

Planning and Highways Committee

Tuesday 14 January 2020 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 Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Peter Rippon, 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
14 JANUARY 2020**

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 Meetings** (Pages 5 - 16)
Minutes of the meeting of the Committee held on 19th November 2019 and 17th December 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 17 - 18)
Report of the Director of City Growth
- 7a. Case No. 19/02878/FUL - Site Of 5 Rosamond Drive, Sheffield, S17 4LW.** (Pages 19 - 36)
- 7b. Case No. 19/01580/FUL - Fletcher Plant Ltd, Clement Street, Sheffield, S9 5EA.** (Pages 37 - 50)
- 7c. Case No. 18/02477/FUL - 499 Loxley Road, Sheffield, S6 6RP.** (Pages 51 - 72)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 73 - 76)
Report of the Director of City Growth
- 9. Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday 28th January 2020.

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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 19 November 2019

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

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Peter Garbutt declared a personal interest in Agenda Item No. 7d – Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Case No. 19/02020/FUL) as a local ward Member. Councillor Garbutt 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 29th October 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. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

6.1 The Committee received a report of the Chief Planning Officer detailing new planning appeals received, allowed and dismissed by the Secretary of State.

6.2 Officers noted that 3 appeals had been received where applications for house

extensions had been refused.

6.3 **RESOLVED:** That the Committee notes the information reported.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. CASE NO. 19/02666/FUL - SITE OF FORMER NATWEST, 8 MEADOW HEAD, SHEFFIELD, S8 7AA

7a.1 Details of an additional neighbour objection, additional information and an amended condition were included within the Supplementary Report circulated and summarised at the meeting.

7a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7a.3 Councillor Ian Auckland and Mr. Charles Critcher attended the meeting and spoke against the application.

7a.4 Mr. Owen Pike (Agent for the Applicant) attended the meeting and spoke in support of the application.

7a.5 The Committee considered the application and proposed conditions, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made during the meeting.

7a.6 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted and including the amended condition, as set out in the Supplementary Report now submitted, for the change of use of ground floor from a bank (Use Class A2) to a hot food takeaway (Use Class A5) including new shop front and erection of a rear extraction flue at the Site of former Natwest, 8 Meadow Head, Sheffield, S8 7AA (Case No. 19/02666/FUL).

7b. CASE NO. 19/03536/FUL - SINCLAIRS, 266 GLOSSOP ROAD, SHEFFIELD, S10 2HS

7b.1 Details of an additional Councillor objection was included within the Supplementary Report circulated and summarised at the meeting.

7b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7b.3 Mr. Peter Sephton (Chair of Changing Sheff Residents Association) attended the meeting and spoke against the application.

7b.4 The Committee considered the application and proposed conditions, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made during the meeting.

7b.5 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally for the reasons set out in the report now submitted, to allow ground floor opening hours of 0800 to 0100 (Monday to Thursday), 0800 to 0200 (Friday and Saturday) and 0900 to 0100 (Sundays and public holidays) and first floor opening hours of 0800 to 2300 (Monday to Saturday) and 0900 to 2300 (Sundays and public holidays) (Application to vary condition no. 5 (Opening Hours) imposed by planning permission 18/04090/FUL) at Sinclairs, 266 Glossop Road, Sheffield, S10 2HS (Case No. 19/03536/FUL).

7c. CASE NO. 19/03073/FUL - LAND BETWEEN 94 AND 98 WHEEL LANE, GRENOSIDE, SHEFFIELD, S35 8RN

7c.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7c.2 Ms. Cheryl Hall, Councillor Mike Levery, Councillor Alan Hooper, Mr. Mark Ellis, Mr. Mark Barlow and Mr. Paul Salt attended the meeting and spoke against the application.

7c.3 The Committee considered the application having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and also had regard to relevant representations made during the meeting.

7c.4 **RESOLVED:** That, an application for planning permission for the erection of 2 dwellings with associated parking at Land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Case No. 19/03073/FUL), be REFUSED for the reasons set out in the report now submitted.

7d. CASE NO. 19/02020/FUL - KENWOOD HALL HOTEL, KENWOOD ROAD, SHEFFIELD, S7 1NQ

7d.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7d.2 The Committee considered the application and proposed conditions, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report.

7d.3 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally for the reasons set out in the report now submitted, for the demolition of existing stable block to form 2 dwelling houses, erection of 1 dwelling house

and landscaping works to form car parking and amenity area (as amended plans) at Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Case No. 19/02020/FUL).

7e. CASE NO. 19/00037/FUL - LAND AT JUNCTION WITH HERRIES ROAD, HERRIES ROAD SOUTH AND PENISTONE ROAD NORTH, SHEFFIELD, S6 1QA

7e.1 **RESOLVED:** That, an application for the erection of 3 retail units (Class A1), 8 storage and distribution units (Class B8), 2 drive thru restaurants (Class A3/A5), 1 vehicle maintenance and repair unit (Class B2) and 2 substations, including provision of car parking, junction improvements to Penistone Road and Herries Road, access on to Herries Road/Herries Road South, servicing, landscaping, pedestrian access and associated on and off-site works (as amended) at Land at Junction with Herries Road, Herries Road South and Penistone Road North, Sheffield, S6 1QA (Case No. 19/00037/FUL) be DEFERRED pending a site visit.

7f. CASE NO. 18/03188/LBC - TOTLEY HALL FARM, TOTLEY HALL LANE, SHEFFIELD, S17 4AA

7f.1 A Supplementary Report was circulated and summarised which contained a correction to the original report. The Housing Mix was to be one, two, three and five bedroom houses.

7f.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7f.3 The Committee considered the application and proposed conditions, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report.

7f.4 **RESOLVED:** That, an application for Listed Building Consent be GRANTED, conditionally, for the reasons set out in the report now submitted, for the conversion of a grade II listed farmhouse into 2 dwellings, conversion of associated barn to form 4 dwellings, conversion of existing cart shed into 1 dwelling, demolition of existing farm outbuildings and associated access and landscaping at Totley Hall Farm, Totley Hall Lane, Sheffield, S17 4AA (Case No. 18/03188/LBC).

7g. CASE NO. 18/03187/FUL - TOTLEY HALL FARM, TOTLEY HALL LANE, SHEFFIELD, S17 4AA

7g.1 A Supplementary Report was circulated and summarised which contained a correction to the original report. The Housing Mix was to be one, two, three and

five bedroom houses. Also contained within the Supplementary Report was an amended condition.

7g.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

7g.3 The Committee considered the application and proposed conditions, including the amended condition, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report.

7g.4 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the erection of 4 dwelling houses, alterations and conversions of buildings including conversion of a grade II listed farmhouse into 2 dwellings, conversion of associated barn to form 4 dwellings, conversion of existing cart shed into 1 dwelling (11 dwellings in total), demolition of existing farm outbuildings and associated access and landscaping at Totley Hall Farm, Totley Hall Lane, Sheffield, S17 4AA (Case No. 18/03187/FUL).

7h. CASE NO. 17/03187/FUL - LITTLE INTAKE FARM, WOODHEAD ROAD, GRENOSIDE, SHEFFIELD, S35 8RS

7h.1 An additional directive was included within the Supplementary Report circulated and summarised at the meeting.

7h.2 Councillor Mike Levery, Councillor Alan Hooper, Ms Megan Smith and Ms Helen Jackson attended the meeting and spoke against the application.

7h.3 Mr. Mark Boyd (agent for the Applicant) attended the meeting and spoke in support of the Applicant.

7h.4 The Committee considered the application having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made during the meeting.

7h.5 **RESOLVED:** That, an application for planning permission for the change of use from grazing land to caravan and campsite, erection of plant and equipment, conversion of redundant agricultural buildings to create a reception area/managers flat, washing facilities, indoor play area and shire horse stud area (Amended Plans/Description/Supporting Submissions, at Little Intake Farm, Woodhead Road, Grenoside, Sheffield, S35 8RS (Case No. 17/03187/FUL), be REFUSED for the following reasons (final wording to be formulated by the Officer in consultation with the Co-Chairs of the Planning and Highways Committee):

- Impact on the openness of the greenbelt and its users;
- Inadequate justification of the need for additional camping facilities and therefore, inadequate justification of very special circumstances; and
- Highway Safety concerns as a result of slow moving caravans, poor

visibility and the speed of traffic on Woodhead Road.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 17th December 2019 in the Town Hall, Sheffield.

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 17 December 2019

PRESENT: Councillors Peter Rippon (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar and Mike Chaplin (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from the Co-Chair - Councillor Jayne Dunn.
- 1.2 Councillor Mike Chaplin acted as substitute for Councillor Dunn.

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 Jack Clarkson declared a personal interest in Agenda Item No. 7a – Oughtibridge Mill Sheffield Site, 22 – 24 Main Road, Wharnccliffe Side, Sheffield, S35 0DN (Case No. 19/03221/REM) as a local ward Member. Councillor Clarkson declared that he had not given an opinion or declared his position on the application prior to the meeting and would, therefore, take part in the discussion and voting thereon.
- 3.2 Councillor Andrew Sangar declared a personal interest in Agenda Item No. 7e – The Court House, Castle Street, Sheffield, S3 8LT (Case No's 19/03052/FUL and 19/03053/LBC), as he had given evidence in a personal case at the Court House. Councillor Sangar declared that he had not given an opinion or declared his position on the application prior to the meeting and would, therefore, 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 29th October 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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. CASE NO. 19/03321/REM - OUGHTIBRIDGE MILL SHEFFIELD SITE, 22 - 24 MAIN ROAD, WHARNCLIFFE SIDE, SHEFFIELD, S35 0DN

6a.1 Details of an amended condition, a deleted condition and additional directives were included within the Supplementary Report circulated and summarised at the meeting.

6a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6a.3 Mr. Steve McBurney (Agent for the Applicant) attended the meeting and spoke in support of the application.

6a.4 The Committee considered the application and proposed conditions, having regard to the policies in the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made.

6a.5 **RESOLVED:** That an application for reserved matters approval be GRANTED, conditionally, for the reasons set out in the report now submitted and including the additional condition, as set out in the Supplementary Report, now submitted and the formulation of a legal agreement, for the erection of 284 dwellings (Use Class C3) with means of site access and associated landscaping and infrastructure works (application to approve layout, scale, appearance and landscaping, as reserved under planning permission no. 18/04258/OUT) at Oughtibridge Mill Sheffield Site, 22 – 24 Main Road, Wharncliffe Side, Sheffield, S35 0DN (Case No. 19/03221/REM).

6b. CASE NO. 19/02983/FUL - THE PHOENIX, GREENGATE LANE, HIGH GREEN, SHEFFIELD, S35 3GS

6b.1 A clarification to the proposed opening hours was included within the Supplementary Report circulated and summarised at the meeting.

6b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6b.3 Mr. Jake Russell (Agent for the Applicant) attended the meeting and spoke in support of the application.

6b.4 The Committee considered the application and proposed conditions, having regard to the development plan, the National Planning Policy Framework and

other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made.

6b.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for internal and external alterations to public house (Use Class A4) to form convenience store (Use Class A1) including demolition of existing single-storey side extension, smoking shelter and entrance porch and erection of new single-storey side extension, widening of existing access, reconfiguration of car park, part replacement of boundary fence and associated works at The Phoenix, Greengate Lane, High Green, Sheffield, S35 3GS (Case No. 19/02983/FUL).

6c. **CASE NO. 19/03333/OUT - GARAGE BLOCK REAR OF 14 TO 22 MARLCLIFFE ROAD, SHEFFIELD, S6 4AG**

6c.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6c.2 The Committee considered the report and proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report.

6c.3 **RESOLVED:** That an application for outline planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the demolition of garages and erection of 2 dwellinghouses (approval sought for access only, all other matters reserved) at Garage Block to the rear of 14 – 22 Marlcliffe Road, Sheffield, S6 4AG (Case No. 19/03333/OUT).

6d. **CASE NO. 18/03937/OUT - STARKHOLME BUILDINGS, 3 LEYBURN ROAD, SHEFFIELD, S8 0XA**

6d.1 The application was withdrawn by the applicant prior to the meeting.

6e. **CASE NO'S 19/03052/FUL AND 19/03053/LBC - THE COURT HOUSE, CASTLE STREET, SHEFFIELD, S3 8LT**

6e.1 Details of a response by Historic England to the second round of consultation, along with the Officer's response, were included within the Supplementary Report circulated and summarised at the meeting.

6e.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report. A video of the interior of the building was shown, as the condition of the premises was too dangerous to allow a site visit to take place.

6e.3 Mrs. Valerie Bayliss (Chair of Friends of the Old Town Hall and Castlegate Preservation Trust) attended the meeting and spoke against the application.

6e.4 Mr. Charles Dunn (Agent for the Applicant) attended the meeting and spoke in support of the application.

6e.5 The Committee considered the application and proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and the supplementary report and also had regard to relevant representations made and video shown at the meeting.

6e.6 **RESOLVED:** That:-

(1) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the restoration, refurbishment, internal alterations and change of use of building to form 12 serviced apartments (Sui Generis), 12 'Pod' hotel rooms (Use Class C1), communal roof terraces, use of basement/lower ground floor levels as a 'Souk' comprising of A1/A3/A4/D2 uses and associated ancillary reception, offices, storerooms, laundry and cycle/refuse stores at The Court House, Castle Street, Sheffield, S3 8LT (Case No. 19/03052/FUL); and

(2) an application for listed building consent be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the restoration, refurbishment, internal alterations and change of use of building to form 12 serviced apartments (Sui Generis), 12 'Pod' hotel rooms (Use Class C1), communal roof terraces, use of basement/lower ground floor levels as a 'Souk' comprising of A1/A3/A4/D2 uses and associated ancillary reception, offices, storerooms, laundry and cycle/refuse stores at The Court House, Castle Street, Sheffield, S3 8LT (Case No. 19/03053/LBC).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

7.1 The Committee received a report of the Chief Planning Officer detailing new planning appeals received, allowed and dismissed by the Secretary of State.

7.2 Officers drew Members' attention to an appeal dismissed against a delegated decision to refuse planning permission for the demolition of existing dwellinghouse and erection of a new dwellinghouse at Heather Bank, Holdworth Lane, Sheffield, S6 6SN (Case No. 18/00107/FUL). Officers had successfully challenged the decision of the Planning Inspectorate on four grounds – one being that the Inspector had failed to properly consider the impact of the development on the openness of the greenbelt and the decision was quashed in May 2019.

7.3 Officers also drew attention to two appeals allowed. The Planning Inspector had varied a condition on one appeal, rather than allowing the removal of the condition and had allowed the other appeal which would allow use of an outdoor area until 3am every day, even though it was in close proximity to residential apartments.

7.4 **RESOLVED:** That the Committee notes the information reported.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 14th January 2020 at the Town Hall, Sheffield.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 14/01/2020

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley, Lucy Bond & Dinah Hope 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.
19/02878/FUL (Formerly PP-08042208)	Site Of 5 Rosamond Drive Sheffield S17 4LW	19 - 36
19/01580/FUL (Formerly PP-07811471)	Fletcher Plant Ltd Clement Street Sheffield S9 5EA	37 - 50
18/02477/FUL (Formerly PP-07088179)	499 Loxley Road Sheffield S6 6RP	51 - 72

Case Number	19/02878/FUL (Formerly PP-08042208)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse and erection of 5no dwellings including formation of access road, parking and landscaping works
Location	Site Of 5 Rosamond Drive Sheffield S17 4LW
Date Received	02/08/2019
Team	South
Applicant/Agent	Wireframe Studio
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Proposed Site Block Plan / 1699-03-rev P2
 - Proposed Site Plan / 1699-04-rev P2
 - Existing And Proposed Site Section / 1699-05-rev P1
 - Location Plan - Scale 1:1250
 - Proposed Typical House Details Unit A / 1699-06-rev P4 (as uploaded on 24 November 2019)
 - Proposed Typical House Details Units B & D / 1699-07-rev P4 (as uploaded on 24 November 2019)
 - Proposed Typical House Details Unit C / 1699-08-rev P2
 - Proposed Typical House Details Unit E / 1699-09-rev P2
 - Existing & Proposed Street Scene Elevation / 1699-10-rev P1

Reason: In order to define the permission.

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

3. 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 or a maximum flow of 3 Litres/second (whichever is the greater) 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.

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

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

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

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

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

6. 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.

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

- Windows,
- Window Reveals, and
- Doors

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

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

8. 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.

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

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

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

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

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

12. A comprehensive tree and hedge management document 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. The submitted document shall commit to the retention of existing trees and hedges shown as retained on approved drawings, and give details of height ranges for the retained hedges and a pruning regime to ensure compliance with this. Thereafter, the trees and hedges shall be managed in accordance with the approved details.

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

13. Details of all boundary treatments either on the perimeter of the site, or providing subdivision of 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 and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

14. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

15. 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.

16. 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.

17. The dwellinghouses shall not be used unless the car parking accommodation and turning areas as shown on the approved plans have been provided in accordance with those plans and thereafter such car parking accommodation and turning areas shall be retained/maintained 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.

Other Compliance Conditions

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

Reason: In the interests of satisfactory and sustainable drainage.

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

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

20. 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 dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-

enacting the order) no windows or other openings, in addition to those included within the approved drawings) shall be formed in any elevation of the dwellinghouses hereby permitted without the prior written approval of the Local Planning Authority.

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

22. The kitchen windows on the rear elevation of the dwellings at Plots A, B and D shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the windows shall at any time be glazed with clear glass.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. 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.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the north of Rosamond Drive. It previously included a detached bungalow set approximately midway into the site, however, this was demolished some months ago and no other buildings remain.

There is a gentle downward slope from the site frontage to the rear. The area is wholly residential; predominantly including semi-detached housing, as well as town houses, some detached properties and purpose built flats over three storeys.

The application seeks full planning permission to demolish the bungalow (retrospective) and build 5 no x detached dwellinghouses within the site. Two would address the street frontage, and the remaining three would address a private driveway which would run from the pre-existing access point to the middle/rear portion of the site.

The houses would each feature three bedrooms and be 1.5 storeys in height with front and rear dormers providing the first floor level accommodation.

Each proposed property would include two off-street parking spaces.

The external materials would include render and natural ashlar stone walling with natural slate roofing.

RELEVANT PLANNING HISTORY

A pre-application enquiry was submitted regarding redevelopment of the site for a number of options, including apartments and detached and semi-detached housing. This was mainly set over 2.5 to 3 storeys. Officers raised concerns that these options included excessive levels of development, that it would conflict with the surrounding character and have unacceptable impacts upon neighbouring occupiers.

The current submission is considered to have addressed these concerns by providing a lesser amount of development, which is of reduced scale and form.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, 8 representations have been received from 6 addresses, including one from Bradway Action Group. These are summarised as follows:

Design

- Scheme is over-development and represents cramming. Area is low density, with properties built on quite substantial plots.

Living Conditions

- Scheme will undermine privacy.

- Plot A should include obscure glazing in its rooflights (to protect privacy).
- Plot C would be too close to boundary and across full width of rear boundary of No 5 Rosamond Avenue, leading to loss of light and sunlight to garden. From this property's rear windows, the apex of Plot C will be visible.
- Privacy of properties on opposite side of Rosamond Drive would be lost.
- Height/s and separation distances to boundary queried.

Landscaping

- Existing trees are shown to be retained, however, the canopy of tree at the entrance is larger than represented on drawing.
- 3 large mature trees (on adjacent site at 3 Rosamond Drive) would be threatened.
- The old, established beech hedge at the site's front and eastern side boundaries (planted in at least the mid-1940s) provides privacy and should be retained. Inadequate information provided, so application shouldn't be considered.
- Retained hedges should be kept to current height/s.
- Side hedge will be undermined by Plot A's driveway.
- Removal of frontage hedge would eliminate its ecological and air quality benefits, conflicting with relevant policy. It also forms part of the boundary of No 11, so won't be removable.
- The grass verge at site frontage has been maintained by Council, so they're possibly its common law owners (meaning it shouldn't be included in application site).

Highways

- Area is already over-parked and two further drives and traffic from 5 houses would exacerbate this and increase current car manoeuvring difficulties.
- Additional traffic will compromise road safety.
- Harmful impacts on air quality (conflict with CS66).
- Turning circle/driveways would cause noise to neighbouring properties.
- Construction vehicle access and loading/unloading etc. should be subject to control if scheme approved.

Drainage

- Concerns regarding management of additional surface water.
- Additional effluent to sewage systems. System currently overflows, with increasing frequency. (Existing manhole cover on the Bradway to Totley Rise shops stands proud of path level).

Others

- Land should be returned to a natural state.
- Inadequate notification time period, given summer holiday absences.
- Hedgehogs were affected / killed when bungalow was removed.
- Application proposes bungalow's demolition, but this which was carried out some months ago.

- Any permission should include controls on hours of construction activity.

PLANNING ASSESSMENT

The main issues to be considered in the application assessment are:

- The acceptability in land use policy terms.
- The design of the proposal and its effects on the street scene / character of area.
- The living conditions of existing neighbours and future occupiers of the development.
- Highways impacts and whether adequate off-street parking is provided
- Impact on existing landscaping.
- Drainage implications.

Land Use Policy

The site is within a Housing Area under the Adopted Unitary Development Plan (UDP), where redevelopment for housing would be the preferred use as set out under policy H10 'Development in Housing Areas'. As a result, the proposal is acceptable in principle.

Paragraph 11 of the National Planning Policy Framework (NPPF) 2019 states that a presumption in favour of sustainable development should be applied and for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:-

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- The Framework further explains that 'out of date' includes for applications for housing development, situations where the 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 and associated Practice Guidance, further detailed work is required. The Local Planning Authority are therefore undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a monitoring report (expected early next 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 supply of sites, and this includes the appropriate buffer. Consequently, any policies that are important to the determination of this application are considered to be out of date.

Policy CS23 of the Core Strategy 'Locations for New Housing' states new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. As the site is in Sheffield's main urban area, the proposal meets with CS23's requirements.

Policy CS24 'Maximising Use of Previously Developed Land' seeks to ensure priority is given to the development on previously developed sites. So whilst the site is largely greenfield due to it having been garden space, the policy states no more than 12% of dwelling completions should be on greenfield sites. Just 5% of dwelling completions have used greenfield land, which is well within the 12% ceiling.

Therefore, a development of this small site in the existing urban area, would meet the requirements of CS24. However, this policy reflects the aims of the development plan to locate housing on previously developed sites, on the basis that the city has enough capacity to accommodate the majority of its housing requirements upon such land. Given the current situation with housing land supply, and the requirements of NPPF paragraph 11, this policy must now therefore be considered out of date.

Housing Density

Policy CS26 'Efficient Use of Housing Land and Accessibility' within the Core Strategy requires appropriate housing densities to ensure the efficient use of land. For the application site, which is within an urban area but over 400metres from either a district shopping centre or a high-frequency bus route, a range of 30-50 dwellings per hectare is appropriate.

The site is approximately 0.19hectare in area, so the 5 proposed units give a density of 25.9 dwellings per hectare approximately. This is marginally below the suggested range, but a good proportion of the site is occupied by the access drive. It is considered that the proposed density wouldn't constitute over-development and would comply with the character of the area. As a result, the proposal is acceptable within the provisions of CS26.

Design Issues

Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area. This is echoed in UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' which require good design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, with paragraph 124 stating good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Whilst the application seeks approval for demolition of the bungalow within the site, this was undertaken some months ago. However, the bungalow was considered to

be of neutral impact upon the area's character and there are no concerns regarding its removal.

The proposal uses the existing vehicular access and provides two dwellings across the remainder of the site frontage. Three further dwellings are set within the rear portion of the site. The development of the rear part of the site would constitute 'backland development'. There are no other examples of similar development within the locality, perhaps because of the restrictive garden sizes. The two dwellings across the site's frontage and the side/rear boundary hedges would limit the public positions from where development in the site's rear portion was apparent.

Some views of Plots D and E would be achievable via the access driveway, however, this represents a narrow width of street frontage. Given the restricted visibility of dwellings within the rear portion of the site, it is not considered that this aspect of the proposal would have a significantly detrimental impact upon the site's contribution to the character of the locality.

The beech hedge at the site frontage is of substantial height and makes a contribution to the green character of the area. However, it is important to note that the hedge is not subject to any protection and there is no planning power for it to be subject to protection. As such, it could quite legitimately be removed without permission. As a result, there would not be considered to be any power to resist the application because of the proposed removal of the hedge.

The form of development is 1.5 storeys in height, with dormers helping to provide the 1st floor accommodation. Whilst the surroundings do not include housing of this type, it achieves accommodation which is not excessive in terms of its scale and is not overly dominant in form. The surroundings are also considered to include sufficient variation to enable the proposal to not be considered out of character.

The two dwellings which address the street are positioned to adequately respect the building line set by No 11 Rosamond Drive. Therefore, the proposal is considered to adequately respect the locality's character in this regard.

The proposed dwellings would include a mix of render and natural ashlar stone, with natural slate roofing. The properties in the immediate surroundings mainly include buff coloured brickwork with some rendered elements and pantiled roofing.

Whilst, the proposed materials would differ from those in the surroundings they would be considered to be of acceptable impact upon the character of the area, being of appropriate high quality and to be acceptable.

Overall, the proposal would be considered to have an acceptable impact upon the character of the area in design terms. It would therefore comply with UDP policies BE5 and H14, Core Strategy policy CS74 and paragraphs 124 and 130 of the NPPF.

Living Conditions

UDP policy H14 'Conditions on Development in Housing Areas' requires that c) the site should not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable since they relate to house extensions. However, they give parameters relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. The guidelines state that two storey dwellings which face directly towards each other should be a minimum of 21metres apart. Also, blank elevations to two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window. These guidelines are reflected in the South Yorkshire Residential Design Guide, which is taken as representing best practice in Sheffield.

The dwellings to the rear of the site are located on Rosamond Close and are two storeys at their rear. The downward slope from the front to rear of the site continues through the Rosamond Close properties, which are on land set below the site's level. The existing rear boundary hedge is approximately 4 metres in height.

The single storey rearward projection element at Plot D would be separated from No17's rear windows by approximately 20m (Plot D's 1st floor windows would be setback by an additional 3 metres).

Therefore, the separation to the single storey projection in Plot D would fall below the separation guideline by 1 metre. However, the substantial hedge would be retained and would screen views from the proposed ground floor windows towards Rosamond Close properties as would any future replacement form of boundary treatment, should that occur. The proposed 1st floor windows would be adequately separated, as well as also being screened by the hedge. On this basis, it is not considered that the proposal would impact upon privacy of residents at Rosamond Close.

Additionally, the separation distance would mean that the proposal would avoid overbearing impacts upon the occupiers of Rosamond Close properties.

To the east of the site are a number of semi-detached dwellings onto Rosamond Avenue, as well as No 11 Rosamond Drive. The rear corner of the proposed dwelling within Plot A is separated by 9.5m (approx.) from the nearest part of No11 Rosamond Drive's rear elevation. Plot A would be 4.0m in height at this nearest point, with the side gable rising up to the ridge-line at 6.5m in height. The shortfall below the suggested 12m separation is acceptable, because Plot A is significantly lower in height than a full two storey building, which the guidance refers to. As such, Plot A would be considered to avoid harmful overbearing impacts upon No 11 Rosamond Drive.

Plot A's windows would not allow any overlooking toward the widows or garden space of No11 Rosamond Drive, thereby harmful impacts upon privacy would be avoided.

No 5 Rosamond Avenue would be separated from the side of Plot C by 12.1m (approx.). The substantial boundary hedge would be retained, meaning only a narrow portion of the gable would be visible from this neighbouring property. Since the proposal is a 1.5 storey dwelling rather than two storeys, it would be of less impact than the guideline requirement given in the House Extensions Guidance. As a result, the proposal would be considered to avoid harmful impacts upon this neighbouring dwelling.

Dwellings on the opposite side of Rosamond Drive would be separated from the nearest dwellings in the scheme by a minimum of 27 metres. They are on equivalent levels, with an intervening highway. Overall, the impacts upon privacy of occupiers on the opposite side of Rosamond Drive would be considered to be acceptable.

The neighbour at No 3 Rosamond Drive includes a blank side elevation facing the application site. Boundary planting would be retained screening the proposed dwellings. The dwellings would be positioned to avoid any potential impacts upon this neighbouring dwelling. Overall, the impacts upon this neighbour would be considered to be acceptable and to safeguard living conditions of this property.

Each of the new dwellings would have good outlook from its habitable room windows. In order to address concerns about separations between Plots C/D and A/B, the rear facing kitchen windows to A/B have been amended to be opaquely glazed. This is considered acceptable as these kitchens have their primary windows facing sideways, which would retain clear glazing and therefore a reasonable outlook. This modification is considered to result in acceptable privacy circumstances between the proposed dwellings.

All 5 houses have private, defensible garden spaces. These are adequately sized achieving adequate private amenity space for each property.

It is therefore considered that the proposed development will not impact on living conditions of neighbouring properties and will give also acceptable amenities for future occupiers of the units and will meet the requirements of UDP policy H14.

Highways

Policy H14 'Conditions of Development in Housing Areas' in d) requires development to provide safe access to the highway network and provide appropriate off-street parking and not endanger pedestrians. Core Strategy CS53 h) requires maximum parking standards to be applied to new development.

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

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy policy CS53, and for a 2-3 bedroom dwelling out of the city centre 2 spaces are required as a maximum, with 1 space per 4 units for visitors.

The proposed dwellings each include 3 bedrooms and are provided with 2 off-street parking spaces. There would be scope for limited visitor parking within the site and on the site frontage to satisfy the modest requirement. This level of car parking is considered to be acceptable.

The formation of two new vehicular openings on the site frontage is not considered to undermine highway safety, as good visibility would be provided to each new access.

On this basis, the proposal would be considered to meet the requirement of Policy H14d) and CS53, and does not have the level of impact which would justify refusal of permission on highway safety grounds as required by the NPPF.

Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be protected. This is supported through Policy BE6 'Landscape Design' which seeks in c) to integrate existing landscape features in the development including mature trees and hedges.

The scheme doesn't propose the removal of any trees from the site. The hedges at the side and rear boundaries are to be retained. The beech hedge along the site's frontage would be removed.

The retention of the side and rear boundary hedges is considered to be important in relation to these policies and also in regards to neighbour and future occupier privacy.

It's therefore recommended that this retention is required by condition. The loss of the frontage hedge is required in order to secure development which addresses the street. It is also acknowledged that the hedge doesn't benefit from any protection currently and would be able to legitimately be removed. On this basis, there would be no grounds to resist the loss of the frontage hedge.

Conditions covering protection measures for the trees and retained hedges and a method statement for any construction works within root protection zones are recommended to be added to any approval. Additionally a condition requiring a hard/soft landscaping scheme should be applied to any approval.

Drainage

Core Strategy policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. The site is not considered to be suitable for soakaways, due to its siting on a ridge and the potential for infiltrated water to breakout within other property.

Therefore, connection to the public sewer would be considered acceptable. In order to ensure that the scheme doesn't lead to excessive surface water discharge, it will be necessary to include a condition requiring a reduction below existing peak flows to be secured. Alternatively, if no existing connection is able to be proven, then greenfield rates will need to be achieved.

Further details regarding foul sewage would need to be covered by condition and Yorkshire Water would be consulted at that stage for comment. As such any impacts upon the public foul sewage system would be acceptable.

Overall, the proposal would be capable of avoiding detrimental impacts upon surface water management, and therefore policy CS67 would be satisfied by the proposal.

Community Infrastructure Levy (CIL)

CIL applies to new floor space, placing a levy on all new development. The money raised will be put towards essential infrastructure needed across the city. In this case the proposal falls within CIL Charge Zone £80 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of the Community Infrastructure Levy Regulations 2010.

RESPONSE TO REPRESENTATIONS

The majority of issues have been covered in the above assessment section.

In regards to the remaining items, it's commented that:

- The retained tree adjacent to the site access wouldn't be compromised by the proposal which uses the existing vehicular access driveway.
- Trees within the neighbouring plot at No 3 Rosamond Drive wouldn't be compromised by the proposal. Also, they are not considered to be of significant public amenity value that would warrant protection.
- The removal of the frontage hedge would not be considered to have significant impacts in ecological or air quality terms. Given that substantial lengths of hedging and existing trees are retained there would be no grounds to resist the scheme based on these concerns.
- The development would generate limited vehicle movements, which wouldn't cause significant impacts upon local air quality levels.
- There is no evidence that the Council have become common law owners of the narrow grass verge on the roadside of the site's frontage hedge and it is understood to be under the Applicant's ownership.
- Noise created by the use of turning circles and driveways wouldn't be to a high level or of sufficient frequency to cause harmful disturbance.
- A condition requiring details of construction traffic arrangements, material deliveries and wheel washing is included within the recommendation.
- There is no power to require the land to be naturalised, particularly where housing is the preferable use in the area and given the need to generate housing supply.

- Neighbour notification was carried out in accordance with statutory requirements giving the necessary time periods.
- Noise and disturbance are a potential consequence of construction activity however, separate legislation (Environmental Protection) applies to this.

SUMMARY AND RECOMMENDATION

The application seeks permission for five detached dwellings within a site that previously included a single bungalow. The proposal is considered to be acceptable in land use terms and to achieve efficient use of the land. The overall scale, massing and design is considered to be in keeping with the area's character and appearance. There will not be detrimental impacts on living conditions of neighbouring occupiers and future residents will be provided with a good level of amenities. Appropriate car parking is provided, avoiding any severe impacts on highway safety. There would be no capacity to resist the removal of the beech hedge across the site frontage and the other boundary hedges and trees would be retained. The provision of five housing units would make a small but welcome contribution to housing supply at a point where there is not a five year supply.

For the reasons described above, it is considered that it has been demonstrated that there are no significant adverse impacts as a consequence of this application being granted and there will be a small benefit to housing supply of granting permission for five dwellings on the site.

The application complies with UDP polices BE5, H10, H14 and GE15, and Core Strategy policies CS23, CS24 and CS73. Similarly, the relevant requirements of the NPPF would be met.

In conclusion, the proposal is considered to be acceptable and is recommended for conditional approval.

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Case Number	19/01580/FUL (Formerly PP-07811471)
Application Type	Full Planning Application
Proposal	Change of use from storage & distribution (use class B8) to a waste treatment/transfer use (sui generis) and the erection of a refuse derived fuel (RDF) processing building, covered storage bays and weighbridge
Location	Fletcher Plant Ltd Clement Street Sheffield S9 5EA
Date Received	02/05/2019
Team	City Centre and East
Applicant/Agent	Mr Dan Sandrof
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing numbers;

- 190 01 rev A (location plan) published 04.12.2019
- 190 03 rev A (proposed plan) published 04.12.2019
- 190 04 (proposed floor plan and elevations) published 02.05.2019
- 190 10 rev B (vehicle movement and parking plan) published 04.12.2019
- 190 11 rev A (proposed canopy details) published 04.12.2019
- Traffic management plan (received by email on 04.12.2019 from Smallbrook Environmental Ltd) published 04.12.2019

Reason: In order to define the permission.

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

3. No development shall commence until 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.

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

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

Reason: To ensure satisfactory drainage arrangements.

6. The waste processing and treatment use hereby approved shall not commence unless the car parking accommodation for 75 no. cars (including 4 no. disabled access spaces) and lorry parking and turning areas, as shown on the approved vehicle movement and parking plan (drawing no. 190 10 rev B published 04.12.2019), have been provided in accordance with that plan and thereafter such parking accommodation and turning areas 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.

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

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

8. Prior to the commencement of the development, full details of the design and means of construction of footings and foundations of the waste processing building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved plans.

Reason: In the interest of minimising the risk of land instability adjacent to the canal

9. The waste processing and treatment use hereby approved shall not commence unless a dust mitigation plan, designed to control dust emissions from the general operation of the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the waste processing and treatment use shall at all times operate in accordance with the approved details.

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

10. Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network

Other Compliance Conditions

11. The waste processing and treatment use hereby approved shall at all times operate in accordance with the details contained within the approved traffic management plan, received by email on 04.12.2019 from Smallbrook Environmental Ltd.

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

12. Noise from plant, machinery or working activities shall not exceed background noise levels when measured one metre from the nearest noise sensitive property by more than 3dB (all noise levels shall be measured as a 10 minute L90).

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

13. No gate shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

14. The waste processing and treatment use hereby approved shall not operate outside of the following times;

Monday to Friday: 0600 to 1800

Saturdays: 0600 to 1400

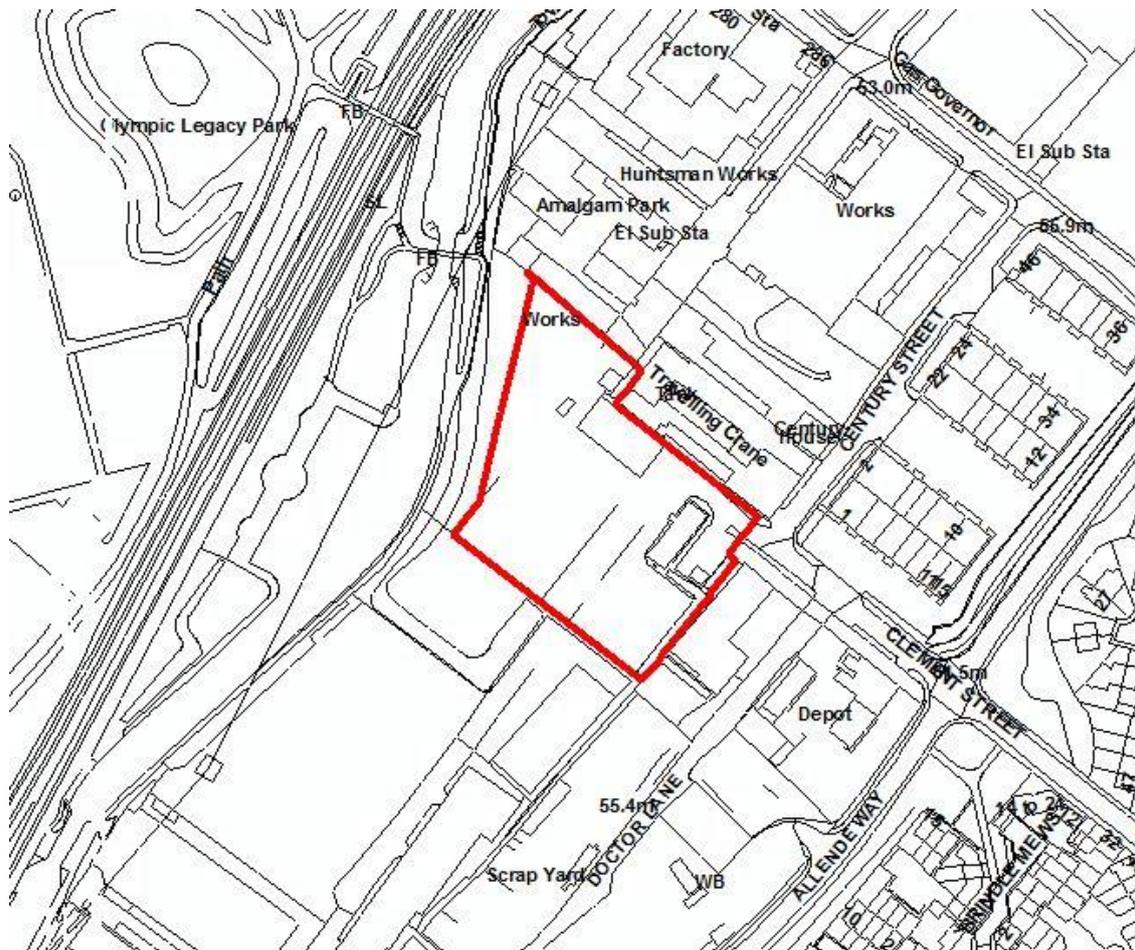
Sundays and Bank Holidays: 0600 to 1400

Reason: In the interests of the amenities of adjoining properties.

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to an industrial site on Clement Street, most recently used for open storage (use class B8).

The application seeks permission to use the site for the purposes of waste processing and treatment (sui generis) including erection of a waste processing building, storage canopy and weighbridge.

The site lies adjacent to an existing waste processing site (Fletcher Plant Ltd) and the proposal would form an extension to this existing operation.

RELEVANT PLANNING HISTORY

There is no planning history which is specifically relevant to this application.

SUMMARY OF REPRESENTATIONS

24 letters of objection have been received from local residents in and around the Horizon estate housing development, in summary raising the following concerns:

- Existing issues with air quality, dust and odour emissions from plant and vehicles from the Fletcher's site and neighbouring sites, especially in the warmer months and rainy weather.
- Existing issues with noise pollution and disturbance, constant throughout the day on occasion.
- The above leads to health issues and residents cannot use gardens properly or have windows open.
- Existing issues with antisocial/unauthorised working hours, with noise heard from 6am and into the early evening, inc. at weekends.
- Existing issues with HGV traffic and staff and HGV vehicles parking on the highway, inc. on Clement Street and Allendale Way, parking on footpaths.
- Existing issues with lorries not using covers and with mud, debris and broken glass in the highway, damaging cars.
- The above leads to poor visibility and poor pedestrian and cyclist safety, degrading the road surface and burst water mains, with residents struggling to access the estate and park close to their homes.
- Existing issues with vermin and fire risks.
- These issues will be exacerbated if the proposal goes ahead, affecting health and safety and quality of life of residents.
- Local school children at risk from traffic and air pollution.
- Only one site notice placed and would expect every resident to be written to.
- Impact on value of properties.
- Plant should not have had permission to carry on when the housing development was set up and should relocate to a non-residential area.
- Application does not confirm what changes will be made to the current site and any additional movements of material.
- Disappointed that the Council is considering the application.
- Outdated plans submitted, no mention of dust suppression and discrepancy in hours stated for Sundays and Bank Holidays.

- Existing 17 week road cleaning schedule inadequate and should be increased, inc. mandatory wheel wash facilities.
- Water mist suppression should be implemented at the new site.
- Processing equipment should be moved to new site away from housing.
- Traffic management should be assessed and improved.

One letter of representation has been received from a neighbouring engineering firm on Century Street, raising no objections, but in summary raising the following concerns regarding traffic:

- There are issues with vehicles parking on the footway at present forcing pedestrians on the road.
- HGVs mean a greater risk.
- Parking restrictions may need to be put in place.
- Access on Tinsley Park Road could be used.

RESPONSE TO REPRESENTATIONS

Issues relating to noise disturbance, air quality (i.e. dust and odours), highway safety, parking and operating hours are considered in the planning assessment below.

Letters were sent to all immediate neighbouring firms; however, unfortunately it is not possible to write to every neighbour that may be interested. Five site notices were placed on Clement Street, Phillimore Road, Century Street, Tinsley Park Road and Coleridge Road, which was considered sufficient to notify neighbours in the wider area of the proposals.

Property value is not a material planning consideration.

Issues relating to vermin and fire risk relate to the storage and separation of waste material on site are not considered to be a material planning consideration in this case, but would be addressed by the Environment Agency and the site's environmental permit.

The Local Planning Authority (i.e. Council) is obliged to consider any planning application submitted to it. Negotiations have resulted in revised plans and information submitted, which are considered to allow the full consideration of all material planning issues.

It is not possible for the Local Planning Authority to insist on the closure or relocation of the existing site. The relationship between the subject site and the neighbouring housing would have been considered when the proposed housing development was approved under planning reference 06/02863/FUL. This application is concerned with the firm's proposed expansion onto the adjacent site and the impact of this is considered in full below.

PLANNING ASSESSMENT

National Planning Policy Context

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 (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

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.

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” and this assessment will have due regard to this.

Principle of development

The proposal is for a waste processing and treatment facility (use class sui generis), to enable the recycling of waste. Part of the proposal involves the erection of a building to facilitate the production of refuse derived fuel (RDF), a sustainable fuel source.

The site lies within the Attercliffe Mixed Use Area, as designated by the UDP, where Policy MU7 identifies industrial (B2) and storage (B8) uses as unacceptable. While these uses are similar to the proposal, sui generis uses are not listed and should be judged on their merits.

Policy CS9 of the more recent Core Strategy promotes traditional and modern manufacturing and distribution uses in the area, indicating that strategically the area is to have an industrial function going forwards.

This aligns with the existing character of the area, which is commercial and industrial in nature. The proposed use does not represent a significant variation on the current storage use of the site, or the existing adjacent waste processing site.

Policy MU11 is therefore considered out of date, with Policy CS9 more relevant. The proposal accords with Policy CS9 and this policy is considered to remain up-to-date and in accordance with paragraph 213 and the broad principles of the NPPF, as the site would not be suitable for another significantly different use, such as housing, due to the surrounding industrial uses.

Furthermore, provision of improved waste processing and recycling facilities would assist in achieving the waste development objectives of Core Strategy Policy CS68(e) in permitting a range of additional treatment facilities and the NPPF paragraph 8(c) by minimising waste and pollution.

The proposal is therefore deemed appropriate in this location in principle. The proposal accords with policy CS9 and this part of the development plan is up-to-date. The proposal therefore accords with NPPF paragraphs 11(c), 12 and 213 and is considered with the presumption in favour of sustainable development.

Amenities of the locality

The key issue is potential noise disturbance and other nuisance, such as dust and odours, caused by the proposal to neighbouring residents, the closest of which are approx. 120m away on Brindle Mews.

The concerns raised by neighbours largely relate to issues with the noise, dust and odour from the existing waste processing operation and other neighbouring firms. These concerns are all noted.

As stated, the application relates to the firm's proposed expansion onto the adjacent site, which is located further from the nearest residential properties than the existing site. It is not possible for the Local Planning Authority to insist on the closure or relocation of the existing site, or add additional controls to this existing site. The proposal is however an opportunity to control activities on the new site in respect of dust and noise.

The submitted documentation indicates that the existing Fletcher site has an environmental permit for the processing of up to 300,000 tonnes of waste per year. However, due to limitations of the existing site, only approximately 75,000 tonnes are processed.

The submission indicated that a throughput of 300,000 tonnes could be achieved on the existing site if investment was made in faster processing plant. However, this is not the preference, as the spreading of the operation over a larger site is reported to allow for additional plant and equipment to be installed for a better

operational layout that offers significant advantages in respect to safety and environmental controls.

Clearly, the enlargement of the operational area could potentially increase the amount of waste to be processed. The concerns regarding the proposal to increase the site exacerbating these existing issues are understood. However, given the above, if managed correctly, it is considered an opportunity to improve the impact on the amenities of the locality.

While the permit is to be varied with the Environment Agency to cover the new site, the draft variation to the existing permit submitted does not refer to any increase in the amount of waste to be processed. Throughput would therefore not exceed the existing environmental permit cap of 300,000 tonnes per annum.

The permit covers issues of fire prevention, the control of emissions, dust and mud, odours, noise and vibrations. This would remain and it is considered that additional space, plant and equipment would allow for a more effective operation in accordance with the permit, which would potentially address some of the issues experienced by neighbours.

The new area of site is located further away from the residential properties than the existing site. Also, the proposed waste processing building would internalise some of the processes, assisting in the prevention of noise, dust and odours. Therefore considering all of the above, it is deemed that the potential impacts from the site can be sufficiently controlled through the normal regulatory channels.

A condition would require noise from plant, machinery or working activities to not exceed background noise levels when measured one metre from the nearest noise sensitive property by more than 3dB (all noise levels shall be measured as a 10 minute L90). A condition would also require a dust mitigation plan to be submitted. These conditions would ensure that there would be no unacceptable noise or dust impacts on the nearest residential properties.

It is difficult for planning conditions to control odour, however, this issue is more appropriately covered by the environmental permit.

Operating hours would be controlled from 0600 to 1800 Monday to Friday and 0600 to 1400 at weekends and on public holidays. These hours are not considered unreasonable, given the other conditions relating to noise and dust and the distance from residential properties.

Overall, subject to conditions, the proposal would accord with UDP Policy MU11(b) and not cause residents to suffer unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

Highways

It should be noted that if the existing storage use of the site were to continue, this would have an associated impact on the highway network.

The information provided by the applicant estimates that the site as a whole will generate in the order of 20 trips per day (10 arrivals and 10 departures). The number of vehicle movements given is an indication only. The existing site is used by many differently sized vehicles and the calculation given by the applicant was a guide only.

This does not raise a significant additional highway impact over and above a hypothetical continuation of the existing storage use, which would be the case if the application was refused.

However, the existing issues raised by neighbours regarding the volume of HGV traffic and associated dust, debris and noise, parked vehicles and the impact on highway safety are all noted.

It is acknowledged that the existing operation has an unsatisfactory impact on the highway network. However, while the proposal would increase the existing operational area, the proposal also represents an opportunity to formalise the parking, access and highways arrangements over both sites and secure an improvement.

The bulk density of waste varies significantly and therefore exact tonnage of waste processed and the number of associated vehicle movements is difficult to predict. The applicant therefore did not wish for a limit on the number of vehicle movements to be imposed as this would be unreasonably onerous and limiting of the operation. It is therefore considered that the most appropriate method of mitigating the impact on the amenity of local residents and the highway network itself is to approve a workable traffic management plan.

Negotiations with the applicant have resulted in a traffic management plan being submitted to formalise the parking, access and highways arrangements over both sites. The traffic management plan includes the following;

- A one-way system to be operated with one entrance and one exit point.
- Staff and visitors arriving by car required to park on site.
- Where possible vehicles would have to exit the site by turning onto Century Street (away from residential properties).
- Overnight lorry parking would be provided on site, in accordance with the NPPF paragraph 107.
- All vehicles to be sheeted to prevent debris and dust blowing into the highway.
- Wheel washing facilities to be in situ for vehicles exiting the site to prevent mud being deposited in the highway.

The submitted site plan indicates sufficient on-site parking for staff and visitors over both sites, including 4 no. disabled bays. Tracking shows that articulated vehicles would be able to park and turn within the site, to exit in a forward gear. The proposed one-way system would also assist with the flow of vehicles and prevent vehicles having to reverse in and out of the site or wait on the highway.

Overall the submitted proposals would address the concerns raised by neighbours regarding parking and highway safety, formalising the existing arrangements, improving visibility, the pedestrian environment and highway safety. The proposal would also divert vehicles out of the site and away from residential properties, reducing disturbance and emissions for neighbours. This is considered to secure an improvement over the existing situation. The implementation of the traffic management plans would therefore be conditioned to ensure an acceptable impact on the highway network.

Amey's road cleaning schedule is not a material planning consideration; however, the measures discussed above would assist in reducing debris in the highway.

The site is in walking distance of public transport routes, including the Supertram. Overall the proposal would accord with UDP Policy MU11(f) and be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking.

While the proposal would increase the size of the waste processing operation and could increase vehicle movements associated with the combined site, the proposals would address the existing firm's impact on the highway network by formalising the highway arrangement over both sites. This would secure an improvement over the existing, unregulated highways situation. The residual cumulative impacts on the road network therefore cannot be considered to be severe and there is no justification for refusal on highways grounds, as per the NPPF paragraph 109.

Ecology

The site lies adjacent to a designated Waterway, Open Space Area, Area of Natural History Interest and Local Wildlife Site (LWS). The main ecological consideration is the impact on the adjoining LWS (Lower Don Valley, Sheffield and Tinsley Canal 099).

The trees to the west of the site and the east of the LWS form a buffer zone, which should not be diminished or negatively altered. The arboricultural survey and report demonstrates that there would be no significant impact upon the trees to the western boundary of the site. No ecological conditions are therefore required.

Due to the acceptable impact demonstrated to these trees and the preservation of this area as a buffer zone between the site and the LWS, the proposals are not considered to have any adverse effect upon the LWS and accords with UDP Policy GE13, and the NPPF paragraph 170(a) and 174.

Air Quality

The site lies within an Air Quality Management Area, as does the whole of the built up area of the city. The concerns regarding air quality, i.e. the combined issues of odour, dust and traffic emissions have been considered above and demonstrated to be acceptable subject to implementation of conditions.

The proposal is therefore considered to accord with Core Strategy Policy CS66, which requires action to tackle air quality, and the NPPF paragraph 181, by identifying opportunities to mitigate impacts, for example through traffic and travel management plans and protection of green infrastructure, which have both been considered.

Design and access

The existing site largely comprises an open, hard surfaced area. The wider site is only partly visible through the site's access off Clement Street and is well screened in the street scene by the site's existing office and workshop buildings around the entrance.

The wider area is industrial in character, with brick and corrugated metal clad units prevalent, also assisting in screening the wider site.

It is acknowledged that proposed waste processing building and the open storage canopy would be large and utilitarian in design, finished in corrugated metal cladding. However, these structures would not be particularly visible in the street scene and would be well set back from the site entrance. Any views of the structures would be in context alongside similar existing buildings. Mature and dense trees and vegetation would screen the site from the canal to the west.

Due to the location of the proposed structures, there is no real opportunity for them to materially improve the character of the area or the way it functions, as discussed by paragraph 130 of the NPPF. Therefore, overall the proposal raises no design concerns and accords with UDP Policies BE5 and MU11(d) and Core Strategy Policy CS7. The proposal would be sympathetic to the character of the area, according with the NPPF paragraph 127(c).

The site's existing office and workshop buildings would be accessed as existing, with no external alterations proposed. The proposed waste processing building and canopy would be open sided and it is not considered that the proposal raises any significant accessing issues, according with the requirements of UDP Policy BE7.

Canal

The Canal and River Trust have raised concern regarding the impact of the development on the structural integrity of the canal cutting to the west of the site, given the risk that additional loading from the development could transfer onto the cutting face and increase the risk of land slips towards the canal.

A condition would be applied requesting that prior to the commencement of the development, full details of the design and means of construction of footings and foundations shall be submitted.

Flooding and Drainage

The site lies within Flood Risk Zone 1, which is not an area prone to flooding. However, any permission would require conditions to be added requiring full details

of the proposed surface water drainage design, including calculations and appropriate model results to demonstrate a 30% reduction compared to the existing peak flow. This would ensure that the proposal would accord with the flood risk management aims of Core Strategy Policy CS67 and incorporate a sustainable drainage system as required by the NPPF paragraph 165.

Land contamination

The site has been identified as potentially contaminated due to former and/or current uses, presenting a potential risk to human health and/or the environment.

The comments in the submitted Environmental Risk Assessment in respect of land contamination are noted and take into consideration proposed site surfacing and in particular the proposed open-sided building design. In light of the above, there are no concerns in respect of land quality and the proposal accords with the NPPF paragraph 178(a).

SUMMARY AND RECOMMENDATION

The proposed use as a waste processing and treatment facility is acceptable in principle in this area, in accordance with Core Strategy Policy CS9, which is considered to remain up-to-date against paragraph 213 and the broad principles of the NPPF. The proposal would assist in the provision of recycling and sustainable waste management facilities in the city.

The Environment Agency permit's controls over the whole site (the existing site and the new site) along with planning conditions limiting noise and requiring a dust management plan on the new site, are considered to appropriately mitigate the impact on the nearest residential properties, approx. 120m away.

The implementation of the submitted traffic management plan would formalise the access and parking arrangements over both sites, securing an improvement over the existing situation and addressing the concerns raised relating to traffic and highway safety. The residual cumulative impacts on the road network therefore cannot be considered to be severe and there is no justification for refusal on highways grounds, as per the NPPF paragraph 109.

The impacts on biodiversity and air quality have been demonstrated to be acceptable, in accordance with paragraphs 170(a), 174 and 181.

The proposal would accord with the general requirements of UDP Policy MU11 and the NPPF, specifically paragraphs 8(c), 11. The application has been assessed with a presumption in favour of sustainable development, as improved recycling facilities will minimise waste, the benefits of which would not be significantly or demonstrably outweighed by any adverse impacts, given the location of the site and the controls that can be implemented by condition to mitigate noise, dust etc.

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

Case Number	18/02477/FUL (Formerly PP-07088179)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 2x dwellinghouses
Location	499 Loxley Road Sheffield S6 6RP
Date Received	27/06/2018
Team	West and North
Applicant/Agent	LSO Architects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Drawing A17-160 L(9) 001 E Proposed Site Layout (includes street scene elevations and red line boundary) published 19th December 2019
 - Drawing A17-160 L(1) 001 B Plot 1 Layout and Elevations published 19th December 2019
 - Drawing A17-160 L(2) 002 C Plot 2 Layout and Elevations published 11th December 2019

Reason: In order to define the permission.

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

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

approved in writing by the Local Planning Authority prior to 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.

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

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

5. Any 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. A Bat Low Impact Class Licence or a standard European Protected Species Mitigation Licence needs to be applied for in order to undertake the work. The demolition of the existing buildings shall not in any circumstance commence unless the LPA has been provided with either;

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or

b) a statement in writing from the relevant licencing body to the effect that it does not consider that the specified activity will require a licence.

Reason: In the interest of biodiversity

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

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

8. 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.

9. No development (including demolition or other enabling, engineering or preparatory works) shall take place until a phasing plan for all works associated with the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy.

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

10. Notwithstanding the submitted plan, before the drive is constructed, full details of permeable surface materials shall have been submitted to and approved in writing by the Local Planning Authority that avoid the use of unbound gravel. The drive shall be constructed only in accordance with the aforementioned approved details, and the driveway shall be surfaced prior to occupation.

Reason: In the interest of pedestrian safety and road users.

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

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

12. The proposed development shall not be brought into use until the ecology mitigation measures (bat bricks) shown on the approved plans have been provided. The Local Planning Authority shall be provided with evidence that the mitigation measures are in place and they shall thereafter be retained.

Reason: In the interest of biodiversity.

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

Windows including reveals;

Rooflights;

Guttering and rain water goods;

Eaves;

Doors;

How the opening through the front boundary wall is to be treated

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

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

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

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

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

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

16. Notwithstanding the submitted plan, before the development is commenced or in accordance with a timeframe to be agreed in writing by the Local Planning Authority, details shall have been submitted to and approved in writing by the Local Planning Authority of a reduced height of the front boundary wall, to improve sight lines on to Loxley Road. The wall shall be constructed only in accordance with the aforementioned approved details and prior to occupation of the development.

Reason: In the interest of highway safety.

17. 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.

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

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

20. The raised terrace to the rear of the dwellinghouse on Plot 2 shall not be used unless the screening, as indicated on the approved plans has been erected and the screening shall thereafter be retained.

Reason: In the interest of the amenity of occupiers of adjoining property.

Other Compliance Conditions

21. Prior to the development being brought into use bird boxes that are suitable for nesting house sparrows shall be erected within the site and there after retained.

Reason: In the interest of biodiversity.

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

Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

23. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

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

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

25. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the (variable); which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

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. 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.

2. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Ecology Unit
Sheffield City Council
West Wing, Level 3
Moorfoot
Sheffield
S1 4PL

Tel: 0114 2734481/2053618
E-mail: parksandcountryside@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. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental

Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

6. The applicant is advised that work should be undertaken outside of the bird breeding season (beginning of March until the end of August) unless a prior check has been made by a suitably qualified person.
7. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

8. 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.

9. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

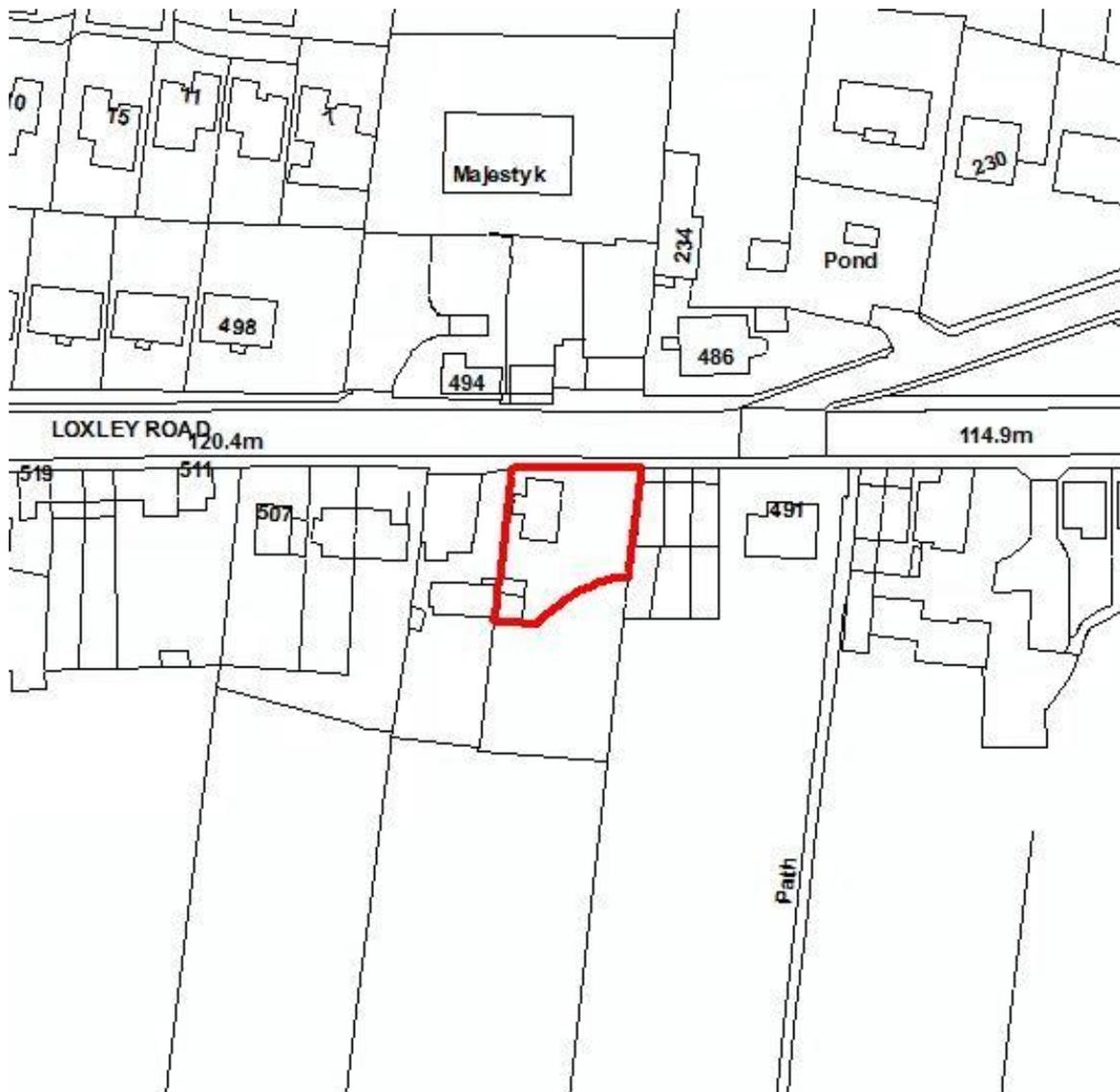
10. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a traditional stone property with a slate roof on the southern side of Loxley Road. The property has a gable to the highway and faces a small side garden area between No.499 and No.497. The land slopes away to the south.

Planning permission is sought to demolish the existing dwellinghouse and to erect two dwellings on the site. Each property would have associated car parking to the front and garden space to the rear.

The proposed dwellings would be two storeys in height, when viewed from the road with accommodation within the roof space. Due to the fall in the land the property on Plot 1 would have a lower ground floor, having the appearance of three-storeys when viewed from the rear. Each would have a gable facing towards the highway and would be constructed from natural stone on the most visible front and side elevations with red brick to the other side and rear.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. The property to be demolished is of some age (believed to be Victorian); however it is not listed.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the development on the grounds that the design and appearance of the development is not in keeping with the area; the layout and density of buildings are unacceptable; the overbearing/overshadowing presence near a common boundary would be to the detriment of neighbours and the development would have an adverse impact on nature and conservation interests as well as biodiversity opportunities.

Loxley Valley Protection Society (LVPS) have also lodged an objection to the proposed development. They set out that the existing property adds significantly to the character and appearance of the old part of Loxley and should not be demolished.

The property's unusual orientation, harks back to ancient settlement patterns, adds to its charm, and the opportunity to sneak a view into the Loxley Valley over the cottage garden. The notion of views in and into the Loxley Valley is enshrined in the Loxley Valley Design Statement. The development would harm these views.

The development would not harmonise with existing properties within the settlement and would represent an overdevelopment of the site with all greenery removed from the front elevation.

The increase of building/hard standing will exacerbate run off, and reduce the soak away, even if a permeable driveway surface is conditioned.

In addition to this the development will be over bearing to the adjacent properties as the proposed houses are both to be built up to the boundary of the plot to each side.

The proposed development will overlook the properties & amenity spaces of the neighbours and would be detrimental to the living conditions of local resident.

The site is close to an awkward junction and is next to the Post Office. As such there are existing on-street parking problems and the development would make this worse.

The development would be detrimental to wildlife as it would remove a green corridor and the properties would have little garden space.

In addition 34 representations (from 31 interested parties) have been received from local residents. These set out the following issues:

Ash House (499 Loxley Road) dates back to 1885 and represents a particular style of house that gives Loxley its character. Also important are the green spaces between the houses and the views of the valley. The developer should renovate the property, not knock it down.

The proposed dwellings are oversized, each having 5 bedrooms and out of character with the area.

A mature ash tree (from which the cottage derived its name) has already been felled.

The shared drive would be the cause of many arguments between the neighbours, as it is not big enough for easy access by four cars. The driveway would also see cars reversing onto the highway.

Existing properties on both sides of Loxley Road already parking on the street. The proposed development would exacerbate the parking problem and, potentially, increase the risk of accidents.

The site is close to the junction of Loxley Road and Studfield Hill where access and exit is already difficult due to parked cars and moving traffic on Loxley Road.

The area is popular with cyclists and vehicles reversing / additional parked cars would be detrimental to the safety of cyclists.

The development would be detrimental to pedestrians, particularly children, visiting the shop.

The construction of the proposal would reduce light available to neighbouring dwellings.

Bats are believed to roost in the outbuilding to the rear of the site and other protected species may frequent the site.

The plans do not show where bins would be stored and there appears to be little room for the 3 bin system that each property would require. To store the bins to the front of the property would be detrimental to the character and appearance of the area.

The development would put pressure on the existing sewer system and the hard standing would increase surface water run-off.

New boundary walls on the front elevation would be out of keeping with the area.

The development would result in a loss of view and light to the properties on the opposite side of Loxley Road.

On the CIL form it is claimed that the applicant has been occupying the existing property. This is untrue as the dwelling has been vacant for at least 3 years.

The development leaves no room for maintenance of the boundary wall between No.499 and 497 or the windows in the proposed property, existing window on the side of No.497 or the soil pipe to No.497.

The elevated decking would result in overlooking to neighbouring property. The property encroaches onto land in the ownership of the neighbouring property (No.497) – Amended plans have been received to rectify this.

Issues of loss of view (from neighbouring properties) and noise and disturbance during construction works were also raised.

PLANNING ASSESSMENT

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 February 2019 (the NPPF) is also a material consideration.

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 the policies which are most important for determining the application will automatically be considered to be out of date.

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.

Principle of Development

The site is within a Housing Area in a relatively sustainable location, close to local services and on a bus route. Within such areas UDP Policy H10 sets out that housing is the preferred use.

UDP Policy H14 'Conditions on Development in Housing Areas' is also applicable. Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy. The amenity considerations of policy H14 and the SPG do not conflict with guidance in the NPPF.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and

2025/26. The garden of number 499 Loxley Road is classed as a greenfield site (the site of the existing house as previously developed land).

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. The site is within a sustainable location, close to good public transport links and is surrounded by residential properties. The erection of 1 dwellinghouse on this greenfield site would assist in meeting the Council's targets for the development of housing across the city and complies with Core Strategy Policy CS24.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect two dwellings on a piece of land with an area of approximately 460 sqm. The development would have a density of approximately 43 dwellings per hectare which is within the density range stipulated by Core Strategy Policy CS26. As such the density is considered to be appropriate for this site and is commensurate with the density of neighbouring residential plots.

As set out above, the revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and the lack of a 5 year housing land supply tilts the balance in favour of the development.

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

It is considered that the proposed development would be of an appropriate density and is in a relatively sustainable location. In principle the application is considered to be in accordance with the revised NPPF as well as UDP Policy H10 and H14 and Core Strategy Policy CS24 and CS26.

Street Scene

UDP Policy H14 sets out that development should be well designed and in scale and character with neighbouring buildings.

Core Strategy Policy CS74 sets out that 'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city'.

Paragraph 127 of the revised NPPF sets out that planning policies and decisions should ensure developments are ... c) sympathetic to local character and history, including the surrounding built environment and landscape setting, while not

preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 130 of the revised NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions....Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The Loxley Valley Design Statement is adopted supplementary planning guidance and is also a material consideration in determining applications in this location. The statement seeks to ensure a high quality of design, so that the Loxley Valley remains an attractive and distinctive place for many generations to come.

The statement sets out that amongst other things, development should preserve views into and out of the Loxley Valley; drystone walls should be used and new development should be of natural stone with features to harmonise with existing properties. Furthermore development along Loxley Road in particular, should reflect the existing roofline.

The street scene consists of a mix of properties of varying ages. The existing building is not Listed and, although it is of character and age, it is not protected. There are no policy reasons to prevent the demolition of the existing building.

Concerns have been raised by local residents about the loss of the ash tree that was to the side of the cottage and has been felled. This too was not protected and so its removal did not require authorisation.

The proposed dwellinghouses would be constructed from natural stone to the principle elevations facing the highway with a good quality red brick on the less visible elevations and slate roofs. Sash windows are proposed, which would be in keeping with neighbouring properties, with stone heads and cills. In addition the properties would have chimneys on the gable ends to add interest and reflect the local vernacular.

In a nod to the property that is to be demolished the proposed properties would have gables facing the highway and a gap between the two dwellings would be maintained.

This would allow for views through to the valley beyond and would preserve the character of the street. In addition as much of the existing stone wall as possible would be preserved along the site frontage.

It is considered that the proposed development would be of a similar scale and massing to neighbouring properties; having a similar footprint to the existing properties along Loxley Road and being of similar height (two-storeys with accommodation in the roof space and exploiting the levels changes).

The proposed development has tried to minimise the effect that it will have upon the character and appearance of the area whilst increasing the density of development.

Amended plans have been received which indicate that the bin store will be located to the rear of the forecourt, set back from the highway. As such they would not be prominent within the street scene and would not obstruct the parking area.

It is considered that the development is of reasonable design and, on balance would comply with UDP Policy H14, Core Strategy Policy CS74 and paragraphs 127 and 130 of the revised NPPF. The development would also reflect guidance contained within the Loxley Valley Design Statement.

It is however recommended that permitted development rights be removed to ensure that the Local Planning Authority has control of any future changes that may be desired which could affect the character and appearance of the area as well as the amenity of occupiers of neighbouring property.

Amenity

The proposed dwelling on plot one would, in large part, be on the footprint of the existing property.

The property would be set back slightly further from Loxley Road than the neighbouring Post Office and would step down the site, the main body of the property being two storeys with a lower off-shot providing a further 1 ½ storey living space.

The dwellinghouse would not breach the 45 degree rule with regard to windows on the rear of the Post Office which has been extended with a conservatory at lower ground floor level. There are two windows and a glazed door on the side elevation of this neighbouring property; however these appear to serve a staircase and bathroom. It is considered that the proposed dwellinghouse on plot one would not result in significant overshadowing or loss of light.

The proposed dwellinghouse on plot two would project slightly forward of the front and rear of the neighbour (No.497) and would be built right up to the boundary of the site. A raised patio is proposed on the rear elevation; however the plans indicate that this would be screened by way of a fence next to the boundary.

There is a small window on the side elevation of No.497 and light will be taken from this window; however as it does not serve a habitable room (being to a bathroom) the harm caused is not considered to be sufficient to warrant a refusal of the application.

The dwellinghouse on plot 2 would not breach the 45 degree rule in terms of overshadowing of the windows in the front or rear of No.497. The raised terrace with screen fencing would project beyond the rear of No.497 however the effect would be similar to that of a single-storey rear extension. When weighed in the balance it is considered that the dwellinghouse on plot two would not have an

adverse effect upon the amenity of the neighbouring property and that a refusal of the application is not warranted on amenity grounds.

Main windows within both of the proposed dwellings would look onto the highway to the front and out to the countryside to the rear. It is considered that the development would not result in significantly greater overlooking across the street than already exists.

Windows are proposed on the side elevations. Hall and staircase windows for each property would look onto the parking area between the two dwellings and so would not result in a loss of privacy to either of the proposed dwellings.

On plot one a bathroom and utility room window would look towards the neighbouring dwelling. The bathroom window would be obscure glazed and the utility room window would be on the ground floor. It is considered that these windows would not impact upon the privacy of occupiers of the neighbouring dwelling.

On the side elevation of the dwellinghouse on plot two a bathroom window is proposed on the ground floor and a further bathroom and study window and on the first floor (the study would also be lit by way of glazing internally to the stair well). Given the close proximity of the proposed dwelling to No.497 these windows would not result in any overlooking and the windows would not align with the window on the side of No.497.

Overlooking from the raised terrace to the rear would be prevented by the screening which is shown to the side.

In this respect it is considered that the development would accord with UDP Policy H14 which sets out that development should not deprive residents of light, privacy or security.

The properties would each have private garden spaces to the rear. The dwellinghouse on Plot 2 would have a small garden, being set between 6.5 - 4.5m from the rear boundary, but would have the minimum required 50 sqm of useable amenity space beyond the raised terrace area and the site does back onto open countryside and so the outlook from the rear of the dwellinghouse would be good.

The dwellinghouse on Plot 1 would have a slightly larger garden, being set 7.5m from the boundary and having a garden area of approximately 75sqm.

On balance the amount of private amenity space is considered to be adequate. It is similar to that of neighbouring properties and meets the amount required by the Council's Supplementary Planning Guidance (of 50 sqm).

Highways

The plans indicate that four off-street parking spaces would be provided in the form of a shared parking court. This is considered to be an adequate level of parking for the proposed development.

Other properties within the close vicinity have similar parking arrangements, and cars tend to reverse into the drives so they can then leave in a forward gear.

It is recommended that a condition be attached to any consent requiring full details of the surfacing of the driveway be provided, to ensure that it is of a permeable material, thereby reducing surface water run-off. The surface should not be of gravel or similar unbound material that could be detrimental to highway safety. It is also recommended that a condition be attached stipulating that no gates or barriers shall be erected across the entrance to the driveway to ensure that vehicles accessing the properties do not interfere with the free flow of traffic.

As the development would not pose any serious highway safety concerns it is considered that a Highways based refusal of the application cannot be substantiated.

Ecology

A 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, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

To support the application the applicant has undertaken three bat surveys, carried out by Wildscapes. A report dated 7th October 2019 summarises the findings.

The building that is intended to be demolished does contain a bat roost of common pipistrelle bats that have been using the building as a day roost. As such the applicant will need to apply to Natural England for a licence before demolition works can commence. It is recommended that should planning permission be granted a condition be attached to the consent requiring the applicant to show that they have the relevant licenses in place.

As common pipistrelle day roosts are of local importance suitable compensation would be required to ensure that no net loss of habitat would occur as a result of the proposed development.

The applicant has indicated on the amended plans that two bat boxes would be erected on each of the properties on the rear (southern elevation) as well as a box on each property on the side (western elevation). These would be in the form of purpose built 'bat bricks' which would be incorporated into the build.

This is considered to be adequate; however it is recommended that the installation of these measures be made a condition of any consent.

Furthermore it is also recommended that a condition be attached to any consent requiring the applicant to also erect bird boxes to accommodate nesting house sparrows.

Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre (this is index linked so could change in the future). The applicant has completed a CIL form which sets out that the development proposes 370sqm of residential floor space.

Environmental Protection Issues

The site is close to a historic landfill site. As a sensitive use, and with the potential for ground gas concerns, reporting is required to assess the likelihood of land contamination or ground gases impacting the site and its users. This should be made a condition of any consent.

The site is also within an area of high risk of unrecorded coal mining activity. The applicant has submitted a Coal Mining Risk Assessment, the content of which has been reviewed by The Coal Authority and no objections have been raised.

RESPONSE TO REPRESENTATIONS

Issues of highway safety, as well as an assessment of how the development would affect the character and appearance of the area and neighbours in terms of overlooking and overshadowing are contained above in the officer's report.

Loss of view and noise and disruption during building works are not planning considerations. Any damage caused to neighbouring property would be a private legal matter between the two parties concerned.

The development would make access to the side of neighbouring properties difficult or even impossible; however this is not a planning consideration. Development can occur right up to the boundary line.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 2 detached dwellings on the site of a traditional stone cottage which is to be demolished.

The development is within a Housing Area, surrounded by other residential properties.

It is considered that the development would not have a harmful impact upon the character and appearance of the area; would not give rise to unacceptable levels

of overlooking or overshadowing and would raise no serious highway safety concerns.

The development would accord with Unitary Development Plan Policy H10, H14 and BE5 as well as Core Strategy Policy CS23, CS26 and CS74 and guidance contained within the revised NPPF and supplementary planning guidance contained within the Loxley Valley Design Statement.

It is recommended that planning permission be granted with conditions regarding materials, removing permitted development rights and requiring structural details of how the highways retaining wall is to be retained and maintained. Phase I and II site investigation reports as well as the implementation of any mitigation measures should also be made a condition of any consent.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 14 January 2020

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 14 JANUARY 2020

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 replacement of an existing 11.7m monopole with a 20.0 m high phase 8 monopole, together with the installation of ground-based equipment cabinets and ancillary development thereto at telecommunications mast 52 metres North East Of Manor Castle Inn Manor Lane Sheffield S2 1UH (Case No 19/02902/FULTEL)</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 20m monopole and associated cabinets at land opposite No.92 Eastern Drive Sheffield S2 3WR (Case No 19/02630/FULTEL)</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 erection of 20.0m Phase 8 monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at telecommunications mast Site 52 Metres North East Of Manor Castle Inn Manor Lane Sheffield S2 1UH (Case No 19/02900/TEL)</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 20m monopole and associated cabinets (Application for determination if approval required for siting and appearance) at land opposite 62 Eastern Drive Sheffield S2 3WP (Case No 19/02633/TEL)</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 to application to erection of front dormer to dwellinghouse to create additional habitable space at 121 Argyle Road Sheffield S8 9HJ (Case No 19/00906/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 to</p>

discharge conditions to approve details in relation to condition number(s): 9 (Remediation - Validation Report) imposed by planning permission 17/03867/FUL at Lynthorpe House 86 Charlotte Road Sheffield S1 4TL (Case No 17/03867/COND4)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that appeals against the delegated decision of the Council to refuse planning permission and listed building consent for erection of a two-storey roof extension to provide 6no apartments at Old County Court House 56 Bank Street Sheffield S1 2DS (Case Nos 18/03912/FUL and 18/03913/LBC) have been dismissed.

Officer Comments:-

The Inspector considered that the main issue was whether the proposals would preserve the Grade II listed building and the character of the City Centre Conservation Area.

He noted that the extension would result in a roof form higher than the original 1854 part of the building and considered that it would be overbearing as a whole and distinctly bulky and 'tacked on', forming a poor relationship to the original building. He concluded that that the proposal would be an incongruous addition to the roof structure which would conflict with the architectural form and significance of the building as a whole as well as causing harm to the character and appearance of the Conservation Area.

He concluded that the scheme would fail to comply with Paragraph 193 of the NPPF and that the public benefits did not outweigh the harm causes in this case. The proposals were in conflict with Policies BE16 and BE19 of the UDP. He therefore dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of a rear dormer extension to form habitable loft space, and erection of a 1/2 storey side extension to dwellinghouse at 14 Cockshutt Road Sheffield S8 7DX (Case No 19/01451/FUL) has been dismissed.

Officer Comments:-

The Inspector considered the main issue was the effect of the development on the character and appearance of the street scene.

She agreed with officers that the two storey side extension would contain an inappropriate half hip roof form, and would not appear subservient to the appearance of the main house.

Given the elevated position of the house she agreed it would appear overly large and dominant, disrupting the uniformity of the distinctive 2 storey roof

scape, and would detract from the character of the street.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 ENFORCEMENT APPEALS NEW

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised alteration and change of use of the former garage outbuilding at the land to form a self-contained living accommodation at 351 Ecclesall Road South Sheffield S11 9PX (Planning Inspectorate Ref APP/J4423/C/19/3240405)

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

8.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

14 January 2020