

Planning and Highways Committee

Tuesday 29 January 2019 at 2.00 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Peter Rippon (Chair), 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.

PUBLIC ACCESS TO THE MEETING

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

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

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

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

Further information on this or any of the agenda items can be obtained by speaking to Simon Hughes on 0114 273 4014 or email simon.hughes@sheffield.gov.uk.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
29 JANUARY 2019**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 18 December 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 424: 124 Causeway Head Road, Sheffield** (Pages 9 - 16)
- 8. Applications Under Various Acts/Regulations** (Pages 17 - 18)
Report of the Director of City Growth
- 8a. 10 Pen Nook Drive, Sheffield, S36 2TW (Case No. 18/03709/FUL)** (Pages 19 - 24)
- 8b. Electricity Substation Adjacent 33 Brown Lane, Sheffield S1 2NH (Case No. 18/02533/FUL)** (Pages 25 - 38)
- 8c. Enterprise House Site Adjacent To 1 Hunshelf Park, Sheffield S36 2BT (Case No. 17/05131/FUL)** (Pages 39 - 60)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 61 - 64)
Report of the Director of City Growth
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 19 February 2019

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 18 December 2018

PRESENT: Councillors Peter Rippon (Chair), Roger Davison, Dianne Hurst, Alan Law, Robert Murphy, Zahira Naz, Peter Price, Chris Rosling-Josephs and Andrew Sangar

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors David Baker, Michelle Cook and Tony Damms but no substitutes were appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 27 November 2018 were approved as a correct record.

5. SITE VISIT

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

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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.

6a. 60 HIGHFIELD RISE, SHEFFIELD, S6 6BT (CASE NO. 18/04178/FUL)

6a.1 An application for planning permission for demolition of existing single-storey rear

extension and erection of a one/two storey rear extension to dwellinghouse at 60 Highfield Rise, Sheffield, S6 6BT (Case No. 18/04178/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6b. BYRON WOOD PRIMARY SCHOOL, EARLDOM ROAD, SHEFFIELD, S4 7EJ (CASE NO. 18/03845/FUL)

6b.1 Subject to an amendment to Condition 18 and the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting, an application for planning permission for demolition of existing school building, erection of two-storey primary school building and provision of hard and soft play facilities at Byron Wood Primary School, Earldom Road, Sheffield, S4 7EJ (Case No. 18/03845/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6c. THE HILLSBOROUGH ARCADE AND SITE OF FORMER OLD BLUE BALL PUBLIC HOUSE, MIDDLEWOOD ROAD AND BRADFIELD ROAD, SHEFFIELD S6 4HL (CASE NO. 18/03405/OUT)

6c.1 Following consideration of an additional representation, as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from the applicant speaking in support of the application, an application for outline planning permission (all matters reserved) for the partial demolition of shopping centre and erection of 5-storey building to provide additional ground floor commercial units (Use Classes A1-A5) and up to 77 social housing apartments (Use Class C3), provision of associated parking and service yard and landscaping works at The Hillsborough Arcade and site of former Old Blue Ball Public House, Middlewood Road and Bradfield Road, Sheffield, S6 4HL (Case No. 18/03405/OUT) be granted, conditionally, subject to legal agreement, for the reasons detailed in the report now submitted.

6d. NAMBURY ENGINEERING LTD, 56 PENISTONE ROAD, OWLERTON, SHEFFIELD S6 3AE (CASE NO. 18/03177/FUL)

6d.1 Following consideration of comments from Historic England, an additional objection and an officer response to these, and subject to the inclusion of an additional condition and amendments to conditions 25 and 31, all as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from the applicant's agent speaking in support of the application, an application for planning permission for demolition of industrial, office and student accommodation buildings, erection of a 4-11 storey building comprising 222 no. apartments (Use Class C3) and 2 no. commercial units at ground floor (Use Class B1) including basement car park and communal amenity space at Nambury Engineering Ltd, 56 Penistone Road, Owlerton, Sheffield, S6 3AE (Case No. 18/03177/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6e. LAND BETWEEN FOX HILL CRESCENT AND FOX HILL AVENUE, FOX HILL CRESCENT, SHEFFIELD, S6 1GD (CASE NO. 18/02830/FUL)

6e.1 Subject to amendments to conditions 12, 13 and 14, as outlined in a supplementary report circulated at the meeting, an application for planning permission for erection of 146 no. dwellings and 21 no. apartments in 1x stepped three-storey block including associated parking, access and landscaping at land between Fox Hill Crescent and Fox Hill Avenue, Fox Hill Crescent, Sheffield, S6 1GD (Case No. 18/02830/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6f. 6 STONE LANE, SHEFFIELD, S13 7BR (CASE NO. 18/02208/FUL)

6f.1 Having heard representations from the Planning Consultant speaking in support of the application, an application for planning permission for change of use of commercial building to form 2 no. dwellings including provision of a horse riding area and private stabling at 6 Stone Lane, Sheffield, S13 7BR (Case No. 18/02208/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

7. OVERVIEW OF ENFORCEMENT ACTIVITY

7.1 The Committee received and noted a report of the Director of City Growth providing a quarterly overview of progress on the work being undertaken by the enforcement team within the City.

8. ENFORCEMENT REPORT

8.1 The Committee received and noted a report of the Director of City Growth providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the City.

9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

9.1 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.

10. DATE OF NEXT MEETING

10.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday 15 January 2019 at the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 29/10/18

Subject: Tree Preservation Order No. 424 (124 Causeway Head Road, Sheffield, OS Grid Reference SK 430518 381758)

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

Summary: To seek confirmation of Tree Preservation Orders No. 424

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 424 should be confirmed unmodified.

Background Papers:

A) Tree Preservation Order No. and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

TREE PRESERVATION ORDER NO. 424
124 CAUSEWAY HEAD ROAD, SHEFFIELD S17 3DW

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 424

2.0 BACKGROUND

2.1 Tree Preservation Order No.424 was made on 12th September 2018 to protect two mature oak trees at the rear of the property, overhanging Parkers Lane. A copy of the order with its accompanying map is attached as Appendix A.

2.2 The trees at the site were considered to be under possible threat because of potential future development works. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to serving the Order. These trees were found to be in good order. It was therefore considered expedient to make a Tree Preservation Order to protect trees in the interests of amenity.

2.3 The site is located in a semi-rural area of the city which nevertheless has relatively few large mature trees in the immediate vicinity, 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 treescape and the semi-rural character of the area.

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.424 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.424.

8.0 RECOMMENDATION

8.1 Recommend Tree Preservation Order No.424 be confirmed.

Rob Murfin, Chief Planning Officer

29th October 2018

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 424 (2018)

124 Causeway Head Road, Sheffield, S17 3DW

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 424 (2018) – 124 Causeway Head Road, Sheffield, S17 3DW

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—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) 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.

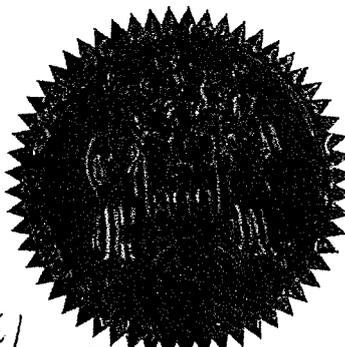
Application to trees to be planted pursuant to a condition

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 12th September 2018

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

David Jeffers
David Hawthorn Sec



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Quercus robur (English Oak)	OS Grid Reference: SK 430518 381758
T2	Quercus robur (English Oak)	SK 430518 381758

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees

(within a broken black line 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>



NOTES / REVISIONS:

Notes:
 The use of this data acts as agreement to the following statements:
 1. Copyright Sheffield City Council. All rights reserved
 2. Copyright of the Copyright, Designs and Patents Act 1988 have been generally asserted
 3. This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100019816 2018

TREE SCHEDULE

○ Trees Specified Individually.
 (Encircled in black on the plan)

- T1 Quercus Species (Oak)
- T2 Quercus Species (Oak)

Trees specified by reference to an area - None

Trees specified by reference to an group - None

Trees specified by reference to a woodland - None

SK 430518 381758

Measurements shown approximate

SHEFFIELD CITY COUNCIL			
PLACE			
PLANNING SERVICE CITY GROWTH			
TREE PRESERVATION ORDER			
No. 424			
TITLE:			
124 CAUSEWAY HEAD ROAD			
SHEFFIELD			
SCALE:			
1:1250 @ A4			
Drawn by:	Checked by:	Date:	
KH		02/09/2018	
Drawing No:			
A4/UE/D/808/424			

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 30/8/18	Surveyor: Nathan McWhinnie
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Tree details		
TPO Ref:	Tree/Group No:	Species: Oak
Owner (if known):		
Location: Rear garden of 124 Causeway Head Road, on Parkers Lane roadside		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/Dying?Dangerous Unsuitable

Score & Notes
5 – the smaller of the trees has some old bark wounds at the base, now occluded, but both crowns are in full vitality

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes
4 – the trees are no more than 60-70 years old, I estimate, so could live for a couple more centuries, but one or both may outgrow their context by then. May have been planted when the houses were built – in the 1950s?

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
3 – in their early middle years, so not yet large for the species

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes
5 – pre-app submitted to build a bungalow in the back garden

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
18

Decision:
Definitely merits TPO

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 29/01/2019

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and John Williamson 2039183

Summary:

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

Recommendations:

Background Papers:

Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Category of Report: OPEN

Application No.	Location	Page No.
18/03709/FUL	10 Pen Nook Drive Sheffield S36 2TW	
18/02533/FUL (Formerly PP-07089367)	Electricity Substation Adjacent 33Brown Lane Sheffield S1 2NH	
17/05131/FUL (Formerly PP-06616955)	Enterprise House Site Adjacent To 1Hunshelf Park Sheffield S36 2BT	

Case Number	18/03709/FUL
Application Type	Full Planning Application
Proposal	Erection of single-storey rear extension to dwellinghouse
Location	10 Pen Nook Drive Sheffield S36 2TW
Date Received	02/10/2018
Team	West and North
Applicant/Agent	DK Designs
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 2018-099-02 Rev A - Existing and Proposed Plan dated 5th October 2018.
Drawing 2018-099-01 Location Plan Existing and Proposed Site Plans dated 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)

Other Compliance Conditions

3. The proposed facing materials shall match the facing materials to the existing building.

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

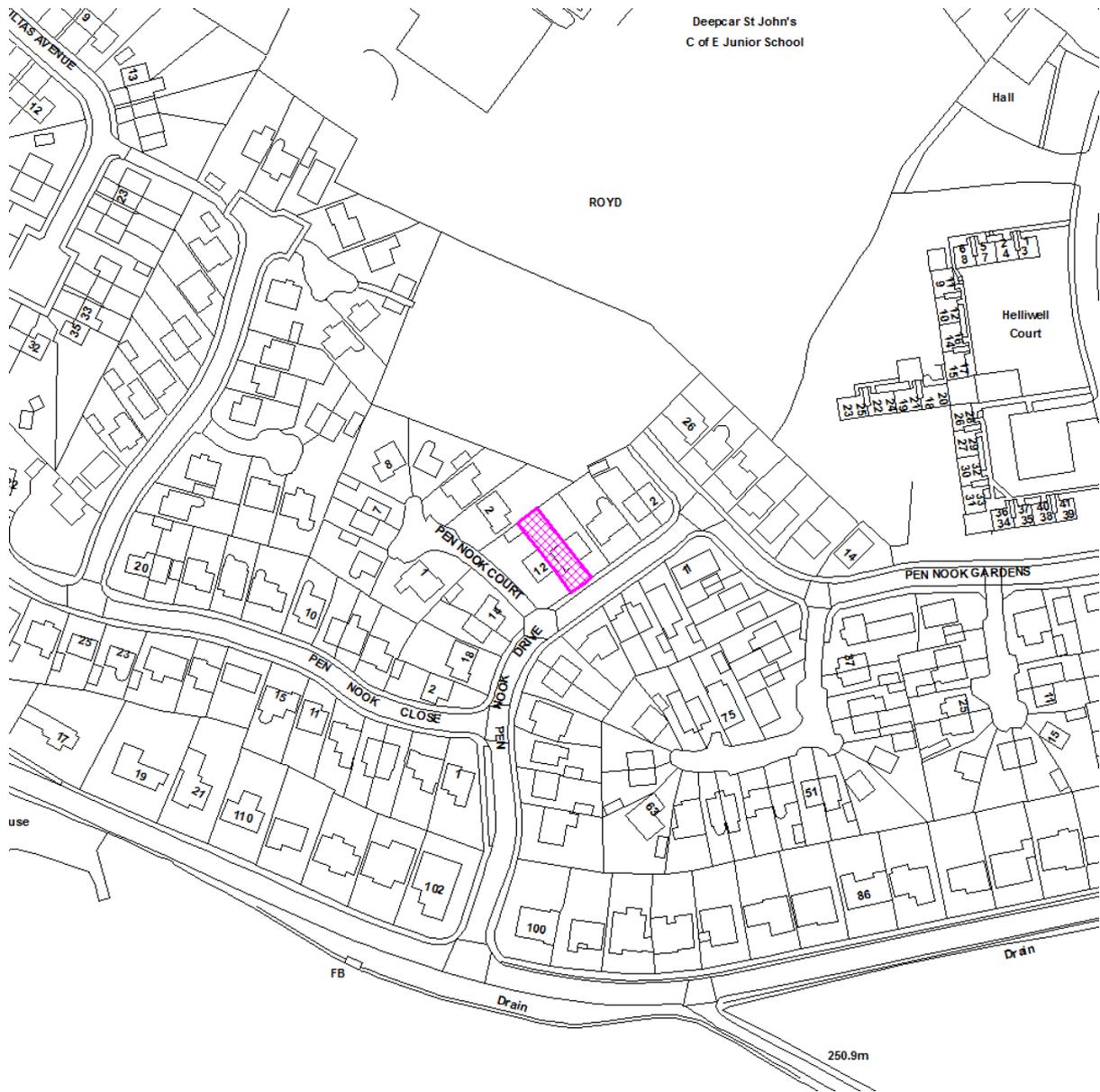
4. The proposed roofing materials shall match the roofing materials to the existing building.

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a semi-detached property on Pen Nook Drive, Deepcar. The site is on sloping land being set around 0.5m below the level of the neighbouring detached dwellinghouse (No.12 Pen Nook Drive) to the west and at the same level as the attached neighbouring property (No.8 Pen Nook Drive).

Planning permission is sought for the erection of a single-storey extension to the rear of the property. This would run along the entire rear elevation of the dwellinghouse and 1.6m beyond the existing side elevation of the property such that the extension would be closer to No.12 than the existing property. A gap of 0.75m would be retained. The extension would be constructed from brick to match the property with a mono-pitched tiled roof (again with tiles to match the existing dwellinghouse).

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and is surrounded by residential properties.

RELEVANT PLANNING HISTORY

There is no relevant planning history

SUMMARY OF REPRESENTATIONS

No representations have been received.

PLANNING ASSESSMENT

Policy

The revised National Planning Policy Framework (NPPF) July 2018; Paragraph 127 seeks to ensure that new developments (which includes house extensions):

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- d) establish or maintain a strong sense of place and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy H14 (Conditions on Development in Housing Areas) of the Unitary Development Plan supports and accords with the aims of the NPPF and 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 or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood and it would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians.

Policy H14 is supplemented by adopted Supplementary Planning Guidance on Designing House Extensions (guidelines 1-9). This document provides more detailed guidance on matters such as design, overbearing and privacy.

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

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

Design Issues

The proposed development will be to the rear of the property. Part of the extension would be visible from the highway (albeit at a distance between two properties), where it projects beyond the existing side elevation of the property and the extension could also be viewed from Pen Nook Court, across the gardens of neighbouring dwellings.

The proposed extension would be constructed from materials to match those of the existing dwellinghouse and other properties have been extended to the side and rear. Windows would be a similar style and alignment to existing windows in the property with decorative heads / cills again to match.

The proposed extension would not appear overly dominant of the dwellinghouse and views to the extension would not adversely impact upon the character and appearance of the area.

In terms of design it is considered that the development would accord with the aims of the revised NPPF (para 127) as well as policies contained within the Sheffield UDP (BE5, H14) and Core Strategy (CS74).

Residential Amenity Issues

The proposed extension would project 3.8m from the existing rear elevation of the property and would reduce the distance to the rear boundary to around 8.5m.

Generally the Local Planning Authority prefer to see a distance of 10m between a property and the rear boundary to prevent unreasonable overlooking to neighbouring dwellings. In this instance the rear boundary of No.10 Pen Nook Drive is also the side boundary with No.2 Pen Nook Court. As this property is at an angle to the

proposed development it is considered that the extension would not result in unreasonable levels of overlooking to No.2 Pen Nook Court and would not lead to a loss of privacy. The extension is only single-storey and the existing boundary treatment would provide adequate screening.

The property would retain in excess of 65sqm of garden space which is adequate and is commensurate with the garden sizes of neighbouring dwellings. As such the proposal would not result in an overdevelopment of the site.

The attached neighbouring dwellinghouse (No.8 Pen Nook Drive) has been extended to the rear with a conservatory. This has a solid wall along the majority of the side elevation adjoining No.10. It is considered that the extension would not result in unacceptable levels of overshadowing or loss of light to this neighbouring dwelling.

The extension would come closer to No. 12 Pen Nook Drive and would project beyond the rear elevation of No.12; however this property is set at a higher level and set back from No.10. The extension would not project significantly beyond the rear elevation of No.12 and it is considered that the extension would not result in issues of overshadowing or loss of light in this direction.

The majority of windows within the extension would look onto the garden to the rear and would not result in significantly greater overlooking than exists. A window is proposed on the front elevation of the extension looking towards the highway; however given the position of the extension relative to No.12 this would not result in any overlooking either.

The proposed development accords with the objectives outlined in Policy H14, the adopted Supplementary Planning Guidance on Designing House Extensions (guidelines 2-5) and para 127 of the NPPF (2018).

Highway Issues

The development would not alter existing parking arrangements and raises no highway safety concerns.

SUMMARY AND RECOMMENDATION

The proposed single storey rear extension is considered to be acceptable in terms of design, form, and scale as well as any effect upon residential amenity. The development would not impact upon highway safety and is considered to be complicit with para 127 of the revised NPPF, Policies BE5 and H14 of the Sheffield Unitary Development Plan, Policy CS74 of the Core Strategy and the Council's Supplementary Planning Guidance on Designing House Extensions.

It is recommended that planning permission be granted with conditions.

Case Number	18/02533/FUL (Formerly PP-07089367)
Application Type	Full Planning Application
Proposal	Alterations and extensions to substation to form bar/restaurant (Use Class A3/A4) including outdoor seating area (as per amended drawings dated 07.01.19)
Location	Electricity Substation Adjacent 33 Brown Lane Sheffield S1 2NH
Date Received	02/07/2018
Team	City Centre and East
Applicant/Agent	Mr David Oulsnam
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 numbers;
95218 03 rev N - Proposed Ground Floor Plan published 17.01.19
95218 04 rev F - Proposed Elevations published 17.01.19
95218 05 rev B - Proposed Site Plan published 07.01.19
95218 06 - Site Location Plan published 02.07.18

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.

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

6. No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
 - a) Be based on the findings of approved noise survey (ref: 12585.01.v1, dated: 10/18, prepared by: NoiseAssess).
 - b) Be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

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.

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

7. The brickwork to be used externally shall match that of the existing building in colour, shape, size and texture.

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

8. 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.

9. 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:

Windows and doors including reveals (which shall be a minimum of 125mm)
Re-hung timber door shutters
Parapet and capping

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

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

10. 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.

11. The site shall be bound by a low red brick wall fronting Charles Street, full details of which shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details before the outdoor seating area is brought into use.

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

12. The bin store, as shown on the approved drawings, shall be implemented before the bar/restaurant is brought into use, and thereafter retained for the sole use intended, and at no time (except on collection days) shall bins be stored elsewhere.

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

13. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

14. 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 the interests of the amenities of the future occupiers of the building.

15. The bar/restaurant use hereby approved shall not commence until the commercial kitchen fume extraction and air conditioning systems, as shown on the approved plans and detailed in the following approved documents, have been implemented in accordance with those details and thereafter retained and maintained in working order.

Mechanical Ventilation and Environmental Control Equipment by Airflow Cooling published 25.10.2018
External Unit Specification documents (Daikin AZQS100B8V1B I and II) both published 17.01.2019

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

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. No amplified sound shall be played within the external areas of the commercial use hereby permitted nor shall loudspeakers be fixed at any time outside the building.

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

18. Doors and windows shall be kept closed at all times, save access and egress of the general public or than in case of emergency, when amplified sound is played within the commercial use hereby permitted.

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

19. No customer shall be permitted to be on the premises outside the following times: 0800 hours to 0000 hours (the following day) Monday to Thursday, 0800 hours to 0200 hours (the following day) on Friday and Saturday, and 0800 hours to 0000 hours (the following day) on Sundays and Public Holidays.

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

20. Commercial deliveries to and collections from the building shall be carried out only between 0800 hours and 2100 hours Monday to Saturday and not on Sundays and Public Holidays.

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

21. The movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between 0800 hours and 2100 hours Mondays to Saturdays and between 1000 hours and 2000 hours on Sundays and Public Holidays.

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

22. The outside area shall not be used for eating and drinking outside the following times; 1100 hours and 2200 hours Sunday to Thursday and Public Holidays and 1100 hours and 0000 hours on Friday and Saturday.

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

23. The bar/restaurant use hereby permitted shall be managed in accordance with the approved Noise Prevention Strategy (by Forge Creations published 17.01.2019).

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

24. 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.

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. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

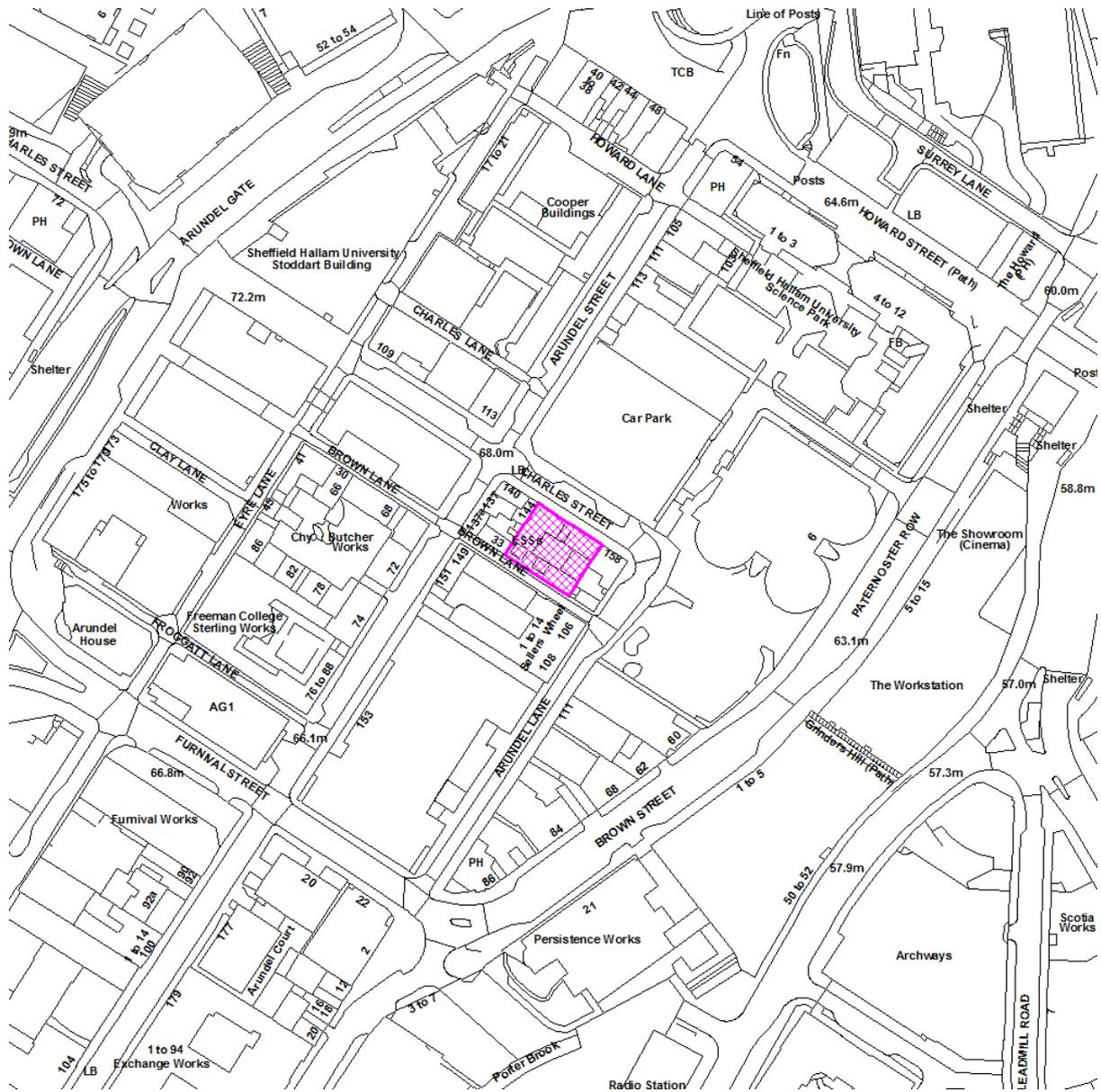
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Site Location



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LOCATION AND PROPOSAL

The application relates to a disused electricity substation on the southern side of Charles Street, seeking planning consent for use as a bar/restaurant (use class A3/A4), including two single-storey side extensions and the provision of an outdoor seating area to the front.

RELEVANT PLANNING HISTORY

10/02195/FUL - Alterations and extensions to substation to form cafe/restaurant (Use Class A3) and bar (Use Class A4) – Grant conditionally 05.10.2010

SUMMARY OF REPRESENTATIONS

A letter of representation was received from the adjacent manufacturing business (MG Tools), in summary:

- Requesting their presence in the area is fully taken into account to eliminate potential complaints as their machinery may be heard within the proposed bar and kitchen areas without insulation
- Raising concern that the use of a flat roof to the proposed kitchen may provide easy access to felons and a secure boundary is preferred

15 no. letters of objection were received from occupiers of apartments within Butcher Works, in summary the following concerns were raised:

- Late night opening hours (to 00:00 hours Sunday to Thursday and 02:00 Friday and Saturday) will lead to noise and disturbance, not acceptable in this residential area, which currently has low levels of background noise at night
- Butcher Works is a Listed Building and does not have double glazing to help soundproof or air conditioning, which requires windows to be open in the summer months
- Increased footfall is a threat to privacy
- The aspiration of being “the beating heart of the city” would appeal to students with a difference in lifestyle to the occupants of Butcher Works i.e. professionals and families
- Other licenced premises in the area do not operate beyond 11pm, which is considered a reasonable closing time in this area and should be stipulated here
- The limited menu of chips and dips and small kitchen area indicates a bar rather than restaurant, circumventing the planning process
- Large outdoor seating would create significant noise within 50m of Butcher Works and should be limited to 10pm
- The 2010 permission limited hours to 00:30 Monday to Saturday and 00:00 Sundays and Public Holidays, establishing that later opening hours would be inappropriate, and since then there has been more residential development in the area
- Hallam Union events have caused noise disturbance, including from an outdoor area which forms a quadrangle with Arundel Street, Charles Street

and the Science Park amplifying noise, in which the proposed bar would be located

- The Cultural Industries Quarter Conservation Area is an increasingly residential area, not home to late night bars, and the proposal is out of character with the area
- Proposals are against Guideline 2 of Sheffield City Council's Interim Planning Guidance on Night Time Uses, Sheffield City Council's City Living Strategy, UDP Policy IB9 and the Human Rights Act 1998
- Letter only giving 1 day to reply is unacceptable

A letter of objection was received from Councillor Douglas Johnson, in summary reiterating and supporting the above concerns raised by the residents of Butcher Works and stating that the application should be rejected as noise issues have not been addressed.

A response to the objections was submitted by the applicant's agent.

The objections are addressed in the planning assessment below.

PLANNING ASSESSMENT

Principle

The site lies within a Fringe Industry and Business Area, as designated in the Unitary Development Plan (UDP), where Policy IB6 identifies business, industry and warehouse uses as preferred, but lists food and drink outlets as acceptable in principle, subject to the provisions of UDP Policy IB9(a).

The subject site is small and is not occupied by a preferred use, therefore the proposal would not prejudice the dominance of industry and business in the area, and the principle of a bar/restaurant use on the site is acceptable.

Design and access

The site lies within the Cultural Industries Quarter Conservation Area, and a designated Area of Special Character.

The site comprises a traditional former substation, finished in red brickwork with a front gable feature and double height doorway. The building sits behind the building line established by the adjacent neighbours, within a largely open plot currently used for car parking. The building is of good architectural quality and makes a positive contribution to the Conservation Area.

The proposal retains the existing building with the addition of single storey flat roof extensions to either side, finished in matching brickwork. While not of traditional design, this simple, contemporary approach is considered to be acceptable, reading as subservient additions which respect the character of this robust brick building.

The existing original timber doors would be retained and rehung as shutters to a glazed internal entrance porch, which would be lightweight and maintain the scale of

the double height opening. The proposed glazed lobby would have a level threshold and 1m effective clear width, providing inclusive access. Full large scale details of windows etc would be conditioned in order to achieve a quality finish.

The outdoor seating area to the front would provide some welcome activity in the street scene and improve the appearance of the site from Charles Street. A low boundary wall would be required to the front to contain the outdoor seating area, and full landscaping details would be conditioned.

The flue would terminate at low level over the flat roof of the kitchen area, however, views of the top of the cowl would be negligible. An A/C unit would be positioned to the rear, and while visible from Brown Lane, the character of this area is that of a back lane and it is not considered that the unit viewed within this context and would unreasonably harm the character of the wider Conservation Area.

Overall the proposal is considered to be of acceptable design quality, which would preserve and enhance the character of the building and the wider Conservation Area, according with UDP Policies BE5, IB9(c), BE15, BE16 and BE17 and Core Strategy Policy CS74.

Amenities of the locality

It is acknowledged that a late night bar/restaurant use has the potential to be a source of disturbance within the locality, particularly for neighbouring residents within the Butcher Works and Sellers Wheel developments. However, it is considered that acceptable details have been submitted regarding noise and odour, and that the impact on neighbours can be made acceptable by the use of conditions, addressed below.

The principal objection raised by neighbours relates to the proposed late night bar use causing noise disturbance. A restriction of noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB would ensure noise from within the bar would not lead to unreasonable disturbance within the locality, and at this low level would not be audible from within surrounding residential developments. It is noted that Butcher Works does not have double glazing; however, the noise levels discussed would be adequate.

A noise report was submitted by the applicant, demonstrating that the required level of noise breakout can be achieved when amplified noise is played within the building. A condition would require validation testing to ensure that the required noise levels are met before the development is brought into use. A condition would also require doors and windows to remain closed when amplified sound is played, and the design includes an internal acoustic lobby.

The operating hours of use proposed are 11:00 to 00:00 Sunday to Thursday and Public Holidays and 11:00 to 02:00 on Friday and Saturday, and these would be controlled by condition.

The concerns regarding a late night bar being out of character in this area are noted. However, the area comprises a range of commercial and residential uses including

Sheffield Hallam University's Student's Union at the eastern end of Charles Street. While night time background noise levels may be lower than areas with more traffic and busier night time economies, such as West Street or Division Street, it is not considered that the proposed hours of use would lead to unacceptable noise disturbance within the area.

When leaving the premises after closing, customers could disperse in a number of directions, up or down Charles Street, Arundel Street and Arundel Lane, or across the car park opposite. It is not considered likely that congregations of customers leaving the premises late at night would lead to prolonged and unacceptable noise in the locality that would unacceptably disturb local residents to such an extent that would be prohibitive of the opening hours requested. The above mentioned sound attenuation requirements would equally control noise breakout from the building to acceptable levels late at night as well as during the day.

It is acknowledged that customers using the outdoor seating area are a potential noise source, which is difficult to control due to its nature and outdoor setting. However, noise would be limited to customers' voices only as a condition would prevent loud speakers and amplified sound being played externally.

The submitted noise report demonstrates that when the terrace is at capacity this would not lead to noise levels that would cause unacceptable disturbance for residents. While this capacity is based on the indicative layout of the seating area shown on the plan, and it is acknowledged that it may be possible for more customers to use the seating area at any given time, the noise report is considered to make appropriate assumptions, as it assumes half the people would be talking at once, at a distance of 20m from residential properties. The external area would be limited to approx. 147m² in size, and would actually be a minimum distance of 30m away from the nearest point of the Butcher Works apartments, screened by the adjacent two-storey neighbouring buildings.

A condition would prevent the outside area being used for eating and drinking outside the following times; 11:00 to 22:00 Sunday to Thursday and Public Holidays and 11:00 to 00:00 on Friday and Saturday. This would allow the outdoor area to be used for smoking but would avoid prolonged use by congregations of drinkers and mitigate any potential late night disturbance.

In addition, a noise prevention strategy has been submitted by the applicant detailing measures to further mitigate disturbance in the locality, including management of the outdoor area by staff, which will be secured by conditioned.

Further conditions would limit servicing, deliveries, and the movement and sorting of waste between 0800 and 2100 to avoid the noise associated with these activities causing early morning or late night disturbance.

A low level flue will terminate just above the flat roof of the kitchen extension and an A/C unit would be positioned to the rear. The technical specification of this equipment has been submitted and demonstrates that it would adequately address cooking odours but not be a source of unreasonable noise disturbance in the locality. These specifications will also be conditioned.

Concerns regarding neighbouring privacy are noted. However, it is not considered that the proposal would lead to a level of increased footfall that would be materially detrimental to existing privacy levels or warrant refusal.

Overall it is not considered that the proposal would cause existing residents to suffer unacceptable living conditions, or harm the quality of the environment to an extent that it would discourage new industry and business development, according with UDP Policy IB9(b) and (e).

Land quality

The site lies within a Coal Mining Referral Area. A structural report was submitted indicating that the development can be undertaken without improvement works to the existing foundations and therefore no significant ground works are required and a full Coal Mining Risk Assessment was not submitted. The Coal Authority raised no objection to this approach and the proposal is not considered to raise any land quality issues.

While no breaking of the ground for structural development is planned, external areas will be resurfaced and past and probable shallow coal mine workings lie across the site. This, alongside the former substation use, raises concerns regarding potential land contamination and health and safety issues. Therefore conditions are attached requiring site investigations, and where necessary remediation works, to ensure that the site is suitable for the intended use.

Highways

The site occupies a highly accessible location, in close proximity to public transport routes and in walking distance of surrounding residential accommodation and other attractions within the City Centre. It is not considered that the proposal would generate a high demand for parking and waiting restrictions in the area, including on Charles Street and Brown Lane, would prevent any parking demand or servicing associated with the development causing hazards within the highway.

Ideally the redundant dropped kerb running the width of the site on Charles Street would be reinstated to a full kerb to improve highway safety. However, it is not considered reasonable to insist that the developer undertakes this work given the scale of the development in question and the benefit of bringing this derelict site back into use.

Overall, the development is not considered to cause any highway safety issues, according with UDP Policy IB9(f).

RESPONSE TO REPRESENTATIONS

Issues regarding noise disturbance, hours of opening and privacy have been addressed in the planning assessment above. The remaining concerns raised are addressed below:

- The machinery of the tool manufacturing firm has been taken into account, however the proposed kitchen area adjacent is not considered to be a noise sensitive use
- It would not be reasonable to insist that the design incorporates boundary treatments on the flat roof to reduce potential for crime as the proposal is otherwise acceptable on planning grounds
- The extent to which the proposed business would operate as a bar or restaurant is not circumnavigating the planning process. There is a kitchen area proposed and the venue will serve food, and has been advertised as a mixed A3 and A4 use. The noise conditions imposed would protect the amenities of the locality regardless of whether the proposal is to serve food or not
- Whether the venue would be oriented towards students or not is immaterial as the conditions imposed would protect the amenities of the locality regardless of the clientele
- Neighbour letters were sent out on 21.08.2018 and comments have been accepted throughout the assessment process
- The Human Rights Act is not a material planning consideration
- The 2010 planning approval did not establish that later opening hours than those previously approved were unacceptable. The Local Planning Authority is obliged to consider the hours requested and in this case they have been demonstrated to be acceptable.
- The Interim Planning Guidance on Night Time Uses (2005) was superseded by the Supplementary Planning Guidance on City Centre Living (update 2011). The site falls outside the two designated areas covered by the strategy and the recommended cut-off time of 00:30 therefore does not directly apply. The planning assessment above has demonstrated that the proposal would accord with UDP Policy IB9 and it is not considered that the amenities of residents would be harmed by noise, traffic, odours or general disturbance.

SUMMARY AND RECOMMENDATION

The proposed development is of acceptable design quality and will bring an interesting, unused building into active use.

The submitted noise report has demonstrated that the required noise levels can be achieved, and these levels will be validated before the proposal is brought into use to avoid any unacceptable noise break out.

The noise report has also demonstrated that potential noise from the outdoor seating area will not lead to unacceptable levels, and a noise prevention strategy is conditioned to further mitigate disturbance in the locality. As such, the proposed use, and the proposed operating hours are considered to be acceptable.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.

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Case Number	17/05131/FUL (Formerly PP-06616955)
Application Type	Full Planning Application
Proposal	Erection of 10no dwellings with ancillary parking and access works
Location	Enterprise House Site Adjacent To 1 Hunshelf Park Sheffield S36 2BT
Date Received	19/12/2017
Team	West and North
Applicant/Agent	Crowley Associates
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing PT118-101 Rev PL01 Site Location Plan
Drawing PT118-103 Rev PL06 Proposed Site Block Plan - received 18/7/18
Drawing PT118-104 Rev PL07 Proposed Site Plan - received 18/7/18
Drawing PT118-105 Rev PL01 Proposed Typical Section
Drawing PT118-106 Rev PL02 Proposed Site Elevations
Drawing PT118-107 Rev PL01 Acoustic Section

Drawing PT118-110 Rev PL01 Internal Layout Options
Drawing PT118-111 Rev PL01 Garden _Town Living
Drawing PT118-112 Rev PL01 Double Height Space
Drawing PT118-113 Rev PL01 3 Bed Options Garden
Drawing PT118-114 Rev PL01 3 Bed Options Town
Drawing PT118-115 Rev PL01 4 Bed Options Garden
Drawing PT118-116 Rev PL01 4 Bed Options Town
Drawing PT118-117 Rev PL01 5 Bed Options

Drawing PT118-118 Rev PL01 Kitchen Options

Drawing PT118-121 Rev PL02 Proposed Elevation Detail

Drawing PT118-122 Rev PL02 Proposed Elevations Permutations

Drawing PT118-131 Rev PL05 View of Frontages (horizontal boarding) - received 9/11/18

Drawing PT118-132 Rev PL05 View of From the Entrance (horizontal boarding) - received 9/11/18

Drawing PT118-134 Rev PL05 View of From Site (horizontal boarding) - received 9/11/18

Drawing PT118-151 Rev PL05 Long View 1 - received 9/11/18

Drawing PT118-152 Rev PL04 Long View 2 - received 9/11/18

Drawing PT118-153 Rev PL04 Long View 3 - received 9/11/18

Drawing PT118-154 Rev PL05 Long View 4 - received 9/11/18

Drawing PT118-155 Rev PL05 Long View 5 - received 9/11/18

Drawing PT118-156 Rev PL07 Long View 6 - received 9/11/18

Drawing 100 P 007 Rev B Autotrack Analysis Refuse Servicing Arrangement - received 19/9/18

Drawing 100 P 001 Rev C Proposed Access Arrangements onto Hunshelf Road - received 16/7/18

Indicative Surface Water Drainage Strategy - received 25/7/18

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, referenced BNF 3227, 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 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.

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 detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. 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.

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)

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. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
- a) Window reveals
 - b) Cladding (unit sizes, setting out, method of fixing)
 - c) Eaves and verges
 - d) Rainwater goods
 - e) Windows
 - f) Entrance canopies / porches

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

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

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

Reasons: In the interests of the appropriate development and the interests of the amenities of residential amenity.

11. 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.

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. 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.

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

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

15. Details of all types of site boundary treatment, including detailed design, materials and specifications of the gabion retaining structures shall have been 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. 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.

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

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

18. The development shall not be used unless the widening of Hunshelf Park (minimum width 5.5 metres), provision of gabion baskets or similar, resurfacing of Hunshelf Park in bituminous tarmac from Hunshelf Road to the eastern boundary of the development site and marking out of eight longitudinal car parking spaces in Hunshelf Park has been provided in accordance with full construction details that shall first have been submitted to and approved in writing by the Planning Authority.

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

19. 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 from within the development site will be prevented from spilling into Hunshelf Park. Once agreed, the measures shall be put in 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.

20. The development shall not be used until either:
- a) improvement works to the highways specified below have been carried out to enable such highways to perform safely when subjected to the traffic which in the opinion of the Local Planning Authority will be generated by the development,
 - or
 - b) details have been submitted to and approved by the Local Planning Authority or arrangements which will have been entered into which will secure that such improvement works will be carried out before the development is brought into use, or alternatively for the improvement works to be constructed in accordance with a timeline that shall first have been submitted to and approved in writing by the Local Planning Authority.

The Works:

- i) Reduction of the width of Hunshelf Road by physical kerb works to bring the give way marking out into the main carriageway, thereby improving visibility from Hunshelf Park.
- ii) Promotion of a Traffic Regulation Order aimed at increasing the length of the existing waiting/loading restrictions uphill along Hunshelf Road by approximately 40 metres.
- iii) Any other accommodation works to traffic signs, road markings, lighting columns, and general street furniture deemed necessary as a consequence of the development.

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.

21. 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.

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

- a) Be based on the findings of approved Environmental Noise Impact Assessment report (ADT, ref. 2244; 02/05/2017).
- 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 - not normally exceeded);
 - Outdoor Amenity Areas (rear): LAeq (16 hour) 50dB (0700 to 2300 hours)

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation and a scheme of works designed to mitigate solar gain to all habitable rooms. Before the works are 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 (1 hour) 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.

23. 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.

24. The development 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.

25. The development shall not be used unless that part of the road providing access thereto has been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority (including full details of drainage, construction details/materials and lighting).

Reason: In the interest of highway safety.

Other Compliance Conditions

26. The development shall be carried out in accordance with the details shown on the submitted Flood Risk and SuDS Statement prepared by Civic Engineers (Report 17013 dated April 2017), unless otherwise agreed in writing with the Local Planning Authority .

Reason: In the interest of satisfactory and sustainable drainage.

27. 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: In the interests of the amenities of occupiers of adjoining property, bearing in mind the steep nature of the curtilage and to ensure that there is no visual intrusion which would be detrimental to the amenities of the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

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

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

4. 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 on the Council website here:

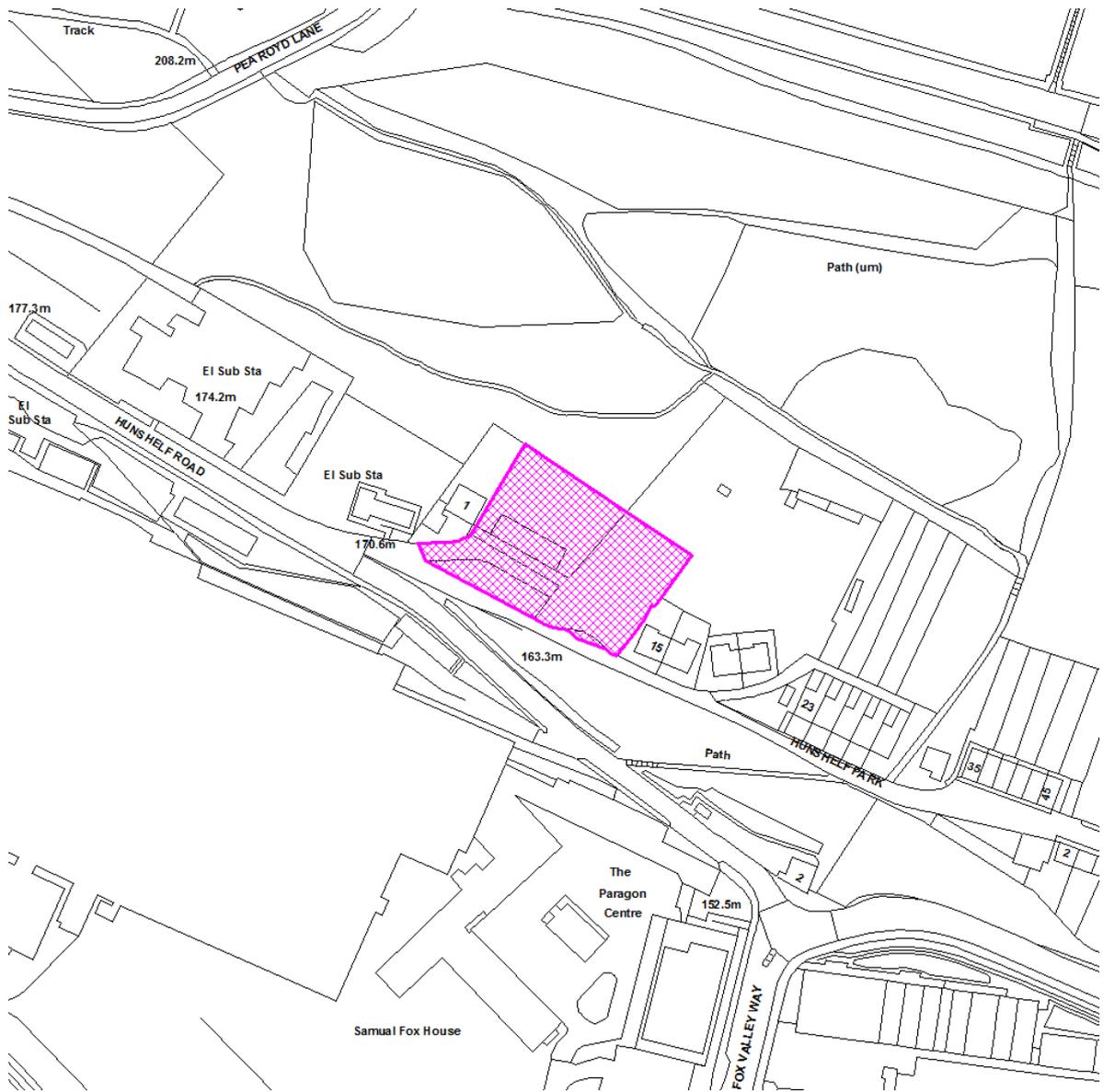
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

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

5. 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. 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 vacant piece of land that has previously been occupied by a flat roofed building which was used for industrial / business purposes.

The building has been removed as it was frequently broken into and became the subject the anti-social behaviour.

To either side of the site are residential properties and to the south is the Stocksbridge steel works. The site is in an elevated position as the land rises to the north.

The site is identified on the Unitary Development Plan Proposals Map as being within a General Industry Area with Special Industries.

Planning permission is sought for the erection of 10 dwellings with associated parking and amenity space to the rear. Improvements are also sought to the access onto Hunshelf Park. The properties have been designed to Passivhaus energy standards and would be custom build, where each property could be customised to a certain extent by the intended occupier.

The properties would be in the form of 2 runs of 5 dwellings with charred timber boarding and eternit cladding panels being the main external materials.

RELEVANT PLANNING HISTORY

Outline planning permission has previously been sought for the erection of 9, 3 storey town houses by application 05/01648/OUT. This application was withdrawn.

A further application was submitted for 10 no 2 storey town houses and garages. Application 15/03418/OUT refers. This application was refused as it was considered to be a departure from the adopted development plan. The application failed to demonstrate that occupiers of the dwellings would be afforded satisfactory living conditions and it was considered that residents would be disturbed by noise from the neighbouring steel works. In addition the proposed design of the development, having a large garage block to the front of the site, would be injurious to the visual amenities of the locality.

SUMMARY OF REPRESENTATIONS

26 representations have been received. 12 are in support of the development and make the following comments:

- The development will enhance the area.
- The proposed development has strong green credentials and people living there would be unlikely to have more than one car.
- The development will provide low cost homes, utilising a brownfield site and would have low running costs.
- The existing roads are more than capable of coping with a small increase in traffic.

- The development would mean fewer houses are built in the Green Belt.
- The development of low cost, low carbon housing such as this should be encouraged.

One letter has been received from the steel works. This does not object or support the development but does raise concerns that the proposal may result in increased parking on surrounding roads which could cause problems with HGV's using the surrounding road network.

The letter also sets out that the steel works would be willing to allow the applicant to install attenuation measures on the works, at their own cost; however the properties should be designed to minimise noise based on a worst case scenario. The steel works would not wish to be source of neighbour complaints.

13 representations have also been received objecting to the proposed development. These raise the following concerns:

- 10 houses are too many for the space available and this will create further pressure on parking on Hunshelf Park. It is unlikely that each property would only have one car and the proposed development does not indicate that sufficient parking can be provided.
- The junction of Hunshelf Park with Hunshelf Road is dangerous.
- The site could be contaminated and this should be taken into account when developed.
- The water tanks could become smelly with stagnant water.
- Vehicles often have to reverse along Hunshelf Park as there is nowhere to turn.
- Adding further traffic would make this more dangerous.
- Ambulances, refuse lorries etc. find it difficult to negotiate the junction.
- The properties would be out of keeping with the street and would be built close to No.1.

Many of the representations in support are not from local residents.

- Concerns are raised that the measures taken to mitigate the noise generated by the rolling mill directly opposite the new development are inadequate and will cause future problems and conflict between new residents and Liberty steel.

- Hunshelf Park is an unadopted Road, maintained by local residents. Further traffic would result in the road falling into a greater state of disrepair.

- The development would pose a danger to pedestrians and children who play on the street.

- Infrastructure such as drains, electricity etc. may not be capable of accommodating the extra pressures 10 dwellings would add.

- The development would displace 4-5 vehicles which currently informally use the site for parking and turning.

PLANNING ASSESSMENT

Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being largely within a General Industry Area with Special Industries. Within such areas UDP Policy IB5 sets out that general industry and warehousing are the preferred use and lists a number of other uses as being acceptable. The policy also sets out that housing is not considered to be an acceptable use within such areas. In the policy reasoning it sets out that 'Residential institutions and houses are not allowed as living conditions would generally not be satisfactory for living there permanently.'

The development has been advertised as a departure by way of a site notice and an advert published in the Sheffield Telegraph on 25th July 2018.

Core Strategy Policy CS33 has recognised that there may be surplus industrial land in the area and the UDP designations may now be considered to be too extensive. Paragraph 8.53 of the Core Strategy recognises that some former industrial land will be made available for housing as long as it is limited to previously developed land. This was reflected in the proposal to designate the area as a Flexible Use Area in the draft City Policies and Sites document (although this carries limited weight). The character of the area has changed since the UDP was adopted with the Fox Valley retail park having been constructed as well as more housing, setting a precedent for allowing housing within the Industrial Area.

The site has been previously developed and there are residential properties to either side of the site (which are of some age and were erected before the current UDP designation as an Industrial Area). Although a departure from policy contained within the UDP, the principle of housing on this site would accord with Policy CS33 of the Core Strategy. Never the less, the steel works is still present within close proximity to the site and is active. As such, for housing to be considered to be appropriate the Local Planning Authority need to be satisfied that adequate living conditions would be afforded to future occupiers of the development. This will be dealt with later in the Committee report.

Housing Supply

The NPPF 2018 requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer (paragraph 73). In addition, Policy CS22 - Scale for the Requirement for New Housing of 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 positive contribution towards the identified housing supply shortfall and so this should be offered appropriate weight as a material consideration.

Core Strategy Policy CS23 emphasises concentrating new housing development within or adjoining the main urban area of Sheffield, and the urban areas of Stocksbridge/Deepcar.

Paragraph 68 of the revised NPPF also 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... 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’.

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.

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. In this respect the development would accord with Core Strategy Policy CS22, CS23, CS24 and paragraph 68 and 73 of the NPPF (2018).

Density of Development

The submitted plans seek to develop the site with 10 dwellings. The density of development would equate to around 38 dwellings per hectare. This is in line with the aspirations of Core Strategy Policy CS26 which sets an appropriate density range for this location of between 30 -50 dwellings per hectare.

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 optimal use of the potential of each site.

As such it is considered that the development would comply with Core Strategy Policy CS26 and the NPPF, resulting in an efficient use of the land.

Affect Upon Character and Appearance

The proposed development would take the form of two terraced runs of 5 dwellings. The proposed dwellings would be two storeys in height (with accommodation within the roof space) and so would be of a similar scale and massing to existing terraced properties along the street. The terrace would have a

kink (dog leg) so that the new dwellings would roughly line through with the properties to either side.

The properties would be set back from Hunshelf Park on an elevated terrace with parking to the front as well as open front garden areas. A new retaining wall would be built adjacent to the road. To the rear each property would have a private garden area.

The properties would be of modern design, using modern materials. The applicant is keen to eliminate 'wet trades', allowing the properties to be built quickly and efficiently and also in an environmentally friendly manner.

The dwellings would be constructed using a lightweight cladding structure with charred timber cladding breaking up the elevations. The applicant has set out that this would read like bricks at a distance as the charred timber would be laid horizontally. Visuals have also been provided to assist in assessing how the development would look from various vantage points.

The parking area to the front of the properties would be partially screened from Hunshelf Park by a low stone wall which would help to 'ground' the development within its surroundings, stone walls being a common feature within the area.

The properties would be 'custom build' whereby future occupiers can choose the internal configuration so the properties could provide between 3 – 5 bedrooms. Regardless of the internal configuration the properties would still have much the same external appearance, and windows / doors would remain in the same position.

It is considered that the proposed design of the development is acceptable. The proposed development would make a positive contribution to character and appearance of Hunshelf Park and the wider area. Being set on the hillside the site is prominent and will be seen from the opposite side of the valley.

It is considered that the development would conform with UDP Policy BE5 which sets out that 'Good design and the use of good quality materials will be expected in all new developments. The development would also be in accordance with Core Strategy Policy CS74 which sets out that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.

In terms of design it is also considered that the development would satisfy the NPPF. Paragraph 127 of the revised NPPF sets out that decision should ensure that development 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Impact Upon Residential Amenity

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

The proposed development would be sited to roughly line through with the existing residential properties to either side. As such the development would not give rise to unacceptable levels of overshadowing or loss of light that would affect occupiers of neighbouring dwellings. Main windows in the properties would look out onto Hunshelf Park to the front and onto the rear gardens of the properties and communal orchard to the rear. The development would not result in a significant loss of privacy to existing residents.

Each of the new dwellings would have a small rear patio and a terraced garden, retained with gabion walling, leading to a communal orchard at the top of the site. The patio areas and gardens would have fencing to the sides. Given the sloping nature of the site the higher portions of the gardens would be able to be overlooked; however occupiers of the property would be aware of this when making a purchase. The patio areas would remain private and it is considered that each property would have adequate private amenity space.

Noise Issues

As already discussed, the site is close to the steel works which can at times be noisy. Historically, the noise associated with the steelworks was generally tolerated as the steel works was often the employer of those affected. However, people unfamiliar with the area have complained (to the steel works directly as well as to the Council's Environmental Protection Service) regarding noise associated with activities carried out at the steelworks. Activities at the site (and so noise) can and do occur at all times of the day and night.

A noise report by Acoustic Design Technology, reference ADT2244/ENS, dated 2.5.17 has been submitted in support of the application. The report identifies that the site is significantly affected by intermittent noise breakout from the steelworks, ranging from low frequency noise from the fan to high frequency noise from the cutting of steel within the steelworks. An LA Max of 85dB(A) has been measured on the application site with general noise levels ranging from 55-60dB(A) on the site.

More recently the steel works have carried out measures to attenuate noise from the fan and further survey work has been undertaken by the applicant (ADT noise report ref: 2244/AML; 14/01/2019). This shows that noise on the site has been reduced by at least 8dB and the noise that is emitted is no longer tonal in nature. As a consequence of the attenuation works, the character of the noise experienced within the application site has been significantly improved.

The proposed dwellings have been designed with energy efficiency as one of the driving principles, with Passivhaus certification being the eventual aim. This is to be

achieved by constructing the external building fabric out of materials with extremely high thermal insulation values, and with very good airtightness. This assists with acoustic performance and the submitted report demonstrates that acceptable living conditions (in terms of noise) can be provided internally. The report predicts that the proposed construction materials / methods would reduce noise internally to dB24.

As airtightness is a key to achieving the Passivhaus standards, regardless of noise, the development would not have openable windows as this can compromise thermal efficiency. Passivhaus incorporates measures to ensure that fresh air is circulated as part of a ventilation system and properties are designed so that overheating in summer is not an issue. The fact that windows will not be opening weighs in favour of reducing any adverse impact from noise. The properties themselves also provide a degree of additional attenuation, lowering noise levels in the rear garden areas immediately behind the properties.

Planning Policy Guidance Note 24 – Planning and Noise, sets out how noise can affect residential development. At Annex 1 it sets out that where noise levels are between 55-63dB noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

The applicant has demonstrated that with the intended building materials and constructed methods noise can be significantly reduced internally and the proposed development can provide adequate living conditions for future occupiers. It is thereby considered that, subject to the imposition of suitably worded conditions to ensure that the measures detailed are implemented, the development would be acceptable. Occupiers of the proposed development would not suffer disamenity through noise, satisfactory living conditions can be provided for future occupiers of the scheme in terms of light, outlook and amenity space and the development would not have an adverse impact upon the amenity of existing local residents. It is considered that the development would accord with UDP Policy BE5 and Core Strategy Policy CS74.

Land Contamination Issues

The application site falls within the Coal Mining High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered.

The planning application is supported by a Phase 1 Desk Study, dated September 2015, prepared by Ashton Bennett Limited. The report concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations should be carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The report also recommends that gas monitoring is carried out on site.

The Coal Authority have commented that they agree with the findings of the Coal Mining Risk Assessment Report and are recommending that intrusive site

investigation works be undertaken before development is commenced. It is recommended that this be made a condition of any consent.

Given the previous use of the site for commercial purposes there may be a degree of land contamination and this would also be picked up through intrusive site investigations.

Land Drainage

The Flood Risk and SuDS Statement (prepared by Civic Engineers - Report 17013 dated April 2017) is considered to be acceptable to both Yorkshire Water and the Local Lead Flood Authority. Conditions are recommended to limit the rate of surface water run-off and to ensure that development is carried out in accordance with the measures set out in the report.

Highways

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

The original drawings submitted with the planning application attracted a reasonable amount of both online support and objection. Focussing on the objection, the main concerns were of over-spill parking generated by the development causing obstructions in Hunshelf Park that would hinder the passage of existing residential traffic and service vehicles; of the poor condition of the surfacing of Hunshelf Park (an unadopted public highway) which it was felt would deteriorate further during construction of the proposed houses and by the increased residential use; and lastly, of safety concerns relating to poor visibility out onto Hunshelf Road from Hunshelf Park.

In addition to the online objections, the proposed layout was the subject of an independent Stage 1 Road Safety Audit (RSA1) which highlighted the following six problems:

- The submitted drawings indicated a lowering of the Hunshelf Road retaining structure to improve sight-lines towards Fox Valley Way from Hunshelf Park. The audit team were concerned that lowering the height of the structure might result in children or the visually impaired falling from Hunshelf Park down onto Hunshelf Road, possibly cars too.
- The audit team noticed the loss of some informal parking that would be subsumed into the development proposal and lost to the existing residents of Hunshelf Park, which they felt may cause local residents to park in alternative unsafe locations.
- The audit team recommend checking the swept-path analysis of service vehicles turning into the site to ensure they don't collide with the first of the 10 residential car parking spaces.
- The audit team had concerns about the ability of a refuse vehicle to join Hunshelf Road from Hunshelf Park in a forward gear and to turn left towards

Fox Valley Way, stating that the resulting awkward manoeuvre might lead to collision and injury.

- The audit team noticed that motorists currently joining Hunshelf Road from Hunshelf Park poke their bonnets into the main carriageway over the give way marking before pulling out owing to the substandard visibility, which they feel might result in collision/injury.

- The audit team raised concerns of conflict within the development site between vehicles and pedestrians owing to a lack of distinction between vehicle areas and pedestrian areas.

As a consequence of the online objection and RSA1 concerns, further meetings have taken place with the developer's planning consultant which has resulted in the submission of amended drawing numbers PT188-103 revision PL06 and 100 P 007 revision B. The drawings respond to the various issues raised as follows:

- i) The existing Hunshelf Road retaining structure will not be lowered to achieve the appropriate standard of visibility out onto Hunshelf Road from Hunshelf Park (resolving the concern of pedestrians falling down onto Hunshelf Road). Instead, the width of Hunshelf Road will be reduced to 5.5 metres by introducing physical kerbing which will allow the give way road marking to be pulled out into the main carriageway (thereby achieving improved visibility for all). Waiting and loading restrictions will be promoted on Hunshelf Road, extending the existing double yellow lines up the hill a further 40 metres or so.
- ii) The width of Hunshelf Park will be widened across the development site frontage by converting some of the northern grass verge into carriageway (minimum overall width 5.5 metres). The verge slopes gently upwards away from Hunshelf Park, so a new retaining structure will be required, possibly gabion baskets / dry stone walling. Hunshelf Park will be completely resurfaced (bituminous tarmac) from Hunshelf Road to the far eastern boundary of the development site. Eight longitudinal car parking spaces will be marked out (2 metres wide) next to the retaining wall. These spaces will be available for new residents of the development to use, as well as existing residents of Hunshelf Park. The increased width of Hunshelf Park will allow cars and service vehicles to pass parked cars. The resurfacing will take place at the end of construction so as not to become damaged.
- iii) The swept-path analysis for refuse vehicles entering the site has been checked and clearances of 1.5 metres are available on both sides of the vehicle. The routing of refuse vehicles has also been checked. They drive up to the site from Fox Valley Way, reverse into Hunshelf Park from Hunshelf Road, collect waste, re-joining Hunshelf Road in a forward gear, turning right towards Pea Royd Lane. These arrangements wouldn't be compromised by the granting of planning permission.
- iv) Within the development site, different materials would be used for parking areas and shared surfaces.

The above amendments to the original scheme address the aforementioned highways concerns.

The scheme would provide 10 spaces for occupiers of the development, as well as a further 8 spaces on Hunshelf Park for use by existing and proposed residents. This level of parking is considered to be adequate and in the spirit of Core Strategy Policy CS53.

The development would be in accordance with paragraph 109 of the revised NPPF which sets out 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. As such it is considered that a highways based refusal cannot be justified.

Sustainability

Policy CS63, 64 and 65 sets out the Councils sustainability objectives with regard to new development.

The applicants have indicated that the proposed development would be built to achieve Passivhaus standards. This is an energy standard which seeks to significantly reduce the amount of energy needed to heat / cool properties whilst maintaining an ambient living temperature.

The site will make the most of passive solar gain, the properties being aligned along an east – west axis. Windows in the property will be triple glazed and carefully positioned to minimise summer overheating risk. Each property would have an array of 9 'in roof' photovoltaic panels to provide energy for the development.

In addition the scheme will incorporate a small district heating network, with energy being supplied by a groundwater source heat pump and associated equipment which would be located within the plant room that links the two terraced runs.

Surface water is proposed to be stored and managed in underground tanks. Not only would this provide attenuation in storm situations, the tanks would incorporate additional capacity to facilitate a rainwater harvesting system which would then be used for toilets, washing machines and garden irrigation.

The site is in a sustainable location within walking distance of the Fox Valley shopping centre as well as being within 400m of the nearest bus stop. Furthermore the development makes efficient use of a brownfield site.

The proposal is considered to be acceptable from a sustainability perspective. Whilst the information provided demonstrates that the development would be compliant with Core Strategy Policy CS 63 and CS64; it is considered that the final method of achieving the 10% reduction in energy demand should be controlled by condition to allow flexibility should the identified measures not be possible or alternatives are considered to be more appropriate.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 3 where the contribution is £30 per sqm. The funds generated through CIL will be used in connection with strategic infrastructure needs. The applicant is proposing around 1286sqm of residential floor space.

Response to Representations

The issues raised by objectors have been dealt with in the main body of the report. Concerns largely surrounded highway safety and the level of proposed parking for the development.

One representation raised concerns that the water storage tanks could create areas of stagnant water which would give off odours. The storage tanks would be underground and so would not result in odours.

In terms of cars that informally park on the site being displaced, people parking on the site are doing so without permission. The applicant would be able to fence off the site / erect bollards without the need for planning permission thereby taking away these parking spaces.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 10 dwellings on a previously developed site.

The site is identified on the Unitary Development Plan Proposals Map as being within a General Industrial Area and is also within a Coal Mining High Risk Area.

The site is within a sustainable location and the development would have strong green credentials, providing much needed housing on a brownfield site.

The development would be a departure from UDP Policy IB5, which sets out that housing within General Industrial Area's should not be considered to be acceptable; however the site is surrounded by residential properties and the applicant has demonstrated that occupiers of the development would not suffer unduly from noise as the development would incorporate acoustic attenuation measures.

In principle the development would be in accordance with Core Strategy Policy CS22, CS23, CS24, CS33 and CS26 which deal with the scale and location of housing along with density of development as well as guidelines contained within the NPPF (para's 68, 73, 118 and 123) which seeks to encourage sustainable development and the provision of suitable sites for housing. These policies are more up to date than the UDP and so, when weighed in the balance are considered to carry more weight.

It is considered that the development would not be harmful to the character and appearance of the area and would accord with UDP Policy BE5, H15 and Core Strategy Policy CS74 as well as the NPPF (para 127).

The development would not result in unacceptable levels of overlooking or loss of light to neighbouring dwellings and adequate outdoor amenity space would be provided. In this respect the development would accord with UDP Policy BE5 and H15 as well as Core Strategy Policy CS74.

Subject to the highways improvements works that have been agreed being implemented, the development does not pose any highway safety concerns. Adequate parking for the development can be provided within the curtilage of the site and an additional parking area would be provided on Hunshelf Park for existing local residents as well as future occupiers.

The development would accord with Core Strategy Policy CS53 and guidance contained within the NPPF, notably at para 109 which sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

The development would incorporate energy efficiencies through the design and orientation of the development as well as proposed materials and construction methods. In addition the development would incorporate a small district heating network with energy provided by way of a ground source heat pump and solar panels. The proposed development also intends to utilise rainwater for toilet flushing, watering gardens etc. thereby reducing surface water run-off. This would be complicit with Core Strategy Policy CS64 and CS65 as well as the revised NPPF (para 131, 150 and 151).

It is recommended that the application be granted with conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 29 January 2019

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
29 JANUARY 2019

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

3.0 APPEALS DECISIONS – DISMISSED

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent to demolition of existing conservatory and erection of single-storey rear and side extension to dwellinghouse 81 Kendal Road Sheffield S6 4QH (Case No 18/02144/FUL) has been allowed.

Officer Comment:-

The main issue is the effect of the proposed extension on the living conditions of existing and future occupiers of the host property with preference to the provision of private amenity space.

The existing rear amenity space at the property is restricted and the extension would reduce this further to approximately 25 sq. m. The Council's SPG would normally seek an area of approximately 50 sq. m. rear amenity space. In addition, the extension would be between 3.1 and 3.7 m from the rear boundary wall. This is less than the 10 m normally sought but the distance is currently below this level.

The Inspector considered that the amenity space available to properties in the terrace generally reduced the closer the properties were to the highway junction and noted that adjoining properties also had limited garden space. Accordingly, the Inspector was of the view that the amenity space was acceptable given the site circumstances and surrounding built form and so, whilst not meeting Council guidance, would not result in unsatisfactory living conditions.

5.0 ENFORCEMENT APPEALS - DISMISSED

6.0 RECOMMENDATIONS

That the report be noted.

Rob Murfin
Chief Planning Officer

29 January 2019

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