a density in the order of 30 to 50 dwellinghouse per hectare should be achieved. The policy does allow development outside these ranges but only where they achieve good design, reflect the character of an area or protect a sensitive site.

The proposed development of 5 apartments on this 0.03 hectare site equates to a density of 167 dwellinghouses per hectare. While this amount significantly higher than the density range set out in Policy CS26, it is considered that the density of the development is

acceptable given that the proposal is an apartment scheme where a higher density is expected.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to this, Sheffield currently can only demonstrate a 4.5 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site to provide 5 apartments would make a small but positive contribution to housing land supply across the city and should be given weight.

The development of this site would accord with UDP Policy H10 and be in general accordance with Core Strategy Policies CS24 and CS26. The principle of erecting an apartment block to provide four dwellinghouses on this site should therefore be viewed acceptable.

## ii Highway Issues

The application was amended on the advice of officers following concerns with the proposed car parking arrangement. The scheme as initially submitted showed provision for five off-street car parking spaces along its forecourt, which officers considered was not practicable as this would have resulted in great difficulty for users to egress and ingress their vehicles as well as preventing bins to be taken from the store area to the highway. The amended parking layout now shows four spaces only, all of which now being properly accessible and space to allow bins to be moved to the adjacent highway.

From a highway perspective, it is considered that the proposal is acceptable and would not result in any significant demand for on-street parking that would be prejudicial to highway safety. While the development proposes four off-street parking spaces, it is considered that any overspill parking can be adequately accommodated along the adjoining highway with evidence provided by the applicant's agent that at a time when most people would be at home (after 6pm), the street benefited from a good amount of available on-street parking. Highways Section has raised no objection to the development subject to conditions.

## iii Design Issues

Policy H14 of the UDP relates to conditions on development in housing areas including matters of design, amenity and highway safety.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

The proposed apartment block is a two storey building with dormer accommodation taken in the rear roof slope. The proposed building would be situated relatively central on site to

provide hardstanding for four vehicles to the front of the building and a rear garden of some 105 square metres. To the north-eastern corner of the plot would be a bin store.

The submitted drawings show that the building would measure 12.4m by 8.2m (at its widest points) with an eaves height of 5.3m and ridge height of 8.55m. It would be constructed with a dual pitched roof and designed with a centralised recess that would have to break up the overall massing of the new building with the building's eastern side set approximately 0.8m behind the western side and having a subservient pitched roof 350mm below the main ridge. It would be constructed in red brick with a concrete tiled roof. Features of the building would include a recessed entrance porch, soldier course heads, subservient western section, rooflights and pitched roof rear dormer windows.

It is considered that the development is of an acceptable design quality that would not detract from the character or appearance of the surrounding area. The scale and massing of the development has been reduced on the advice of officers, with the amended scheme designed to read like a pair of semi-detached dwellinghouses, not too unlike the pairs of semi-detached dwellinghouses situated along Greenwood Road. To reduce the overall height of the building, the site's existing site levels would be lowered to 'bed down' the building. The amended scheme shows that the building's eaves would be set below the eaves height of the western property (No. 13) and have its ridge at the same height.

While it is accepted that the proposed building would be situated adjacent to a bungalow, it is not considered that it would have an overly dominating appearance on this smaller property that would be harmful to the character of the street. In coming to this view, officers have given weight to the supporting plan (Drawing No. JCA-1048-020 Rev P02), which shows the two buildings in context, and while the proposed building would be some 2.25m higher, it is not considered that it would dwarf the neighbouring property that would justify seeking a smaller build. It is also material in officers' opinion that the proposed building is not dissimilar to the 2014 approved scheme in terms of its scale and massing, both being two storey in height and consisting of side gabled walls.

Following the revisions sought by officers, it is considered that the proposed development is acceptable from a design perspective and would be in general accordance with UDP Policies H14 (a) and BE5.

#### iv Effect on the residential amenity of neighbouring properties

It is considered that the only properties likely to be affected by the development would be 172 Mortomley Lane to its north and No. 15 Greenwood Road to its east. All other properties are considered to be adequately distanced from the site to prevent any unacceptable loss of privacy, outlook or overshadowing that would be harmful to their residential amenity.

In terms of No. 172 Mortomley Lane, this property is situated to the north of the site and has its rear elevation facing the application site. The property is two-storey in height and is set back from the shared boundary by approximately 12m. Due to the higher ground levels of Mortomley Lane, this property is significantly elevated to the application site.

The amended plans show that the separation distance between the proposed building and this neighbouring property would be 21m. This separation distance is considered to be



acceptable and should prevent any unacceptable loss of privacy between the two properties. Although it is acknowledged that SPG Designing House Extensions recommends that the separation distance between properties should be increased when there is a difference in ground levels, it is not considered to be necessary in this instance. Cross section drawings submitted with the application shows that views from this neighbouring property's upper floor windows would be mainly taken above the roof top of the proposed building. In addition to this, the applicant has agreed to plant a series of trees along the northern boundary, which in time should provide a high level of privacy that would protect both properties. A condition is recommended that would require the planting of six extra heavy standards to be planted along the northern boundary within the first planting season before occupation.

In terms of No. 15 Greenwood Road, this property is situated to its west and comprises no main windows within its side elevation facing the application site. Given this and the proposed building not having any windows within its side elevation should prevent this neighbouring property being unduly harmed from any loss of privacy or loss of outlook. It is also considered that this neighbouring property would not be subject to any significant overshadowing owing to the proposed building being situated on the eastern side of No. 15.

v. Ground Conditions and Coal Mining Legacy Issues.

Environmental Protection Services (EPS) has recommended that the usual suite of ground contamination conditions be attached to any grant of planning.

In terms of coal mining legacy, the applicant has not undertaken a Coal Mining Risk Assessment (CMRA) as part of this application. However, a CMRA was submitted as part of the 2014 application, which was inspected and found to be acceptable by the Coal Authority. In response to this 2014 CMRA, The Coal Authority detailed that the site is likely to have been subject to historic underground coal mining at shallow depth associated with coal which outcropped across the site and agreed with the report's findings that bell-pits may pose a risk to the stability of the proposed development. They recommended that a condition be attached to the grant of planning permission that required site investigation works to be carried out prior to commencement of development, and that in the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works/foundations identified by the site investigation are either undertaken prior to commencement of the development or are integral to it.

It is not considered that there have been any material changes between now and the time of the previous CMRA. It is therefore recommended that a condition be attached in line with the recommendations of The Coal Authority as recorded in 2014.

vi. Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The applicant has completed and signed the CIL form stating that the development is CIL liable.

vii. Other Issues

Environmental Protection Services (EPS) has stated that the application site is located in a predominately residential area with low background noise levels. It is not considered that the development raises any significant issues in terms of noise disturbance.

#### SUMMARY AND RECOMMENDATION

The application relates to a greenfield site that is situated along the northern side of Greenwood Road in High Green. The application site has benefited from pre-application discussions and previously was granted planning permission for two 2-storey semi-detached dwellinghouses.

The applicant is seeking full planning permission to erect a two-storey apartment block with rear dormers comprising five apartments with off-street parking and amenity space.

It is considered that the apartment block is of acceptable design quality that would not result in any demonstrable harm to the character and appearance of the surrounding area. Due care has been given to the scale and massing of the building, which has been designed to read as a pair of semi-detached dwellinghouses, and not too dissimilar to the scheme approved in 2014.

The proposals raise no significant residential amenity issues with neighbouring properties unlikely to be subject to any significant overlooking, loss of outlook or overshadowing that harm to their residential amenity.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H10, H14 (a) BE5 and Core Strategy Policies CS24, and CS26, and guidance contained in the National Planning Policy Framework (NPPF).

It is therefore recommended for approval subject to the conditions listed.

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Case Number	18/00845/FUL (Formerly PP-06783459)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse
Location	Land At Junction With Welbeck Road Fern Road Sheffield S6 5AX
Date Received	28/02/2018
Team	West and North
Applicant/Agent	Lion Design
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

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

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

### **Approved/Refused Plan(s)**

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

Drawing A1807 01A Plans and Elevations - Proposed

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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. Any 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. Before the development commences, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details:

- i) Full structural calculations/drawings and Approval In Principle (AIP's) related to the house structure supporting the infill material to the rear of the existing Welbeck Road retaining structure.
- ii) Construction method statement in relation to maintaining structural support to the highway (Welbeck Road) whilst constructing the footings to the proposed dwellings.
- iii) The type/specification of infill material and method of compaction to the rear of the existing Welbeck Road retaining structure.
- iv) Any structural implications to the retaining wall associated with reprofiling the garden.

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

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

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

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

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

9. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

11. 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.

#### **Other Compliance Conditions**

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

Reason: To ensure there is no visual intrusion which would be detrimental to the amenities of the locality.

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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

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

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

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

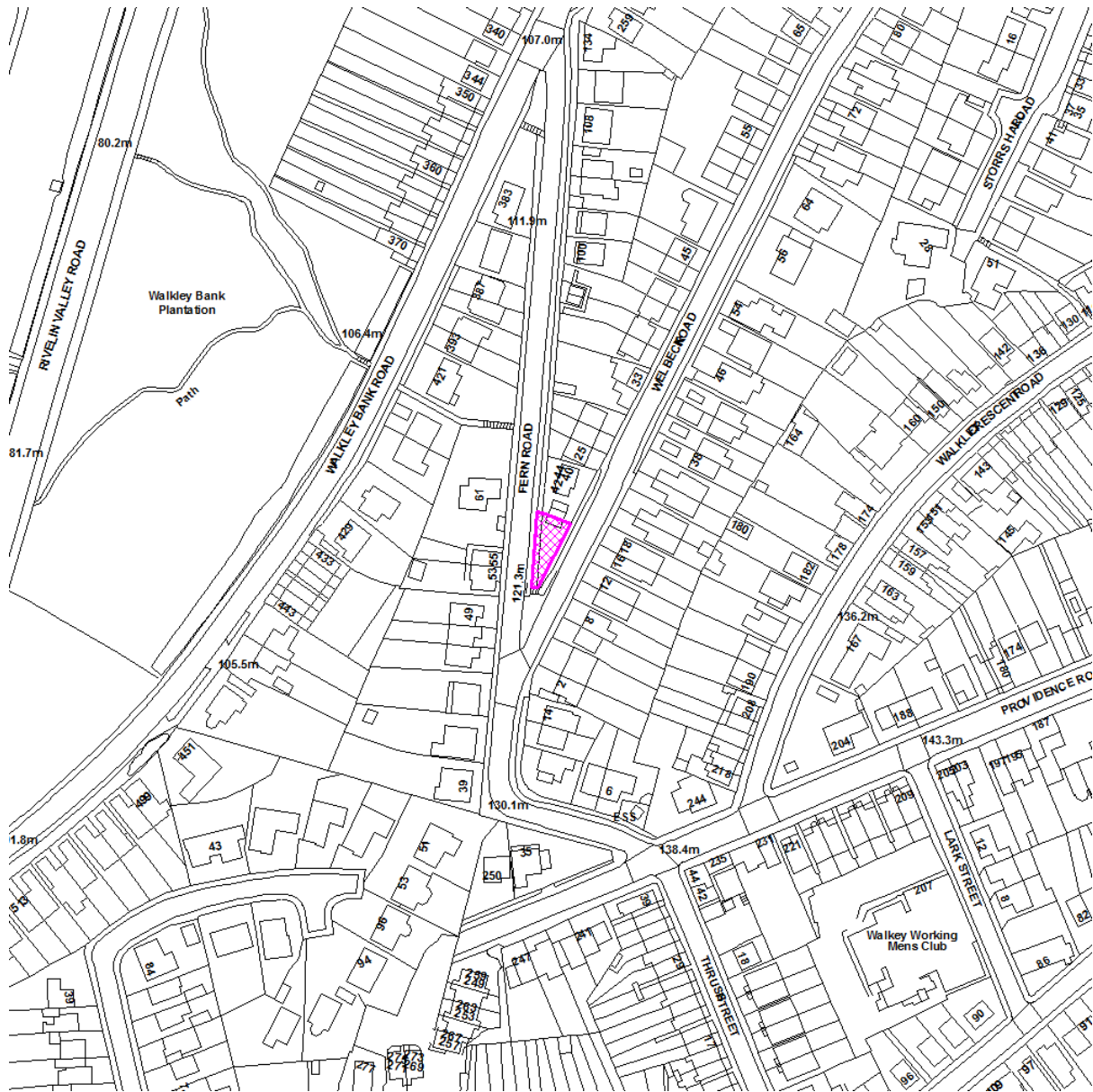
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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

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

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a triangular piece of land at the junction of Welbeck Road and Fern Road. The land steps down steeply, with Welbeck Road set at a significantly higher level.

A highway retaining wall forms the rear boundary of the site. On part of the site is a run of three flat roofed garages, accessed from Welbeck Road, and the remainder is covered by undergrowth. Towards the junction are a highway verge, pavement and set of steps.

The proposed development would replace one of the garages with a flat roofed three storey dwellinghouse. The property would be of modern design with a natural stone finish and decorative cedar boarding. Two integral garages would be provided within the development as well as a small garden area to the side of the property. The existing steps from Fern Road to Welbeck Road and grass verge are outside the development site and would be unaltered.

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

## RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

## SUMMARY OF REPRESENTATIONS

8 representations have been received from local residents. These set out the following issues:

The development would result in increased on-street parking. Welbeck Road and Fern Road are already congested.

The development may result in direct overlooking to neighbouring property, particularly given the level changes.

The proposed design is radically different to all other buildings in the area.

The Welbeck Road elevation does not address the contextual street scene.

The development is not in keeping with the area or of good design and is contrary to Core Strategy Policy CS74.

Height of the development and fencing is not shown. This could have implications for highway safety in term of visibility.

The development would result in a loss of light to neighbouring properties and gardens.

The development would result in the loss of wildlife habitat and would not increase biodiversity.

The development could have implications for the neighbouring garage if new footings etc. are required.

Loss of view and noise and disturbance during construction works were also cited.

## PLANNING ASSESSMENT

### Principle of Development

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

Core Strategy Policy CS23 emphasises concentrating new housing development within or adjoining the main urban area of Sheffield.

The development also needs to be assessed against government guidance contained within the revised National Planning Policy Framework (NPPF). Paragraph 68 of the revised NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should ... c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 118 also sets out that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The site is within the urban area and is surrounded by other residential properties. The footprint of the building would be partially upon the footprint of the existing garage and is considered to be a brownfield site. The remainder of the site is covered by undergrowth and serves no purpose in terms of informal open space. It has an unkempt appearance.

The proposal would make a positive contribution to the supply of housing and is considered to be within a sustainable location, relatively close to local shops and services and on main bus routes. In this respect the development would accord with UDP Policy H10, Core Strategy Policy CS23 and paragraphs 68 and 118 of the revised NPPF.

### Density of Development

UDP Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

Core Strategy Policy CS26 sets an appropriate density range for this location of between 30 -50 dwellings per hectare.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The development would equate to a density of around 69 dwellings per hectare. The site is within an area of relatively high density housing with flats, semi-detached and terrace properties within close proximity to the site. The property would have ample garden space to the side (around 50sqm of useable garden space), which is commensurate to other gardens within the area. The site would not appear overdeveloped.

It is considered that, on balance the development would be complicit with UDP Policy H14, Core Strategy Policy CS26 and the revised NPPF. Core Strategy Policy CS26 does state that densities outside the desired ranges will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. It is felt that in this instance the proposed development is of good design and the plot size is similar to others within the area.

#### Street Scene

UDP Policy H14 sets out that development should be well designed and in scale and character with neighbouring buildings.

Core Strategy Policy CS74 sets out that 'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city'.

Paragraph 127 of the revised NPPF sets out that planning policies and decisions should ensure developments are ... c) sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 130 of the revised NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions....Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

As already discussed, the street scene consists of a mix of detached, semi-detached and terraced properties of varying ages. Next to the site is a three storey block of flats which has a flat roof.

Materials within the area also vary; however brick and stone are the predominant building material.

The proposed dwellinghouse would be constructed from natural stone with decorative timber boarding on the front and side elevation. The property would be of modern design with large aluminium framed windows and a flat roof. Given the narrow plot the property would be built close to the highways (both Fern Road to the front and Welbeck Road to the rear); however other properties within the area are built close to the pavement, with some properties on Welbeck Road built right up to the pavement.

To the side of the property the proposed garden would be enclosed by a stone wall to the Welbeck Road elevation and a stone wall with timber fence above to the Fern Road elevation. Other properties along Fern Road have similar fencing to that proposed (including the flats next door).

It is considered that the proposed development would be to the same scale and massing as neighbouring properties; having a similar footprint to existing properties and being of a similar height. The use of natural stone is welcomed and the cedar boarding would add interest.

Properties within the area do not have a distinctive character, there being so many different building styles /types. The neighbouring block of flats has a flat roof and it is considered that the proposed development would not be injurious to the overall appearance of the area; indeed the development would make a positive contribution to the street scene. As such the development would comply with UDP Policy H14, Core Strategy Policy CS74 and paragraphs 127 and 130 of the revised NPPF.

It is however recommended that permitted development rights be removed to ensure that the Local Planning Authority has control of any future additions / outbuildings that may be desired, to ensure that these would not impact upon the street scene.

#### Amenity

On the ground floor of the property would be 2 garages. At first floor level an open plan living area is proposed. This would have a large window on the front elevation (onto Fern Road) and a window and covered balcony on the front / side elevation. On the rear (to Welbeck Road) a high level kitchen window is proposed. This would be largely concealed behind the boundary wall along Welbeck Road. On the floor above two bedrooms are proposed. These would have windows on the front and rear elevations.

It is considered that the development would not give rise to unacceptable levels of overlooking to neighbouring properties.

On the front elevation the proposed dwellinghouse would not be directly opposite neighbouring dwellings and so overlooking from windows in the property would be at an angle and across the street. It is considered that overlooking would not be particularly greater than exists elsewhere along Welbeck Road and Fern Road and so a refusal of the application on this basis cannot be justified.

The proposed balcony would be recessed into the building and so people using it, particularly when sat down would not be prominent. It is recommended that the glass balustrade of the balcony be of etched glass to reduce any perception of being overlooked.

The property would also be set far enough from neighbouring dwellings to prevent unacceptable levels of overshadowing or loss of light.

In this respect it is considered that the development would accord with UDP Policy H14 which sets out that development should not deprive residents of light, privacy or security.

## Highways

The plans indicate that two off-street parking spaces would be provided in the form of two garages. This is considered to be adequate parking for a two bedroomed dwellinghouse.

Construction of the new vehicular crossing will remove a limited amount of scope to be able to park on-street; however it is not considered that this could justify a highways based refusal of the application.

The grass verge at the junction of Fern Road and Welbeck Road would not be altered and so the proposed development and boundary fencing would not obstruct sight lines at the junction.

The wall that forms the rear boundary with Welbeck Road is a retaining structure (recently re-built by highways) and so it is recommended that, should planning permission be granted, conditions be attached to any consent requiring a structural report and drawings to be submitted that show how the wall will be retained / maintained during construction and subsequent to development.

It is considered that the level of parking shown is sufficient and the development raises no highway safety concerns. In this regard the development is complicit with UDP Policy H14.

## Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre. The applicant has completed a CIL form which sets out that the development proposes 91sqm of residential floor space.

## Environmental Protection Issues

The site is close to a historic landfill site. As a sensitive use, and with the potential for ground gas concerns, reporting is required to assess the likelihood of land contamination or ground gases impacting the site and its users. This should be made a condition of any consent.

The site is also within an area of high risk of unrecorded coal mining activity. The applicant has submitted a Coal Mining Risk Assessment, the content of which has been reviewed by The Coal Authority and no objections have been raised.

## RESPONSE TO REPRESENTATIONS

Issues of highway safety, as well as an assessment of how the development would affect the character and appearance of the area and neighbours in terms of overlooking and overshadowing are contained above in the officer's report.

Loss of view and noise and disruption during building works are not planning considerations; however it is recommended that a condition be attached to any consent limiting construction hours. Any damage caused to neighbouring property would be a private legal matter between the two parties concerned.

One of the representations raises concerns that the development would lead to a loss of wildlife habitat. The site does contain a number of small self-set trees and unkempt scrub. These do not harbour any protected species. The proposed plans indicate that a garden area would be provided with planting towards the corner, providing a buffer to the steps from Welbeck Road to Fern Road. It is considered that this would provide replacement habitat for wildlife and could in fact increase biodiversity if planted with species that are beneficial to wildlife (i.e. flowering plants that are 'friendly' to pollinating insects, small trees and bushes with berries etc.). It is recommended that a condition is attached to any consent requiring details of a landscaping scheme to be provided.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of two bedroomed dwellinghouse on land at the junction of Fern Road and Welbeck Road.

The land slopes steeply with Fern Road set approximately 1 storey lower than Welbeck Road.

The proposed dwellinghouse would be of modern design, constructed predominantly from natural stone with cedar boarding detailing.

The development is within a Housing Area, surrounded by other residential properties.

It is considered that the development would not have a harmful impact upon the character and appearance of the area; would not give rise to unacceptable levels of overlooking or overshadowing and would raise no highway safety concerns.

The development would accord with Unitary Development Plan Policy H10, H14 and BE5 as well as Core Strategy Policy CS23, CS26 and CS74 and guidance contained within the revised NPPF. It is recommended that planning permission be granted with conditions regarding materials, removing permitted development rights and requiring structural details of how the highways retaining wall is to be retained / maintained. Phase I and II site investigation reports as well as the implementation of any mitigation measures should also be made a condition of any consent.

The applicant has been advised of the necessary pre-commencement conditions and has indicated their acceptance of these by way of email.

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Case Number	18/00655/FUL (Formerly PP-06741174)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of single-storey retail unit (Use Class A1) including provision of parking, plant area and associated works (as per Amended Drawings received on 21/8/18, 29/8/18 and 24/9/18)
Location	229 Derbyshire Lane Sheffield S8 8SB
Date Received	14/02/2018
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

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

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

### **Approved/Refused Plan(s)**

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

- Block & Site Location Plans / 3445-08
- Proposed Site Plan / 3445-06d
- Landscaping Details (Submitted by email 24/9/18)
- Service Management Plan (Submitted by email 24/9/18)
- Proposed Swept Path Delivery Plan / 3445-09b
- Proposed Details / 3445-07b

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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. Any 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

7. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

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

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

10. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

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

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

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

12. 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.

13. 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.

14. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

15. 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. The submitted materials shall include an artificial slate roof covering and not the Marley Eternit Pantile as identified on the approved drawings. Thereafter, the development shall be carried out in accordance with the approved details.

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

16. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the retail store hereby approved 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.

17. Details of suitable fencing / railings to prevent access to the rear of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the retail store

hereby approved shall not be used unless such fencing / railings has been provided in accordance with the approved details and thereafter such fencing / railings shall be retained.

Reason: To prevent unauthorised access to the site and in the interests of the visual amenities of the locality.

18. 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.

19. Prior to the occupation of the building hereby approved details of bat bricks or boxes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and permanently retained thereafter.

Reason: In the interests of sustainable development.

20. Prior to the use hereby approved commencing, details of a refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include measures relating to the storage and collection of refuse at/from the store. Thereafter, the management of refuse shall be undertaken in accordance with the approved measures.

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

21. No deliveries of goods for sale shall be accepted by the store (either through the service area or public entrance) from any vehicle which has unloaded whilst parked on the public highway.

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

22. Before the use commences the car parking accommodation for fourteen cars and the alterations to the site access, as shown on the approved plans, shall have been provided in accordance with those plans. Thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

23. The A1 Retail Store shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

24. A comprehensive hard landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

25. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

26. 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 the scheme of sound insulation measures detailed in The Clover Acoustic Noise Impact Assessment, Report 4025-R3 has been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

#### **Other Compliance Conditions**

27. The retail store shall be used for the above-mentioned purpose only between 07:00 hours and 22:00 hours on any day.

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

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

Reason: To ensure satisfactory drainage arrangements.

29. Deliveries within the site shall be restricted to vehicles of a size not in excess of 10.4metres in length and these deliveries shall be carried out in accordance with the submitted Delivery Management Strategy at all times.

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

30. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:30 to 18:00 on Mondays to Saturdays and between the hours of 09:00 to 18:00 on Sundays and Public Holidays, and in accordance with the agreed Service Management plan dated 13/9/18.

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

Attention is Drawn to the Following Directives:

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

2. Construction and demolition works that are audible at the site boundary should only take place between 07:30 hours and 18:00 hours on Monday to Fridays, and between 08:00 hours and 13:00 hours on Saturdays, and not at any time on Sundays and Public Holidays.
3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense and the incorporation of tactile surfacing within the footway adjacent to the access.

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

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

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

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

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

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

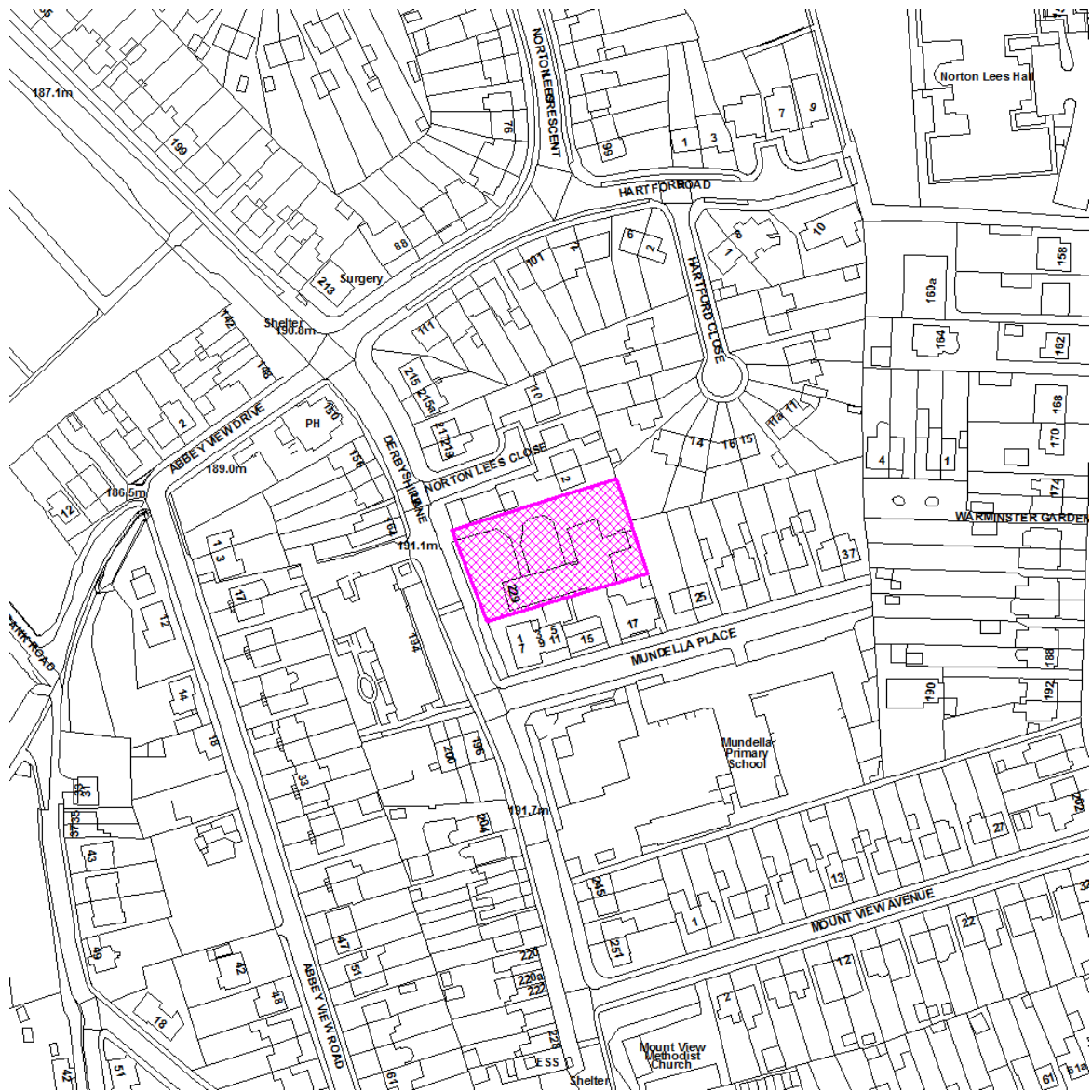
5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond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

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

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

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

# Site Location



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## LOCATION AND PROPOSAL

The application site is located to the east of Derbyshire Lane. It currently features existing buildings, which provide a B1/commercial (use class B1) printing business. The Unitary Development Plan designates the site as being within a Housing Area.

The planning application seeks planning permission to demolish the existing buildings and to provide a retail store. The retail store would be single-storey, including a total 370sqm of floor space (250sqm sales area and 120sqm back-of-house facilities). The building is shown as comprising clay facing brickwork, Marley Eternit tiles and a grey, coated aluminium shopfront.

Vehicle and pedestrian access would be provided via the existing access onto Derbyshire Lane and this would provide access to a 14 space car park. The hours of operation would be between 07:00 hours and 22:00 hours on any day.

The retail store is intended to provide alternative accommodation to the existing Co-Operative store at 260 Derbyshire Lane.

## RELEVANT PLANNING HISTORY

None.

## SUMMARY OF REPRESENTATIONS

Following neighbour notification and the placement of a series of site notices, 35 representations have been received from 18 different addresses objecting to the scheme. A further 4 representations have been received in support of the proposals. These comments can be summarised as follows:

## OBJECTIONS

### Design Issues

- Overdevelopment of site.
- Proposal appears ugly and brutal.
- Boundary wall/s should be protected and kept in existing style. Unstable boundary walls needs to be dealt with.
- Appropriate security fencing and gates should be provided.
- No bin store details.
- Existing building is part of local history and should be restored.

### Retail Issues

- A new Co-op store is not required, given proximity of existing shop which should be refurbished and more efficiently stocked.
- If there are health and safety issues relating to existing store why is it currently in use?
- There are three parades of shops within walking distance.

- A Post Office would be welcomed, but one isn't included in proposal (despite contents of Liberal Democrat Councillor's survey and press article.)
- Many of the less mobile customers would have to walk further to proposed store and new housing development would be without a convenience store.
- Proposed store would undermine business of current mini-market, and the centre around existing store would lose benefits of users of the ATM, lottery ticket sales and payment facilities. However, the sale of newspapers has minimal effect on local newsagents.
- The Sequential Test document only features unrealistic sites, and excludes a recently available site at Chesterfield Road.
- There would ultimately be pressure for increased opening hours.

### Living Conditions

- Contrary to residential nature of locality.
- Harmful impacts to surrounding properties and community as whole, including noise (vehicles, reverse alarms, refrigeration units, plant equipment operating 24 hours per day), light pollution and privacy. The rearward relocation of store would worsen these impacts. Would conflict with Sheffield Core Plan, Draft Sheffield Plan and NPPF.
- Existing business operates very quietly and unobtrusive.
- Noise Report is not independent, and contains too much technical language.
- Derbyshire Lane isn't heavily trafficked at night.
- Opening hours are not stated.
- Deliveries stated as taking place outside shop opening hours, but should be more tightly controlled.
- Will lorries access rear of building?
- Manual handling of deliveries from vehicle to door would increase noise and duration of deliveries.
- Plant would operate through night.
- Delivery Management Strategies require checking to ensure compliance.

### Highways

- School already causes issues with parking in area.
- 16 parking spaces (number included in original proposal) is inadequate as site is not easily accessible.
- Additional traffic (cars and lorries) entering / exiting site will be dangerous.
- Site currently generates very few vehicle movements.
- Increased traffic will cause air pollution.
- Scheme proposes no alterations to access, which will cause vehicle and pedestrian conflict. Other comments state that demolition works to wall near entrance will be required.
- Query whether lorries will be able to enter / exit the site.
- Parking adjacent to Mount View Lodge's elderly residents is required.
- Funding of any new street lighting queried.
- Current store's delivery vehicles reverse into site and drive out (not the converse), which is safer.

### Consultation

- Inadequate consultation.
- Occupants of sheltered flats should receive individual letters.

#### Other Issues

- Shrubby and hedging already removed from site, giving site a harsh appearance. Replacement trees should be required.
- Decrease in property value.
- Queried whether there will be flooding impacts.
- Refuse storage should be controlled to prevent vermin.
- Control of shop signs / adverts.
- Purpose of satellites queried.
- Wildlife should be protected. Badgers and foxes use area, and there is a bat roost on site.
- Boundary wall to No.23 Mundella Place requires immediate attention, and construction work will cause further damage.
- Liberal Democrat's Survey covered too large an area clouding actual opinions of those affected, and the proposed store won't feature a Post Office.
- Public meeting/s have taken place. Queried whether records of these are available.
- Site should be used as a G.P. practice surgery.

#### SUPPORT

- Development of great benefit to area. Existing Co-op is extremely tired, inadequate car parking and restricted exit from car park. A large supermarket is needed as current shops do not serve needs.
- Proposal avoids impacts on local residents and is better than a residential development of site which would overlook existing residents.
- Local community will be able to support a larger supermarket (local public transport is inadequate).

#### LOCAL COUNCILLORS

Councillors Ayris, Sue Auckland and Ian Auckland have submitted a single neutral representation. This can be summarised as:

- Councillors undertook a survey of 1,052 local residents surrounding current Co-op store regarding proposed relocation of store.
- 73% of households responding replied saying plans should go ahead. (91% supported plans if a post office facility was incorporated).
- Woodseats Centre is not easily accessible due to level differences.
- Main concerns were; impact on business of adjacent shops, proximity to Primary School and sheltered housing opposite site, access/egress by delivery lorries, increased traffic, lack of clarity on widening of access, noise impacts, waste disposal details and querying why current store can't be refurbished.
- Other issues were additional demand created by housing developments, and loss of ATM at existing store.

- Deliveries to existing Co-op are an issue, blocking traffic and visibility. More information justifying why store cannot be upgraded should be provided.
- Details of proposed deliveries and swept path analysis should be provided.
- Noise report covering delivery vehicle and refrigeration equipment noise should be provided.

## PLANNING ASSESSMENT

### Principle of the Land Use

The application site is designated as being in a Housing Area in the UDP. As such, the proposed A1 Retail Use would be identified by UDP Policy H10 as being 'Acceptable', subject to the provisions of Policy H14 being satisfied.

H14 requires new buildings to be well designed and in scale and character with neighbouring buildings, to not constitute over-development or deprive residents of light, privacy or security, and to provide safe access to the highway network and appropriate off-street parking. For non-housing uses it is also required that the proposal would occupy only a small area and not lead to a concentration of non-housing uses and not lead to air pollution, noise, smell, excessive traffic or other nuisance.

### Retail Policy Issues

The National Planning Policy Framework (NPPF) seeks to support the viability and vitality of existing centres, and allowing them to grow and diversify.

The NPPF states a sequential test should be applied to applications for main town centre uses such as the retail store, which aren't in existing centres. It adds that main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.

The proposed development would involve the current Co-op store at 260 Derbyshire Lane being vacated. The current store is located in a Local Shopping Centre, and is therefore sequentially preferable to the proposal. By relocating 230metres, the vitality of the other shops in the LSC could be affected.

With these issues in mind, documents were provided which sought to demonstrate the store at the existing site was not suitable for refurbishment and, more generally, that there wasn't commercial scope for its extension/redevelopment because of day to day operational issues.

The first thing to note is that a survey concluded there were numerous defects to the building, requiring further investigation and repair. It was concluded that it would be necessary to close the store for 10-16 weeks to allow these to be undertaken which creates clear operational and viability issues for the operator.

Furthermore, the existing Co-op store at 260 Derbyshire Lane includes 104sqm of retail floor space. The Applicant's Sequential Test document states that a store must

have a minimum of 200sqm retail floor space to operate as a viable commercial operation and this is accepted given knowledge of similar stores. The current store falls significantly short of this requirement, and is therefore considered as not being an ongoing viable commercial store in its current form.

Based on this, options for an extension to the current store or a complete redevelopment of the site were therefore provided. These have been assessed and it is considered that they would not provide adequate off-street parking facilities. They would also necessitate delivery vehicles reversing into/out of the site, or necessitate deliveries occurring from the road. Either of these outcomes would be considered as being unacceptable from a highway safety perspective.

So whilst the existing store's location is preferable in sequential terms, it is concluded by Officers that a long term viable scheme could not be delivered there. As a result, the existing site would not be considered to be sequentially preferable to the proposed site.

A broader Sequential Test covering other possible sites was also submitted. A total of two possible sites were identified, however, they were concluded as being too small with insufficient parking and outside of the catchment area. A further site on Chesterfield Road was mentioned in a neighbour's representation, but this was also considered to be too far from Derbyshire Lane and to fail to encourage linked trips to its existing centres.

The proposed site is therefore considered to be acceptable in sequential terms, and its edge of centre location will lead to linked trips to the existing centres.

It is therefore concluded that the proposal would have an acceptable impact on the nearby shopping centres, meeting the relevant NPPF provisions in this respect.

## Design

The existing buildings at the site are not considered to be of notable architectural merit, and there would not be any in principle objection to their demolition.

The store is proposed to be single storey and feature clay facing brickwork, roof tiles and a coated aluminium shopfront. It would be set into the site, behind the car park area and have a pitched roof, with hipped ends.

Modifications to the frontage layout have achieved a stronger main entrance into the store, partly by the incorporation of the pedestrian crossing achieving a more intuitive approach. The car park is made softer by the provision of a soft landscaping belt on the inside of the frontage wall.

Whilst the surroundings predominantly feature two storey development, the single storey building would not be considered too intrusive in the locality. It would also be reflective of other standalone proposed retail units of a similar scale seen elsewhere across the city.

The building would be setback into the site to facilitate the provision of the car park, which is an arrangement typical of this type of proposal. As a result, the proposal would be considered to be acceptable in scale and siting terms.

The proposal includes an increase in width of the existing access stone wall at the property frontage from approximately 3.6m in width to 10.5m (approx.). The remaining 20m (approx.) of the wall would also be reduced in height by removal of the top 4 courses, leaving 6 deeper courses and reinstating the triangular coping stones. The access needs to be wider to achieve separated vehicles and pedestrian access suitable for use by delivery vehicles. The retention of the large majority of the wall is welcomed, as it is a distinct feature which contributes to the street scene.

Precise materials for the main building would need to be agreed by condition. Whilst an appropriate brick would be likely to be supported, a concrete roof tile would be unlikely to be considered acceptable, and as an alternative a good quality artificial slate would instead be identified as being required as part of the condition/s.

Overall, the proposed design would be considered to be acceptable and to meet the relevant requirements of UDP policies BE5 and H14, and Core Strategy policy CS74.

#### Living Conditions

The proposed building would be sited adjacent to the southern boundary of the site, and be single storey. It would be to the north of residential properties on Mundella Place, most notably No 15 Mundella Place, which is a bungalow property separated from the application site by a communal parking court used by residents of other adjacent properties and a small rear garden area.

The existing building at the site is a combination of single and two storeys in height, with the more modern single storey, flat roofed component running for a significant length in very close proximity to the boundary.

The proposed building would not be considered to have any significantly greater impacts upon the neighbouring occupiers to the south than the existing buildings with respect to matters such as shadowing and dominance. The building would therefore be considered to be acceptable in this regard.

The proposal provides a 'Plant Area'. This would be at the rear of the store and adjacent to the site's boundary shared with No 17 Mundella Place. Also deliveries to the store would take place during daytime hours.

Given the potential implications of these factors on neighbouring occupiers, a Noise Assessment has been submitted. This incorporated a noise survey, and recommended appropriate measures required to ensure that adjacent occupiers would not be harmed by either noise from equipment in the plant area or proposed deliveries. The recommendation was for barriers of 2.2m in the form of a close boarded timber screen.

On this basis, it is considered that the proposal would avoid any unacceptably detrimental impacts upon their living conditions caused by plant and equipment noise.

The Noise Assessment also included a Service Management Plan. This identifies strategies to eliminate harmful noise impacts, to allow deliveries to take place without undermining amenities of neighbouring occupiers.

The identified measures include for example; the programming of deliveries to avoid conflict between vehicles, no audible reversing alarms before 9am and after 7pm, use of 'white noise reversing alarms' to allow direction of sounds to staff and public, use of a Banksman, and the switching-off of engines and refrigeration units once vehicles are stationary.

In order to ensure that the recommended fencing is erected and that the Service Management Plan is followed, conditions relating to this will be included in any permission issued. Restrictions on delivery times will also be covered by condition should Members be minded to approve the application.

Conditions will also be imposed, should Members be minded to approve the scheme, to manage dust nuisance during the construction phase and artificial light levels during both the construction and operational phases.

Therefore, the proposal would be considered to have an acceptable impact upon living conditions of neighbouring occupiers, and to meet the relevant requirements of UDP policy H14.

## Highways

The site would be accessed directly from Derbyshire Lane. This would cater for delivery vehicle access and the provision of separate pedestrian access, and would leave approximately a 20m length of stone wall along the frontage.

The proposal includes a total of 14 parking spaces (including two mobility spaces and a parent/child bay) in the front portion of the site. This would be considered to be appropriate for the proposed store as the facility would largely serve local need, and avoid the generation of any on-street parking.

Delivery vehicles would use the space between the two lengths of parking bays for reversing, therefore enabling vehicles to exit in a forward gear. The swept path analysis plan shows that a 10.4m delivery vehicle would undertake these manoeuvres safely, and without causing potential conflicts with other vehicles or pedestrians either using the store or the immediately surrounding highway.

On this basis the proposal would be considered to comply with the relevant aspect of UDP policy H14 in this respect.

## Access

The scheme is considered to achieve acceptable facilities in access/mobility terms, including a level approach and mobility parking spaces.

As such the scheme would meet the requirements of UDP policy BE7, which covers 'Design of buildings used by the public', and requires easy access to buildings and parking spaces. The proposal would therefore be acceptable in regards to this issue.

## Ecology

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

Following a number of comments made within representations a Bat and Ecology Survey was provided. This found that the buildings are well maintained and included no signs of bat presence internally. They were therefore considered to be unsuitable for roosting bats. The site's location in a busy residential area is considered to make it low value bat foraging habitat, not warranting further investigation.

A number of animal holes were found in the garden, but given their size and shape, the very small spoil heaps and the prey remains on the spoil heaps are all indicative of fox usage. The lack of odour also suggests no recent usage. Therefore, the proposal would not lead to detrimental impacts in this regard.

The removal of the green space, vegetation and trees from the site represents a net loss of bio-diversity. It is therefore recommended that bat bricks are incorporated into the fabric of the building or bat boxes are installed post-construction. Additionally, bird boxes could be installed around the site. These measures could be required by condition.

Based on the above the proposals are considered to be acceptable from an ecology perspective.

## Contamination

The site has been identified as potentially contaminated due to current/former uses including unspecified works, which have the potential to impact on human health and/or the environment. As a result, a series of conditions requiring these issues to be assessed and potentially remediated will be added to any approval issued.

## RESPONSE TO REPRESENTATIONS

The majority of issues raised within responses have been considered in the above assessment. With regards to the remaining points, the following comments can be made:

- The instability of the boundary wall is a private issue, to be resolved amongst respective parties.
- Boundary treatment and refuge management details will be required to be agreed by way of condition/s should Members be minded to approve the proposals.



- The existing building is not listed, and there would be no ability within planning to require retention.
- The proposal doesn't mention inclusion of a Post Office, so this has not formed a part of the assessment.
- Any future pressure for the increase of opening hours would require a future application which would be assessed on its merits.
- A condition requiring compliance with the Delivery Management Strategy is included in the recommendation.
- Delivery lorries will not be able to access the rear of the site given their size.
- The level of traffic generated by the development would not be at a level which would have a harmful impact upon air quality, particularly when the established use is taken into account.
- Direct neighbour notification was undertaken and site notices were placed within the site vicinity, satisfying statutory obligations and the requirements of the Council's Statement of Community Involvement.
- Advertisement controls will apply to the store.
- The satellite dishes will be required for business communication purposes and are typical of such proposals.
- The results of the Liberal Democrat Councillor survey has not been attributed significant weight in the assessment of the application.
- Details of the public meeting minutes have not been forwarded to planning officers.
- There is no scope within this application to consider a G.P. surgery on the site.
- No details of an ATM have been provided, however, 'cash-back' facilities would be available in store continuing this option.
- The Noise Report has been assessed by Environmental Protection Officers and found to be acceptable.
- Decrease in property value is not a material planning consideration.
- The site is in Flood Zone One and is therefore not prone to flooding.

## SUMMARY AND RECOMMENDATION

The application relates to an existing site located within a Housing Area under the provisions of the Unitary Development Plan. It is located to the east of Derbyshire Lane. Permission is sought for the demolition of the existing commercial buildings and construction of an A1 Retail Store.

The proposal would be considered to avoid unacceptably harmful impacts upon the amenities of neighbouring occupiers and also to have acceptable impacts upon local highway safety circumstances.

The proposed Retail Store would be considered to satisfy the Sequential Test, as it has been evidenced that there are no viable, sequentially preferable locations within designated shopping centres. It would also be considered to generate linked trips to the shopping centres within the vicinity of the application site.

On this basis the proposal would be considered to meet the provisions of the relevant UDP and Core Strategy policies and provisions of the National Planning Policy Framework.

On this basis the proposal is recommended for conditional approval.

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Case Number	17/04741/FUL (Formerly PP-06546431)
Application Type	Full Planning Application
Proposal	Demolition of extension and internal/external alterations to Mansion building to create 1no. dwellinghouse, conversion of Coachhouse building, including the erection of extensions, in order to create 3no. dwellinghouses, and the erection of 3no. detached dwellinghouses (amended plans and information published on 02 August 2018).
Location	Brincliffe Towers Former Old Peoples Home Brincliffe Edge Road Sheffield S11 9BZ
Date Received	18/11/2017
Team	South
Applicant/Agent	EDGE AD Ltd
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

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

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

### **Approved/Refused Plan(s)**

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

NB: FINAL DRAWING NUMBERS TO FOLLOW IN SUPPLEMENTARY REPORT

Reason: In order to define the permission.

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

3. No development shall commence until a Construction Vehicle Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include:
  1. Information to demonstrate that construction vehicles can ingress and egress the site in a safe manner, including any measures needed to facilitate this.
  2. If a particular size of vehicle cannot access the site, measures to limit this type of vehicle visiting the site and details of how such vehicles will be managed/unloaded on the occasions when there is no alternative.
  3. Measures taken to ensure construction vehicles are not causing obstruction on public highways surrounding the site.
  4. Details of the site accommodation, including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials.

Once agreed, the Construction Vehicle Management Plan shall be implemented for the duration of the construction phase.

Reason: Given the restricted access and in the interests of highway safety and to protect the amenity of surrounding residents it is essential that this condition is complied with before the development commences.

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

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

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

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

6. No development shall commence until final details of measures to protect the existing trees, shrubs or hedges that are to be retained and that sit within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. These measures shall include a construction methodology statement detailing how any works within the root protection areas of these trees will be implemented, including a plan showing these accurate root protection areas. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedges be damaged in any way. The Local Planning Authority shall be notified in writing when the protection

measures are in place and they shall thereafter be implemented until the completion of the development.

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

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

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

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

8. 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.

9. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

10. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

11. 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 the development shall be carried out in accordance with these details.

Reason: In the interests of ecology and protected species.

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

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

a) Windows, including reveals and any new/replacement windows within the retained buildings.

b) Doors, including any new/replacement doors within the retained buildings.

c) Eaves, verges and parapets.

d) Garage Doors.

e) Soffits.

f) Rainwater Goods.

g) Canopies.

h) Cladding Patterns.

i) Balustrades.

j) Rooflights, which should be conservation style.

k) External services, including vents, pipes and cabling, including locations.

l) Boundary walls.

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

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

13. Sample panels of proposed masonry, including for any repair works to the existing buildings, shall be erected on the site and shall illustrate the colour, texture, bedding and bonding and mortar finish to be used. The sample panel(s) shall be approved in writing by the Local Planning Authority prior to the corresponding part of the development commencing and shall be retained for verification purposes until the completion of relevant section of the development.

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

14. 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 corresponding 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.

15. Before any development commences a schedule of works designed to restore the existing buildings on site, including a timeframe for carrying out these works, shall have been submitted to and approved in writing by the local planning authority. The agreed works shall be carried out in accordance with the approved details and timeframe's thereafter.

Reason: In the interests of protecting the historic buildings on the site.

16. A comprehensive and detailed hard and soft landscape scheme, which shall be in substantial accordance with the approved plans, shall be submitted to and approved in writing by the Local Planning Authority within three months of the development commencing.

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

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

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

17. The proposed green/brown roof(s) (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site for the corresponding dwellinghouse. The green/brown roof(s) shall be provided prior to the occupation of the corresponding dwellinghouse. 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.

18. A Landscape and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The Landscape and Ecological Management Plan shall be implemented as approved thereafter.

Reason: To ensure the appropriate maintenance and management of the open space areas given the site is part of a Historic Park and Garden.

19. Within three months of any development commencing, final details of any proposed alterations to existing external land levels on the site, which shall be in substantial

accordance with the approved plans, and any new retaining features, including construction details, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details thereafter.

Reason: In the interests of the amenities of the locality and to ensure the retained trees on the site are not threatened.

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

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

21. 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.

22. 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.

23. The development shall be carried out in accordance with the recommendations set out in Sections 6 & 7 of the Preliminary Bat Roost Assessment dated November 2016 and prepared by Weddle Landscape Design. These include:

a) Buildings affected by the development should have further survey work undertaken to ascertain the presence or absence of bats prior to any works commencing.

b) All tree works or felling should be undertaken with caution by an Arboriculturalist experienced in working on trees with bat roost potential. If any elevated survey by the Arboriculturalist finds further evidence of bats roosts then all works should cease and further advice sought from the ecologist.



c) Any proposed new external lighting for the development should be designed to ensure that lights are angled downward and that night time light levels remain relatively low.

d) The provision of bird and bat boxes and, within three months of any development commencing, full details of these bird and bat boxes, including locations, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these agreed details thereafter.

Reason: In the interests of ecology.

24. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the ecological measures secured through the planning conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the recommencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of ecology.

25. 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

26. 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.

27. Within three months of any development commencing final details of bin storage, including any screening, shall have been submitted to and approved in writing by the Local Planning Authority. Before first occupation of the corresponding unit the approved details relating to that unit shall be in place and thereafter such bin storage accommodation, including any screening, shall be retained.

Reason: In order to ensure an appropriate quality of development

28. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to the following, have been submitted to and approved in writing by the local planning authority:
- a) Evidence to demonstrate that surface water disposal via infiltration or watercourse is 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.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

#### **Other Compliance Conditions**

29. The existing stone boundary walls shall at all times remain intact and any proposed works to these walls shall receive the written approval of the Local Planning Authority before these works commence.

Reason: In order to ensure the architectural character of the conservation area is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

30. The hereby approved car parking accommodation within the site, as indicated on the approved plans, shall be provided before the corresponding unit is occupied and shall thereafter be retained for the sole use of the occupiers of the corresponding unit.

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

31. 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.

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

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage for the coach house properties,

to ensure a suitable standoff distance is kept with respect to the retained trees and to ensure that the traditional architectural character of the conservation area is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](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.
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 any construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.
4. The applicant is advised that future residents should be informed that:
  - a) Although limited in number, public events do take place within the adjacent Chelsea Park. Future residents should be aware that the Local Authority is unlikely to take action against such events if future complaints are received in respect to associated noise and disturbance.
  - b) As the site forms part of a Historic Park and Garden there will be a presumption in favour of resisting any further works or removal of trees within the site.
5. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Ecology Team  
Sheffield City Council  
Meersbrook Park  
Brook Road  
Sheffield  
S8 9FL  
Tel: 0114 2734481

6. The applicant is advised that the materials associated with this development will need to be of the highest standard for these to be deemed as appropriate. This includes natural stone and slate.
7. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
8. 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.
9. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
Highways and Transport Division  
Howden House  
1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr P Vickers

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

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

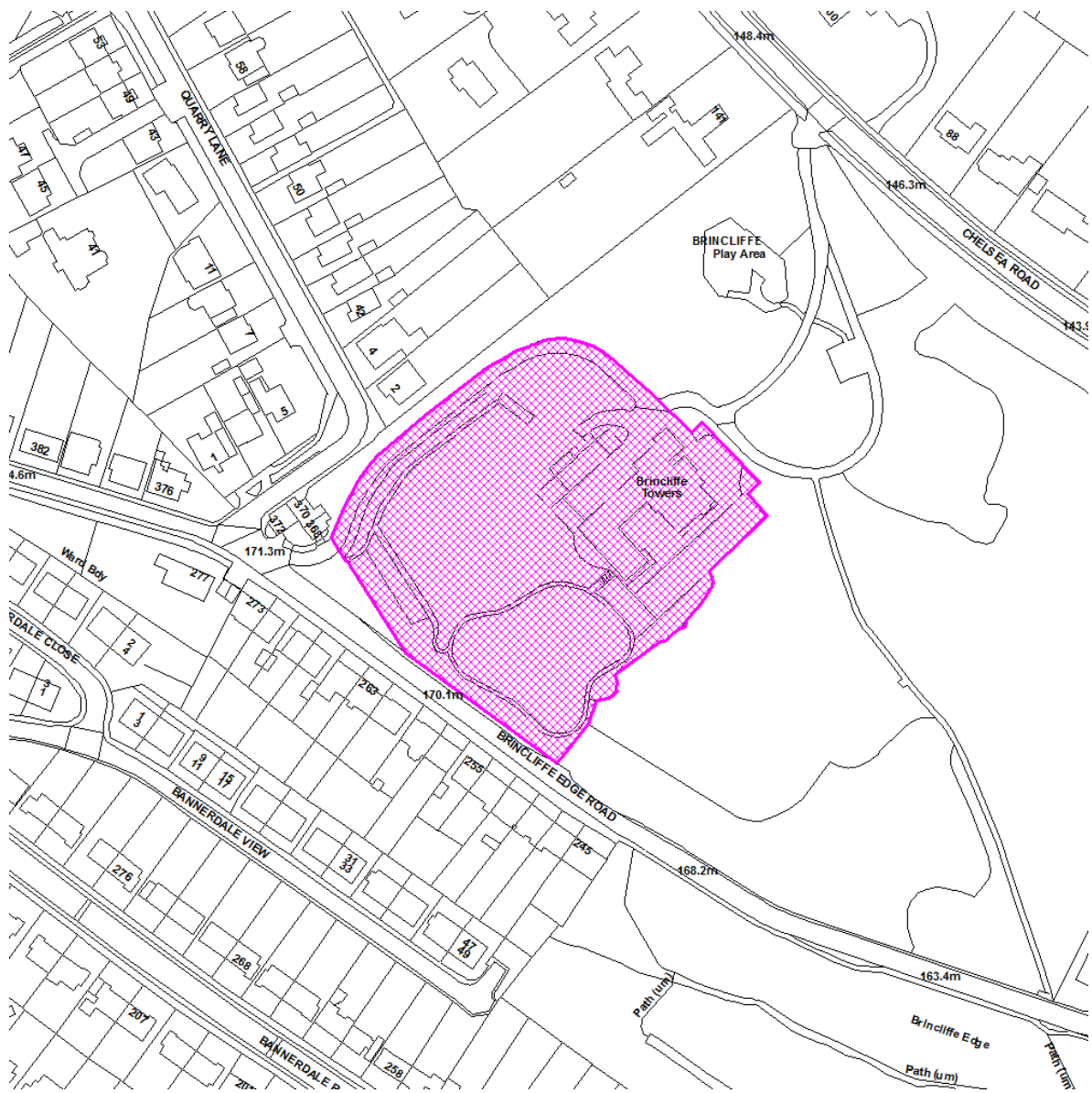
You should apply for a consent to: -

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

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

11. The applicant is advised that all construction drawings relating to works within the Root Protection Areas of the retained trees should clearly identify the level of excavation required for any associated structures, rather than just the structure itself.

# Site Location



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## INTRODUCTION

Members should note that planning permission was refused on this site for a residential scheme in September 2015 on conservation, design and landscape grounds under reference number 15/00740/FUL (please see Relevant Planning History Section below for more details).

The applicant's newly appointed team have subsequently re-engaged with officers of the council, with the aim of realising a scheme that addresses the original refusal reasons.

## LOCATION AND PROPOSAL

Brincliffe Towers is a site that sits adjacent to Chelsea Park and houses a vacant former residential care home. It is set entirely within the Nether Edge Conservation Area, covers approximately 0.795 hectares and is virtually fully enclosed.

A large scale detached building (Brincliffe Tower) occupies the north east section of the site and is Victorian in Gothic Revival style. This building was substantially and unsympathetically extended in the 1950's.

The site also includes a large two storey coach house with single storey elements to the end elevations. The coach house and the main building are separated by an informal driveway/courtyard of approximately 7.5 metres in width.

The majority of the site comprises overgrown former gardens to the main building, which rise to the south-west boundary with Brincliffe Edge Road, which sits beyond the courtyard wall. Chelsea Park slopes away from the site to the north-east and south-east to entrances in Chelsea Road and further along Brincliffe Edge Road, respectively.

A low stone wall with railings forms part of the boundary with the main body of Chelsea Park. This treatment allows views of the principal elevation of the main building and its small, lawned garden from the park. The main two storey 1950's extension can also be seen, but views are restricted such that it is not prominent.

The remainder of the site boundary is densely vegetated with a number of trees and overgrown shrubs. A natural stone wall forms the boundary with Brincliffe Edge Road and this wall continues along the north-west boundary to separate the site from a tree-lined driveway that gives access to the site and also into Chelsea Park. This driveway is outside the boundary of the application and its entrance is splayed from the main carriageway (Brincliffe Edge Road) close to the junction with Quarry Lane.

Inter-war semi-detached dwellings predominate on the opposite side of Brincliffe Edge Road, while the majority of dwellings in Quarry Lane are detached and circa 1970, although there is a detached 1.5 storey dwelling (former lodge) between the access drive and the entrance to Quarry Lane which is much older.

The application proposes the following works:

- Conversion of Brincliffe Towers to a large six bedroom dwellinghouse, including the demolition of previous extensions.
- The conversion of the existing coach house to form 3 dwellinghouses, with each providing three bedrooms. This involves the erection of two single storey rear extensions and several alterations, including the insertion of new windows. A new eight space car park would serve the coach house dwellings.
- The erection of three detached dwellinghouses, each providing five bedrooms. These houses would benefit from detached garages, be three storeys in height and be built principally in natural stone.
- External works to facilitate the proposals, including the erection of retaining structures, creation of new access road and removal of several trees.

The site is located within a Housing Area and an Area of Special Character, as defined by the adopted Sheffield Unitary Development Plan (UDP). Members should note that the designation as an Area of Special Character is superseded by the Conservation Area designation which was declared after the adoption of the UDP. In addition, the site also forms part of a historic park and garden, with Brincliffe Towers and Chelsea Park being historically a single unit. A Green Link also runs through the site ultimately linking Brincliffe Edge and Brincliffe Plantation.

#### RELEVANT PLANNING HISTORY

An application was refused at the Planning Committee meeting held on 10 November 2015 (Ref: 15/00740/FUL) for:

- (a) Removal of extensions to the main building and conversion to form a dwellinghouse.
- (b) Two rear extensions to the coach house and conversion to form three dwellinghouses.
- (c) Erection of 3 detached dwellinghouses.

This application was refused for the following three reasons:

1. The Local Planning Authority considers that the height of the proposed 3 dwellinghouses would over-dominate Brincliffe Towers and the proposed extensions to the coach house would result in an unco-ordinated built form, with a variety of roof pitches and opening treatments which would detract from the original character of the coach house and would result in the building being less subservient to Brincliffe Towers. The proposed 1800mm boundary wall between Brincliffe Towers and the coach house would further erode the historic relationship between the two buildings. Overall, the proposed development would be detrimental to the setting of Brincliffe Towers and would result in substantial harm to the character and appearance of Chelsea Park and the Nether Edge Conservation Area. The proposed development is thereby contrary to Unitary Development Plan and

Core Strategy Policies BE15, BE16, BE19 and CS74 and is unjustified in the context of paragraph 133 of the National Planning Policy Framework.

2. The Local Planning Authority considers that the proposals would be likely to result in the decline or loss of up to 4 trees in the adjoining avenue of Lime trees which is noted as a feature of Chelsea Park in the Local Schedule of Historic Parks and Gardens owing to the excavations required in the root protection zones of those trees in order to accommodate the proposed car parking court to the rear of the coach house. In addition, the Local Planning Authority consider that there would be likely to be future pressure for the removal or significant pruning of trees within the south-west and south-east facing gardens of the new-build dwellinghouses to improve the light and utility of those gardens which would result in a loss of tree cover to the detriment of the landscape character of the site and the setting of Chelsea Park and the Nether Edge Conservation Area which would be contrary to Unitary Development Plan Policies BE6(c), BE15, BE16, BE21, GE15(b) and Core Strategy CS74.
3. The Local Planning Authority considers that the mixture of traditional and contemporary architecture and materials in the design of the new dwellings does not reinforce local distinctiveness within the Nether Edge Conservation Area and is thereby contrary to Unitary Development Plan Policies H14(a), BE5(a) and (c), BE15, BE16 and BE17 and Core Strategy Policy CS74, and is unjustified in the context of paragraph 60 of the National Planning Policy Framework.

## SUMMARY OF REPRESENTATIONS

### Representation from Historic England

Historic England have offered support for the repair and conversion of Brincliffe Towers, but expressed concern about the impact of the proposed new build housing on the character of the conservation area and on an area of the site which was historically gardens.

Historic England go on to state that in determining this application the authority needs to be satisfied that the construction of the houses is necessary to secure the repair and refurbishment of the historic buildings, and that the proposals are the minimum necessary to achieve this.

### Representations from Local Residents and Local Community Groups

In response to the neighbour notification process 36 letters of representation have been received from 24 contributors objecting to the scheme.

#### (a) Highway Matters

- The narrow single lane from Brincliffe Edge Road to Brincliffe Towers was built for pedestrians and horse drawn transport. People wishing enjoy the park will have to negotiate service vehicles and cars sharing this lane, which



represents a major safety issue as there is no segregated footway. Mitigation should be explored.

- Could a breach in the boundary wall at the top of the drive be explored to ease concerns about the safety of pedestrians?
- The parking provision, including for visitors, is insufficient so cars will park on the access lane and this will be extremely problematic.
- Increasing on street car parking would hamper the ability of emergency services to manoeuvre around the area, in particular fire engines.
- Who would have priority when vehicles are exiting both Quarry Hill and the access lane at the same time?
- The traffic associated with the development will be much more than that generated by the former nursing home use.
- Comparing the previous nursing home use to the proposed residential use for the purposes of traffic generation is not appropriate as the site has been vacant for a considerable period.
- How will construction traffic access the site, if it is via the access lane this will lead to significant safety issues?
- There is no assurance that the access lane will remain as a public route to Chelsea Park.
- Parking on Brincliffe Edge Road is already very difficult, with this being restricted to one side of the road.
- The access lane joins Brincliffe Edge Road at an angle. Traffic exiting the proposed development will have no visibility left and will be unsighted by and therefore dangerous to traffic traveling west along Brincliffe Edge Road.
- The junction of Brincliffe Edge Road and Ecclesall Road is very dangerous, and wider road improvements need exploring before large scale development is approved.

#### (b) Amenity Considerations

- The proposed scheme will lead to negative impacts on surrounding amenity/residents with regard to matters such as dust, light pollution, air pollution and noise.
- The new properties would impact considerably on the privacy of existing residents.
- The occupiers of the new houses will hold events and will also create noise on a day to day basis, including for the elevated terraces. This will create noise and disturbance for surrounding residents.
- Who will monitor and police the demolition and building work from a health and safety perspective.

#### (c) Drainage Considerations

- There appears to be a lot of proposed paving for the coach houses rather than garden areas. How will this impact on site drainage & surface water run-off into Chelsea Park?

#### (d) Design/Conservation Considerations

- The new build houses are completely inappropriate for the conservation area. They would be excessively tall and would dominate the historic buildings.
- The top roof line of the new houses is the same height as the top of the chimney stack on the existing house, not the top of the roof line of the house. This extra height is likely to be overbearing & disproportionate to the current buildings.
- If these dwellings are the price to pay for conserving a heritage asset (the old house), it is not a price worth paying as this development will not conserve and enhance the historic environment and is not of good design.
- Inevitably the new housing would be visible from Brincliffe Edge Road, particularly during winter months. This would include in the evening when the lights are on within these properties.
- The proposed new buildings should be built in stone and with pitched roofs as the contemporary design approach is out of keeping with the area.
- The extensions to the coach house are still very large and would not fit in with the main house or the wider heritage context.
- The submitted information is contradictory about the potential to breach/removal elements of the existing boundary walls. Clarity is required and the wall should not be altered.
- The new houses should be constructed in natural stone.
- The Heritage Statement (as originally submitted) is invalid and refers to a previous scheme on the site.
- The harm created to the heritage assets is not outweighed by the public benefits the scheme offers.

#### (e) Ecology & Landscape Considerations

- There are no assurances about the ecological impact of the development in general.
- The site has a significant bat population and appropriate measures need to be taken to ensure any impacts are managed/mitigated appropriately.
- The proposed development will result in the loss of a number of trees and this should be resisted as it would have a harmful impact on the setting of Chelsea Park and the Nether Edge Conservation Area.
- The destruction of trees, the building of houses, the provision of car parks will lead to serious detriment to this eco-system as wildlife 'corridors' would be destroyed. The loss of trees also has negative impacts in areas such as filtering road traffic pollution, countering social isolation and enhancing physical/mental health.
- Pressure could be placed by future residents to remove future trees in order to get light into their new houses.
- The retained trees should be protected by covenant that ensures any future residents cannot chop them down.
- There should be an element within the proposal to reinforce the tree boundary between the new development and Chelsea Park.
- The Tree Protection Plan submitted shows the removal of several established trees along the boundary wall with Brincliffe Edge Road which would be of detriment to the area and should be resisted.

- Who would be responsible for the maintenance of the shared grounds and how long would this be for.
- Is the scaffold fence shown on the tree protection plan a temporary measure?

(f) Other Considerations

- The application has not been accompanied by financial evidence of the necessity of the enabling development that justifies the harm to the setting of the heritage assets. This should be provided and checked impartially.
- There is very little change from the previously refused scheme.
- The proposals do not represent any notable public benefit.
- The owners have deliberately allowed the buildings and the site to deteriorate over many years.
- The Brincliffe Tower & Chelsea Parkland were a gift to the City of Sheffield and its people, for community use. Whilst the former use as a nursing home could have been viewed within the spirit of this, commercial housing development does not abide by these community gift rules and should not therefore be developed for private gain and profit. Evidence should be provided that the transfer of deeds to private ownership was done legally.
- If the proposals were allowed to proceed there could be a conflict of interest between the prospective new owners and the public users of the park, including during community events, which aid in social cohesion.
- Some of the existing site should be offered as an extension to the existing park.
- Good quality affordable housing (for sale, rent or community use) is needed.
- In the past few years there has been a massive overdevelopment in this area and there must be a limit for a Conservation Area.
- If planning permission is granted then the existing house could be converted into separate flats or used for multiple occupancy purposes.
- There is no clarity about the longevity of the construction works.
- The regulatory status of the Landscape Masterplan, Tree Constraints Plan and Tree Protection Plan is unclear.
- Historical facts are being used selectively and opportunistically to support the application (e.g. around road-traffic flow, and historical value).
- Public consultation around the proposal has become tokenistic with invitations to participate ad hoc.
- There should be an extension in the time for public comments as the submission was carefully timed to take account of the Christmas (2017) and the time period for comment is very short in any case.
- Public notices have not been erected around the application site or within the park itself.
- The public notices on Brincliffe Edge Road for the amended plans are illegible.
- The approval of this application would set a precedent for the sale of the rest of the park.
- The local planning authority will not be able to effectively enforce the development if it is approved. As such, factors such as inappropriate materials come into play.

- The applicant should be required to provide improvement works within the wider park.
- There should be a visit to the site, including from planning committee members.

(g) Positive Comments

- The existing historic buildings are being preserved.
- In comparison to the previous scheme the superficial look of the new houses is better, moving away from pastiche and being set into the slope, rather than on it.

## PLANNING ASSESSMENT

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government 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 entirely within a Housing Area as defined by the adopted Sheffield Unitary Development Plan (UDP).

Housing (Use Class C3) is listed as the preferred use in such areas in accordance with the UDP Policy H11 (Development in Housing Areas in Nether Edge and Broomhill).

### Open Space

As the southern section of the site is undeveloped it would fall into the definition of open space. In this respect Policy CS47 (Safeguarding Open Space) within the Sheffield Development Framework Core Strategy (CS) sets out the parameters against which the loss of open space should be considered.

In this specific case there is no legitimate public access to the application site and little potential for such access as the site has long been in private ownership. Furthermore, a Green Link is retained within the site and the proposals do not prevent easy or safe access to a local park, which in this case is Chelsea Park.

In these circumstances, the principle of development of the site can be accepted in the context of Policy CS47.

### 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 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 revised 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 Core Strategy 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 offered appropriate weight as a material consideration.

#### Development of Brownfield/Greenfield Land

The elements of the site that house the existing buildings and associated hardstanding are classed as previously development (brownfield) land and the Council's Core Strategy prioritises development in such areas.

The remaining undeveloped sections of the site are classed as greenfield land and therefore Core Strategy Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) requires additional consideration.

This policy states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that housing on greenfield sites will only be developed in certain circumstances, including within or adjoining urban areas, as long as annual monitoring shows that there is less than a five year supply of deliverable sites.

Completions of properties have not reached the stated 12% and are closer to 5%. In addition, it is recognised that the site is within an existing urban area and there is also not currently a five year supply of deliverable sites.

For the reasons above, the development is considered to comply with Policy CS24.

#### 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 density of the proposed scheme equates to approximately 8.8 units per hectare and this is significantly below the 30-50 density normally expected within this urban area.

However, the policy provides scope for densities outside this range where they achieve good design, reflect the character of an area or protect a sensitive area. Policy CS31 (Housing in the South West Area) reinforces the need to respect the character of attractive and distinctive neighbourhoods in the south west of the City and requires the density of new developments to be in keeping with them.

In this instance, there is a need to protect the character and appearance of the Nether Edge Conservation Area and the Historic Park. The perimeter landscaping needs to be protected to screen/filter views from Chelsea Park and Brincliffe Edge Road. There is also a need to ensure that the tree-lined historic driveway is protected. A denser scheme would also result in more intense use of the sub-standard lane with a likely requirement for significant improvements which would alter the character of the driveway and the setting of Chelsea Park.

In these circumstances, it is considered that a lower density scheme here is justified.

#### Design and Conservation

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

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

Policy BE16 (Development in Conservation Areas) states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE21 (Historic Parks and Gardens) within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected.

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.

Brincliffe Towers is identified as a building of townscape merit in the Nether Edge Conservation Area Appraisal. The Appraisal (para. 11.15) considers Brincliffe

Towers to be 'one of the grandest of the unlisted buildings...particularly notable for its impressive tower and crenelated form.'

In accordance with Paragraph 193 of the NPPF, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'

Paragraph 196 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Paragraph 202 of the NPPF states that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.'

With the above policy context noted, consideration has to be given to the proposals in terms of the impact on the character and appearance of the heritage assets comprising the Nether Edge Conservation Area, the Historic Park and Gardens and the buildings of townscape merit (Brincliffe Towers and its associated coach house), including the setting of these assets.

#### - Alterations to Brincliffe Towers

Whilst Brincliffe Towers technically forms part of Chelsea Park there is a clear boundary between the curtilage of the building and the public park area. The building is at the highest point of the park with the principal elevation of the villa and the balustrade terrace being clearly visible from the park.

The two storey 1950's extension is also visible, but to a lesser extent due to it being set away from the boundary and partly obscured by boundary planting, while the single storey flat roof extension, which faces the coach house, is visible on the approach to the park from the Lime Avenue, but is not particularly prominent.

There is no doubt that the removal of these unsympathetic extensions, together with the sensitive restoration of the imposing villa to its original form, would be a notable enhancement of the character and appearance of all the relevant heritage assets. This should be afforded significant weight.

#### - Alterations to the Coach House

The coach house is relatively large with a two storey central portion and single storey elements at each end. Similar to Brincliffe Towers, this building will also benefit hugely from being brought back into use.

Part of the first reason for refusal associated with the 2015 scheme was that the proposed extensions to the coach house would result in an unco-ordinated built

form, with a variety of roof pitches and opening treatments that would detract from the original character of the coach house and result in the building being less subservient to Brincliffe Towers.

In this respect, it must firstly be noted that the proposed extensions remain, but the length of the larger extension has been reduced to 6.95 metres, in comparison to the refused scheme in which it was 8.5 metres long.

In addition, several further notable steps have been taken to make the alterations appear both sympathetic and subservient to the original coach house. To help demonstrate this, when comparing the refused scheme with the current proposals the following changes are of most note:

- The ridge height of the smaller extension sits lower than the adjacent ridge of the coach house by approximately 2.5 metres. In comparison there was a gap of only approximately 19 centimetres in the refused scheme.
- The new opening treatments being proposed now have a uniformed and traditional appearance, which ensures the elevational changes are both legible and respectful. In addition, the proposed scheme works with the existing window and door openings, rather than reducing these and this is welcomed.
- The roof pitches of the extensions are now reflective of the existing roof pitch on the original gable feature evident on the rear elevation. In the refused scheme these features created a variety of roof pitches, which was felt to represent unco-ordinated built form.
- The alterations now proposed to the coach house are considered to strike the correct balance between conservation and facilitating a conversion that brings the building back into active use.

#### - Boundary Wall

A further element of the first reason for refusal of the 2015 scheme related to the proposed erection of a 1.8 metre high boundary wall between Brincliffe Towers and the coach house, as this was felt to erode the historic relationship between the two buildings.

This element of the proposal has also been reconsidered with a new hedge now proposed to replace this wall. Whilst this is still not a traditional solution, there does need to be an element of practicality applied given that Brincliffe Towers is to be occupied as a private residence.

The hedge is the preferred option as this will offer a softer solution that feels semi-permanent and allows glimpses through. It is also considered to be more sympathetic to the parkland setting.

#### - Scale of the Proposed Dwellings



The remaining part of the first reason for refusal within the 2015 scheme related to the scale of the new dwellinghouses and their lack of subservience to Brincliffe Towers. As a result of their over dominant presence they were considered to have a detrimental impact on the setting of this building resulting in substantial harm to the conversation area and Chelsea Park.

Whilst three large dwellinghouses are still proposed various steps have been taken to reduce the impact on Brincliffe Towers and the setting more generally. The following are the more notable examples of these measures:

- The original houses were two storeys high with additional living accommodation in the roofspace resulting in an approximate height of 10.7 metres. By comparison, the height of the new houses is generally between 8 and 8.5 metres.
- By swapping the position of the garage, the gable wall of the new house that sits closest to Brincliffe Towers will now be approximately 34 metres away from this existing building, in comparison to 28 metres in the refused scheme.
- The new house that sits centrally within the site is now set approximately 50 metres away from Brincliffe Towers, compared to approximately 42 metres within the refused scheme.
- Discounting the garages, the new houses would individually have a footprint of approximately 166 square metres, in comparison to the retained Brincliffe Towers building, which has a footprint of approximately 303 square metres. The new dwellings would therefore have a footprint 45.3% smaller than Brincliffe Towers.

As a result of these changes the ridge height of the closest dwellinghouse will be approximately 47 centimetres above the ridge of Brincliffe Towers at a distance of 34.3 metres, while the ridge height of the central dwellinghouse would be 1.481 metres above the ridge of Brincliffe Towers at a distance of approximately 50 metres. It must be also noted that the land naturally slopes from north to south and therefore a slight increase in ridge heights towards Brincliffe Edge Road also reflects the topography.

By comparison, the coach house has a footprint of 223 square metres, reaches a height of approximately 9.62 metres and sits only a distance of 11.59 metres away from the principal building (Brincliffe Towers). This coach house, which by definition is subordinate to the main house, therefore occupies a larger footprint and is taller than the proposed new dwellinghouses, whilst also enjoying a much closer proximity.

With the above accounted for, including the reduced height of the proposed dwellinghouses in comparison to the refused scheme and separation distances, the proposed dwellinghouses are of a scale that can reasonably be considered as subservient to and respectful of Brincliffe Towers.

In terms of the presence of the new houses in the conservation area, the section plans associated with the originally refused scheme showed the ridge height of the central dwellinghouses being approximately 3.69 metres above the boundary wall that borders Brincliffe Edge Road.

By comparison, owing to their reduced scale, the section plans show none of the new dwellinghouses sitting above the adjacent section of the boundary wall along Brincliffe Edge Road. They are on average 30 centimetres below the top of the relevant section of this wall.

The substantial planted boundaries, including a number of mature trees, and high boundary walls must be taken account of when considering the potential prominence of the development within the conservation area and Chelsea Park itself.

When all these factors are considered it is felt that, with one exception, the proposed houses would be barely visible from the wider Nether Edge Conservation Area and Chelsea Park.

The exception would be a view of the new houses in the context of Brincliffe Towers from a vantage point within Chelsea Park, when standing facing the north-east corner of the site. At present this vantage point allows a view of the unsympathetic extension to Brincliffe Towers.

As these new dwellinghouses will reach a similar height to the existing extension and will have a minimum separation distance of approximately 34 metres from Brincliffe Towers, it is concluded that the proposals will offer an improved view from this vantage point than the present situation.

#### - Architectural Style of the proposed dwellinghouses

The third reason for refusal of the previous scheme stated that the mixture of traditional and contemporary architecture and materials in the design of the new dwellinghouses failed to reinforce local distinctiveness within the Nether Edge Conservation Area.

To expand on this it was considered that the houses appeared somewhat of a hybrid between contemporary and traditional architectural treatments. One example given was the rendered elevations having a contemporary appearance with large openings with both horizontal and vertical emphasis, whilst the stone elevations were more traditional, with mullioned windows and stone heads and cills.

At that time officers suggested the architectural approach should follow a more contemporary form, which could allow for flat, preferably 'green' roofs, which would also serve to reduce the impact on the main building.

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 other sensitive sites, including elsewhere within Sheffield's conservation areas.

The new dwellings have followed this previous advice and are proposed to be in a contemporary manner with flat roofs and principally in a natural stone, with other high quality finishes such as aluminium windows and seamless glazed balustrades. These natural high quality materials are appropriate in the setting.

The window openings in the front elevation will reduce in height on the upper floor to create hierarchy in a nod to the more historic buildings on site, while suitable modelling will be created by through features such as a staggered front elevation and crisp detailing.

From the above, it is clear that notable steps have been taken to address the unacceptable architectural style of the previous scheme, and this has been achieved by committing to a wholly contemporary approach that now offers a welcome response to the conservation setting.

#### - Historic England Comments

Historic England offer support for the repair and conversion of the historic buildings, but do express concern about the impact of the proposed new-build housing on the openness and development pattern within the conservation area.

Historic England go on to state that in determining this application the authority needs to be satisfied that the construction of the houses is necessary to secure the repair and refurbishment of the historic buildings, and that the proposals are the minimum necessary to achieve this.

The Historic England representation concludes by stating that the harm the proposals would cause should be weighed against the public benefits of the scheme.

In response, it must be noted that the previous scheme was not refused based specifically on the impact on the openness and development pattern of the conservation area, but rather the impact on the historic buildings within the site, given that the proposals will have a very limited presence from public vistas.

Inherently the majority of new development will have an impact on the openness and development pattern of an area, be that a conservation area or otherwise, and that in itself is not a reason resist it in principle.

Furthermore, within this assessment it has been made clear the numerous steps that have been taken by the applicant to reduce the impact in comparison to the previous scheme and local authority conservation officers are now satisfied that the development is suitably sympathetic to its setting.

It is not considered proportionate or consistent with other similar schemes across the city to insist that the applicant produce evidence that the construction of the houses is the minimum necessary to secure the repair and refurbishment of the

historic buildings. It is accepted however that enabling development is needed given the dilapidated state of the existing buildings/site. In its present state the site is becoming a blight on the conservation area.

#### - Design and conservation conclusions

Given the design and conservation commentary above it is concluded that the development will not create substantial harm to the conservation area/heritage assets. It does however create less than substantial harm and in such circumstances this impact should be weighed against the public benefits.

This planning assessment overall has identified that the scheme would regenerate a vacant site, bringing historic buildings of note back into use, represent investment and employment for the city, and result in a small but positive contribution to the shortfall in Sheffield's housing land supply. The site is also within a sustainable location.

When weighed against the less than substantial harm position, these associated benefits of the scheme ensure it is not in itself so harmful as to warrant the refusal of the application on design and conservation grounds.

#### Landscape/Trees & the Historic Park and Gardens

The adopted Supplementary Planning Guidance "Sheffield's Historic Parks and Gardens" and the associated Background Paper are relevant and consider the historic interest of Chelsea Park, which includes the application site.

The listing in the Background Paper to the Local Schedule of Historic Parks and Gardens SPG considers Chelsea Park (including the application site) as 'of historic importance in demonstrating the role of the public benefactor and as an example of a Victorian villa garden with many original features remaining'. The features most closely affecting the application site are identified as:

- The villa (Brincliffe Towers).
- The balustrade terrace (to Brincliffe Towers, facing the park).
- A Lime avenue (access drive/lane from Brincliffe Edge Road).
- Lodge (between access drive entrance and Quarry Lane).
- Specimen trees and evergreen shrubberies (south-east corner of site behind boundary wall to Brincliffe Edge Road).

The listing (from 1998) notes that the condition of the site is "fair although original features are not being well maintained nor are existing plantings being reinforced by new planting."

Policy BE6 (Landscape Design) of the UDP states that landscape schemes should integrate existing features into the development, including mature trees and hedges.

Policy GE15 (Trees and Woodlands) 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.

Policy BE21 (Historic Parks and Gardens) states that the character, setting and appearance of Historic Parks and Gardens will be protected.

This application has been supplemented with a significant amount of information in relation to matters such as land levels, retaining features and the condition of trees in and around the site. Landscape officers are therefore satisfied that an informed assessment of the relative impacts can be completed.

It is firstly noted that the second reason for refusal within the 2015 scheme relates to the potential decline or loss of up to 4 trees in the adjoining avenue of Lime trees, which is noted as a feature of Chelsea Park in the Local Schedule of Historic Parks and Gardens, owing to the excavations required in the root protection zones of those trees in order to accommodate the proposed car parking court to the rear of the coach house.

In addition, it was felt that there would be future pressure for the removal or significant pruning of trees within the south-west and south-east facing gardens of the new-build dwellinghouses to improve the light and utility of those gardens, which would result in a loss of tree cover to the detriment of the landscape character of the site and the setting of Chelsea Park and the Nether Edge Conservation Area.

The location of the coach house car park has also been adjusted so it now sits outside the canopy of the retained Lime trees. It is noted however that the access road to the new car park does sit partly within the Root Protection Area of some of these trees. However, landscape officers are now satisfied that a suitably sensitive construction method, such as excavating the ground by hand with a qualified arboriculturalist on site, will allow works to create this road without threatening the long term health of these trees.

Whilst there is a varying standoff distance between the new dwellinghouses, their associated gardens, and the retained trees, there will always be the potential for pressure from future residents for works such as pruning and possibly even felling of some tree on amenity grounds.

It should be noted however that this is not likely to impact on the trees on the boundaries of the site and each case would have to be considered on its individual merits, with a mind to the historic character of the site.

A directive is proposed, should Members be minded to approve the scheme, to inform future residents that there will be a presumption against doing further works that impact on retained trees. Taken as an issue in isolation it is not felt this would warrant the refusal of the scheme.

Looking at the landscaping proposals more generally, the new dwellings are sited to retain the vast majority of perimeter trees and therefore protect the appearance of the boundaries of the site. In total 29 individual trees and 7 groupings of the 125

surveyed trees are proposed for removal. All of the trees listed for removal are noted as poor specimens (Category C2 or U) and six heavy standard replacement trees are proposed in compensation.

The amount of hardstanding proposed within the site is limited and utilising the existing hardstanding route between the two existing buildings on site aids with this.

In conclusion, the landscaping scheme is considered to be suitably sympathetic with features such as green roofs to help soften the new buildings together with new areas of planting, including native shrubs, to reinforce the character of the gardens.

This scheme has also been designed to ensure the special features noted in the Historic Park and Gardens listing are successfully integrated and will most importantly bring an active use back onto the site, ensuring the reversal of the decay in the character of the original grounds.

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

### Sustainability

Policy CS63 (Responses to Climate Change) of 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.

The site is in a fairly sustainable location in respect of access to local amenities and public transport. For example, it is within a reasonable walking distance (480 metres) of the multitude of amenities available within the Banner Cross District Shopping Centre, which is also served by a high frequency bus route.

In addition, parts of the site are previously developed and the scheme will incorporate sustainable drainage systems, including green roofs, which will result in reduced surface water run-off rate (see Drainage Section below).

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

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

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

New developments are 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 where this is deemed to be feasible and viable.

The applicant has confirmed that the 10% target will be achieved across scheme if further assessment deems this to be feasible and viable. This will be a pre-commencement requirement within the planning conditions.

The scheme also includes a number of further features that add to its sustainability credentials, including the re-use of the existing vacant buildings and the provision of several areas of green/brown roofs. The location at the edge of Chelsea Park also ensures access to good quality informal recreation space.

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

#### Highways

Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy CS51 (Transport Priorities) 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) of the UDP states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

#### - Vehicle Access

The vehicular access to the site from Brincliffe Edge Road is less than ideal as, for example, this entrance point is at an approximate 45° angle to the main carriageway and visibility for any vehicles attempting to turn left upon leaving the site is severely restricted by the historic gatepost and boundary wall. Additionally, car parking on the opposite side of Brincliffe Edge Road prevents two way traffic flow and there is no footway along the site boundary.

The single width driveway/lane leading to the site from Brincliffe Edge Road is also problematic, not least because this is used by pedestrians and cyclists to access Chelsea Park and there is no segregation.

In respect of this driveway, while this does benefit from lighting columns along its length, due to its alignment, visibility is restricted with a sweeping 90° turn at the

entrance into the site and a curve obscured by trees towards the Brincliffe Edge Road entrance.

Whilst it is acknowledged that the driveway would benefit from widening and the access realigning in order to improve highway safety, this would involve land outside the applicant's control and any such measures would require the removal or realignment of the historic gateposts and boundary wall, together with the removal of mature trees and shrubs, impacting on the Lime avenue which is noted as an important feature in the Historic Parks and Gardens listing. As such, putting aside the issue of ownership, these changes are not desirable from a heritage perspective.

Whilst noting the above, significant weight needs to be afforded to the fact that this vehicular access arrangement is long established and has previously served a substantially sized care home accommodating approximately 35 residents and associated staff. As such, this previous use can reasonably be expected to have involved a significant number of vehicles used by staff, visitors, deliveries etc. The application proposals by comparison would be expected to generate vehicle traffic equal to or lesser than this previous use.

From a highway perspective it is concluded that owing to the low anticipated trip generation figures and the vehicle movements associated with the previous use of the site as a large care home, the scheme would have a negligible comparative impact on the existing highway network and would certainly not create unacceptable highway safety issues, or residual cumulative impacts on the road network that would be severe, which are the acceptability tests set out within the NPPF.

#### - Car Parking

The three new dwellinghouses would each have five bedrooms and be provided with a garage and large driveway. Each unit would therefore provide space for between four and five vehicles.

It is noted that the maximum parking spaces for this size of unit would normally be three, with an additional space per four houses. In this instance however it is felt there is discretion to improve on this maximum standard, not least to provide additional visitor parking to help appease residents' concerns about displaced parking using the adjacent highways.

Eight car parking spaces would be provided for the three apartments within the converted coach house, each of which would have three bedrooms. Sheffield City Council Information Sheet Three: Car Parking Guidelines, identifies that the maximum parking standards for a three bedroom unit would be two parking spaces, with a further visitor space for every four apartments.

The overall maximum car parking spaces for the coach house would therefore be seven, but again the provision of an additional space is seen as a positive as it will ease any pressure on the surrounding highway network.



The converted Brincliffe House will provide six bedrooms with four car parking spaces being able to comfortably fit on the driveway. This is suitable provision for a unit of this size.

#### - Tracking/Servicing

Tracking information has been provided which demonstrates that both a refuse vehicle and a fire tender can enter the site from Brincliffe Edge Road, turn within the site, and exit in a forward gear.

#### Drainage/Flood Risk

Policy CS67 (Flood Risk Management) 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. However, several measures will be incorporated to reduce surface water runoff by 30%, including the incorporation of large areas of green roof and the use of permeable paving.

Subject to complying with conditions, Yorkshire Water and the Land Drainage section consider these proposals as acceptable in principle and the scheme is therefore in accordance with Policy CS67.

#### Access

The requirements of Policy H7 (Mobility Housing) of the UDP have been superseded by the Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time as these standards are not part of an up to date local plan.

#### Affordable Housing

In this case the scheme is for seven units such that it falls below the 15 unit threshold for which affordable housing would be required.

#### Amenity

Paragraph 127 within the NPPF states that the planning system should always seek to secure a high standard of amenity for existing and future users.

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

H15 (Design of New Housing Developments) 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.

#### - Future Occupiers

In relation to noise, the site sits adjacent to Chelsea Park and several representations have expressed concerns that the creation of residential accommodation on the site could threaten the ability to hold public events, including the annual bonfire/fireworks.

The presence of residential accommodation on the site is not considered to be any more restricting than the previous use of the site as a care home. In addition, a directive is recommended to forewarn future residents that such events will occur.

Owing to the historic land use of the site as a plant nursery there are land contamination matters that would need to be tackled as part of the construction phase. The relevant planning conditions are therefore proposed in this case.

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

In relation to external amenity space the 3 dwellinghouses within the coach house will be provided with a small garden area each, while the new dwellinghouses and Brincliffe Towers will be provided with large garden areas and external terraces. Chelsea Park is also on the doorstep of the site.

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

#### - Surrounding Residents

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 particular case the proposed residential buildings are set a good distance from surrounding residential uses and the boundary treatments, including mature trees, will also offer an element of screening. By way of an example, the closest point of the new dwellinghouses is in excess of 35 metres from the front elevation of the properties on Brincliffe Hill Road. The land level also falls away into the site from Brincliffe Edge Road so any amenity impact is further reduced.

The new dwellinghouses will also be set in excess of 23 metres from the eastern boundary shared with Chelsea Park, which is ample distance to ensure no amenity impact is created for users of this public space, even before the presence of the substantial tree boundary is accounted for.

As the scheme includes demolition a planning condition is recommended to control any dust created during the construction phase to ensure this does not become a nuisance for surrounding residents.

Given the above, with a particular note to separation distances, the proposals will not create unacceptable amenity impacts on surrounding sensitive uses in respect to issues such as privacy, shadowing or dominating.

### Archaeology

The South Yorkshire Archaeology Service have confirmed that the application does not have any archaeological implications and as such no further investigation is required.

### 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 and it is accepted and welcomed that the proposals maintain sufficient landscape to retain the existing green link in the site.

The main points of note in relation to ecology is summarised as follows:

#### - Bats

Surveys looking for evidence of bats/roosts have been carried out with respect to the existing buildings and trees. This included a thorough external and internal inspection of buildings and emergence surveys.

In the emergence surveys the level of bat activity identified was very low and confined to occasional Common Pipistrelles foraging over the trees and woodlands around the site.

The original mansion house was the only building on the site that showed a moderate potential for bat roosts, although no evidence of bats was found during an inspection of this building. The remaining buildings on the site show either low or negligible potential for bat roosts, which includes the modern extension to the mansion house, which is proposed for demolition.

No direct evidence of bats in the trees was found during the roost assessment process with the vast majority of trees found to fall into the negligible category and only three trees being shown to have a low potential for bat roosts.

It is also noted that a previous Preliminary Roost Assessment of Trees and Buildings carried out in 2014 also found no evidence of bats roosting in building or trees across the site, which reinforces the findings of the more recent survey work.

The assessment concludes by making several recommendations, these being:

- Further surveys are carried out in relation to the buildings before any works commence on site.
- All tree works or felling should be undertaken with caution by an Arboriculturalist experienced in working on trees with bat roost potential. If further evidence of bat roosts is discovered then all works should cease and further advice sought from an ecologist.
- The final scheme should include features such as bat boxes/tubes to encourage activity.
- Any new external lighting should be designed sensitively.

#### - Other Protected Species

Both a desk top and walkover survey have been carried out to search for evidence of other protected species on the site.

In respect to badgers, the site was searched for evidence of setts, paths etc and none were found. Indeed, with the exception of some tracks most likely associated with cats and foxes, no other evidence of small mammals was found on the site.

Five species of birds were identified during the survey work, all of which are green list status, meaning there is no identified threat to their population status.

#### - Ecology Summary

The various surveys carried out did not record the presence of any protected species on the site and mitigation measures are also proposed, including the provision of bat boxes/tubes and further survey work.

The submitted reporting has been assessed by the Ecology Unit who considers the level of information provided to be reasonable and proportionate and the conclusions to be acceptable.

#### Areas of Natural History Interest (ANHI)

The proposals are not within an ANHI and will have no adverse impact on the adjoining ANHI in Chelsea Park.

#### Air Quality

It is not considered that the proposed use will have an adverse air quality impact.

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 be low and would not be notably different from the previous use.

A further consideration in respect of air quality relates to dust and in order to tackle this, a planning condition is proposed to secure dust suppression measures for both the demolition and construction phases.

#### Community Asset

Many of the representations refer to the site being bequeathed to the people of Sheffield and question the validity of the application on this basis.

This is not a material planning consideration and granting planning permission will not override any legal restrictions affecting the land. Notwithstanding this, the site has been in private ownership for at least 15-20 years.

#### Community Infrastructure Levy (CIL)

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

#### RESPONSE TO REPRESENTATIONS

A number of the points made within the representations have been addressed in the above assessment. The outstanding points are responded to as follows.

- Comparing the previous nursing home use to the proposed residential use for the purposes of traffic generation is not appropriate as the site has been vacant for a considerable period.

In response, this remains the lawful and most recent use of the site and as such it is an appropriate comparison.

- How will construction traffic access the site, if it is via the access lane this will lead to significant safety issues?

In response, construction vehicles will utilise the access lane and this will of course create logistical issues, but these can be managed with a comprehensive construction vehicle management plan, which any contractor will be required to adhere to.

It must also be noted that there are three other access points into Chelsea Park, including one a little further along Brincliffe Edge Road, so users do have other options during the construction phase.

- There is no assurance that the access lane will remain as a public route to Chelsea Park.

In response, this access lane is not within the ownership of the applicant and there is absolutely no suggestion this would not be retained for use by members of the public.

- The junction of Brincliffe Edge Road and Ecclesall Road is very dangerous, and wider road improvements need exploring before large scale development is approved.

In response, this junction is in excess of 300 metres from the application site and a proposal for seven dwellinghouses would not warrant a review of this junction.

- The occupiers of the new houses will hold events and will also create noise on a day to day basis, including from the elevated terraces. This will create noise and disturbance for surrounding residents.

In response, this potential would be no different than for other residential units.

- Who will monitor and police the demolition and building work from a health and safety perspective.

In response, this will be governed by various bodies as and when required, including Building Control, the Planning Service and the Health and Safety Executive.

- The submitted information is contradictory about the potential to breach/remove elements of the existing boundary walls. Clarity is required and the wall should not be altered.

In response, it has been clarified through the course of this application that no walls are proposed to be breached.

- The Heritage Statement (as originally submitted) is invalid and refers to a previous scheme on the site.

In response, an updated and correct Heritage Statement now accompanies the application.

- The loss of trees has negative impacts in areas such as filtering road traffic pollution, countering social isolation and enhancing physical/mental health.

In response, this is accepted and must be balanced against other material considerations as set out in this assessment. Also in this case a number of trees are retained on the site, including those on the boundaries, which offer the most public benefit.

- Who would be responsible for the maintenance of the shared grounds and how long would this be for.

In response, this would be controlled by the conditioning of a landscape management plan should the scheme be approved.

- Is the scaffold fence shown on the tree protection plan a temporary measure?

In response, yes this would form a temporary measure to protect the tree(s) during the construction phase.

- The owners have deliberately allowed the buildings and the site to deteriorate over many years.

In response, there is no dispute that the building are in a poor state and do urgently need investment.

- If planning permission is granted then the existing house could be converted into separate flats or used for multiple occupancy purposes.

In response, such an alteration requires planning permission and would be judged on its own merits at that time.

- There is no clarity about the longevity of the construction works.

In response, this is correct and it is common for this information not to be available at this stage of the development process. It is not in itself a planning consideration.

- The regulatory status of the Landscape Masterplan, Tree Constraints Plan and Tree Protection Plan is unclear.

In response, these form part of the package of plans used to determine the impact of the development and, when appropriate, would constitute an approved plan for the purposes of the planning conditions.

- There should be an extension in the time for public comments as the submission was carefully timed to take account of the Christmas (2017).

In response, this application has been live for many months and a further neighbour consultation was carried out, most recently in August 2018.

- Public notices have not been erected around the application site or within the park itself.

In response, public notices have been placed around the site, including at the entrances into the park on three separate occasions during the application.

- The public notices on Brincliffe Edge Road for the amended plans are illegible.

In response, this is not the case and the site notices placed around the site are legible. This has been double checked by officers on site.

- The approval of this application would set a precedent for the sale of the rest of the park.

In response, this is incorrect, not least because this application site has been in private ownership for a number of years.

- The applicant should be required to provide improvement works within the wider park.

In response, this is not considered to be proportionate or necessary to make the development acceptable.

- There should be a visit to the site, including from planning committee members.

In response, officers have visited the site on a number of occasions and Members of the committee will carry out a formal site visit ahead of them considering the scheme.

## SUMMARY AND RECOMMENDATION

The proposal represents a development of seven private residential units, which is facilitated by three new build properties, the conversion of the existing principle building on the site (Brincliffe Towers) and the extension and conversion of the associated coach house.

The application site itself is within the Nether Edge Conservation Area and forms part of a Historic Park and Garden.

The scheme follows on from a previously refused application (see 15/00740/FUL) with adjustments made in order to overcome the reasons for refusal. In brief, these are highlighted below, together with how they have been overcome:

1. The proposed extensions to the coach house were considered to result in an uncoordinated built form, with a variety of roof pitches and fenestration that would detract from the original character of the coach house and result in the building being less subservient to Brincliffe Towers.

The more notable changes to address this matter have seen a reduction in the length of the larger extension by 1.65 metres, a lowering of the ridge for the smaller extension and revised fenestration and roof pitches to make these sympathetic to the original building.

The alterations now proposed to the coach house are considered to strike the correct balance between conservation and facilitating a conversion that brings the building back into viable use.

2. The proposed erection of a 1.8 metre high boundary wall between Brincliffe Towers and the coach house was felt to erode the historic relationship between the two buildings.

This element has been reconsidered with a new hedge now proposed to replace this wall. The hedge is the preferred option as this will offer a softer solution that feels semi-permanent and is also more sympathetic to the parkland setting.



3. The scale of the new dwellinghouses and the lack of subservience they had in respect to Brincliffe Towers was considered to result in an over dominant presence.

Whilst three large dwellinghouses are still proposed various steps have been taken to reduce their impact on Brincliffe Towers and the setting more generally. This has included reducing the height of the houses by a minimum of two metres and increasing the separation distances to Brincliffe Towers. As such, the proposed dwellinghouses are of a scale that can reasonably be considered as subservient to Brincliffe Towers.

4. The mixture of traditional and contemporary architecture and materials in the design of the new dwellinghouses was not considered to reinforce local distinctiveness.

The new design approach has followed previous advice with the units designed in a wholly contemporary manner that now offers a welcome response to the conservation setting through, for example, the use of natural stone and appropriate modelling.

5. There was concern that the previous scheme could result in the potential decline or loss of up to 4 trees in the adjoining avenue of Lime trees owing to the excavations needed to accommodate the proposed car parking court to the rear of the coach house. In addition, it was felt that there would be likely to be future pressure for the removal or significant pruning of trees within the gardens of the new-build dwellinghouses to improve the light and utility of those gardens.

In response, the location of the coach house car park has been adjusted so it now sits outside the canopy of the retained Lime trees. It is noted that the access road to the new car park does sit partly within the Root Protection Area of some of these trees. However, landscape officers are now satisfied that a suitably sensitive construction method will allow works to create this road to be carried out without threatening the long term health of these trees.

There will always be the potential for pressure from future residents to carry out pruning works on retained trees on amenity grounds. It should be noted however that this is not likely to impact on the trees set on the boundaries of the site and each case would have to be considered on its individual merits, with a mind to the historic character of the site. Taken as an issue in isolation it is not felt this would warrant the refusal of the scheme.

Beyond the original reasons for refusal, from a land use perspective housing is the preferred use in this area and the low development density responds to the conservation setting.

The scheme would regenerate a vacant site, bringing back into use historic buildings of note, represent investment and employment for the city, and help towards Sheffield's housing land supply. The site is also within a sustainable location. These benefits are considered to outweigh the less than substantial harm to the conservation area.

The landscaping scheme is considered to be sympathetic with features such as green roofs to help soften the new buildings together with new areas of planting, including native shrubs, to reinforce the character of the gardens. This scheme has also been designed to ensure the special features noted in the Historic Park and Gardens listing are successfully integrated.

Whilst the vehicle access arrangements into the site are not ideal, this has to be considered in the context of the established use as a care home, which would have generated a comparable amount of day to day traffic. In addition, the slight over provision of car parking is supported as this will ease any future pressure on surrounding highways.

Given the separation distances, the proposals would have an acceptable impact upon the amenities of neighbouring occupiers in respect of privacy, dominance and shadowing.

The proposed scheme would supply 10% of its energy from renewable sources, or via a fabric first approach, and includes features such as green/brown roofs, ensuring this is a sustainable form of development.

Future occupiers will be provided with good 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 the provision of new habitats.

In conclusion proposals are considered to be acceptable and in compliance with the adopted local plan and the National Planning Policy Framework. The application is therefore recommended for approval subject to the listed conditions.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 6 November 2018

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

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**Author of Report:** Marie Robinson 0114 2734218

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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  
6 NOVEMBER 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 erection of a detached dwellinghouse within the curtilage of 27 Hesse Road Sheffield S6 1WP (17/04675/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a single-storey front extension to shop Al-Sultan 3 Gower Street Sheffield S4 7HA (18/00914/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of front and rear dormer windows 20 Cruise Road Sheffield S11 7EF (18/01375/FUL).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a conservatory to the front of dwellinghouse (Re-submission of planning permission 17/04295/FUL) 21 Moorsyde Avenue Sheffield S10 1QH (18/02092/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse and ancillary detached garage within the curtilage of 126 Bushey Wood Road Sheffield S17 3QD (18/01878/FUL).

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for change of use of outbuilding to shop (Use Class A1) (Retrospective) 81 The Oval Sheffield S5 6SP (Case No 18/00102/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were the effect on the character of the area; the effect on highway and pedestrian safety; and the effect on living conditions of neighbours. He concluded that the proposal would be harmful to the character and appearance of the area as it would be inconsistent with the quiet residential nature of the location and would inevitably also include additional paraphernalia such as lighting and signage. HE considered that it would also result in additional vehicular and pedestrian activity which could increase the risk of accidents. It would therefore be contrary to Policy H14 of the UDP and the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for replacement windows/facade and addition of balconies to 1st , 2nd, 3rd and 4th floors 40-50 Castle Square Sheffield S1 2GF (Case No 17/04660/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were the effect of the proposed development on the character and appearance of the building and its surroundings and whether the inclusion of balconies would result in harmful living conditions for residents.

He concluded that the proposal would eliminate much of the horizontal character of the building and would result in the loss of the distinctive glazing pattern to the stairwells. It would therefore be harmful to the character of the building because it would result in the loss of many of its distinguishing features.

In terms of the living conditions in relation to the balconies being noisy he considered that people choosing to live here would be aware of this and they would still be able to enjoy a satisfactory internal noise environment by closing windows.

His final conclusion was that the changes to the building would be harmful and would be contrary to Policies BE5 and S10 of the UDP as well as the NPPF which requires good design.

#### 4.0 APPEALS DECISIONS - ALLOWED

#### 5.0 ENFORCEMENT APPEALS - DISMISSED

(i) To report an appeal against two enforcement notice served by the City Council for the unauthorised erection of a building and for the use of the land for agricultural, storage/distribution and residential use at 'White Waters' Station Road Halfway Sheffield S20 3AD (Planning Inspectorate Ref: APP/J4423/C/17/3186170 and APP/J4423/C/17/3186155 have been dismissed.

Officer Comment:-

Two Enforcement Notices were served for (i) Notice A - material change of use of the land from a mixed use of agricultural and storage/distribution to a mixed use of agricultural storage/distribution and residential and (ii) Notice B - the erection of the building on this land. The two enforcement notices were served in parallel to meet any argument, on appeal, as to whether the alleged breach of planning control was a material change of use or operational development.

The appellant appealed against the service of the two notices on ground (a) that planning permission should be granted and on ground (g) that the timescale for compliance is too short. However, originally the appellant also appealed against Notice A, on ground (b) that those matters have not occurred and against Notice B, on ground (d) that at the date the notice was served, no enforcement action could be taken but these were subsequently withdrawn.

On the ground (a) appeals, the main issue was (i) whether or not the developments are inappropriate development in the Green Belt; (ii) the effect of the developments upon the openness and purposes of the Green Belt; and (iii) if the developments are inappropriate, whether the harm by reason of inappropriateness, and any other harm including whether the occupiers of the building/residential use would be at unacceptable risk of flooding, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the developments.

The Inspector considered whether the erection of the building amounts to infilling and if the development has taken place on previously developed land. The inspector concluded that there was no definition of infilling in the NPPF and concluded that the erection of the building is not infilling as the site is not within a village and the dwellinghouse does not fall within a substantially developed road frontage and does not fall within the confines of a group of buildings. With regards to the previously developed land the Inspector didn't reach a view on whether the land is previously developed. However, he did state that if the site was considered previously developed, this would not be enough to outweigh the concerns relating to Green Belt and flood risk.

The Inspector concluded that the erected building has had a moderate impact on the openness of the Green Belt. The impact on the openness of the Green Belt is greater than before the building was erected. Therefore, and in respect of Appeal B, the dwellinghouse is inappropriate development in the Green Belt and for the same reasons, does not consider that that the residential element of the mixed use has preserved the openness of the Green Belt.

Flood Risk – The dwellinghouse falls within flood zone category 3a. The Inspector determined that the Flood Risk Assessment provided is deficient and unacceptable. The sequential assessment is not passed and it has not been possible for the Inspector to conclude with any certainty that continued occupation of the building for residential purposes would be safe from a risk of flooding.

Other considerations - The inspector considered that the contribution to housing supply from one dwelling is not significant and any positive housing land supply from one dwelling is not significant.

Therefore, the ground (a) appeals failed.

For the ground (g) appeal the appellant considered the six months specified in the notice to be too short as the occupier had a medical condition, would have to find alternative accommodation and for the dwelling and resulting materials to be removed from the land. The Inspector determined that there was no compelling reason as to why the occupier of the dwellinghouse could not find alternative accommodation within a six month period, or that more than six months would be needed to remove the building and the associated materials from the land and to cease the residential use of the site. Therefore he concluded that the six month time period was both reasonable and proportionate.

Therefore, the ground (g) appeals failed.

The notices were upheld and unchanged.

Costs - The Inspector notes that the appellant had not provided any compelling or good reasons to indicate why the grounds of appeal on ground b and d were withdrawn in May 2018. This Inspector believed that this was a considerable amount of time after the appeals were initially lodged with the Planning Inspectorate. In making the appeals on legal grounds, the Inspector notes that the appellant's planning expert(s) should have sought counsel opinion much earlier on if they were uncertain about whether the appeals on legal grounds had a reasonable chance of success. The appellant has been professionally represented from the start of the appeal, so should have been aware of such matters in pursuing the appeals. The Inspector concluded that the Council has wasted both time and expense in respect of the ground (b) and (d) appeals up to 21 May 2018. The costs award is therefore partial and limited to costs incurred in respect of the appeal on ground (b) for Notice A, and ground (d) for Notice B.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for application under Section 73 to vary condition 2 (Approved drawings) and to remove condition 7 (Alterations of existing dwelling) of approved planning application 17/01522/FUL to retain the existing dwelling house 6 Chancet Wood View Sheffield S8 7TS (6A Chancet Wood View, S8 7TS) (Case No 18/00432/FUL has been dismissed.

Officer Comment:-

This appeal sought to amend the approved drawings to allow the retention of the existing dwelling on the site in full, without it's partial demolition, in addition to constructing a new dwelling immediately adjacent.

The Inspector identified the main issue as the effect of the removal of the condition on the character and appearance of the area.

He noted that whilst the area contains a variety of house types, each in small groups, spacing between dwellings is an important characteristic of the area which creates a distinctive rhythm on each section of Chancet Wood Road.

He considered the partial demolition of the existing dwelling was necessary in order to achieve the appropriate spacing between the existing and proposed (under construction) dwelling and to ensure no harm to the street scene. He therefore concluded the proposal would have an unacceptable and harmful effect on the character of the area in conflict with policies BE5 and H14 of the UDP, CS74 of the Core Strategy and the NPPF.

## 6.0 RECOMMENDATIONS

That the report be noted.

Rob Murfin  
Chief Planning Officer

*6 November 2018*