

# Planning and Highways Committee

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**Tuesday 2 April 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**

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

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
2 APRIL 2019**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)  
Minutes of the meeting of the Committee held on 12 March 2019.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 11 - 14)  
Report of the Director of City Growth
- 7a. 1 Ecclesall Road South, Sheffield, S11 9PA (Case No: 18/04104/FUL)** (Pages 15 - 52)
- 7b. 245 Owler Lane, Sheffield, S4 8GD (Case No: 18/04049/FUL)** (Pages 53 - 60)
- 7c. Bakers Yard, Sheffield, S3 8BY (Case No: 18/03659/FUL)** (Pages 61 - 78)
- 7d. Land Adjacent 101 Ferrars Road, Sheffield, S9 1RZ (Case No: 18/03367/OUT)** (Pages 79 - 100)
- 8. Cycle Tracks Act 1984: Conversions of Part of a Public Footpath to Shared Public Footpath/Cycle Track at Halfway, Sheffield** (Pages 101 - 118)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 119 - 122)  
Report of the Director of City Growth
- 10. Date of Next Meeting**  
The next meeting of the Committee will be held on 23 April 2019

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 12 March 2019

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

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Tony Damms, but no substitute was appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Rob Murphy declared personal interests (i) as a local Ward Councillor in applications for planning permission for (A) 68 to 82 Pinstone Street, 1 to 19 Charles Street, Laycock House - 14 Cross Burgess Street (Case No. 18/04257 RG3) and (B) 88 to 104 Pinstone Street, 35 to 49 Cambridge Street and 2 to 8 Charles Street (Case No. 18/04069/RG3) and (ii) as a Member of the Green Party which had objected to an application for planning permission for 1 Ecclesall Road South (Case No. 18/04104/FUL). Councillor Murphy declared that he had not given an opinion or declared his position on the applications prior to the meeting and would therefore take part in the discussion's and vote's thereon.

3.2 Councillor Zahira Naz declared a personal interest as a local Ward Councillor in application for planning permission for Meadowhall Way, Meadowhall Drive, Carbrook Street and Weedon Street (Case No. 18/03796/OUT). Councillor Naz declared that she had not given an opinion or declared her position on the application prior to the meeting and would therefore take part in the discussion and vote thereon.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee, held on 19 February 2019, were approved as a correct record.

**5. SITE VISIT**

5. **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. TREE PRESERVATION ORDER NO. 425: 529 FULWOOD ROAD**

- 6.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 425 made on 1 October 2018, in respect of a tree on land at 529 Fulwood Road. The report stated that the mature oak tree at the rear of the property was considered to be under threat to facilitate a future development. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order, which found the tree suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the tree.
- 6.2 The Tree Preservation Order, Tree Schedule, site plan and TEMPO were attached to the report now submitted.
- 6.3 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 425, made on 1 October 2018 in respect of a tree on land at 529 Fulwood Road, be confirmed unmodified.

**7. TREE PRESERVATION ORDER NO. 427: LAND AT BRIDLE STILE CLOSE, SHEFFIELD, S20**

- 7.1 The Director of City Growth submitted a report outlining a response to an objection to Tree Preservation Order No. 427 made on 8 November 2018, in respect of trees on land adjacent to Bridle Stile Close, Sheffield 20. The report stated that the trees at the site were considered to be under possible threat because of potential future development works.
- 7.2 A Tree Evaluation Method for Preservation Orders (TEMPO), assessment was carried out prior to serving the Order, and the trees were inspected by an Arboriculturist from the Parks and Countryside Trees and Woodlands Service for general condition and suitability for protection. The trees were found to be in good order and of significant amenity value to the local area.
- 7.3 The objection to the Tree Preservation Order from an arboricultural consultant on behalf of a client was detailed and the officer's response to the objections was provided. The Tree Preservation Order, Tree Schedule, site plan and TEMPO, along with correspondence that had been received from the arboricultural consultant, were attached to the report now submitted.
- 7.4 **RESOLVED:** That, following consideration of the objections now reported Tree Preservation Order No. 427, made on 8 November 2018 in respect of trees situated on land adjacent to Bridle Style Close, Sheffield S20, be confirmed unmodified.

**8. TREE PRESERVATION ORDER NO. 428: 12 WOODVALE ROAD, SHEFFIELD**

- 8.1 This item of business was withdrawn from consideration by the Director of City Growth Service and would be submitted to a future meeting of the Committee.

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

9.1 **RESOLVED:** That the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date and as amended in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose.

**9a. SITE OF 68-82 PINSTONE STREET, 1-19 CHARLES STREET, LAYCOCK HOUSE - 14 CROSS BURGESS STREET, SHEFFIELD S1 2HP (CASE NO: 18/04257/RG3)**

9a.1 Having heard representations at the meeting from a representative of the Joined Up Heritage Sheffield and Hallamshire Historic Buildings speaking against the proposed development and from the applicant's representative speaking in support of the proposed development, an application for planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for the proposed alterations to Laycock House to provide 5 x retail units to the ground floor (Use Class A1) and 4 x apartments above (C3), demolition of the remaining buildings and erection of an 8 x storey building comprising retail/cafe/bar space (A1, A3, A4 and A5) at the ground floor, offices (B1) and 52 x apartments (C3) above, and associated works, at the site of 68 to 82 Pinstone Street, 1 to 19 Charles Street, Laycock House - 14 Cross Burgess Street (Case No. 18/04257 RG3).

**9b. 1 ECCLESALL ROAD SOUTH, SHEFFIELD, S11 9PA (CASE NO: 18/04104/FUL)**

9b.1 An application for planning permission for proposed alterations to a car showroom and workshop (Use Class Sui Generis) to allow use as two commercial units (A1/A3), gym (D2) and offices (B1), erection of 8 dwellings (C3), provision of associated parking for all uses, landscaping and access works at 1 Ecclesall Road South (Case No. 18/04104/FUL) be deferred to the next meeting of this Committee, to allow the outstanding online public consultation period to be completed.

**9c. SITE OF 88-104 PINSTONE STREET, 35-49 CAMBRIDGE STREET AND 2-8 CHARLES STREET, SHEFFIELD, S1 2HP (CASE NO: 18/04069/RG3)**

9c.1 Having heard representations at the meeting from a representative of the Joined Up Heritage Sheffield and Hallamshire Historic Buildings speaking against the proposed development and from the applicant's representative speaking in support of the proposed development, an application for planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for the proposed retention of Pinstone Street and part of Charles Street and Cambridge Street facade, demolition of buildings behind and erection of a seven-storey building for mixed use - retail/cafe/bar space (Use Class A1, A3, A4 and A5) at ground floor with

offices (Use Class B1) above and associated works (Block C) at the site of 88 to 104 Pinstone Street, 35 to 49 Cambridge Street and 2 to 8 Charles Street (Case No. 18/04069/RG3).

**9d. LAND BETWEEN SKYE EDGE ROAD AND SKYE EDGE AVENUE, SHEFFIELD S2 (CASE NO: 18/03851/FUL)**

- 9d.1 (i) having noted that, further to a decision of this Committee at its meeting held on 19 February, 2019 to undertake a visit of inspection to the site, the applicant had submitted further amended plans to remove the gates from the existing car parking courts and that it was only intended that the new parking courts would remain gated, as detailed in a supplementary report circulated at the meeting and (ii) having heard representations at the meeting from a local resident commenting on the proposed development and from the applicant's representative speaking in support of the proposed development, an application for planning permission for the proposed erection of 113 dwellings, including site enabling works, public open space, hard and soft landscaping, highway infrastructure, parking and the stopping up of adopted highway at Starling Mead, Partridge View and Wren Bank, on land between Skye Edge Road and Skye Edge Avenue (Case No. 18/03851/FUL) be granted, conditionally, (A) subject to Condition 2 being amended by the substitution of Planning Layout 18042-01 rev L for Planning Layout 18042-01 rev K, as detailed in the aforementioned supplementary report and (B) with (1) no objections being raised by the Committee to the proposed Stopping Up of the areas of highway shown on the plan YK5616-104 rev A, and as amended by email dated 30.01.2019, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to their mains and services that may be affected and (2) with authority being given in connection with the Stopping Up of the aforementioned areas of highway to the Director of Legal Services to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town & Country Planning Act 1990.

**9e. LAND AND BUILDINGS AT MEADOWHALL WAY, MEADOWHALL DRIVE, CARBROOK STREET AND WEEDON STREET, SHEFFIELD, S9 2FU (CASE NO: 18/03796/OUT)**

- 9e.1 Having noted (i) an amendment to the report now submitted concerning (A) plot numbers, (B) the brownfield rate reduction rate for Plot 3 and (C) the recommendation in respect of the Heads of Terms as only Paragraph 1 (Page 231) was to be considered as part of the planning application and (ii) an additional representation from Highways England stating that they were satisfied with the proposed application subject to the imposition of Condition 24 (formerly Condition 23), all as detailed in a supplementary report circulated at the meeting, an application for planning permission for the proposed outline application (all matters reserved) for site redevelopment, including remediation, demolition of existing buildings and erection of up to 100,000m<sup>2</sup> of employment development (Use Classes B1, B2 and B8), car showroom (Use Class Sui Generis), hotel (Use Class C1), retail (Use Class A1), food and beverage (Use Classes A3, A4 and A5), leisure (Use Class D2 excluding cinema and bowling alley) and provision of associated car parking, highway works, vehicular and pedestrian access and egress, servicing and landscaping works (Town and Country Planning (EIA)

Regulations 2017 Schedule 2 proposal) at land and buildings at Meadowhall Way, Meadowhall Drive, Carbrook Street and Weedon Street (Case No. 18/03796/OUT) be granted, conditionally, subject to (1) the completion of a Legal Agreement to secure the Heads of Terms under Paragraph 1 of the report now submitted in relation to a scheme for monitoring and implementing a controlled parking zone and (2) amendments to (I) Condition 4 clarifying the conditions that need to be satisfied, (II) Condition 5 in respect of amendments to paragraphs (a), (b) and (c) concerning floor space, (III) Condition 16 in respect of the conditions requirements being separated into two conditions thereby forming a new Condition 17 with all conditions thereafter renumbered and (IV) Condition 24 (formerly Condition 23) in respect of the addition of a further drawing number, all as detailed in the aforementioned supplementary report.

## **10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 10.1 The Committee received and noted a report of the Chief Planning Officer detailing the planning appeals recently submitted to the Secretary of State.

## **11. FORMER MIDDLEWOOD TAVERN, 316 MIDDLEWOOD ROAD**

- 11.1 The Committee received an update provided in the supplementary report circulated at the meeting regarding the enforcement matters in connection with Middlewood Tavern, 316 Middlewood Road North. The update referred to an officer meeting with the landowner on 1 March 2019 at which the owner gave an undertaking, by 29 March 2019, to repair a mesh screen to the existing Herris fencing along the front of the land to screen building materials on the site, to paint the windows of the building black and to remove redundant signage and associated fixtures and fittings. It was explained, that whilst planning consent to convert the building would expire on 20 July 2019, the owner had indicated that works to tidy up the site would commence on 12 or 13 March 2019 and the site would be the next development he would be undertaking.
- 11.2 In view of the enforcement issues at the site, enforcement officers would monitor the situation over the next few weeks and months and that further action would be considered if the interim works and planning permission were not implemented.
- 11.3 **RESOLVED:** That the information now reported be noted.

(NOTE: In accordance with Section 100B(4)(b) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the Chair of the Committee (Councillor Dianne Hurst) decided that the above item should be considered as an urgent item of business as it was considered in view of the timescales there was a need to inform Members of the update on the this matter and the fact that it had not been possible to give Members five clear days' notice of the item of business).

## **12. DATE OF NEXT MEETING**

- 12.1 It was noted that the next meeting of the Committee will be held at 2.00pm on Tuesday 2 April 2019 at the Town Hall.





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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Report of: Director of City Growth Department

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Date: 02/04/2019

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Subject: Applications under various acts/regulations

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Author of Report: Lucy Bond and Adam Chapman 2039183

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Summary:

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

Recommendations:

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Background Papers:

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

Category of Report: OPEN

Application No.	Location	Page No.
18/04104/FUL (Formerly PP-07362007)	1 Ecclesall Road South Sheffield S11 9PA	
18/04049/FUL	245 Owler Lane Sheffield S4 8GD	
18/03659/FUL (Formerly PP-07299343)	Bakers Yard Sheffield S3 8BY	
18/03367/OUT (Formerly PP-07229131)	Land Adjacent 101 Ferrars Road Sheffield S9 1RZ	





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Case Number	18/04104/FUL (Formerly PP-07362007)
Application Type	Full Planning Application
Proposal	Alterations to car showroom and workshop (Use Class Sui Generis) to allow use as two commercial units (A1/A3), gym (D2) and offices (B1), erection of 8 dwellings (C3), provision of associated parking for all uses, landscaping and access works (AS PER AMENDED DRAWINGS)
Location	1 Ecclesall Road South Sheffield S11 9PA
Date Received	30/10/2018
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

## Time limit for Commencement of Development

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

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

## Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
  - Location Plan / 823-CPA-ZZ-ZZ-DR-A-0001 Revision B
  - Site Layout Site Plan As Proposed / 823-CPA-ZZ-ZZ-DR-A-0011 Revision C (As received on 13/2/19)
  - SHOWROOM- First Floor Plan & Roof Plan As Proposed / 823-CPA-ZA-ZZ-DR-A-0201 Revision -
  - SHOWROOM- Ground Floor Plan As Proposed / 823-CPA-ZA-GF-DR-A-0200 Revision -
  - SHOWROOM- Elevations as Proposed / 831-CPA-ZA-ZZ-DR-A-0600 Revision -

- WORKSHOP- Lower & Upper Ground Floor Plans as Proposed / 823-CPA-ZB-ZZ-DR-A-0202 Revision B (As received on 13/2/19)
- WORKSHOP- Mezzanine and First Floor Plans as Proposed / 831-CPA-ZB-ZZ-DR-A-0203 Revision A (As received on 29/1/19)
- WORKSHOP- Second Floor Plan as Proposed / 823-CPA-ZB-RF-DR-A-0204 Revision B (As received on 13/2/19)
- WORKSHOP- Elevations as Proposed / 823-CPA-ZB-ZZ-DR-A-0601 Revision C (As received on 13/2/19)
  
- Ecclesall Townhouses- Townhouse Ground Floor As Proposed / 823-CPA-ZC-GF-DR-A-0210 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Townhouse First Floor As Proposed / 823-CPA-ZC-01-DR-A-0211 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Townhouse Second Floor As Proposed / 823-CPA-ZC-02-DR-A-0212 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Townhouse Third Floor As Proposed / 823-CPA-ZC-03-DR-A-0213 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Roof Level As Proposed / 823-CPA-ZC-04-DR-A-0214 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Front Elevation As Proposed / 823-CPA-ZC-ZZ-DR-A-0610 Revision -
- Ecclesall Townhouses- Rear Elevation Courtyard Section / 823-CPA-ZC-ZZ-DR-A-0612 Revision -
- Ecclesall Townhouses- Rear Elevations / 823-CPA-ZC-ZZ-DR-A-0611 Revision -
- Ecclesall Townhouses- End Terrace Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0613 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- End Terrace Courtyard Section / 823-CPA-ZC-ZZ-DR-A-0614 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Section AA Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0710 Revision -
- Ecclesall Townhouses- Section BB Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0711 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Section CC Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0712 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Section DD Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0713 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Town House- Proposed Visitor Parking / 823-CPA-ZZ-ZZ-DR-A-0016 Revision A (As received on 13/2/19)
  
- Ecclesall Townhouses- Site Section Existing/Proposed / 823-CPA-ZZ-ZZ-DR-A-0700 Revision A (As received on 29/1/19)
- Ecclesall Townhouses- Site Sections Sh2 / 823-CPA-ZZ-ZZ-DR-A-0714 Revision B (as received on 31/1/19)
- Ecclesall Townhouses- Street Elevation Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0605 Revision -
- Ecclesall Townhouses- Street elevation with Context Ecclesall Townhouse / 823-CPA-ZC-ZZ-DR-A-0606 Revision A (As received on 29/1/19)

- Tree Impact Appraisal and Tree impact appraisal: revised list of tree work / dated January 31st 2019

Reason: In order to define the permission.

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

3. No development shall commence until a 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.

4. No development shall commence until details of a Site Environmental Management Plan have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall identify measures to evaluate and manage dust emissions during the construction phase. The agreed measures shall be implemented throughout the course of construction works relating to the approval hereby granted.

Reason: To ensure that construction works have an acceptable impact upon local air quality.

5. 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.

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

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

7. Any 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.

8. No development shall commence until full details of measures to protect the existing trees adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

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

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

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

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

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

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

Windows  
Window reveals  
Doors  
External wall construction  
Brickwork detailing

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

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

13. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists. The Travel Plan(s) shall include:

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

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

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies T1, T7, CS51 and CS66.

14. Prior to the occupation of Plot 1 of the Townhouses hereby approved, details of solid screening along the side perimeter of the Terrace area at Level Two shall be submitted to and approved in writing by the Local Planning Authority. The approved screen details shall be implemented prior to the occupation of Plot 1 and be permanently retained as such thereafter.

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

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

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,

b) Be capable of achieving the following noise levels:

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

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

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

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

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

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

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



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

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

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

17. Before the commercial uses hereby permitted commence, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
  - b) Be capable of restricting noise breakout from the buildings to the street to levels not exceeding the prevailing ambient noise level when measured;
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as 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.

No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

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

18. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with Defra document; Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems and) shall include:

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

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

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

19. 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.

20. 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.

21. 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.

22. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

23. 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.

24. The proposed green wall shall be provided on the wall in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to works to the workshop building commencing on site. The green wall shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

25. Prior to occupation of the development hereby approved, details of five bat boxes to be erected/installed on the buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development and permanently retained thereafter.

Reason: In the interests of bio-diversity.

26. Use of the A1/A3 units hereby approved shall not commence until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The servicing of the A1/A3 units shall permanently operate in accordance with the approved Service Management Plan.

Reason: In the interests of traffic safety.

27. The A1 or A3, D2 and B1 accommodation hereby approved shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

28. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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

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

30. The A1 or A3, D2, B1 and C3 accommodation hereby approved shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

31. 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.

32. No development shall commence of the housing development on the upper tier of the site hereby approved 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.

33. No development shall commence of the housing development on the upper tier of the site hereby approved until detailed proposals for surface water disposal relating to that part of the site, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements,

which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

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.

34. Use of the A1/A3, D2 and B1 uses hereby approved shall not commence until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park shall permanently operate in accordance with the approved Car Park Management Plan thereafter.

Reason: In the interests of traffic safety

35. Details of a suitable means of site boundary treatment/s at the northern perimeters of the portion of the site approved as being subject to housing development shall be submitted to and approved in writing by the Local Planning Authority before any above ground works relating to the approved housing commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the housing 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. These details shall include: i) animal passage gap/s, and ii) measures to ensure that the health of trees in the adjacent land is not undermined.

Reason: In the interests of the visual amenities of the locality, biodiversity and to protect the identified trees adjacent to the site.

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

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

#### Other Compliance Conditions

37. No customer shall be permitted to be on the A1/A3 premises outside the following times: 06:00 hours to 19:00 hours.

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

38. The A1/A3, D2 and B1 uses hereby approved shall not be occupied until the parking spaces reserved for low-emission vehicles as shown on the drawings hereby approved have been provided. Such car parking shall only be used by low emission vehicles, and thereafter such car parking accommodation shall be retained for the sole use of such vehicles.

Reason: In the interests of local air quality.

39. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0730 to 2000 on Mondays to Saturdays and between the hours of 0900 to 2000 on Sundays and Public Holidays.

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

40. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, Commercial Unit 03 as identified on the drawings hereby approved shall be used solely for the use hereby permitted and shall not be used for any other purpose within Class D2.

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

41. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0730 to 2100 Mondays to Saturdays and between the hours of 0900 to 2100 on Sundays and Public Holidays.

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

42. The WC windows at Level One and Level Two in the south facing elevations of Plot 1 of the approved Townhouses shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

43. The south facing windows to the approved office space shall be glazed with obscure glass to a minimum privacy standard of Level 4 obscurity up to a height of 1.8metres above internal floor level and no part of the windows shall at any time be glazed with clear glass or glass of a lesser obscurity level.

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

44. The parts of the north facing windows to the approved office space shown as being obscurely glazed on the approved elevation drawings shall be glazed with obscure glass to a minimum privacy standard of Level 4 obscurity and no

part of these areas of obscure glazing shall at any time be glazed with clear glass or glass of a lesser obscurity level.

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

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

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

46. 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.

47. Works to the trees covered by the adjoining Tree Preservation Order shall be in accordance with the Tree Impact Appraisal / dated January 31st 2019.

Reason: In the interests of protecting the trees covered by Tree Preservation Order adjacent to the site.

48. The A1/A3 uses hereby approved shall only operate as per the approved floor layout/s, and at no time shall the units be either joined together or one enlarged into the other.

Reason: In the interests of local highway safety.

49. Deliveries within the site shall be restricted to vehicles of a size not in excess of 8.01m in length.

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

50. No deliveries of goods shall be accepted by the A1/A3 and D2 units hereby approved (either through the service area or public entrance) from any vehicle which has unloaded whilst parked on the public highway.

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

51. The A1/A3 and D2 commercial units shall not be used unless their entrances have been provided with entrance doors of minimum effective clear widths of 1000mm, and thereafter such doors shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times.

52. There shall be no gates or barriers erected at any point along the extension of Talmont Road.

Reason: To ensure access is available at all times.

53. The development hereby approved shall be carried out and permanently comply with the Recommendations given in "Section 7" of the Estrada Ecology Preliminary Ecological Appraisal Survey Report (Ref-PRIME.6.4.2018), and where lighting is referred to this shall apply to external lighting only.

Reason: In the interests of biodiversity.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
3. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

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

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](mailto:snn@sheffield.gov.uk)

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

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

Telephone: 0114 273 6677

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

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

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

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

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

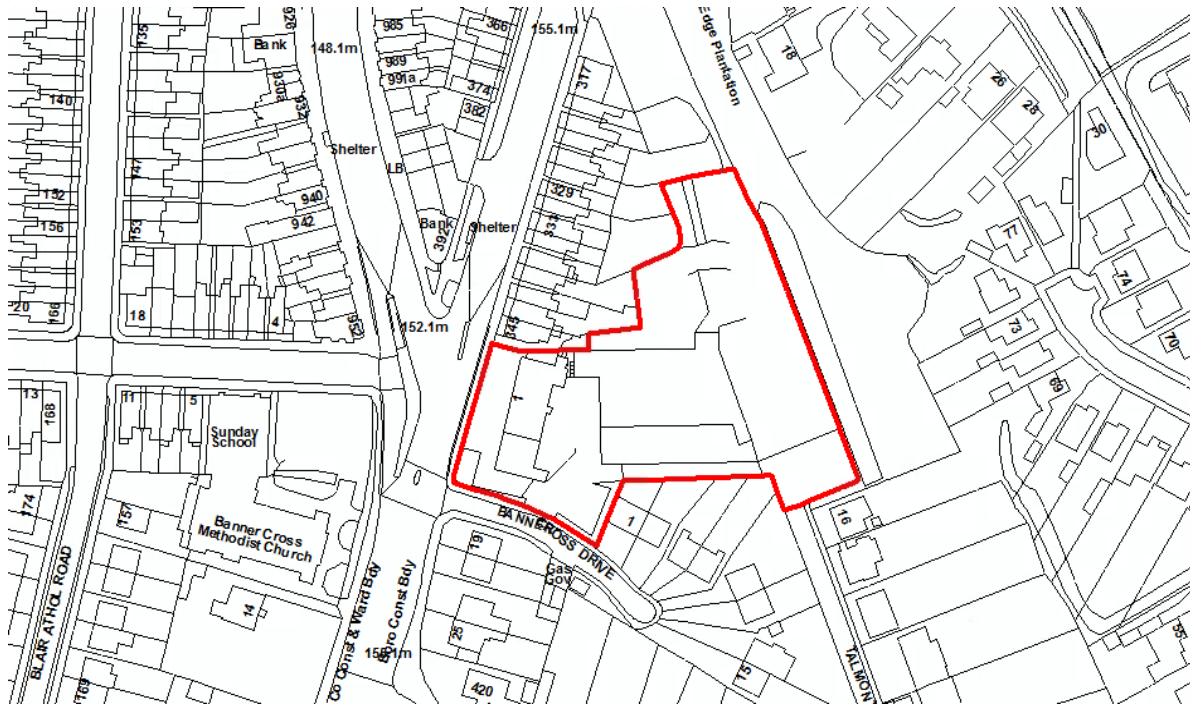
Tel: (0114) 273 6349

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

7. During the course of construction, in order to safeguard badgers which may utilise the site during the construction process, the following actions shall be implemented:
  - safe storage of chemicals, and
  - covering of trenches at the end of each working day (or inclusion of a means of escape),



## Site Location



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## INTRODUCTION

Committee Members will recall that this application was put before the Committee on 12th March 2019. On that occasion consideration of the application was deferred to allow the public consultation period to be completed. It is confirmed that this occurred on 14<sup>th</sup> March 2019.

The following report is an amended version of the previously published report, to take into account the additional representations as well as the issues covered in the previous Supplementary Report and to provide some additional clarification and revisions.

## LOCATION AND PROPOSAL

The application site is located to the east of Ecclesall Road South, immediately to the south of the junction with Psalter Lane. It is allocated as being within a Housing Area, under the provisions of the adopted Unitary Development Plan (UDP).

The site was previously premises for the Gilders car dealership. It currently includes the vacant showroom and workshop buildings. The showroom building is two storeys in height and fronts onto Ecclesall Road. The workshop building is in the centre of the site, and includes three levels including a roof-top car park. An external, ground level car park exists at the upper portion of the site.

The immediate surroundings on the eastern side of Ecclesall Road South have a strong residential character. Banner Cross District Shopping Centre is on the opposite side of Ecclesall Road South, running northwards along Ecclesall Road.

There is a group Tree Preservation Order (TPO) to the east and north of the site, all within land falling under the applicant's ownership.

The application seeks permission for conversion of the ex-showroom buildings to provide two A1/A3 units, and a D2 Gym. The workshop building would include car parking at the ground level, a B1 office space at the 1<sup>st</sup> floor level and the continuation of use of the roof top car park. These uses would be accessed from the current, Banner Cross Drive access point. The area currently occupied by the upper, external car park would accommodate 8No x 4 bedroomed townhouses. These would be accessed via an extension of Talmont Road, from the south of the site.

#### RELEVANT PLANNING HISTORY

08/04852/FUL; Demolition of existing buildings and erection of mixed use development comprising food retail unit (outline planning permission) and 16 no. dwellinghouses  
Refused – 12.8.09

The retail unit was proposed in outline form to be approximately 1,300sqm. The application was refused on the basis of:

- Over-intensification of Talmont Road/Brincliffe Edge Road access, and detrimental impacts on safety and traffic flow,
- Insufficient car-parking for retail unit,
- Delays caused by proposed highways reconfiguration,
- Insufficient information regarding affordable housing, &
- Lack of evidence that a high standard of energy efficiency and decentralised energy would be achieved.

10/01942/FUL; Mixed use development comprising alterations and extensions to existing disused car showroom and workshop buildings to form retail accommodation, bar/restaurant and 7 apartments, and erection of 7 dwellinghouses  
Approved – 9.9.11

This approval involved:

- The use of the showroom building as a retail unit at the ground floor, with a restaurant at the 1<sup>st</sup> floor level;
- The use of the workshop building's ground floor as a car parking area for the retail and restaurant.

- The conversion of the workshop building's first floor to 7Nos. x two and three bedroom apartments.
- The erection of 7Nos. dwellinghouses on the rear of the site and accessed from Talmont Road, as well as 12Nos. car parking spaces for the apartments.

## SUMMARY OF REPRESENTATIONS

The application was originally advertised by site notices, neighbour notification letters and press advert in November 2018. Following the receipt of amended plans, additional consultation occurred in February 2019.

In total, 39 neighbour representations have been received from 35 addresses, including 1 from Banner Cross Neighbourhood Group. The comments are summarised as:

### Design

- Over-development of site.
- Townhouses are inconsistent with local dwellings (one or two storeys), and proximity doesn't allow for a transition to current bungalows. Will be viewed from Ecclesall Road / Psalter Lane. They exceed the height and proximity to existing Talmont Road dwellings of the previously approved scheme.
- Brownfield sites should be developed instead.
- Structural queries and questions of sustainability value of townhouse design.
- The previously published Committee Report commented on the separation and relative heights of the townhouses relevant to No.16 Talmont Road, but these points do not take into account the general street scene and falsely insinuates modest scale and design.
- Design Statement includes misleading, manipulative and contradictory language, eg, the existing roof terraced townhouses on Psalter Lane aren't close to the site and represent a small element of the locality's characteristics and are different to the proposed townhouses on Psalter Lane.
- Not understood how the previous Committee Report can "strongly support" the contemporary approach of the townhouses' design, and UDP policies BE5 and H14 remain applicable.
- Staggered frontage appears to be beyond No16's frontage.
- Housing targets could be achieved with an alternative design, such as the previous approval (10/01942/FUL) which included pitched roof properties.
- Retention of turning area next to No16 Talmont Road should be left in place, to give a smoother transition between existing and proposed property design (as well as improving road safety and reducing air pollution).
- Queried why Core Strategy policy CS31 and CS65 have not been applied.

### Living Conditions

- Roof terraces lead to overlooking and invasion of privacy (to No 16 Talmont Road's front and back gardens and side kitchen window, Quarry Lane dwellings and Banner Cross Drive dwellings). Screening of roof terraces will increase loss of light (and could be removed).
- Roof terraces will be close to No 16 Talmont Road's bedroom and en-suite windows and chimney. Queried why despite the request of the original Planning Officer, screening to the upper terrace at Plot has not been provided.
- Roof terraces will lead to noise impacts.
- Any screening to safeguard privacy could affect water table and cause structural damage. Would also need maintenance and cause shading.
- Building conversion/s lead to loss of privacy (to No 16 Talmont Road, No 3 Banner Cross Drive and Psalter Lane houses).
- Loss of light and overshadowing to majority of surrounding gardens.
- Dominant impact of houses at close proximity. Will be overbearing from rear of Psalter Lane houses and adjacent Talmont Road dwellings.
- Retention of turning head in current location would ease impacts on No 16
- Noise pollution, including impacts from outdoor use relating to the A1/A3 uses.
- Gym will operate on a 24 hour basis, its operation and use of car park would disturb adjoining neighbours in a Housing Area.
- Rooftop parking will cause disturbances, and will lead to overlooking. Previous use of this space was minimal.
- Queried why the A1/A3 units are stated as being able to open between 07:30 and 23:00 hours in the previous report, whereas the original application only requested 06:00 to 19:00 hours.
- Queried why no opening hours are recommended to be imposed upon the Office and Gym.

## Highways

- Crossing Psalter Lane (with small pedestrian island) and other nearby roads is currently dangerous.
- Excessive traffic currently. Surrounding junctions are congested at peak hours.
- Vehicles are prohibited from turning right into Banner Cross Drive, and those exiting Banner Cross Drive are required to turn left. Some vehicles use Brincliffe Edge Road for U-turns, causing only small numbers of accidents but many near-misses etc. Scheme would increase these manoeuvres, increasing danger.
- Additional movements will cause queuing on Ecclesall Road South and on Banner Cross Drive. This will affect safety and residents.
- Double yellow lines suggested on Banner Cross Drive.
- Current parking situation is difficult, i.e. on Psalter Lane and Banner Cross Drive. Any overflow from development will make this worse. Situation not helped by poor enforcement of restrictions.
- Proposed turning head at end of Talmont Road will cause movements that will be a nuisance to new residents.

- Road has a long established turning circle (around 93 years) and is therefore subject to an Applied or Prescription Easement, and should be retained and enhanced.
- Delivery vehicles will prove a hazard, as did car transporters previously. Servicing from Banner Cross Drive only shows a 7.5T box van, and wouldn't appear to be capable of accommodating turning for a refuse vehicle.
- Concerns vehicles will cut through between commercial and residential parts of the site.
- Gilders previously generated very little traffic movement/s.
- Traffic levels have increased since 2010 and bus services have decreased (2010 seems to be a base year for the studies).
- Projected traffic movements are based upon guess-work.
- Full traffic assessment not provided (as requested at the pre-application stage), and the supplied transport statement is not to the same level of scrutiny.
- Absence of trees at front of plot 8 is only to allow successful tracking analysis.
- Inconsistencies within the Transport Assessment.
- Revised visitor parking at end of Talmont Road is welcomed, but turning head fails as a refuse vehicle is shown to hit the west wall and any street trees at plots 7/8.
- Given lack of route to Psalter Lane, the residential development is over 0.5km from nearest townward bus-stop.

#### Air Quality

- Currently poor, and will be made worse
- Air pollution report doesn't consider car engines idling, whilst waiting at junction.

#### Landscaping Issues

- Damage to adjacent woodland and loss of its ecological value.
- Proximity of houses to woodland will lead to pressure for trees to be cut down.
- Excessive rain and proximity of houses to embankment will lead to drainage issues, and potentially cause land slippage.
- Concern about woodland becoming a communal garden.
- Tree removal would lead to structural issues relating to the steep embankment.
- Impacts on tree-scape beyond, trees covered by TPO should not be cutback.
- The previous Committee Report included reference to the townhouses' 3 storey height being below the tree line. This misleadingly suggests a modest design scale, as it would require a very significant building to obscure the trees.

#### Retail Issues

- Impact on local, independent businesses.

#### Ecology

- A protected species is known to use Brincliffe Plantation to the east of the site, and their access to Talmont Road will be blocked by Plots 1 and 2. Queried why a full ecology report hasn't been provided.

#### Other Issues

- Residents should be consulted about hazards and nuisance during the construction phase, with conditions applied to minimise impacts.
- Query how long construction process will take.
- Not all neighbours have received written notification. Inadequate consultation with neighbourhood.
- Notices are either very low-key or have been removed.
- Submission includes many complex documents. Difficulties in commenting on-line.
- Proposal drawings include land registered to a neighbour, and proposed works to a wall owned by neighbour.
- Drawings show insufficient context.
- Design and Access Statement suggests a pedestrian route from Psalter Lane to Talmont Road. However, confirmation that this will not be provided is welcomed.
- No 16 Talmont Road would most likely serve a notice in respect of right to light, preventing completion of the build.
- Proximity of townhouses to No16's open fire chimney.
- Land Registry deeds appear to allow Talmont Road to be extended for the construction of similar dwellings. Also restrict businesses which are noisy, noxious or offensive, and precludes sale of beer, wine or spirits which could apply to the 24 hour gym, and cafes/restaurants.
- Implications of internal works at site connected to noise, debris, parking and damage to a neighbour's wall.
- Any path / thoroughfare would lessen security of neighbouring houses.
- Concerns regarding impacts of smoke from No16 Talmont Road's open fire.
- It's been suggested that the ex-Napoleons site is also to become a Gym, and this unconfirmed development should be considered by Planning Committee.
- Land Registry documentation appears to show land within the site at the Ecclesall Road South/Banner Cross Drive junction is restricted to access only, and car parking is not allowed. Suggested access to the commercial portion of the site should be moved to Ecclesall Road South.

#### Comments of Support

- Rejuvenation impacts, by bringing new people, and will bring activity to a 'dead site'.

A representation has been submitted on behalf of Sheffield Green Party, which is summarised as follows:



- Proposal includes land and details incorrectly, and excludes other required information (i.e. construction vehicle access, and integration of woodland into site).
- Harm to woodland, and potential undermining of embankment. Woodland management details required.
- Green roof/s should be incorporated.
- Proposal will lead to increased peak hours vehicle movements, causing peaks in pollution.
- Insufficient parking is proposed. There is no transport plan provided.
- Accident data shows clear pattern of accidents at Psalter Lane junction, Banner Cross Drive entrance, and Brincliffe Edge Road entrance.
- Pedestrian access across Psalter Lane is poor. Traffic lights should be considered here.
- Townhouses; cause invasion of privacy. Screening will result in overshadowing. Out of keeping with Talmont Road housing.

## PLANNING ASSESSMENT

### National Planning Policy Framework

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

The following assessment will have due regard to these overarching principles.

### Land Use

The site is located entirely within a Housing Area as defined by the adopted Sheffield Unitary Development Plan (UDP). As such, policy H10 identifies the proposed housing use as preferred. The proposed A1, A3, B1 and D2 uses are identified as acceptable.

The proposals are required to be assessed against the provisions of UDP policy H14.

In regards to the B1 office provision, policy CS3 of the Core Strategy promotes the City Centre as the priority location, requiring 65% of total office development in the city to be located there. The proposal also identifies other suitable locations, including high- frequency public transport routes. Therefore, the proposed offices are acceptable under this policy.

### Housing Policy

Core Strategy Policy CS22 relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026 and identifies that a 5 year supply of deliverable sites will be maintained. However, the revised NPPF (2019) now

requires that where a Local Plan is more than 5 years old – as is the case in Sheffield – the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government’s standard method.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance further detailed work is required. We will therefore be undertaking additional engagement with stakeholders before publishing our conclusions in a monitoring report. At this time decisions should therefore continue to be taken in light of the SHLAA Interim Position Paper (2017), which shows a 4.5 year supply of sites.

Furthermore, the NPPF and Core Strategy Policy CS24 seek to maximise the use of previously developed land for housing.

The provision of 8 new housing units on previously developed land represents a small but welcome contribution to housing supply in compliance with the aims of policy.

#### Density of Development

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

The submitted plan includes 8 new dwellings. Following review, it is confirmed that the density of these houses – taking into account all relevant land (i.e. houses, their curtilages and associated access road space) – will be 42 dwellings per hectare. This is considered to be compliant with Policy CS26 because the dwellings are within 400m walking distance of Ecclesall Road South, which is a high frequency bus route and where the proposed density of developments is expected to be 40 to 60 dwellings per hectare.

#### Retail Issues

The National Planning Policy Framework (NPPF) in paragraph 85, seeks to support the viability and vitality of existing centres, and allow them to grow and diversify. It states (in paragraph 86) that main town centre uses, such as those currently proposed, should be the subject of a sequential test when not located in existing centres. It adds that these main town centre uses, should be located in town centres, and then edge of centre location before considering alternative locations.

The purpose of a sequential test is to establish whether there are any town centre sites which are capable of accommodating the proposed development.

A sequential test has been submitted, and uses the Banner Cross Centre as its search area. Given the local catchment of the proposed uses, this restricted search is considered appropriate. The Napoleons Casino building is the only premises in Banner Cross Centre capable of accommodating the proposed uses. However, this venue is no longer available as terms have been agreed with its vendor. As a result,

the proposal is considered to be acceptable in sequential terms. Its edge of centre location will lead to linked trips to the existing shops in the Banner Cross centre.

The proposal is therefore considered to avoid a detrimental impact upon the adjacent shopping centre, and to meet the relevant NPPF provisions in this respect.

### Sustainability

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

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

In relation to CS63's requirements, the site is considered to be sustainably located in regards to local amenities and public transport. The site is also previously developed and a reduction in surface water run-off into the local drainage infrastructure will be secured from the upper portion of the site, which currently provides hard-surfacing ground-level parking.

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) would require the commercial elements of the scheme to reach a BREEAM 'Very Good' rating.

Policy CS65 (Renewable Energy and Carbon Reduction) within the CS sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions, and would require the development to provide 10% of its predicted energy needs from decentralised and renewable, low carbon energy or a fabric first approach.

BREEAM is not applicable to schemes involving the conversion of existing buildings or new housing so Policy CS64 is not relevant. However, the applicant is aware of the requirement of CS65, and is agreeable to a condition securing its requirements across the development.

The scheme also includes further sustainability features, including the provision of extensive cycle parking, the provision of 6 low-emission vehicle only parking bays and a green wall. These additional aspects are welcomed, adding to the sustainability credentials of the development.

Overall, it is concluded that the proposal satisfies local sustainability policy.

### Design

The NPPF states that development should ensure schemes are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

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

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

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

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

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

#### - Contemporary Approach

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

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

The proposed conversion of the existing car showroom and workshop range into other uses follows a contemporary design approach. The proposed changes to the existing facades complement the existing character and are considered to be acceptable.

The proposed townhouses would extend Talmont Road within the site, which in itself is supported. The L-shaped housing enclosing parking to the front, is considered to represent a distinct response to the location against the backdrop of the tree covered ridge-line. The approach is considered to be acceptable and is strongly supported.

#### - Scale/Height

The townhouses are principally 3 storeys in height, with the 4<sup>th</sup> storey being a stair core, and would sit below the tree line. This is considered to be acceptable, and to enable long-distance views of the woodland.

The proposed townhouses would be separated by 5.1 metres (approx.) from No16 Talmont Road. The proposed townhouses frontages' are staggered with the portion closest to No16 being setback and lining through with the front of No16. No16 is a bungalow, and along with the other existing properties on Talmont Road, is elevated above the street level. As a result, only the proposed 3<sup>rd</sup> floor stair core and parapet walling would exceed the height of No16's ridge by a maximum of approximately 3.0 metres. This tallest section is 10.50 metres (approx.) away from No 16. It is therefore not considered that the proposed houses would have a dominant impact upon the existing bungalows in visual terms.

#### - Detailing and Materials

The main material to the converted showroom is indicated as aluminium cladding. This will give the modified building a clean and modernised external face, which is important given the prominent location. The amended workshop building will receive cladding and hit and miss sections of brickwork in place of existing openings. The alterations would be considered to enhance the workshop's current appearance.

The proposed typology of pairs of L-shaped houses enclosing parking to the front, includes a good level of modelling and articulation to the elevations. The proposed palette of materials are of a suitably high quality and include a cream/cream multi-stock brick (utilised in different forms to give further animation), brass / anodised aluminium windows and brass / aluminium cladding. Similarly, the proposed indicated detailing at this stage is also considered to be high quality.

Full and large scale details, including samples of all materials and detailing can be secured by condition.

#### Highways

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

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

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

#### - Traffic Movements / Generation

The submitted Transport Assessment gives details of the vehicle movements arising from the proposal in comparison to the authorised use of the site as a Car Dealership. These details show there to be modest increases over and above the

previous use in cars arriving at the site during the weekday PM peak hour and Saturday peak hour (+8 and +4 movements respectively). The outward movements during these time periods would be expected to decrease leading to projected decreases of 9 two-way movements in the PM peak and 26 two-way movements in the Saturday peak.

Additionally, a comparison between the proposal and the previously approved development is given for context. This shows that there would be an increase of 1 additional two-way movement in the weekday PM hour, and a reduction of 57 two-way movements in the Saturday Peak hour.

These projections utilise the TRICS database, a nationally accepted collection of highway data from actual developments. It is therefore considered that the proposed scheme would not lead to increased movements into the local highway network which would undermine local highway safety circumstances.

Consequently, Banner Cross Drive and its junction to Ecclesall Road South would not become subject to significant increases in traffic movements or queuing.

As a result, it is considered that the proposal would not generate increases in vehicle movements that would undermine highway safety.

#### - Parking

The revised drawings show a total of 70 parking spaces for use by the commercial parts of the proposal. This includes 30 spaces at ground floor level of the converted workshop building, for use by the proposed A1/A3 and D2 uses, and 36 spaces at roof level for users of the office. There are 4 spaces reserved for staff to the rear of the converted showroom building.

The Council's parking guidelines would require up to 16 parking spaces for the proposed A1/A3 uses. As the proposed D2 and B1 uses fall below the relevant 2,000m<sup>2</sup> thresholds, the guidelines would not require any parking spaces in association to these elements of the development.

It is acknowledged that over-provision of car parking in new development is normally avoided, as it has the potential to encourage car use ahead of more sustainable transport modes. However, in this case the over provision is considered to be justified on the basis that it beneficially utilises existing provisions on the site. Additionally, any overspill parking within the vicinity would be undesirable, so a limitation on parking here is not considered to be appropriate.

In addition, car parking information has been provided by the Applicant, relating to the projected usage/availability of parking spaces. Based on a typical week day – which is anticipated to be the busiest period for the proposed uses – it is estimated that the maximum number of cars occupying the ground floor level car park would be 16, thus leaving 14 spaces empty. On Saturdays, it is estimated that this would reduce to 6 being occupied and 24 empty. It is also stated that during maximum

usage of the office car park (a typical weekday) 34 spaces would be occupied, leaving 2 spaces empty.

Overall, it is considered that the parking arrangements would accommodate the demands generated by the proposed uses. It is therefore considered that on-street parking within the vicinity of the site would be avoided. As such, the proposed commercial elements of the scheme would not cause a highway safety implication due to over-spill parking.

To ensure efficient operation of the car parking areas, it is recommended that a car park management plan is required by condition. This will include measures to direct A1/A3 and gym users to the ground floor level and office users to the upper level. Combined with the space capacity within the car parks, the scheme will not lead to unnecessary movements within the car park area.

The proposed townhouses, which each have 4 bedrooms, include 2 'in-curtilage' spaces each. Due to the highly sustainable nature of the location, adjacent to a high frequency bus route, this provision would be considered acceptable preventing additional parking on the carriageway at the properties' frontage. Despite this, 4 visitor parking bays are available.

It is therefore considered that the proposal would provide satisfactory parking provision, which would be suitably managed, and use existing on-site provision as well as avoiding any overspill parking or unnecessary movements within the site or its vicinity.

#### - Servicing

Servicing of the commercial elements of the development would take place via the existing Banner Cross Drive access. This would be via a 7.5T box van, measuring 8m in length. Detailed swept-path drawings evidence that this vehicle type would be able to turn within the site. Deliveries to the proposed commercial units by larger vehicles would be prevented by condition, as they would not be able to satisfactorily turn within the site. Additionally, a further condition preventing the carrying out of deliveries from the highway is also recommended. To ensure deliveries take place appropriately a Service Management Plan would be required by condition, should Members be minded to approve the scheme.

The proposed Townhouses are served by a carriageway across their frontages. Shortly before the proposed carriageway's termination a turning head is proposed. This would be used by delivery vehicles and refuse lorries attending the proposed houses. Existing residents have historically made use of an area within the site, immediately adjacent to the end Talmont Road for turning purposes. These existing residents, and delivery vehicles attending their properties, will be free to use the proposed turning head at the proposed carriageway's end. The current turning ability could be removed at any point by restricting site access. The proposed situation represents an improvement on the current situation by permanently enabling turning.

The proposed servicing measures are considered to be acceptable and to avoid detrimental impacts upon highway safety. Therefore, the proposal would be considered to have acceptable impacts in this respect.

## Air Quality

Para 170 (e) of the NPPF states that new development should be prevented from contributing to unacceptable levels of air pollution and developments should wherever possible help to improve air quality.

Policy CS51 (Transport Priorities) of the CS states that one of the strategic priorities for transport is to improve air quality.

Policy CS66 (Air Quality) within the CS states that action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The application was submitted with an Air Quality Assessment (AQA), and covers baseline conditions, implications of the construction and operational phases, and mitigation measures. The AQA has been considered by the Council's Air Quality Officer and is viewed as being sound.

The AQA states that the application site, along with the rest of the city, is located in the Air Quality Management Area. It concludes that the proposed residential elements of the development would not be subject to elevated NO<sub>2</sub> and PM<sub>10</sub> concentrations, and that no mitigation would be required in order to make the air quality environment appropriate for its residents.

Regarding the development's impacts upon the surrounding locality, predictions of the existing and projected NO<sub>2</sub> and PM<sub>10</sub> concentrations at 50 receptor points within the surrounding area are made.

For the 14 receptor points in near vicinity to the site, the AQA predicts that none of these currently experience NO<sub>2</sub> levels above the annual mean Air Quality Objective (AQOs), and also that the scheme would not cause any exceedances at these 14 points. At 13 of these the scheme would be predicted as having negligible impacts, with a slight impact at 1.

At these same 14 points current levels of PM<sub>10</sub> are predicted as being below the AQO. No exceedances are projected as a result of the scheme. At all of these receptor points the development is predicted as having negligible impacts.

The AQA shows that the situation is much the same at the remaining points more remotely located from the site.

Overall, the AQA states that the impacts of the development's operational phase would not be significant. The development's impacts would not exceed any national targets and its effects on local air quality would not be significant. As a result, the



scheme would be acceptable in regards to air quality implications and meet the requirements of relevant national and local policy.

In addition to this conclusion, Members will be aware that Sheffield was named generally in the National Air Quality Plan in July 2017, as an area in exceedance for Nitrogen Dioxide. In response, the Council has proposed a Clear Air Zone by 2021, and as a result are working with stakeholders to ensure impacts are neutral or minimised.

Whilst this development's impacts are low, they would be minimised via the following measures:

- allocation of around 10% of parking spaces for low emission vehicles
- requirement for a Site Environmental Management Plan to limit implications during construction,
- requirement for a Green Travel Plan to limit individual's reliance of the private car, to promote public transport, and use of low-emission delivery vehicles.

These measures will ensure that the development's effects will be minimised, and that it positively acknowledges the Council's response to the National Air Quality Plan.

#### - Construction Phase

As mentioned above, the AQA acknowledges potential impacts of the construction of the proposed development within the site's vicinity. As a result, a series of measures to secure dust mitigation are proposed. Providing that a Management Plan dealing with these issues is agreed it is considered that the development would avoid harmful impacts. A condition requiring this will be included as part of any approval.

#### Amenity of Surrounding Residents

NPPF para 127 f) requires a high standard of amenity for existing and future users.

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

When approving new development an assessment needs to be made as to the impact on surrounding uses in relation to matters such as over shadowing, over dominating and privacy infringements.

#### - Talmont Road Properties

The proposed townhouses would be accessed via Talmont Road. The townhouses would be expected to generate very limited vehicular movements, and as such would not be expected to cause unacceptable levels of noise and disturbance to existing Talmont Road occupiers.

The proposed townhouses would be separated by approximately 5.1metres from No16 Talmont Road. No16 Talmont Road includes a ground floor, kitchen window in its side elevation facing north towards the 1<sup>st</sup> proposed townhouse. Whilst this window is the kitchen's sole window, it takes amenity from the application site. The townhouses would lie to the north of No16, so would not cause a loss of direct sunlight. No16's kitchen window would look out directly towards the 1<sup>st</sup> floor level of the proposed townhouse, which is limited to 4.6metres in width. The height of this 1<sup>st</sup> floor portion would exceed No 16's eaves by approximately 1.2metres. The narrow width and limited height excess would be considered to prevent harmful overbearing impacts to No 16. The 2<sup>nd</sup> floor level is set a total of 10.3metres away, so would have a reduced presence and avoid a significant overbearing impact.

Screening to the 2<sup>nd</sup> floor level roof terrace would be required to maintain privacy, and this would add an additional 0.7metres in height. In response to the representation received, it is not considered that any further screening is required due to the elevational difference between the 3<sup>rd</sup> floor terrace and the ground floor neighbouring window.

Given the changes in land levels, separation distances and proposed layout, it is considered that the scheme would not have an unacceptable impact on the amenity of Talmont Road occupiers/properties.

#### - Banner Cross Drive Properties

The Banner Cross Drive properties are located to the south of the current Workshop building, with the ramp to the upper deck immediately adjoining the boundary with their properties.

Vehicular manoeuvres associated to the proposal would include deliveries to the commercial units, as well as car parking associated to the commercial units and office. To ensure deliveries to the commercial units would not cause disturbance, it is necessary to restrict them to between 0730 and 2000 hrs on Mondays to Saturdays and 0900 to 2000hrs on Sundays and Public Holidays.

The A1 and A3 units opening hours will be restricted to 0600 to 1900 hrs, so will not attract customer vehicle movements beyond these periods. The Gym will operate on a 24/7 basis, so some vehicle movements will occur during night-time / early morning periods, however, these will be limited in number and will use the ground floor level car park meaning noise disturbance will be minimised.

The glazing to the office space's south facing windows is currently partly obscured. To prevent overlooking and privacy impacts upon Banner Cross Drive properties, it will be necessary to ensure that appropriate parts of the glazing continues to be obscurely glazed. This will be achieved by condition on any approval. On this basis the proposal would safeguard privacy for occupiers of Banner Cross Drive properties.

Based upon the inclusion of conditions on any approval covering delivery and trading times, obscured glazing and the limited level of vehicular traffic associated to the

gym during late evening/night time periods, it is considered that the proposal would not have unacceptable impacts upon Banner Cross Drive properties.

#### - Psalter Lane Properties

The existing Psalter Lane properties are separated from the proposed townhouses by a minimum of 30 metres. Whilst the proposed townhouses are set on ground significantly above the level of the Psalter Lane properties, the substantial separation distances would ensure that the townhouses do not cause detrimental overbearing or privacy impacts.

The north elevation windows serving the proposed office space would be replaced to contain obscured glazing up to 1.5metres over the internal floor level. This would prevent outward views onto the gardens of the Psalter Lane dwellings by office users standing within the windows' vicinity. Views to the Psalter Lane dwellings would be from oblique angles. From elsewhere in the office space, views would be largely restricted to those towards and over the rooftops of the Psalter Lane houses. This proposal is an improvement on the existing situation where the windows are clearly glazed in their entirety. Providing Members are minded to approve the application, a condition ensuring these glazing amendments are made should be included in an approval.

Regarding living conditions of all surrounding occupiers, to prevent the commercial uses causing a noise and disturbance impact to existing residents a number of conditions are recommended. These would include a limit of opening hours of the A1/A3 units, limits on delivery times and a requirement for sound attenuation works to restrict noise breakout to acceptable levels.

Overall, it would not be reasonable to refuse the scheme due to impacts on the living conditions of surrounding occupiers.

#### Amenity of Proposed Residents

In addition to NPPF para 127 and UDP policy H14 section c), Policy H15 (Design of New Housing Developments) within the UDP states that the design of new housing developments will be expected to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

The 8no Townhouses provide internal accommodation over 3 floors. The habitable room accommodation would be served by large windows, providing good outlook and ventilation opportunities.

Five of the dwellings face directly towards the east facing elevation of the current workshop building. They would be separated by approximately 8.0metres. The houses would not include habitable rooms in their front portion/s at ground floor level, and the workshop's east elevation is to be made into a green wall. As a result, this relationship would be considered to be acceptable.

The external space comprises roof terraces at the 2<sup>nd</sup> and 3<sup>rd</sup> floor levels, totalling approximately 50sqm in area. The townhouses include 4no bedrooms, and these external space provisions would be appropriate.

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

#### Landscaping/Trees

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

The woodland immediately to the north and east of the application site is known as Brincliffe Plantation, and is subject to a group Tree Preservation Order (TPO). Toward the east, these trees are on a steep embankment rising above the level of the current car-park. To allow the construction and occupation of the houses, some works to the trees are proposed. Some points to note are:

- coppicing of two groups of sycamores; and
- pruning to shorten branches to clear site.

The site has been visited by the Council's tree officer, and the proposed measures are considered to be acceptable. The trees proposed for coppicing are not considered to be valuable within the overall TPO. Also the extent of the pruning is not considered to be significant. They would allow the construction of the houses and give clear space to ensure the trees avoid an excessive presence when viewed from within the proposed houses.

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

#### Contamination Issues

The site's former uses have been potentially contaminative. As a result there is a potential risk to human health and/or the environment. Therefore, the standard suite of conditions to deal with potential land contamination recommended should Members be minded to approve the application.

#### Flood Risk and Drainage

The site is allocated as being within Zone 1 in flood risk terms, and therefore categorised as 'Low Risk'. Therefore, the site is not considered to be at significant risk of flooding.

Drainage arrangements for the existing buildings will continue as currently. The surface water discharged from the part of the development including the proposed townhouses will be required to be reduced by a minimum of 30% below current rates. Yorkshire Water and Council drainage officers are satisfied with this

approach. Accordingly, should Members be minded to approve the application, this should be subject to appropriate conditions.

## Ecology

A Preliminary Ecological Appraisal (PEA) and a Bat Activity Report have been provided with the application.

The PEA confirms that the site comprises mainly hardstanding with scattered patches of vegetation and small areas of isolated shrubs, being of low ecological value for flora and negligible potential for wildlife – including protected species.

The Bat Report found no bats were using the site or any structures for roosting. A low level of bat foraging and commuting was found. It concluded that the proposed works would result in no impacts on bats.

Overall, it is considered there are no ecological constraints on the proposed development. To ensure that the scheme achieves ecological enhancement and therefore complies with NPPF paragraph 170, conditions requiring the inclusions of mitigation measures in the final development (as recommended in the report submitted), including matters relating to external lighting, appropriate planting schemes and boundary treatments as well as the addition of 5 bat-boxes on buildings are recommended to be included within any approval.

## Community Infrastructure Levy (CIL)

The site is located within two CIL charging zones with a levy of £30 and £80 per square metre.

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

## RESPONSE TO REPRESENTATIONS

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

### - Loss of privacy to Quarry Lane properties

The proposed townhouses are separated by approximately 45metres from the nearest dwelling at Quarry Lane. The townhouses 3<sup>rd</sup> floor roof terrace would be at a level approximately equivalent to land level at the end of the Quarry Lane gardens. On this basis, and notwithstanding the presence of Brincliffe Plantation, given the separation distance the proposal would be considered to avoid any detrimental impacts on the privacy of the Quarry Lane properties.

### - Retention of turning head in current location would ease impacts on No 16, and the long established turning circle is subject to an applied/prescription easement.

The turning-head is proposed at the end of the extension to Talmont Road to maximise its benefit to delivery and refuse vehicles servicing the proposed townhouses. It will be able to be used by existing Talmont Road dwellings, but the limited frequency of this use would avoid any disturbance.

The easement provision is not a material planning consideration.

- Roof terraces will lead to noise impacts

Any noise generated at the terrace would be of a domestic level and would not be considered sufficient to warrant the refusal of the scheme.

- Current parking situation is difficult, and situation is not helped by poor enforcement.

The scheme is concluded to not lead to any overspill car parking. The enforcement of parking restrictions is not a planning matter.

- Concerns vehicles will cut through between commercial and residential parts of the site.

There is no ability within the scheme for vehicles to move between the commercial and residential parts of the site.

- Traffic levels have increased since 2010 and bus services have decreased (2010 seems to be a base year for the studies).

The Transport Assessment and Note considers the proposal's net impacts and increases in overall movements on the network.

- Excessive rain and proximity of houses to embankment will lead to drainage issues, and potentially cause land slippage.

Any run-off from the wooded embankment will be collected and/or managed and won't cause any issues at the housing. Whilst some coppicing of trees is proposed, this would not undermine the embankment.

- Residents should be consulted about hazards and nuisance during the construction phase, with conditions applied to minimise impacts.

Conditions restricting timings of construction works hours and requiring agreement of delivery/construction traffic are recommended.

- Query how long construction process will take.

There is no power within the planning process to control the length of the construction process.

- Not all neighbours have received written notification. Inadequate consultation with neighbourhood.

Direct neighbour notification to 50 separate addresses has been carried out in full in accordance with the Statement of Community Involvement.

- Notices are either very low-key or have been removed.

Standard site notices were erected. Also further notices were erected in connection with the amended drawings.

- Proposal drawings include land registered to a neighbour, and proposed works to a wall owned by neighbour.

This issue has been satisfactorily clarified via amended / additional drawings.

- Drawings show insufficient context.

A street scene drawing showing the proposed townhouses and No 16 Talmont Road was provided with the application.

- Design and Access Statement suggests a pedestrian route from Psalter Lane to Talmont Road. This does not exist.

Whilst there is access into the woodland from Psalter Lane, no route through to Talmont Road exists.

- Proximity of townhouses to No16's open fire chimney.

The townhouses proximity to the open fire chimney would not represent a planning consideration.

- Land Registry deeds appear to allow Talmont Road to be extended for the construction of similar dwellings.

Restrictive covenants are not material planning issues.

- Any path / thoroughfare would lessen security of neighbouring houses.

The scheme doesn't include any proposal to form a connection from the townhouses to Psalter Lane, via the woodland.

## SUMMARY AND RECOMMENDATION

The planning application is for the change of use of the showroom and workshop buildings previously associated to a car dealership, to provide two commercial units (A1/A3), a gym (D2), and office space (B1). 8 townhouses are also proposed.

The land uses proposed are either preferred or acceptable in UDP policy terms and following assessment of alternative, available locations for the main town centre uses, comply with the aims of the NPPF.

The scheme makes a small but welcome contribution towards housing supply in the city and complies with the policy aims of the Core Strategy and the NPPF of prioritising development of previously developed land.

The proposed alterations to the existing buildings are considered to be acceptable. The townhouses are considered to be well designed, and to represent a distinct response to the location against the backdrop of the tree covered ridge-line. The contemporary approach is considered to be acceptable.

It has been demonstrated that the impact on the local highway network regarding highway safety, capacity and car parking could not be regarded as severe, which is the defined test of acceptability within the National Planning Policy Framework.

Given separation distances and the proposed screening and obscuring of windows, the proposals would have an acceptable impact on the amenities of neighbouring occupiers with regards to privacy, dominance and shadowing. With noise attenuation measures, car park management, and controls over opening/delivery times the proposal would not lead to detrimental impacts upon neighbouring occupiers.

The proposed alterations and new buildings would achieve 10% of energy from renewable sources, or by a fabric first approach. Certain parking spaces are reserved for low emission vehicles.

Future occupiers will be provided with acceptable living conditions, and the surrounding trees and landscaping would not be undermined.

Overall, the proposals are considered to be acceptable and the scheme is recommended for conditional approval.



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Case Number	18/04049/FUL
Application Type	Full Planning Application
Proposal	Use of ground floor of dwellinghouse (Use Class C3) as a retail unit (Use Class A1) including erection of shop-front (As per amended plans received on the 20 March 2019) - AMENDED DESCRIPTION
Location	245 Owler Lane Sheffield S4 8GD
Date Received	24/10/2018
Team	West and North
Applicant/Agent	Tahir Bashir
Recommendation	Grant Conditionally

## Time limit for Commencement of Development

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

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

## Approved/Refused Plan(s)

2. The development shall be carried out in accordance with the following plans:-

- 18/23.01 Revision B (Location Plan, Existing and Proposed Ground, First and Second Floor Plans).

- 18/23.02 Revision B (Existing and Proposed Front, Side and Rear Elevations); and

received on the 20 March 2019 from Tahir Bashir

Reason: In order to define the permission

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

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

3. Details of waste disposal and bin storage shall be submitted and approved in writing prior to the shop being brought into use. Other than bin collection day(s), at no time shall commercial bins used in connection with the retail use be left on the highway.

Reason: In the interests of amenity and highway safety

Other Compliance Conditions

4. The shop front and entrance door frame shall be made from black painted/treated aluminium.

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

5. The hours of use of the premises shall be limited to the following times:

Between 0900 and 1730 hours (Monday to Saturday); and

At no time shall the premises be open on a Sunday and/or Public Holidays

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

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

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

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

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

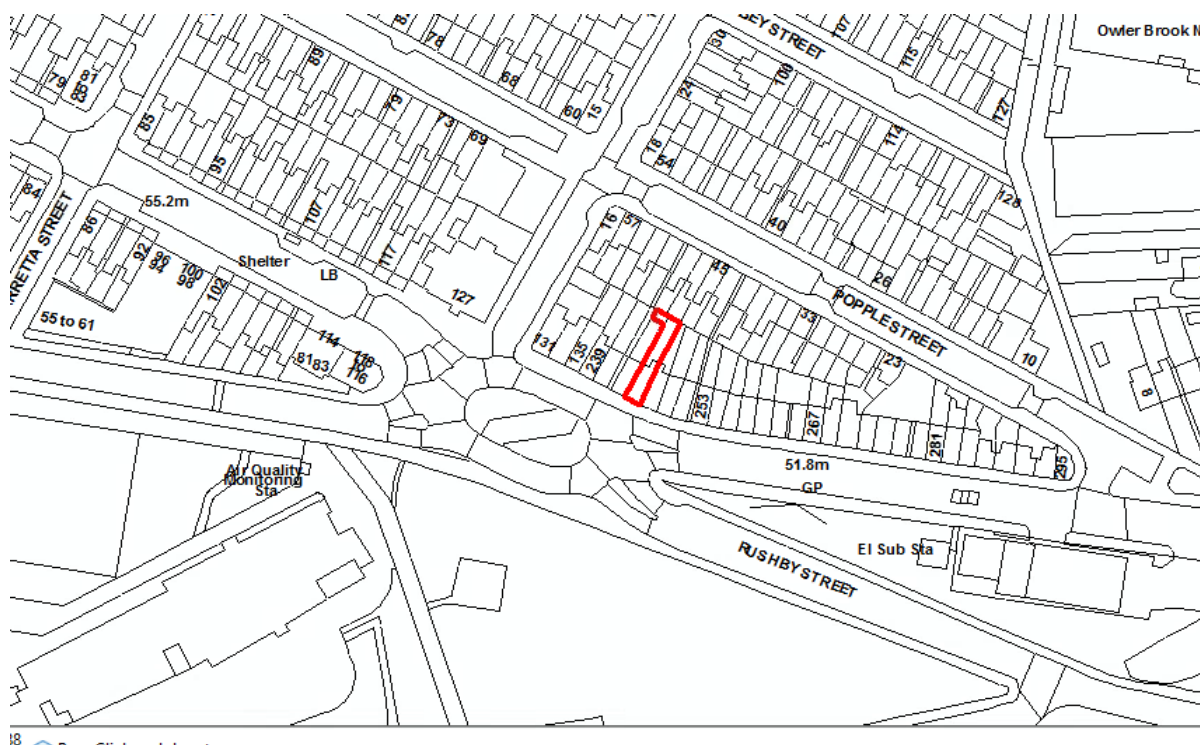
8. No external roller shutters shall be permitted on the building.

Reason: In the interests of visual amenity

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 mid-terrace dwellinghouse (No. 245 Owl lane) that is situated along the northern side of Owl Lane in Firvale. The dwellinghouse is a traditional two-storey property with a slate pitched roof. The property has a small enclosed back yard area, which is accessed down a gennel alongside No. 243.

The property is currently attached on both its sides by dwellinghouses (Nos. 243 and 247) although No. 247 has permission to be converted to a shop (use class A1). Next to No. 243 is an existing retail shop occupied by a jeweller.

The application site is situated in a Housing Area as identified on the UDP Proposals Map. Four hundred metres (400m) to the west of the site is Page Hall Road Local Shopping Centre.

Full planning permission is sought to change the use of the property's ground floor to provide a retail unit (Use Class A1) with one-bedroomed first floor flat. The application has been amended by drawings received on the 20/03/19.

In terms of the first floor flat, Part 3, Class G of the General Permitted Development Order (Amended) 2015 states that development consisting of a change of use of a building from

an A1 retail use to a mixed use for any purpose within Class A1 and as up to 2 flats is permitted development. Therefore, if the proposal to change the use of the ground floor to a shop is found acceptable, the use of the first floor as a flat is deemed permitted by reason of Class G of the GDPO 2015.

## RELEVANT PLANNING HISTORY

Although no relevant planning history exists for the application site, the attached property (No. 247 Owler Lane) was granted planning permission to change the use from a dwellinghouse to a shop (A1) in September 2018, under planning reference No. 18/01870/FUL. Also relevant is the recent committee decision to refuse planning permission to change the use of a dwellinghouse into a shop at 104 Page Hall Road in November 2018 (Planning reference No. 18/01688/FUL).

## SUMMARY OF REPRESENTATIONS

No representations have been received in response to neighbour notification.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
  - ii. Highway Issues;
  - iii. Design Issues and its effect on the character and appearance of the surrounding area;
  - iv. Effect on the residential amenity of neighbouring properties; and
  - v. Flooding Issues
- 
- i. The Principle of Development – Policy and Land Use

The application site is situated within a Housing Area. In these areas, shops (Use Class A1) are included within the short menu of acceptable uses under Policy H10 of the UDP.

In addition to Policy H10, it is also necessary to consider the application against Policy H14, which lists a number of conditions that new development or change of use proposals will be expected to meet. Amongst others, these conditions include at part (i) that for non-housing (use Class C3) uses the development would occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area. In terms of Part (i), officers are satisfied that the change if use of the ground floor of the property would not threaten the residential character of the area. While the application site is in a housing area, and the neighbouring property (No. 247) has the benefit of planning permission to change the use to a shop, the proposal only represents the loss of part of an existing single dwellinghouse as a first floor flat is to be provided. The properties to the east of the site (beyond No. 247) along this section of Owler Lane all remain in residential use. In light of the above the proposal is not considered to threaten the established residential character of the area. The change of use of the ground floor of the dwelling to a shop will not affect the overall number of houses in the area given the provision of a first floor flat.

Paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses. In terms of this proposal, it is not considered that the proposed use would harm the viability and vitality of the neighbouring local centres at Page Hall Road, Fir Vale and Upwell Street, with evidence from officer's site inspection that they are vibrant with very few if any vacant premises available. It is also considered that the property, being located close to a small cluster of shops along a main and busy thoroughfare that the proposed use is a suitable location for a small shop, which is unlikely to threaten the viability of the existing centres.

ii. Highway Issues

The development raises no significant highway concerns. Any increase in parking demands associated with the proposed use is likely to be low given the very close proximity of neighbouring shops, with shoppers frequenting the premises likely to be resident in the local area and trips linked to the neighbouring local shopping area.

Double yellow lines and loading restrictions are in place outside the site on Owler Lane which prevents loading during peak hours. These restrictions will minimise any conflict between any requirements to service the shop and the operation of the public highway.

A condition will be imposed to prevent bins from being stored on the public highway.

iii. Design Issues and its effect on the character and appearance of the surrounding area;

The applicant has amended the scheme on the advice of officers with the external alterations limited to the reducing the size of the first floor window opening (rear elevation), removal of the property's ground floor window and door (front elevation) and installing a new wider door opening and new shop front window. Previously, the applicant sought the erection of a front dormer window and an external staircase, the latter to serve the first floor flat. Both of these elements have been removed from the proposed scheme, the front dormer window being replaced with a rooflight.

In terms of the proposed alterations to the ground floor, the amended plans show that the property's existing ground floor window and door would be removed and a large ground floor shopfront window with side door would be inserted. The new shop front and side door would be made from black painted/treated aluminium, and be inserted at a height no lower than the property's existing ground floor window cill.

From a design perspective, it is considered that the shop front is acceptable and would not harm the character or appearance of the building or streetscene. The shopfront window was amended on the advice of officers and is now consistent in appearance and size to the authorised shopfront window approved to No. 247. The use of black aluminium window frames is considered acceptable.

iv. Effect on the residential amenity of neighbouring properties;

It is considered that the only properties likely to be affected by the proposal are its two immediate neighbours, namely Nos. 243 and 247 Owler Lane, the latter having an extant planning permission to change the use into a ground floor shop. In terms of these two

properties, while it is acknowledged that the change of use would lead to more activity within the premises than if it was a dwellinghouse during normal shopping hours (0900-1730 hours), the extent of which should not be significant that would be detrimental to the living conditions of the two neighbouring properties in terms of noise disturbance. The shop floor of the retail unit would only be approximately 13 square metres meaning that the size of the premises is unlikely to result in a high number of customers frequenting the shop at any one time that would cause any significant disamenity to neighbouring properties.

To ensure that the opening hours is consistent with neighbouring shops and to ensure that it is closed at a time when residents of neighbouring properties are likely to be at home, it is recommended that a condition be attached that restricts opening hours of the premises between the hours of 0900 and 1730 (Monday to Saturday with no opening on Sundays or Public Holidays). These opening hours are consistent with the hours approved at No. 247, under 18/01870/FUL.

It is also recommended that a condition be attached that restricts delivery and service hours and waste collection and disposal to minimise the impact on adjoining properties.

It is also noted that small shops are viewed to be compatible uses in housing areas, as set out in the UDP.

#### Flooding Issues

The application was submitted with a Flood Risk Assessment on account of the property being situated within Flood Zone 3A (High risk of flooding). The FRA details that the floor levels will remain unchanged and that the internal floor level of the shop would be 150mm above road level.

Residential uses are classed as highly vulnerable uses in accordance with the Environment Agency's flood risk vulnerability classifications and the proposed retail use is a less vulnerable use (retail). Less vulnerable uses are considered acceptable in Flood Zone 3a and changes of use are not required to pass the sequential or exception flooding tests. As such the change of use is considered to be acceptable from a flooding perspective.

The Environment Agency make no comment on the application based on the information provided.

#### Other Issues

It is acknowledged that Members refused an application to change the use of 104 Page Hall Road from a dwellinghouse to a shop in January 2019. This was refused against the advice of officers for the reason that the proposed change of use of the property would be in a part of Page Hall Road which already accommodates a considerable number of shop uses such that there is a risk that further changes of use from residential to shop use will undermine the residential character of the street contrary to Unitary Development Plan Policy H14(i). While officers accept that there are similarities between this proposal and the one refused at Page Hall Road, for the reasons given in the report, it is not considered that the proposal would threaten the residential character of the area. With exception to No. 247, which is located further away from the local shopping centre than the application

site, all the properties to the east of the site are in residential use, thereby retaining the residential character of the area. This differs with the site of 104 Page Hall Road, where a number of dwellinghouses in proximity of the property have been converted into shops, which by doing so has resulted in that particular part of the street moving away from its former residential character. This is different to the application site, where the loss of the dwellinghouse to a shop would not materially affect the street's residential character.

## SUMMARY AND RECOMMENDATION

Full planning permission is being sought to change the use of the property's ground floor to provide a retail unit (Use Class A1) with one-bedroomed first floor flat.

For the reasons set out in the report, it is considered that the proposal to change the use of the property into a shop is acceptable and would be in general accordance with Policies H10 and H14 of the UDP and would not conflict with government policy contained in the National planning Policy Framework (NPPF). There would be no net loss in the number of dwelling houses as a result of the change of use of the property as a first floor flat would be provided. It is considered that this section along Owler Lane would continue to remain residential in character. It is also considered that the proposed change of use would not result in any significant noise disturbance that would be harmful to the residential amenity of neighbouring properties. It is recommended that conditions be attached that restrict opening times between 0900 and 1730 hours and delivery times to ensure that activities associated with the use is kept to a minimum.

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

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Case Number	18/03659/FUL (Formerly PP-07299343)
Application Type	Full Planning Application
Proposal	Erection of five-storey block comprising ground floor retail unit (Use Class A1) and 2no apartments above (Use Class C3)
Location	Bakers Yard Sheffield S3 8BY
Date Received	26/09/2018
Team	City Centre and East
Applicant/Agent	Becky Ford
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:

LK-CITUD-1H-ZZ-DR-A-00002 Rev P2 Site and Location Plan;  
LK-CITUD-1H-ZZ-DR-A-00200 Rev P2 Proposed Plans; and  
LK-CITUD-1H-ZZ-DR-A-00220 Rev P2 Proposed Elevations all received on 8/2/2019

Reason: In order to define the permission.

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

3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the

site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

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

4. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy - Update to Site Remedial Strategy - Kelham Island, Sheffield, ref: C6920C/7174/DCB/JD Rev1, dated 26/11/18 (Sirius Geotechnical Ltd). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy

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

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

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

6. No above ground construction work shall commence until full details of the storage for bins and bikes has been submitted to and approved in writing by the local planning authority. Thereafter the residential and commercial accommodation hereby permitted shall not be occupied until the bin and bike stores have been provided in accordance with the approved details and are thereafter retained.

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

7. 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.

8. 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 window reveals;  
Doors;  
Parapets and cappings;  
External stairs and balustrades;  
Rainwater goods; and  
Decks and green roofs

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

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

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

10. Before the use of the development is commenced, Validation Testing of the sound insulation 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 insulation works thus far approved, a further scheme of 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.

11. Details of a privacy screen along the western edge of the roof terrace, designed to prevent views into the neighbouring Garden Houses, shall be submitted to and approved by the Local Planning Authority. The approved screen shall be installed on site before the residential accommodation is brought into use and shall thereafter be retained.

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

12. The windows on the elevation of the building facing south west shall be fitted with obscure glass, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

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

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

#### Other Compliance Conditions

14. The development shall be carried out in accordance with mitigation measures detailed in the approved Flood Risk Assessment (FRA) by Civic Engineers dated 2 October 2017 (reference job number 806-05), including the setting of finished floor levels no lower than 49.85 metres AOD. Mitigation measures shall be fully implemented prior to occupation of the development and shall thereafter be retained.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. The retail (A1) unit hereby approved shall only be used between 0800 hours and 2200 hours Monday to Saturday and between 0900 hours and 2200 hours on Sundays and Public Holidays.

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

16. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2200 Mondays to Saturdays and between the hours of 0900 to 2200 on Sundays and Public Holidays.

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

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

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

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

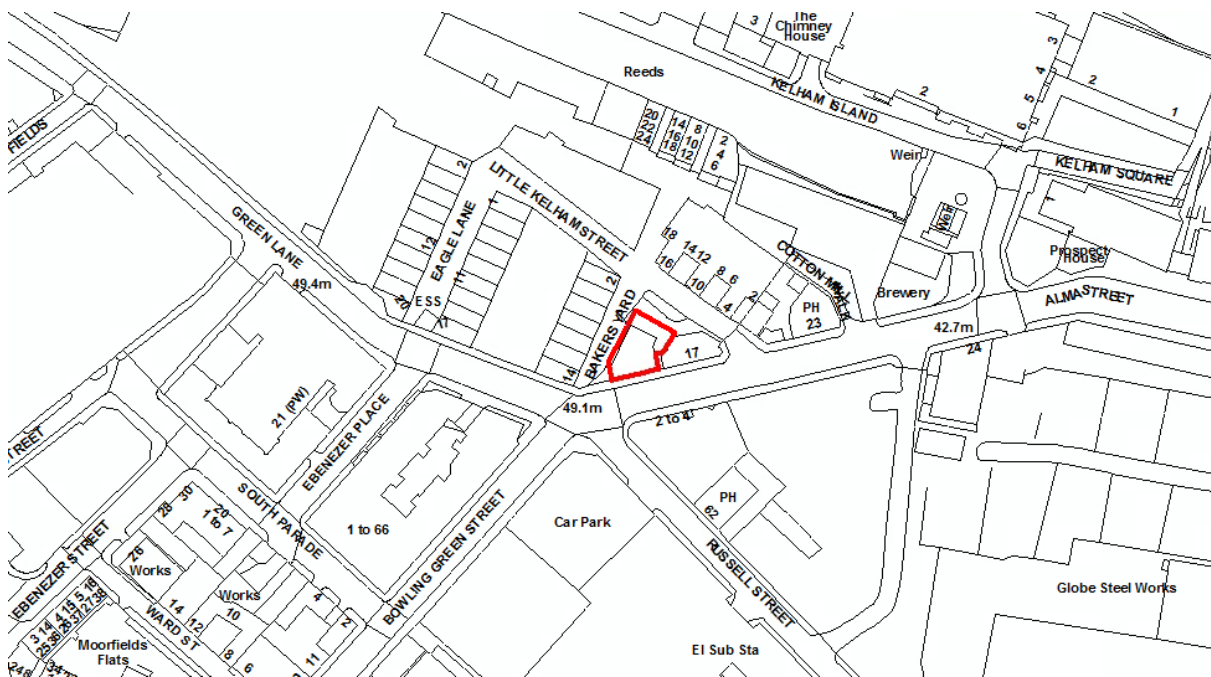
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

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](mailto:snn@sheffield.gov.uk)

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

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

## Site Location



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## LOCATION AND PROPOSAL

The application site comprises of a plot of land within Little Kelham, a large, mixed use development of houses and commercial space located on the northern side of Green Lane and Alma Street, in the centre of the Kelham Island Conservation Area.

The original development of 107 one, two and three bedroom dwellings, the conversion of Eagle Works to form a shop/restaurant (use class A1/A3) and creative arts space (use class B1), the conversion of the gateway building to provide a shop/restaurant (use class A1/A3) and the erection of a 5 storey building for use as an energy centre with office spaces above was granted in August 2012 and is still under construction.

Consent was granted under Section 73 of the Town and Country Planning Act 1990 in January 2013 to allow phasing of the development (12/03390/FUL); in May 2015 to allow the phasing of highway improvement works and removal of the condition which states that no resident shall obtain a parking permit (14/04300/FUL); and again in October 2017 to allow the updating of approved plans in line with design development, building regulations and a revised phasing sequence (16/03102/FUL).

This application relates to land in the south east corner of the Little Kelham site, adjacent the gateway building, on which was proposed a five storey building for use

as an energy centre. As the wider site has developed, become occupied, and its energy strategy has evolved, the original proposals for an energy centre are no longer being pursued. So, in early 2018 planning permission was granted for the erection of a single storey extension to the gateway building for use as a retail unit with roof terrace over.

This consent has not been implemented. Instead, the applicant is now seeking planning permission for the erection of a five-storey block, similar in scale to that within the 2012 planning approval, but comprising of a ground floor retail unit (Use Class A1) with 2 apartments above (Use Class C3).

It must be noted that, a few years ago, a concrete base was constructed in this location under the original consent. However the dimensions of the base, as built, did not accord with the approved plans and the developer was asked to stop work. The 2017 consent for the single storey extension to the gateway building made use of this existing base, as do the current proposals at ground floor level.

#### RELEVANT PLANNING HISTORY

- |              |   |
|--------------|---|
| 17/05206/FUL | In December 2018 planning permission was granted for the erection of a small 3 storey end terrace dwellinghouse on Lizzie Lane.   |
| 17/03285/FUL | In February 2018, planning permission was granted for the erection of single-storey rear extension to building for use as a retail unit (use class A1) with roof terrace over.  |
| 17/03434/FUL | In November 2018 planning permission was granted for use of the Tank House (part of Eagle Works) as a dwellinghouse.  |
| 16/03102/FUL | An application to allow the updating of approved plans in line with design development and building regulations and a revised phasing sequence - Application under Section 73 to vary conditions numbered 2 (Approved plans), 3; (Phasing plan) and 14 (Walkway Agreement) as imposed by planning permission 14/04300/FUL was approved in October 2017.   |
| 14/04300/FUL | An application under Section 73 to vary conditions 9, 16, 20 (i and ii), (to allow phasing of highway improvement works); 14, (to allow an extension of the time in which details are to be submitted for the Zonal Walkway); 39 (to allow an extension of time for public art details to be submitted), and removal of condition 48 (stating no resident shall obtain a parking permit) as imposed by planning permission 12/03390/FUL was approved in May 2015. |
| 14/03544/FUL | An application for the replacement of boundary wall at Little Kelham was approved in November 2014.   |



- 13/01191/NMA An application for Gateway building to allow enlargement of two window openings, slate roof, black aluminium rainwater goods, removal of existing render, and exposed brickwork to be made good (Amendments to planning permission no. 12/01401/FUL) was approved in April 2013.
- 12/03390/FUL A Section 73 application to update phasing and allow rewording of conditions 3, 9, 20, 21, 27, 28, 29 and 30 as imposed by planning permission 12/01401/FUL was approved in January 2013.
- 12/01401/FUL In August 2012 planning permission was granted for the development of land and buildings to provide 107 residential units, conversion of Eagle Works to form shop/restaurant (use class A1/A3) and creative arts space (use class B1), conversion of gateway building to provide shop/restaurant (use class A1/A3), erection of 5 storey building for use as energy centre with office spaces above (use class B1) and laying out of associated car parking, access roads and landscaping.

## SUMMARY OF REPRESENTATIONS

29 representations were received in relation to the proposed development, all objecting to the proposals. The concerns raised by objectors include:

- The proposals represent a significant over-development of the site and are contrary to the original planning permission for an energy centre with offices above.
- The existing foundations were built approximately 1.5 metres too close to the neighbouring Garden Houses.
- The proposals will result in overlooking of the neighbouring Garden Houses, particularly from the first floor terrace, and deprive neighbouring residents of privacy.
- The privacy and light to properties on Baker's Yard have already been impacted by a building on the corner of Russell St and Alma Street. The proposed building is much closer and the impact will be more severe.
- The five storey building will result in reduced daylighting to neighbouring properties, which is critical given that they were designed to harness solar gain in order to help heat the properties.
- The building will cast a shadow onto the communal green space in Baker's Yard.
- Habitable room windows will be metres away from the entrance to what could be a busy retail unit.
- The five storey building will dwarf the other buildings in Bakers Yard/ Little Kelham Street and Cotton Mill Walk as well as Cornwall Works on the opposite corner of Green Lane.
- The five storey building is not consistent with the residential character of the area.
- The proposed building contravenes policy BE3 of the UDP which seeks to discourage tall buildings in Kelham.

- The five storey building will generate a wind tunnel.
- Both the residential and commercial elements of the proposal will increase traffic in the area and add to existing on-street parking problems.
- The proposed retail unit will add to traffic management pressures within Little Kelham.
- Where will the additional residents park?
- There is no need for more retail units when others in the area stand empty.
- Bin storage is already insufficient, particularly for commercial occupants of the development. This scheme lacks adequate waste disposal facilities.
- The proposed development is an eyesore.
- The use of gold cladding is at odds with the look and feel of the rest of the development and the conservation area.
- The proposed gold cladding will cause glare within Baker's Yard.
- Construction work in such close proximity to residents will be harmful to their amenities.

Residents also raised non-planning issues including loss of views and the fact that, at a residents meeting, CITU's Managing Director confirmed that the originally proposed five story building would not be built, but would be replaced with a single storey building with a roof garden over due to residents' concerns. Planning permission was approved for this scheme in February 2018 (17/03285/FUL). Many residents claim that they would have not bought properties knowing that the plans for a five storey development would go ahead.

The Conservation Advisory Group (CAG) considered the proposals at their meeting on 16 October 2018. The Group felt that the use of gold cladding was inappropriate in a conservation area and recommended that a more subdued metal should be used. The Group considered that a 5 storey block could be acceptable, but that the amenity aspects of the scheme should be redesigned and further consideration should be given to the parking.

## PLANNING ASSESSMENT

### Land Use

The revised National Planning Policy Framework (NPPF) 2019, reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing.

The presumption in favour of development applies where the local planning authority cannot identify a 5-year supply of deliverable housing sites (with a 5% buffer), or where the delivery of housing over the last 3 years has been below 75% of the housing requirement. Sheffield's housing delivery passes the second test, and we are in the process of updating our 5-year housing land supply position. However, given the changed assessment regime identified in the revised NPPF and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional engagement with stakeholders before publishing our conclusions in a monitoring report. At this time decisions should be taken in light of

the SHLAA Interim Position Paper (2017), which shows a 4.5 year supply of sites. This weighs in favour of the development of this site for residential purposes.

The site is located within the Kelham Mixed Use Area as defined in the Unitary Development Plan (UDP). Policy MU9 (Kelham Mixed Use Area) describes housing (C3) as a preferred uses of land, and small shops and food and drink uses as acceptable where they support this unique living and working environment. Policy MU11 (Conditions on Development in Mixed Use Areas) requires, amongst other things, that no single use is dominant.

This general approach was retained in Core Strategy policy CS17 (City Centre Quarters) (j) which identifies Kelham and Neepsend as a focus for new riverside housing and jobs.

The erection of a building for residential and retail purposes conforms with land use policies and is therefore considered to be acceptable in principle.

### Design and Conservation Issues

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development. It advises that planning policies and decisions should, amongst other things, ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character, including the surrounding built environment, while not preventing appropriate innovation or change; maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

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

The Government's policies relating to the historic environment are set out in chapter 16 of the NPPF (Conserving and enhancing the historic environment). When considering the impact of a proposed development on the significance of a designated heritage asset, it expects local planning authorities to give great weight to the asset's conservation, and goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification.'

Furthermore, in considering whether to grant planning permission for development which affects a conservation area or its setting, section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 states 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Policy BE16 of the UDP (Development in Conservation Areas) expects new development to preserve or enhance the character or appearance of the

conservation area, it supports the retention of buildings which make a positive contribution to the character or appearance of the area, and it encourages the redevelopment of sites which detract from the conservation area where it would enhance the character or appearance of the area.

The application site lies in the heart of the Kelham Island Conservation Area, one of the first industrial conservation areas in the country. Elements that make up the special character of the Conservation Area include its involvement in the growth of the metal trades in Sheffield; the Island itself, which was first formed in the 12th Century when the goit was built to provide water power for the Town Corn Mill; key listed and unlisted buildings which contribute to the character of the area (including the Kelham Island Museum, Globe Works and many public houses such as the grade II listed Fat Cat to the immediate east of Little Kelham); the unplanned street pattern which evolved in response to the development of the area; the back of pavement development characterised by brick built workshops and grand frontages; and the predominance of red brick buildings and historic stone flags.

The proposed five storey building sits behind the retained red brick wall which bounds the Little Kelham site to Alma Street and much of Green Lane. As submitted, the proposals comprised of an irregular shaped timber clad ground floor constructed on the existing concrete base, with rectangular shaped upper floors measuring 6.2 metres by 9.5 metres, finished with matt gold standing seam cladding. An external stair provided access to the first floor while an internal staircase accessed the upper floors.

It is considered, in design terms, that the site can accommodate a slender five storey structure given the previous consent (for a five storey energy centre), the scale of neighbouring buildings and the site's proximity to a four way junction at the heart of Kelham Island. The dwellinghouses to the immediate west of the site (known as Garden Houses), range between three and four storeys in height, while a recently built residential development to the east, at the junction of Alma Street and Russell Street, also reaches five storeys in height. The scale of the proposed development is not, therefore, considered to be inappropriate in the context of recent development or some of the older buildings in the vicinity, including the generous four storeys of Eagle Works on the northern side of Little Kelham. However, the proposals did raise a number of design concerns including relatively blank facades to primary views and materials that are not reflective of the character and appearance of the industrial conservation area. It was also felt that amendments should be made in order to limit the impact of the structure on the amenities of the occupiers of neighbouring properties – as discussed below.

Amended proposals were submitted with a number of key changes. The timber and gold cladding have been replaced with more contextual red brick to the ground floor with bronze coloured metal cladding, applied with a vertical standing seam, to the upper floors. This more subdued, robust and contextual approach to materials is considered to be acceptable and more in-keeping with the character and appearance of the conservation area, yet contemporary and in the spirit of the architecture within the Little Kelham site.

Windows within the tower have been rearranged so that the façade facing onto Alma Street is animated with more openings, while the elevations facing towards the neighbouring Garden Houses have far fewer openings, which minimises opportunities for overlooking.

In addition, the upper floors of the building have been reduced in size to 6.2 metres by 8.3 metres. This has been achieved by replacing the internal staircase with an external staircase on the building's east facing elevation, away from the Garden Houses. This has the effect of slimming down the proportions of the upper floors and pulling them a further 1.4 m away from the Garden Houses (resulting in a minimum separation of the upper floors of about 8.8 metres).

It is considered that the resulting building, whilst distinctive, is in-keeping with the industrial character and appearance of the conservation area and will not cause any harm to its significance.

Material samples and large scale details are reserved by condition to ensure quality detailing is achieved.

#### Amenity Issues

Policy MU11 states that new development should not cause residents to suffer from unacceptable living conditions.

The ground floor of the proposed five storey building sits approximately 7.4 metres to the east of the terrace of Garden Houses, which range between three and four storeys in height. The upper floors, as amended, are a minimum of 8.8 metres away and their north and west facing elevations return at angles such that they do not face directly onto the Garden Houses.

The nearest Garden Houses have only garage accommodation at ground floor level and so it is considered that the ground floor of the proposed development will have little impact on the occupant's residential amenities. The two properties at either end of the terrace have living accommodation at ground floor level. The property at the northern end of the terrace (plot 10) looks out onto a landscaped area. The property at the southern end of the terrace (plot 16) is orientated to face south east, and the outlook at ground floor level is compromised by the existing brick boundary wall.

All the neighbouring Garden Houses will experience some additional loss of direct sunlight during the morning as a result of the proposed development. The loss of direct sunlight will affect each plot differently, the impact will be short-lived and it will change throughout the year. During the winter months, when the sun is low and the shadow generated by the development is likely to be most significant, it is noted that the bulkier five storey building at the junction of Alma Street and Russell Street already overshadows much of Baker's Yard. On balance, therefore, it is felt that overshadowing and the loss of direct sunlight caused by the development will not cause substantial harm to the amenities of the occupants of the neighbouring Garden Houses.

The outlook of the Garden Houses closest to the proposed development will also change. Residents currently look out onto an open courtyard because the original proposals for a five storey building for use as an energy centre were not constructed. However, it is also considered that, because the upper floors of the proposed building are relatively slim and they are a minimum of 8.8 metres from and angled away from the Garden Houses, the overbearing impact of the proposals have been minimised to an acceptable degree. Indeed, the scale and quality of the resulting space is not uncharacteristic of Little Kelham as a similar separation distance of 9 metres will be experienced by residents of the 3 and four storey Garden Houses on either side of Eagle Street and Lizzie Lane.

A number of the residents of the Garden Houses have suggested that the proposed development will deprive them of privacy. However, following amendments which removed almost all windows from the west facing elevation of the upper floors (those that remain serve w.c.s and circulation space and can be obscure glazed), and both reduced and relocated windows on the north facing elevation (which does not directly face the Garden Houses), it is considered that opportunities for overlooking have been almost eliminated. The only concerns remain a large window proposed in the small south west facing end elevation of the retail unit which could cause the occupants of plot 16 to feel overlooked. It is therefore recommended that this window be obscure glazed. Also, the small first floor roof terrace would allow views into the first floor living accommodation of the nearest Garden Houses. It is therefore recommended that some form of screen, perhaps in the form of planting, be introduced along the western edge of the roof terrace in order to prevent any significant loss of privacy. This is again reserved by condition.

Little Kelham comprises of high density urban housing where suburban levels of separation cannot be expected, yet privacy distances are considered to be comfortable and outlook is generally good – the rear elevations of all the Garden Houses look onto generously proportioned raised shared gardens. While the proposed development will have an impact on the amenities of the occupants of the Garden Houses facing onto Bakers Yard, and to a lesser degree the Cube and Courtyard Houses on the northern side of the yard, on balance it is considered that the impact will not cause significant harm or cause residents to suffer from unacceptable living conditions.

### Highway Issues

The proposed development includes 2 two bedroom apartments which will likely generate a very small increase in demand for parking. For those properties within Little Kelham that don't have in-curtilage parking, parking is provided beneath the podiums of the Garden Houses, though only the first podium is currently available.

The applicant has advised us that there are a total of 27 spaces in podium 1. 14 spaces have been sold, 4 are temporarily occupied until podium 2 becomes available and 9 remain unallocated. Sufficient parking therefore appears to be available on site to cope with a small increase in demand.

The proposed retail unit is of scale likely to serve the local community and should not in itself result in any more car movements or demands on parking, though it is

acknowledged that Kelham Island generally suffers from on street parking problems caused, in large part, by commuter parking and visitors to the area. The Council is currently preparing plans to implement zonal parking controls in the area in order to combat the on-street parking problems.

#### Land Contamination

The applicant has recently concluded a year's worth of additional monitoring and assessment having previously reported that work could not proceed in accordance with the approved Remediation Strategy (due to the potential presence of Dense Non-Aqueous Phase Liquids (DNAPLs) in controlled waters and the identification of significant quantities of free product in the form of a migrating hydrocarbon plume).

The Environmental Protection Service (EPS) considered the resulting reporting to be satisfactory and the following report forms an agreed revised Remediation Strategy:

Update to Site Remedial Strategy – Kelham Island, Sheffield, ref: C6920C/7174/DCB/JD Rev1, dated 26/11/18 (Sirius Geotechnical Ltd).

#### Coal Mining

The site lies in an area of the city affected by past coal mining activities and the Coal Authority concurs with the recommendations of the submitted Coal Mining Risk Assessment Report; that intrusive site investigation works should be undertaken prior to development in order to establish the extent of any historic coal workings under the site.

A condition is proposed to secure further investigations and ensure that any necessary remedial works are undertaken prior to commencement of the development.

#### Flood Risk

The application site falls within Flood Zone 2. The applicant submitted a Flood Risk Assessment and the Environment Agency (EA) were consulted, who advised that it be assessed in line with their flood risk standing advice.

However, this site has previously been considered by the EA in relation to a number of applications, including 12/01401/FUL (the original consent) and, more recently, 17/03434/FUL, which granted consent for the use of part of Eagles Works as a dwellinghouse. On each occasion the EA has considered the proposals to be acceptable subject to a condition requiring the finished floor level to be set no lower than 49.85 metres AOD. The same condition will be imposed in this instance.

#### Community Infrastructure Levy

The site lies within a CIL charging zone of £50 per sq.m and is likely to attract a charge.

#### Pre-Commencement Conditions

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

## RESPONSE TO REPRESENTATIONS

The proposed five storey building comprises of an irregular shaped ground floor podium with a much slimmer rectangular shaped structure over. The southern elevation of the podium consists of the high red brick boundary wall which bounds the Little Kelham site to Alma Street and Green Lane, closing Baker's Yard off to Alma Street, save for a small pedestrian opening. Whilst no wind studies have been carried out, it is considered that the buildings scale, design and the presence of the wall are unlikely to create a wind tunnel as suggested by some objectors.

Bin storage within the Little Kelham site, which is still under construction, is known to be problematic due to insufficient capacity and inappropriately sized bin store doors (for the size of bins requested). A current application to comply with a condition requesting details of all servicing arrangements (16/03102/COND5) is under consideration and negotiations will take these known issues into account, requesting amendments to the waste strategy as necessary.

In relation to the current proposal, the applicant has indicated that commercial waste for the proposed retail unit and the existing coffee shop will be located beneath the staircase, while a separate bin store will be provided for the residential waste. Whilst this is acceptable in principle, a condition is proposed requiring details of both stores to be submitted for approval, in order to ensure they are suitably sized and designed.

The Local Planning Authority has some sympathy for residents who are concerned that any loss of direct light will have an impact on the energy efficiency of their homes. The developer of Little Kelham, and the homes within it, has ambitious plans to reduce carbon footprints and, after some initial teething problems, it is understood that the properties under construction are well insulated, air tight, and are being built using a high proportion of renewable materials.

As described above, the occupants of the neighbouring Garden Houses will experience some additional loss of direct sunlight during the morning as a result of the proposed development, but due to orientation and the presence of existing buildings, this loss will be limited and changeable. As such it is considered that the limited loss of direct sunlight and its impact solar gain does not justify refusal of the proposed development.

## SUMMARY AND RECOMMENDATION

The relatively tall slim form of the proposed five storey building, which comprises of a ground floor retail unit with 2 apartments over, will mark a focal point at the centre of Kelham Island. It is similar in scale to a number of nearby buildings and its amended finish, in red brick with bronze cladding over, is considered to be in keeping with the areas industrial heritage such that it will not cause harm to the character and appearance of the conservation area.



The Little Kelham development was designed to be relatively dense with a series of interlinking intimate urban spaces. While the proposed development will have an impact on the amenities of the occupants of the Garden Houses facing onto Bakers Yard, and to a lesser degree the Cube and Courtyard Houses on the northern side of the yard, as described above it is considered that the impact will, on balance, not cause residents to suffer from unacceptable living conditions.

It is understood that there are some trust issues between the developer and existing residents and that the proposals will change the nature of Baker's Yard as currently enjoyed by residents. However, the principle of a five storey building was approved as part of the original planning application and, following a number of amendments to improve the form and design of the building, it is considered to remain an acceptable form of development.

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

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Case Number	18/03367/OUT (Formerly PP-07229131)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved except for access) for the erection of circa 91 dwellinghouses
Location	Land Adjacent 101 Ferrars Road Sheffield S9 1RZ
Date Received	03/09/2018
Team	City Centre and East
Applicant/Agent	Johnson Mowat
Recommendation	G Conditional Subject to Legal Agreement

## Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by the permission) has been obtained from the Local Planning Authority.

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

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

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

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

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

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

Site access in accordance with drawing A(01)001 Rev B

Reason: In order to define the permission.

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

5. No development shall commence until details of measures to prevent surface water flooding have been submitted to and approved in writing by the Local Planning Authority. Thereafter such approved measures shall be implemented.

Reason: In order to prevent surface water flooding 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.

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  $Q_{Bar}$  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.

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

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

9. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

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

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

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

11. No development shall take place, including any works of demolition, until a 'Development Environment Management Plan and Method Statement' has been submitted to and approved by the Local Planning Authority. The document shall include:
  - a. Details of the means of ingress and egress for vehicles engaged in the demolition and construction works of the development.
  - b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway;
  - c. Details of the site compound, contractor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas;
  - d. Details of any security lighting; and
  - e. Details of measures to monitor and control the emission of dust during demolition and construction works

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

12. 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.

13. 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)

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

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

15. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

16. The development shall not be used unless the sight lines, as indicated on the approved plans (A(01)001 Rev B), has been provided. When such sight lines have been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

Reason: In the interests of the safety of road users it is essential for these works to have been carried out before the use commences.

17. Prior to that part of the development commencing, full engineering details for the access road from Ferrars Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the road shall be constructed in accordance with the approved details prior to the development being brought into use

reason: In the interest of highway and pedestrian safety

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

19. 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.

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

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

21. 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 .
  - b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
  - d) Include details of an acoustic fence



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

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

22. 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.

23. 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.

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

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

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

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

26. Before the development is commenced, or an alternative timeframe to be agreed by the Local Planning Authority, full details of the site wide access and facilities for people with disabilities shall have been submitted to and approved by the Local Planning Authority. The development shall not be used unless such access and facilities have been provided in accordance with the approved details and thereafter such access and facilities shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times.

27. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

28. Detailed existing and proposed site levels and finished floor levels shall be submitted as part of the reserved matters application

Reason: in order to adequately characterised the site and proposed development

29. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

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

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

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

#### Other Compliance Conditions

30. On the submission of reserved matters applications the results of faunal survey carried out at appropriate times and following best practice shall be included to ensure that the precautionary principle is adhered and no offences in respect of protected species are committed. Surveys must include:

- Bat roost suitability surveys where structures or trees are impacted by proposed development.
- Bat activity surveys according to current best practice to identify commuting and foraging areas on the site.
- Reptile surveys using refugia according to current best practice
- Badger surveys shall be carried out within 3 months of the commencement of construction activities.
- Water vole surveys shall be carried out within 3 months of construction activities commencing.
- Otter survey carried out prior to construction activities commencing and during construction activities as advised by surveying ecologists.

Reason: To ensure the ecological interests of the site are maintained and that no offence is committed in respect of protected species legislation.

31. On the submission of the first reserved matters application, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing by the Local Planning Authority:

- A buffer zone is established to protect bat commuting routes during construction and after occupation.
- The siting of 10 No. bird boxes in trees and dwellings. These bird boxes to be of varied design to attract a range of bird species.
- The siting of 5 No, bat boxes in retained trees or dwellings of the Vincent design or similar.
- A landscape scheme incorporating a range of native species as listed in report.
- Garden access for hedgehogs throughout the development.

Reason: To ensure the ecological interests of the site are maintained

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that the plans submitted with this application, can only be treated as indicative and illustrative for the purposes of this application due to the fact that this is an outline application with in relation to (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale reserved for future consideration. There are a number of design/highways issues with the indicative layout as detailed in the email sent on the 14th December which need to be addressed in order to achieve a successful scheme
3. The applicant is advised that in order to comply with Core Strategy Policy CS41 'Creating Mixed Communities', no more than 50% of dwellings should be of any one type (e.g. three bed dwellings). The indicative details submitted do not comply with this requirement.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

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

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

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

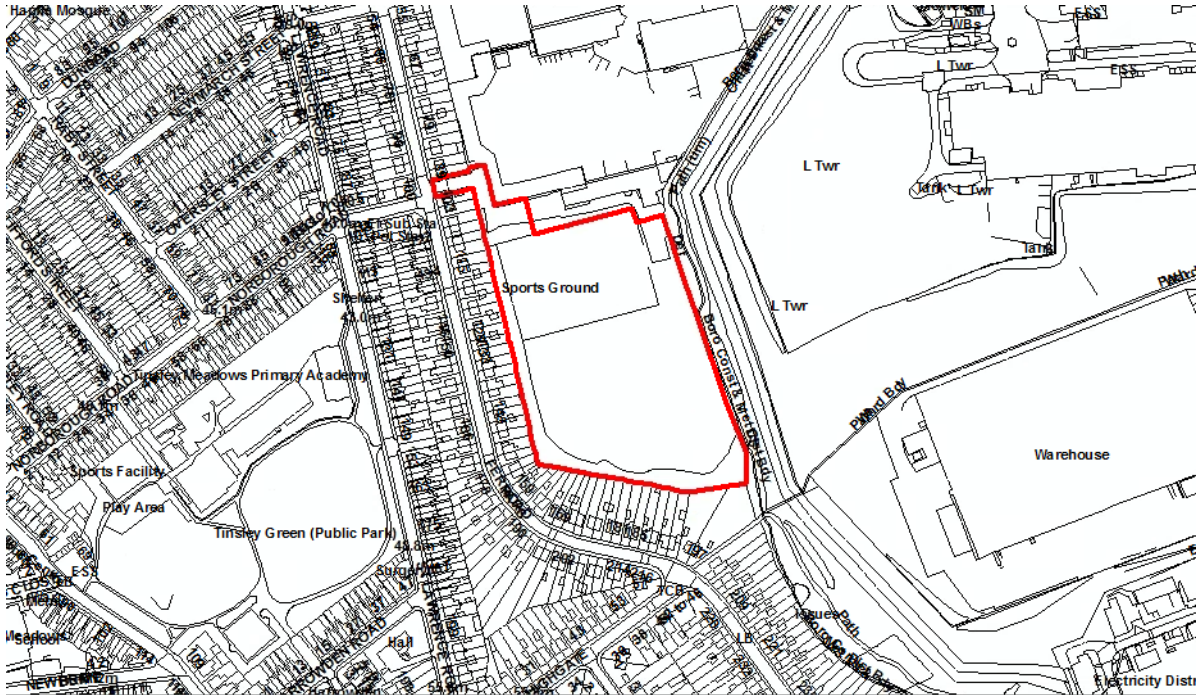
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

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](mailto:snn@sheffield.gov.uk)

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

6. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to an area of land to the east of Ferrars Road. The site is accessed off Ferrars Road and was formerly used as football pitches in association with the 'It's a Goal' business which is directly to the north of the site. The football use has ceased and the site currently comprises of grassland with tree covered embankments to the southern and western boundaries.

Residential dwellings are located to the west and south of the site, whilst industrial uses are located to the north and east and include steelworks and waste management facilities.

The site is within an Open Space Policy Area as designated in the adopted Sheffield Unitary Development Plan.

Outline planning permission is sought with all matters reserved except for access for 91 dwellinghouses on the site.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

Community consultation has been undertaken by the applicant prior to submission of the application.

Five letters of objection have been received; the issues raised are detailed below:

- Access road is not wide enough for the development
- Water pipes run down either side of the road so the road cannot be widened
- The land is waterlogged and so would be dangerous to build on
- This is the only piece of Green Belt land in Tinsley and was rejected for the new school proposal owing to it being waterlogged
- Development would result in noise to existing residential properties from building
- The development would result in a loss of privacy to existing residents

Two letters of support have been received, one of which requests that planting from the site which has overgrown into neighbouring gardens is removed.

## PLANNING ASSESSMENT

### National Policy

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The key aim is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The following assessment will have due regard to these overarching principles.

### Local Plan Policies

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

### Open Space

The site is located in an area of Open Space as designated in the adopted Sheffield Unitary Development Plan. Policy CS 47 'Safeguarding of Open Space' is relevant and states that development of open space will not be permitted where

- a) It would result in a quantitative shortage of either informal or formal open space in the local area
- b) It would result in the loss of open space that is of high quality or of heritage, landscape or ecological value
- c) People in the local area would be denied easy or safe access to a local park or to a smaller informal open space that is valued or well used by people living or working in the local area
- d) It would cause or increase a break in the city's Green Network.

An open space assessment has been carried out and this shows that with the loss of the proposed outdoor sports pitches that provision would still be 3.7 hectares per 1000 population and this is well in excess of the threshold of 1.14 hectares per

1000 population. However it is noted that this is quantitative provision only and does not take into account qualitative provision.

In relation to part b) ecological surveys have been undertaken and these show that the site has minimal ecological and landscape value, nor does it have any heritage assets.

The site is privately owned and as such access is restricted and it is not used freely by people living or working in the area. The site is surrounded by built form and does not form part of the city's green network. As such, the scheme is not contrary to parts (c) or (d).

In light of the above the development would not be contrary to parts a) to d) of Policy CS47. The policy goes on to state that development that involves the loss of open space will only be permitted if it can meet one of the exceptions criteria. Point e) is relevant to this application and states that:

- e) As soon as practicable, equivalent or better replacement open space would be provided in the local area

Sport England have been consulted on the application and are a statutory consultee in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No 595), in light of the fact that the land has been used as a playing field within the last five years.

Sport England's Playing Fields Policy states that it will oppose the granting of planning permission for any development which would lead to the loss of or prejudice the use of playing fields, undeveloped land previously used as playing fields or land allocated for use as a playing field. There are however 5 exception tests which need to be considered, test E1 and E4 are particularly relevant to this application. E1 requires a robust and up to date assessment to demonstrate that there is an excess of playing field provision. E4 states that any playing field lost as a result of development will be replaced by a new playing field of equivalent or better quality.

Sport England, in conjunction with the Football Association (FA) objected to the proposal as the application did not include an up to date assessment that the playing field and its facilities are surplus to requirements. A robust analysis of supply and demand was considered necessary as in general there is a high demand for pitches in this area of the city. Furthermore the scheme did not propose any replacement playing fields or associated facilities. As such the scheme was contrary to Sport England's Playing Fields Policy and did not meet any of the exception tests. Sport England Policy is in line with NPPF paragraph 97.

Following negotiations, the applicant has agreed to provide a financial contribution of £190,000, this will allow for the provision of two replacement full size football pitches. No financial mitigation is proposed for the loss of the changing facilities as they are disused and outside the site boundary and Sport England and the FA have accepted this argument and stated that they will remove their objection when a

signed legal agreement has been received.

At the time of writing this report the legal agreement is being drafted and it is anticipated that this will have been finalised by the date of the committee. Members will be updated on this matter at the committee.

In light of the above and specifically the financial contribution to allow for replacement pitch provision elsewhere, the loss of the open space complies with Policy CS47 and Sport England's Playing Fields Policy. It is highlighted that the site is not currently used as a sports pitch and is privately owned, such that the financial contribution will improve provision elsewhere in the city.

Greenfield and Housing Land Supply.

The proposal will involve the development of a greenfield site. Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that priority will be given to development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/5 and 2025/26. The policy goes on to set out where greenfield site development will be allowed until 2025/26 and includes Housing Market Renewal Areas, small sustainable sites, Owlthorpe Township and on sustainable larger sites if there is less than a 5 year supply of deliverable sites.

NPPF paragraph 11 relating to the presumption in favour of sustainable development includes a consideration of whether development plan policies which are most important for determining a planning application are out-of-date, and that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance further detailed work is required. We will therefore be undertaking additional engagement with stakeholders before publishing our conclusions in a monitoring report. At this time decisions should therefore continue to be taken in light of the SHLAA Interim Position Paper (2017), which shows a 4.5 year supply of sites.

Core Strategy Policy CS22 relating to the scale of the requirement for new housing sets out Sheffield's housing targets (an average of 1,425 net additional dwellings per year) until 2026. However this policy is out of date, and Sheffield's housing requirement is now based on the Government's guidance for a national methodology for calculating objectively assessed housing need (Sheffield's current local housing need is a requirement 2,098 new homes per year).

The significant increase in Sheffield's local housing need means that the current local plan strategy for delivering 1,425 dwellings per year is out of date. This mismatch between the new goal of creating significantly more homes to meet a housing shortage and the existing strategy significantly reduces the weight that can be attached to the policies that make up a now out of date strategy. As such the



weight which can be attached to Policy CS24 is limited

Given that Core Strategy Policy CS22 is out of date, it is therefore necessary to consider the tilted balance in paragraph 11 of the NPPF. This states that where there is not an up to date development plan permission should be granted unless it will harm a protected area or asset, or any adverse impacts of granting permission would outweigh the benefits.

In accordance with the previous assessment the impact in terms of the loss of the playing field has been mitigated by financial provisions for its replacement elsewhere. There are no other protected assets or heritage assets and so on balance the principle of development is considered acceptable.

### Density and Housing Mix

The application is outline at this stage and proposes up to 91 dwellings. Based on this figure and a site area of 2.76 hectares, the development would achieve a density of 33 dwellings per hectare. This is in line with Policy CS36 'Efficient Use of Housing Land and Accessibility' which sets a density of 30 to 50 dwellings per hectare in the urban area.

An indicative site layout has been received this shows that 92% of the housing would be three bed dwellings, with the remaining 8% being four bed dwellings. Such provision would not meet the requirement of Policy CS41 'Creating Mixed Communities' which seeks to ensure development provides dwellings of varied size, type and tenure. One of the ways it seeks to do this is by ensuring that no more than 50% of dwellings are of any one type. However given that the scheme is indicative only, this issue can be addressed at reserved matters stage.

### Design

Policy CS74 'Design Principles' of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the City's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of high quality materials will be expected in all new buildings.

Policy H15 'Design of New Housing Developments' states that new housing will be expected to provide east access and circulation around the site, provide adequate private gardens and uniform walls or fences around rear gardens.

The application seeks outline permission with appearance, layout and scale

reserved for subsequent approval.

At this stage only an indicative layout has been submitted with no details of housing appearance or materiality.

The layout shows a primary highway running from north to south parallel to the rear of houses on Ferrars Road, with secondary cul-de-sacs running off from east to west. The plans indicate a range of detached, semi-detached and small rows of terraced housing with in curtilage parking located to the sides and fronts.

A number of concerns have been raised with the design and the applicant was requested to submit further information in the form of a design code and parameter plan. Such information should have tackled street hierarchy and pedestrian connectivity and open space; boundary treatments; massing and legibility; development character and parking.

Despite requesting this information during the application process, the applicant did not wish to submit any additional information given the outline status of the application. The Development Management Procedure Order (2015) states that an application for outline planning permission does not need to give details of any reserved matters.

It is considered that in spite of the above a well-designed housing estate could be successfully accommodated in this location and it presents an opportunity for a high quality distinct response to the site. There are a number of issues with the indicative layout including the location of the open space, the cul-de-sac arrangements and the dominance of frontage parking. Nevertheless it is considered that these issues could be addressed as part of a reserved matters application and a successful design achieved.

#### Amenity

Existing residential dwellings are located directly to the west and south of the site with rear gardens adjacent to the site boundary. The plans indicate that adequate separation distances can be achieved to ensure that the new development does not cause an unacceptable impact to existing residents in terms of overbearing, overlooking or a loss of privacy. There are a number of trees along the western boundary which are shown to be retained and will offer some screening of the development from existing properties.

The access to the site will be via the existing access between numbers 89 and 103. The transport assessment predicts a total of 48 two way trips during the am peak and 40 two way trips during the pm peak. These vehicle movements will result in increased noise and disturbance particularly for the dwellings on either side of the access (no. 103 and 89). Nevertheless, regard is had to the fact that this is an established access serving a commercial unit and if the open space were to be used intensively for its approved playing pitch use then vehicle trip rates could be at similar levels. Furthermore, it is noted that background noise levels are relatively high in the area and so the vehicle movements will be heard in the context of this.

The indicative layout demonstrates that a development could be achieved which provides adequate living conditions for future residents in terms of light, outlook, privacy and amenity space.

## Noise

The eastern site boundary is formed by established heavy industrial premises and further industrial units are located approximately 150 metres from the boundary in a south east direction, all industrial units noted operate 24 hours daily.

The northern site boundary is formed by 'It's a Goal' manufacturers of goal posts for the sports industry. Beyond this is a heavy industrial steel recycling merchant, ELG Haniel Metals Ltd, with the external sorting yard positioned directly adjacent to the northern site boundary.

The noise report details that the primary noise source within the vicinity of the site are predominantly due to the scrap yard activities beyond the northern site boundary due to delivery and movement of steel stock to the yard. The noise is due to the impact of steel on the floor and against itself when moved and processed and is best described as clanging and pouring. This is only present during daytime periods between 7.30 am and 4.30 pm Monday to Friday. Outside of these periods noise from the factories to the east dominates and is associated with plant fans, chillers and compressors, vehicle movements and impact events.

Other noise sources of significance are sited in the report as aircraft and distant traffic from the M1 motorway (500 metres away). It's a Goal did not produce any noise of significance.

The report details that the level of noise in the locality is high and that mitigation will need to be provided in the form of acoustic glazing and an alternative form of ventilation in order to make the living conditions acceptable. Similarly, in order to make the outside living conditions acceptable, acoustic fencing will need to be provided throughout the development.

The scheme has been assessed by the Council's Environmental Protection Service (EPS) who agree with the stipulations of the report and have recommended a number of conditions which should be attached to any approval.

## Contamination

A phase I contamination report has been undertaken. This demonstrates that the site has remained largely undeveloped with the exception of a small club house/pavilion. The potential for contamination is therefore low, albeit there is a slight possibility that contaminants from adjacent industrial uses have been transferred to the site. As such the report recommends that further intrusive site investigation is carried out. EPS agree with this approach.

## Highways

Access is the only matter for which approval is sought at outline stage. Access to the site will be via the existing access that forms part of the staggered priority crossroads junction with Ferrars Road and Norborough Road. The road will be upgraded to provide a 5.5 metres road width with 2 metre wide footways to both sides. The junction will achieve adequate visibility splays with Ferrars Road, allowing safe access and egress to the site. Swept paths have been submitted which indicate that the access will be able to accommodate a large refuse vehicle.

An existing junction capacity analysis has been undertaken for two junctions in the immediate locality. The first is the site access/Ferrars Road/Norborough Road crossroads and the analysis shows the junction is operating within capacity with minimal queuing. The second is the St Lawrence Road/Norborough Road crossroads which is also within capacity with minimal queuing evident. The proposals are forecast to generate 48 and 40 two-way vehicle trips during the weekday AM and PM peak hours respectively.

The impact of the development generated traffic on surrounding area and junctions has been shown to be negligible in terms of the impact on queuing and delay and can be accommodated within significant detrimental impact upon the highway network.

The site is within a sustainable area and within walking distance of a wide range of facilities including a primary school, healthcare facilities, leisure and community facilities and shops. There are two bus stops within 130 metres and 300 metres of the site which offer frequent bus services to Sheffield and Rotherham. The site is also located 1km away from the nearest tram stop which offers an alternative mode of travel.

A travel plan has been submitted with the application, this seeks to reduce single occupancy car trips and increase the use of non-car modes. Information will be provided to all residents in the form of a travel pack which will provide information about travel options for accessing key facilities and services and will highlight the health benefits associated with cycling and walking.

The layout of highways and parking provision will be the subject of a future reserved matters application. It is however considered that a suitable solution to these matters could be achieved.

## Sustainability

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Developments' requires new buildings to be designed to reduce emissions and use resources sustainably.

Core Strategy CS65 'Renewable Energy and Carbon Reduction' requires developments to provide 10% of their energy requirements from decentralised and renewable or low carbon energy.

The site is in a sustainable location in close proximity to a range of amenities and excellent public transport links. As the application is outline detailed information relating to sustainability is not available, however this can be secured by condition.

### Drainage and Flood Risk

Core Strategy Policy CS67 'Flood Risk Management' outlines how development in lower flood risk zones is preferred. It also requires the implementation of sustainable drainage systems.

The site falls within Flood Zone 1 which indicates that it has low probability of flooding. As the site area is greater than 1 hectare a flood risk assessment has been submitted in accordance with validation criteria. This indicates that the majority of the site is at very low or low risk of surface water flooding but that a small part of the site close to the eastern boundary is at risk from surface water flooding.

The plans indicate that development would be located in the areas at risk from surface water flooding. The lead local flood authority has confirmed that this approach is acceptable subject to satisfactory mitigation to ensure that the land does not flood. The flood risk assessment acknowledges the surface water flooding issue and confirms that mitigation such as raising land levels will be necessary.

Sustainable drainage systems have been investigated with reference to the sustainable drainage management hierarchy. The use of soakaways has been investigated but is unlikely to be feasible on this site owing to the ground conditions. The next preferred option is discharge to the water course and this is the preferred option at this stage subject to further site investigations and the relevant approvals.

### Air Quality

Core Strategy Policy CS66 'Air Quality' states that action will be taken to protect and improve air quality. The air quality assessment submitted with the application has assessed air quality monitoring stations within the locality, including one on Ferrars Road itself and four within the locality. It is predicted that the development and associated increase in vehicle movements will have a negligible impact on concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> and that all levels will remain below the target levels.

The assessment has also predicted pollutant concentrations at three proposed receptor locations within the proposed development site. This is representative of the worst case exposure for future residential dwellings in the development and is located closest to main pollutant sources, considered to be vehicle emissions from the site access and Ferrars Road. Predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are below the annual mean air quality objectives and target level, suggesting that suitable living conditions in relation to air quality objectives will be achieved.

An assessment of dust impacts to existing sensitive receptors (nearby residents) during the construction phase has been considered. Works including demolition, earth works and construction have the potential to cause impacts on nearby residents. The report confirms that there is a greater than negligible risk to nearby receptors from such works but that these can be addressed through appropriate mitigation which will be secured by condition.

## Ecology

A phase I habitat survey has also been undertaken to identify and map distinct habitats within the site. This identifies that the site comprises largely of semi-improved neutral grassland with small areas of broadleaved semi natural woodland, broadleaved plantation woodland, scrub and scattered trees and ephemeral/short perennial vegetation.

A desk study has been undertaken to gather information on legally protected and/or other notable species within the site or immediate locality. The trees around the edges of the site offer potential habitats for roosting and foraging bats and should be retained. The site also offers potential for foraging badgers although no evidence of badgers was found during the site survey. The site offers low potential for great crested newts.

The report states that the Chapel Flat Dyke to the east of the site represents a potential commuting pathway for otter; and woodland scrub in the site offers refuge opportunities. No evidence of otters was found on site; however it is recommended that further surveys are undertaken. Similarly the drainage ditch to the south of the site offers a suitable habitat for water vole and although none were identified it is recommended that a further survey is undertaken between April and October.

The Council's Ecology Officer has confirmed that the report has been carried out by competent ecologists using current best practice survey and appraisal methods and there are no gaps in the information provided for this outline application. The site is generally relatively poor in habitats but there are some small areas of more diverse habitats that should be retained. The recommendations made within the report will be secured by condition.

## Trees/Landscape

The central part of the site is grassland and is devoid of trees and hedges. However, there are a number of trees, groups of trees and hedges along the boundaries of the site. A tree report has been submitted with the application and identifies the majority of the trees as category C 'lower land value, could be retained' with 3 category B trees 'moderate value, retention desirable' and 3 trees as requiring removal.

The indicative site layout shows all trees to be retained which is welcomed and desirable from a visual and ecological perspective.

## Community Infrastructure Levy

The site falls within an area where the CIL contribution is zero

## Affordable Housing

Affordable Housing is required for residential developments in accordance with Core Strategy Policy CS40 and the affordable housing supplementary planning document. The city is split into 12 affordable housing market areas with contributions ranging between 0% and 30%. The site falls within an area where there is a 0% requirement for affordable housing.

## RESPONSE TO REPRESENTATIONS

The issues raised have been discussed in the report above. It is highlighted that the site is not designated as Green Belt.

## SUMMARY AND RECOMMENDATION

The principle of developing the land for residential purposes is acceptable. The development will lead to the loss of former sports pitches; however a financial contribution to replace/enhance pitches in the locality has been secured and has resulted in Sport England withdrawing their objection. All matters are reserved for subsequent approval with the exception of access. The plans demonstrate that a safe and suitable access can be achieved which will provide suitable visibility splays and allow the development to be serviced by large vehicles. It is considered that all other matters in relation to appearance, landscaping, layout and scale can be adequately addressed at reserved matters stage. As such it is recommended that outline permission is granted conditionally subject to a legal agreement.

## Heads of Terms

The applicant shall make a financial contribution of £190,000 towards the provision of two replacement full sized football pitches.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Culture and Environment

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**Date:** 2<sup>nd</sup> April 2019

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**Subject:**

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED FOOTPATH/CYCLE TRACK AT HALFWAY, SHEFFIELD.

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**Author of Report:** Mark Reeder 0114 2736125

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**Summary:**

To seek authority to refer the City of Sheffield (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 ("the Order") to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of objections received.

**Recommendations:**

The Director of Legal Services refers the City of Sheffield (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 to the Secretary of State for confirmation.

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**Background Papers:**

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**Category of Report:** OPEN

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CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO  
SHARED FOOTPATH/CYCLE TRACK AT HALFWAY, SHEFFIELD.

1. PURPOSE

- 1.1 To seek authority to refer the City of Sheffield (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of objections received.

2. BACKGROUND

- 2.1 Following authority obtained at this Committee on 27th November 2018, the City Council notified interested parties that an Order had been made on 13<sup>th</sup> December 2018, under Regulation 3 (1) of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of a public path linking Rotherham Road, Middle Ox Gardens and Deepwell Drive, Halfway to a shared use footpath/cycle track.
- 2.2 The notification procedure included the posting of relevant Notices and Plans at both ends, and along the route, of the footpath in question. The Director of Legal Services received two objections. The content of these is summarised in Appendix B to this Report, along with the Officer responses.
- 2.3 Unfortunately, due to an administrative error, the Order was not made on 13th December 2018, nor was it advertised in the local press as is required by law.
- 2.4 On the 28th February 2019 the City Council made the Order under Regulation 3 (1) of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of a public path linking Rotherham Road, Middle Ox Gardens and Deepwell Drive, Halfway to a shared use footpath/cycle track. A copy of the Order and plan are attached as Appendix A.
- 2.5 Letters were hand delivered to those that had raised objections to the previous Order, informing them that their objections are still valid, and also to residents whose property adjoins the path. Notices were placed along the proposed route and also in the local press and London Gazette. At the time of writing this report no further objections have been received. In the event that further objections are received prior to this meeting they will be reported verbally.

### 3. LEGAL IMPLICATIONS

- 3.1 The 1984 Act states that if objections are made to a Cycle Track Conversion Order, the Order then needs to be referred to the relevant Secretary of State if it is to be confirmed. An order cannot come into effect until it is confirmed. Referral of the order will result in consideration of the objections by an Inspector appointed by the Planning Inspectorate's Rights of Way team.
- 3.2 There is no requirement that an order which is opposed (as in the present case) must be referred to the Secretary of State. Therefore, if an authority feels it can no longer support an order then a formal resolution, by that authority, not to proceed, is all that is required to bring the procedure to an end. The City Council has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report.
- 3.3 If the Order is referred to the Secretary of State for confirmation and subsequently confirmed, it will take effect on the date which notice of confirmation is publicised.

### 4. HIGHWAY IMPLICATIONS

- 4.1 The highway implications of the proposed Cycle Track Conversion Order were described in the Report approved by this Committee on the 27th November 2018. The proposal has not altered since that date; hence it is still recommended that the footpaths should be converted.

### 5. CONSULTATIONS

- 5.1 Officers have written and spoken to both objectors and also (at the objector's request) met one at the site, to try to ensure that they had a full understanding of the proposal, and to see if a negotiated solution could be reached in order to resolve the objection. Unfortunately, despite responding to their concerns, no further responses were received from the objectors. Therefore, both objections are considered to remain unresolved.

### 6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

## 7. ENVIRONMENTAL IMPLICATIONS

- 7.1 To provide the shared use path it will be necessary to tarmac a 1 metre strip of grass along the full length of the current footpath. Overall the green space in the vicinity of the path is approximately 20,000 square metres. The widening of the footpath will reduce this space by around 500 square metres.
- 7.2 There is no plan to remove any trees as a result of providing this facility. However, it will be necessary to trim the bough of one tree at a point shown as 'B' on the Order and Plan included as Appendix A. The width at two points, where widening would compromise trees, will remain at 2 metres. Given the expected level of usage and open nature of this route it is considered acceptable to have these short pinch-point sections. A plan showing the scheme proposals is included as Appendix C.

## 8. FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Cycle Track Conversion Order process, and any other associated costs will be met by the developer Taylor Wimpey.

## 9. CONCLUSION

- 9.1 In considering whether to proceed further with the proposed Cycle Track conversion, it is necessary to balance the objections received against the justifications for supporting the proposal in the first place. Therefore, as this Board has previously approved the Conversion, and the situation on the ground has not materially altered from when the Order was made, it is proposed that the Order be submitted to the Secretary of State for confirmation.

## 10. RECOMMENDATION

- 10.1 The Director of Legal Services refers the City of Sheffield (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 to the Secretary of State for confirmation.

Philip Beecroft

Head of Highway Maintenance

20<sup>th</sup> March 2019

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**CYCLE TRACK ORDER**

**CYCLE TRACKS ACT 1984**

**SHEFFIELD CITY COUNCIL**

**CITY OF SHEFFIELD**

**(FOOTPATHS LINKING ROTHERHAM ROAD, MIDDLE  
OX GARDENS AND DEEPWELL DRIVE AT HALFWAY)**

**CYCLE TRACKS ORDER 2019**

The Sheffield City Council, in exercise of its powers under Section 3(1) of the Cycle Tracks Act 1984, having undertaken the consultations required by Regulation 3 of the Cycle Tracks Regulations 1984, hereby makes the following Order: -

1. The lengths of footpath described in the Schedule to this Order and shown by bold black lines on the annexed Map are hereby designated a cycle track.
2. This Order may be cited as the **City of Sheffield (Footpaths linking Rotherham Road, Middle Ox Gardens and Deepwell Drive at Halfway) Cycle Tracks Order 2019** and shall come into operation from the date on which this Order is confirmed.

Given under the Common Seal of the Sheffield City Council this 28<sup>th</sup> February 2019.

The Common Seal of )  
The Sheffield City )  
Council was hereunto )  
affixed in the presence of :- )

**CITY OF SHEFFIELD**  
**(FOOTPATHS LINKING ROTHERHAM ROAD, MIDDLE**  
**OX GARDENS AND DEEPWELL DRIVE AT HALFWAY)**  
**CYCLE TRACKS ORDER 2018**

**SCHEDULE**

Between Points A and B on the Order Map

That length of the unnamed public footpath, having a width of 3 metres, commencing at a point marked A on the Order Map (grid ref. 443649:380727), that point being located at the eastern boundary of Rotherham Road and 17.5 metres north east of its junction with Hollow Lane, then continuing for a distance of 99m in an easterly direction to a point marked B on the Order Map (grid ref. 443748:380720).

Between Points C, D and E on the Order Map

That length of the unnamed public footpath, having a width of 3 metres, commencing at a point marked C on the Order Map (grid ref. 443768:380736), that point being located at the eastern boundary of Middle Ox Gardens then continuing for a distance of 157m in generally a south westerly direction to a point marked D on the Order Map (grid ref. 443881:380638) then continuing for a distance of 176m in a generally easterly direction to a point marked E on the Order Map (grid ref. 444054:380622) that point being located 49m north of the northern boundary of Deepwell Drive.

**NOTE:** The above lengths of footpath are, by this Order, designated a 'shared facility' cycle track as described and indicated on the Order Map.





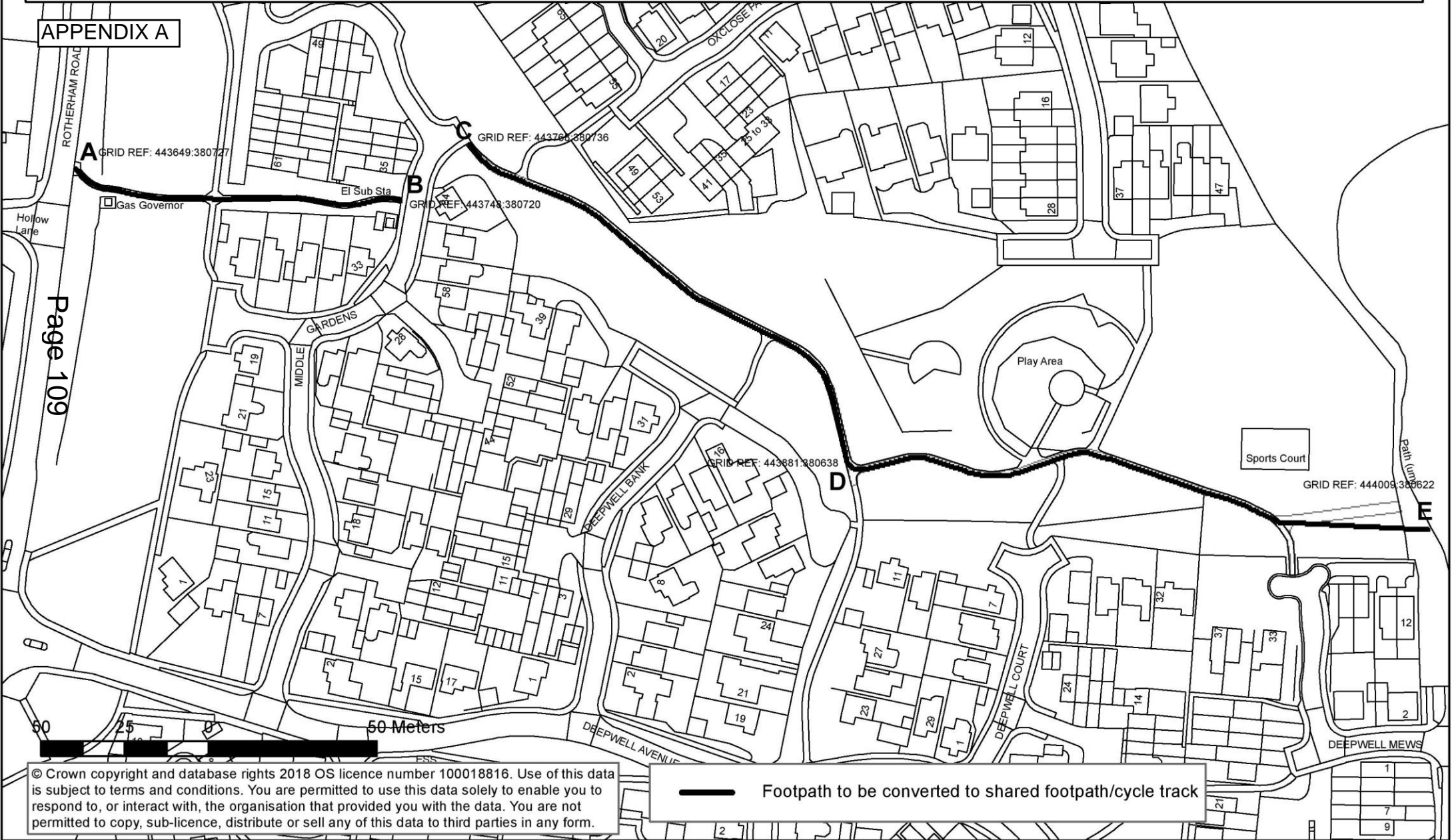
**CYCLE TRACKS ACT 1984 SECTION 3.  
CONVERSION TO SHARED FOOTPATH/CYCLE TRACK  
OF PUBLIC FOOTPATH LINKING ROTHERHAM ROAD,  
MIDDLE OX GARDENS AND DEEPWELL DRIVE  
AT HALFWAY, SHEFFIELD.**

N



Scale: 1:1,500

APPENDIX A



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— Footpath to be converted to shared footpath/cycle track

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## CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED FOOTPATH/CYCLE TRACK AT HALFWAY, SHEFFIELD.

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
Resident A of Middle Ox Gardens	<ol style="list-style-type: none"> <li data-bbox="562 305 1260 678">1. <i>“Re. the section marked A-B that runs from Rotherham Road for 17.5 metres. To achieve a width of 3 metre, a number of trees will need to be cut down. Some of these are well established and some are younger. I’m sure you are aware of the environmental and health benefits of trees. These trees also currently create a pleasant canopy for the existing footpath which enhances my local neighbourhood. This would, in my opinion, be needlessly removed if the proposal is passed.”</i></li> <li data-bbox="562 716 1260 992">2. <i>“In the section marked A-B, where the existing footpath runs parallel to housing, there is a fairly narrow section of grass with trees on it. This grass backs right onto the current housing. If the path is widened to three metres, which green space will be reduced by just under 50% which would have a significant negative impact on the green space.”</i></li> <li data-bbox="562 1057 1260 1300">3. <i>“Throughout the entire planned Cycle Path route, lamp posts would need to be relocated and in places, other (all mature) trees would need to be destroyed. When there are potential routes that could allow the green space to remain, un-impacted, I believe that those routes should take precedent.”</i></li> </ol>	<ol style="list-style-type: none"> <li data-bbox="1285 305 1984 678">1. There is no plan to remove any trees as a result of providing this facility. However, it will be necessary to trim the bough of one tree at a point shown as ‘B’ on the Order and Plan included as Appendix A. The width at two points, where widening would compromise trees, will remain at 2 metres. Given the expected level of usage and open nature of this route it is considered acceptable to have these short pinch-point sections. A plan showing the scheme proposals is included as Appendix C.</li> <li data-bbox="1285 716 1984 1024">2. The ‘green’ area between the points shown on the Order plan as A to B covers an area of approximately 786 square meters. Widening the current footpath, between these points, by 1 metre will reduce this area by approximately 100 square metres. Overall the green space in the vicinity of the path is approximately 20,000 square metres. The widening of the footpath will reduce this space by around 500 square metres.</li> <li data-bbox="1285 1057 1984 1195">3. Just one lamppost will require repositioning; this is situated near point ‘B’ on the Order Plan. As previously stated, there is no plan to remove any trees a result of providing this facility.</li> </ol>

APPENDIX B

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 112</p>	<p>4. <i>“The removal of trees, shrubbery and grass seems to be in contradiction to Sheffield City Council’s Five Year Policy to persevering and developing green spaces in the City (announced in November 2018.”</i></p> <p>5. There has been no community consultation that I am aware of regarding this proposed cycle path. There are only five notices of the proposed work been put up on the entirety of the route. Even the maps have been stuck on the lampposts sideways which makes them impossible to understand without taking a photograph and rotating it. There is no way, mentioned on the notices, for people to make contact online to voice any concerns (or support) of the proposal, thereby making it more difficult and unlikely that residents can object. As it states in the notice, “If no objections are duly made...Sheffield City Council may itself confirm the Order as unopposed.” This gives the impression that the Council have done the least amount necessary hoping to get the Cycle Path constructed without any objections.</p>	<p>4. As previously mentioned no trees are planned to be removed as a result of these works. Additionally there are no plans to remove any shrubs. Promoting and encouraging cycling, and improving cycle facilities, is entirely consistent with the Council’s “Transport Vision” (December 2017), so there is a need to balance both policies.</p> <p>5. On the 27th November 2018 the proposed route was discussed and given approval at the Planning and Highways Committee Meeting. The agenda for these meetings is published in advance and the public may attend should they wish. Subsequently the Order was drafted and the public consultation period commenced. Notices were placed at either end of the route, but also at suitable intervening periods along it, to ensure that those accessing the path at other points would be made aware of the proposal. The Order Plans onsite were re-orientated as soon as we were made aware that there was an issue. For anyone requiring further information or to object to the proposal a telephone number and address were included on the notice.</p> <p>Unfortunately, due to an administrative error the Order was not made or advertised in the press. Consequently the Order was made on the 28th February 2019 and advertised in line with Statutory requirements.</p>

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 113</p>	<p>6. If the community had been consulted, you'd find that local people would prefer money to be spent on the area around the park being better lit and more litter bins put in place.</p> <p>7. In 2016-2017 this estate was left a rubbish tip by Amey who, in October 2016 began fitting new lampposts. Despite being told the work would only take 3 months, it took over five months a huge campaign by residents and involvement of local Councillors and MPs to get to job completed and tidied up. My house, on Middle Ox Gardens was left without any street lighting at all for 3 months. The thought of those same lampposts being dug up and work being started again fills not just me, but many local residents with dread. It is difficult to articulate the amount of disruption that was caused. Nobody wants that again.</p> <p>8. <i>"I am informed that this scheme is being paid for by Taylor Wimpey and that it is a requirement that a number of Cycle Paths are constructed allowing vehicle free access to the new estate. If this is the case, I would suggest that it makes more sense to provide a continuation of the existing Cycle Lane on Rotherham Road and go down Deepwell Avenue. This would be more centrally accessible to both sides of the Deepwell Estate. It would also join up with the existing Cycle Paths and would not require any</i></p>	<p>6. The planning application which this proposal is in connection with was open to public comment and objection in the same way that all planning applications are. In line with Council Transport and Planning policies, Officers have sought to use planning gain to improve cycle connectivity to and from the development.</p> <p>7. It is unfortunate that residents suffered such issues during the street lighting renewal works. As stated previously only one lighting column is planned to be repositioned (at point B) as a result of providing this facility. Work on the new areas of highway will be inspected at relevant points during the construction by an Officer of the City Council.</p> <p>8. An opportunity to provide a dedicated cycle route, from Rotherham Road to the new development off Deepwell Avenue, was proposed and included as a condition in the outline planning permission (13/01674/OUT) granted on 26th June 2015. At this time a specific route was not identified. Subsequently officers identified a suitable off road route that would suit both experienced and novice cyclists (particularly children utilising the nearby park). The carriageway along Deepwell Avenue is on</p>

APPENDIX B

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
	<p><i>removal of trees or green spaces. It would also stop the dangerous parking adjacent to the park on Deepwell Avenue which I know a number of residents have raised concerns about.</i></p>	<p>average 7 metres in width. Providing a cycle route along Deepwell Avenue would require provision of dedicated lanes on either side of the carriageway of at least 1.5 metres wide and given the reduction in carriageway width it would not be practical.</p>

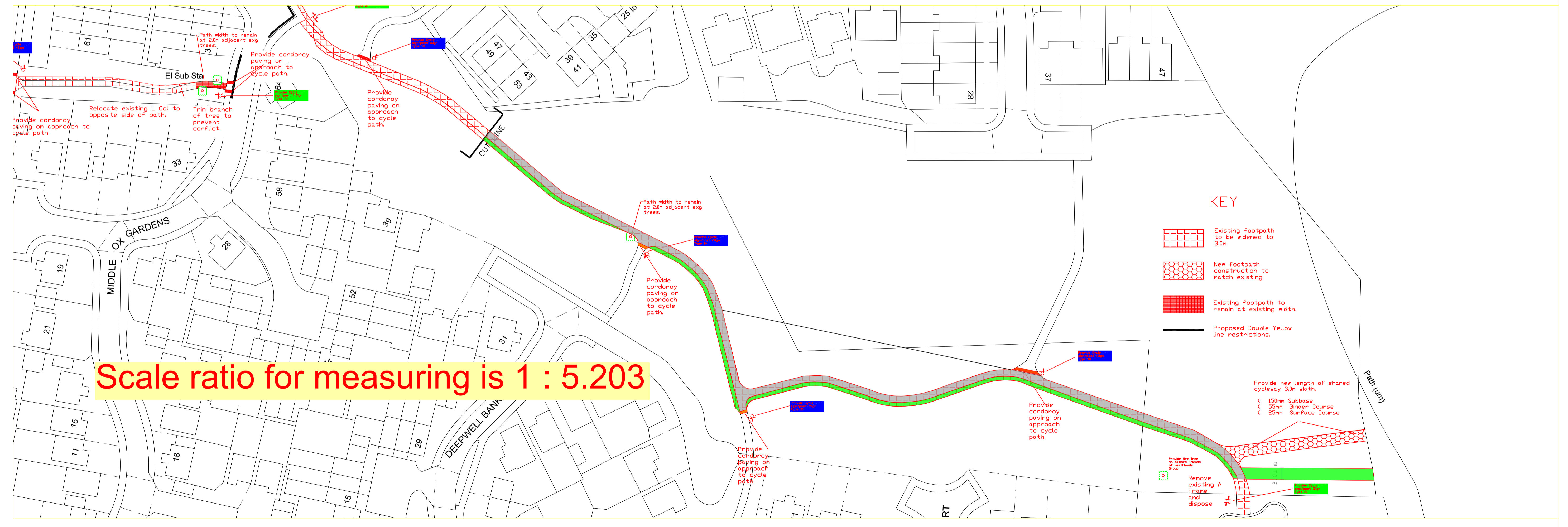
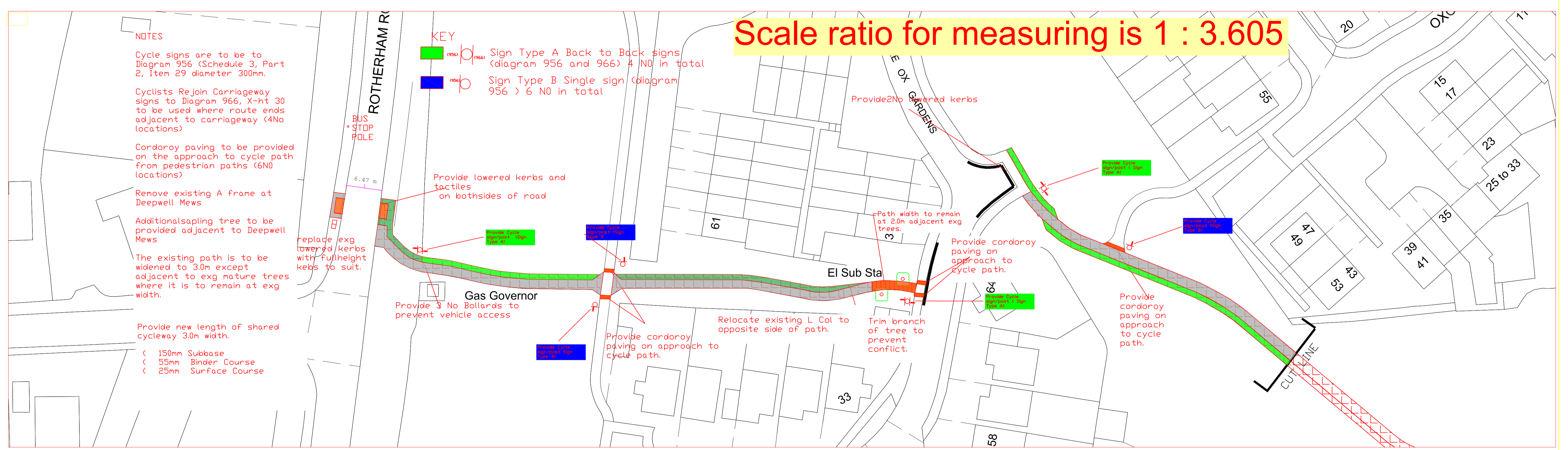
## APPENDIX B

### CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED FOOTPATH/CYCLE TRACK AT HALFWAY, SHEFFIELD.

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
Resident B of Middle Ox Gardens	<ol style="list-style-type: none"> <li>1. My main objection is with regard to the A-B section which runs past my back garden fence. Having put up with considerable noise and inconvenience from the recent footpath/lighting upgrades, I now find you're proposing to repeat the experience by changing it again. Are these decisions made on a whim or do some receive forward planning?</li>   <li>2. The current footpath is only a couple of yards from my back fence and I have been unable to ascertain whether the proposed widening would bring the path even closer. This suggests privacy issues as, whereas the current path would not allow an average height person to peer over the fence, the same person on a bicycle could easily do so.</li>   <li>3. In addition, pinch-points along the whole route necessary to avoid felling trees mean that the route becomes more hazardous for pedestrians.</li> </ol>	<ol style="list-style-type: none"> <li>1. An opportunity to provide a dedicated cycle route, from Rotherham Road to the new development off Deepwell Avenue, was proposed and included as a condition in the outline planning permission (13/01674/OUT) granted on 26th June 2015. At this time a specific route was not identified. Unfortunately the chosen route and design was not determined until early 2018, sometime after the highway improvement works at the Deepwell Avenue estate had commenced/completed.</li>   <li>2. The widening, along the section running at the rear of your property on Middle Ox Gardens, will take place on the northern side of the footpath (this can be seen on the drawing attached as Appendix C) and users will be no closer to these properties than they already are. It is conceivable that a person riding a bicycle would (if standing) be of a slightly greater height than if they were walking. It is however noted that the fences along the rear of these properties are of a palisade type and that where they are not masked by highway trees/shrubs it is entirely possible to see through them without the need to peer over.</li>   <li>3. Noted. The width at two individual points, where widening would compromise trees, will remain at 2 metres. Given the open nature of this route and the expected level of usage, it is considered acceptable to have these short pinch-point sections.</li> </ol>

OBJECTOR	VIEWS EXPRESSED	OFFICER RESPONSE
	<p>4. I have my doubts whether this route would be a great favourite for the cycling community either. From the Morrison's roundabout, cycling downhill to the new estate would present an easier option than continuing further uphill along a much busier road to reach the new path.</p> <p>5. I realise that adding a few more yards of cycle route to the city map would tick a box on the council to-do list, but genuinely useful paths which link to the existing system would be a better use of scarce council-tax payer's money, so recently used to update the paths/lighting that you're proposing to rip up.</p>	<p>4. Though a relatively short section of new cycle track, it will provide a link to the park, the general highway network and in time, where development opportunities arise, may connect to other shared routes e.g. the Trans Pennine Trail and routes west of Hollow Lane. Whilst some more experienced cyclists might choose to utilise the road network, other users, particularly children, will find these off road paths safer.</p> <p>5. The developer will be responsible for all costs associated with this scheme, including construction and commuted sums for the future maintenance.</p>





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DRAWING NO. <b>TM-</b> STRATEGIC TRANSPORT & INFRASTRUCTURE DESIGN AND ASSURANCE 5th FLOOR, HOWDEN HOUSE 1, UNION STREET, SHEFFIELD, S1 2SH E-mail: Scheme.Design@Sheffield.gov.uk Tom Finnegan-Smith - Head of Service	Do not scale from this drawing. © Crown copyright and database rights 2018 OS 100018816. Use of this data is subject to the following terms and conditions. 1. You are granted a non-exclusive, royalty free revocable licence solely to view the licensed data for non-commercial purposes for the period during which Sheffield City Council makes it available. 2. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form, and 3. Third party rights to enforce the terms of this licence shall be reserved to OS.	Notes Rev Date Content Signed Client	Drawing No. TM- Scale N.T.S. A1 Date April 2018	SHEFFIELD CITY COUNCIL Oxclose Shared Cycleway Scheme Traffic Management Drawing	SHEFFIELD CITY COUNCIL DESIGN & ASSURANCE

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 2 April 2019

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

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**Author of Report:** Marie Robinson 0114 2734218

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### Summary:

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

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### Reasons for Recommendations

### Recommendations:

To Note

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### Background Papers:

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
2 APRIL 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

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Replacement of door and windows to front of dwellinghouse and alterations to front boundary wall 80 Brincliffe Edge Road Sheffield S11 9BW (18/03005/FUL).

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of up to 4no dwellings with integral garages including provision of two access roads and associated parking Land At Junction With Loxley Road Black Lane Sheffield S6 6RR (Case No 18/00177/OUT) has been dismissed.

#### Officer Comment:-

The inspector considered the main issue to be the effect the proposal had on the openness of the Green Belt and the character and appearance of the area; and if the proposal were to be inappropriate development, whether or not harm by reason of inappropriate, and any other harm would be clearly outweighed by other considerations so as to amount to very special circumstances, necessary to justify the development.

He noted that the proposal did not represent limited infill development in a village and therefore the development represented inappropriate development in the Green Belt.

He noted that the site's openness was one of the site's defining characteristics and the proposal would substantially erode the distinctive openness of the site and have an encroaching effect through extending the built up area.

He concluded the proposal was inappropriate development and would be in conflict with Policies GE1, GE3 and GE4 of the UDP, Policy CS71 of the Core Strategy and the revised National Planning Policy Framework.

<p>(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of a dwellinghouse including integral garage At Land adjacent to 14 James Walton Drive, Sheffield S20 3GN has been dismissed.</p>
<p>Officer Comment:-</p> <p>The Inspector considered the main issue to be the effect of the proposal upon the character and appearance of the area, particularly the openness and local landscaping.</p> <p>He noted that the site provides an important break between neighbouring developments and contributes to the openness of the footpath corridor and the semi-rural character and setting of the wider estate.</p> <p>He concluded that the proposal would harm the character and appearance of the area and would be in conflict with Policy LR5 of the UDP, Policy CS47 of the Core Strategy and the National Planning Policy Framework.</p>
<p>(iii) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of dwellinghouse and ancillary detached garage to Curtilage Of 126 Bushey Wood Road Sheffield S17 3QD (Case No 18/01878/FUL) has been dismissed.</p>
<p>Office Comment:-</p> <p>The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.</p> <p>She noted that the appeal site is part of the garden of an existing bungalow. Whilst she understood that the garden depth of the proposed dwelling would be compliant with the Council's usual space standards she noted that it would fall significantly below that of adjoining dwellings on Bushey Wood Road and it would sub-divide the plot and increase density above the prevailing norm in the area as well as diminish the generous spacing which is reflective of the surrounding character. It would be at odds with the established pattern of development in the area.</p> <p>She concluded that the development would be contrary to Policies BE5 and H14 of the UDP and Policies CS26, CS31 and CS74 of the Core Strategy.</p>

#### 4.0 APPEALS DECISIONS - ALLOWED

#### 5.0 ENFORCEMENT APPEALS - DISMISSED



## 6.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*2 April 2019*