

Planning and Highways Committee

Tuesday 8 October 2019 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Peter Rippon (Chair), Jack Clarkson, Tony Damms, Roger Davison, Jayne Dunn, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs and Andrew Sangar

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
8 OCTOBER 2019**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 17th September 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 9 - 10)
Report of the Director of City Growth
- 7a. Damons Restaurant, 2 Sevenairs Road, Sheffield, S20 1NZ - Case No. 19/02680/FUL** (Pages 11 - 26)
- 7b. Navarda House, Shelley House And Jeremy House, Rotherham Road, Halfway, Sheffield, S20 8GL - Case No. 19/02364/FUL** (Pages 27 - 40)
- 7c. Site Of Old Coroners Court Business Centre, 14 - 38 Nursery Street, Sheffield S3 8GG - Case No. 19/02258/FUL** (Pages 41 - 64)
- 7d. 7 Chantrey Road, Sheffield S8 8QU - 19/02127/FUL** (Pages 65 - 76)
- 7e. Land At Doncaster Street, Hoyle Street, Shalesmoor And Matthew Street, Sheffield S3 7BE - Case No. 19/00483/FUL** (Pages 77 - 114)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 115 - 120)
Report of the Director of City Growth
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 29th October 2019 at 2pm.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 17 September 2019

PRESENT: Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Bob McCann, Peter Price, Peter Rippon and Chris Rosling-Josephs

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Alan Law, Zahira Naz and Andrew Sangar.

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 Chris Rosling-Josephs declared a personal interest in Agenda Item No. 8b. – Mosborough Motor Spares, 38C-38D High Street, Mosborough, Sheffield, S20 5AE (Case No.19/01605/FUL) as the application site was close to his home. Councillor Rosling-Josephs declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 27th August 2019 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make any 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. 432

6.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 432 made on 18th April 2019, in respect of trees in the front garden of Middlewood Grange, Middlewood Road North, Sheffield, S35 0HF.

The report stated that the trees were considered to be under threat because of an application to fell them. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment had been carried out prior to making the Order, which found the trees suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the trees.

6.2 The Tree Preservation Order, Tree Schedule, site plan and TEMPO were attached to the report.

6.3 No objections to the Tree Preservation Order had been received.

6.4 **RESOLVED:** That, following consideration of the objections, Tree Preservation Order No. 432, made on 18th April 2019, in respect of trees in the front garden of Middlewood Grange, Middlewood Road North, Sheffield, S35 0HF, be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. SITE OF OLD CORONERS COURT BUSINESS CENTRE, 14 - 38 NURSERY STREET, SHEFFIELD, S3 8GG

7a.1 As there was still an unresolved Environment Agency objection to the proposal, an application for full planning permission at the site of the Old Coroners Court Business Centre, 14 – 38 Nursery Street, Sheffield, S3 8GG Case No. (19/02258/FUL) was deferred and the Committee requested that a site visit take place.

7b. MOSBOROUGH MOTOR SPARES, 38C - 38D HIGH STREET, MOSBOROUGH, SHEFFIELD, S20 5AE

7b.1 Revised conditions were included within the Supplementary Report circulated at the meeting.

7b.2 **RESOLVED:** That, having heard representations from the agent speaking in support of the application, an application for planning permission be granted, conditionally, for the reasons set out in the report and including the revised conditions as set out in the Supplementary Report now submitted, for the change of use from shop (use Class A1 – retail) to micropub (use Class A4 – drinking establishment), including erection of shop front and 2 x front dormer windows and alterations to rear elevation including installation of roller shutter, at Mosborough Motor Spares, 38C-38D High Street, Mosborough, Sheffield, S20 5AE (Case No. 19/01605/FUL).

7c. 16 HODGSON STREET, SHEFFIELD, S3 7WQ

7c.1 **RESOLVED:** That, an application for planning permission be granted, conditionally, for the reasons set out in the report now submitted and subject to a

legal agreement, as set out in the heads of terms contained in the report now submitted, for demolition of residential building and erection of seven-storey student accommodation building (use Sui Generis) comprising 77 units with ancillary parking and rooftop landscaping at 16 Hodgson Street, Sheffield, S3 7WQ (Case No. 19/00451/FUL).

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received by the Secretary of State.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 8th October 2019 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 08/10/2019

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Chris Heeley 2039183

Summary:

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

Recommendations:

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

Category of Report: OPEN

Application No.	Location	Page No.
19/02680/FUL (Formerly PP-07979829)	Damons Restaurant 2 Sevenairs Road Sheffield S20 1NZ	11 - 26
19/02364/FUL	Navarda House, Shelley House And Jeremy House Rotherham Road Halfway Sheffield S20 8GL	27 - 40
19/02258/FUL (Formerly PP-07888657)	Site Of Old Coroners Court Business Centre14 - 38 Nursery Street Sheffield S3 8GG	41 - 64
19/02127/FUL	7 Chantrey Road Sheffield S8 8QU	65 - 76
19/00483/FUL (Formerly PP-07450299)	Land At Doncaster Street, Hoyle Street, Shalesmoor And Matthew Street Sheffield S3 7BE	77 - 114

Case Number	19/02680/FUL (Formerly PP-07979829)
Application Type	Full Planning Application
Proposal	Erection of drive-thru restaurant (Use Class A3/A5) with outdoor seating, car parking and associated works
Location	Damons Restaurant 2 Sevenairs Road Sheffield S20 1NZ
Date Received	22/07/2019
Team	City Centre and East
Applicant/Agent	Heronswood Design 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:

1636D/19/10b - Location plan and proposed site plan
1636D/19/11b - Proposed floor plans and elevations

Reason: In order to define the permission

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

3. The development shall not be begun until the improvements listed below have either;
a) been carried out; or
b) details have been submitted of arrangements which have been entered into which would if approved permit such improvement works to be carried out.

Highway Improvements:

1. The promotion and funding of a Traffic Regulation Order and double yellow lining to the highway on Sevenairs Road between the site access and the existing parking restrictions adjoining the Eckington Way roundabout, for a distance to be determined during consultation, preventing parking at any time in conjunction with enforcement at appropriate times.

Reason: In the interests of traffic safety and minimising congestion.

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

4. 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.

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

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

6. Prior to the use commencing details of the design of the covered cycle stores and cycle parking shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the use commences.

Reason: In the interests of encouraging sustainable travel to the site and the visual amenities of the locality

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

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

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

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

9. 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.

10. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of nearby commercial uses and residential dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Drawings showing the location of the fume extract terminating.
 - Acoustic emissions data for the system.
 - Details of any filters or other odour abatement equipment.
 - Details of the system's 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

11. 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

12. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 08:00 to 21:00 Mondays to Saturdays and between the hours of 1000 to 18:00 on Sundays and Public Holidays.

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

13. No customer shall be permitted to use the external seating area between 22:00 and 08:00 hours (the following day) on Monday to Sunday and Public Holidays.

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

14. No customer shall be permitted to be on the premises outside the following times: 08:00 to 23:00 hours on any day.

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

15. No amplified sound shall be played within the commercial use hereby permitted at above background levels.

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

16. The external PA system shall only be used when ordering food and beverages and in an emergency in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary;
- as a 15 minute LAeq, and;
 - at any one third octave band centre frequency as a 15 minute LZeq.

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

17. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 and 21:00 hours Monday to Saturday and not on Sundays and Public Holidays.

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

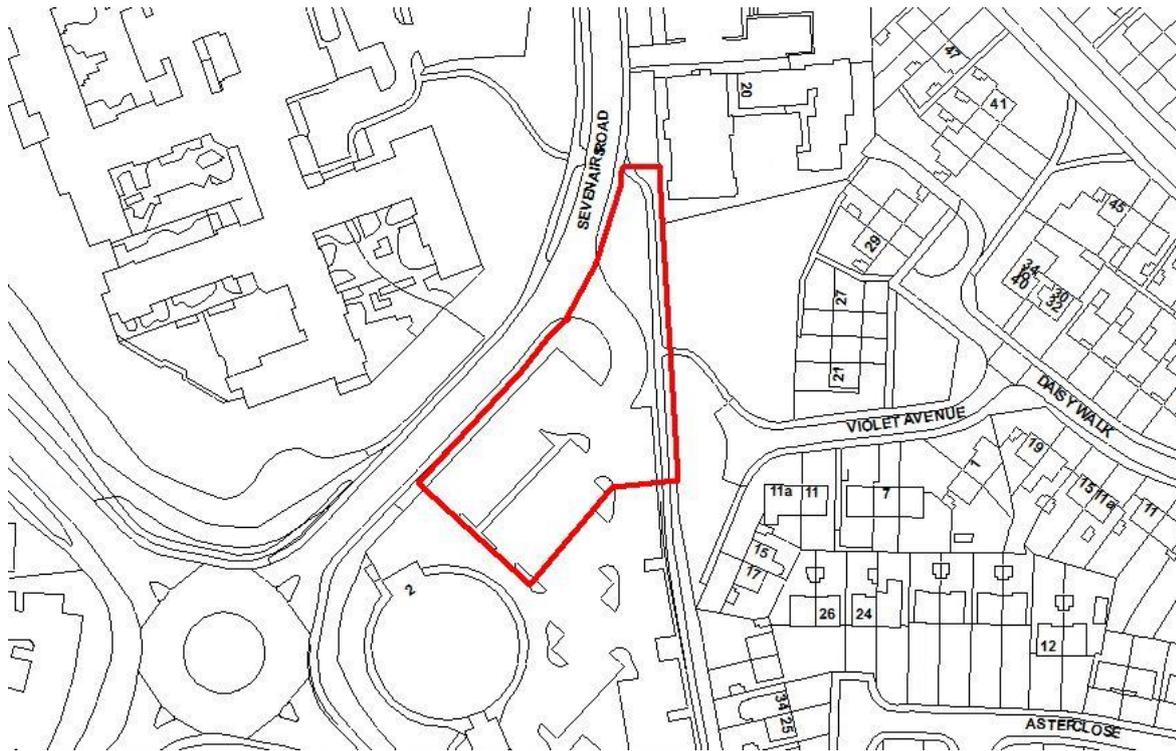
18. The proposed pedestrian links, cycle parking and litter bins shall be constructed/erected prior to the use commencing and thereafter retained.

Reason: In the interests of encouraging sustainable travel and minimising the risk of litter escaping from the site.

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 site is located to the north of Crystal Peaks shopping centre and to the east side of the Eckington Way and Waterthorpe Greenway roundabout. To the north there is the Beckton Special School; to the west Crystal Peaks Retail Park; to the south-east a freestanding restaurant and to the east there is a housing area.

The site is currently laid out as parking and part of a larger site occupied by Damon's restaurant which has recently been granted planning permission to change into a public house with external seating area and extended opening hours. The existing Damon's restaurant is a circular building located in the western corner of the wider site, adjacent to the roundabout. The rest of the site comprises of car parking, mown grass and some shrub beds.

The drive through restaurant and takeaway is located in the northern corner of the site adjacent to Sevenairs Road and to the site access. Sevenairs Road adjacent to the site is affected by on-street parking on both sides of the highway up to the Eckington Way roundabout. The application is seeking permission for a building that is orientated to be parallel to Sevenairs Road and has a gross internal floor space of 210m².

A vehicular access to serve the restaurant car park and drive through lane is located at the southern end of the site away from the main site entrance. It has been designed to allow for all movements. The drive through lane circulates around the building with a separate exit on to the site access road. An external seating area with 24 covers is proposed on the north-east side of the building. The car park provides 16 spaces of which 2 are disabled spaces, there are a further 4 spaces for customers waiting for food orders and 7 spaces identified as floating spaces shared with the public house use.

The proposed building is single storey with a flat roof. Following discussions, the original design, which was mainly faced in cladding has been amended so that it is mainly red brick with a dark grey fascia and bronze cladding panels to a tower feature on one corner. The pedestrian entrance to the restaurant is located on the east elevation facing the vehicular entrance to the site and has a shop front appearance. The south elevation facing the car park contains 2 large windows serving the seating area. The elevation facing Sevenairs Road has limited window openings and the west facing elevation is blank except for a personnel door.

The application form states that there will be 20 full time and 10 part time employees. The proposed opening hours are 11am to 11pm every day.

RELEVANT PLANNING HISTORY

Permission 19/00638/FUL permitted a change of use of Damon's restaurant to a public house. This accepted that adequate parking could be provided for the public

house without the need for the parking area within the current application, except for 7 floating spaces which are to be shared by both uses.

Land to the south of the existing Damon's restaurant which is not part of the current application site but is part of the wider Damon's site has been subject to two applications for a food store which were both refused permission. These are:

- 09/02493/FUL –Erection of foodstore with associated car parking landscaping and pedestrian linkage enhancements. This application was refused on the basis that there was a sequentially preferable site and that it would put at risk a planned investment in the Waterthorpe Greenway scheme and would therefore undermine investment in Crystal Peaks District Shopping Centre.
- 10/02076/FUL – Erection of foodstore with associated car parking, landscaping and pedestrian linkage enhancements (resubmission of application 09/02493/FUL). This application was refused on the basis of the impact of traffic on the local highway, inadequate parking, and because there were more suitable sites available in the Crystal Peaks Shopping Centre.

SUMMARY OF REPRESENTATIONS

15 objections have been received. The main points raised are summarised below.

- The proposal is contrary to Unitary Development Plan Policy H10 which says new food and drink developments need to be carefully sited to not cause disturbance. It is also contrary to Policy H14 which seeks to ensure non-residential uses would not threaten the residential character of the housing area, as the development, along with Damons, will occupy over half of the overall site.
- The development will increase traffic on congested roads and add to highway safety issues and is therefore contrary to UDP Policy H14 as it would lead to excessive traffic levels. It could lead to traffic backing up on to the roundabout and getting on and off the roundabout which is already a problem. The design of the existing access is not adequate to accommodate the type and amount of traffic expected to serve the site. Parking is already a problem in the estate due to insufficient parking serving adjacent retail developments, and Sevenairs Road is already double parked. Parking restrictions should be introduced on the access road and within the estate. The proposal will reduce parking for Damon's and combined with the restaurant parking the development would add to parking problems in the surrounding area.
- Noise disturbance and disturbed sleep will increase as a result of ordering intercoms, noise from the outdoor seating area, from car engines and radios and from delivery vehicles. It will double the amount of noise when combined

with the noise resulting from the increased operating hours of the public house.

- The proposal will worsen air pollution issues and be a health hazard as the development is car based and car engines will be idling whilst customers are using the drive through.
- The proposed development will be contrary to UDP Policy H14 as it will lead to lead to increased light pollution, noise, smells, and litter and vermin
- The building design is out of keeping with the local character and contrary to Policy H14 which requires new development to be well designed and in scale and character with neighbouring buildings.
- It will significantly impact on the health, quality of life and well-being of residents adjoining the site, Core Strategy challenge 6 seeks to promote health and well-being and health and freedom from disturbance which will be negatively impacted by the proposal. Fast food encourages obesity and there are many fast food outlets within a 5-10 minute walk of the site and therefore the development is not needed.
- The development will create an infringement of human rights to enjoy a home without fear of nuisance.
- The planning committee have found additional development on this site unacceptable in the past and this should remain the case.
- More site notices should have been displayed

PLANNING ASSESSMENT

Policy

The National Planning Policy Framework (NPPF) says that drive-through restaurants are main town centre uses. Other than for retail uses it defines edge of centre as 300m from a town centre boundary. Paragraph 86 of the NPPF says that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres then in edge of centre locations. In this case there are no sites within the boundary of the district centre for a drive through restaurant. As the application site is within 300m of the boundary of the district centre it is an edge of centre location which is the next most accessible location outside a town centre and consequently it passes the sequential test.

The application site lies within a Housing Policy Area and Unitary Development Plan (UDP) Policy H10 says that housing is the preferred use. Food and Drink outlets are acceptable in Housing Policy Areas. The commentary on the policy says that whilst housing is preferred, other uses can be accommodated provided they are not so large or numerous that they damage the appearance and residential character of a Housing Area or cause disturbance to people living nearby. The commentary also says that, as food and drink outlets can cause problems for people living nearby, they need to be carefully sited where they would not cause disturbance. It also says local facilities may be appropriate so that people can reach them on foot.

UDP Policy H14 says that for non-housing uses:

- they should only occupy a small area and not lead to a concentration of housing uses which would threaten the residential character of the area;
- they should also not prejudice the provision of sufficient housing land; and
- be on a scale consistent with the residential character of the Area or meet primarily local needs.

In order to support the Government's objective of significantly boosting the supply of homes the National Planning Framework says that it is important that a sufficient amount and variety of land can come forward where it is needed. 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.

The application site has an authorised use as parking associated with a food and drink use. It is not identified as an allocated housing site and consequently a range of uses are acceptable, subject to meeting various criteria. Given this and as the site is relatively small it is concluded that the proposal will not damage the appearance and residential character of the area or prejudice the provision of sufficient housing land to an extent that a refusal could be justified on the basis of the NPPF or Policies H10 or H14.

Access Issues

The NPPF says that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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.

Paragraph 103 says the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

UDP Policy H14 says that development in housing areas will be permitted provided it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians and not lead to excessive traffic levels.

There are good pedestrian connections between the site and its surroundings. Additional footpath links are proposed into the site connecting from the footpath of Sevenairs Road and the footpath running along the eastern boundary of the site. The site is not directly served by any cycle routes and therefore cycle access would be on the carriageway. The site is reasonably served by public transport with the nearest bus stop on Lilac Road, approximately 225m from the site. The higher frequency bus services call at Crystal Peaks Interchange which is some 600m from the site. The Beighton/Drake House Lane tram stop is approximately 450m walking distance from the site. The site offers the potential for linked trips with visits to the retail facilities close to the site and diversion of by-pass trips on the local highway network into the site. It is therefore concluded that the site is a sustainable location for this type of use and there are also options to travel to the site by sustainable means.

Trip generation rates have been established for other similar drive through fast food operations. This indicates the proposal could generate 48 vehicular trips during the weekday evening peak and 110 trips during the Saturday peak hour. However it is likely that many of these trips will already be on the network passing the site or linking with other uses such as the drinking establishment on site. For the purpose of the assessment the applicant has applied a pass-by percentage of 60% and a linked trip percentage of 5%. The applicant argues that these percentages are conservative considering the location and that drive through restaurants are perceived as a convenience whilst travelling elsewhere rather than a destination in their own right.

Applying the above percentages results in 35% of the traffic being new traffic which equates to 17 new trips in the weekday evening peak and 39 during the Saturday peak hour. The transport assessment concludes that with the low amount of additional trips generated by the proposed development it will not have a significant impact on the highways and junctions around the site provided that the parking restrictions are extended on Sevenairs Road. Personal Injury Accident records have been analysed for the last 5 years which show an average of 1.8 PIAs per year.

These do not indicate any significant issues that could be resolved by changes to road design.

The estimated level of traffic generated by the proposal as outlined above is considered to be a reasonably robust estimate and it is agreed that the flows likely to be generated will not have a material impact on the operation of the highway from either a safety or capacity point of view. It is worth noting that the Council's Guidelines on Transport Assessments suggest that a full Transport Assessment requiring an assessment of highway junctions is not actually required where developments generate less than 60 vehicle movements in any one hour. This is because flows below this threshold are considered to be highly unlikely to result in a demonstrable impact on the operation of the highway

The Council have a request to extend the parking restrictions on Sevenairs Road which highways colleagues would like to undertake but are unable to do so due to lack of funding. The applicant's transport assessment has highlighted this as an issue that needs to be resolved in order to avoid congestion and traffic safety issues associated with the additional traffic visiting the site. Given this it is considered necessary on highway grounds to require the development to undertake these mitigation works and therefore a condition is proposed to secure this.

The access and circulation arrangements within the site are considered to be safe and adequate to serve the traffic likely to be generated by the development. There is considered to be sufficient queuing space within the site so that the drive through traffic should not block the access to the site.

In terms of parking it has already been established that the parking on the site is not required to serve the future use of Damon's as public house. The Transport Assessment points out that there are no parking guidelines specific to a Drive Thru use therefore in order to determine whether the parking provision proposed is adequate a parking accumulation exercise has been undertaken based on the estimated traffic generation of the site. This shows that a maximum accumulation of 22 vehicles occurs on Saturday between 1300 and 1400 meaning that there would be in the order of 5 spaces still available during the period of highest parking demand. Given the aforementioned it is considered that the level of parking provision proposed is acceptable.

Amenity considerations

UDP Policy H14 says that new development should not lead to air pollution, noise, smell, excessive traffic levels, or other nuisance, or risk to health and safety for people living nearby.

The Council's guidance on whether an Air Quality Assessment is required says it is needed for any development that generates 60+ vehicle movements in any hour within 200m of an area exceeding Air Quality Limitation Values. It is also required

where sensitive uses, such as housing or schools, are being introduced to or within 200m of the area. Significant industrial polluters may also require an Assessment.

In this case the nearest air quality monitoring information is at the Gypsy Queen which is just over 200m from the site. There is air quality information from 2012 to 2015 which shows Nitrogen Dioxide levels of between 29 $\mu\text{g}/\text{m}^3$ and 30 $\mu\text{g}/\text{m}^3$ whereas the annual average limit value is 40 $\mu\text{g}/\text{m}^3$. Monitoring was stopped in this location in 2015 because levels were decreasing. Recent information on the levels of Nitrogen Dioxide across the city in the last 3 years show that levels have been dropping by up to 4% year on year. Given that the air quality is likely to be well below the Limit Value in this location there is no requirement for an air quality assessment in this case and there would be no justification for resisting the proposal on the grounds that it would have a significant harmful health impact due to increased pollution.

The application site is located close to the interface between commercial and residential uses. Background noise levels are likely to be relatively low throughout the late evening. The predominant noise source is road traffic.

There is a potential for disamenity to residents arising from the proposed drive-thru restaurant (A3/A5 use) due to noise. Noise could arise from commercial operations, amplified sound, deliveries, servicing, external plant and equipment and external tannoy systems. There is also potential noise from people talking, laughing and shouting when using mobile phones, consuming food and/or smoking, as well as vehicles arriving and parking.

The site has an existing use as parking associated with the existing Damons restaurant. The nearest residential properties are located on Violet Avenue just over 50m from the building which is a similar distance to the existing Damons building. The nearest parking is 26m from the nearest housing which is the same separation as the existing parking. The nearest housing is just over 40m from the proposed external seating area. The access to the site is unchanged and so no nearer to the existing housing.

The proposed access, parking and building are a similar distance from housing. However given that the proposal will introduce an additional restaurant use, because it is a drive through which is likely to result in over 100 vehicle movements at the site access in the peak hour and it includes an external seating area, there is likely to be an increase in noise for the residents nearest to the site.

The key issue is whether the increase in noise will have a significant impact on the amenity of local residents. In order to mitigate the noise impact the applicant has agreed to conditions which limit the hours of use of the restaurant to 11pm and the outdoor seating area to 10pm. Conditions also control amplified sound from both music played within the building and from the food ordering system to no more than 3db above background which means it should not be noticeable above background

levels. Noise from plant and equipment is controlled and deliveries and the sorting of waste is required to take place before 9pm. Noise from customers and their vehicles can only be controlled via limiting the operating hours.

With these controls in place there is likely to be some occasional disturbance from noisy customers and increased noise due to more vehicular movements. However it is considered that this is not likely to be so great that it justifies resisting the grant of planning permission when taking into account the existing use of the site.

Smells from cooking can be controlled by fume extraction and odour abatement systems. Given that there is a minimum of 50m separation from the building and housing it is considered that with modern odour abatement equipment it should not be a significant problem.

Residents have raised concerns about litter and vermin. These are potential problems with any restaurant/takeaway and are largely matters for the site management. The applicant has shown a number of litter bins on the site layout. Given this and as it is in the interests of the restaurant to avoid vermin it is considered that both these concerns are not sufficient to justify resisting the proposal.

Design issues

Core Strategy Policy CS 74 says 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 including the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

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

At present the site consists of a tarmac parking area which is open to the road and consequently is not of high amenity value.

The Damon's restaurant is a distinctive circular shape with a dominant roof that appears inward looking as it is set below the road. Whilst this site adjoins housing its character has more in common with the commercial development that adjoins the site.

Given the local context a drive through restaurant will not be out of character with the prevailing context. The building has been positioned to respond to the alignment of Sevenairs Road and the design has been improved to provide a more contextual response utilising red brick as the main facing material rather than metal cladding as

originally proposed. The window openings have been rationalised to create a simpler and more coordinated design.

There will be a narrow landscape strip to Sevenairs Road and some landscaping within the site to soften the urban form of the development.

The development is considered to be reasonably well designed and it is in scale and in keeping with local character. It is considered that the development as a whole will improve the visual quality and interest of this site.

RESPONSE TO REPRESENTATIONS

The lack of need for restaurants is not a reason for resisting planning permission.

Health and wellbeing is a material planning consideration in planning decisions. The Planning Practice Guidance (2019) on Healthy and Safe Communities states that planning policies and supplementary planning documents, where justified, can seek to limit the proliferation of particular uses, where evidence demonstrates this is appropriate (and where such uses require planning permission).

National research and guidance over at least the last ten years recognises that consumption of hot food takeaway foods and fast-foods are determinants of excess weight gain; and that having planning policies to restrict additional hot takeaways is one way to contribute to tackling increasing obesity. Sheffield is in the top quintile of local authorities having a high proliferation of fast food outlets (119.3 per 100,000 population compared to a national average of 96.1 in 2017).

This proposal is located in an area with a high Year 6 childhood obesity and overweight ratio of between 37.3% and 48.6%. This is above the city and national average of 1 in 3 children being overweight or obese and each year since 2006/07 the rates of childhood excess weight have been increasing in Sheffield. This area also has a high number of takeaways already close by at Crystal Peaks. However it is to be expected that there would be a higher number of takeaways in a District Centre and associated with the shopping and leisure facilities that surround it.

Having a planning policy to restrict hot food takeaways in certain situations is being considered as part of the new Sheffield Plan, but does not form part of the current adopted plan. In the absence of specific planning policies in Sheffield there would be insufficient evidence for resisting the proposal on the grounds of its impact on health and well-being.

There will be some increased noise and disturbance for the nearest residents as a result of the proposal. However given the condition controls and the existing late night use on the site the impact on residential amenity is not at a level that would disproportionately affect the occupants of neighbouring properties, and consequently granting permission is not considered to be incompatible with the European

Convention on Human Rights and is a proportionate response given the wider benefits of granting planning permission. As such the decision falls within the margin of discretion afforded to the Council.

Immediate neighbours of the site were consulted and two site notices were displayed one on the Sevenairs Road footpath adjoining the site and the other on the footpath that runs along the east of the site. Officers are satisfied that sufficient publicity has been undertaken in accordance with the Council's Statement of Community Involvement.

SUMMARY AND RECOMMENDATION

The proposal use is acceptable in policy terms provided it does not undermine the residential character of the area; would not need lead to unacceptable living conditions for local residents; would not result in excessive traffic; provides safe access; appropriate parking and is in scale an character with its context.

These issues have been assessed in detail in this report and, whilst there will be some increased noise and disturbance, the proposed noise controls should ensure that it will not have a significant harmful impact. The development will improve the appearance of the site, provide employment opportunities, is in a sustainable location and provide increased choice in eating establishments for local residents. The proposal is therefore considered to be consistent with the provisions of the Local Plan and the National Planning Policy Framework and it is recommended that planning permission be granted subject to the listed conditions.

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Case Number	19/02364/FUL
Application Type	Full Planning Application
Proposal	Application to relocate the turning head (Application under Section 73 to vary condition No. 2. Approved plans and to vary condition no.s 3. (hard & soft landscape scheme) 6. (scheme of sound insulation works) & 7. (validation testing) as imposed by planning permission No. 15/03924/FUL - Demolition of existing building and erection of three dwellinghouses and garages (Re-submission of 15/02390/FUL)
Location	Navarda House, Shelley House And Jeremy House Rotherham Road Halfway Sheffield S20 8GL
Date Received	26/06/2019
Team	City Centre and East
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

Time limit for Commencement of Development

Approved/Refused Plan(s)

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

Plans and Elevations - Rev H as approved by application 19/01859/NMA
Proposed site plan A3 - 11 Rev D
Landscape Masterplan - 951-RRH-01 Rev D

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)

4. The approved landscape works shall be implemented in the first planting season following the approval of the application. 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.

5. The development shall not be brought into use unless a boundary wall with a maximum overall height of 1.8m as shown on the approved plan has been built along the side and rear boundaries of the site. The boundary wall shall thereafter be retained.

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

8. Before the development is commenced full details of finished levels within the site abutting the adjoining public footpath shall be submitted to and approved in writing by the Local Planning Authority. The submitted detail shall include both longitudinal and cross sections showing the finished levels in relation to the footpath itself and any required retaining structures. The development shall thereafter be completed in accordance with the approved levels.

Reason: In the interest of the visual amenities of the locality and amenities of neighbouring occupiers.

9. The dwellings 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 dwellings commencing, and shall thereafter be retained.

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

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

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

15. Within 6 weeks of the date of this approval full details of the arrangements which have been entered into which will secure the highways improvement works (which expression shall include pedestrian safety measures) listed below shall have been submitted to and approved in writing by the Local Planning Authority.

Highways Improvements: Provision of turning head and associated pavement on Rotherham Road and reinstatement of pavement to front of dwellings as indicated on the approved plan

Prior to the highway improvement works being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority. The improvement works shall be implemented within 3 months of the date of final approval unless an alternative timescale is approved in writing by the Local Planning Authority.

Reason: To enable provision of a vehicle turning head on the above-mentioned highways to compensate for that lost as part of the development and in the interests of pedestrian safety.

16. Within 4 weeks of the completion of the highway improvement works, a Post Completion Review of the turning head in operation shall be undertaken at times to be agreed with and in the presence of the Highway Authority and submitted to and approved in writing by the Local Planning Authority. Any recommendations arising from the Post Completion Review shall be implemented within 4 weeks of the date of final approval.

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

Other Compliance Conditions

11. The dwellings shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous surfacing unless otherwise approved in writing by the Local Planning Authority. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run-off from the site and mitigate against the risk of flooding.

12. The dwellings shall not be used unless the car parking accommodation, including the garages, 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.

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

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

14. The development and boundary structures shall be completed in full accordance with the materials indicated on the approved plan dated Oct 15 Rev G.

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

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt in line with National Planning Practice Guidance:

Condition 1 has been removed as the development has commenced.

Conditions 8, 9 and 10 of planning permission 15/03924/FUL have been included on this Decision Notice for completeness and because they remain in force. No further information is required in relation to these conditions at this stage subject to the previously agreed details being carried out in accordance with the information approved under Condition Application 15/03924/COND1. Please note the repeat conditions are listed with the same numbering as the original decision notice.

Conditions 3, 6 and 7 of planning permission 15/03924/FUL have not been included on this Decision Notice. The details required by these conditions have been agreed as part of this application.

Please note that the format of the decision notice has been amended since the original consent so some conditions may appear out of order but they do have the same numbering.

2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

Tel: (0114) 273 6136
Email: arthur.petrelli@sheffield.gov.uk

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

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 is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

8. 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

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

The notice should be sent to:-

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

Telephone: 0114 273 6677

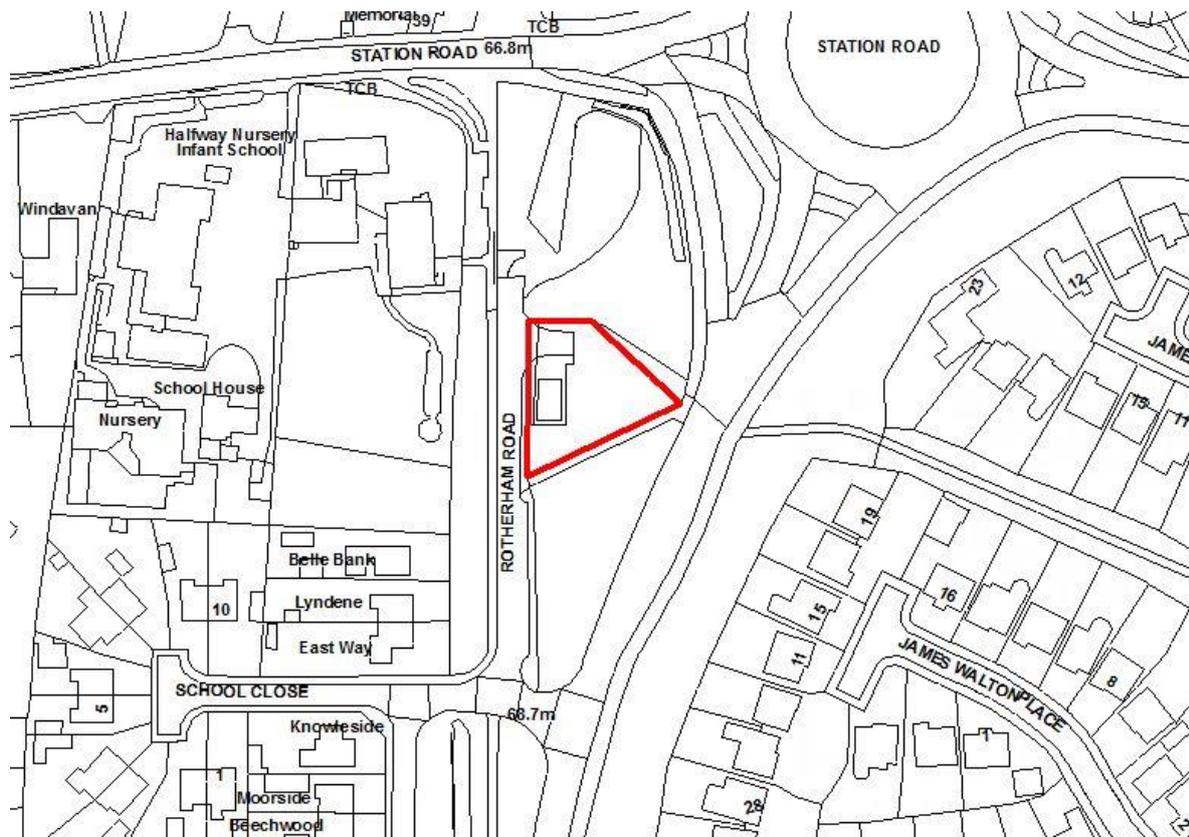
Email: highways@sheffield.gov.uk

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

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

10. 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 three recently built dwellings (two semi-detached and a detached dwelling) which are located on a small parcel of land between Rotherham Road and Rotherham Road North. The dwellings face directly onto Rotherham Road, a short no through road which also provides pedestrian access to Halfway School and vehicular access to other residential dwellings and two informal off road car parking areas. At the time of the initial approval there was an adopted turning head within the red line boundary of the development site which was shown for retention on the approved plans. During construction the dwellings were incorrectly sited resulting in the turning head becoming incorporated within the curtilage of one of the approved dwellings and this area of land, which is owned by the applicant, is now required for off road parking to ensure the new development has adequate levels of parking.

This application has been submitted under Section 73 to seek approval for a revised site layout. As part of the submission, the applicant is seeking to carry out off site works which will enable an adopted turning head to be relocated to the other side of Rotherham Road. The submitted plans have been amended since first submission in order to provide more details regarding the proposed off site highway works.

REPRESENTATIONS

6 letters of objection, including one from the Governing Body of Halfway School were received in connection with the initial submission which raised concern that:

- The siting of the new turning head outside the school could be a danger to children, parents, carers and general public. To alter the footpath would create a situation where pedestrians are closer to and at more risk of conflict with vehicles. Rotherham Road is very busy without placing moving vehicles nearer to the children and public.
- The letters agree that the parking situation is bad on Rotherham Road, especially at school pick up times due to the volume of traffics and limited space and that there is no opposition in principle to the creation of a turning head but question if an alternative solution could be found? It is thought that the turning head should be sited on the opposite side of the road to the school where there is less risk to young children.
- It is stressed that any work needs to ensure the safety of the children, allow for adequate parking for both residents, parents and staff and to enable emergency services to access neighbouring properties and the school as needed. It is suggested that offsite works if approved should take place when the school is closed.
- It is suggested that this seems like a land grabbing exercise by the applicant. The land shown for the turning head is not the developer's land but belongs to the Highways Authority. Highways should need to make a formal submission after a full and complete consultation, assessment and determination of

location with affected parties to protect the footfall in this area particularly paying attention to the safety of children and their parents.

- The biggest concern during the initial application was about the retention of the turning head which is used during the busy school run periods. The dwellings as built have disregarded the approved conditions which should be enforced. The road already had an adequate turning head which the local authority failed to protect by allowing building work to take place. Had building work been enforced then the relocation of the turning head would not be required. The school and general public should not have to suffer the consequences of 'make do' solutions.
- The three new dwellings enjoy flat road side kerbs and not dropped kerbs as per the initial planning application in 2015. These properties should be subjected to the same amenities as surrounding properties which allow parking on the property frontage to help ease congestion in this area.
- The construction of the new houses caused considerable disruption to road users and no site safety has been observed. There are concerns that the community would have to put up with this again. Common sense needs to prevail and the lives of school children should not be affected or put at risk
- One letter in support of the application has been received from a resident of the new development which makes the point that there is a major issue with parking for the parents and staff attending the school which is a long standing issue and should be separately addressed. The letter states that most of the drivers have no regards for the safety of the children or anyone else who wants to access the road during busy school times. The writer says that having witnessed the recent need for police presence, the council should be looking for other options such as the surfacing of the rough ground/ car parks in front of the school to provide adequate parking/tuning facilities and that objecting to a plan which is going to help with the turning of vehicles is not going to remedy the longstanding issues.

Following receipt of the amended plans the Governing Body of the School have indicated that they are broadly in support of the revised layout plan showing a separate realigned footpath, but still have concern about road safety for their children. The governing body have suggested that significant railings be provided around the turning head and be extended along the kerb edge/grassed section to avoid cars mounting this area as children may run across it.

RELEVANT PLANNING HISTORY

15/03924/FUL Demolition of existing building and erection of three dwellinghouses and garages Application granted 19.01.16

15/03924//COND1 Application to approve details in relation to conditions 3 (Landscaping), 8 (Finished Levels), 9 (Surface Water), 10 (Wheel Cleaning) of planning permission 15/03924/FUL-Application decided 29.11.16 (Details agreed in respect of conditions 8, 9 and 10)

15/03924/COND2 Application to approve details in relation to condition number(s): 3 (Landscaping) imposed by planning permission 15/03924/FUL. Application decided 02.07.2019 (Details not agreed)

19/01859/NMA Application to allow alterations to front and rear elevations (Amendment to planning permission 15/03924/FUL) Application granted 17.06.19

BACKGROUND

Planning officers were first made aware of the discrepancy with the approved plans following the receipt of a solicitor's enquiry. Following a site visit it was apparent that the development had not been built in accordance with the approved plan. The dwellings had been sited closer to the highway than the approved plan, the boundary treatments were not as agreed and the development has encroached on both the adopted turning head and footpath along the site frontage. The council has since been working with the developer to address the outstanding issues.

PLANNING ASSESSMENT

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

The site falls within an Open Space Policy Area as defined by the Unitary Development Plan. The principle of development on this site was established by the initial planning approval in 2016 so this report will only cover the issues arising from the failure to erect the dwellings in accordance with the approved plans.

Highway Issues

The NPPF seeks to focus development in sustainable locations and requires that safe and suitable access to a site can be achieved for all people. The NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

UDP Policy T22 requires developers to make provision for sufficient off street parking to meet the needs of their development.

The original turning head which formed part of the adopted highway was shown on the initial approved plan (15/03924/FUL) to be located to the front of the northern most semi-detached dwelling and the approved off road parking for this dwelling was set back clear of the turning head. As built the driveway to the front of the dwelling was substandard in length and to remedy the situation the applicant has extended the driveway of this property over the turning head and the whole area has subsequently been blocked paved preventing its continued use as a turning head for all road users. It is noted that, in addition, the front boundary of all three dwellings currently encroaches over a narrow strip of highway land which runs the full frontage

of the application site and that wide dropped crossings had been provided to each dwelling.

For the development to work as built the applicant needs to maintain in curtilage parking which is clear of the highway boundary. As a way forward the applicant seeks approval through this application to carry out off site highway improvement works which will enable a new turning head to be provided to the other side of Rotherham Road and the existing turning head to be formally closed as highway. For clarification the land where the turning head will be located is adopted highway. Under Section 278 of the Highways Act the council can permit the developer to carry out necessary 'improvement works' within the highway. The works would be carried out by the applicant in agreement with the highway authority.

The part of Rotherham Road which fronts Halfway School is a no through road which experiences high levels of traffic at the start and end of the school day. The road also gives access to two informal parking areas which are understood to be used by school staff. The existing turning area has provided a well-used facility within the highway and it is essential that a turning head is maintained to facilitate the safe flow/movement of traffic along this highway.

The highway verge to the other side of Rotherham Road is wide and gives ample space to provide a turning head. In liaison with the Council's Road Safety Officer the submitted plans have been amended to show a realignment of the existing public footpath so it will avoid direct conflict with the turning head with the new footpath following a 'desire' line to the school entrance.

It is acknowledged that the School Governors still have concerns regarding child safety and have requested the addition of railings around the turning head and adjacent to the new footpath. The council is concerned that it shouldn't be recommending the erection of long lengths of handrails unless absolutely essential for highway safety, especially given the Council's objective of minimising street clutter across the city. In this respect the Road Safety Officer has recommended that a post completion review is carried out at school start/finish times so the need for railings can be fully assessed. A suitable condition will be added to any subsequent approval requiring a review to be carried out within four weeks of the works being completed and any resulting recommendations from the review being implemented thereafter.

The applicant has agreed that the front site boundary will be realigned along the back edge of the pavement and that smaller vehicle crossings will be installed. This will help to increase the amount of on-street parking available in the area.

With the above changes in place it is agreed that each of the three previously approved dwellings will have appropriate levels of parking for the development and safe access onto Rotherham Road. In view of this the development is considered acceptable in highway terms and is considered compliant with Policy T22 of the Unitary Development Plan and the provisions of the NPPF.

Other Issues

Boundary Treatment and Landscaping

Condition 3 of planning approval 15/03924/FUL required the submission of a comprehensive landscaping scheme for the site. Due to site levels the rear elevation of the development is highly visible from Rotherham Road North and landscaping was intended to, over time, help screen the development from this main highway. In support of this application the applicant has submitted a detailed landscaping scheme prepared by Weddle Landscape Design. This confirms the planting of 5 trees and shrub planting close to the Rotherham Road North.

The original approved plans required the erection of a 600mm high brick wall along the site frontage. This will now be incorporated into raised planters to the front of the dwellings which will improve the appearance of the dwellings as viewed from Rotherham Road. Details of the planting to the raised beds is also included on the landscape plan

The submitted landscaping details are considered acceptable and as such condition 3 is considered to have been complied with. Condition 5 requires the approved landscaping to be implemented prior to the development being brought into use. The wording of this condition will be amended to require the landscaping to be implemented by the end of the first planting season following approval.

Sound Insulation

Conditions 6 and 7 of planning approval 15/03924/FUL required the provision of sound insulation works and validation thereof to ensure that the development was acceptable for use by future residents

In support of this application, the applicant submitted a validation report prepared by Blue Tree Acoustics. The report has been checked by the Environmental Protection Service who consider it acceptable for approval. In this respect the requirements of conditions 6 and 7 of Planning Consent 15/03924/FUL have been satisfied and that there is no need to repeat these conditions on any subsequent approval.

Closure of Adopted Turning Head

This development will require parts of the all-purpose Adopted Public Highway known as Rotherham Road to be stopped up (i.e. permanently closed), as shown single-hatched on the plan attached as 19/02364/FUL-Stop-Up. This is addressed in the recommendation below.

SUMMARY AND RECOMMENDATION

The application seeks approval for a revised site layout which has resulted from the approved development being incorrectly sited impacting on the adopted turning head to the front of the site. In order to compensate for the loss of the existing turning head the applicant proposes to construct a new turning head on the opposite side of the road within the public highway to the front of Halfway school. The proposed layout which has been designed in accordance with advice from the Council's Road Safety Officer is considered to be acceptable for installation in this location. The off-

site highway works will be subject to a post completion review to ensure that they are safe without further modification.

The development, with off-site highway improvement works is considered to be in full compliance with the provisions of the Local Plan and the National Planning Policy Framework and the planning application is recommended for approval.

Members are also requested to confirm that they:

- a. Raise no objection to the proposed stopping-up of the area of highway shown single-hatched on the plan 19/02364/FUL-Stop-Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Authorise Legal Services to take all necessary action on the matter under the relevant powers contained within either Section 116 of the Highways Act 1980 or Section 247 of the Town & Country Planning Act 1990, whichever is deemed most appropriate at the time of application.

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Case Number	19/02258/FUL (Formerly PP-07888657)
Application Type	Full Planning Application
Proposal	Erection of a 5/6/7 storey mixed use building comprising commercial units A1/A2/A3/B1 use at ground floor and 77 residential apartments with associated amenity space including cycle/bin store (Amended Description and Plans)
Location	Site Of Old Coroners Court Business Centre 14 - 38 Nursery Street Sheffield S3 8GG
Date Received	19/06/2019
Team	City Centre and East
Applicant/Agent	Mr William Marshall
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:

500 Rev B - Proposed Site Plan
600 Rev B - Ground Floor
601 Rev B - First and Second Floor
602 Rev B - Third and Fourth floor
603 Rev B - Fifth and Sixth Floor
700 Rev C - Elevations (west and south)
701 Rev C - Elevations (north and east)
702 Rev C - Elevations (south east)
703 Rev C - Elevations (east courtyard and south courtyard)
704 Rev C - Elevations (west courtyard)
705 Rev C - Context Elevations
706 Rev C - Context Elevations

Reason: In order to define the permission.

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

3. No development shall commence until full details of 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.

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

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

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

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

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could

be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

7. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

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

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

9. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing

by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

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

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

12. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

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

14. 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 include:
- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the systems required cleaning and maintenance schedule.
 - e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

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

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

15. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of Blue Tree Acoustics Report Ref: 02351-11021 (25.4.19).
 - 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 insulation and/or 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 insulation and/or attenuation 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.

17. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented.

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.

18. 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.

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

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

20. All entrances shall provide level access and entrance doors shall have a minimum clear opening width of 1000mm

Reason: In order to provide equal access into the building

21. 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.

22. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

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. 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:

glazing
windows reveals
brickwork detailing around windows and openings
brickwork panel detailing
shop fronts
entrance door fronting Wicker Lane
glazed lobby area
verges
parapets
soffit
vertical channels

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

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

26. 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.

27. Prior to above ground works commencing, details and plans showing finished levels shall be submitted to and approved in writing by the Local Planning Authority. These shall include commercial finished floor levels set no lower than 46.74 metres above Ordnance Datum and residential finished floor levels set no lower than 51.79 metres above Ordnance Datum.

Thereafter the development shall be constructed in accordance with the approved plans

Reason: In order to mitigate flood risk

28. Flood resistance and resilience measures shall be incorporated into the development in accordance with section 2.4 of the amended Flood Risk assessment produced by Eastwood and Partners, ref 43916-001 issue 2, dated 15th August 2019

Reason: In order to mitigate floor risk

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

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

Other Compliance Conditions

30. No customer shall be permitted to be on the commercial premises outside the following times: 0700 to 2300 hours Mondays to Saturdays and 0900 to 2300 hours on Sundays and Bank Holidays

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

31. 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 sufficient to demonstrate compliance with the recommendations of approved Blue Tree Acoustics Noise Assessment Report ref. 02351-110201 (25/04/2019), 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 interest of the amenities of the locality

32. Movement, sorting or removal of waste materials, recyclables or their containers in the open air and associated with the commercial premises 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.

33. 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.

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

Reason: To ensure satisfactory drainage arrangements.

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 required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

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

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

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

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

5. 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

LOCATION AND PROPOSAL

The application relates to a site which is bounded by Nursery Street, Nursery Lane and Wicker Lane and is currently occupied by The Old Coroners Court Business Centre, an attractive two-storey red brick and stone building.

To the north west of the application site, fronting Nursery Street, is a two storey red brick building occupied by a church group. Behind this, at the junction of Joiner Street and Nursery Lane, is a five storey Art Deco style building known as Oxo House, which has been converted into office accommodation.

To the north east, across Nursery Lane is a single-storey commercial building, while to the south east, on the opposite side of Wicker Lane is the rear of properties fronting The Wicker and associated parking.

A vacant two-storey building is sited on the opposite side of Nursery Street whilst a new build 5/6 storey block of flats is located at the junction with the Wicker. A pocket park and associated public footpath runs between Nursery Street and the River Don opposite and to the north west of the site.

The site is located within a General Industry Area as designated in the adopted Sheffield Unitary Development Plan.

A demolition prior notification for removal of the existing building was submitted earlier this year and it was confirmed that prior notification was not required. Permission is now sought for redevelopment of the site to form a 5 to 7 storey building with ground floor commercial units and residential apartments above.

RELEVANT PLANNING HISTORY

19/00988/DPN – demolition of Old Coroners Court building – Prior notification not required

18/02800/DPN – demolition of Old Coroners Court building – withdrawn

15/01657/OUT – mixed use development comprising ground floor A1/A2/A3/B1 use with 26 space car park and residential use comprising 42 apartments and erection of a 5/6 storey building with raised podium/landscaped courtyard at first floor level above proposed car park and retention of existing façade – granted conditionally

SUMMARY OF REPRESENTATIONS

Hallamshire Historic Buildings have objected to the proposal for the following reasons:

- The Old Coroners Court (1913) designed by City Architect FEP Edwards, was state-of the art, integrating coroners court, mortuary, post mortem rooms, viewing chapel, witnesses' waiting room etc.
- Although changed over the years, it is attractive and retains historic value

- The Council identify it as a Significant Unlisted Building contributing to the character of the area and the boundary of the proposed Castlegate Conservation Area was deliberately drawn to include it
- Retention of the building is favourable
- The Old Coroners Court forms one of a collection of unlisted significant buildings that contribute to the character of the area along with nearby listed buildings and distinctive new riverside development
- Any replacement building should make a significant contribution to the character of the area, be distinctive and high quality
- The proposed development has little design development and is mundane
- The agent is critical of the Council's failure to agree alternative proposals that would have retained the historic building
- Any report to planning committee needs to address previous proposals which saw the retention of the building

Six letters of representation have been received; the comments raised are detailed below:

- This beautiful part of our heritage should not be destroyed; there must be an alternative way rather than knocking the building down
- The existing building is a beautiful example of architecture and a piece of Sheffield's history, to replace it with an ugly block of flats is an outrage
- The development might bring in money, but the cost to the city is more important
- Should be ashamed to even consider this project
- Would like to see Sheffield thrive over neighbours such as Leeds and Manchester, in order to do this and make the city great for tourists and investors, a mix of old and new buildings is needed
- There are so many other brownfield sites with unattractive buildings that could be used for this block of flats and would avoid demolishing a historic building
- Existing building should be retained and reused, it could be used as a school, offices or sold to the university
- The council has already destroyed many old beautiful buildings and replaced them with eye sores which are now outdated
- The Coroners Court should be listed and protected for future generations
- Reference is made in the planning statement to a design and access statement but this document is not available on the website
- The advert appeared in the telegraph on the 11th July but the official neighbour consultation is dated the 16th July, this could put people off commenting

One of the representations was received following a second round of consultation on amended plans. The points raised are summarised below:

- The design has been changed again and has been 'dumbed down' through the removal of contrasting brick
- The previous contrasting brick banding at least gave the building some distinction and reference to the historic building

- The amended design is a dull cheap looking design that would not be out of place on an out of town business park and is totally unsuited to a historic city centre
- It needs to be explained who has prompted these changes and why
- The planning committee should be allowed to decide whether this or the previous iteration is approved

PLANNING ASSESSMENT

National Planning Context

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The key goal 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 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.

The site is located within a General Industry Area B (without special industries) in the adopted Sheffield Unitary Development Plan (1998). Policy IB5 of the UDP relates to development in such areas and advises that whilst Business (B1), General Industry (B2) and Warehousing (B8) uses are preferred, a range of other uses including small shops (A1), food and drink (A3) and leisure and recreation (D2) may also be considered acceptable. Housing (C3) is identified as an unacceptable use. However, there have been a number of predominantly residential developments approved and built around the application site and the vision for the area has dramatically changed since the UDP designation.

The Core Strategy contains policies supporting the changes that have occurred around the application site; actively encouraging new housing and discouraging the expansion of manufacturing and industry. These relevant policies include:

Policy CS6 'Manufacturing and the City Centre' (c) identifies the area as a transition area where manufacturing in the City Centre should be encouraged to relocate. This approach is continued in Policy CS17 'City Centre Quarters' where part (l) identified the Wicker/Riverside as 'a gateway location on the Inner Relief Road and key business area with new housing taking full advantage of the opportunities presented by the river'.

Policy CS22 of the Core Strategy sets out Sheffield's housing targets until 2026. The NPPF 2019 provides more up to date guidance on this matter and requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing. The Council is in the process of updating its 5-year housing land supply position and in

light of the recently changed assessment regime (identified in the revised NPPF (2019) and associated Practice Guidance) further detailed work is required. The Council will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing its conclusions in a monitoring report later this year (2019).

The Council cannot demonstrate a five year supply at this time and the Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites. The 77 apartments within this development will make a positive contribution towards the Council's housing land supply of deliverable sites, which is afforded appropriate weight as a material consideration in the determination of this application.

The proposal would make use of a sustainably located brownfield site, and make efficient use of land by delivering a high density of development (approximately 700 dwellings per hectare). The proposal therefore accords with CS24 and CS26 of the Core Strategy and the guidance contained in paragraph 117 and 122 of the NPPF.

Core Strategy Policy CS41 'Creating Mixed Communities' seeks to create a broad range of household sizes and types. Typically the policy requires developments of over 60 units to have no more than half the homes as a single type. In this instance 77 units are proposed and 64 of them are one-bed apartments. As such the development does not technically comply with CS41. However, any conflict is outweighed by the fact that this scheme makes efficient use of a sustainably located brownfield site, aids regeneration of the area and will contribute the Council's 5 year supply of deliverable sites.

The inclusion of ground floor commercial units is welcome and will help achieve the vision for a mixed use area as set out in CS17. The units are all small in scale and so the sequential test does not need to be applied, it is considered that they will serve a local function and will not be harmful to the vitality or viability of nearby centres.

Flood Risk

Paragraph 155 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy CS67 of the Core Strategy (Flood Risk Management) states that, where there is an overriding case for developing in a zone with a high probability of flooding, development will only be permitted if more vulnerable uses, including housing, are located above ground level, the building is designed to be resilient to flood damage and adequate on and off-site flood protection measures are provided.

The site falls within Flood Zone 3a and has a high probability of flooding with a 1 in 100 or greater annual probability of river flooding. Table 2 of The Flood Risk and Coastal Change Planning Guidance sets out the vulnerability classification of different types of development. In accordance with these classifications the

proposed development is for 'less vulnerable' uses at ground floor with 'more vulnerable' uses above. Table 3 of this document states that 'less vulnerable' uses are acceptable in Flood Zone 3a whilst more vulnerable development will be permitted subject to the exception test being passed.

The applicant has submitted a sequential test in order to demonstrate that there are no sequentially preferable sites at lower risk of flooding. The search area for the sequential test has been limited to the Wicker/Riverside Area as set out in the Wicker/Riverside Action Plan. This is the same as the search area that was considered in relation to the previous application (15/01657/OUT) and is considered suitable. The Sequential Test concludes that there are no sequentially preferable sites, i.e. no other reasonably available sites in lower floor risk areas to which this development could be directed and this is accepted.

In accordance with paragraphs 159 and 160 of the NPPF, if the sequential test is passed then the exception test should be applied. This must demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Furthermore, it should show that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal for ground floor commercial uses and 77 residential apartments above is acceptable in principle as detailed previously. The proposal will allow redevelopment of the site, providing new housing which will accord with the vision for the Wicker Riverside Area as described in the Wicker Riverside Action Plan as '...a new mixed use neighbourhood within the City Centre with a distinctive character and identity. More than 3000 residents live in a mix of waterfront apartments and residential conversions of existing buildings. ... The area is a centre for local employment with new offices and commercial premises taking advantage of the good links to the City Centre and the Inner Relief Road.'

New flood defence walls have been constructed along Nursery Street and have been designed for a 1 in 100 year event plus a 400mm allowance for climate change to the year 2039. These will offer protection for the application site but may not protect against extreme events; this residual risk needs to be accommodated by the finished floor levels of the new development.

The Environment Agency initially lodged an objection to the development on the basis that the Flood Risk Assessment did not specify a finished floor level for the proposed development. An amended Flood Risk Assessment has been submitted which includes this information and the Environment Agency have now removed their objection and recommended a number of conditions be attached to any approval. These include setting finished ground floor and residential floor levels, incorporating the flood resilience measures detailed in the flood risk assessment and ensuring the ground floor is used for commercial uses only.

The proposed development is now considered to comply with the requirements of the NPPF and Core Strategy Policy CS67.

Design

Demolition of Existing Building

The Old Coroners Court is an attractive two-storey red brick building with horizontal stone banding and an attractive roofscape. The building is identified in the Urban Design Compendium as a significant unlisted building.

The previous approval saw retention of the existing building, however redevelopment of the site in accordance with this approval was not considered to be viable and has not been implemented. This permission is no longer extant.

During pre-application discussions officers expressed a strong desire for the existing building to be retained. A number of design options were put forward by the applicant with this aim, however they all involved the inclusion of a tall building to offset the cost of retention. Your officers' were unable to support any of these options given the scale of the new build element and the impact of this on the character and appearance of both the retained building and surrounding area.

Consequently, a demolition prior notification application was submitted for the demolition of the existing building on site. Such an application allows Local Planning Authorities to consider only the method of demolition and the way in which the site will be made safe following demolition. It was determined that these details were acceptable and given that there are no powers to consider any other matters, prior approval was deemed not to be required.

It is also noted that the building is not listed and does not fall within a conservation area and as such benefits from no formal protection.

In light of the above, the demolition of the existing building has been established in principle and so cannot reasonably be considered as a significant material consideration in respect to the current application.

Design of new Development

Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 127 then goes on to set out a series of requirements including that development should add to the quality of the area; have good architecture, layout and landscaping; be sympathetic to local character and history; establish a strong sense of place and create welcoming and distinctive environments.

UDP Policy BE5 'Building Design and Siting' and Core Strategy Policy CS74 'Design Principles' set out the design principles. Policy BE5 requires development to incorporate good design, the use of high quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 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.

Layout and Scale

The proposal is for built development facing all road frontages, set at the back edge of the footway, reflecting the building line and the predominant character of built form in the area. The development provides a central courtyard area which will provide amenity space for residents and includes a ground floor glazed lobby area linking to the outside amenity space.

Amendments have been received during the course of the application. The proposed development is now 7 storeys fronting Nursery Street, 6 storeys along Wicker Lane and 5 storeys to the rear on Nursery Lane. The height of the development on Nursery Street is greater than adjacent developments; however it is considered that the scale is appropriate in the context of the wide highway and adjacent river corridor and developments on the opposite side of the river. Furthermore, permission has been granted at 58 Nursery Street (18/04146/FUL) for the erection of two 12 storey blocks and one 7 storey block. The culmination of these developments will establish the vision of the Wicker Riverside Area as detailed in the Wicker Riverside Action Plan and aid the regeneration of the area.

The development steps down to Wicker Lane and Nursery Lane, the scale of the development to Nursery Lane is similar to the adjacent building. This is welcomed and will ensure the development does not appear overbearing to these narrow secondary lanes.

Design detailing

The proposed building comprises a large double height active ground floor frontage to Nursery Street and Nursery Lane. This is welcome and will enliven the street scene and vibrancy of the locality. The front elevation is arranged around four bays which flow upwards from the ground floor openings. Windows feature recessed brick work detailing to add visual interest and articulation to the elevation. Amendments to the brick work detailing adjacent to the windows have been received during the course of the application. These remove the buff brick and redbrick horizontal banding, replacing the lighter buff brick for a lighter redbrick. The resulting effect is still to produce some visual interest and articulation through the banding of brickwork but not in such a stark manner. The alteration is welcome and improves the appearance of the development.

The rear elevation is similar in appearance with double storey ground floor and brick work detailing around windows. The side elevation is simplified and features a transition to a lighter red brick, high quality materials and detailing including deep reveals are key to ensuring a successful building and will be secured by condition.

The front and rear elevations are constructed from red brick, reflecting the predominant material in the locality. The side elevation is currently shown to be buff brick, this is also present elsewhere in the locality, albeit in lesser quantities.

The design approach is contemporary and subject to appropriate materials and detailing, which will be secured by condition, the scheme is considered to contribute positively to the character and appearance of the street scene.

The development is set away from the nearest listed buildings and conservation areas by a sufficient distance to ensure that it does not have any impact on these heritage assets.

It is considered that the proposal will make a positive addition to the area and contribute to the redevelopment of the wider Wicker Riverside Area. As such it is compliant with the listed policies

Residential Amenity

Policy IB9 'Conditions on Development in Industry and Business Areas' states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The plans indicate that all residential accommodation will benefit from adequate light and outlook. The plans indicate the provision of an amenity area for residents within the central courtyard and this is welcomed. There is also easy access to the pocket park opposite.

The nearest residential properties are located to the south east in Riverside Court and to the south in City Wharf. Separation distances of approximately 21 metres and 24 metres will separate the new development from these residential properties, this is sufficient to ensure that there is not a harmful impact to the amenities of existing residents. Separation distances to other existing development is set by the street widths, this is considered acceptable and does not give rise to any harmful overlooking, overbearing or overshadowing of adjoining properties.

The proposed range of commercial units (A1/A2/A3/B1) will not have a harmful impact on the amenities of proposed residents or the occupiers of neighbouring building subject to appropriate hours of use and relevant conditions to control fume extraction and noise.

A noise report has been submitted in support of the application. This identifies noise from the surrounding roads and extraction fans and ducting from commercial premises fronting the Wicker as the main noise sources. The report details that in order to satisfy internal noise criteria, mitigation in the form of appropriate glazing and mechanical ventilation must be incorporated into the scheme.

The Environmental Protection Service have viewed the document and consider it to be satisfactory; a number of conditions are recommended in order to ensure that acceptable internal noise levels are achieved.

Based on the above the proposed scheme will provide future residents and surrounding uses with adequate amenity.

Sustainability

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Development' expects all new buildings to be energy efficient and to use resources sustainably.

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

The proposed development will make more efficient use of a brownfield site and help regenerate the local economy through the provision of commercial units and through more residents living in the local area.

The development is located in a sustainable location in the city centre, within walking distance of a range of amenities and close to excellent public transport links.

Information submitted in the Sustainability Statement expresses a commitment to a low carbon footprint through the use of low energy construction techniques and low energy technologies.

The proposal complies with the requirements of CS64 and CS65, a condition will be attached to secure the provision of decentralised and renewable or low carbon energy.

Highways

The NPPF states at paragraph 109 that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Paragraph 110 goes on to state that priority should be first given to pedestrian and cycle movements and second to facilitating access to high quality public transport.

IB9 (f) requires development to be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking. H5 – requires adequate off street parking for the people living there.

Policy CS23 – states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainable sites.

No parking is proposed as part of the development. The surrounding streets are within the Outer Parking Zone, this restricts on-street parking (except in marked out

bays) between 08:00 and 20:30 hours Monday to Sunday. Given these restrictions it is unlikely that future residents would choose to own a car, any parking demand would need to be absorbed legitimately within car parks or paid for bays within the locality.

However the site is located within the city centre within walking distance of a range of facilities and amenities including educational and employment opportunities. The primary pedestrian routes surrounding the site benefit from well surfaced pavements, dropped kerbs and tactile paving.

The scheme is located in close proximity to a number of cycle routes and includes an internal cycle store that can accommodate 44 bikes.

The site is located in close proximity to a number of bus stops which offer access to high frequency bus services and a wide range of destinations. The nearest Supertram stop is 600 metres away; this is considered to be within an acceptable walking distance and provides an alternative option for high frequency public transport.

The above demonstrates that the site is in a sustainable location and prioritises pedestrian and cycle movements, then public transport. The impact on the local highway network will be negligible. As such the development is in accordance with the NPPF and local policy.

Access

UDP Policy BE7 'Design of Buildings Used by the Public' expects that all buildings which are used by the public allow people with disabilities safe and easy access to the building and to appropriate parking spaces.

The plans indicate that level access will be provided into the commercial units and that doors will have a minimum effective clear width of 1000mm. A condition will be attached to ensure that the development includes these accessibility measures.

Finally, UDP Policy H7 'Mobility Housing' and the associated Supplementary Planning Guidance encourage the incorporation of 25% of homes within a new development to be built to the Mobility Housing Standard. However, in the absence of an up to date local policy, this can no longer be required following the findings of the Government's Housing Standards Review which were required to be implemented by all planning authorities from 1 October 2015.

Drainage

Core Strategy Policy CS67 'Flood Risk Management' seeks to ensure that all developments significantly limit surface water run-off and utilise sustainable drainage systems where feasible and practicable.

A drainage strategy is included in the Flood Risk Assessment. This considers sustainable drainage options in accordance with the drainage hierarchy. Ground infiltration is discounted as a result of the presence of deep made ground and

impermeable clay and mudstone. Drainage to the nearest watercourse (The River Don, 40 m to the west) is also discounted as it would require crossing third party land. The strategy at present involves connecting to existing sewers using existing connections with a commitment to reduce surface water discharge rates by 30%.

The final strategy requires detailed consideration and approval which will be secured by condition.

Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that these will be preserved, protected and enhanced. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

A Heritage Statement and Assessment of Archaeological Potential has been submitted in support of the application. This details that prior to the use of the site for the Old Coroners Court it was a mixture of domestic, retail and industrial buildings and before this was undeveloped until the early 1800s.

The development of the Old Coroners Court may have had a negative impact on any 19th century development. Further, records show that bomb damage in 1940 may have compromised the integrity and survival of any remains. Nonetheless, the report recommends that a programme of archaeological investigations is carried out in order to assess the archaeological potential of the site.

Affordable Housing

Core Strategy Policy CS 40 'Affordable Housing' states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it should be read alongside Policy CS40.

IPG Guideline 2 identifies the site as being located within the "City Centre" Affordable Housing Market Area and there is no contribution required towards affordable housing provision.

CIL

The site is within Charging Zone 2 and therefore the charge that is levied upon this application is Nil.

RESPONSE TO REPRESENTATIONS

The points raised through representations have been addressed in the report.

SUMMARY AND RECOMMENDATION

The proposed redevelopment of the site for ground floor commercial uses with residential apartments above will help regenerate the Wicker Riverside Area and fulfil the vision of a mixed use neighbourhood. The site is in a highly sustainable location and redevelopment of brownfield land to meet housing land requirements is viewed positively.

The demolition of the Old Coroners Court building is regrettable but has already been established through a separate process. The scale, siting and quality of the proposal are considered to be acceptable and will sit comfortably in the context of new and proposed development.

The scheme complies with the adopted Local Plan and the guidance provided in the National Planning Policy Framework and therefore it is recommended that planning permission is granted subject to the listed conditions.

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Case Number	19/02127/FUL
Application Type	Full Planning Application
Proposal	Demolition of garage and erection of a dwellinghouse
Location	7 Chantrey Road Sheffield S8 8QU
Date Received	05/06/2019
Team	South
Applicant/Agent	Paul Goudge Design
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Location Plan received 05th June 2019
Amended Drawing published 20th September 2019 (ref: 4344/2/19 revision B)
Site Elevations and Landscaping Layout received 27th September 2019 (ref: 4344/3/19 Rev A)

Reason: In order to define the permission.

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

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

3. The dwellinghouse shall not be occupied unless the front forecourt areas of the site are constructed of permeable/porous surface materials and sub base, or utilise measures to ensure surface water drains to areas of vegetation within the site. Thereafter the approved permeable/porous surfacing material and sub base, and surface water drainage measures shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

4. 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.

Other Compliance Conditions

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

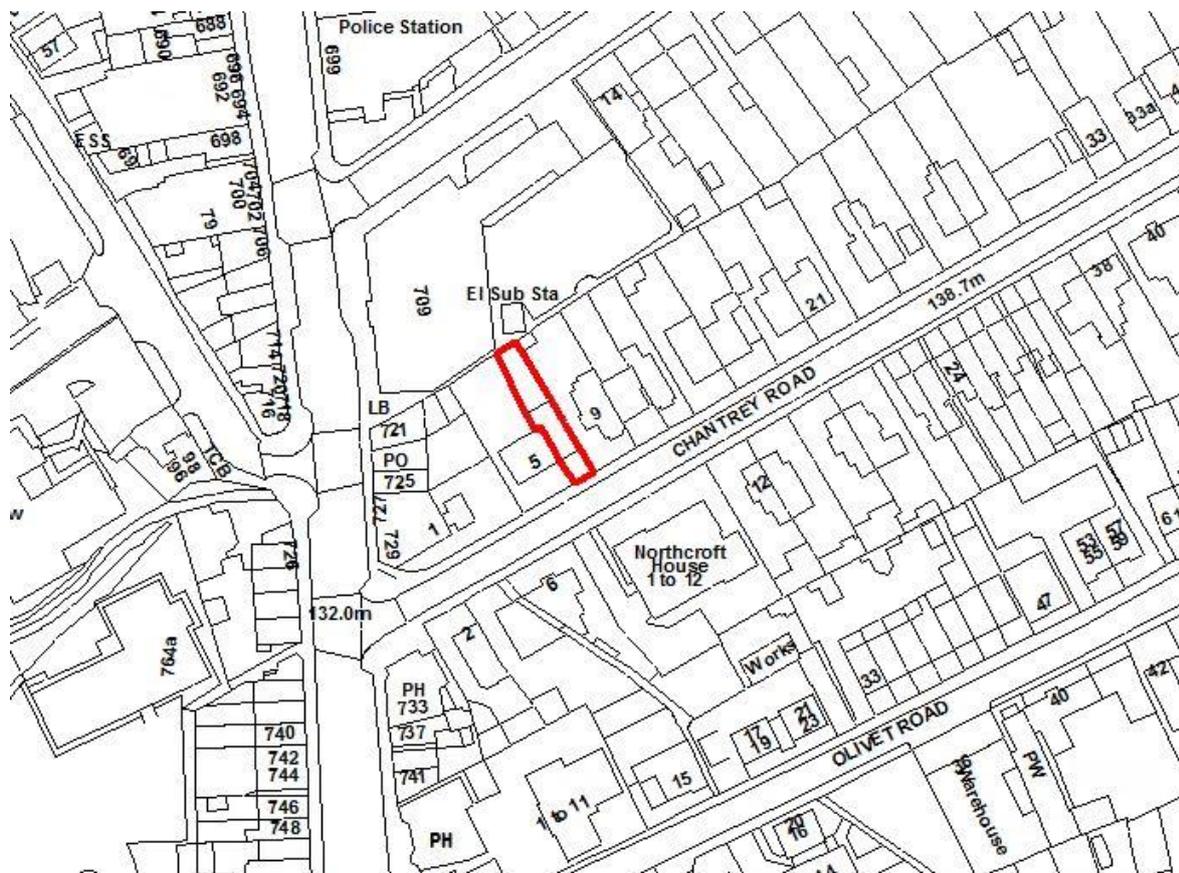
Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

Site Location



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LOCATION AND PROPOSAL

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). The surrounding area is characterised by a mixture of building styles and designs which are predominately in residential use, however District Shopping Area on Chesterfield Road is approximately 40m away and a commercial site at Pyramid Carpets shares the rear boundary with the site. Pyramid Carpets has recently been granted permission in 2017 for a change of use to 14 apartments on the upper floors.

The application site currently comprises a flat-roofed single storey garage/storage building. This structure is physically attached to the neighbouring dwelling, 5 Chantrey Road though is used by a third party, and runs flush with the front building line facing the highway.

The street scene consists of a mix of detached, semi-detached, and terraced two/three storey dwellinghouses and an apartment block directly opposite the application site. The buildings along Chantrey Road vary in age, built form, character and materials with no prevailing architectural style.

Planning permission is sought for the demolition of the existing garage and the erection of a single storey dwelling house of similar proportions in its place, with a driveway and off road parking to the front.

RELEVANT PLANNING HISTORY (optional)

09/02578/FUL - Erection of a dwellinghouse.
Refused 30.09.2009. Appeal dismissed

This application was for a two storey dwellinghouse and off-street parking bay. The application was refused as it constituted a cramped form of development in a site of restricted dimensions which would be detrimental to the character of the street scene. It was also considered to be an overdevelopment of the site and would result in overbearing to nos. 5 and 9 Chantrey Road. The proposed design of the dwellinghouse by reason of its scale, detail, fenestration and close proximity to no. 5 Chantrey Road gave the appearance of a semi-detached dwelling and was felt to be injurious to the character of no. 5 and the visual amenities of the locality and therefore was contrary to policy BE5 and H14 of the UDP and CS74 of the Core Strategy.

At appeal the case was dismissed by the Inspector who considered due to the proposal connecting to no. 5, it would create a mismatched semi-detached pair of houses that would disrupt the rhythm of the older houses. The new house would appear cramped and incongruous directly adjoining the existing, well proportioned, detached house. For this reason the new house would detract from the character and appearance of no. 5 Chantrey Road and the street scene along this length of Chantrey Road.

The Inspector also noted no.9 has a living room window in its side elevation, and the new house would dominate the outlook from that room and have an overbearing effect upon the living conditions of no. 9. Because of its size, position and the

location of windows in houses on either side, the new house would have been overbearing and would significantly detract from the outlook and living conditions of the immediate neighbours.

SUMMARY OF REPRESENTATIONS

A petition with 26 signatures was received objecting to the proposed dwelling and raising the following points:

- Chantrey Road is one of the worst streets for parking and general traffic and pedestrian access.
- People are forced to park on the pavements either side of the road, leaving little room for pedestrians in order not to block the street for road users.
- We believe the new property will result in more problems for local residents and hope you will not approve the proposed development.

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

- The existing garage has been tidied and is a rather bland and unexceptional garage which has the appearance of being an 'add on' to no. 5 but is not sympathetic to the main house. The existing garage is unobtrusive and has a certain anonymity in terms of impact on the immediate streetscape and visual amenity.
- The reasons for the previous refusal have not been sufficiently mitigated.
- The proposal would constitute a cramped form of development which is detrimental to the character of the street scene.
- Running uphill from Chesterfield Road is a mix of house types of different ages and designs.
- The dwellings at the lower end of the street on the North side including nos. 5 and 9 form an attractive group. The connection of the proposed house would create a mismatched semi-detached dwelling which disrupts the rhythm of the houses.
- Being single storey does not overcome this mismatch and conflicts with the requirement that new development should be well designed and compliment the scale, form and architectural style of surrounding buildings.
- It is appreciated that 'new' should not always mean replicate the old; a degree of novelty and innovation in the proposal should not make acceptable a plan to turn a garage into a home.
- If granted, Permitted Development Rights should be removed from the property.

Four representations were received from members of the public, 3 of the comments object and 1 is neutral, all of the comments are from people living locally.

Planning Issues Raised:

- The area needs to retain green areas for wildlife and to 'soak up' rainfall. With more houses being converted into flats or more occupancy it is adding stress to facilities that don't appear to have been adapted.
- The new dwelling does not look in keeping with the surrounding houses; it should blend into what is largely a Victorian Road. The proposal will appear attached to no.5 Chantrey Road which is a detached dwelling. Once permission is given for conversion, it sets the precedent that it may expand further in future and lead to loss of privacy.
- The garage acts as a boundary wall to no. 5 and its demolition will temporarily lead to loss of privacy until the new dwelling is constructed.
- Previous applications for a dwelling on this site have been refused by local and central government on grounds of insufficient amenity between nos. 5 and 9 Chantrey Road.
- A lack of parking spaces was a factor in denying previous applications to expand on this site. Since the last application there has been a huge increase in traffic in this street. Chantrey Road is very narrow, and cars park on the pavement which results in people with prams or in wheelchairs having to use the road. Parking issues will be compounded by the conversion of Pyramid Carpets to 14 flats on Newlyn Road.
- The proposal will reduce the privacy of adjacent dwellings.
- Out of the 15 neighbours notified, 12 are in a block of flats for the elderly and vulnerable and may not have access to a computer to comment. There are other neighbours in close proximity to the site who I believe should have been notified.
- It will add even more stress to the drainage/sewerage system; the drainage system on the street seems over-stretched and inadequate with nearby cellars flooding.

Non-Planning Issues Raised:

- The recent alterations made to the garage have resulted in no. 5's cellar flooding through the wall rather than the cellar floor.
- Issues relating to noise as a result of the proposals are still relevant today.
- The proposed demolition of the garage will impact the boundary wall with no. 9 and will destroy a range of plants including fruit trees which cost several thousand pounds and was carefully planned as a miniature eco system and is now threatened.
- The proposal will devalue the property at no. 5 Chantrey Road.
- The occupants of no. 5 will not be able to access the gable of the building for repairs etc.

PLANNING ASSESSMENT

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

- Land Use Policy

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

Paragraph 11 of the NPPF stipulates that housing applications should be considered in the context of the presumption in favour of sustainable development and, that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Local Planning Authority is in the process of updating its five year housing land supply position but given the changed assessment regime identified in the NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority will therefore be undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a monitoring report (expected later this year). At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

The issue of a shortage in housing land availability is a material consideration which supports the principle of residential development at this site and the proposal would provide a small but helpful contribution to the local supply of housing land, in a sustainable location.

Policies CS23 and CS24 of the Core Strategy seek to ensure new housing is located in sustainable, previously developed locations within or adjoining the main urban area of the city.

The site is within an existing urban area and sustainably close to a regular bus route and within walking distance of local schools and services.

As a garage/storage building occupies the plot, this parcel of land is classed as previously developed land, the development of this small urban brownfield site to replace the garage with new housing complies with the aims of policies CS23 and CS24.

In addition, it is noted that the conversion of the storage/garage B8 unit to C3 dwellinghouse can be carried out via the prior notification process under Class P, Part 3, Schedule 2 of the General Permitted Development Order.

There are therefore no land use policy reasons why the development should be resisted.

Density of Development

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, near to high frequency bus

routes in the urban area, the policy identifies that a density of 40-60 dwellings per hectare would be appropriate. Densities outside of the appropriate ranges will be allowed whereby they achieve good design and reflect the character of an area.

This proposal is for 1 dwelling on a site which is 0.013 hectares in area and would represent approximately 76 dwellings per hectare. In this instance the site has limited dimensions which have the effect of increasing the density. However the site can comfortably accommodate the dwelling.

- Design Issues

Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area. UDP policies H14 'Conditions on Development in Housing Areas'; and BE5 'Building and Design Siting' expect good quality design, and for developments to be in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively for making places better for people.

The site currently comprises a flat-roofed single-storey garage that has recently been modernised. The structure is physically attached to the neighbouring dwelling no. 5 Chantrey Road and runs flush with the front building line facing the highway. The street scene consists of a mix of detached, semi-detached and terraced dwelling houses, with an apartment block directly opposite in a wide variety of architectural designs, sizes and ages. Within the immediate vicinity red brick is dominant although there is some render evident. Front boundaries are low brick or stone walls with hedging/shrubs above.

This application proposes a single storey dwelling taking a contemporary form. The footprint of the dwelling is similar to the existing storage/garage building and maintains the same width as existing. The dwelling has been designed to have a single storey elevation to reflect the existing building so that it does not impact on the built form of the locality. This is a positive response to the previously refused and appealed scheme which contained a two storey form.

The proposed dwelling would be 0.6m taller than the existing garage and would project further to the rear by approx. 1.3m. The overall proportions are considered to be similar to the existing garage. Additionally the dwelling maintains the existing building line.

Whilst it is accepted that there aren't any flat roof buildings in the immediate area, the scale and massing of the dwelling reflects that of the existing garage and a flat roof is considered an appropriate feature of this contemporary form.

The current appearance of double garage doors would be replaced with a front entrance door and two narrow windows of similar height to the front door. The materials are proposed to be 'Atlas Smooth Blue' facing brick to all elevations with

anthracite/grey cladding around the front entrance door as a visual contrast to the neighbouring properties.

Although red brick is the dominant local material, this approach is also considered appropriate, in order to ensure the dwelling is read as a stand-alone building of contemporary form, visually distinct from no.5 which it adjoins. The alternative of an attempted replication of details, and materials of neighbouring properties would have resulted in a squat dwelling, 'bolted' onto it's neighbour, out of scale with neighbouring properties and that would have read falsely as a an addition to no.5.

The width of the plot is approximately 4.6m wide fronting onto Chantrey Road. Within the surrounding context, nos. 13 and 20 through to 32 Chantrey Road have similar plot widths, albeit there are dwellings in the vicinity, particularly immediate adjacent to the applicant site which are wider.

The plans show the existing forecourt to the front of the dwelling is to be retained and an existing gate to be removed to allow for a vehicle to park on the forecourt. This is a common feature along the street and reflects the current arrangement.

Overall, the buildings are well designed and whilst they do not replicate the existing neighbouring buildings, they are considered to sit comfortably within the street scene. Subject to satisfactory building materials being used, a good quality scheme can be achieved and the proposals will comply with Policies BE5, H14, and CS74 and the NPPF Chapter 12.

- Living Conditions

Policy H14 part (c) and (d) requires that new development in housing areas should not cause harm to the amenities of existing residents. Paragraph 127 of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. These are further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

Impact on Neighbouring Occupiers

The closest neighbouring properties are No. 5 Chantrey Road located to the South West, and no. 9 Chantrey Road to the North East. To the North of the dwelling is a commercial unit which is to be converted into 14 flats. Directly opposite to the South is a block of flats.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include that rear garden lengths should be at least 10 metres, to ensure that privacy is retained. Single storey extensions should project no more than 3m to prevent adverse overshadowing and over bearing of neighbouring dwellings.

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

No. 5 Chantrey Road is positioned immediately to the South West of the proposed dwelling. There are no side facing windows proposed in the new dwelling that are likely to affect either neighbouring property. Rear lounge windows face down the garden. The garden is screened by an existing brick boundary treatment approximately 1m high. As the boundary wall is existing and currently allows for high levels of mutual overlooking between the applicant site and both no. 5 and 9 Chantrey Road it is considered the proposal will not create any adverse overlooking to adjacent occupiers.

The main habitable windows in No. 5 are positioned in the front and rear of the property. An existing wall and shed situated next to the existing garage/storage will ensure the rear window of number 5 will not experience unreasonable overbearing or over shadowing.

Number 9 Chantrey Road is situated away from the boundary with a staggered side elevation the separation is between approximately 2.9m and 3.8m. Taking into consideration that the dwelling will increase the height by approximately 0.6m and has a flat roof, the separation is considered sufficient to ensure no unreasonable overbearing or over shadowing of ground floor windows is experienced as a result of the new dwelling. This has overcome the concerns the previous two storey proposal raised.

It is recognised there may be some loss of direct sunlight to the driveway and some of the rear garden of number 9 in the late afternoon, but this will be similar to the existing building, and in this instance it is not considered to be to an unacceptable level.

All other properties are sufficient distance away from the proposal so that they are not adversely affected by the development.

Amenity for Future Occupiers

The proposed dwelling is considered to provide a good outlook from main habitable rooms, providing reasonable quality living accommodation for future occupants. The rear garden area provides approximately 53 square metres of private useable amenity space. This does comply with the guidelines in the SPG and SYRDG which require minimum garden size of 50 square metres for a two or more bedroomed house.

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

Highways Considerations

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

Paragraph 103 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable.

Paragraph 108 requires that safe and suitable access to a site can be achieved for all people, and para. 109 states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety.

The existing garage/storage at 7 Chantrey Road contains car parking with one off street parking space. This is repeated in the proposal and in this location, this level of off-street parking is considered appropriate for a small 1 bedroom dwelling.

The off street parking relies on cars entering or exiting the site by reversing out onto Chantrey Road. Whilst it is acknowledged that this is a busy side road used by customers visiting shops along Chesterfield Road, there are similar scenarios either side of the application site whereby cars have to either reverse from or onto Chantrey Road, and therefore the risk to highway safety is not considered to be severe. The site is located within a sustainable location, and there are a number of bus stops within walking distance of the site and commercial facilities nearby on Chesterfield Road.

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

Landscaping/Ecology

Policies GE11 and GE15 seek to protect existing trees and woodlands and promote nature conservation. However, the site does not contain any significant features in this regard.

The proposal indicates garden and planting areas and a condition will secure an acceptable scheme.

Flood Risk and Drainage

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

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. In this instance block paving is proposed and a condition can ensure that a permeable sub base is employed or that surface water drains to soft areas within the site.

Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential

infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. The application site lies within CIL Charging Zone 4 with the charge for this development being £50 per square metre.

Response to Representations

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

- Issues relating to flooding to adjacent dwellings, maintenance of neighbour dwellings, damage to neighbouring gardens and devaluation of neighbouring properties are not planning considerations.
- Owing to the restricted dimensions of the site, a condition removing Permitted Development Rights is considered appropriate.

SUMMARY AND RECOMMENDATION

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

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

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

Case Number	19/00483/FUL (Formerly PP-07450299)
Application Type	Full Planning Application
Proposal	Demolition of buildings and erection of 1x 24 storey block, 1x 7-10 storey block, 1x 5-8 storey block, 1x 5-7 storey block and 1x 4 storey block comprising 500 apartments, and 2 commercial flexible use units (A1, A2, A3, A4, B1a, D2), ancillary facilities and amenity space, car parking, landscaping, public realm and infrastructure works
Location	Land At Doncaster Street, Hoyle Street, Shalesmoor And Matthew Street Sheffield S3 7BE
Date Received	08/02/2019
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditional Subject to Legal Agreement

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing nos:

- 37060-CDA-00-SL-DR-A-0501-J
- 37060-CDA-00-RF-DR-A-0502-I
- 2679-PL-0750
- 2679-PL-0751
- 2679-PL-0752
- 2679-PL-0801
- 2679-PL-0802

- 37060-CDA-01-GF-DR-A-0600-O
- 37060-CDA-01-01-DR-A-0601-O

- 37060-CDA-01-ZZ-DR-A-0602-O
- 37060-CDA-01-ZZ-DR-A-0603-O
- 37060-CDA-01-ZZ-DR-A-0604-O
- 37060-CDA-01-ZZ-DR-A-0700-N
- 37060-CDA-01-ZZ-DR-A-0701-N
- 37060-CDA-01-ZZ-DR-A-0702-N
- 37060-CDA-01-ZZ-DR-A-0703-N

- 37060-CDA-02-GF-DR-A-0610-O
- 37060-CDA-02-01-DR-A-0611-N
- 37060-CDA-02-ZZ-DR-A-0612-N
- 37060-CDA-02-07-DR-A-0613-N
- 37060-CDA-02-ZZ-DR-A-0614-N
- 37060-CDA-02-ZZ-DR-A-0710-K
- 37060-CDA-02-ZZ-DR-A-0711-J
- 37060-CDA-02-ZZ-DR-A-0712-K
- 37060-CDA-02-ZZ-DR-A-0713-K

- 37060-CDA-03-GF-DR-A-0620-M
- 37060-CDA-03-01-DR-A-0621-L
- 37060-CDA-03-ZZ-DR-A-0622-L
- 37060-CDA-03-ZZ-DR-A-0623-L
- 37060-CDA-03-ZZ-DR-A-0720-K
- 37060-CDA-03-ZZ-DR-A-0721-J
- 37060-CDA-03-ZZ-DR-A-0722-J
- 37060-CDA-03-ZZ-DR-A-0723-J

- 37060-CDA-04-GF-DR-A-0630-P
- 37060-CDA-04-01-DR-A-0631-M
- 37060-CDA-04-ZZ-DR-A-0632-M
- 37060-CDA-04-ZZ-DR-A-0633-M
- 37060-CDA-04-07-DR-A-0634-M
- 37060-CDA-04-ZZ-DR-A-0730-K
- 37060-CDA-04-ZZ-DR-A-0731-J
- 37060-CDA-04-ZZ-DR-A-0732-K

Reason: In order to define the permission.

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

3. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include strategies to mitigate any residual environmental or amenity impacts that cannot be adequately controlled at source.

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

4. Intrusive investigations as recommended in the approved Arup Desk Study report ref. ARP-XXXX-RP-G-00001 (16th Nov 2018) 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 construction works commencing. 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 commence

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

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

6. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

7. 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.

8. 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.

9. 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.

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

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

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

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

11. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient provision of car parking accommodation for people with disabilities and the provision of vehicle charging facilities within the site shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such car parking and charging facilities has been provided in accordance with the approved plans and, thereafter maintained and retained.

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

12. Before that part of the development is commenced, full details of the proposed glazed brick, including a sample, shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

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

13. Before that part of the development is commenced, full details of proposed wind mitigation measures, shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained.

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

14. A comprehensive and detailed hard and soft landscape scheme for the site, including all terraced areas, which shall include the following details, 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:

- Details of topsoil specification and depths.
- An accurate planting schedule and planting plan at 1:200 or 1:100 scale.
- A comprehensive list of species and stock specification.
- Details of planting densities and spacings.
- Individual location of specimen trees and shrubs.
- Maintenance schedule to ensure the successful establishment of the scheme.
- Hard landscaping details, proposed levels, surfacing materials, walls, fencing and street furniture.
- Details of green roofs, sustainable drainage systems and biodiversity measures.

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

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

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

16. Prior the construction of that part of the development, full details of the proposed public art shall have been submitted to and approved in writing by the Local Planning Authority and the public art shall be implemented in accordance with the approved details and thereafter retained.

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

17. The buildings 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 buildings 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.

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

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

19. 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, in accordance with the Sheffield Urban Design Compendium, 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.

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

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

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

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

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

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

22. 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.

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

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

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 for the tower, other concrete brick faced buildings and the red brick. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commences and shall be retained for verification purposes until the completion of such works.

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

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

- a) Window and door openings
- b) Frontages to commercial units
- c) Ventilation to car parking
- d) Balconies (including balustrades and soffits where applicable)

- e) Recessed/Feature masonry panels
- f) Panels of decorative brickwork
- g) Curtain walling
- h) Boundary detail to terrace (block C)
- i) Parapets to blocks
- j) Parapets to terraces
- k) External steps
- l) Storm porches (block D)
- m) Soffit to passageway (if this does not form part of the public art)

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

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

26. 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:

- Junction of new build and the existing buildings, which includes Don Cultery Works and the Nichols Building

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

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

27. 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.

28. 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.

29. 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.

30. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of the Arup Acoustic Planning Report Ref AAc259936/RO1 dated 16 November 2018 and further noise survey work.
 - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
 - c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:
 - (i) Bedrooms: Noise Rating Curve NR25(*) (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
 - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.
[Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

31. Before the use of the development is commenced, Validation Testing of the sound insulation and/or 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 insulation and/or attenuation 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.

32. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:
- a) Be based on the findings of an approved noise survey..
 - b) Be capable of achieving the following noise level:
Noise Rating Curve NR 40.
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.
- [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

33. 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..

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.

34. Prior to construction work commencing, a detailed Employment and Training Strategy, which is designed to maximise local opportunities for employment from the construction phase of development through to completion, shall have been submitted to and approved by the Local Planning Authority. The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

35. Prior to occupation of any part of the development a 'lighting design strategy for biodiversity' for the vegetation corridors and near bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites, and resting places or along important routes used to access key areas of territory for example foraging; and
- (b) Show how and where external lighting will be installed (through the provision of an appropriate contour plan and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or have access to their breeding sites and resting places.
- Thereafter the lighting design strategy shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity

36. 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 buildings 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.

Other Compliance Conditions

37. The development shall be carried out in accordance with the details submitted in The Flood Risk and Drainage Statement, dated 6 November 2018, whereby foul water shall drain to the public combined sewer and surface water shall discharge to the public sewer, at a rate that does not exceed 5.11 litres a second.

Reason: In the interest of satisfactory and sustainable drainage.

38. 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.

39. 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.

40. 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 include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

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

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

41. The brick reveal depths for openings/windows for the various parts of the development shall be as set out below:-

- 75mm on floors 2 to 7 inclusive
- 187.5mm on all elements comprising double height frames; ground and 1st floors, floors 8 through to 9 - 187.5mm for all ground floor openings/windows

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

42. The commercial units hereby approved are authorised to be used for the following Use Classes, as set out in the Town and Country Planning Use Classes Order 1987 (as amended) and no other use is permitted without the prior consent of the Local Planning Authority:-

- Use Class A1
- Use Class A2
- Use Class A3
- Use Class A4
- Use Class B1a
- Use Class D2 - gymnasium only

Reason: In order to define the permission and in the interests of the amenity of existing and future residents.

43. No customer shall be permitted to be on the premises outside the following times: 0700 to 2300 on any day

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

44. 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.

45. No removal of vegetation shall take place between the 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful detailed check of vegetation for active birds' nests immediately before any vegetation is cleared and provide written confirmation to the Local Planning Authority that no birds will be harmed and/or there are appropriate measures in place to protect nesting bird interest on site.

Reason: In the interests of protecting the local habitats.

46. The buildings shall be faced in the following bricks, the locations of which are shown on the approved plans:

- Grey - Concrete Marble Grey, Edenhall
- Buff - Concrete Killin Buff Multi, Edenhall
- White - Concrete Quartz White, Edenhall
- Red - Ibstock Priory Multi Red

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

47. The existing cycle routes extending from Shalesmoor, along Matthew Street, through to Doncaster Street and from Hoyle Street through to Queens Row shall be retained.

Reason: In the interests of providing active travel options.

48. Notwithstanding the detail shown on the approved drawing, the sales area within each of the approved flexible use commercial units shall not exceed 280 square metres where Class A1 uses are implemented.

Reason: In order to protect the vitality and viability of the city centre, in accordance with the National Planning Policy Framework (NPPF).

49. 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.

Attention is Drawn to the Following Directives:

1. The applicant should be aware that a legal agreement is required to be completed in respect of this proposal.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.
4. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
5. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
6. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
Reference to permitted standard hours of working;
- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays

Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.

A communications strategy for principal sensitive parties close to the site. Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;

- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.

- Vibration.

- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment. Details of site access & egress for construction traffic and deliveries. A consideration of potential lighting impacts for any overnight security lighting. Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.admin@sheffield.gov.uk.

7. 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

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

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

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

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services,

delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

The notice should be sent to:-

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

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

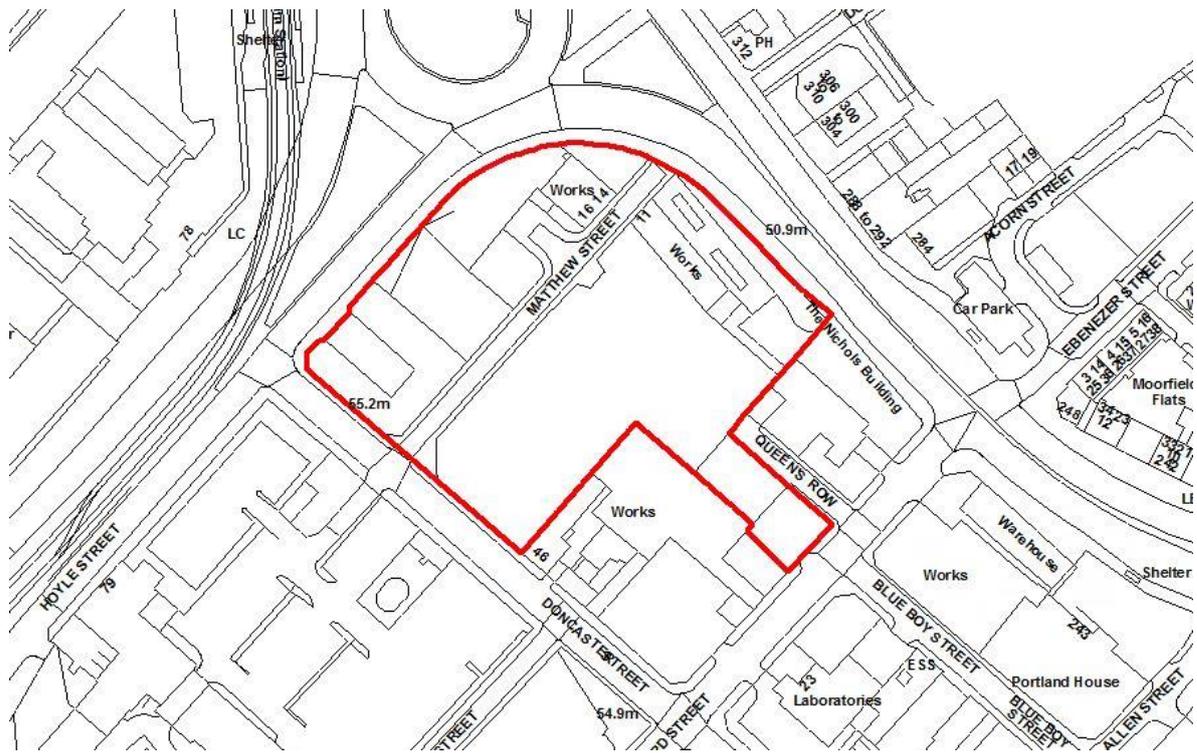
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

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

10. Compliance needs to be to a minimum with Landscape Standards:
 - Preparation of the planting areas, including de-compaction and drainage, should be at least to the standards set out in BS 4428 (1989). Code of Practice for General Landscape Operations (excluding hard surfaces).
 - Where appropriate all plant material will be expected to comply with and be planted in accordance with the requirements of BS 3936 Specification for Nursery Stock, BS 5236 Cultivation and Planting of Trees in the Advanced Nursery Stock Category, BS 4043 (1989) Recommendation for Transplanting Rootballed Trees and BS 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - Planting positions for new trees will be expected to take account of the requirements of Table 3 of BS5837: 2012. Trees in Relation to Construction.
 - A detailed maintenance schedule will be required in accordance with the requirements of BS 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
11. Northern Powergrid has confirmed that there is known Northern Powergrid apparatus in the area, the location of which is shown on the scanned application file.
12. 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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

Site Location



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LOCATION AND PROPOSAL

The application site lies within the St Vincent's Quarter of the City Centre, partially within the Furnace Hill Conservation Area (south-east part of the site) and faces onto the adjacent Kelham Island Conservation Area to the north-east,. The site relates to a parcel of land, measuring 0.9 hectares, which occupies a prominent corner position on the southern side of a major traffic island of the Ring Road, which is the main gateway into the City from the north. The site has two principle frontages, which face onto Hoyle Street and Shalesmoor, with further frontages onto Doncaster Street, Shepherd Street and Queens Row.

The site is relatively level and encompasses a number of vacant, derelict sites and low quality buildings, with areas of overgrown unkempt space and redundant hardstandings which are enclosed within by a variety of boundary treatments.

Immediately bounding the site, to the east, is the Nichols building, a 3-storey red brick building, circa mid C19, which is a building of significance but not a Listed Building; the Grade II Listed Don Cutlery Works to the south; modern residential blocks to the north-west and a large development site currently under construction on the opposite side of Doncaster Street to the south-west, which is a large mixed use development which also contains a cementation furnace, which is a designated Scheduled Ancient Monument and Grade II Listed Building.

This application seeks full planning permission to demolish the existing buildings to facilitate the comprehensive redevelopment of the site to form a mixed use development comprising of buildings arranged as a series of blocks positioned along the perimeter of the site overlooking onto a public square. The development will comprise of 500 residential units (Use Class C3) for the private rented sector, which will benefit from ancillary facilities in the form of communal lounges and a residents gymnasium, and management suite. Two ground floor, commercial units (totalling 473m²) will provide flexible use space, for Use Classes B1a, A1, A2, A3, A4 or D2 purposes. The development will provide 78 car parking spaces and communal outside space which will be hard and soft landscaped.

RELEVANT PLANNING HISTORY

18/01281/EIA – In March 2018 an Environmental Impact Assessment screening opinion request for the proposed development was made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to determine the need for the submission of an Environmental Impact Assessment (EIA). Following review, it was concluded that the development would not have a significant additional impact on the environment on a wider scale to warrant the submission of an Environmental Statement as part of this planning application. The impact of the proposal could be fully assessed as part of the normal planning application process.

18/01077/FUL – Approval was given by this committee for the extensive redevelopment of the former HSBC site which lies immediately adjacent to this site and incorporates the cementation furnace which is referred to in Historic England's

comments in relation to this proposal, hence its relevance. The development is currently proceeding on site.

SUMMARY OF REPRESENTATIONS

The application was advertised in February 2019 and 5 site notices were displayed on adjacent highways (27.02.2019). Following neighbour consultation, 4 letters of representation have been received; 1 in support and 3 objecting to the proposal, the latter of which have been submitted by the occupants of an existing business premises 'Cars Corner', H Harrold & Sons Ltd, who own the adjacent Don Cutlery Works and a resident of Cornwall Works.

Points raised in the letter of support include:-

- Sheffield needs more developments like this to keep us moving forward. The area is undergoing a fantastic redevelopment for homes and businesses.
- The negative aspect is that only 2 commercial units are proposed. Would like to see more retail/commercial space around the Kelham area.
- More housing creates jobs and opportunities as do additional retail/commercial units.

Cars Corner has stated that they had not been notified and that they object to the proposal as it will result in the loss of their small family run mechanical business.

H Harrold & Sons Ltd support the principle of development, noting the regeneration benefits for the wider townscape and the positive impact on the local economy, however they also object on the grounds that:-

- The proposal amounts to over-development of the site.
- Would prejudice the ability of their property to continue operating without impediment.
- Prejudice the ability to bring the property forward for development separately.
- Cause substantial harm to the character and setting of a designated heritage asset (Don Cutlery Works).

Points raised in the letter of objection from a local resident include:-

- Lack of public consultation
- Difficult to comment properly based on the information that was given it was hard to tell what the development would look like.
- Appears coldly commercial - very little that was appealing aesthetically.
- The area will certainly benefit from development
- No objection to the demolition
- Object to a 20-storey block when there is so much developable land in Sheffield.

Historic England (HE) has responded and made a number of comments, which are highlighted and assessed under the heading of 'Heritage Issues' later in the report.

Yorkshire Water has confirmed no objection to the proposal, subject to the development being carried out in accordance with the recommendations of the Flood Risk and Drainage Statement

South Yorkshire Fire and Rescue has responded, confirming that the proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 'Access and Facilities for the Fire Service'. The benefits of sprinkler systems has been highlighted and recommended.

South Yorkshire Police is supportive of the proposal but has recommended that the development be designed and built to Secured by Design standards. A number of recommendations have been put forward.

Northern Powergrid has responded, confirming that there is known apparatus within the vicinity of the site which the developer will be required to safeguard / relocate.

PLANNING ASSESSMENT

Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

The documents comprising the Council's development plan date back some time and obviously pre-date the NPPF, but paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

Guidance in the National Planning Practice Guidance (the NPPG) further provides that "policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years", and that "due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies".

However in all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance”.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer (which for SCC is 5%, pursuant to para 73 of the NPPF) the policies which are most important for determining the application will automatically be considered to be out of date.

The Local Planning Authority is in the process of updating its five year housing land supply position but given the changed assessment regime identified in the NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority will therefore be undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a monitoring report (expected later this year). At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

Proposed Residential Use

The application site is situated within a Business Area, as defined in the adopted Sheffield Unitary Development Plan (UDP), and thus, Policy IB7 ‘Development in Business Areas’ is relevant. The policy permits a variety of uses with the preferred use being Business (B1) but other uses such as small shops (A1), offices used by the public (A2), food and drink outlets (A3-A5), community facilities and institutions (D1) and leisure and recreation facilities (D2) are also acceptable. The St Vincent’s Action Plan (2004-2014) supports this designation. Both the UDP and

the Action Plan advice states that residential uses should not be discouraged if they are considered to make a vital contribution to the area. In this regard, the proposed residential element of the proposal is considered acceptable in this case, particularly given the current lack of a 5 year supply.

The Business Area designation is no longer appropriate following the adoption of the Core Strategy. Core Strategy Policy CS17, which relates to the city centre quarters, identifies St Vincent's as a mixed business, residential and educational area with links to the University of Sheffield and the legal and professional quarter, including a number of manufacturing companies. The policy puts less emphasis on industrial uses but does encourage sensitive attention to existing manufacturing companies in the area, expecting the impact of new development on them to be considered as part of the assessment of an application.

The site is situated within a part of St Vincent's which is experiencing a transition, with a number of developments coming forward in recent years.

The aim of Policy CS17 is to provide a mix of uses including employment and whilst the proposal does not significantly contribute to providing a wider mix of uses, it will provide some commercial space, and in light of the site's important gateway location, the need to develop this area and the Council's lack of a 5 year housing supply, it is considered that the development will deliver greater public benefits, which outweighs this negative aspect of the development.

In terms of sensitive attention to existing commercial companies, many of the industrial sites and buildings in the immediate area are vacant pending reuse or redevelopment. However, some businesses do still remain and therefore, it is acknowledged that the relationship between the application site and the existing environment must be addressed in the assessment of this application.

Proposed Commercial Use

The development will comprise of 2 commercial units occupying the ground floor of Block D, which will provide a total internal floor area of 473 square metres. These will be used for a flexible range of uses, including Class A1 Retail, Class A2 Professional Services, Class A3 Restaurant/Café, Class A4 Drinking Establishment, Class B1a Offices and Class D2 Assembly and Leisure.

All main town centre uses are defined in Annex 2 of the NPPF, most of which would fall within that definition. All such uses are acceptable within the City Centre (under the definition of edge of centre in Annex 2 of the NPPF) but A1 uses should be subject to the sequential test. It would be hard to apply the sequential test meaningfully in this location because the nearest centres are either at Upperthorpe; Spital Hill; or the Central Shopping Area, none of which are suitable locations to serve the catchment of residents in this development. It is therefore concluded that the development will pass the sequential test. However, this is on the basis that the gross floor area of any A1 retail use is restricted to 280m², to ensure it remains small scale, serving local needs and thus, will not have an adverse impact on the vitality and viability of the City Centre or the neighbouring Local Shopping Centres. On this basis the proposal will meet the terms of the NPPF.

Density and Variety of Units

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires appropriate housing densities to ensure the efficient use of land. Given that the site is within the City Centre, the recommended density should be at least 70 dwellings/ units per hectare. The proposal will achieve a housing density of 555 units per hectare which comfortably exceeds the minimum policy requirement.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part A of CS41 seeks to provide a broad range of smaller households in the City, with no more than half of the new homes in larger developments (large developments being defined as 60 or more dwellings) consisting of a single house type. The proposal will provide 500 units, comprising of a mix of 4.4% studios, 48.6% 1 bed units and 47% for 2 bed units, which meets the policy requirement.

Heritage Issues

In assessing this application, it is necessary to consider the impact of the proposed development on the Furnace Hill Conservation Area and local Heritage Assets, which include Don Cutlery Works (a Grade II Listed Building), Hoyle Street Cementation Furnace (a Scheduled Monument and Grade II Listed building) and an unlisted Heritage Asset, namely the Nichols building. An initial Historic Environmental Desk-based Assessment has been submitted, together with further statements provided, in response to Historic England's comments.

The NPPF (updated July 2019) provides a wealth of guidance relating to the historic environment and the most relevant points to consider are highlighted below.

Paragraph 184 acknowledges that heritage assets are wide-ranging and are an irreplaceable resource, which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 189 states that applicants should describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II Listed buildings, or grade II registered parks or gardens, should be exceptional;

- b) Assets of the highest significance, notably scheduled monuments, amongst others, should be wholly exceptional.

Paragraph 192 states that LPAs should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

Paragraph 200 requires LPAs to look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance.

Unitary Development Plan Policies BE15, BE16, and BE17 are also relevant. Such policies are principally concerned with preserving and enhancing the character and appearance of the Conservation Area and listed buildings - a high standard of design is expected together with the use of traditional materials. These policies are consistent with the requirements of the NPPF.

Archaeology

UDP Policy BE22, which relates to Archaeological Sites and Monuments, states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if:-

- (a) An adequate archaeological record of the site is made; and
- (b) Where the site is found to be significant, the remains are preserved in their original position.

A Historic Environmental Desk-based Assessment Statement has been submitted, which includes consideration of the impact on archaeological evidence. The report, whilst not a comprehensive document, provides adequate evidence for the South Yorkshire Archaeology Service (SYAS) to form an opinion of the archaeological potential of the site.

It is clear that the scheme, as proposed, given its significant scale and massing, will have a significant impact on a large area containing a variety of residential and industrial activity dating to the 19th Century and with some potential for earlier remains. As such, SYAS recommends the imposition of a condition to secure an appropriate level of investigation and recording, which would include further consideration of the standing structures.

Historic/Conservation Issues

Historic England (HE) has made a number of comments about the proposed development and particular concern has been raised in respect of the impact and loss of key views on the adjacent Hoyle Street Cementation Furnace, which is considered to be of national importance as it is the only intact cementation furnace surviving in Sheffield and one of the last of its type in England and it is also a Scheduled Monument. As these elements of the monument's setting contribute to its significance, their loss will harm the overall significance of the monument.

HE do not consider that a proper assessment of the impact on the setting of the scheduled monument has been carried out, to meet the requirements of the NPPF. HE has recommended that the layout, massing and elevational treatment along Doncaster Street be reconsidered and a robust treatment to the public realm and a public art strategy which seeks to better enhance and reveal the setting of the monument is secured.

The rarity and technological interest of this 'conical' form of structure has been highlighted, which is of considerable significance. The survival of the furnace is a result of its purposeful selection for preservation during the 1980s when the surrounding buildings were cleared. The resulting open character generated from the demolitions, and its subsequent landscaping mark a transition of the furnace from a functional building within a wider works complex, to a monument and iconic image of Sheffield's industrial past. It retains important connections to the adjacent Titanic Works and Don Cutlery Works that further illustrate the wider understanding of the metal trades in this area of Sheffield and contribute strongly to the significance and setting of the cone.

HE has confirmed that the cone is currently highly visible in views from the north and north-east (Kelham Island and the A61) and that it is possible to see the iconic shape of the cone within these views, and its presence in the cityscape and its silhouette against the skyline all contribute towards its significance and setting. The development will, in their view, impact on the setting of the monument and remove the key views, harming the overall significance of the monument.

Whilst HE do not object to the principle of development on the site, they consider that the scheme does not respond positively to the presence of the Cementation Furnace or the previous playground which existed on this part of the site. HE are also of the opinion that the submitted Planning Statement and Historic Environment Desk based Assessment report fail to address this issue and seriously under value the setting and significance of the Cementation Furnace. HE considers that the above issues should be addressed to meet the requirements of the NPPF and appropriate amendments should be sought.

In response to the HE comments, a further statement (compiled by Wessex Archaeology) and a statement from the agent have been submitted, which are considered by your officers to be acceptable and satisfactorily address the concerns raised by HE. It should also be noted that the views of the cementation furnace described above are only currently possible because of the number of vacant sites and cleared plots. Indeed the redevelopment of the former HSBC site

on which the furnace sits is currently ongoing and this includes enhancing the setting of the furnace by placing it in a landscaped courtyard setting. It must be recognised that even if the application site was developed at a lower scale it would impede views of the furnace.

It is noted that HE do not strongly object to the proposal or the redevelopment of the site in principle. In respect of the impact on the furnace, your officers do not consider that the proposed development will destroy the key views of the furnace which affect the significance and setting of the building. There will be a partial loss of views towards Kelham Island, which is considered to have a negligible impact, and the spatial relationships will more or less remain the same, by virtue of the fact that the proposed development will not encroach any closer to the furnace so will have a neutral impact on its setting, given its position on an adjacent development site.

The existing highway 'Doncaster Street' will remain in situ and thus, will provide the same degree of separation. The development site within which it sits, has been designed to appropriately respect the significance and setting of the Furnace and has much more immediate impact on it than the redevelopment of the application site. In this regard, it is not considered that the significance of the Furnace will be eroded, such that the loss of views within an existing townscape will result in significant harm which affects the setting and significance of the Furnace. Moreover, it is argued that the principle significance of the Furnace is more related to its historical illustrative value, which will not be lost as a result of the proposed development and it cannot be argued that a semi-derelict site, as exists at the moment, enhances the setting of the monument.

It is relevant to note that the Furnace cone is at no times silhouetted against the skyline, as the topography rises to the south, and this backdrop is dominated by modern developments, which are of a larger scale than the furnace itself.

The individual buildings have been reduced in height, to respect the scale, and character of the changing townscape, being mindful of adjacent heritage assets, such as the Don Cutlery Works and the Listed/Scheduled Furnace fronting onto Doncaster Street. The scale of development will appropriately relate to the scale of new development currently under construction on the neighbouring former HSBC development site and will also respect the scale of the adjacent Nichols Building, particularly given the recent approval to increase the height of the Nichols Building with a rooftop extension and to add a significant new block to its rear elevation.

The varied elevational treatment and use of robust materials, the latter of which will include red brick, to reflect the historical character of the area, combined with the proposed public artwork reflecting the historical significance of the area, will provide a satisfactory response to the street scene and the immediate historical significance.

The impact of the proposed development on the Furnace is considered to be negligible and will not adversely affect its setting or significance. The development will meet the requirements of the NPPF.

The impact on the other heritage assets which are close to the site is also considered to be negligible and so will not harm their significance.

Design Issues

The NPPF (para. 124) states that good design is a key aspect of sustainable development and being clear about design expectations and how these will be tested, is essential for achieving this. Paragraph 127 states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Developments should establish or 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.

Paragraph 131 states that great weight should be given to outstanding or innovative designs which promote high level sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The Urban Design Compendium (UDC), adopted September 2004, outlines the vision for Sheffield's regeneration, setting out the design principles for the City Centre. The UDC puts forward recommendations where tall buildings can be accommodated within the City, and in this case, the site lies within one of these zones. The site offers the opportunity to provide a landmark building as it sits on a major junction, on a principle route from the north, into the City.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

This scheme has been subject to extensive pre-application consultation in the past. The pre-application proposals were positively received and generally supported.

The site is identified as a key gateway into the city centre from the north. A comprehensive redevelopment is therefore welcomed in principle. However, the site sits within a rich context, with the Kelham Island Conservation Area to the

north-east, Furnace Hill Conservation Area abutting the site to the south-east and the Listed Don Cutlery Works and Cementation furnace adjacent to the site, the latter of which is also a designated Ancient Monument. The proposal must therefore respond to this rich and sensitive context, with the relative scale and massing, layout, architectural approach and materiality all contributing to enhancing the distinctive characteristics of the area.

Scale and Massing

The scale and massing of the buildings has previously been assessed in terms of the wider city context, by having been placed into the City 3D model at pre-application stage. It was at this time that the parameters for both scale and massing were established. The scheme has evolved and is largely in line with recommendations made at pre-application stage. The development is now considered to sit comfortably within the wider city townscape and within the views from key streets adjacent to the site.

The site sits within a Tall Building Zone in the Urban Design Compendium, however, the scale and massing of the proposal must also respond to and sit comfortably amongst the sensitive context surrounding the site. A 24-storey high tower (Block A) is proposed at the junction of Shalesmoor and Hoyle Street, which will provide a landmark at this gateway location. The scale and massing creates a robust response to the prominent corner along the ring road, which will read as the most distinctive and prominent element of the site.

The tower will be broken down into 3 distinct elements and whilst it does not in itself produce a tall, elegant form, it is sufficiently varied, creating a tiered effect, which offsets the negative effects of a wider spread footprint, resulting in a tower which appears more slender and less slab-like, responding positively to the predominant scale and massing of surrounding built form.

The immediate buildings either side of the tower are significantly reduced in height, to ground plus 7 storeys fronting onto Shalesmoor and ground plus 5 storeys fronting onto Hoyle Street. This is deliberate, to help further define the tower as a slender form within the wider views and when approaching the city centre along Penistone Road from the north.

The height of the buildings are incrementally reduced such that they will reflect the hierarchy of streets, with the principle frontages affording greater height but continuing to step down and the secondary streets stepping down proportionately. The stepping down in height is also necessary to provide an appropriate transition between the new build and the existing buildings, namely the historic Nichols building and the Listed Don Cutlery Works.

The variations in the siting, form and height of buildings, the architectural detailing, and materials, all combine to break down the mass of built form by adding visual interest to the elevations and thus, enhancing the wider townscape. Such measures are considered to be successful in mitigating the impact of this large scale, high density development.

Layout

The layout of the site is arranged as a series of buildings positioned along the perimeter of the site, with principle elevations facing onto the main highways of Shalesmoor and Hoyle Street, with inner elevations overlooking onto an area of public open space. The position of the buildings reflects the historic back of pavement arrangement. The layout and footprint of the development has been partially influenced by the existing historical street pattern, which is marked by Matthew Street and Queen's Row, being the main axis' that cross through the site. The layout will allow pedestrian and cycle routes to penetrate through the site, linking to the principle highways of Shalesmoor and Hoyle Street, which give access to the main transport modes.

The layout of the site is appropriate and responds to the existing street pattern. Two commercial uses will provide activity at street level, with entrances provided onto the main frontages of Shalesmoor and Hoyle Street. Ancillary facilities associated with the residential element of the scheme, such as a gymnasium and lounge area and management suite will also provide some level of activity onto the main frontages.

Appearance

A number of architectural changes have been made in response to Officer recommendations, which has resulted in the enhancement of principle elevations of individual blocks. A contemporary approach has been taken to the redevelopment of the scheme, which is considered to be appropriate giving the changing townscape, providing a positive response.

All the blocks will comprise of a regular grid of windows, which will be vertically orientated. A greater degree of variation has been achieved between the blocks, by means of a change in the materials and subtle differences being achieved by introducing feature brickwork and grouping of windows. Whilst the same key materials are used throughout, which links the blocks together, the level of articulation and subtle changes avoids an over monotonous frontage. Indicative sections have been submitted, which demonstrate the degree of articulation which will be achieved.

Double-height frontages will be provided at ground floor level, which will be well grounded, and will provide a robust street frontage. The slight set back of the buildings has allowed for a more generous footway to be provided, which helps to reinforce the building's importance and prominence at street level.

The development will be carried out using a simple palette of materials comprising of brick facades, with grey colour finished aluminium window and door systems, grey balustrading to match windows and doors, and metal infill panels. The blocks will be individualised, primarily by the colour of brick. The bulk of the development will be faced using a concrete brick, in grey, buff and white. This will provide a contemporary finish and a condition will be imposed requiring a sample panel to be approved prior to construction. The buildings abutting up to the neighbouring Nichols building, fronting onto Shalesmoor and the Listed Don Cutlery Works

fronting Doncaster Street will be faced in a red brick. This will provide an appropriate and sympathetic transition between the new build and the existing heritage buildings.

Tall buildings have a disproportionate impact on a place, breaking the skyline to form part of numerous views and dominating their surroundings. As a consequence, a particularly high standard of design is required: buildings with an exceptional impact require an exceptional design. With this in mind, the top section of the tower 'the crown' will be treated differently, by introducing a glazed bronze coloured brick, which will reflect light and provide a notable contrast to the brick. The glazed brick will also be used to the first floor of the base of the building. This will provide a crisp, contemporary finish and provide richness to the building, which is essential for this significant landmark building.

Brick reveals to openings/windows will be 75mm on floors 2 through to 19 and 187.5mm on the ground and 1st floors, and on floors 20 through to 23. The deeper reveals accentuate the 'bottom' and 'top' of the building and contrast with the smaller reveals in the middle section of the tower thus reinforcing the tripartite horizontal composition. Whilst deeper punctuations would have been desirable, in achieving greater shadowing and interest to the facades, the degree of articulation overall is acceptable.

Block E has been removed from the proposal, owing to significant amenity concerns as it was 'borrowing' outlook from the adjoining Don Cutlery Works wider site which would have affected its redevelopment potential in the future. It is now proposed to provide 24 surface parking spaces, with some soft landscaping introduced to the Queens Row frontage. Whilst this is not an ideal solution, given that it will be set away from the heart of the development and will not be in a highly visible location, it will not have a detrimental impact on the overall scheme. It is anticipated that this parcel of land will come forward in the future for redevelopment as part of a wider development proposal.

This is an extremely large scheme in a particularly high profile location on a gateway site into the city centre. It will dominate this part of the city and form a new landmark within the cityscape as a whole. At 24 storeys it is a tall building and subject to the expectations for exceptional design that are associated with a structure of this nature. Whilst a number of concessions have been made on the design since the earlier pre-application discussions, it will deliver an appropriate degree of articulation and richness which will meet the requirements of local design policies and the National Planning Policy Framework.

Landscaping

The site will incorporate an area of public open space at the central axis of development. A general landscaping masterplan has been submitted, which provides an indicative layout of the site, showing the extent of hard and soft landscaping. The masterplan suggests that the quality of the public realm works proposed will be satisfactory, the finer details of which will be secured by condition.

Sustainability

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new homes. Development of this site will contribute towards achievement of this aim.

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings and conversions of existing buildings be designed to reduce emissions of greenhouse gases and function in a changing climate. To satisfy this policy, all new developments should achieve a BREEAM rating of Very Good. The commercial element of the scheme will be conditioned to achieve this rating.

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

An Energy Statement has been submitted, which indicates that photo voltaic panels will be installed with the aim to achieve the required 10%. This will be secured by condition.

The development is therefore in accordance with the adopted policies in the Core Strategy in respect of sustainability.

Amenity Issues

NPPF paragraph 127 f) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Core Strategy Policy CS17 defines the roles of the different quarters and acknowledges that there are a number of manufacturing companies in the St Vincent's Quarter that require sensitive attention.

Noise and Disturbance

The site is in a noisy location, given its position on a major junction on the Inner Relief Road, and a bus and Supertram route. Road traffic noise is predictably the predominant noise source. An Acoustic Report has been submitted which assesses the effects of existing noise and vibration sources in the surrounding area and potential noise and vibration impact from the development on the existing nearby residents. Survey work was carried out to determine the existing noise climate, with measurements taken during the busiest and quietest times of the day and night. The report concludes that an enhanced glazing system would be required, to mitigate intrusive noise entering the residential rooms through the building envelope. It also recommends that noise limits be specified for plant and building

services at the nearest noise sensitive residential properties. The report also confirms that the potential effects of vibration from trams are low level and therefore vibration does not need to be considered.

In respect of the concerns raised by H Harrold & Sons Ltd about their ability to carry on operating without impediment, it is confirmed that the noise study took account of the operations of this business as it is recognised that the new development should not prejudice their operations. Conditions are proposed to ensure that the new development will be suitably mitigated to ensure an acceptable internal noise environment taking account of all existing factors. The development will not prejudice the ability of adjoining sites to come forward for redevelopment.

The Environmental Protection Service (EPS) has reviewed the documentation and confirmed that it is sufficient as a preliminary scoping study and that it is sufficient to establish the proposed development as broadly acceptable in principle, in terms of acoustic concerns, subject to the imposition of appropriate conditions.

Amenities of Future Residents

The proposal will provide 500 residential units, the layout of which are fairly typical, providing adequate outlook and natural daylight to all habitable rooms, although owing to the orientation and position of the proposed buildings, it is inevitable that some units will have a reduced level of light, albeit this is not considered to be significant. Satisfactory living conditions will be achieved. Some units will benefit from balconies or shared terraces, which will provide outdoor amenity space. This is particularly welcomed, as it is not always achievable given that this is a city centre location, and furthermore, it is not expected that the same level of amenity can be attained like elsewhere within the more suburban areas.

Some level of overlooking will be inevitable, by virtue of the fact that this is an 'edge of pavement' development and accommodation will face onto each other within the site itself. Satisfactory separation distances will be achieved between the blocks, such that the space will not feel claustrophobic.

Future occupants will be provided with useable, well designed outside space and adequate bin and cycle storage facilities, which will be appropriately positioned and accessible from within the site.

A Daylight Analysis has been carried out, which assesses the impact of the proposed development on surrounding properties and areas, impact of the proposed development on future users and the potential effect of solar reflections off the façade onto the surrounding area.

The report largely confirms that the proposed development will have a negligible impact on adjacent properties. However, it does identify that some neighbouring properties will be subject to a reduction in natural light, with the most affected property being the adjacent Nichol's building. This is acknowledged, however it is relevant to note that the windows which face onto the development site are heavily obscured by security grills or textured glass and as such, the report suggests that the occupants of the spaces do not have a reasonable expectation of daylight. The

Nichol's building's current use as an antique and craft centre with ancillary café also would not expect the same level of amenity as a residential use. It should also be borne in mind that planning permission (18/01639/FUL) has recently been granted for the redevelopment of the Nichol's site, which comprises of partial demolition, roof top extension and refurbishment of the building and the erection of a 7-storey block to form 48 residential units with commercial uses at ground floor level. Whilst it is not known if the planning permission will be implemented, it does give an indication of what development may come forward in the future.

Other properties are identified as being affected by a reduction in skylight and sunlight, however, it is not considered to be significant to the degree that planning permission should be withheld. The other sites are positioned on road frontages, and some are distanced away from the tower itself such, that it would be unreasonable to prejudice the redevelopment of the site, which also fronts onto a major highway.

The report confirms that the proposed development will have a negligible effect on the skylight availability at surrounding properties.

There is potential for sunlight to be reflected onto surrounding properties but it is important to note that, within an urban context, some reflection of light from glazed buildings and windows is inevitable and not unexpected.

A minority of units within the development will not achieve the ideal target baseline of daylight but given that this relates to a small percentage of the overall development, and being mindful of the urban context in which it is often difficult to achieve the ideal, it is accepted in this case but it is recognised as a negative aspect of the development.

In light of the above, it is considered that the proposed development will not adversely affect existing residents and appropriate accommodation will be provided for future residents of the site. As such, the proposal will accord with UDP Policy IB9, Core Strategy CS17 and the NPPF.

Pedestrian Level Wind Microclimate Assessment

The proposal involves the erection of a 'tall building' and it is therefore considered necessary to assess the impact of the development on the local environment in terms of the wind comfort and to ensure that a satisfactory/safe environment is maintained for residents, visitors, and other users of the site.

An Environmental Wind Desk Study was carried out in November 2018, which concentrated on the impact within the scheme. The assessment highlighted particular hotspots within the development where wind conditions were more acute and therefore required further mitigation to address the problem. Notable hotspots were identified as being in the centre of the site, where it is proposed to create an open space area and along the covered walkway leading to Shalesmoor. Recommended measures included wind porches, recessed entrances, revised door designs and appropriate landscaping.

A final report was submitted in August 2019, which takes account of the amended design (ie additional increase in the height of the tower) and confirms that the majority of thoroughfare areas in and around the proposed development would have suitable strolling or calmer wind conditions during the windiest season. The inner courtyards/areas of open space will be suitable for 'sitting' as will the covered pedestrian route leading from Shalesmoor, subject to appropriate mitigation measures, in the form of baffles along the soffit, which will provide a satisfactory and safe environment for users of the site. Figure 5 in the report also suggest that the surrounding environment would be suitable for sitting and standing, with minor areas being suitable for strolling.

Subject to the mitigation measures highlighted, the microclimate effects of the development are considered acceptable.

Highway Issues

The NPPF seeks to focus development in sustainable locations and make fullest possible use of public transport, walking and cycling. The site is considered to be in a highly sustainable location. The site is located within the city centre and is within walking or cycling distance of all of its Quarters, in particular, Kelham Island, St Vincent's, Cathedral and Heart of the City, which offers a wide range of local services and facilities within walking distance of the site. There are also high frequency bus routes and a tram route within walking distance of the site, which provides excellent links to surrounding areas.

UDP Policy IB9 (f) states that new development will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The proposed development will have two vehicular accesses; one from Doncaster Street leading onto Matthew Street and the other from Shepherd Street onto Queen's Row. The full extent of Matthew Street will be stopped up as all-purpose highway, therefore offering private access only. The accessibility of Queen's Row is unclear at present, owing to recent amendments on this frontage, which includes the provision of 24 car parking spaces.

The development will provide a total of 78 car parking spaces throughout the site, of which 42 parking spaces will be located within Block B and C, 12 will be on-street along Matthew Street and 24 spaces within a surface car park fronting Queen's Row. This includes the provision of disabled parking, which will be secured by condition. This level of parking accommodation, whilst acceptable in principle from a policy point of view (given its city centre location) it is acknowledged that there are known car parking pressures within the area, resulting from increased residents and commuter car parking demand. This is, in part, due to the fact that there is no Controlled Parking Zone within the St Vincent's or Kelham Island Quarters. The provision of 78 car parking spaces, as proposed, against a guideline of up to 1 space per unit, equates to 15.6% of 500 units, which

will not fully address the imbalance and resultant potential impact that this scale of development could have on the local highway network. The Council currently permits city centre development with no parking provision on the basis that this will encourage a modal shift from a private car, which will then prevent traffic congestion in the city centre. However, there is the potential that the non-provision of in-curtilage parking can displace the demand for parking spaces elsewhere within the city, particularly in locations such as this where on street parking is not controlled.

The Council has reviewed the situation and as a result, will be implementing parking controls on highways in St Vincent's and Kelham Island. In facilitating the parking controls, a financial contribution will be secured from significant developments within the Kelham Island and St Vincent's quarters of the City, given that the adverse impact on parking would be as a direct result of such developments. This will help off-set the harmful effects of the development on the highway network. A financial contribution is considered to be relevant to planning, and necessary for planning permission to be granted, and proportionate to the scale of the development, thus meeting the tests of Circular 05/05: Planning Obligations.

In calculating the financial contribution for developments, a formula has been developed, taking account of the potential development sites coming forward and the cost of the implementation of the parking control zones. This is £84.28 per bed space. Given that the proposal would provide limited car parking accommodation, this is offset from the overall financial contribution, resulting in a total of £55,371.96.

Secure cycle parking provision will be made available as well as 4 cycle hoops provided on-street for short stay visitors within the development site.

Highway improvements will be required, in the form of new footways, which will be constructed in secondary palette, as per the guidance set out in the Urban Design Compendium.

Subject to the imposition of conditions to secure the highways works, the proposed development will accord with UDP Policy IB9 and the NPPF.

Closure of Adopted Highway

This development will require the full length of an Adopted Public Highway known as Matthew Street to be stopped up, as shown coloured green on the plan attached as 'Road Closure Plan' (drawing no. 2679-PL-0511) . This is addressed in the recommendation later in the report.

Drainage

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

A Flood Risk & Drainage Statement has been submitted and reviewed by Yorkshire Water and the Lead Local Flood Authority (LLFA).

Yorkshire Water has confirmed no objection and agrees to foul water draining to the public combined sewer and surface water discharging to the public sewer, at a rate that does not exceed 5.11 litres a second.

The LLFA has confirmed that the proposals for surface water management are acceptable and that the discharge to the combined sewer as proposed, at brownfield rates is acceptable.

Appropriate conditions will be imposed to secure full details of the proposed drainage arrangements.

Ecology

The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Phase I Habitat Survey Plan, An Ecological Assessment report and a Preliminary Bat Roosting Assessment report have been submitted with the application. The Ecology Service has reviewed the documentation and confirmed that the site provides a moderate quality feed and nesting habitat for birds, and that the loss of habitat will be substantial. This is inevitable because the site has been in a semi-derelict state for so long so it has been colonised. However, it is in the urban area of Sheffield and has always been identified as a redevelopment opportunity so the key here is to mitigate against the habitat loss.

A condition will be imposed to ensure no vegetation is removed between March and August inclusive (bird breeding season), unless a suitably qualified ecologist has undertaken a careful detailed check of vegetation for active birds' nests prior to any vegetation being cleared.

The Preliminary Bat Roosting report confirms that no bats were found emerging from any of the buildings and therefore no further survey effort is required. There are however, small cracks and crevices in the fabric of the buildings and therefore site personnel should be made aware of what to do if bats are found during demolition. This is covered in Section 5 (Recommendations) of the report. Although bats were not found in the building, they were foraging along the tree line and this should be taken into account in the landscaping.

A condition will be imposed to secure at least 5 bird and bat boxes within the development and this, together with the landscaping of the public open spaces will provide an appropriate level of biodiversity mitigation in this case.

Contaminated Land

A Geotechnical and Geoenvironmental Desk Study (November 2018) has been carried out, which states that extensive piling will be required. The preliminary recommendations are for site turnover and re-engineering of soils and made ground and then piling.

The Environmental Protection Service has reviewed the document and it has been confirmed that the submitted document is suitable for approval and as such would be referenced in a recommended condition for subsequent Phase 2 site investigations to be carried out and reported. A full suite of land contamination conditions will therefore be imposed.

Affordable Housing

The site falls within a zone where there is no requirement to provide affordable housing.

Community Infrastructure Levy (CIL)

The scheme will be liable for a contribution under the Community Infrastructure Levy, which was introduced in July 2015. The site lies within CIL Charging Zone 4 where the CIL charge is £50, plus an additional indexing charge.

RESPONSE TO REPRESENTATIONS

All the issues raised have been covered in the main body of the report.

RECOMMENDATION

The redevelopment of this long neglected and prominent site is welcomed and it will make a significant contribution to the Council's 5 year housing supply. Following extensive negotiations and alterations to the scheme over a significant time period it is considered that the proposal represents a well-considered scheme which responds well to the site context whilst respecting the adjacent heritage assets.

Having regard to all the key issues which have been addressed in this report it is considered that the development is in accordance with the adopted Local Plan and the National Planning Policy Framework and any minor negative aspects of the proposals as detailed above are outweighed in the planning balance by the wider public benefits of the scheme, which in this case are the significant contribution of the development to the city's housing supply and the redevelopment of this long-neglected and prominent site with a high quality, sustainable development.

It is therefore recommended that the application is approved subject to the listed conditions and to the completion of a legal agreement to secure the following Heads of Terms:-

HEADS OF TERMS

To pay a financial contribution of £55,371.96 to the Council towards the St Vincent's and Kelham Island's Traffic Management Works.

Members are also requested to confirm that they:

- a. Raise no objection to the proposed Stopping Up of the areas of highway shown on drawing no. 2679-PL-0511, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Authorise Legal Services to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 8 October 2019

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
8 OCTOBER 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

<p>(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and extension to front porch at 14 Atlantic Walk Sheffield S8 7FY (Case No 19/01478/FUL)</p>
<p>(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a single-storey front extension, erection of a single-storey side/rear extension, and alterations to ground floor windows on side elevation to form bay windows (amended description 17/07/2019) at 3 Haugh Lane Sheffield S11 9SA (Case No 19/01851/FUL)</p>
<p>(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to roof including raised ridge height and rear to rear, erection of single-storey side and rear extensions to dwellinghouse at 4 Devonshire Road Sheffield S17 3NT (Case No 19/04322/FUL)</p>
<p>(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of single-storey rear extension to dwellinghouse. (Amended 27.06.2019) at 200 Earl Marshal Road Sheffield S4 8LB (Case No 19/00132/FUL)</p>
<p>(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for use of workshop as a dwellinghouse (Use Class C3) at Unit 1 rear Of 430 Abbeydale Road Sheffield S7 1FQ (Case No 19/01075/FUL)</p>
<p>(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse at land at former 142 Cross Lane Crookes Sheffield S10 1WP (Case No 19/00562/FUL)</p>

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for Alterations to roof space to form habitable accommodation including erection of front dormer, new access to garage at lower-ground floor level and steps to main door of dwellinghouse at 16 Welbeck Road Sheffield S6 5AY (Case No 19/01413/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as the effect of the proposed dormer on the character and appearance of the host property and the street scene within Welbeck Road.

He noted the semi-detached property was located in an area of mixed housing types with varied roof forms.

He noted the Council's Supplementary Planning Guidance (SPG) resists dormers which dominate the roof slope and rise above the existing ridge line.

In this case he noted the proposed dormer would occupy a large proportion of the depth and width of the roof slope and would rise above the ridge. He felt the box form would give a stark and discordant appearance when viewed from both Fern Road and Welbeck Road, and would unbalance the pair of dwellings.

He therefore agreed with officers that the dormer was an over-sized, disproportionate and overly prominent feature on the roof that would cause harm to the appearance of the host property and the street scene, in conflict with policies H14, BE5 of the UDP, Guideline 2 of the SPG and paragraph 127 of the NPPF.

He therefore dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for partial demolition of existing house, and erection of a new dwellinghouse. (Amended Description) at curtilage of 120 Bushey Wood Road Sheffield S17 3QD (Case No 18/01553/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the new dwelling on the character and appearance of the host property, and the street scene.

Although the new dwelling would be larger than the host property and significantly reduce its garden, the Inspector felt that it would not have a dominating effect upon the host property owing to their orientation, the 1.5 storey height of the new dwelling and existing boundary treatment.

As the scale and character of the existing street varies considerably, the size of the new dwelling would not appear incongruous. In addition it would remove the annexe building which currently detracts from the appearance of the street. The Inspector did not consider the location of the dwelling close to the highway to be a significant concern.

The Inspector did not agree with officers that the dwelling would occupy a much smaller plot than exists elsewhere in the locality, thereby representing a development that is out of character. They concluded that existing vegetation screens views of the sense of space.

The Inspector therefore found that subject to appropriate conditions the development would not have a materially harmful effect and would not therefore conflict with relevant local and national policies.

Permission was granted subject to conditions.

5.0 CIL APPEALS DECISIONS – DISMISSED

(i) To report that an CIL appeal (Regulation 114 Chargeable amount) against the decision of the Council on the review of the chargeable amount of CIL for the application to allow relocation of bin store to external west elevation, omission of entrance to unit 11, relocation of the plant room entrance, reconfiguration/reduction of 2x openings to rear elevation, reduction of floor level to the plant room and remove requirement for a scheme of sound insulation works (Application under Section 73 to vary condition No.s 2. (Approved plans) 6. (flood) 10. (sound insulation works) & 11. (validation testing) as imposed by planning permission No. 17/01576/FUL at Site Of Former Green Lane Works Green Lane Shalesmoor Sheffield S3 8SE (Case No 18/01792/FUL) has been dismissed.

Officer Comment:-

Regulation 114 appeals are determined by an Appointed Person from the Valuation Office Agency.

The Appointed Person considered all the submissions made by the appellant and the submissions made by the Collecting Authority (CA), Sheffield City Council.

Having carefully weighed up the submitted evidence in this case, the appointed person concluded that there is insufficient evidence to prove that

the building has been an 'in-use building' which satisfies Regulation 40(11) as amended. The evidence is not of sufficient quality to prove continuous use for the required period. Therefore, it was reasonable for the CA to deem that the property was not an in-use building for CIL purposes.

In conclusion, having considered all the evidence put forward, the appointed person considered that based on the particular facts of this case the CIL payable should be the sum of £103,618.11, rather than the appellants opinion that the CIL payable should be £2,961.

6.0 ENFORCEMENT APPEALS

Nothing to report

7.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

8 October 2019

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