

# Planning and Highways Committee

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**Tuesday 18 February 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**

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

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword on 0114 273 4014 or email [abby.brownsword@sheffield.gov.uk](mailto:abby.brownsword@sheffield.gov.uk).

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
18 FEBRUARY 2020**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of the previous meeting** (Pages 5 - 12)  
Minutes of the meeting held on 28<sup>th</sup> January 2020.
- 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 13 - 14)  
Report of the Director of City Growth
- 7a. Application No. 19/04119/FUL - Land To The Rear Of 12 Worrall Drive, Sheffield, S35 0AT** (Pages 15 - 30)
- 7b. Application No. 19/02150/FUL - Land To The Rear Of 15 And 17 Birch House Avenue, Sheffield, S35 0FH** (Pages 31 - 46)
- 7c. Application No. 19/02022/FUL - Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ** (Pages 47 - 72)
- 7d. Application No. 19/01832/FUL - Loxley Works, Low Matlock Lane, Sheffield, S6 6RP** (Pages 73 - 86)
- 7e. Application No. 19/00674/FUL - Land Between 264 And 270 And To Rear Of 270 Handsworth Road, Sheffield, S13 9BX** (Pages 87 - 102)
- 7f. Application No. 18/04525/LBC - Loch Fyne, 375 - 385 Glossop Road, Sheffield, S10 2HQ** (Pages 103 - 106)
- 7g. Application No. 18/04524/FUL - Loch Fyne, 375 - 385 Glossop Road, Sheffield, S10 2HQ** (Pages 107 - 140)

8. **Record of Planning Appeal Submissions and Decisions**  
Report of the Director of City Growth

(Pages 141 -  
146)

9. **Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday 10<sup>th</sup>  
March 2020 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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### Planning and Highways Committee

#### Meeting held 28 January 2020

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

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#### **1. APOLOGIES FOR ABSENCE**

- 1.1 There were no apologies for absence.

#### **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. 7f, Case No. 18/03109/FUL – Cemetery Road Car Sales, 300 Cemetery Road, Sheffield, S11 8FT, as he had been involved in the early stages of objections to the application. Councillor Garbutt declared that he would not take part in the discussion or voting thereon.
- 3.2 Councillor Andrew Sangar declared a personal interest in Agenda Item No. 7a, Case No. 18/04773/OUT – Sheffield Health and Social Care, Fulwood House, 5 Old Fulwood Road, Sheffield, S10 3TG and Agenda Item No. 7c, Case No. 19/02632/FUL – 1 Worcester Drive Sheffield, S10 4JG, as a local ward Member. Councillor Sangar declared that he had not given an opinion or declared his position on either application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.3 Councillor Sangar also declared a personal interest in Agenda Item No. 7f, Case No. 18/03109/FUL – Cemetery Road Car Sales, 300 Cemetery Road, Sheffield, S11 8FT, as an Executive Committee Member of an organisation that rents an office in Omega Court, an office block near the application site. Councillor Sangar 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 14<sup>th</sup> January 2020 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**

**7. APPLICATION NO. 18/04773/OUT - SHEFFIELD HEALTH AND SOCIAL CARE, FULWOOD HOUSE, 5 OLD FULWOOD ROAD, SHEFFIELD, S10 3TG**

- 6a.1 Details of an amended condition was 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 key issues set out in the report.
- 6a.3 Councillor Cliff Woodcraft attended the meeting and spoke against the application.
- 6a.4 Mr. Michael Edgar (agent for the applicant) attended the meeting and spoke in support of the application.
- 6a.5 The Committee considered the report and proposed conditions, including the amended condition, having regard to the development plan, the National Planning Policy Framework and other relevant considerations, as summarised in the report and the supplementary report, now submitted, and also having regard to representations made during the meeting.
- 6a.6 **RESOLVED:** That (1) Condition 28 be amended to include assessment of pedestrian routes through to Hangingwater Road to the South East of the site; and  
(2) an application for outline planning permission (all matters reserved) be GRANTED, conditionally, for the reasons set out in the report now submitted and including the amended condition, for residential development including the demolition of existing buildings at Sheffield Health and Social Care, Fulwood House, 5 Old Fulwood Road, Sheffield, S10 3TG (Case No. 18/04773/OUT).

**8. APPLICATION NO. 19/03779/FUL - LAND BOUNDED BY ROCKINGHAM STREET, WELLINGTON STREET AND TRAFALGAR STREET, WELLINGTON STREET, SHEFFIELD S1 4ED**

- 6b.1 Amended conditions, details regarding affordable housing (including amended heads of terms for a legal agreement) and additional representations, along with Officer responses, were 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. Brian Holmshaw attended the meeting and spoke against the application.
- 6b.4 The Committee considered the report and proposed conditions, including the amended conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations, as summarised in the report and supplementary report, now submitted, and also having regard to representations made during the meeting.
- 6b.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally and including the amended conditions, subject to the completion of a legal agreement pursuant to the amended heads of terms to secure affordable housing, for the reasons set out in the report now submitted, for the demolition of existing buildings and erection of mixed use 38/17/12-storey building comprising 1230 residential units with ancillary amenities including gymnasium, cinema, common rooms and raised external deck, associated cycle and bin storage and ground floor retail unit (Use Class A1) (Development Accompanied by Environmental Statement as amended 19<sup>th</sup> December 2019) (Amended Description), at land bounded by Rockingham Street and Wellington Street and Trafalgar Street, Wellington Street, Sheffield, S1 4ED (Case No. 19/03779/FUL).

**9. APPLICATION NO. 19/02632/FUL - 1 WORCESTER DRIVE, SHEFFIELD, S10 4JG**

- 6c.1 Additional representations, along with the Officer response, and an amended condition were included within the Supplementary Report circulated and summarised at the meeting.
- 6c.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.
- 6c.3 Councillor Cliff Woodcraft, Mr. Dinesh Fernando and Mr. Peter Cooper attended the meeting and spoke against the application.
- 6c.4 Mr. Andrew Tingle (agent for the applicant) attended the meeting and spoke in support of the application.
- 6c.5 The Committee considered the report and the proposed conditions, including the amended condition, having regard to the development plan, the National Planning

Policy Framework and other relevant considerations as summarised in the report and the supplementary report, now submitted, and also having regard to representations made during the meeting.

- 6c.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, and including the amended condition, for the reasons set out in the report, now submitted, for the demolition of dwellinghouse and garage and erection of 1 x 2/3 storey block with single storey offshoots comprising of 5 apartments, provision of off-street car parking accommodation and new vehicular access from Worcester Drive, at 1 Worcester Drive, Sheffield, S10 4JG (Case No. 19/02632/FUL).

**10. APPLICATION NO. 19/01899/FUL - 24 SCHOLLES RISE, SHEFFIELD, S35 9UQ**

- 6d.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.
- 6d.2 Mr. Michael Kubon attended the meeting and spoke against the application.
- 6d.3 Mr James Catlyn (applicant) attended the meeting and spoke in support of the application.
- 6d.4 The Committee considered the report and the proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report now submitted, and also having regard to representations made during the meeting.
- 6d.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for demolition of rear off-shot, erection of one/two storey side and single storey rear extensions to dwellinghouse and removal of rear patio door and replacement with a window, at 24 Scholes Rise, Sheffield, S35 9UQ, (Case No. 19/01899/FUL).

**11. APPLICATION NO. 19/01274/FUL - LAND OPPOSITE THE GRIFFS, BETWEEN RIGGS LOW ROAD AND RIGGS HIGH ROAD, SHEFFIELD, S6 6GB**

- 6e.1 Additional representations, along with the Officer response, and an amended condition 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.
- 6e.3 Ms Amanda Atkin, Ms Kath MacKay and Ms Lynette Jackson (Loxley Valley Protection Society) attended the meeting and spoke against the application.
- 6e.4 The Committee considered the report and proposed conditions, including the amended condition, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report

and supplementary report, now submitted, and also having regard to representations made during the meeting.

- 6e.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, and including the amended condition, for the reasons set out in the report now submitted, for use of agricultural land as a woodland/natural burial ground, including laying out of parking area off Riggs High Road (Additional Information Submitted) at Land opposite The Griffs, Between Riggs Low Road and Riggs High Road, Sheffield, S6 6GB (Case No. 19/01274/FUL).

**12. APPLICATION NO. 18/03109/FUL - CEMETERY ROAD CAR SALES, 300 CEMETERY ROAD, SHEFFIELD, S11 8FT**

- 6f.1 Additional representations, along with the Officer response, a report correction and amended conditions were included within the Supplementary Report circulated and summarised at the meeting.
- 6f.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.
- 6f.3 Ms Sharon Watson and Ms Sarah Blackwell attended the meeting and spoke against the application.
- 6f.4 Mr. Steve Burlaga (applicant) attended the meeting and spoke in support of the application.
- 6f.5 The Committee considered the report and proposed conditions, including the amended conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted, and also having regard to representations made at the meeting.
- 6f.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, and including the amended conditions for the reasons set out in the report now submitted, for demolition of garage/office buildings and erection of 11 apartments and 3 duplex apartments in a 4 storey block including ground floor car parking (amended plans and description), at Cemetery Road Car Sales, 300 Cemetery Road, Sheffield, S11 8FT (Case No. 18/03109/FUL).

**13. APPLICATION NO. 18/02802/FUL - TUDOR GATES, UNIT 1, PARKERS YARD, STANNINGTON ROAD, SHEFFIELD, S6 5FL**

- 6g.1 A deleted condition and additional representations, along with the Officer response, were included within the Supplementary Report circulated and summarised at the meeting.
- 6g.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.

- 6g.3 Ms Leonie Wood (Loxley Valley Protection Society) and Ms Lynette Jackson attended the meeting and spoke against the application.
- 6g.4 Mr. David Sweeting (agent for the applicant) attended the meeting and spoke in support of the application.
- 6g.5 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 and supplementary report, now submitted, and also having regard to representations made during the meeting.
- 6g.6 **RESOLVED:** That (1) the heads of terms of the legal agreement be reconsidered with the applicant, the Council's Parks and countryside Department and Sport England to look at the possibility of requiring some or all of the contribution towards new/replacement sports facilities to be spent on facilities in the locality of Deer Park high rise flats; the final wording of such obligation(s) to be approved by the Co-Chairs of the Planning and Highways Committee, and;
- (2) an application for planning permission be GRANTED, conditionally and subject to the legal agreement to secure a sum towards new/replacement sports facilities, as well as obligations relating to the re-use of the cricket ground, for the reasons set out in the report now submitted, for demolition of existing buildings and erection of a Class A1 retail foodstore including car parking, access, landscaping, ball stop netting and supporting structures and sportsfield parking facility (amended plans and description), at Tudor Gates, Unit 1, Parkers Yard, Stannington Road, Sheffield, S6 5FL (Case No. 18/02802/FUL).

**14. APPLICATION NO. 19/00037/FUL - LAND AT JUNCTION WITH HERRIES ROAD, HERRIES ROAD SOUTH AND PENISTONE ROAD NORTH, SHEFFIELD, S6 1QA**

- 6h.1 Additional representations, along with the Officer response, were included in the Supplementary Report circulated and summarised at the meeting.
- 6h.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.
- 6h.3 Mr. Andrew Malley (representing Fox Valley) and Mr. Brad Wiseman (representing Hillsborough Exchange) attended the meeting and spoke against the application.
- 6h.4 Ms. Lydia Sadler and Mr. Patrick Herbert (both acting on behalf of the applicant) attended the meeting and spoke in support of the application.
- 6h.5 The Committee considered the report and proposed conditions, having regard to the development plan, the National Planning Policy Framework and other relevant considerations as outlined in the report and supplementary report, now submitted, and also having regard to representations made during the meeting.
- 6h.6 **RESOLVED:** That an application for planning permission be GRANTED,

conditionally, for the reasons set out in the report now submitted, for 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).

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

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

**16. DATE OF NEXT MEETING**

- 8.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 18<sup>th</sup> February 2020 at the Town Hall, Sheffield.

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## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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

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**Date:** 18/02/2020

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Lucy Bond, Chris Heeley, Dinah Hope 2039183

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**Summary:**

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### Reasons for Recommendations

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

**Recommendations:**

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### Background Papers:

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

**Category of Report:** OPEN

Application No.	Location	Page No.
19/04119/FUL (Formerly PP-08291500)	Land To The Rear Of 12 Worrall Drive Sheffield S35 0AT	15 – 30
19/02150/FUL (Formerly PP-07889864)	Land To The Rear Of 15 And 17 Birch House Avenue Sheffield S35 0FH	31 - 46
19/02022/FUL (Formerly PP-07898501)	Kenwood Hall Hotel Kenwood Road Sheffield S7 1NQ	47 - 72
19/01832/FUL (Formerly PP-07866120)	Loxley Works Low Matlock Lane Sheffield S6 6RP	73 - 86
19/00674/FUL (Formerly PP-07622237)	Land Between 264 And 270 And To Rear Of 270 Handsworth Road Sheffield S13 9BX	87 - 102
18/04525/LBC (Formerly PP-07445874)	Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ	103 - 106
18/04524/FUL (Formerly PP-07445874)	Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ	107 - 140

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Case Number	19/04119/FUL (Formerly PP-08291500)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse (Resubmission of 19/00167/FUL)
Location	Land To The Rear Of 12 Worrall Drive Sheffield S35 0AT
Date Received	13/11/2019
Team	West and North
Applicant/Agent	Burnell Briercliffe Architects
Recommendation	Grant Conditionally

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

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

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

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

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

L.01 - Location plan  
P.04 - Site plan as proposed  
P.05 - Plans and sections as proposed  
P.06 - Site Plan showing footprint of previous scheme  
S.02 - Site Section as proposed  
E.03 - Elevations as proposed  
E.04 - Street elevation to Mowson Lane  
E.05 - Proposed elevations compared to previous scheme  
E.06 - Street elevation and site section compared to previous scheme

Reason: In order to define the permission

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

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

3. Details of 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.

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

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

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

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

6. Notwithstanding the submitted plans, the dwellinghouse shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority showing a reduced height boundary wall to the immediate east of the driveway, thereby creating intervisibility between pedestrians using the public footpath and vehicles leaving the drive. The boundary wall shall have been provided in accordance with the aforementioned approved details prior to occupation.

Reason: In the interests of pedestrian safety.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, crossing the existing grassed public footpath leading to the driveway, including full details of gates to the driveway shall have been submitted to and approved in writing by the Local Planning Authority. The dwellinghouse shall not be used unless the surfacing has been provided in accordance with the approved plans and thereafter such surfacing shall be retained.

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

8. The development shall not be used unless a screen wall as shown on the plans has been erected along the northern site boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such boundary treatment shall be retained.

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

### **Other Compliance Conditions**

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

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

10. 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 shall be formed in the side or rear elevation(s) facing north towards Worrall Drive or west to No 13 Mowson Lane of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

11. The first floor windows on the elevation of the dwellinghouse facing north towards Worrall Drive shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwelling 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.

13. The dwelling shall not be occupied unless the hard surfaced areas of the site are constructed of permeable/porous surfacing material and sub base. Thereafter the approved permeable/porous surfacing material and sub base shall be retained.

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

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

Telephone: 0114 273 6677

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

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

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

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

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

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

4. 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.

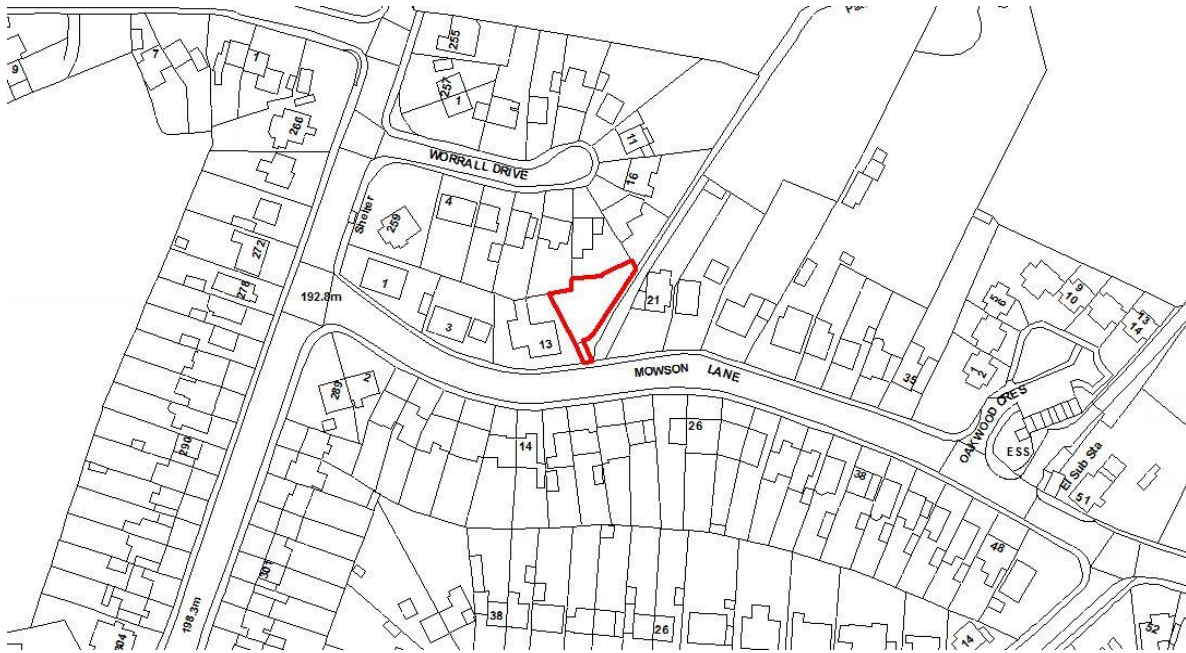
5. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

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

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

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land to the rear of 12 Worrall Drive that backs onto Mowson Lane. The site is currently used as a garden to No.12 Worrall Drive. A public footpath runs along the eastern boundary and the site is between two dwellings on Mowson Lane.

Planning permission is sought for the erection of a detached dwellinghouse on the site. This would be in the form of a fairly modest 3 bedroomed dwellinghouse with living accommodation in the roof. The property would be accessed from Mowson Lane with an integral garage and drive. To the side and rear of the property a garden area is proposed.

This is a resubmission of a previously refused scheme, the development having been reduced in terms of scale and massing.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

## RELEVANT PLANNING HISTORY

Planning permission was refused by the Planning Committee in July 2019 for the erection of a detached dwellinghouse on the site. The application was refused as it was considered that due to the size of the proposed building and close proximity to the boundary the development would have an overshadowing and overbearing impact upon the occupiers of No.s 10 and 12 Worrall Drive as well as No.13 Mowson Lane. The development was felt to be contrary to the aims of Policy H14 of the Unitary Development Plan for Sheffield, and paragraph 127 of the National Planning Policy Framework. Application 19/00167/FUL refers.

Planning permission was refused for the erection of a bungalow by application 82/01335/FUL (formerly 82/2498P)

A further application for a bungalow and garage was refused by application 88/01664/FUL (formerly 88/1019P)

The applications were refused as it was considered that the proposal would represent an overdevelopment of the site, resulting in a property with little in the way of garden space which would be detrimental to local amenity.

It was also considered that the development would be hazardous to pedestrian and highway safety, due to poor visibility to the west.

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the proposal as they feel it is inappropriate development and there are concerns around access and egress.

An objection has also been received from the Worrall Environmental Group. This raises the following concerns:



The application would appear to land grab a section of a public footpath and could set a precedent.

The access would entail a metaled surface being put over a public footpath to obtain vehicular access which would result in a loss of habitat.

Vehicles passing over a public footpath and the pavement of Mowson Lane would create Health and Safety issues to any pedestrians, particularly senior citizens who regularly walk along here to the bus stop.

In addition 11 representations have been received from the occupiers of neighbouring properties. These raise the following issues:

The resubmitted plans would still be overbearing upon adjacent properties and would seriously compromise the aspect from neighbouring dwellings.

If allowed the proposed property could be extended in the future, thereby increasing its size.

The development could obstruct the public footpath and it is not clear how this will remain unobstructed should development go ahead.

The footpath is used by walkers and schoolchildren. It is important that public safety is considered.

Visibility from the access (on to Mowson Lane) would be restricted and the development would be detrimental to highway safety.

The amount of time the access has been used for is disputed. The applicant does not own the piece of land required for access and does not have a right of easement.

The development would be out of character with the area and would spoil the current street scene, altering the current open aspect.

The development would put increased pressure on local schools / doctors and services.

The development would be 'garden grabbing' and the proposed dwelling is inappropriate for the site.

The development would have an adverse effect on the residential amenity of properties adjacent to the proposed dwelling and the gardens for both the new property and No.12 would be too small for family homes.

Windows in the proposed dwelling would overlook neighbouring property.

3 previous applications have been refused. The proposed development does not overcome the previous reasons (of overdevelopment) for refusal. The siting of the development has not altered and it is still considered that the development would be detrimental to occupiers of neighbouring dwellings.

## 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 identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use of land.

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. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

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 Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. Although the site is classed as being greenfield, it is within a relatively sustainable location, close to public transport links and local services and is surrounded by residential properties. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and does not conflict with the aims of Core Strategy Policy CS24.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing our conclusions in a monitoring report later this year. At the current time, the Council cannot therefore 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.

This development would make a small contribution to the supply of housing within the city.

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 such as here, 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 a single dwelling on a piece of land with an area of approximately 300sqm. The development would have a density of approximately 33 dwellings per hectare. In addition the retained plot of the host property (12 Worrall Drive) would be in the region of 340sqm. As such it is considered that the proposed development would not represent an overdevelopment of the site.

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. Furthermore the density ranges specified in the Core Strategy are out of date and so greater weight should be attributed to guidance contained within the revised NPPF.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote the 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. Paragraph 123 places increased emphasis on avoiding low density housing development and ensuring that developments make optimal use of the potential of each site.

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 acceptable.

#### Street Scene

The proposed dwellinghouse would front onto Mowson Lane. Immediately to the west of the site is No.13 Mowson Lane. This is a traditional double bay fronted property of stone construction. To the east the site is bounded by a dry stone wall and hedge with a fairly wide grassed public footpath. Beyond this is No. 21 Mowson Lane which is a detached dwellinghouse, again of two storeys. Further along Mowson Lane are bungalows and on the opposite side of the lane are pairs of semi-detached dwellings. Building materials also vary with a mixture of stone, red brick and render.

Predominantly roofs within the area are hipped, however the site next door (No.13 Mowson Lane) has a pitched roof with gables to the side and properties on the other side of the road, where they have been extended, also have gables to the side and dormers and small gables on the front elevation.

The proposed dwellinghouse would be constructed from red brick with a slate roof and would be two-storeys with the upper storey partially located within the roof space. The roof would be hipped and would continue over the integral garage to the side. On the front and side elevation the eaves line would be broken to enable small gable features to be provided above the windows to Bedroom 1 and 2.

The main aspect of the property would be facing forward towards the highway with further windows on the side elevation (eastern elevation) giving views and access to the garden. On the rear elevation two upper floor windows are proposed which would

break up the mass of brick work and would provide light to bathrooms (and so would be obscure glazed).

The submitted street scene elevations show that the development would be respectful to the sloping nature of the site (which falls to the east), the proposed dwelling being set down between 0.65m – 1.3m below the level of the garden of No.13.

The eaves of the proposed dwellinghouse would be just slightly higher than those of No.21, thereby following the natural topography.

The applicant has indicated that the dry stone wall that forms the current boundary to the eastern side would be retained and rebuilt (to provide screening to the garden from the public footpath).

The site is not within a Conservation Area and it is considered that on balance the development would not be harmful to the character and appearance of the area and so would comply with UDP Policy H14 as well as the revised NPPF. Paragraph 127 c) sets out that development should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.

Paragraph 130 of the revised NPPF (2019) also sets out that 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.

Given the wide variations in the street scene, the set-back nature of the site and the hipped roof, the proposed dwellinghouse is considered to be acceptable in terms of design. The property is smaller than that which was refused planning permission and the scale and massing have been greatly reduced.

#### Amenity

The new dwelling would be sited in front of the rear gardens of properties on Worrall Drive and has been arranged so that the main aspect from the property would be onto Mowson Lane and the garden to the side so that overlooking to the rear of properties on Worrall Drive would not occur.

The submitted plans indicate that a distance of 12m would be maintained between the rear of an existing single-storey extension to No.12 and the proposed dwellinghouse. No 12 has also been extended with a conservatory and this would be closer to the proposed dwellinghouse (with a separation of around 10m).

Properties on Worrall Drive to the rear would be at approximately the same level as the proposed dwellinghouse and the eaves and apex of the roof would be at a lower level than the existing properties to the north. The proposed dwellinghouse has been designed to try and minimise any overbearing or overshadowing impact of the development and is much smaller than the property that was previously refused.

Guideline 5 of the Council's SPG on Designing House Extensions sets out that a two storey extension should not be placed within 12m of ground floor main facing windows, to prevent unreasonable overshadowing or overdominance.

Paragraph 123 c) of the revised NPPF sets out that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The proposed dwellinghouse would be within 10m of conservatory windows on the rear of No.12; however the conservatory is at a higher level and is also served by windows on the side elevation and so would not be unreasonably overshadowed. The new dwellinghouse would be 12m from other ground floor windows in this property. On balance it is considered that the development would not result in unreasonable overshadowing or loss of light to properties on Worrall Drive and the expanse of the property that would be presented to Worrall Drive has been much reduced from the scheme that was previously refused.

No.13 Mowson Lane has windows on the ground floor that serve habitable rooms that look out to the east over the development site. The proposed dwellinghouse would be set back from the side of No.13 Mowson Lane so as not to be directly in front of these windows. These rooms are also believed to have secondary windows on the front and rear elevations.

No.13 has been extended with a single-storey projection to the rear, furthest from the boundary with the development site. The proposed dwellinghouse would be sited such that a separation distance of around 12m between the extension to No.13 and the proposed dwellinghouse would be maintained. It is worth noting that the 12m distance guide relates to the proximity of a full two storey height gable positioned on the same ground level. In this case the application site is at a lower level and the proposal is not a full two storeys. Therefore the impact is reduced.

The two-storey element of the proposed scheme has been set further from the boundary with No.13 than the scheme that was refused planning permission and the roof has been altered to be hipped, thereby lessening any overbearing effect. The roof over the garage to the side of the property would be a continuation of the hipped roof and it is considered that the massing of the building when viewed in this direction has been significantly reduced.

It is considered that, whilst the site is tight, the development as per this revised proposal, would not give rise to unacceptable levels of overshadowing or overdominance such as to warrant a refusal of the application.

On the rear elevation the proposed development would have two small windows on the upper floor. These would serve bathrooms and so overlooking towards properties on Worrall Drive would not occur. To prevent any potential future overlooking in this direction it is recommended that, should planning permission be granted, a condition be attached to any consent prohibiting these windows from being clear glazed and permitted development rights be removed so that new clear glazed windows cannot be inserted.

On the eastern elevation of the proposed dwellinghouse at first floor level a bedroom window is proposed. This would be afforded a view across to the front / side of No.21 Mowson Lane; however the attached garage of No.21 would be positioned between the two dwellings and there are no windows on the side of No.21. The proposed development would not allow for overlooking to the rear garden of No.21.

As already mentioned, the main aspect of the proposed dwellinghouse would be to the front, with a distance of around 30m between the proposed development and properties on the opposite side of Mowson Lane.

Guideline 6 of the Council's SPG on Designing House Extensions set out that a minimum separation distance of 21m should be maintained between main facing windows.

It is considered that the proposed development would not give rise to unacceptable levels of overlooking or overshadowing to neighbouring properties. The proposed separation distance between the properties would comply with guidelines contained within the Council's SPG on Designing Extensions.

The proposed development would have a small area of garden to the rear with a more useable area to the side. This would have an area in excess of 65 sqm. In addition the host property (No.12 Worrall Drive) would retain ample private amenity space, the main rear garden area being in excess of 80sqm.

When weighed in the balance it is considered that the development would not cause significant harm to the amenity of occupiers of neighbouring property and potential occupiers of the development would be afforded adequate living conditions. In this respect the development would comply with paragraph 123 and 127 of the revised NPPF as well as UDP Policy H14.

## Highways

The proposed development would be accessed from Mowson Lane. The applicant currently has a right of vehicular access from Mowson Lane, which has in the past been used for accessing the property to park a caravan. The frequency of use of this access is disputed by neighbours.

In order to gain access to the property users have to traverse a grassed area to the south. To the east is a public footpath that may also share a small portion of this area. The grassed area is not owned by the Council and it is not clear who does own this area of land. The applicant has tried to investigate this, serving the correct notices and publishing an advertisement in the Sheffield Telegraph. No representations have been received as a result.

At present the boundary consists of a wall, approximately 1.25m in height with a conifer hedge planted behind. The applicant is looking to remove the hedge and extend the wall such that it is 1.8m in height, providing privacy to the garden.

It is considered that provided the area of land to the south of the access remains open, as it is at present, and no new gates are erected, the development would not be hazardous to users of the public footpath.

If planning permission is given full details of the proposed gates to the drive and surfacing of the grassed area in question should be made a condition of any consent as well as details of how water will be prevented from spilling onto the public highway. It is also recommended that the height of the wall at the access be reduced, such that it is no more than 1m in height to aid visibility for drivers exiting the site.

Subject to the imposition of such conditions it is considered that the use of the access point by a single dwellinghouse would pose no significant safety concerns for users of the footpath.

The submitted plans indicate that the proposed dwellinghouse would have space to park two cars within the site, clear of the public footpath, as well as an additional space within the proposed integral garage.

The level of parking proposed is adequate. No 12 Worrall Drive has parking to the front (accessed from Worrall Drive) and this would remain unaltered.

It is considered that the proposal would not result in an increase in traffic which would be detrimental to highway safety within the area.

The development would accord with UDP Policy H14 and, with heed to paragraph 109 of the revised NPPF (2019) which sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that a refusal on highways grounds cannot be justified.

#### Community Infrastructure Levy (CIL)

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

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre. The applicant has completed a CIL form which sets out that the development proposes 117sqm of residential floor space; however the applicant has also set out that they are to claim self-build relief.



## Response to Representations

The effect development would have upon residential amenity and highway safety has been dealt with in the report above.

Obstruction of the public footpath during construction works would not be a reason to withhold planning permission.

It is recommended that if planning permission is granted, permitted development rights are removed so that the property could not be further extended or altered without the need for planning permission.

The Community Infrastructure Levy would require the developer to make a payment which would be used for local infrastructure projects.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on land to the rear of properties on Worrall Drive. The proposed dwellinghouse would front onto Mowson Lane from where the site would be accessed. Adjacent to the site is a public footpath.

In the absence of the Council's 5 year supply of housing land the tilted balance is in play in accordance with paragraph 11 of the NPPF as the most important policies for determining this application (housing supply, design and amenity) are considered to be out of date. Therefore the positive and negative aspects of the scheme must be carefully weighed.

The development site is within a housing area and is surrounded by residential properties. Although the site is tight, there would be space within the site to provide a dwellinghouse, associated parking and amenity space. It is considered that the development would not give rise to unacceptable levels of overshadowing or overlooking and the site would not be overdeveloped.

In applying the tilted balance in favour of sustainable development in paragraph 11 (d) of the NPPF it is considered that, the development would accord with UDP Policy H10 and H14, Core Strategy Policy CS24 and 26 as well as guidance contained within the revised NPPF and the Council's Supplementary Planning Guidance on Designing House Extensions. It is recommended that planning permission be granted with conditions.

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Case Number	19/02150/FUL (Formerly PP-07889864)
Application Type	Full Planning Application
Proposal	Erection of a two-storey dwellinghouse with integral garage
Location	Land To The Rear Of 15 And 17 Birch House Avenue Sheffield S35 0FH
Date Received	12/06/2019
Team	West and North
Applicant/Agent	JUMP Architects
Recommendation	Grant Conditionally

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

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

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

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

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

Drawing No. J19-009-A-100 - location plan published 12th June 2019  
Drawing No. J19-009-A-102 - proposed plans and views published 12th June 2019  
Drawing No. J19-009-A-201 - proposed elevations and published 12th June 2019  
Drawing No. J19-009-A-101 - proposed site plan published 12th June 2019  
Drawing No. J19-009-A-150 - alternative parking for existing property published 30th October 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 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.

4. 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.

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

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

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

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

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

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

8. No development shall commence unless the intrusive site investigation works in the coal mining risk assessment has been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial

works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

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

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

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

10. No development shall commence until such time as scheme to dispose of foul and surface water drainage, including balancing works to achieve a 30% reduction in surface water run-off and any off-site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure satisfactory drainage arrangements.

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

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

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

13. 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.

14. 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.

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

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

#### **Other Compliance Conditions**

16. 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 (variable) 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.

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

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

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. 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

2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
4. The applicant is advised to contact the Council's Development Services, Land Drainage, Howden House, 1 Union Street, Sheffield, S1 2SH(Telephone Sheffield 2735847) to seek approval for the proposed drainage arrangements, as soon as possible, prior to the commencement of development.
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

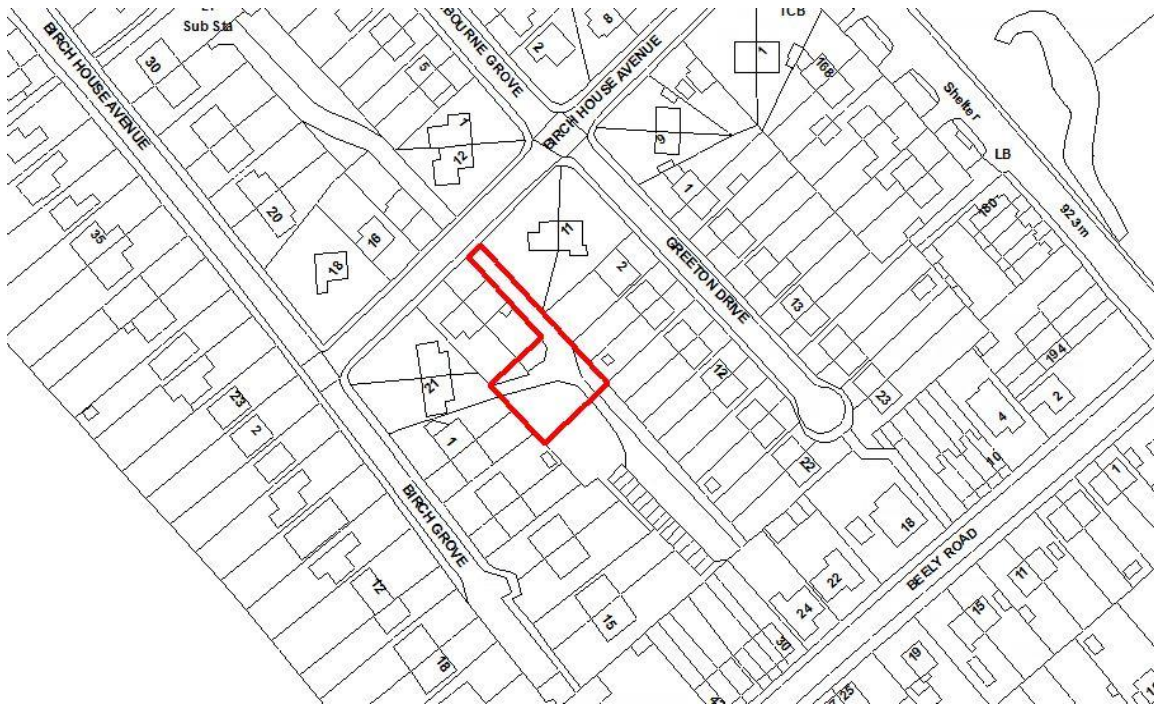
Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

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



## Site Location



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## LOCATION AND PROPOSAL

The site is situated within the Oughtibridge district of Sheffield. The application site is located to the rear of the existing dwelling No. 21 Birch House Avenue, and is accessed from an existing vehicular access between No.15 and No.13 Birch House Avenue which serves an existing garage court.

The site in question forms part of an area that was previously used as a communal area for the neighbouring residents, with access to the garages to the south-east of the site, which serve some of the neighbouring properties. The application form suggests that the site in question has been purchased to extend the curtilage of No. 21 Birch House Avenue.

The site is currently scrubland which is, in part, used to provide vehicular access to the rear of No. 21 Birch House Avenue, where two parking spaces to this property are accommodated within its rear garden. The site almost forms an 'L' shape with the access road from Birch House Avenue forming the long leg. This access also provides vehicular access to a number of existing garages to the south east of the site.

The site is surrounded on all sides by the rear gardens to properties on Birch Grove to the south-east, Birch House Avenue to the north-east and Greeton Drive to the north-west. The topography of the area slopes downwards from south west to north east and there is a change in the level of approximately 2m across the site.

The site is located within a residential area, and the area is characterised by two storey semi-detached and detached houses with spacious gardens.

Planning permission is sought for the redevelopment of this land to the rear of No.21 Birch House Avenue and directly behind No.'s 1, 3 and 5 Birch Grove, to erect a detached 4 bedroom dwelling with an integral garage and car parking, utilising the existing access, in between No.15 and No.13 Birch House Avenue. The site area is approximately 520m<sup>2</sup> (0.128Acre) with the main body of the site being approximately 20m x 23m. Plans have been amended to show 2 replacement off-street parking bays to the front of No.21 Birch House Avenue.

## PLANNING HISTORY

Certificate of ownership - certificate A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14 has been completed, which states that the applicant certifies that on the day 21 days before the date of the application nobody except the applicant was the owner of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding. The agent has also submitted land registry plans to confirm land ownership.

02/00835/FUL- Erection of 4 garages (Re-application within 12 months of application no.00/03055/FUL) - Refused 10.05.02 (The proposed development would result in an over-intensification of the use of an existing sub-standard means of vehicular access which the Local Planning Authority consider would be detrimental to the free

and safe flow of traffic and pedestrian safety on Birch House Avenue, particularly as a result of the potential to increase the number of reversing manoeuvres onto Birch House Avenue, due to the inability of vehicles to pass on the narrow access track.)

00/03055/FUL- Erection of 7 Garages – Refused 10.04.01 (The proposed development would result in an over-intensification of the use of an existing sub-standard means of vehicular access which the Local Planning Authority consider would be detrimental to the free and safe flow of traffic and pedestrian safety on Birch House Avenue, particularly as a result of the potential to increase the number of reversing manoeuvres onto Birch House Avenue, due to the inability of vehicles to pass on the narrow access track.)

89/01261/FUL - REAR OF 15-17 BIRCH HOUSE AVENUE, OUGHTIBRIDGE - Erection of a Bungalow - Refused 09.05.89

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council has raised objections to the application and recommend refusal for the following reasons:

- Overshadowing/overbearing presence near a common boundary that is to the detriment of neighbours.
- Overlooking and loss of privacy for neighbours.
- concerns in respect of highway issues specifically in regard to access and egress.
- Out of character for the area and over development of the site.

One letter in support has been received from a local resident. They consider the plot will benefit from having a home on as it is not in use.

18 letters of objection have been received (2 authors have written in twice). Objections raised are summarised below:

- Over development of the site.
- Out of character with the area in terms of its scale and massing
- Overlooking from the proposed dwelling into the sites of neighbouring dwellings..
- Overshadowing from the proposed dwelling onto neighbouring plots.
- Overbearing impact from the proposed dwelling onto neighbouring dwellings.
- Highway safety concerns with the entrance/exit being single width and Birch House Avenue is a busy through road with cars parked close to the entrance/exit.
- Access road not big enough to take extra flow of traffic and it will create more noise.
- traffic along the access would further cause subsidence to neighbouring properties due to it being an unmade road with poor foundations.
- Access to existing garages would be compromised.
- Access for emergency services may be compromised.
- Disruption during construction.
- Incorrect boundary (red) line shown, currently in dispute.

- Plans not showing neighbouring extensions.
- High Risk Coal Mining area would lead to serious consequences/damage neighbouring property.
- Impact on the wildlife in the area.
- Previous refusal on the site for similar developments.
- Other non-planning issues (devaluation)

## PLANNING ASSESSMENT

### Policy Context

It should be noted that since the determination of the previous planning applications, planning policy and legislation have changed and as such the current application will be assessed against the new requirements.

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".

The NPPF (2019) now requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method.

The Local Planning Authority is in the process of updating its five year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance, further detailed work is ongoing. The Council's most recent assessment of supply, contained in the Strategic Housing Land Availability Assessment (SHLAA) Interim Position Paper (2017), showed a 4.5 year supply of sites. At the current time, the Council cannot therefore demonstrate a five year supply. This means that the most important policies for determining this application are out of date and the weight attributed to them must be judged by their conformity with the NPPF.

## Land Use

The National Planning Policy Framework (NPPF) sets out the Government's overarching framework from which to assess planning applications. The Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy together make up the local development plan.

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

The site falls within a Housing Area as allocated in the Sheffield Unitary Development Plan (UDP). Policy H10 of the UDP lists Housing as the preferred use of land in Housing Areas. The principle of the proposed development is therefore acceptable, particularly in the context of a lack of a 5 year supply of housing.

## Housing Supply and Location

The proposal would contribute towards housing supply as set out in Core Strategy Policy CS22 (Scale of the Requirement for New Housing). There is currently a shortfall in the supply of deliverable sites for housing in the city and whilst the addition of one dwelling would not be significant on a city-wide scale it is considered nonetheless to represent a positive contribution in this regard.

The site is suitable for residential development and is sustainably located within the main urban area. The proposal therefore complies with Core Strategy Policy CS23 (Locations for New Housing).

Core Strategy Policy CS24 gives priority to locating new housing development on previously developed (brownfield) sites. There is no record or evidence submitted showing any previous buildings on this site in question and as such this site is classed as Greenfield land. This Policy also states that no more than 12% of dwelling completions will be on Greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that housing on Greenfield sites will only be developed in certain circumstances, including within or adjoining urban areas, as long as annual monitoring shows that there is less than a five year supply of deliverable sites.

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

For these reasons, the development is considered to be acceptable in relation to Policy CS24.

## Design Issues

Core Strategy Policy CS74 (Design Principles) requires development to enhance distinctive features of the area. UDP Policy H14 (Conditions on Development in Housing Areas) expects new buildings and extensions to be well designed and in

scale and character with neighbouring buildings, while policy BE5 (Building and Design Siting) expect good quality design, and for developments to be in keeping with the scale and character of the surrounding area.

This is consistent with Chapter 12 of the NPPF which requires good design and Paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively for making places better for people.

The proposed two-storey dwellinghouse is of a contemporary design, utilising materials and finishes in a clear and simple visual language. The house would be constructed from grey/blue brick and render with a tiled roof. The windows and external furniture (soffits, fascias, rainwater gutters and downpipes) are to be powder coated aluminium in an anthracite grey colour. The main front entrance door and rear garden door will be in a natural timber finish. The site will be enclosed by a 2 metre high boundary fence, similar in style to neighbouring boundary treatments. The character of the immediate area comprises of two storey, semi-detached and detached houses, which are constructed in predominantly brick and tile materials so it is considered that the proposal would integrate well with this housing type.

As the scale of the house is similar to that of its neighbours, it would result in an eaves and ridge height that would reflect the local topography and the sequence of adjacent properties which step down the street.

In terms of the ratio of built footprint to plot size, the proposed dwellinghouse has a generous footprint which includes an integral garage. However, it is not dissimilar to the prevailing grain of development in the area, retains a good sized garden and, given its location, has little impact on the visual amenities of the area. The proposal is therefore considered to be of a size and scale which are appropriate for the plot.

It is concluded that the proposed dwelling is well designed and would be in scale and character with neighbouring buildings. As such it meets the requirements of Policies BE5, H14, and CS74 as well as the design guidance in the NPPF.

### Amenity Issues

UDP policy H14 parts (c) and (d) requires new development in housing areas to not cause harm to the amenities of existing residents. This is reiterated in the Council's Supplementary Planning Guidance 'Designing House Extensions' (SPG) which, whilst strictly relevant to house extensions, does lay out good practice guidelines and principles for new build structures and their relationship to existing houses. For example, Guideline 5 states that unreasonable overshadowing and over-dominance of neighbouring dwellings should be avoided, as should serious reductions in lighting and outlook of the dwelling to be extended. Guideline 6 seeks to protect and maintain minimum levels of privacy.

Policy H14 is considered to be consistent with the aims of Paragraph 127 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. H14 can therefore be afforded due weight.

## Impact on Neighbouring Occupiers

All the neighbouring properties which are in close proximity to the application site have their rear aspect and gardens facing the site. Numbers 15, 17 and 19 Birch House Avenue, situated to the north-west of the site, are located approximately 18.5m to 21m from the side elevation of the proposed dwellinghouse and will face onto a blank gable wall, set well back from the common boundary. The occupiers of numbers 15, 17 and 19 Birch House Avenue will therefore not suffer from any unreasonable overshadowing, loss of light or loss of privacy.

Neighbouring properties located to the rear of the application site, namely numbers 1, 3 and 5 Birch Grove, will have a little over 21m between their rear elevations and the rear elevation of the proposed dwellinghouse. SPG guideline 6 suggests a minimum of 21m between facing main windows of a neighbour and new extensions to two-storey dwellings. It is also worth noting that these neighbouring dwellings are elevated above the ground level of the application site by approximately 4.5m with good boundary treatments consisting of brick wall and timber fencing and, currently, vegetation that measures approximately 2.5 in height. Due to the boundary treatment and the change in ground levels it is considered that there is little potential for overlooking either into gardens or between the windows of these neighbouring dwellings. It is considered, therefore, that there is sufficient distance between the proposed dwelling and existing properties on Birch Grove to not cause any detrimental harm in terms of unreasonable overshadowing, loss of light or loss of privacy.

Neighbouring properties opposite the proposed dwellinghouse, namely numbers 2 to 14 Greeton Drive, are located to the north-east of the site and there will be a separation distance of approximately 24m between the proposed front elevation and the rear elevations of these properties. The Greeton Drive properties sit below the ground level of the proposed dwelling by approximately 3.5m and their rear gardens are bound by timber fencing and, in some cases, vegetation or outbuildings. As described above, SPG guideline 6 suggests a minimum of 21m is required between facing main windows, but where there is sloping land or the subject site is higher than the surrounding properties, the distance will need to be greater. In this instance the separation distance is approximately 24m, which will reduce the potential for overlooking, particularly in the part of the garden closest to the rear elevation of the properties on Greeton Drive. Moreover at this distance, and with even higher ground to the south, it is considered that the proposals will not result in any unreasonable overshadowing or loss of light.

It is concluded that the proposed development will not cause significant harm to the amenities of the occupiers of neighbouring properties and that the proposals meet the requirements of policy H14, Guidelines of the SPG (5 and 6) and the NPPF Chapter 127.

## Amenity for Future Occupiers

Given the separation distances and land levels described above, it is considered that the proposed dwelling will provide a good outlook from main habitable rooms and an acceptable quality of living accommodation for future occupants. The rear garden

area provides approximately 170 square metres of private useable amenity space, considerably more than the minimum 50 sq.m recommended in the supplementary planning guidance. Accordingly, the proposal complies with UDP Policy H14 and Paragraph 17 of the NPPF.

### Highways Considerations

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

The NPPF also endorses this and seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling, focussing significant development in locations which are or can be made sustainable (paragraph 103) and requires that safe and suitable access to a site can be achieved for all people (paragraph 108). The NPPF does outline that developments should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para.109).

The proposed access to the site would be from Birch House Avenue. Two car parking spaces are indicated on the proposed plans and sufficient space turning for vehicles to enter and leave the site onto Birch House Avenue in a forward gear is also shown.

The information submitted states that the site is currently used for parking associated with No.21. The submitted plans show the relocation of the parking for No.21 to the front of that dwelling. It is therefore considered that the proposal will not result in any significant intensification in use of the access and as such refusal of the application on these grounds could not be justified.

Further information in regards to the tracking has been submitted which demonstrates that vehicles can manoeuvre from the parking space and garage indicated.

The proposal does not result in any change to the number of vehicles movements accessing the site as the current vehicle movements will be replaced by those of the proposed new dwelling.

The proposed dwellinghouse will be approximately 40 metres from the highway on Birch House Road and within the pumping distance for a fire tender. For refuse collection, bins would need to be wheeled to the road side. As this will involve only 1 bin at a time it raises no highway safety concerns.

The proposal complies with Policy H14 (d) and the NPPF (para.103 and 108).

### Landscaping/Ecology

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



The proposal indicates garden and planting areas sufficient for a dwelling of this size and the final landscaping scheme would be reserved by condition.

#### Flood Risk and Drainage

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

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. In all cases of new development it is expected that surface water run-off is reduced by 30% compared to the existing situation. There will also need to be provision for new foul water drainage.

These details are reserved by condition and as such it is considered that the development complies with Policy CS67 which is compatible with the aims of the NPPF.

#### Coal Mining Issues

A search for the site on The Coal Authority interactive map has highlighted that it is in a 'Development High Risk Area'. Consequently, a Coal Mining Risk Assessment has been undertaken and was submitted in support of this planning application. The Coal Authority has raised no objection to the proposed development subject to the imposition of a condition for further site investigations and any necessary remedial works arising from those intrusive investigations.

#### Community Infrastructure Levy (CIL)

Sheffield is a Community Infrastructure Levy (CIL) Charging Authority. This site falls within Charging Area 3 where there is a charge of £30 per square metre (plus index linking since the CIL was introduced in 2015). The funds raised will be put towards essential infrastructure needed across the city as a result of new development (such as transport improvements, school places, open space etc).

#### SUMMARY AND RECOMMENDATION

The principle of the erection of a dwellinghouse on the application site is considered to be acceptable in land use policy terms. The proposal is of a contemporary design, but respects the character of the area and its neighbouring dwellings. It is considered that the development would not harm highway safety as the number of vehicle movements would remain largely the same and the proposals would not have a detrimental impact on the amenities of occupiers of neighbouring properties given that separation distances exceed the 21 metre standard.

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

Therefore, the proposals comply with the Development Plan and with the provisions of the National Planning Policy Framework. It is therefore recommended that planning permission is granted subject to the listed conditions.

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Case Number	19/02022/FUL (Formerly PP-07898501)
Application Type	Full Planning Application
Proposal	Demolition of Banqueting Suite and outbuildings, and erection of a new block of 9no residential apartments (Block A) with associated parking, landscaping works and ancillary works. (Amended Plans and Description) (Omission of Blocks B and C from proposed development)
Location	Kenwood Hall Hotel Kenwood Road Sheffield S7 1NQ
Date Received	03/06/2019
Team	South
Applicant/Agent	Franklin Ellis
Recommendation	Grant Conditionally

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

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

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

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

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

Site Location Plan Ref: KWH-FEA-S1-XX-DP-A-1000 Rev C Scan Date 12 Dec 2019  
Proposed Site Layout Ref: KWH-FEA-S1-XXX-DP-A-1210 Rec F Scan Date 12 Dec 2019

Block A Upper and Roof Plans Proposed Ref: KWH-FEA-B1-XX-DP-A-2208 Rev E Scan Date 12 Dec 2019

Block A Lower Ground and Ground Plans Proposed Ref: KWH-FEA-B1-XX-DP-A-2209 Rev F Scan Date 12 Dec 2019

Block A Elevations Ref: KWH-FEA-B1-XX-DE-A-3710 Rev G Scan Date 06.02.2020

Proposed External Works Ref: KWH-FEA-S1-XX-DP-A-1202 Rev I Scan Date 06.02.2020

Site Section Ref: KWH-FEA-EX-XX-DS-A-3403 Rev D Scan Date 12 Dec 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 measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

4. 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

5. Before development commences a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before development is occupied and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation of the development. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

6. No development shall commence including any demolition works, until final details of a strategy to control/mitigate dust and emissions from the demolition/construction phases shall be submitted to and approved in writing by the Local Planning Authority.

The demolition/construction phases shall be carried out in accordance with the approved details thereafter.

Reason: In order to help mitigate the effects of dust and construction traffic during the construction phase.

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

8. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to 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.

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

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. Notwithstanding the details on the approved plans, no tree, shrub or hedge shall be removed or pruned that is over 75mm in diameter when measured at a height of 1.5 metres above ground level, without the prior written approval of the Local Planning Authority. This is with the exception of E32, within G10 which is to be removed.

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

12. Details of all boundary treatments 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.

13. A sample panel of all proposed masonry/stone 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 prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

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

- (a) External Doors
- (b) Windows
- (c) Window reveals
- (d) Fascias and finials
- (e) Rainwater goods
- (f) Balconies
- (g) Roof Detail

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

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

16. 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.

17. Where any development including demolition commences more than two years from the date of the original protected species surveys, or, having commenced is suspended for more than 12 months, development shall cease, until additional/updated protected species surveys have been submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall

be carried out in accordance with the approved details, including any revised or additional mitigation measures identified.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy GE11 of the Unitary Development Plan and that no offence is committed in respect of protected species legislation.

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

Reason: In the interests of bio-diversity.

19. No externally mounted plant or equipment, including rooftop plant, shall be fitted to the building unless full details thereof, including screening and acoustic emissions data as relevant, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment should not be altered.

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

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

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

21. Before any above ground level construction works commencing, full details of proposals for the inclusion of public art within the application site, including a timetable for delivery, shall have been submitted to and approved in writing by the Local Planning Authority. The public art proposals shall then be implemented in accordance with the agreed details.

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

22. The dwellings shall not be used unless the car parking accommodation for 20 cars 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 use of the occupiers of the development hereby approved.

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

23. The units shall not be used unless the cycle parking accommodation for 10 cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

24. Apartments A5 and A8 shall not be occupied unless the obscure glazed screens to be erected along the western elevations of the recessed balconies serving those apartments have been provided as indicated on drawing:- Block A Elevations Ref: KWH-FEA-B1-XX-DE-A-3710 Rev H. The screens shall be to a minimum privacy standard of Level 4 Obscurity and shall thereafter be retained.

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

### **Other Compliance Conditions**

25. The dwellings shall not be occupied unless the car parking areas of the site have been constructed of a permeable/porous material (including sub base). Thereafter the approved permeable/porous surfacing material shall be retained.

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

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

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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



## Site Location



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## LOCATION AND PROPOSAL

The application site is located within the grounds of the Kenwood Hall Hotel. The site is allocated as a Housing Area within the Unitary Development Plan, and also falls within the Nether Edge Conservation Area. The wider parkland/garden on the southern side of the hotel is a Historic Park and Garden. The wider area is characterised by large properties that are set within large grounds which are surrounded by mature trees and landscaping. The properties are generally set back from the road and behind strong boundary treatments. This application site is slightly different to the immediate surrounding area as it is read in conjunction with the Hotel use, within its substantial grounds.

The originally submitted application included much more extensive proposals for this, within the wider application site, which included the demolition of buildings and the erection of new residential blocks (Blocks A, B and C), and associated car parking and landscaping works. This included the demolition of the existing banqueting suite which faces onto Kenwood Road, and the erection of a replacement building having a similar footprint. This replacement building is referred to as Block A, and consists of the erection of a three storey building when viewed from Kenwood Road with additional basement parking, to provide 9 units in total, 3no. 3 bed flats and 6no. 2 bed flats. It was then proposed to demolish outbuildings which are located to the south west of the site and clear an area of land to erect a four storey building referred to as Block B and C. Block B and C were essentially one building, and provided between them 27 units made up of 8No. 3 bed flats, and 19No. 2 bed flats.

Following negotiations throughout this planning application, Block B and Block C have been omitted from the proposal, and it is only Block A which is to be assessed and considered under this application. Amended plans have been received and there remains some associated works including landscaping, and provision of car parking spaces.

## RELEVANT PLANNING HISTORY

There is an extensive planning history relating to the hotel and its grounds. Pre-application advice was sought on this site for the erection of Blocks A, B and C with associated works. This concluded that the principle of the demolition of the banqueting hall and outbuilding could be supported, and that replacement with a good quality new built element that respected the Historic Park and Garden and the Conservation Area could be supported.

The most relevant planning permission is for "Demolition of existing garages and alterations and extensions to stable block to form 2x dwelling houses, erection of 1x dwelling house and landscaping works to form car parking and amenity area" ( Ref 19/02022/FUL) This application was considered by the planning committee in November 2019.

## SUMMARY OF REPRESENTATIONS

### Original Proposals

Following the posting of site notices, and neighbour notification on the original submission which included Blocks A, B and C for the 36 residential units, in total 138 representations were received. 136 objected to the proposal and 2 supported the proposal.

### Objections

Those which objected included the following reasons:

(Note: whilst not possible with most comments to extrapolate those specific to Block A, those which only refer to the now deleted Blocks B and C appear in *italics*)

### Design

- Kenwood Hall is a significant historic building and any development must be in keeping and appropriate to the existing site. The scale of the proposal is out of keeping with the adjacent properties which are single occupancy in 2/3 storey buildings.
- The site is on the Sheffield City Councils list of Historic Parks and Gardens. (1998, Swallow Hotel), and has been inadequately considered.
- The design with flat roofed blocks is completely unsympathetic to the locality and the conservation area. It is not the place for urbanisation and modernisation on this scale.
- Block A does not act as a 'good neighbour' in design terms and does not sensitively pick up on the architectural language of the adjacent buildings.
- The application wrongly suggests the site is a brownfield site, and this is incorrect - it's an important wildlife and green space.
- This is part of an historic site within a conservation area and it should be preserved to avoid altering the character of the building and neighbourhood in general. It was created by one of Sheffield's leading industrialists and to despoil the estate which he created would be a wanton destruction of a much appreciated piece of local history.
- The proposal represents needless overdevelopment of the area, and the site should be protected for the city and local community.
- The development will drastically change the nature of what is a quiet residential area.
- The drawings are poor, and it's difficult to tell what visual impact the new buildings will have.
- The proposal is for further fragmentation of an important historic park, which therefore will no longer be appreciated as the holistic design it originally was.
- The amount of car parking so close to the entrance will have a significant negative visual impact on the conservation area, with a vista of parked cars.
- The Council should seek solutions to reducing the number of units significantly as previous pre-application advice has been for 2 storeys for Blocks B and C.

## Highways

- The proposal to create 64 parking places to serve 36 units is insufficient, with no space for any visitors.
- The proposed use of a one way system for vehicles, with an entrance on the corner of Kenwood Road and Cherry Tree Road, will significantly increase the likelihood of accidents on what is already a dangerous junction, with very restricted views in both directions along Cherry Tree Road.
- The Transport Statement uses an algorithm based on generalised national data and it vastly overestimates existing traffic volumes. Conferences and events only introduce a small amount of additional traffic at irregular intervals.
- There are on-going traffic problems in the area, and this proposal will greatly increase traffic in the area.
- There have been several accidents on the 5 –way junction opposite the gate house, and the significant increase in traffic would further increase the likelihood of accidents.
- The surrounding roads are almost entirely parked up 9-5 on weekdays.
- There will be overspill parking onto the adjacent roads, causing more congestion.
- Car parking is insufficient on the site already for the Hotel use and will result in a dangerous increase in traffic on the cross roads of Cherry Tree Road, Kenwood Road and St Andrews Road.
- There will be an increased risk to pedestrians, which is of particular concern considering the close proximity to local schools.

## Residential Amenity

- The nature and siting of the 3 blocks will negatively impact on neighbouring properties their gardens and terraces, particularly given their height and use of external balconies.
- The proposed balconies on Block B and C are large, and could be used on a regular basis, causing significant levels of noise disturbance.
- Car parking for Block B and C is very close to the rear boundary of the site and will cause significant increase in noise, disturbance and pollution and a loss of privacy at all times of the day.
- This green piece of Sheffield helps to filter the air of traffic pollution in the immediate area which is much needed. The increase in traffic will create more pollution in the area.
- Some of the large windows and balconies will overlook neighbouring properties.
- There will be a noise, disturbance and an increase in heavy vehicles during the construction period.
- The proposal will create light pollution to neighbouring properties with increased and extra lighting around the site.
- The amount of general traffic would increase noise pollution in the surrounding area.
- The site is open to the public at the moment, and the proposals include the removal of wheelchair access to the park and garden.

## Landscape

- The loss of the tree canopy to facilitate the development is completely out of keeping with the spirit of the Conservation Area, with the remediation plans proposed being insufficient.
- The destruction of so many trees is unacceptable, reducing wildlife habitat and against the current Sheffield Tree and Woodlands Strategy.
- Blocks B and C would have a serious impact on this historical landscaping of the garden and the views around the general area.
- Climate change is high on the agenda, and keeping as many mature trees as possible and planting more should occur.
- Many of the proposed parking bays extend into the root protection areas for the retaining trees.
- The proposal will constitute further fragmentation of the historic designed landscape, after other parts have been sold off separately. The result is that the area can no longer be 'read' as a designed landscape (Robert Marnock)

## Ecology

- The development will involve damage to wildlife habitats, with this green space being an important wild scrub area.
- Badgers have been seen many times over recent years and badger activity is well known to locals in the immediate area. There are badger setts in nearby neighbouring gardens.
- Nether Edge hosts the largest concentration of Tawny Owls in the UK and they depend on green spaces like this.
- There is a large variety of birds and animals including foxes and grey squirrels which use the site.
- The Ecological Survey which has been carried out is wholly inadequate, and lacks any detail.
- The Bat survey was prepared at the wrong time of the year, and no specific bird survey has been undertaken.
- There are no biodiversity enhancements, with no assessment made of the proposed developments impact on wildlife, and no net gain has been demonstrated.
- There have been sightings of Great Crested Newts within the proposed development area.

## Other Issues

- The local schools and medical centres would not be able to cope with an increase in demand, they are already full, with insufficient staffing and resources.
- There are already too many flats in the area.
- Will these dwellings be affordable to help young Sheffielders get a roof over their heads?
- There is a building omitted from the plans which is in front of the Lyon Apartments on Kenwood Road.
- The proposal had the potential to de-value neighbouring properties.

- The application has not been sufficiently well advertised and it should have been much more visible to the community for property public consultation to take place.

4 of the 138 representations of objections did state that they had no objection to Block A in principle.

## Support

2 letters of support were received on the original set of plans, with comments including:

- In principle it seems to be a sensitively considered proposal with any visual impact kept to a minimum by keeping the proposed buildings only 3 or 4 storeys.
- The use of cars in Sheffield should be reducing, and in this instance the site is within easy cycle distance to the city centre, improved cycle storage should be included.
- This is a very good use of the space which at present looks out of date and in need of a fresh approach. The proposed development will make the area look appealing, and add a modern touch to a beautiful location.

## Historic England

The grounds of the site have been encroached upon by 20th century development related to the Kenwood Hall Hotel although much of the original garden layout is still legible. The area for the proposed apartment Blocks B and C has not previously developed, apart from the glasshouses and later garages. These proposed blocks have the potential to cause some harm to the conservation area and the locally designated heritage asset of the historic garden, which also sit forward of the principal elevation of Kenwood Hall. This harm could be reduced by reducing the height and bulk of the buildings and considering their position within the site. As such, Historic England has concerns regarding the application on heritage grounds.

## Conservation Advisory Group Comments

The Group considered that the submitted scheme did not preserve or enhance the character of the heritage asset and would in fact cause great harm to the property. The Group felt that the proposed Block A was one storey too high. It was considered that the development would be a gross intrusion on a historical landscape and would have an adverse impact on the heritage asset and the core of the Nether Edge Conservation Area. The Group felt that Kenwood Park was the heart of the Conservation Area, but was also distinct from it. The Park retained its original character as laid out by Robert Marnock, in spite of previous incursions. The Group felt that the scheme showed a lack of understanding of the quality of the landscape.

## Amended Proposals

Following the omission of Blocks B and C from the scheme, a further round of consultation was carried out for the demolition of the banqueting hall, and erection of the 9 units within Block A, including associated car parking and landscaping works.

One representation has been received from a resident within Kenwood Court who objects to the scheme on the following grounds:

- Welcome the reduction in the scale of the proposal down to 9 units, and if this is truly all they want to develop, then this addressed the main ecological and over-development concerns.
- The plans remain muddled as they are tacked onto the end of the previous application.
- The design of the Cherry Tree Road entrance is not safe or suitable, with poor visibility.
- The modern character and excessive mass of the development contravenes advice set out in the Nether Edge Conservation Area Appraisal which identifies flat roofed apartment buildings and buildings of excessive mass threaten the conservation area.
- The proposal has balconies which are often used as storage areas and can quickly become untidy.
- The design should take inspiration from other developments such as Kenwood Court opposite that have mimicked the character of existing building.
- There is a total lack of detail regarding the "landscaping" on the Block B and C site. Is it being left as it is, or are the outbuildings being removed?
- The badger sett in the locality needs to be properly protected during construction works.
- Headlights from cars driving up the hill towards the Kenwood Road exit will shine directly into the apartment windows on the opposite side of the road, disrupting resident's quiet enjoyment of their properties.

## PLANNING ASSESSMENT

### National Planning Policy Framework

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

### Policy Context

The Council's development plan comprises the Core Strategy (CS) 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 revised in February 2019 (NPPF) is a material consideration.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 213 of the NPPF confirms that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal also needs to be considered in light of paragraph 11 of the NPPF, which states that 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 granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As Sheffield does not currently benefit from a five year housing land supply the most important policies for determining this application are automatically considered to be out of date, as made clear in footnote 7 of paragraph 11. As such the two Paragraph 11 tests, often referred to as 'the tilted balance' (a presumption in favour of sustainable development), will apply.

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the UDP and Core Strategy as detailed above.
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' tests, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms.



- The design, scale and mass of the proposal, and its impact on the existing listed buildings, historic park and garden, conservation areas and street scene.
- The effect on future and existing occupiers living conditions.
- Whether suitable highways access and off-street parking is provided.
- The impact of the proposal upon the existing landscaping and ecology of the site and its surroundings.

## Land Use

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

The application site is considered to be brownfield land, in that it is previously developed and contains the existing banqueting hall and car parking on it. Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites.

Policy CS23 and CS24 is open to question as it is a restrictive policy based on outdated housing need figures. However the broad principle is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'. Therefore the promotion of brownfield development aligns strongly with the NPPF, in particular paragraph 118 c) which gives substantial weight to the value of using brownfield land within settlements for homes and other identified needs.

In this regard CS23 and CS24 can be offered some weight, and the principle of developing this brownfield site within an existing urban area, and sustainable close to a regular bus route is supported in policy terms.

## Housing Land Supply

Core Strategy Policy CS23 'Locations for New Housing' identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land with the main focus of development being on sustainably located sites within or adjoining the main urban area of Sheffield. Core Strategy Policy CS22 relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5 year supply of deliverable sites will be maintained.

The NPPF requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method.

The Council is in the process of updating its 5 year housing land supply position and in light of the recently changed assessment regime further detailed work is required.

The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

In the absence of a 5 year housing land supply and in light of paragraph 11 of the NPPF, all policies that are most important for determining this application are automatically considered to be out of date and are summarised at the end of this report.

Notwithstanding this, the proposed development of 9 dwellings will make a positive contribution towards the Council's housing land supply of deliverable sites.

### Housing Density

Core Strategy Policy CS26 requires that housing development makes efficient use of land requiring appropriate housing densities to ensure this.

For a site such as this, which is within an urban area but more than 400 metres away (as you would walk rather than as the crow flies) from a District Shopping Centre or high-frequency bus route, CS26 (d) states that a range of 30-50 dwellings per hectare is appropriate.

Policy CS31 'Housing in the South West Area' identifies that the density of development should be in keeping with the area. This part of Nether Edge and the immediate surroundings is generally characterised by lower density development due to the presence of a high number of large dwellings which are set in substantial plots.

CS31 and CS26 part (d) can be viewed to limit/restrict development with maximum densities proposed but are otherwise in broad compliance with the NPPF and are afforded moderate weight in the determination of this application.

Paragraph 122 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

Where there is an existing shortage of land for meeting housing needs, as is the case in Sheffield, the para 123 of the NPPF places increased emphasis on avoiding low density housing development and ensuring that developments make optimal use of the potential of each site.

The application site is approximately 0.63 of a hectare, and the 9 proposed units would give a density of approximately 14 dwellings per hectare. This is significantly below the suggested range, however a large proportion of the site area is taken up by the access road, or contains mature trees and landscaping within a historic park and garden. This scheme is for the demolition of an existing building, and erection of a replacement building on a similar footprint and scale, and it is considered that the proposed range reflects the character of the area and as such is within the spirit of

Policies CS26 and CS31 of the Core Strategy and para 123 of the NPPF which is afforded more weight.

### Design and Conservation Policy Context

The hotel and its grounds are located within Nether Edge Conservation Area which is a Designated Heritage Asset. The Council has a commitment to the conservation of the character and appearance of this area which is supported by the addition of an Article 4 Direction on the domestic properties of townscape merit within the conservation area.

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

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

As the site also falls within the Nether Edge Conservation Area, Policy BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These policies require high quality developments which would respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, and which also seek to preserve or enhance the character of conservation areas and the city's heritage.

Policy BE21 'Historic Parks and Gardens' within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected.

Consideration needs to be given to these important design and conservation policies and how closely these reflect the design policies in the NPPF.

Chapter 12 of the NPPF requires good design, where para 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Para 130 requires that planning 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. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally so long as they fit in with the overall form and layout of their surroundings.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and (para 194) that any harm to the asset from development within its setting should require clear and convincing justification.

It is considered that the design and conservation policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore whilst out of date, these policies can be afforded full weight and are an important consideration.

It should be noted at this point that footnote 6 to paragraph 11(d) of the NPPF, referred to above and which identifies that where a development plan or its policies are out of date, planning permission should be granted unless 'policies to protect areas or assets of particular importance' provide a clear reason for refusing permission, applies to those within the NPPF, not the Council's Development Plan policies. It is also noted that in such cases where there is clear conflict with the heritage policies within the NPPF, the tilted balance does not apply.

### Design, Townscape and Conservation Area Issues

Firstly, the principle of the demolition of the unsympathetic and dated banqueting hall is acceptable, and its loss will not impact negatively on the appearance of the conservation area.

The surrounding area is characterised by a mixture of building styles and designs, with the predominant buildings within the conservation area being three storey Victorian properties. There are a number of more modern apartment schemes in the wider area, and there is the Hotel itself and its gardens.

The existing banqueting hall is positioned close to the boundary with No. 51 Kenwood Road. Block A is to be erected on a similar footprint, however is moved slightly away from the western boundary of the site. The building is designed with three floors of accommodation facing Kenwood Road, and an additional basement level on the rear elevation (southern elevation). The existing access point onto Kenwood Road closest to No. 51 is to be blocked up and a new wall to be erected.

The proposal takes a contemporary approach, with the massing reflecting that of the previous building and those in the wider area. The overall height of the proposed building will be approximately the same height as those within the immediate street scene which have pitched roofs.

The main building material within the Nether Edge conservation area is natural stone. This application proposes a natural Ashlar stone to the front elevation facing Kenwood Road with the wide elevations broken up with a contrasting material. High quality detailing will be required in terms of windows, doors, rainwater goods, window reveals etc, and samples of all materials including the stone to ensure the quality can be secured through relevant conditions if Members are minded to grant planning permission.

The proposed building will be visible in the street scene and will contribute towards its character, however it is considered that it will sit comfortably between the neighbouring buildings, respecting the character of the surrounding street scene and wider conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, greater weight

should be given to the asset's conservation. Paragraph 194 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within its setting. Paragraph 196 goes on to say that where a proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the proposal creates less than substantial harm to all identified heritage assets. Public benefit would accrue from the construction of 9 new residential units whereby there is a shortfall in the 5 year supply in Sheffield. There is also the benefit of removing the less sympathetic banqueting hall and replacement with a high quality contemporary scheme which will improve the overall appearance of the site. These benefits are significant and given the improvements undertaken to the design of the scheme, and the reduction of its impact, are considered to outweigh any harm created by the proposal on the heritage assets.

Therefore it can be concluded that overall the proposal is acceptable in respect of UDP and NPPF policies, and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

#### Highways Issues

UDP Policy H14 part (d) seeks to ensure that development would provide safe access to the highways network and appropriate of street parking and not endanger pedestrians. Policy H5 'Flats, Bed-sitters and Shared Housing' in the UDP part (c) requires that permission will be granted for the creation of flats where there would be appropriate off-street car parking for the needs of the people living there.

Core Strategy Policy CS51 'Transport Priorities' sets out six strategic priorities including developing alternatives to the car, containing congestion levels and improving air quality.

Policy CS53 'Management of Demand for Travel' also seeks to make the best use of the road network, promote good quality public transport, walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

Those policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para 109).

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

In this case, 9 x 2/3 bedroom units are proposed which would give a maximum figure of 20 spaces (18 spaces for the units, plus 2 visitor spaces) in accordance with the guidelines. In total 20 parking spaces are proposed which is considered acceptable.

The main entrance to the hotel is by the signposted access along Kenwood Road. The Banqueting Hall which could accommodate up to 200 guests, is then serviced by two access points (which are currently gated) onto Kenwood Road which are located approximately 90 metres to the west of the main hotel entrance. A further access point is located along Cherry Tree Road close to the junction with Kenwood Road and St Andrews Road. These access points have historically provided access and egress from the site.

It is proposed to access the development from Cherry Tree Road, with this access point remaining unaltered. A one way route through the site would lead around to Block A, and then egress from the site would take place onto Kenwood Road from the eastern access point which is to be retained. The western access point which is closest to No. 51 is to be blocked up and a new boundary wall inserted into the existing opening.

The existing use of the access points is currently low due to limited use of the Banqueting Hall, however when the Banqueting Hall was in use, it would see quite intensive use of the access points.

Nonetheless, the car journeys associated with the creation of 9 units is not considered to give rise to any adverse impact on the surrounding highway network, with the one way route through the site improving the access/egress from the site which is considered favourable.

Secure and covered cycle parking is provided within a separate room within the basement level layout, which is welcomed and is provided at a higher ratio of 1 space per unit.

On this basis, the proposal would be considered to meet Policies H14(d), and CS53 and does not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

#### Living Conditions

Policy H5 'Flats, Bed-sitters and Shared Housing' of the UDP states that planning permission will be granted only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

H15 'Design of New Housing Developments' states that the design of new housing developments will be expected to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

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

These UDP policies are therefore considered to align with the requirement of paragraph 127 so should be given significant weight.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

#### Future Occupiers

Having assessed the submitted information in terms of internal layouts and the positioning of buildings, it is considered that occupiers will be afforded good living conditions in terms of space standards, outlook, light and privacy. There are some windows in the east elevation which overlook the driveway however these are secondary windows with the main aspect taken from the front and rear of the building. All units have balconies which are approximately 10 square metres, which meets the requirements of SYRDG. Furthermore, occupiers of the proposed units will have access to the hotel grounds, which are open to members of the public.

The Hotel use adjacent does host weddings and other functions, and so inevitably there could be some noise breakout from the Hotel building. This is considered not to be to a detrimental level and will not cause significant harm to future residents, who in addition, would be aware of that when they were choosing to live within the grounds of a Hotel use.

Based on the above, the proposal is considered to offer a good level of amenity of future occupiers.

#### Neighbouring Occupiers

The closest neighbouring properties to Block A are No. 51 Kenwood Road which is located immediately adjacent to the site to the west, The stable block which has

permission for conversion into 3 units to the east, and the houses on the opposite side of Kenwood Road.

No. 51 is set within substantial grounds, and at present the banqueting hall is located close to the shared boundary. This application seeks to demolish the existing building, and replace it with a building which is moved away from the shared boundary by between 2 and 4.6 metres (taking account of the footprint of the building). The proposal is considered to not create any adverse overbearing or overshadowing to occupiers of No. 51.

The proposal has no openings in this elevation, with rooms taking their aspect towards the front and rear of the building. Three external balconies are proposed at the front of the building in the north west corner, which could create some overlooking from the side of the terraces. A condition on any approval can ensure that privacy screens are erected so that no adverse overlooking is created.

The houses on the opposite side of Kenwood Road are at the closest 40 metres away and are separated from the development by a wide tree-lined highway. Whilst the proposal has windows and terraces on this front elevation, owing to the separation distance they are not considered to have an overbearing or overshadowing impact or create overlooking to occupiers on the opposite side of Kenwood Road.

Permission has recently been granted for the conversion of the stable blocks located to the east of Block A. No new main windows were proposed in the side of the stable block looking towards the proposed development, and as such as no adverse overbearing or overshadowing will be created by the proposal. The private amenity space afforded to occupiers of the proposed stable block is positioned on the other side of the stables and it is considered that the windows in the side elevation of Block A on the east elevation which overlook the driveway are acceptable.

All other properties in the vicinity are sufficient distance away from the proposal.

Therefore it is considered that the proposed development, will not impact on the amenities of occupiers of neighbouring properties, or future occupiers of the proposed units. The scheme accords with Policy H5, and H14 of the UDP, and Paragraph 127 of the NPPF.

### Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reduce the city's impact on climate change. These actions include:

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



The NPPF attaches great weight to mitigating the effects of climate change. When determining planning applications para 153 of the NPPF makes it clear that local planning authorities should expect new development to comply with local requirements for decentralised energy supply unless it is not feasible and viable, and that buildings are designed to minimise energy consumption. This policy can therefore be given substantial weight.

The site is in a sustainable location within the main urban area, and is within reasonable walking distance of local amenities.

In addition, the site is previously developed and the scheme will incorporate permeable/porous car parking areas which will result in reduced surface water run-off rate (see Drainage Section below).

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions.

Previously residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

This policy is compliant with the aims of paragraphs 148, 150 and 153 of the NPPF and this policy can therefore be given full weight.

The applicant has confirmed that the 10% target will be achieved across the scheme and this will be a pre-commencement requirement within any planning conditions. Measures to achieve this include a highly performing insulated building envelope and windows and doors, energy efficient heating and lighting systems, and whole house ventilation systems incorporating heat recovery.

Overall, it is considered that the proposal meets the local sustainability policy requirements, and those of the NPPF.

### Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported through Policy BE6 'Landscape Design' which seeks at part (c) to integrate existing landscape features in the development including mature trees and hedges. The aim of these policies firmly aligns with the broad aims of Chapter 15 (Conserving and Enhancing the natural

Environment) and specifically paragraph 175. As such these policies can be given full weight.

The proposal seeks to remove 1 tree, E32 as marked on the proposed site location. This tree is 12 metres high Yew which is damaged and is to be removed to allow the group of trees adjacent to develop fully.

A condition on any approval can ensure that the relevant trees are to be retained, and that suitable details of tree-protection areas are provided including a method statement for any construction works within the root protection zones. Details of re-planting as part of the soft landscape works for the scheme can also be controlled through a condition.

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

### Ecology Considerations

Policy GE11 'Nature Conservation and Development' of the UDP requires development to respect and promote nature conservation. Paragraph 175 (d) of the NPPF encourages opportunities to incorporate biodiversity improvements in and around developments so can be given significant weight.

An ecology survey has been carried out relating to this site which has been subsequently updated and amended. The main body of the ecology survey identifies a number of species which are located away from Block A, and the proposed parking areas. Blocks B and C, and the associated car parking along the driveway are now omitted from the plans, and the existing landscaping is to be retained.

The Banqueting Hall has been surveyed for bats, with no evidence of any roosts. There will be a loss of some trees and shrubs which could provide foraging areas, however there remain sufficient green areas within the site, and the surrounding area to support local wildlife. Furthermore, a condition can be attached to any approval which requires details of biodiversity enhancements such as bat/bird boxes to be submitted.

On this basis the scheme is considered to comply with the aims of policy GE11.

### Flood Risk and Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. This policy firmly aligns with Chapter 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the NPPF and can be afforded significant weight.

The site itself is located within Flood Zone 1 and therefore is not at any significant risk of flooding, and as such does not require a Flood Risk Assessment. In this instance, the areas of hardstanding for car parking could be constructed from a porous material, which would restrict surface water run-off, and this can be controlled through a relevant condition to any approval.

## Air Quality

Policy CS66 'Air Quality' of the Core Strategy seeks to improve air quality within the city. This is mirrored within para 181 of the NPPF which seeks to improve air quality and mitigate impacts.

Pollutants and particulates are only likely to result from residents vehicular movements and, as identified in the above Highways Section, vehicle movements associated with the development will be low and would not be notably different from the previous use. It is not therefore considered that the proposed use for 9 dwellings will have an adverse impact on the air quality.

A further consideration in respect of air quality relates to dust during development and in order to tackle this, a planning condition is proposed to secure dust suppression measures for both the demolition and construction phases.

## Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. In this instance the proposal falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 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'.

## Other Matters

Policy BE12 "Public Art" of the UDP requires that public art should be provided as part of the development and integrated into the landscaping and treatment of the public spaces. No details of any public art have been submitted to date. This can be the subject of a condition on any approval.

## RESPONSE TO REPRESENTATIONS

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

- Noise and disturbance are a potential consequence of construction activity however, separate legislation (Environmental Protection) applies to this.
- The 9 units proposed in this application are not considered to create a significant demand on local services in the area.
- Devaluation to adjacent properties is not covered under planning legislation.

## SUMMARY AND RECOMMENDATION

The application seeks planning permission for the demolition of the existing building on the site, and its replacement with a 3 storey building containing 9 units in total.

The assessment of this development proposal has been considered in light of paragraph 11 of the NPPF, which identifies that when making decisions a presumption in favour of sustainable development should be applied. Paragraph 11 goes on to state 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, as is the case here as Sheffield does not currently benefit from a five year supply of housing land, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In the absence of Sheffield currently being able to demonstrate a 5 year supply of housing land the tilted balance is in play in accordance with paragraph 11 of the NPPF as the most important policies for determining this application (housing supply, design, amenity and heritage) are considered to be out of date. Therefore the positive and negative aspects of the scheme must be carefully weighed.

The principle of demolition of the banqueting hall and erection of a replacement 3 storey building containing 9 residential units is considered acceptable in land use policy terms. The proposal would represent efficient use of land, in a sustainable location within the main urban area. The proposed development will not have a detrimental impact on the amenities of occupiers of neighbouring properties, with future occupiers of the proposed development afforded a good level of amenity. The level of car parking accommodation is acceptable and would avoid any severe implications in highway safety terms.

The proposal is considered to create less than substantial harm to the Conservation Area, with the removal of the less sympathetic banqueting hall from the site being welcomed, and the creation of a high quality appropriate scaled residential development which would have a positive impact on the immediate area, along with the wider conservation area.

The delivery of 9 housing units would make a small but positive contribution to the city's housing stock which is significant at a time when Sheffield cannot demonstrate a 5 year supply of housing land. It would result in redevelopment of an underused and deteriorating building on a previously developed site in a sustainable location, containing sustainable design features.

The public benefits listed above are considered to outweigh the less than substantial harm and in this context there is no conflict with paragraph 196 of the NPPF and no clear reason for resisting the proposals on those grounds. The tilted balance therefore applies.

In applying the tilted balance in favour of sustainable development in accordance with paragraph 11 (d) of the NPPF, it is considered that the benefits of the scheme outweigh the minor adverse impacts in this instance and it is considered that the scheme represents sustainable development, in line with the key policies contained in the Development Plan and the provisions of the NPPF.

It is therefore recommended that planning permission is granted conditionally.

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Case Number	19/01832/FUL (Formerly PP-07866120)
Application Type	Full Planning Application
Proposal	Application to allow alterations to conditions relating to surface water, foul waste, landscaping, green roof and owl/bat boxes (Application under Section 73 to vary/remove Condition no(s) 15. (Landscape Scheme), 25. (Surface water drainage), 26. (Soakaways and foul drainage), 27. (Green Roof), 28. (Owl and bat boxes) relating to application no.14/02812/FUL (Application under Section 73 to vary condition 2 (drawings) imposed by Planning permission 12/00585/FUL to included provision of 11 allotments and alterations to roofs, reduction in height of garden wall and rebuilding brick gable wall)
Location	Loxley Works Low Matlock Lane Sheffield S6 6RP
Date Received	21/05/2019
Team	West and North
Applicant/Agent	Collinshallgreen
Recommendation	Grant Conditionally

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

1. The development must be begun not later than the expiration of three years from the date of planning approval No. 14/02812/FUL

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:

CODA DRAWINGS

Drawing No. 001 Revision P04 (Ground Floor Layout);  
Drawing No. 002 Revision P05 (Ground Floor Layout);

Drawing No. 003 Revision P03 (Roof Plan);

Drawing No. 004 Revision P02 (Roof Plan);

Drawing No. 005 Revision P02 (First Floor Plan);

Drawing No. 006 Revision P02 (First Floor Plan);

#### **COLLINS HALL GREEN DRAWINGS**

Drawing No. 120 Revision P03 (External Works Drainage Remediation Plan);

Drawing No. 121 Revision P02 (External Works - Drainage Remediation S106 Details, Manhole Schedule and Long Sections)

Drawing No. 130 Revision P01 (SW Drainage Catchment Areas);

Drawing No. 501 Revision P1 (Landscaping Plan)

published on the 21 May 2019 and 12 July 2019

Reason: In order to define the permission

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

25. Full details of the proposed surface water drainage design, including calculations and appropriate model results shall be 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.

Details of the works shall be submitted to and approved in writing within 8 weeks of the date of the decision, and unless first agreed in writing by the Local Planning Authority, the works shall be carried out no later than 6 months from the date of this decision.

Reason: In the interests of sustainable development and reduce the risk of flooding.

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

26. The foul drainage system shall be installed in accordance with the details shown on Drawing Nos. C470 500 P1 (External Works Drainage Remediation Plan) and C470 130 Revision P01 (SW Drainage Catchment Areas) no later than 6 months from the date of this decision, prior to which arrangements to secure connection to the public sewer along Loxley Road shall be entered into with Yorkshire Water. Thereafter, the approved foul pumping station and drainage apparatus as shown on the approved drawings shall be maintained in accordance with details to be submitted to the local planning authority.

Reason: To ensure satisfactory disposal of foul drainage and waste.

### **Other Compliance Conditions**

3. The car parking accommodation provided in accordance with the approved plans 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.

9. The turning space for vehicles provided in accordance with the approved plans shall be retained for the sole purpose intended.

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

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

Reason: To ensure satisfactory drainage arrangements.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, 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 to include satellite dishes and external lighting such as floodlights which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of protecting open character of the Green Belt.

23. The measures that have been incorporated into the development to reduce emissions of greenhouse gases as approved under Condition Application No. 14/02812/COND1 shall be retained and maintained for the lifetime of the development.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

24. The measures that have been incorporated into the development to secure a minimum of 10% of the predicted energy needs of the completed development from renewable or low carbon energy as approved under Condition Application No. 14/02812/COND1 shall be retained and maintained for the lifetime of the development.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

27. Within the first planting season after the date of this decision, any plant failures within the installed green roof (vegetated roof system) shall be replaced with the same or similar herbaceous type plants.

Reason: In the interests of biodiversity.

28. The owl and bat boxes as shown on Drawing No. C470 500 Revision P1 (Bat and Owl Box Locations) shall be retained and, in the event that any of the boxes are damaged, they shall be replaced with a suitable alternative.

Reason: In order to improve biodiversity within the site.

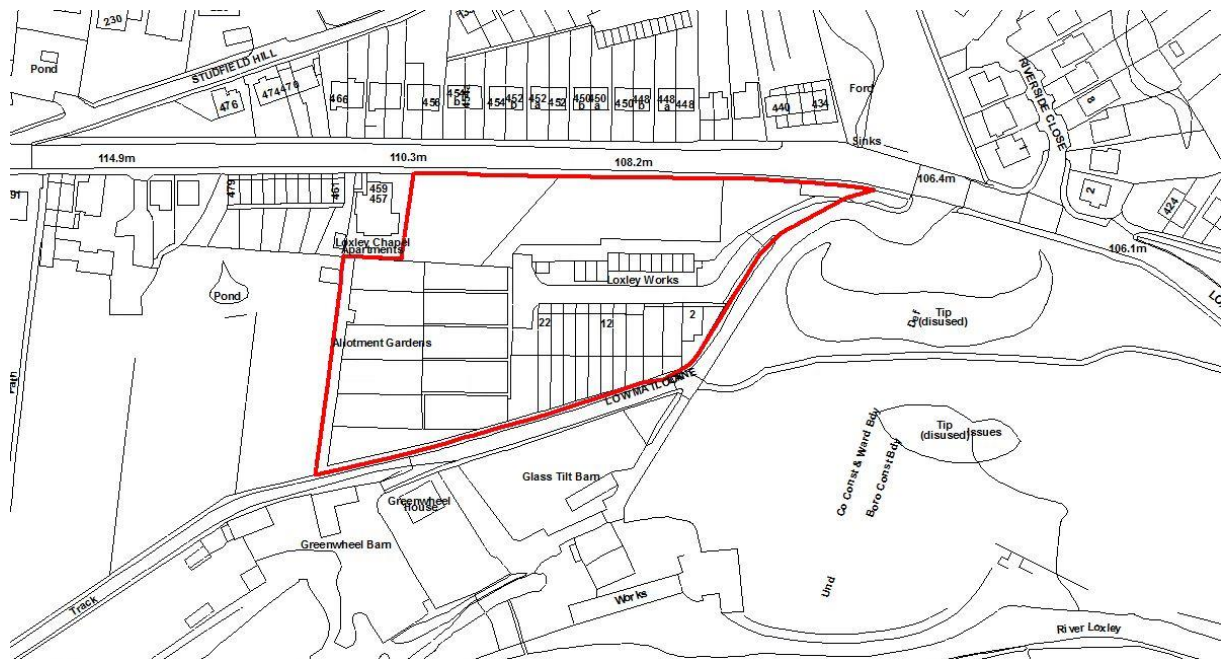
Attention is Drawn to the Following Directives:

1. The applicant is advised of the following:

- Repeat conditions are listed with the same numbering as those listed on Decision Notice to 14/02812/FUL;
- Conditions 2, 3, 9, 23, 24, 25, 26, 27 and 28 have been varied in accordance with the details submitted and approved with this application:
- Conditions 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22 and 29 have been removed from this notice as they have been complied with following the approval of details under applications 14/02812/COND1 and 14/02812/COND2; and
- Conditions 12 and 16 remain unchanged from those listed on Decision Notice to 14/02812/FUL and remain in force.



## Site Location



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## BACKGROUND

The application relates to the site of Loxley Works, a former industrial site that is situated along the southern side of Loxley Road. The site is now in residential use following the grant of full planning permission to change the use of the site's former industrial workshop into 11 dwellinghouses. This was granted in August 2012, under planning reference No. 12/00585/FUL.

Following the initial grant of planning permission, the applicant submitted a Section 73 application to vary Condition No. 2 (Schedule of drawings), which was approved in January 2015, under planning reference No. 14/02812/FUL allowing amendments to the earlier approved scheme. The development has been built broadly in accordance with the 2015 approval.

## LOCATION AND PROPOSAL

Loxley Works is a residential development that is made up of 11 dwellinghouses and a garage block (2-22 Low Matlock Lane). The site is a former industrial site that is situated off Loxley Road. The site covers approximately 1 hectare, and is made up of a row of terrace houses, converted from an early 20<sup>th</sup> Century industrial brick workshop, a garage block, central access road, large lawned areas and allotment gardens.

The site is set significantly lower than Loxley Road, and is effectively hidden from the road. The site is situated approximately 100m to the north of the River Loxley and lies within Flood Zone 1.

The nearest residential properties to the site are located along Loxley Road to the north and north-west (434 - 456 Loxley Road) and also along Low Matlock Lane to the west (Green Wheel House and Green Wheel Barn). A breakers yard is located to the south of the site.

The applicant is again seeking approval under Section 73 of the Planning Act to vary conditions attached to planning approval No. 14/02812/FUL. The application is specific to five conditions, namely No.s 15 (Landscape Scheme), 25 (Surface Water drainage), 26 (Soakaways and foul drainage), 27 (Green roof), and 28 (Owl and Bat boxes).

## RELEVANT PLANNING HISTORY

The site of Loxley Works has a complex planning history. The most relevant applications are set out below.

12/00585/FUL - Partial demolition and refurbishment of industrial unit to form 11 cottages, erection of garage block and provision of associated landscaping and parking accommodation (as per amended drawings received 8 June 2012) – Approved 01/08/2012

14/02812/FUL - Application under Section 73 to vary condition 2 (drawings) imposed by planning permission 12/00585/FUL to include the provision of 11 allotments and,

alterations to roofs, reduction in height of garden wall and rebuilding brick gable wall  
– Approved 13/01/15

12/00585/COND1 - Application to approve details in relation to condition numbers 4. highways improvements; 5. details of highways improvements; 6. access for construction vehicles; 7. wheel cleaning; 11. details of materials; 13. foul and surface water drainage; 17. land contamination investigation; 22. mobility housing; 23. greenhouse gas reduction; 25. surface water discharge reduction; 26. soakaway and septic tank and 27. green roofs relating to planning permission 12/00585/FUL – Withdrawn 18/09/2015

12/00585/COND2 - Application to approve details in relation to condition numbers 9. Vehicle turning space, 10. Surfacing and drainage, 11. External materials, 18. Phase I preliminary risk assessment report, 19. Phase II intrusive site investigation report of planning permission 12/00585/FUL – Withdrawn – 18/09/2015

12/00585/COND3 - Application to approve details in relation to condition numbers 24. Energy needs; 26. Soakaway and septic tank; 27. Green roofs of planning permission 12/00585/FUL – Decided 17/06/2015

14/02812/COND1 - Application to approve details in relation to condition numbers 4. Highway improvements, 5. Details of highway improvements, 6. Access for construction vehicles, 7. Wheel cleaning, 10. Surfacing and drainage, 11. Details of materials, 13. Foul and surface water drainage, 15. Landscape scheme, 22. Mobility housing, 23. Greenhouse gas reduction, 24. 10% of predicted energy use be from renewable or low carbon energy, 25. Surface water discharge reduction, 26. Soakaway and septic tank and 27. Green roof relating to planning permission 14/02812/FUL – Decided 15/10/2015

14/02812/COND2 - Application to approve details in relation to condition numbers 17. Phase I Preliminary Risk Assessment, 18. Site Investigation Report and 19 & 21. Remediation strategy of planning permission 14/02812/FUL – Decided 07/02/2017

APP/EPR/545 - Appeal against a refusal of an application for an Environmental Permit – Dismissed 8/02/2019

## SUMMARY OF REPRESENTATIONS

Representations have been received from the residents of 10 properties. All but one of these representations have been received from the residents living at Loxley Works. There have been two rounds of consultation following the receipt of additional information/plans. Most of the residents have commented twice, the second comments reiterating their initial concerns.

These are summarised below:

- The developer has not carried out any of the work promised in the planning application.
- The developer installed an illegal system for dealing with sewage. The treatment plant was not approved by the Environment Agency. The system,

which was installed in 2016 was inadequate to deal with sewage generated at this site. The system has broken down on several occasions leading to bad smells around the site.

- The replacement pumping station and apparatus should be adopted by Yorkshire Water and not the developer as the management have proven themselves to be incapable of managing the site.
- Have no confidence that the developer (Campbell Homes) would install and manage the new system efficiently.
- It would be prudent for the LPA to enforce that the conditions of the new pumping station be made under a Section 104 legal agreement with Yorkshire Water as the sewage undertakers. This would give the residents confidence that the people responsible for the upkeep/maintenance of the sewage system are experts in this field and to prevent any possible further issues with the sewage system impacting upon our home and the surrounding environment.
- The Council was at fault in allowing the treatment plant to be installed.
- The proposed pumping station should be designed so that it is suitable for adoption under S104 of the Water Industry Act in accordance with Sewers for Adoption.
- Without the system being adopted by Yorkshire Water, this again could bring a host of ongoing and future issues around health and safety, maintenance, repairs, management, odour nuisance and environmental issues.
- No objection with the green roof, landscaping, or provision of the bat and owl boxes.
- Lead to believe that the soakaways were in place during construction, but as there have been no problems do not want any disturbance of the allotment gardens.
- Apart from the foul drainage issue, there are no other issues with the other conditions.

Representations have also been received from Loxley Valley Protection Society (LVPS) and Bradfield Parish Council.

Loxley Valley Protection Society (LVPS)

LVPS share the concerns of the residents of Loxley Works in that the completed scheme has not been carried out in accordance with the approved scheme.

Bradfield Parish Council

Bradfield Parish Council has raised concerns with the application and comment that the information provided does not give enough clarity on the changes to the conditions.

## PLANNING ASSESSMENT

The applicant is seeking to amend five conditions that were attached to the grant of planning permission No. 19/01832/FUL. The application has been submitted on the advice of officers following evidence provided by residents of Loxley Works that the

development had not been carried out in strict accordance with the 2015 permission and the details approved under the three condition applications. These conditions as stated above relate to landscaping (No. 15), surface water drainage (No. 25), foul waste (No. 26), green roof (No. 27) and Owl and Bat boxes (No.28).

For ease, each of the conditions that the applicant wishes to vary are listed in sequence below:-

#### Condition No. 15 (Landscape Scheme)

This condition states that a comprehensive and detailed hard and soft landscape scheme for the site, including enclosures, boundary treatment and the repair of the existing boundary wall on the Loxley Road frontage, shall be submitted to and approved in writing by the Local Planning Authority. The condition goes on to say that the soft landscaped areas shall then be managed and maintained for a period of 5 years from the date of implementation and that any plant failures within that period shall be replaced to the satisfaction of the Local Planning Authority.

The landscaping scheme for the site was approved under application 14/02812/COND1. The details of the approved scheme were set out on Drawing No. GLD011 Planning -07 (Landscape Plan). This plan shows grassed lawns to both upper and lower gardens, a wild flower meadow, allotment gardens, and an area of Indian Flagstone paving. The details were considered to be acceptable as they would provide an attractive hard and soft landscaped setting to the benefit of the approved building.

Inspection of the site shows that the applicant has broadly carried out the landscaping in line with the 2015 landscape plan, with the site's raised upper garden grassed, border planting and the provision of 11 allotment gardens. The landscaping does not however include seating areas as previously prescribed, nor does it include the wildflower meadow in the north-eastern part of the site adjacent to the access road, which has been fenced off and is overgrown with no evidence that this was ever laid out as a wildflower meadow.

Officers acknowledge that the landscaping has not been carried out in full accordance with the 2015 landscape plan. However, it is considered that the extent of landscaping that has been carried out across the whole site, now shown on revised Drawing No. 501 Revision P1 (Collins Hall Green) is extensive and of an acceptable quality that includes a large area of open lawned grassed areas, border planting, stone paving and the provision of allotment gardens. While the failure to provide the approved wildflower meadow is regrettable, this only represents a small part of the overall site (approximately 15%) and its lack of provision is not considered to significantly diminish the overall high quality landscaping scheme of the site.

Recommendation: It is recommended that condition 15 be removed in view of the fact that an extensive and satisfactory landscaping scheme has been implemented and maintained for the standard 5 year period.

## Condition Nos. 25 (Surface Water Drainage)

This condition states that the surface water discharge from the site be subject to a reduction of at least 30% compared to the existing peak flow. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 l/s/Ha is required. Details of the surface water disposal, including calculations to demonstrate the reduction, should be submitted for approval.

Details in respect of this condition were approved by the LPA in October 2015, under application 14/02812/COND1. The details submitted in respect of this condition are outlined on Drawing No. 101 P02 (Collins Hall Green) and shows that the 30% reduction in surface water runoff as specified by this condition would be achieved through a buried surface water attenuation storage tank below the hardstanding between the dwellinghouses and the garage block (cellular storage units).

However, during the course of an enforcement enquiry, it was brought to officers' attention that the attenuation tank had not been provided on site, with little or no evidence of other on site drainage infrastructure that would achieve a 30% reduction as per the requirement of the condition.

On account of the above, an alternative means of surface water discharge is now proposed by the applicant's drainage consultants (Collins Hall Green) to utilise an existing surface water drainage ditch that runs along the eastern side of the brick boundary wall to Low Matlock Lane. The intention is that surface water would be drained from the hardstanding on the site, which comprises largely of the tarmac driveway, into the drainage ditch via new sections of concrete channel and pipework.

This approach is broadly supported by the Lead Local Flood Authority (LLFA), who have confirmed that the modifications required in order to facilitate the alternative arrangements should include works to the inlet area, in order to avoid localised flooding, and to the existing access chamber at the bend upstream of the road crossing.

The detailed design of the alternative arrangements will need to include plans, calculations and modelling data to confirm that the proposed surface water conveyance system beyond the development site will be robust enough to convey the unrestricted flows from the site either into the wooded area opposite the site (to which the ditch currently drains) or to the watercourse.

It is considered that, subject to the implementation of an amended scheme that satisfies the above requirements; adequate measures would be in place to reduce surface water run-off from the site to off-set the lack of the attenuation tank. As the houses have been occupied for over 5 years, it is considered reasonable that these drainage works be carried out within 6 months from the date of the decision.

Recommendation: That condition 25 be reworded to secure the implementation of the proposed alternative means of surface water drainage within 6 months of the date of the decision and in accordance with details to be approved by the local planning authority.

## Condition No. 26 (Foul waste)

This condition relates to foul waste and states that details of the proposed soakaway and septic tank, including its siting and means of discharge, are to be submitted for approval prior to occupation of the dwellinghouses.

Details in respect of this condition were first approved by the LPA in June 2015, under application 12/00585/COND3, and then again in October 2015, under application 14/02812/COND1. The details approved by the LPA were for the installation of a Package Sewage Treatment Plant (PSTP). As a point of record, the treatment plant installed on site is different to the one approved but is understood to be of a higher specification than the approved system.

In approving the details of the system in 2015, officers accepted the qualified advice of the applicant's approved inspector who confirmed that the proposed foul disposal system complied with the functional requirements of the existing regulatory standards of the Environment Agency (EA) and did not require an Environmental Permit to discharge into the adjacent watercourse (River Loxley).

It came to officers' attention in 2017, following complaints raised in relation to odours allegedly emanating from the PSTP, that the installed system did not meet the binding rules of the EA and that an Environmental Permit would be required. The approved inspector had unfortunately misinterpreted the EA's General Binding Rules and the PSTP failed to meet the criteria, as laid out in the General Binding Rules, on two counts: firstly it exceeded the maximum daily volume allowed (5 cubic metres per day); and secondly, as a result of the proximity of the discharge point for the foul sewer to a designated local wildlife site, in this case being the River Loxley. Under the General Binding Rules, which were introduced in January 2015, there are limits to discharging a maximum of 2,000 litres (2 cubic metres) per day into the ground or 5,000 litres (5 cubic metres) of treated sewage per day into flowing water. The Environment Agency state that discharges above these limits automatically require an Environmental Permit and that in this instance, irrespective of whether the applicant had installed a septic tank, or a sewage treatment plant, an Environmental Permit should have been sought from the EA.

The applicant applied to the EA for an Environmental Permit in order to retain the PSTP. This was refused by the EA on the 18 April 2018, with a subsequent appeal to the Planning Inspectorate being dismissed on the 8 February 2019. In dismissing the appeal, the Inspector was not persuaded that the connection to the public sewer was not reasonably practicable. He did not identify any environmental benefits that would arise from the continued use of the PTSP over a connection to a public sewer, nor did he consider that it would be cost prohibitive for a connection to be made to the public sewer, and cited both the Building Regulations and Planning Practice Guidance (PPG), which advises that connection should be to the public sewer unless such a connection is not reasonably practicable or feasible.

Irrespective of condition 26 having been signed off by the LPA, following the dismissal of the appeal and the failure to secure an Environmental Permit from the Environment Agency, the applicant is now seeking approval to decommission the PTSP and discharge foul waste from the site to the public sewer along Loxley Road.

Details of the pumping station and apparatus are set out on Drawing Nos. 120 Rev P03 (External Works Drainage Remediation Plan), 121 Rev P02 (External Works – Drainage Remediation) and 130 Rev P01 (SW Drainage Catchment Areas). These plans show that waste would be drawn up via a Foul Pumping Station (Klargester PU1835TS) with connection to the public sewer via a Rising Main with a pump discharge rate of 4.5 litres per second.

The proposed foul pumping station (FPS) and apparatus to the public sewer would not be adopted by YW, and would remain the responsibility of the applicant or his successors in title. YW's adoption would be at the point of connection to the public sewer. The issue of full adoption has been raised with YW, but officers have been advised that there is no requirement for Yorkshire Water to adopt the whole system. Notwithstanding this, Yorkshire Water did agree to inspect the proposed plans and have stated that while the proposed FPS would not meet adoptable standards, they are satisfied with the proposed flow calculations on the FPS based on the information provided. A letter received from Yorkshire Water states that they have no objection to the variation of this condition in line with the details accompanying the application. The Environment Agency is fully supportive of the proposal to decommission the site's existing PTSP and discharge foul to the public sewer along Loxley Road as proposed.

Recommendation: That condition 26 be reworded to secure the installation of the foul drainage system in accordance with the amended plans (Drawing Nos 120 Rev P03, 121 Rev P02, and 130 Rev P01) within 6 months from the date of the decision. Details for maintaining the apparatus should also be submitted for approval.

#### Condition No. 27 (Green Roof)

This condition states that unless otherwise approved, the green roof shall cover a minimum area of 80% of the roof and shall be provided prior to the use of the building commencing. The condition goes on to say that details of the green roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority and that, unless an alternative specification is approved the green roof shall include a substrate based growing medium with a minimum depth of 80mm and incorporate 15 - 25% compost or other organic material. The herbaceous type plants are expected to be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Details in respect of this condition were approved by the LPA in October 2015, under application 14/02812/COND1. The approved details include an herbaceous roof planting scheme for the approved garage block, which included 35mm profiled foam, 80mm of substrate above the profiled foam and individually planted herbaceous plants.

From officers' site inspection, it would appear that the green roof was carried out in accordance with the approved details, although some of the planting has failed.

The provision of a green roof was not necessary in order to gain planning consent, but it is a positive element of the approved development which contributes to both



the visual amenities of the locality and local biodiversity. We are unable to identify when the roof planting failures occurred, but it is considered reasonable to assume that there were some failures within the specified 5 year maintenance period as that time has only recently lapsed. It is therefore considered to be appropriate to expect the failed plants be replaced as per the original requirements of the condition.

Recommendation: It is recommended that condition 27 be reworded to secure the replacement of any failed plants within the first planting season after the date of this decision.

#### Condition No. 28 (Owl and Bat Boxes)

This condition states that details of the number and location of bat and owl boxes to be provided on and around the buildings shall be submitted to the local planning authority for approval. Thereafter it expects the approved boxes to be provided prior to first occupation of any of the dwellings.

No details were submitted for approval in respect of this condition under the conditions applications referred to above. The applicant did however provide both owl and bat boxes at the time of the development being occupied, which are shown on Drawing No. C470 500 Revision P1 (Bat and Owl Box Locations), prepared by Collins Hall Green. Three bat boxes and three owl boxes have been fixed to the trunks of trees within the site, three adjacent to the vehicular driveway and three to the rear of the allotment gardens.

The number and siting of the installed boxes are considered to be acceptable and collectively make a positive contribution to biodiversity in the area in line with Paragraph 175 of the NPPF.

Recommendation: It is recommended that condition 28 be reworded to secure the retention of the installed boxes and replacements in the event that they are damaged.

#### ENFORCEMENT

There is currently a live enforcement case (18/00109/ENBC) regarding this site and the breach of planning conditions. Further enforcement action has been held in abeyance until the outcome of this application.

In the event that the application is refused it is recommended that the Planning Enforcement Team of Development Services be authorised to take any appropriate action including, if necessary, enforcement action and instructing the Director of Legal and Governance to institute legal proceedings to secure the compliance with the planning conditions of planning permission 14/02812/FUL as highlighted within this report.

#### SUMMARY AND RECOMMENDATION

This application relates to the site of Loxley Works. Full planning permission to change the use of the site's former industrial workshop into 11 dwellinghouses was

first granted in August 2012, and then again in January 2015. Applications seeking approval of details reserved by conditions in respect of a number of the conditions attached to both approvals have been determined.

Following complaints received from residents of the site in 2017, officers were made aware that the development had not been carried out in strict accordance with the approved plan and that, with regard to Condition No. 26 (foul drainage), the Environment Agency had refused the granting of an Environmental Permit. An appeal to the Planning Inspectorate was subsequently dismissed in February 2019.

To regularise the development, the applicant is seeking approval under Section 73 of the Planning Act to vary five conditions that were attached to the full planning permission. As set out in the report, details submitted in relation to the five conditions are considered to be acceptable and it is recommended that the conditions be varied or removed accordingly.

In addition, a number of other conditions attached to the 2015 planning permission are amended or removed to account for the implementation of details previously approved under applications 14/02812/COND1 and 14/02812/COND2.

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Case Number	19/00674/FUL (Formerly PP-07622237)
Application Type	Full Planning Application
Proposal	Use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container
Location	Land Between 264 And 270 And To Rear Of 270 Handsworth Road Sheffield S13 9BX
Date Received	22/02/2019
Team	City Centre and East
Applicant/Agent	Hallam Jones
Recommendation	Grant Conditionally

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

1. The use shall cease on or before 2 years from the date of this decision notice

Reason: In order to define the permission and in the interest of the amenities of the locality.

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

2. The development must be carried out in complete accordance with the following approved documents:
  - Drawing no. 001 'Site Location Plan', Scale 1:1250 (Published 22nd February 2019)
  - Drawing no. 002 Rev 2 'Existing Site Layout Plan' (Published 4th February 2020)
  - Drawing no. 003 Rev B 'Proposed Site Layout Plan' (Published 4th February 2020)
  - Drawing showing details of proposed storage container (Published 4th February 2020)

Reason: In order to define the permission.

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

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

3. Prior to any work commencing in relation to the proposed vehicle storage area, as defined on the approved plan, full details of the proposed surface water drainage design, including calculations and appropriate model results, shall 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 before that part of the site becomes operational.

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 that part of the site becomes operational to ensure that the proposed drainage system will be fit for purpose.

4. Prior to the use of the vehicle storage area, as defined on the approved plan, the proposed customer car parking accommodation, as indicated on drawing no. 003 Rev B 'Proposed site Layout Plan', shall be provided and retained for the sole use of visitors of the use hereby approved and no stock vehicles shall be parked or stored in the designated customer parking bays.

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

5. The vehicle storage area, as defined on the approved plan, shall not be used unless the running lane and turning head, has been provided and marked out, as shown on drawing no. 003 Rev B 'Proposed Site Layout Plan', to allow free movement of vehicles within the site and thereafter such running lane and turning head shall be retained free of all obstructions, including the storage, display and depositing of materials, cars and other objects so that the running lane and turning head is fully available for the turning and manoeuvring of visitor, delivery or stock vehicles.

Reason: In order to ensure that there is adequate manoeuvring and customer parking space on site, in the interests of highway safety.

6. 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 within 2 months of the date of this decision. The approved landscape works shall then be implemented within 2 months of the date of their approval. 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 and occupiers of adjoining property.

#### **Other Compliance Conditions**

7. No music shall be played on the site or a tannoy system be installed and used on the site at any time.

Reason: In the interests of residential amenity.

8. The existing timber fence positioned and denoting the extent of the south-east boundary of the existing car sales premises shall be retained and shall not be removed unless the development of the adjoining vehicle storage area, as defined on the approved plan, has been commenced.

Reason: In the interests of preventing unauthorised use of the adjoining land.

9. Deliveries and collection of vehicles shall only take place between 1000 hours and 1800 hours, Mondays to Saturdays.

Reason: In the interests of residential amenity.

10. Prior to the installation of any external lighting, full details shall have been submitted to and approved in writing by the Local Planning Authority and such approved external lighting shall only be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

11. The existing customer car parking accommodation within the site, as indicated on drawing no. 002 Rev A 'Existing Site Layout Plan', shall be retained for the sole use of visitors of the use hereby approved, and no stock vehicles shall be parked or stored in the parking bays. Thereafter, such customer car parking accommodation shall be retained.

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

12. There shall be no movement of vehicles within the vehicle storage area (as defined on the approved plan), or any other associated mechanical works, including the revving/starting of engines of these vehicles on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

13. No customer shall be permitted to be on the premises outside the following times:  
  
0800 hours to 1800 hours, Mondays to Saturdays; and  
1000 hours to 1600 hours, Sundays and Public Holidays, for a period of one year from the date of this decision notice.

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

14. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 1.6 litres per second.

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

15. No valeting of vehicles or use of powered equipment shall be carried out on the site at any time.

Reason: In the interests of residential amenity.

Attention is Drawn to the Following Directives:

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

Telephone: 0114 273 6677

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

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

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

The map shows a residential and commercial area. A red rectangle highlights a plot of land located between Dodson Drive and Parsley Way. The plot is bounded by Dodson Drive to the north and east, and Parsley Way to the south and west. The plot number 270 is visible within the red rectangle. Other nearby plots include 264, 265, 266, 267, 268, 269, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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## LOCATION AND PROPOSAL

The application site lies within a Business Area, as defined in the Unitary Development Plan and relates to an existing car sales business (currently unauthorised as the temporary consent expired on 18 October 2019) and an adjoining vacant plot of land, which is positioned on the west side of Handsworth Road. The business has been operating for a number of years and within the last 12 months, there has been a change of tenants.

The existing car lot premises utilises the majority of the site for the display of motor vehicles, but does include a portable sales building towards the rear section of the site. A timber fence extends along the south-east boundary, denoting the extent of the existing site premises. The site is served by an existing means of vehicular access from Handsworth Road, which is flanked by a low brick wall.

The vacant plot of land, which is 26 metres x 39 metres, is positioned immediately to the south-east of the existing car sales business. The land has been partially cleared but is unkempt and has a large mound of earth and rubbish sited on it. There are some self-set trees and newly planted shrubs near the rear boundary, which is denoted by varied timber fencing.

The site is bounded by Wilson's carpet warehouse to the north and a hand car wash business (no. 270) to the south-east fronting immediately onto Handsworth Road, which is within the same ownership as the landowner/applicant for the current application. Further to the south-east and along the west (at the rear of the site) are residential properties.

Planning permission was granted, subject to conditions imposed, in October 2018 for the continued use of the car sales forecourt for a temporary period of 12 months. An Appeal was lodged by the applicant, disputing the imposition of 3 conditions, which required 5 customer parking spaces and a running lane to be provided, a restriction on the hours of use, and a restriction on the extent of plant/equipment operated for the purpose of valeting on site. The Inspector allowed the Appeal on the basis that the customer parking bays could be reduced to 3 spaces but the running lane was to be provided and all other conditions would remain.

This application seeks to continue using the existing car sales forecourt, re-locate an existing portable building further back towards the rear boundary, erect a storage container and use a vacant plot of land in connection with the existing car sales forecourt.

## RELEVANT PLANNING HISTORY

Appeal ref: APP/J4423/W/18/3216340 – Appeal against condition nos. 4, 5 and 8 of planning permission no. 18/00266/FUL. Appeal allowed 04.04.2019. Condition 4 amended, only in relation to number of customer parking bays required.

18/00266/FUL – Continued use of the site as a car sales forecourt, retention of portable sales building and siting of 4 floodlights – Granted Conditionally for a period of 12 months – 16.10.2018.

16/04353/FUL – Continuation of use of land as a car sales forecourt, use of part of site for open storage and relocation of cabin – Withdrawn – 18.01.2017.



11/01300/CHU – Continuation of use of existing car park as a car sales forecourt – Granted Conditionally – 16.06.2011. Temporary 2 year consent issued – expired 01.07.2013.

## Enforcement

At the time of considering the 18/00266/FUL planning application Members of the Planning and Highways Committee asked to enforce immediately against the breach of conditions within the decision notice. A breach of condition notice was served 1st December 2018 relating to marking out the customer parking bays, the run lane, to keep the run lane clear of parked cars and cease the use of the car sales on Sundays and Bank Holidays and after 1800 hours, Mondays to Saturdays.

A further notice was served 3<sup>rd</sup> January 2019, which related to the erection of a fence along the south-east boundary of the site.

Within the six month period following the issue of breach of condition notices, the site was monitored and it was concluded that the conditions were largely complied with, and no further action was required.

## SUMMARY OF REPRESENTATIONS

Following neighbour notification, 8 letters from 6 local residents have been received. The issues raised are summarised below:-

- Loss of privacy.
- Noise from activities, including jet wash, voices, revving of car engines, slamming car doors.
- Unhappy about Sunday opening hours.
- Drainage problems, resulting from washing and valeting vehicles. Additional vehicles will create further water usage and will encroach onto nearby properties.
- Increase in traffic.
- Pollution resulting from additional traffic and revving engines.
- Amenity concerns - too near to residential properties; have right to live in peace as stated in lease.
- Tenants do not comply with planning conditions or other legislation.
- Type of business not appropriate for this location, as it is too large.
- Do not behave in a proper manner.
- Submitted cover letter addresses conduct and issues, although issues continued after new cabin and toilet was installed.
- Eyesore created by tenants.
- Trees added amongst bricks/slate/brambles.
- Highway issues – parking, cars entering onto busy road, negotiating traffic and pedestrians whilst manoeuvring cars in and out of the site, cars for sale parked on the highway, blocking footway.
- Hours of Use – hours not been adhered to, opening on Sundays and later into the evenings. Advertising open by appointment on Sundays.
- Comment re querying monitoring of opening and highway parking.

- Customer parking bays used for other purposes, resulting in customers parking elsewhere and blocking the footpath.
- Lighting and general nuisance – previous problems with previous application.
- Comments relating to an adjacent car wash site (not relevant to this application).

-

## PLANNING ASSESSMENT

In assessing this application, the main issues to consider are land use policy, effect on residential amenity and highway safety considerations.

### Land Use Policy

#### National Planning Policy Framework

The NPPF expresses a presumption in favour of sustainable development and suggests that development proposals which accord with an up to date development plan should be approved. Where policies are out of date planning permission should be granted unless the application of NPPF policies provides 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.

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.

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.

### Unitary Development Plan

The site lies within a designated Business Area, as defined in the Unitary Development Plan. UDP Policy IB7 permits a variety of uses within such areas, but in this case, a car sales use is defined as a 'Sui Generis Use' and therefore should be considered on its own merits, although it is clearly a commercial business use. The existing car sales premises has been continuously used for such purposes for a

number of years and the last planning permission (refer 18/00266/FUL) was granted 18<sup>th</sup> October 2018, for a temporary period of 12 months. The temporary consent was issued on the basis that there were long-term aspirations for comprehensively developing the wider site.

This application seeks to continue using the existing car sales premises but also use a vacant partially cleared site positioned to the south-east. The principle of allowing a car sales use in this location has already been established, by virtue of the existing planning permissions. In this regard, it is considered that the continued use of land for the sale and display of cars is acceptable, although on a temporary basis, given the long term aspirations for the wider site and amenity concerns, which will require further consideration. The land adjacent to the existing car sales premises is proposed to be used as a vehicle storage area, where additional cars will be displayed as part of the existing car sales premises. Given the nature of the proposed use in that it will form an extension to the existing car sales premises it will fall within that same 'Sui Generis' use classification. The site is set back behind an existing car wash facility and will only be accessible via the existing car sales site and utilising the land for this purpose is logical and not considered unreasonable. The principle of allowing an extension to the existing premises is therefore considered acceptable.

UDP Policy IB9 permits changes of use subject to not leading to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. There will be no material change of use in the land currently being used as a car sales business and utilising the additional land for the same purposes will not result in a significant change to the percentage of preferred uses in the area and will not prejudice the dominance of preferred uses in the area.

On this basis, the continued use of the site for the purpose of car sales and the adjacent land to be used in connection with those premises is considered acceptable in land use terms, and thus, will meet the requirements of UDP Policies IB7 and IB9.

This is consistent with Paragraph 80 of the NPPF which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." The use provides employment opportunities, which is a benefit of the proposals.

#### Amenity Issues

UDP Policy IB9 permits new development or changes of use provided that it will not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

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

The site is set within a predominantly commercial environment on this stretch of Handsworth Road, however, there are residential properties at the rear of the site (Parsley Hay Gardens), of which, a number of objections and concerns have been raised by its residents.

## Noise

The proposal seeks to continue using the site for the sale and display of cars. The existing use generates some noise, owing to customers visiting the premises and the movement of vehicles, when required. This type of noise generated during a typical working day should not be significant and should not give rise to serious noise nuisance, particularly when considering the background noise levels of Handsworth Road, which is a main arterial route. Concerns have been raised with regard to the revving and starting of engines on the site. This is acknowledged but given the existing background noise levels which are dominated by traffic noise, it is not considered to be a significant noise source and not an activity which would occur continuously throughout the day and therefore constituting a noise nuisance.

The existing sales office building will be set further back to the rear of the site. The building is occupied by employees and there are visiting members of the public entering and leaving the building. There is inevitably some noise and activity generated by the use of the building however the noise generated by the existing building has not been significant such that it has had an adverse impact on occupiers of adjacent residential properties positioned to the south-west, at the rear of the site. The building will be relocated, 2.5 metres from the rear boundary, and will be set down lower than its current position, owing to the fact that it will not be sited on a raised concrete slab. Although nearer to the rear boundary, general activity within the site occurs forward of the building and should not result in unacceptable noise disturbance. No vehicles or other materials will be stored behind the cabin.

Conditions have previously been imposed in relation to plant and equipment, in particular, requiring valeting equipment to not be operated within 15 metres of the rear (south-west) boundary. This was to ensure that noisy activities took place at a reasonable distance from the nearest residential properties. It is no longer proposed to include a valeting bay or to clean vehicles on the site and as such, any concerns relating to these activities is no longer applicable. This will be covered by condition and is a significant benefit when weighed against the previous situation.

There have been significant concerns previously raised by nearby residents in respect of noise from the premises in the form of music being played and the inappropriate use of a tannoy system. The tannoy system has since been removed and as such, this source of noise has been removed. A condition will be imposed preventing music being played on the premises to ensure that this disbenefit does not occur.

## Hours of Use

The previous planning permission allowed the car sales business to operate between 0800 hours and 1800 hours, Mondays to Saturdays, with no Sunday opening. Letters of objection have raised concerns about the hours of opening and

frequently commented that the use has operated beyond these times and through the weekend. It is acknowledged that the site lies within a commercial environment, however, given the close proximity of residential properties, late night opening is not considered acceptable.

In light of the concerns previously raised, it is considered that a further temporary 2 year consent would be appropriate, permitting the site to operate with the same hours and days of use; 0800 to 1800 hours, Mondays to Saturdays. In the past, there have been reports of activity on the site in the evenings beyond 1800 hours and on Sundays. However, it is not clear as to whether any customers were visiting the site or whether the employees were simply carrying out other tasks, such as paperwork etc. The site has been monitored and it's not conclusive that such activities have taken place.

Clearly there is a need to balance the needs of the business and the amenity of the adjacent residential properties and for this reason it has been recommended that the premises are able to open on Sundays and Public Holidays, between 1000 hours and 1600 hours, for a temporary period of one year. This is on the basis that no revving of engines or movement of vehicles (other than customer vehicles entering and leaving the site) will be permitted. There have been no recent complaints made in respect of the operation of the site and the tenant's conduct and it is anticipated, with above the measures in place, a satisfactory outcome can be achieved for the existing residents and the operator of the site.

Subject to the appropriate safeguards, the proposed development is considered acceptable in amenity terms and will meet the requirements of UDP policy IB9 and NPPF paragraph 127f.

### Highway Issues

UDP Policy IB9 states that a site should be adequately served by transport facilities and should provide safe access to the highway network and appropriate off-street park. This is consistent with Paragraph 108 of the NPPF which requires safe and suitable access and for any highway safety issues to be mitigated. It goes on to state in Paragraph 109, that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

The current layout of the existing car sales site incorporates a running lane extending through the centre of the site, with three customer parking bays positioned along the northern boundary near to the front of the site. The layout of the site has previously been approved and considered to be a satisfactory layout for allowing the movement of vehicles within the site for the existing business operation. This layout will be maintained up until the time at which the business premises extend onto the adjoining site.

The running lane has been provided, although in practical terms, the full length of the lane has not been achievable, owing to the existence of a concrete slab positioned towards the rear half of the site. However, the running lane has largely been implemented and kept clear to allow the manoeuvring of vehicles on the site.

The existing means of vehicular access will be retained and will meet the requirements of the premises.

A revised proposed site layout for the wider site has been submitted, that shows an amended running lane including a turning head, which extends into the adjoining land, and provides vehicular access to new customer parking spaces. The running lane is appropriately positioned to allow satisfactory manoeuvring of vehicles within the site and to access the customer parking spaces. The new running lane and customer parking will have a tarmac surface and be marked out and appropriately labelled.

To ensure that the provision of customer parking is provided and used for the sole purpose of customer parking, a condition will be imposed.

Concerns have been raised by objectors in relation to the display of vehicles for sale on the public highway, with a suggestion that some cars have not been taxed and tested. This is a matter which is enforced and has been investigated by the Police and the DVLA. It is also relevant to note that it is an offence to park vehicles for sale on the highway under Section 3 of the Clean Neighbourhoods and Environment Act, 2005.

Objector comments also refer to vehicles being parked on double yellow lines, along the Handsworth Road frontage. This is a matter which is being monitored and dealt with by the Highway Authority.

On the basis that the above layouts and provision of parking is provided as per the submitted plans and retained for the sole purpose intended, the proposal is considered acceptable in highway terms and will accord with the local plan and with national guidance in the NPPF.

#### Visual Amenity

UDP Policy IB9 (Conditions on Development in Industry and Business Areas) states that new development should be well designed and be of a scale and nature appropriate to the site.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. Core Strategy Policy CS74 states that high quality development will be expected.

These policies are consistent with paragraph 127 of the NPPF which states that planning decisions should ensure that developments will function well and be visually attractive.

Currently, there is a portable single-storey building, which is used as a sales office, which sits on a raised concrete slab, positioned towards the rear of the site. It is proposed that the concrete slab be removed and the building will be placed a little further back. The building will be appropriately sited and given the scale of the

building, it will not appear as a visually dominant feature in the street scene. The remainder of the site will continue to be occupied by cars displayed for sale.

The appearance of the site has improved over the past 12 months, insofar as, the site has become more orderly, with fewer vehicles being displayed and arranged in a more organised manner. A running lane through the centre of the site has also served to provide some breathing space, which has helped improve the overall visual appearance fronting onto Handsworth Road.

An existing fence, which is positioned along the south-east, side boundary denoting the extent of the current car sales business will be retained until such time that the wider site is occupied.

A storage container will be sited within the site behind the building relating to an existing car wash facility. The container will not be visible in the wider views, given that it will be predominantly screened by the existing building, and thus, will have a negligible effect on the street scene.

In respect of the vacant plot of land for which permission is also being sought to develop as an extension to the existing business premises, this land has been partially cleared but has a mound of rubbish and earth/shrubbery positioned on it. It is proposed to provide a crushed hardcore surface for stationery vehicles and a tarmac surface for a running lane, with a landscaping strip provided along the rear and side boundaries, which will help soften the development from neighbouring residential properties. The redevelopment of the land will facilitate the removal of what is regarded as an eyesore, which will also serve to be a visual improvement for occupants of neighbouring residential properties which face directly onto the site. This improvement to the appearance of the land weighs in favour of the proposal.

## Drainage

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

A Surface Water Drainage Strategy report has been submitted and reviewed by Yorkshire Water, who has confirmed no objection to a connection to the public combined sewer, with a discharge rate of 1.6 litres per second. The discharge rate will be conditioned.

The Lead Local Flood Authority (LLFA) has also reviewed the documentation and confirmed that the principles laid out in the drainage strategy are acceptable. However, further technical/constructional details are required, to ensure the proposed drainage scheme is satisfactory, with no surface water runoff in the direction of the properties on Parsley Hay Gardens.

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

## RESPONSE TO REPRESENTATIONS

Lighting concerns – Matters relating to lighting issues have been addressed, with no further nuisance occurring. No additional lighting has been introduced and a condition will be imposed requiring details to be submitted prior to any future installation.

Privacy – The proposal does not raise any privacy issues. Any activity on the site will be forward of the office building and given the depth of the proposed soft landscaping strip and the existing boundary treatment, no overlooking will occur.

Behaviour of individuals on site – This is not a planning issue. However, the landowner has been advised to speak to the tenant to alert them to the ongoing complaints about this issue. Any behaviour which is considered to be indecent would be dealt with by the Police and should be reported accordingly.

Although historically the planning conditions have not been adhered to by past tenants, the situation has changed insofar as the current tenants wish to carry out the operations of the site in the correct manner and in line with planning requirements.

## SUMMARY AND RECOMMENDATION

In land use terms, the continued use of the car sales premises and use of the adjacent land as an extension to that business is considered acceptable in principle in this commercial location.

The appearance and operation of the current car sales premises has improved over the last few months as a result of the implementation of the previous planning permission, which required a revised layout of the site, and due, in part, to a change in tenancy. The proposed development is considered acceptable in visual amenity terms, with no real apparent change to the visual appearance of the site fronting onto Handsworth Road.

The continued use of the car sales premises and use of the adjacent land for such purposes does not raise significant highway concerns, provided that the layout of the site is maintained in accordance with the approved plans.

There have been considerable objections raised in respect of noise, nuisance and the behaviour of individuals. Whilst the latter is not a planning issue, it is acknowledged that it can adversely impact on the living conditions of neighbouring residents. In terms of the noise and activities taking place on the site, this can be controlled through the effective use of planning conditions. Should there be any breach of conditions, appropriate enforcement action can be taken and any future application seeking a permanent use of the site could well be resisted.

In conclusion, the proposed continued use of the site as a car sales area and the use of adjacent land is considered acceptable subject to the controls described in this report.



In consideration of paragraphs 11 and 213 of the NPPF, and the presumption in favour of sustainable development, the most important policies for determining this application, relating to land use, design, amenity and highways considerations, as contained in the UDP and the Core Strategy are considered to be compliant with the guidance contained in the NPPF and there is no clear reason to resist the development when assessed against the policies of the NPPF as a whole.

For the reasons outlined in the report, it is considered that the development would be in accordance with UDP Policies IB7, IB9 and BE5; Core Strategy Policies CS67 and CS74 and the guidance contained in the NPPF.

On this basis, the proposal is recommended for approval subject to the listed conditions.

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Case Number	18/04525/LBC (Formerly PP-07445874)
Application Type	Listed Building Consent Application
Proposal	Alterations and extension to building to create 27no residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link
Location	Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ
Date Received	03/12/2018
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

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

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

Reason: In order to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

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

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

818-CPA-XX-ZZ-DR-A-0100 Rev A Location Plan.  
818-CPA-XX-ZZ-DR-A-0102 Rev B Site Layout - Proposed  
818-CPA-XX-ZZ-DR-A-0103 Rev B Site Layout - Proposed Landscape Plan  
818-CPA-XX-LG-DR-A-0140 Rev B Lower Ground Floor Demolition Plan.  
818-CPA-XX-GF-DR-A-0141 Rev B Upper Ground Floor Demolition Plan.  
818-CPA-XX-01-DR-A-0142 Rev A First Floor Demolition Plan  
818-CPA-XX-01-DR-A-0143 Rev A Second Floor Demolition Plan  
818-CPA-XX-LG-DR-A-02LG Rev B Lower Ground Floor Plan  
818-CPA-XX-GF-DR-A-0200 Rev B Ground Floor Plan  
818-CPA-XX-01-DR-A-0201 Rev B First Floor Plan  
818-CPA-XX-02-DR-A-0202 Rev B Second Floor Plan  
818-CPA-XX-RF-DR-A-0203 Rev B Roof Plan  
818-CPA-XX-ZZ-DR-A 0220 Rev B Proposed North West Elevation

818-CPA-XX-ZZ-DR-A-0221 Rev B Proposed South West Elevation  
 818-CPA-XX-ZZ-DR-A-0222 Rev B Proposed South East Link Elevation  
 818-CPA-XX-ZZ-DR-A-0223 Rev B North West Link Elevation  
 818-CPA-XX-ZZ-DR-A-0224 Rev B Proposed North East elevation  
 818-CPA-XX-ZZ-DR-A-0225 Rev B Proposed South East Elevation  
 818-CPA-XX-ZZ-DR-A-0226 Rev B Proposed North West Elevation (Street View)  
 818-CPA-XX-ZZ-DR-A-0210 Rev B Proposed Cross Section A  
 818-CPA-XX-ZZ-DR-A 0211 Proposed Cross Section B (North West Existing Building)

Reason: In order to define the permission.

### **Pre-Commencement Condition(s)**

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

3. Samples of all proposed external materials and finishes including facing, roofing windows, heads and cills, shall be submitted to and approved in writing by the Local Planning Authority before 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.

4. 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 the commencement of development:

Windows  
 Window reveals  
 Doors  
 Eaves and verges  
 External wall construction  
 Rainwater goods

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

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

5. Before the development is commenced, details of the standard and specification of mortar joints and pointing to both buildings and boundary walls shall have been submitted to and approved in writing by the Local Planning Authority.

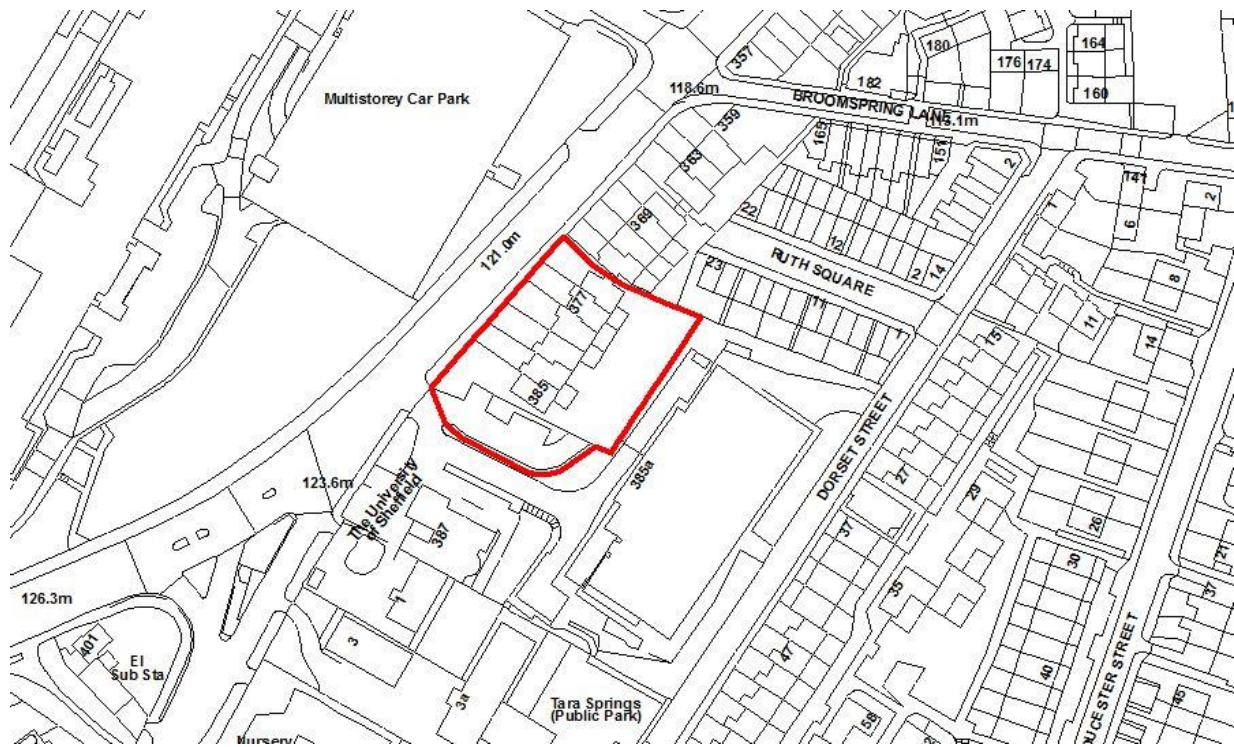
Reason: In order to ensure an appropriate quality of development.

6. The design and location of all new external light fittings shall be approved in writing by the Local Planning Authority prior to installation. Thereafter the development shall be carried out in accordance with the approved details.

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

### **Other Compliance Conditions**

## Site Location



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For the report, see 18/04524/FUL.

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Case Number	18/04524/FUL (Formerly PP-07445874)
Application Type	Full Planning Application
Proposal	Internal/external alterations and extension to building to create 27no residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link
Location	Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ
Date Received	03/12/2018
Team	South
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally

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

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

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

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

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

818-CPA-XX-ZZ-DR-A-0100 Rev A Location Plan.  
818-CPA-XX-ZZ-DR-A-0102 Rev B Site Layout - Proposed  
818-CPA-XX-ZZ-DR-A-0103 Rev B Site Layout - Proposed Landscape Plan  
818-CPA-XX-LG-DR-A-0140 Rev B Lower Ground Floor Demolition Plan.  
818-CPA-XX-GF-DR-A-0141 Rev B Upper Ground Floor Demolition Plan.  
818-CPA-XX-01-DR-A-0142 Rev A First Floor Demolition Plan  
818-CPA-XX-01-DR-A-0143 Rev A Second Floor Demolition Plan  
818-CPA-XX-LG-DR-A-02LG Rev B Lower Ground Floor Plan  
818-CPA-XX-GF-DR-A-0200 Rev B Ground Floor Plan  
818-CPA-XX-01-DR-A-0201 Rev B First Floor Plan  
818-CPA-XX-02-DR-A-0202 Rev B Second Floor Plan  
818-CPA-XX-RF-DR-A-0203 Rev B Roof Plan  
818-CPA-XX-ZZ-DR-A 0220 Rev B Proposed North West Elevation

818-CPA-XX-ZZ-DR-A-0221 Rev B Proposed South West Elevation  
 818-CPA-XX-ZZ-DR-A-0222 Rev B Proposed South East Link Elevation  
 818-CPA-XX-ZZ-DR-A-0223 Rev B North West Link Elevation  
 818-CPA-XX-ZZ-DR-A-0224 Rev B Proposed North East elevation  
 818-CPA-XX-ZZ-DR-A-0225 Rev B Proposed South East Elevation  
 818-CPA-XX-ZZ-DR-A-0226 Rev B Proposed North West Elevation (Street View)  
 818-CPA-XX-ZZ-DR-A-0210 Rev B Proposed Cross Section A  
 818-CPA-XX-ZZ-DR-A 0211 Proposed Cross Section B (North West Existing Building)

Reason: In order to define the permission.

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

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

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

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

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

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

5. No development (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)**

6. Before the development is commenced full details for the provision of two disabled parking spaces within the undercroft parking area shall have submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupants

7. Before the development commences a Construction Management Plan shall be submitted and approved by the LPA. The CMP shall include details of:
- i) Contractor parking arrangements;
  - ii) Construction vehicle access, parking and manoeuvring
  - iii) Measures to prevent the deposit of mud and debris on the adjacent highway

The development shall then be constructed in accordance with the agreed CMP.

Reason: In the interests of highway safety.

8. Samples of all proposed external materials and finishes including facing, roofing windows, heads and cills, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

Windows  
Window reveals  
Doors  
Eaves and verges  
External wall construction  
Rainwater goods

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

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

10. Before the development is commenced, details of the standard and specification of mortar joints and pointing to both buildings and boundary walls shall have been submitted to and approved in writing by the Local Planning Authority.

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

11. The design and location of all new external light fittings shall be approved in writing by the Local Planning Authority prior to installation. Thereafter the development shall be carried out in accordance with the approved details.

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

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

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

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

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

14. No development shall take place, including any works of demolition or site preparation, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during the development works.

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

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

Reason: In the interests of biodiversity.

16. The Local Planning Authority shall be notified in writing upon completion of the green wall.

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

17. 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.

18. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of .
  - b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

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

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

### **Other Compliance Conditions**

21. The development shall not be occupied unless the hardstanding areas of the site are constructed of permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

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

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

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

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

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

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

Reason: To ensure satisfactory drainage arrangements.

25. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied prior to the completion of the approved foul drainage works.

26. The apartments shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

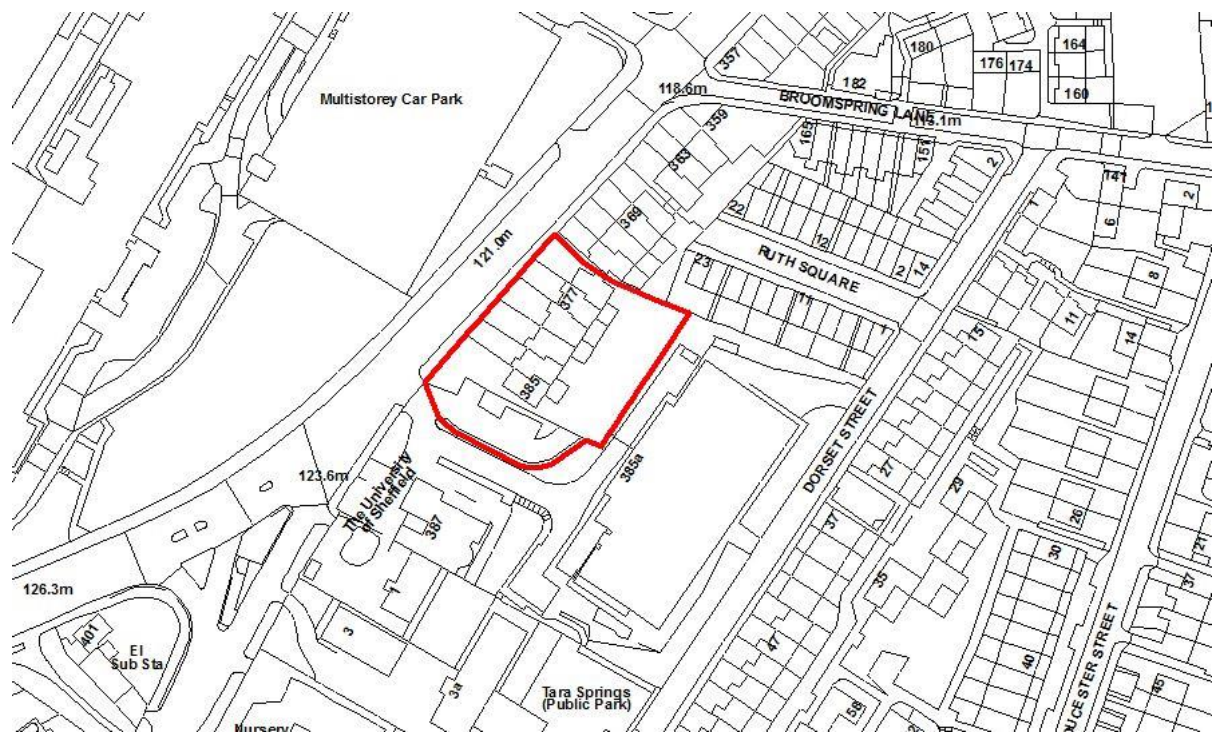
27. The Local Planning Authority shall be notified in writing when the landscape works are completed.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. It is acknowledged that vibration sensitive research equipment is located and used within the neighbouring property to the south east (Sheffield Institute for Translational Neuroscience). The developer is therefore advised to liase with the University of Sheffield in order that experimental work within the building can be scheduled so as to avoid being compromised by construction activity.

## Site Location



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## INTRODUCTION

This report relates to applications for planning permission (18/04524/FUL) and Listed Building Consent (18/04525/LBC). Both applications are assessed within this single report.

## LOCATION AND PROPOSAL

The applications relate to an early Victorian Grade II Listed red brick building which was originally a terrace of 6 town houses but was most recently in use as a restaurant (Loch Fyne).

The building is 3 storeys high (4 storeys at the rear) with 3 enclosed stair towers in off-shot arrangements to the rear. A conservatory was suspended between two of the off-shots. The most recent accommodation in the building was as follows:

Lower ground floor - manager's office, stores, wc's and plant room;  
Ground floor - restaurant and kitchens;  
First floor - ancillary accommodation (office, staff facilities, stores and meeting/training rooms);  
Second floor - manager's flat, lecture room, stores and training rooms.

There is a garden and customer terrace to the front of the building and a car park (27 spaces) to the rear. The access route to the car park also provides access to 2 buildings occupied by Sheffield University.

These buildings provide teaching and research accommodation and are directly behind and to the side of the application site, respectively. The building to the rear is new (Sitrans Centre) and at a significantly lower level than Loch Fyne. This has a frontage to Dorset Street. The other building is a former Victorian villa at No. 387.

The multi-storey car park to the Hallamshire Hospital is on the opposite side of Glossop Road and c1850 2 storey housing adjoins the site at Nos 367-373. These properties are residential accommodation owned by the University and are also Grade II Listed Buildings.

The applications seek the following:

- The subdivision of the internal spaces to create residential accommodation (18 one/two/three bedroom apartments) within the Listed Building.
- The erection of a three storey rear extension consisting of two elements; a brick built residential block and a glass link 'atrium' connecting the block to the rear elevation of the Listed Building. The residential accommodation provided in this element would amount to 9 one/two/ three bedroom apartments.
- The creation of lightwells to the front elevation of the Listed Building to enable lower ground floor living spaces for the duplex apartments.
- The remodelling of the existing porches on front elevation.

- The formation of vehicular/pedestrian accesses, undercroft car parking areas and formal rear amenity space.

In total the combined conversion and extension would create 27 apartments; 7 x 1 bed, 16 x 2 bed, and 4 x 3 bed.

## RELEVANT PLANNING HISTORY

There are numerous applications for planning permission, listed building consent and advertisement consent relating to the application site.

These include planning permission for use of the building as a public house with restaurant, catering facilities, office, living accommodation and car park in 1990. The conservatory and alterations to the stair towers were granted planning permission and listed building consent in 1983 (82/02933/FUL).

An entrance canopy and the outdoor seating terraces were granted planning permission and listed building consent in 1997 and 1999, respectively.

## SUMMARY OF REPRESENTATIONS

3 representations have been received in response to the neighbour notification process including submissions from The Georgian Group, Hallamshire Historic Buildings Group and University of Sheffield.

### Georgian Group:

The applicant's supporting documentation fails to provide a written assessment or photographs of the internal spaces within the terrace. A detailed assessment of the significance of elements to be demolished is therefore impossible and this fails to meet the minimum information requirements set out in NPPF 189.

No evidence for the assertion that the porches are a later addition has been provided. The porches should be retained and restored as the proposed alterations to their fabric would be highly damaging to the appearance and significance of the principal façade and thus cause harm to the conservation area. Any replacement windows should be sashes copied from the original design.

This scheme has the potential to rob this grade II listed terrace of much of its surviving architectural and historic interest and to cause harm to the surrounding conservation area.

The scheme should also be amended to allow for the retention and repair of the terrace's most important external and internal features, including the classical porches on its principal façade.

### Conservation Advisory Group:

The Group considered that the scheme was a gross over-development of the site. The Group felt that the proposed treatment of the frontage would affect the 1840s



character of the frontage, particularly the door surrounds, on Glossop Road. The Group felt that the imposition of light wells would be unacceptable. The Group considered that the re-installation of sash windows should be part of the development. The Group felt that the re-installation of the doorways should be carried out and that a modern style of door would be acceptable. The Group considered that there should be soft landscaping on the frontage. The Group felt that the upper floor could be converted to four dwellings. The Group considered that the extension at the rear would be over-development, but it could be acceptable if it was reduced in scale. The Group felt that the loss of the floor plan of the upper floor would be unacceptable. The Group considered that the proposed green wall would be acceptable.

Hallamshire Historic Buildings Group:

The Applicant's Heritage Statement is brief and lacking in detail.

The existing timber porches, although not original, are in character and maintain a strong sense of the building's relation to the street through its four front entrances. There is no reason why these porches cannot be retained and the original entrances re-instated as the primary access to four of the duplex apartments. The proposed aluminium cladding is a hideous disfigurement of the splendid Glossop Road elevation.

The treatment of the porches is unacceptable and should be refused.

Replacement windows should be conservation grade timber sash windows with glazing bars of appropriate thickness, and should be painted white, as are those in adjacent properties.

The painting of the 'restored' rear elevation in white is inappropriate. The elevation should remain as brickwork.

University of Sheffield:

There are concerns regarding the impact of the works and completed scheme on the University buildings and functions in the vicinity.

We have concerns during the redevelopment period that the proposed scheme will disrupt the activities undertaken at Sheffield Institute for Translational Neuroscience (SITraN) and Barber House in terms of vibration (on delicate microscopy and imaging equipment)

There are concerns over the management and control of contractor parking and deliveries.

The proposal could result in noise and disturbance from noise emitting plant.

The height and massing could have an overbearing and overshadowing impact to neighbouring properties on Glossop Road and Ruth Square particularly the gardens of these properties.

The level of development affects the Grade II listed status of the building.

Matters raised that are not material planning considerations:

Even with the transport links, there is likely to be unauthorised access onto University land from residents and visitors.

We would also ask that the Considerate Constructors Scheme be enforced and monitored at all times.

Historic England:

Historic England are a statutory consultee but stated that they do not wish to comment and are happy to defer to the Council's own Conservation Officers.

## PLANNING ASSESSMENT

### National Planning Policy Framework

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

### Policy Context

The Council's development plan comprises of the Core Strategy which was adopted in 2009, and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 213 of the NPPF makes it clear that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11(d) of the NPPF, which states that 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.

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

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 (2019) 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 later this year). At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer.

As Sheffield does not currently benefit from a five year housing land supply, all of the most important policies for determining this application are automatically considered to be out of date, as made clear in footnote 7 of paragraph 11. As such the two Paragraph 11 tests detailed above and sometimes referred to as 'the tilted balance' (a presumption in favour of sustainable development) will apply unless it is considered that significant harm to a heritage asset is sufficient reason alone to refuse an application.

In this context the following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' tests, (including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits) should the application be considered to cause less than substantial harm to a heritage asset.

## Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design, scale and mass of the proposal, and its impact on the existing listed building, conservation area and street scene,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided.

## Local Policy Context

The building lies within the Broomhall Housing Area as defined in the Unitary Development Plan (UDP). It is also a Grade II Listed Building and lies within the Hanover Conservation Area.

The most relevant UDP and Local Plan Core Strategy policies for the purpose of determining these applications are:

BE5 (Building Design and Siting)  
BE15 (Areas and Buildings of Special Architectural or Historic Interest)  
BE16 (Development in Conservation Areas)  
BE19 (Development affecting Listed Buildings)  
H5 (Flats, Bed-sitters and Shared Housing)  
H10 (Development in Housing Areas)  
H11 (Development in Housing Areas in Nether Edge and Broomhall)  
H14 (Conditions on Development in Housing Areas)

Relevant Core Strategy Policies are:

CS22 Scale of the Requirement for New Housing  
CS23 Locations for New Housing  
CS24 Maximising the Use of Previously Developed Land for New Housing  
CS31 'Housing in the South West Area'  
CS26 Efficient Use of Housing Land and Accessibility  
CS74 Design Principles

The Hanover Conservation Area Appraisal and Management Proposals were adopted in March 2012 and are relevant to this proposal.

## Principle of Proposed Use

Housing uses (Class C3) are the preferred land use in the Broomhall Housing Area as defined in UDP Policy H11.

## Land Use

The site is in an allocated Housing Area as defined in the adopted UDP.

Policy H10 (Conditions on Development in Housing Areas) identifies housing (use class C3) as the preferred use of land in the policy area. As such the principle of the further development of this site for housing purposes is considered to accord with policy H10.

Policy CS22 - Scale of the Requirement for New Housing of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026. The NPPF 2019 provides more up to date guidance on this matter and requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks to try and ensure that priority is given to developments on previously developed sites. The site is small within an existing urban area and sustainably close to high frequency bus routes.

This approach is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'. Paragraph 118 (c) goes on to state that substantial weight should be given to utilising brownfield land within existing settlements.

The weight to be afforded to CS23 and 24 can be questioned as they are based on outdated housing need figures. However, they promote brownfield development which aligns strongly with the NPPF and therefore can be offered moderate weight.

The site is currently occupied by the Listed Building and by extensive hardstanding, and therefore the proposed development would be on land that is previously developed. As such it is concluded that the principle of developing this brownfield site is supported in policy terms.

The development of this small urban site for new housing is therefore considered compliant with the aims of policies CS23 and CS24. The proposal accords with Core Strategy Policy CS23 (Locations for Housing Development) as this is considered to be suitable and highly sustainable site which is located within the existing urban envelope.

#### Sustainable Use of Land

National Planning Policy Framework (NPPF) at paragraph 123 identifies the importance of making sure developments make optimal use of each site and promotes increased densities in city and town centre sites and other locations that are well served by public transport. Para 123 c) states that local authorities should refuse applications which they consider to do not make efficient use of land, taking into account the policies contained in the NPPF.

Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposals are considered in accordance with these policies.

Policy CS26 specifies density ranges for new housing developments. Subject to protecting the character of an area, at least 40-60 dwellings per hectare are normally expected in Housing Areas such as this (the site lies within 400 metres of high frequency bus route in an urban area).

The above policies are reflected in the NPPF where paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid

homes being built at low densities and ensure that developments make optimal use of the potential of each site. CS26 can therefore be considered to broadly align with the aims of the NPPF and can be attributed moderate weight.

The proposals represent a density of approximately 100 units per hectare. The proposed density therefore lies outside the accepted range parameter specified in the Core Strategy. However, the policy allows for departure from these expectations should the site constraints (or a necessity to more closely follow existing patterns of development/grain/density) and/or the proposed nature of the development be significant considerations.

Typical housing densities in the locality vary between the typical Victorian terraces to the east (approximately 50 dwellings/ha) to the larger detached Victorian houses/villas further to the south and east (approximately 12 dwellings/ ha).

However, these dwelling types are two storey houses and apartment schemes such as is under consideration here will always return higher density figures. Taking this factor into consideration it is not felt that the density represents an over development of the site, particularly given the highly sustainable location.

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

This policy aligns closely with the aims of paragraph 127 of the NPPF which promotes developments that are visually attractive and sympathetic to local character, and can therefore be given moderate weight. The section below deals with whether the scheme proposed achieves this policy ambition.

Given the conclusions regarding scale and design (See Design section) and when considered in the round it is considered that the proposals (in part due to their reduction scale over the life of the application) accord with the spirit of Policies CS26 & CS31 of the Core Strategy and the aims of the NPPF.

#### Housing Mix

The proposal provides for two and three bedroom flats. There is no specific policy requirement for mixed house types in this scale of development but in any event the form of accommodation is considered the most appropriate for the site.

#### Environmental Considerations

The NPPF advises at Paragraph 127 that planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; and

- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- c) Are 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); and
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Policies BE5, BE15 and BE16 of the UDP state that the new buildings should complement the scale, form and architectural style of surrounding buildings as well as preserve and enhance the conservation area within which they are sited. Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed.

Policy CS 74 (Design Principles) within the Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. It is considered the relevant UDP and Core Strategy Policies align closely with the NPPF and, as such, they can be afforded full weight.

#### Existing Character, Scale and Form

The locality is mixed in character. Immediately adjacent the site to the east lies the Sheffield Institute for Translational Neuroscience, a contemporary two storey structure granted permission in 2008. Beyond this to the north and east the area is characterised by a mixture of two storey dwellings some dating from the Victorian period and others from the second half of the C20th.

To the south and south west there are several former Victorian villas, some now subdivided into flats, others having changed use (e.g. The Francis Newton public house and Fairmount Nursery).

To the west on the opposite side of Glossop Road, and dominating the entire area visually is the Royal Hallamshire Hospital complex which includes buildings erected in the second half of the C20th. These vary in height but ultimately rise to the main hospital building at 15 storeys.

#### Conservation Area and the Listed Building Considerations

##### Local Policy

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

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, and UDP policy BE5 'Building and Design Siting' expects good quality design in keeping with the scale and character of the surrounding area.

As the site sits within the Hanover Conservation Area Policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant.

These policies require high quality developments which would respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, and which also seek to preserve or enhance the character of conservation areas and the cities heritage.

Policy BE19 of the UDP requires proposals for internal or external alterations and changes of use that would affect the special interest of a listed building will be expected to preserve its character and appearance and where appropriate preserve or repair original features of interest.

Chapter 12 of the NPPF (2019) requires good design, where paragraph 124 states that 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 the opportunities available for improving the character and quality of an area.

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

These requirements closely reflect the aims of policies BE1, BE5 and CS74 so those policies can be afforded full weight.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and (para 194) that any harm to the asset from development within its setting should require clear and convincing justification. It further states that substantial harm to assets of the highest significance should be wholly exceptional.

This approach is reflective of the aims of policies BE16, 17 and 19, and therefore these policies can be afforded full weight.

It should be noted at this point that footnote 6 to paragraph 11(d) of the NPPF, referred to above and which identifies that where a development plan or its policies are out of date, planning permission should be granted unless 'policies to protect areas or assets of particular importance' provide a clear reason for refusing permission, applies to those within the NPPF, not the Council's Development Plan policies. It is also noted that in such cases where there is clear conflict with the heritage policies within the NPPF, the titled balance does not apply.

Impact on the Listed Building

Existing Fabric of the Listed Building



There is significant variation in the quality of various aspects of this Listed Building. The aspect of the terrace facing Glossop Road is one of Sheffield's most valuable and visible examples of this form of development and therefore it represents a significant heritage asset. There have been changes made to this frontage over the last century (note later analysis of the front porches for example) but the frontage as a whole retains its original character and curtilage context.

The rear elevation has been significantly damaged over the course of the last 100 years. The large stair towers to the rear have significantly damaged any original features on the rear elevation and there are also signs of structural damage caused by these towers pulling away from the rear elevation.

The adverse visual impacts on the rear elevation of the building are further exacerbated by the expanse of tarmac forming the surface car parking at the rear.

The adopted Hanover Conservation Area Appraisal notes that the special interest of the Conservation Area is defined (in part) by the "prevalent use of high quality red brick finely jointed and with rubbed brick voussoirs and/or stone dressings, finely dressed stone and some stucco buildings with natural slate roofs;" and "the wide variety of designs and the hierarchy within 19th century terraced housing"; and

"The Grade II Listed Building makes a significant contribution", the Appraisal stating that "...these large-scale properties are one of the main defining characteristics of the conservation area."

## Demolitions

The structures identified for demolition in order to enable the development are not considered to have any architectural merit and their loss would not impact adversely on the character of the immediate locality or the wider Conservation Area. In terms of the impact on the Listed Building the loss of the utilitarian and rather ugly staircases and other accretions to the rear elevation would be a positive step.

The intention to remove the rear stair cores will of course reveal the extensive damage to the rear elevation and this elevation will remain 'revealed' due to the nature of the glass link atrium. The intention is to introduce the doors to the flats in the Listed Building at locations on each floor, currently obscured by the stair cores, and to restore the windows that appear between the cores. The intention to finish both the original, somewhat scarred brick work, and the 'made good' sections in a white colour is considered acceptable since attempts to match in new bricks that will remain un-weathered, with the original brickwork is unlikely to yield a good quality visual result.

## Interior

The interior of the building has been much altered in the past. The Applicant has worked with Officers to minimise the extent of internal works and the proposals do not affect any of the remaining original internal features. Whilst it was to be hoped

that certain internal fixtures might be re-instated (for example internal staircases in their original positions) it is accepted that such a requirement would unduly constrain the internal layout of the apartments thereby compromising the viability of the proposal.

### The Front Porches

The four large porches on the front elevation form a distinctive feature on the principal elevation. Originally, all four would have served as main entrances but, over time, the two outer porches have been blocked up to a height of approximately 1.2 metres and have had windows installed in the remaining opening. The porches currently feature timber plank and plywood detailing which is in an advanced state of decay in many places. The porches are painted predominantly in white with black detailing to pilaster heads and feet. The original plans for the refurbishment of these structures were felt to be inappropriate by officers but amendments have been made to address concerns.

The proposals would retain much of the existing character and scale whilst re-introducing the door openings for each porch. These openings would however be fully glazed rather than have doorways in order to facilitate an appropriate internal layout within the ground floor flats. Nonetheless it is considered that these changes will result in an improvement in terms of visual amenity.

### The Light Wells

It is apparent from evidence on site that lower ground floor windows would have been apparent on the principal elevation when the building was originally completed.

However, there is no evidence that substantial light wells existed. In order to provide appropriate levels of amenity to future occupants the introduction of light wells to the front elevation is a necessity. Without these the duplex flats lower ground/ground floor would provide inadequate natural light to key rooms and the scheme would fail in terms of viability.

The principal visual impact of the light wells will be the upstanding plinth walls and railings to prevent falls.

These are detailed as being brick plinths with natural stone coping surmounted by wrought iron railings in black. These features mirror those of similar features at the neighbouring Listed Building (dating from the same period) and it is felt that these will not appear anomalous or out of character with the Listed Building. The light wells themselves will project slightly beyond the front porches (approximately 2 metres overall). Whilst the Council tries to limit light wells to less than this on standard terraces close to the footway it is considered that on a building of this scale (set so far back from back edge of footway) the light wells will not adversely impact on the setting and appearance of the Listed Building or the character of the Conservation Area.

## Windows

The original sash window pattern currently visible on the principal and side elevations is to be retained with new timber sash window replacements.

Large scale details of the proposed replacement windows can be conditioned and it is noted that the application proposes profiles to match the existing windows.

The proposal includes an intention to re-paint the windows in the front elevation a grey colour. This is not considered appropriate and they should be finished in a white/off white colour. This can be secured by condition.

Overall the proposals directly impacting on the envelope of the Listed Building itself are considered to conserve the character and appearance of the most important remaining aspects of the Grade II Listed Building. The proposals will ensure the long term maintenance of the property and restore the residential use within the building in compliance with policies BE1, BE17, BE19 and CS74 and the corresponding paragraphs in the NPPF.

## The Extension Block

This element has undergone significant design development work through both pre-application and application stages. The scale and massing has been reduced over time, though the applicant has maintained throughout this process that the quantum of development proposed is necessary in order to ensure a viable scheme, given the cost and to some extent uncertain cost of dealing with the building's current structural problems.

It should be noted that whilst the proposal will not be visible to a significant degree from the public domain (principally in limited views from the south on Glossop Road) it will be visible from other locations within the Conservation Area.

In terms of the overall design approach the intention is to link the new flat block to the Listed Building with a large glass 'atrium' which will allow light to penetrate the rear elevations of flats within the Listed Building, facilitate some internal circulation and also provide a limited communal space with seating and planters.

This connecting glazed element enables a distancing of the proposed accommodation block with its different architectural approach and should retain a clear indication of the original extent of the Listed Building.

The accommodation element of the extensions would consist of a flat roofed four storey structure (Lower ground, ground, first and second floors) designed in a contemporary style and faced in a grey brick (exact specification to be conditioned) on the upper three floors. The lower ground floor which would contain car parking would be faced in a grey vertical metal slat finish. A green wall is proposed on the south elevation.

The overall height of this block has been reduced so that it equates to the eaves height of the Listed Building thereby reducing any overbearing consequences

towards the later structure and maintaining it as the principal building on site in terms of scale and massing. The side elevations of the block are well inset from the gable ends of the Listed Building, once again, reducing the comparative massing of the proposal and emphasising the primacy of the Listed Building.

Whilst flat blocks of this type are rare in this particular area it is considered that the key consideration here is the relationship to the Listed Building and that, this being considered acceptable, there is no requirement to look further afield for comparative schemes in terms of scale and massing.

### Curtilage Works

It is proposed to retain and extend the landscaped areas at the front of the building where currently there are significant paved areas for sitting out. The intention is to reduce these areas to a simple strip of paving across the front elevation of the building and to return the balance to landscape garden. Frontage trees are to be retained.

To the south of the building the current car parking spaces will form part of the revised pedestrian access arrangements with a ramped paving section providing access to the glass atrium and its circulation areas. The narrower width of the paved area relative to existing car parking will enable the introduction of a planting zone adjacent the vehicular access. This should provide for some visual relief compared to current expanses of hard standing and also marginally enhance the setting of the Listed Building.

The plans also indicate a strip of planting between the car parking at the rear of the building and the Sitrans site with some tree planting proposed, once again also slightly softening the boundary of the site at this location

### Impact on the Hanover Conservation Area

Paragraph 196 of the National Planning Policy Framework requires that where a development results in less than substantial harm to the significance of a designated heritage asset, such as a Listed Building or Conservation Area, this harm should be weighed against the public benefits of the proposal.

Removal of the unsympathetic stairwells and other accretions from the rear elevation is a significant benefit to the area, and removes a current negative impact on the heritage assets.

The impact of the revised porches to the front elevation and the introduction of the light wells are considered to have a neutral impact on the Conservation Area. Although not significantly visible from the public domain, the rear extension will introduce a new build element that has clean contemporary lines and, subject to condition, utilises an appropriate quality of detailing and palette of materials.

In terms of the partial views of the proposal from views on Glossop Road it is considered the scheme will have a neutral impact on public domain vistas. From other aspects, be they private garden spaces or the grounds of

commercial/educational institutions to the south, east and north it is considered that the proposals will represent a positive contribution in terms of visual amenity given the current shoddy appearance of the rear elevation with its rear stairwells, inappropriate conservatory and extraction flue.

The introduction of a contemporary building at this location is not considered problematic, particularly since the Sitrans building to the east is also of contemporary appearance whilst responding well to its context. There is no reason to believe that an appropriately detailed quality scheme here cannot achieve the same result.

### Heritage Asset Conclusions

It is considered that the proposal creates less than substantial harm to all identified heritage assets. The contemporary design with sustainable green wall element is of good quality, and quality detailing and materials can be ensured through planning conditions.

In accordance with the requirements of paragraphs 193 to 196 of the NPPF such harm requires convincing justification and has to be weighed against the public benefits of the proposal, including if appropriate, securing the optimum viable use.

The justification for the works is set out above, and officers consider this to be convincing. The weighing of the harm against public benefits is considered below.

### Living Conditions

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

Policy H5 'Flats, Bed-sitters and Shared Housing' of the UDP states that planning permission will be granted only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

H15 'Design of New Housing Developments' states that the design of new housing developments will be expected to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

These policies are therefore considered to align with the requirement of paragraph 127 so should be given full weight.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built

along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

#### Living Conditions - Existing Residents

##### Overbearing, Overlooking and Overshadowing.

The closest residential properties to the site are No. 373 Glossop Road and No. 23 Ruth Square

With regard to No. 373 this is a student occupied property owned by the University and the extension element of the proposal would lie to the south of the rear elevation. This rear elevation contains windows (a kitchen window is located at lower ground floor with study bedrooms above) and there is a small rear garden, though this looks to be little used.

The extension block proposed would introduce a large structure that would fall within the principal viewing arcs of these windows. However, due to the inset of the proposal from the side elevation of the Listed Building the nearest point of the new structure visible would be located approximately 9.5 metres at approximately 45 degrees to the centre line of these windows. It is not considered that this relationship will cause an unacceptable level of overbearing on the rear elevation windows of No. 373.

Whilst it is apparent that the proposal would create some overshadowing of the rear garden area of No. 373 in the early morning (beyond early afternoon the existing building will overshadow the garden) the area does not appear to be frequently used perhaps due to the nature of the tenancy, However, even were this occupation arrangement to change it is not felt that this factor alone would represent significant harm to occupants living conditions.

With regard to No. 23 Ruth Square the extension block would appear within the viewing arcs of windows in the rear elevation. However, much as with No. 373 Glossop Road a reasonable separation distance would be achieved to the proposals (approximately 15 metres). Once again it is not considered that this marginal overbearing or overshadowing of the foot of the properties garden in the late morning constitutes a significant impact upon living conditions.

#### Living Conditions - Future Occupants

##### Noise

The Application is accompanied by a Noise Assessment which identifies road noise from Glossop Road, and plant noise from the rooftop of the Sitrans Centre as potential noise sources. It is considered that appropriate design in both the building envelope and the glazing design can achieve suitable levels of amenity for the

future occupants. This view is shared by Officers from the Environmental Protection Service. Details of measures required can be secured by condition.

#### Outlook/Natural Lighting/General Amenity

All the proposed apartments in the extension and on the upper floors of the Listed Building will enjoy good natural lighting and outlook.

There is a slight concern with regard to the amenity offer represented by the lower ground/ground floor duplex units. In these units the main bedrooms will have what is considered marginal outlook into the newly provided light wells. This is not considered ideal but it is felt that this alone does not support a robust reason for refusal since the amenity offer for the duplex apartments overall will still be good with main habitable spaces such as Living rooms and Kitchens and one bedroom in each unit enjoying good/excellent quality natural light and outlook. Furthermore this slight concern only relates to 6 of the 27 units proposed overall.

The provision of external amenity space is somewhat limited but the internal circulation spaces allow for communal sitting out even in poor weather conditions and the Botanical Gardens is only 600 metres to the west.

In view of the above, the proposals are considered to comply with Policies H5(b), H14(c) and supporting Supplementary Guidance with regard to residential amenity. In summary therefore, whilst the internal arrangements of the lower ground/ground floor duplex flats are not ideal, in terms of overall living conditions for existing neighbouring and future residents, the proposals are considered acceptable and accord with the aims of UDP policies and paragraph 127 of the NPPF.

#### Impact on Sitrans Building

The Sitrans building on the adjacent site contains office/laboratory units but there are very few windows on the rear (west) elevation of this building and the proposal would achieve a separation distance of approximately 13 metres to the one post-doctoral office type room and kitchen windows at upper ground floor in the Sitrans building. It is not considered that the presence of the new building will impact on these rooms (which clearly have no residential function) so as to warrant a reason for refusal.

It is appreciated that the Sitrans building on an adjacent site houses vibration sensitive equipment required for research into Motor Neurone Disease and that there is a possibility that research results could be compromised by the construction phase of development. Whilst this is not considered a planning matter that can be addressed through planning condition it is felt appropriate to add a directive encouraging the developer to liaise with the University of Sheffield during the construction phase in order that research can be planned accordingly.

#### Highway considerations

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the

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

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

Policy H5 'Flats, Bed-sitters and Shared Housing' in the UDP part (c) requires that permission will be granted for the creation of flats where there would be appropriate off-street car parking for the needs of the people living there.

Those policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

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

The development proposes 20 off-street spaces though there is no provision for disabled parking and the introduction of an appropriate number of spaces which can be secured by condition, is likely to reduce this figure to 19 spaces.

This is a shortfall on UDP parking guidelines. UDP guidelines suggest that a provision of one space per flat and one additional space for every four flats should be provided (33 spaces in all) but government guidance considers that such standards should only be applied as maximum standards.

The site is in a very accessible location which is subject to on-street parking controls. It is located in relatively close proximity to Supertram, is on a high frequency bus route and is within walking distance of numerous local facilities.

Secure and covered cycle parking is provided within ground floor level layout, which is welcomed.

On this basis, the proposal would be considered to meet Policies H5 (c) and CS53 and should not have a level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

#### Vehicular Access

It is considered that the visibility at the site access achieves appropriate site lines and that the likely traffic generation from the site can be accommodated without an adverse impact on road safety and in compliance with UDP Policies BE9 and H14(d).



## Mobility Access

The requirements of Policy H7 'Mobility Housing' of the UDP have been superseded by the Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time as these standards are not part of an up to date local plan.

H15 'Design of New Housing Developments' within the UDP states that the design of new housing developments will be expected to provide easy access to homes and circulation around the site for people with disabilities or with prams.

In relation to the general layout the scheme provides level access into the main entrance and lift access is available throughout.

Based on the above the proposals are considered to offer a suitable response from an access perspective.

## Renewable Energy/Sustainability/Surface Water

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reduce the city's impact on climate change. These actions include:

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

These aims align with those of paragraphs 148, 150 and 153 b) of the NPPF and this policy can therefore be given full weight.

The site is in a sustainable location in respect of access to local amenities and public transport.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions.

In the past residential developments were required to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removed the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

This policy is compliant with the aims of paragraphs 148, 150 and 153 of the NPPF and this policy can therefore be given full weight.

The supporting Design and Access Statement does not mention specifics of how the 10% saving will be achieved and so details will need to be secured by condition. Measures to achieve this might include a highly performing insulated building envelope and/or a combined heat and power system since the only viable renewable energy source at the site would be solar panels to the roofs of the properties. However, this alone would be unlikely to provide significant energy returns and such provisions could also be potentially harmful to the character of the Conservation Area/setting of the Listed Building. The benefits gained from the use of such technologies are not considered to be critical when weighed in the balance with the visual harm that might be created.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments exceeding 10 dwellings to incorporate a green roof which covers at least 80% of the total roof area, where it is compatible with other design and conservation considerations and where viable.

A significant portion of this application relates to the conversion of existing heritage buildings with pitched roofs and the roof of the glass atrium will be relatively lightweight structure incompatible with the loadings introduced by a green roof. The installation of green roofs is not therefore considered appropriate.

However, the submitted plans do propose a green wall on the south elevation of the new build element and this is welcomed by the Local Planning Authority Policy CS67 seeks to minimise surface water run-off from sites such as this by 30% compared to existing.

Due to the sloping topography, the urban nature of the site and the impermeable strata below the site, soakaways are deemed to be an unsuitable means of disposal of surface water and there is no watercourse close to the site.

The existing large areas of hardstanding and buildings are drained by a surface water network which discharges into a Yorkshire Water sewer.

The appropriate mechanism for dealing with surface water run-off will therefore be a pipe network. A detailed design of the surface water drainage and a suitably detailed maintenance programme will therefore need to be secured through condition.

As part of this a flow restriction device on the outlet should be capable of limiting peak discharge to the existing connection to 70 % of the peak run-off existing rate thereby complying with Policy CS67.

The use of permeable surfacing throughout the site should assist in reducing surface water run-off compared to the existing expanses of concrete hardstanding and the addition of the green wall, will assist in reduced surface water run-off rate.

### Landscape Considerations

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported through Policy BE6 'Landscape Design' which seeks at part (c) to integrate existing landscape features in the development including mature trees and hedges. The aim of these policies firmly aligns with the broad aims of Chapter 15 (Conserving and Enhancing the natural Environment) and specifically paragraph 175. As such these policies can be given full weight.

The scheme would not result in the loss of any trees of significant public amenity value. The main trees on the street frontage will be retained and the proposed works should not adversely impact on these trees.

The extension of the grassed areas to the front of the Listed Building and the incidental planting adjacent the access and to the rear of the building will add value in terms of visual amenity and contribute to an enhanced setting for the Listed Building.

A fully detailed landscape scheme can be secured through condition.

### Ecology

Policy GE11 'Nature Conservation and Development' of the UDP requires development to respect and promote nature conservation, and aligns with paragraph 175 (d) of the NPPF which encourages opportunities to incorporate biodiversity improvements in and around developments so can be given full weight.

The Ecological Appraisal provided with the application is considered to provide a satisfactory assessment of the site, habitats present and suitability for protected species. The key considerations are bats.

No evidence of bats was found, but the buildings present on site have been assessed as having potential to form bat habitats.

Further survey work is proposed on buildings and the results of the surveys will inform the need for any mitigation measures and/or a Natural England protected species license. Such requirements can be secured by condition.

### Air Quality

It is not considered that the proposed use will have an adverse air quality impact. Pollutants and particulates are only likely to result from resident's vehicular movements and, as identified in the above vehicle movements associated with the development will be low and would not be notably different from the previous use.

A further consideration in respect of air quality relates to dust during development and in order to mitigate this, a planning condition is proposed to secure dust suppression measures for both the demolition and construction phases.

### Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The site lies within the City Centre and West Affordable Housing Market Area. In accordance with the Council's CIL and Planning Obligations Supplementary Planning Document (SPD) 10% of the gross internal floor area of the development is required to be transferred to a Registered Provider at the Transfer Price, subject to viability.

In this case the Council's valuation exercise, undertaken independently, concluded that £82,500 should be forthcoming in affordable housing contribution, whilst retaining a reasonable profit level for the developer.

This figure was repeatedly challenged by the Applicant firstly on the grounds of likely abnormal costs that might arise from the structural works required to stabilise the rear elevation of the Listed Building and secondly on the estimated sale value of the units.

Agreement has not been reached on this matter and the Applicant has not agreed to pay the affordable housing contribution as they remain convinced that the contribution is not justified.

This would clearly be in conflict with Policy CS40 of the Core Strategy, a policy which has full weight as it aligns with paragraph 64 of the NPPF and this factor should be considered within the context of the 'tilted balance'.

### Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. In this instance the proposal is liable for CIL charges, at a rate of £30 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). The exact amount of this sum will be calculated upon receipt of detailed information regarding gross internal floor space.

### RESPONSE TO REPRESENTATIONS

Matters relating to design and impact on the Listed Building have been dealt with in the main body of this report as have matters relating to residential amenity.

The concerns relating to the implications of vibration during the construction phase and research at Sitrans are noted and a directive should be added to any permission.

## SUMMARY AND RECOMMENDATION

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which identifies that when making decisions, a presumption in favour of sustainable development should be applied.

Paragraph 11 goes on to state 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, as is the case here as Sheffield does not benefit from a five year housing land supply, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is a proposal for significant extensions and alterations in order to bring this former terrace of early Victorian dwellings back into residential use.

The overall architectural approach for the new build elements is considered acceptable and in terms of scale and massing the new build elements are considered to achieve a satisfactory balance between visual amenity and the desire to provide appropriate housing density. The contemporary approach architecturally is considered appropriate and the glass link provides 'breathing space' for the Listed Building and firmly establishes where new departs from original.

The conversion of the Listed Building, enhanced curtilage to the front and enhanced visual aspect to the historically 'compromised' rear elevation are considered significant positive aspects with this scheme.

Despite the marginal concerns relating to the lower ground floor spaces in the duplex units the scheme should provide good quality accommodation for future occupants and not compromise the amenity of existing residents.

The highways layout is acceptable and the proposed car parking is considered adequate given the highly sustainable location.

The proposals are felt to cause less than substantial harm to the heritage assets, and therefore in accordance with paragraphs 193 to 196 of the NPPF such harm requires convincing justification and has to be weighed against the public benefits of the proposal, including securing optimum viable use.

The justification for the extent of works proposed is the need to secure optimum viable use, and in doing so attend to inherent structural difficulties with the building, in particular on the rear elevation.

The long term use of the Listed Building for a preferred use in this Housing Area is considered a major positive factor weighing in favour of the scheme. The building is vacant and in need of a new use and restoration/refurbishment.

In addition to the re-use of the Listed Building as the preferred long term use within the Housing Area the provision of 27 units would be a helpful contribution to Sheffield's housing land supply at a time of shortage and at an acceptable density, and they would contribute to the diversity of the housing stock in the area both of which amount to a significant public benefit. Further benefit would accrue from improvements to the appearance of the rear elevation when viewed from the south.

Such public benefits are considered to outweigh the less than substantial harm identified. In this context, there is no conflict with paragraph 196 of the NPPF and no clear reason for resisting the proposals on those grounds.

Therefore part d) i) of paragraph 11 of the NPPF does not apply and the tilted balance in favour of sustainable development is in effect whereby the adverse impacts have to outweigh the scheme benefits for a refusal of permission to be justified.

Many benefits of the scheme are identified above and the only adverse impact of significance relates to the applicant's lack of commitment to the affordable housing contribution.

When applying the 'tilted balance' to this application the positive factors represented by the scheme are considered to outweigh the withholding of the relatively small affordable housing contribution of £82,500, considered appropriate following an independent viability appraisal. Whilst the applicant is not committing to the contribution, it is considered that the circumstances in this case, most notably the appropriate long term re-use of the listed building, the as yet indeterminate costs of stabilising works to the rear elevation, the contribution to the city's housing stock of a windfall site and the relatively low level of affordable housing contribution represent something of a unique case and one which is highly unlikely to re-occur.

Given the above and the small size of the contribution, it is not considered that this amounts to a significant adverse impact that would occur as a consequence of planning permission being granted and which would outweigh the presumption in favour of achieving a sustainable development of the site. The more limited weight given to the affordable housing factor in this tilted balance exercise should not therefore be taken as a significant precedent when considering future housing applications.

In conclusion, given the above and giving due consideration to the city's current shortfall in housing supply it is therefore felt that, the scheme meets the relevant requirements of the NPPF and UDP policies BE5, BE9, BE15, BE16, BE19, BE20 and H14, and Core Strategy policies CS23, CS24, CS26 CS31 and CS74.

Overall, the proposals are therefore considered acceptable and in accordance with the intention of the quoted policies. It is therefore recommended that planning

permission and listed building consent are granted subject to appropriate conditions.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 18 February 2020

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

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

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### Summary:

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

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### Reasons for Recommendations

### Recommendations:

To Note

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### Background Papers:

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 18 FEBRUARY 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

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for for a lawful development certificate for the erection of two single-storey side extensions and single-storey rear extension to dwellinghouse (Application under section 192) at Heather Bank Holdworth Lane Sheffield S6 6SN (Case No 19/02102/LD2)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for outline application (all matters reserved) for residential development Beighton Breakers Old Station Yard Rotherham Road Beighton Sheffield S20 1AH (18/02149/OUT
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PB (Case No 19/01905/TEL)
(iv) ) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for Removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at Telephone Box Outside 45-47 Fargate Sheffield S1 2HD (Case No 19/01907/TEL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at telephone box outside 49 Furnival Gate Sheffield S1 4QQ (Case No 19/01908/TEL)

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at O/S 127 Pinstone Street Sheffield S1 2HN (Case No 19/01911/TEL)

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at outside 13-15 Haymarket Sheffield S1 2AW (Case No 19/01909/TEL)

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for removal of telephone kiosk and installation of freestanding smart kiosk (Application for determination if approval required for siting and appearance) at O/S 19 Market Place City Centre Sheffield S1 2GH (Case No 19/01910/TEL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of single/two-storey side extension and single-storey rear extension to dwellinghouse at 98 Newlands Grove Sheffield S12 2FX (Case No 19/01389/FUL) has been dismissed.

#### Officer Comments:-

The Inspector considered that the main issue to consider was the impact of the proposed side extension on the living conditions of 15 Newlands Drive. He noted that the extension would be very close to the boundary of No. 15 and in particular its rear garden, and it would appear oppressive and overdominant, giving it a hemmed in feeling. This is exacerbated by the extension being to the south of the neighbouring property such that it could also result in a loss of sunlight. He concluded that the side extension would conflict with the Supplementary Planning Guidance on Designing House Extensions as well as UDP Policy H14 and NPPF Paragraph 127, in that it would adversely harm the living conditions of the occupiers of No.15. He therefore dismissed the appeal.

### 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report

## 5.0 CIL APPEALS DECISIONS

Nothing to report

## 6.0 ENFORCEMENT APPEALS NEW

Nothing to report

## 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

## 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

## 9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*18 February 2020*



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