

Planning and Highways Committee

Tuesday 4 August 2020 at 2.00 pm

To be held as a virtual meeting.

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You 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 Craig Rogerson on 0114 273 5033 or email craig.rogerson@sheffield.gov.uk.

FACILITIES

N/A

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
4 AUGUST 2020**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 14th July 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 9 - 10)
Report of the Director of City Growth
- 7a. Application No. 19/02130/FUL - The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE** (Pages 11 - 54)
- 7b. Application No. 19/02085/OUT - Site of South Yorkshire Trading Standards, Thorncliffe Lane, Sheffield, S35 3XX** (Pages 55 - 92)
- 7c. Application No. 20/00352/FUL - Post Office, 509 Pitsmoor Road, Sheffield, S3 9AU** (Pages 93 - 118)
- 7d. Application No. 20/00040/FUL - The White House, Vicarage Lane, Sheffield, S17 3GX** (Pages 119 - 146)
- 8. Update on Application No. 19/01832/FUL - Loxley Works, Low Matlock Lane, Sheffield, S6 6RP** (Pages 147 - 164)
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 25th August 2020 at 2pm.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 14 July 2020

NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 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

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Jack Clarkson declared a personal interest in Agenda Item No. 7a, Application No. 17/04673/OUT – Land at Junction with Carr Road, Hollin Busk Lane, Sheffield, S36 1GH, as a local ward Member. Councillor Clarkson declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

3.2 Councillor Alan Law declared a personal interest in Agenda Item No. 7a, Application No. 17/04673/OUT – Land at Junction with Carr Road, Hollin Busk Lane, Sheffield, S36 1GH, as a local resident and Town Council Member. Councillor Law 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 23rd June 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

6.1 APPLICATION NO. 17/04673/OUT - LAND AT JUNCTION WITH CARR ROAD, HOLLIN BUSK LANE, SHEFFIELD, S36 1GH

6a.1 Two additional representations and the officer response were included within the Supplementary Report circulated and summarised at the meeting.

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

6a.3 Councillor Julie Grocutt, Mr Howard Mills (reading a statement on behalf of Miriam Cates MP), Stocksbridge Town Councillor Richard Crowther, Mrs Elaine Smith, Ms Nicky Rivers and Mr. Peter Morgan attended the meeting and spoke against the application.

6a.4 Mr Brian Denney, Mr Kurt Goodman, Ms Jan Mathieson, Mr Paul Irwin, Mr Kriston Harvey and Ms Clare Plant attended the meeting and spoke in support of the application.

6a.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.

6a.6 **RESOLVED:** That Application No. 17/04673/OUT - Outline application for up to 85 residential dwellings including open space (Amended Description) at Land At Junction With Carr Road, Hollin Busk Lane, Sheffield, S36 1GH be REFUSED on the grounds of the significant harmful impact on visual amenity both locally and wider, and the substantial harm to a heritage asset. The decision notice to be formulated and the final wording to be delegated to the Chief Planning Officer in consultation with the Co-Chairs of the Planning and Highways Committee.

6.2 20/00493/FUL - 69 WHIRLOW LANE, SHEFFIELD, S11 9QF

6b.1 Two additional representations and the officer response were included within the Supplementary Report circulated and summarised at the meeting. An additional condition was verbally reported regarding roof lights.

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 Councillor Colin Ross and Mr Geoff Craig attended the meeting and spoke against

the application.

6b.4 Ms Caroline McIntyre attended the meeting and spoke in support of the application.

6b.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.

6b.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, including the additional condition verbally reported, for demolition of dwellinghouse and garages, erection of four dwellinghouses with garages, associated landscaping and formation of access points at 69 Whirlow Lane, Sheffield, S11 9QF (Application No. 20/00493/FUL).

6.3 16/00149/FUL - MOSQUE, 306 BARNSELY ROAD, SHEFFIELD, S4 7AH

6c.1 Further details including additional representations with officer response and an additional 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 Mr Graeme Thorpe and Ms Toni Satur (on behalf of Mr Mohammad Aslam) attended the meeting and spoke against the application.

6c.4 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.

6c.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, the rewording of conditions 14 and 22, in relation to the submission of a Management Plan and the restriction on the numbers attending the facility, to be to be formulated and the final wording to be delegated to the Chief Planning Officer and Legal Officer in consultation with the Co-Chairs of the Planning and Highways Committee, for the Demolition of No. 304 Barnsley Road, erection of extension to Mosque to form prayer hall and entrance, and alterations to front elevation (as amended) at Mosque, 306 Barnsley Road, Sheffield, S4 7AH (Application No. 16/00149/FUL).

7. DATE OF NEXT MEETING

7. It was noted that the next meeting of the Planning and Highways Committee

would be held on Tuesday 4th August 2020 at 2pm.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 04/08/2020

Subject: Applications under various acts/regulations

Author of Report: Michael Johnson, Chris Heeley, Dinah Hope and Lucy Bond

Summary:

Reasons for Recommendations

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

Recommendations: See individual reports.

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

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Case Number	19/02130/FUL (Formerly PP-07911203)
Application Type	Full Planning Application
Proposal	Demolition of public house, and ancillary buildings (Use Class A4), and erection of 8no dwellings (Use Class C3) including associated undercroft car parking and formation of access to the highway - (Amended drawings and Asset of Community Value (ACV) Statement)
Location	The Plough Inn 288 Sandygate Road Sheffield S10 5SE
Date Received	10/06/2019
Team	West and North
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

27398 A(00)01 Site Location Plan

27398 A(01)01A Site Plan Existing

27398 (01)02A Site Plan Proposed - Roof Level

27398 (01)03A Proposed Ground Floor

27398 (01)04A Proposed Site Plan - Existing and Proposed Footprints

27398 (01)05 Vehicle Tracking - Parking Scenario 01

27398 (01)06 Vehicle Tracking - Parking Scenario 02

27398 (01)07 Vehicle Tracking - Parking Scenario 03

27398 (02)01A House Type Drawings - Type 01A (Plot 01)

27398 (02)02A House Type Drawings - Type 01B (Plot 05)

27398 (02)03A House Type Drawings - Type 02 (Units 2, 3, 6, 7)

27398 (02)04A House Type Drawings - Type 03A (Unit 04)
27398 (02)05A House Type Drawings - Type 03B (Unit 08)

27398 (03)01A Site Sections Existing
27398 (03)02A Site Sections Proposed

27398 (04)01A Site Elevations Existing
27398 (04)02A Site Elevations Proposed
27398 (04)03A Site Elevations Proposed
27398 (04)04A Site Elevations Proposed

27398 (05)01A View west along Sandygate Road - existing
27398 (05)02A View west along Sandygate Road - proposed
27398 (05)03A View east along Sandygate Road - existing
27398 (05)04A View east along Sandygate Road - proposed
27398 (05)05A View from St Francis Close - existing
27398 (05)06A View from St Francis Close - proposed
27398 (05)08A Aerial View 01
27398 (05)09A Aerial View 02

published on the website on the 20 December 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 means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

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

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

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

6. 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.

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

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

8. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

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

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

11. The 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.

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

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

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. 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 development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

16. The development shall not be used unless the car parking accommodation for 18 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 purpose intended.

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

Other Compliance Conditions

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

Reason: In the interest of satisfactory and sustainable drainage

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the side elevation of the western dwellinghouse facing No. 286 Sandygate Road without the prior written approval of the Local Planning Authority.

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

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

Reason: To ensure that the architectural character of the dwellinghouses is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

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

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

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

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

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

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

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

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

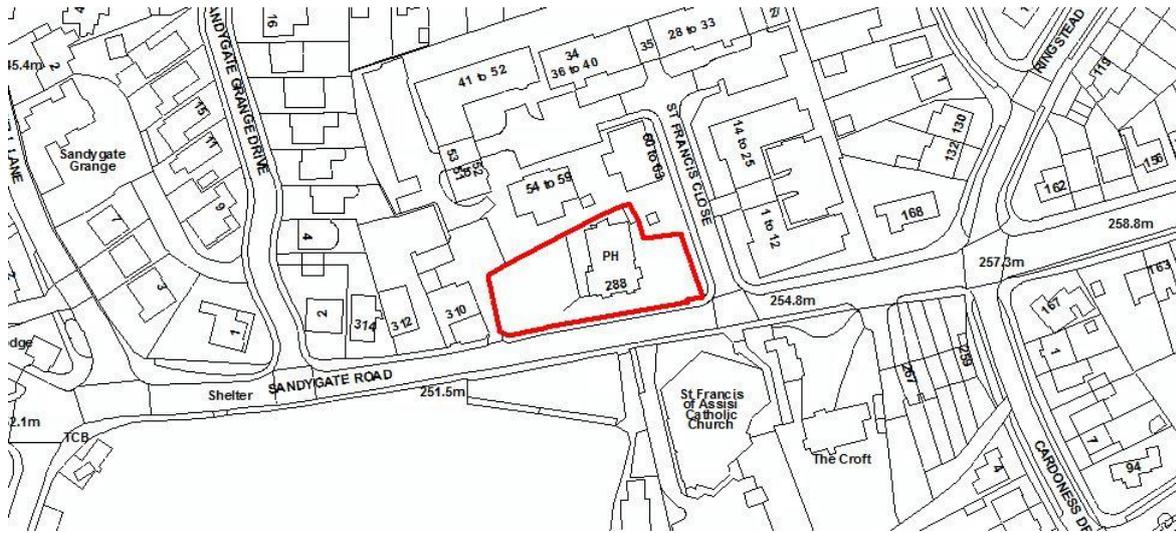
You should contact the S278 Officer for details of how to progress the S278 Agreement:

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

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

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

Site Location



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INTRODUCTION

This application relates to The Plough Inn, a vacant public house that is situated along the northern side of Sandygate Road at its junction with St. Francis Close. The public house closed in April 2016.

The Plough Inn is registered an Asset of Community Value (ACV). It was first registered in May 2015, and then again in April 2018. Under the latter registration it will remain on the ACV register until April 2023. In England, an Asset of Community Value is land or property considered to be of importance to a local community, which is subject to additional protection from development under the Localism Act 2011.

Since its closure, an application to change the use of the public house into a supermarket (Use Class A1) was refused by the Planning and Highways Committee in January 2017 (application reference 16/02925/FUL) for the following reason:

'In the opinion of the Local Planning Authority, the proposal to change the use of the public house (Use Class A4) to retail (Use Class A1) would involve the loss of a building that is considered to be a valued community asset, which before its recent closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community, being designated an Asset of Community Value. The public house is considered to be well regarded by the local community and there are no alternative premises within a reasonable travelling distance for many of the individuals who use the premises. The Local Planning Authority is of the opinion that insufficient evidence has been provided by the applicant to demonstrate that the use of the building as a public house is unviable and incapable of continuing to be used as such for the foreseeable future. To grant planning permission in this instance would therefore be contrary to Paragraph 70 of National Planning Policy Framework (NPPF), which seeks to guard against the unnecessary loss of valued facilities and services.'

In 2017, the applicant purchased the site from Enterprise Inns.

LOCATION AND PROPOSAL

The Plough Inn is a traditional two-storey building, constructed in natural coursed stone with a twin dual-pitched slate covered roof. The existing building was constructed in 1929, though evidence submitted suggests that a public house has occupied this site, in one form or another, since the mid 1600s.

The Plough Inn sits within a curtilage of approximately 1,215 square metres, which comprises the public house building, small front and side beer gardens and car parks to both its western and eastern sides for approximately 20 vehicles (12 on the western side and 8 on the eastern side). At first floor level is a three bedroom flat that is accessed from inside the building.

The building stands close to the Sandygate Road frontage, set back from the back edge of the adjoining footway by approximately 4m. The two car parks are served via separate access points from Sandygate Road, one to each side of the building's front elevation.

The public house is situated along the northern side of Sandygate Road in a designated Housing Area as defined in the Unitary Development Plan (UDP). The surrounding area is residential in character with a mix of houses and apartment located to the north, east and west, save for the detached property at no. 310 Sandygate Road to the immediate west which is in office use. To the south, on the opposite side of Sandygate Road, is the Church of St Francis of Assisi and the grounds of Hallam Football Club (FC).

The applicant is seeking full planning permission to demolish the public house and erect eight dwellinghouses in two four storey blocks including associated undercroft car park and formation of new access onto Sandygate Road.

RELEVANT PLANNING HISTORY

16/02925/FUL Use of existing public house (Use Class A4) as retail (Use Class A1), single storey side extensions and alterations to car park – Refused 11 January 2017

17/04338/PREAPP Demolition of public house and erection of eight dwellinghouses – Closed 11/05/18

SUMMARY OF REPRESENTATIONS

In total, 205 objections and 7 letters of support have been received in response to this application, including representations from Councillor Anne Murphy. Objection letters have also been received from Save Britain's Heritage, Campaign for Real Ale (CAMRA) and the Crookes and Crosspool Green Party. One of the objectors has written on at least 13 occasions

Two rounds of consultation were undertaken; the first on validation of the application and the second in January 2020 following the receipt of an additional planning statement that related specific to the Asset of Community Value (ACV).

A summary of comments received under each round of consultation is listed below.

First round of consultation

Objections:

Loss of a building that is designated an ACV

- It is listed as an Asset of Community Value (ACV), which is a material planning condition and can be the overriding consideration in any planning decision, and can be relisted as an ACV for another 5 years. For an ACV to be overruled the applicant has to show that the property is no longer viable as a public house, it is believed that this has not been achieved as part of the planning application.

- The applicant has made no effort to maintain the building as a public house.

- The applicant has offered unrealistic rent to discourage potential buyers and also make it unviable to run the building as a public house after the cost of renovation and rent.
- Nothing has changed from when the planning committee refused the PH to be converted into a supermarket.
- Clear during the previous application that there was more than adequate local support for the building to be maintained as a public house, both in terms of financial pledges as well as locals being willing to become involved in the running of the PH.
- Demolition of the public house prevents the possibility of it ever becoming a home for the community again.
- A use that would keep the building as it is – such as a community centre, a library or another public house - would be preferable.
- The building was designed by Sheffield architect Wynyard Dixon and is a rare example of his work and inter-war pub designs. It is constructed of local Bole Hill stone reputed to be ‘the finest wall stone available, especially for its quality and durability’.
- The Plough should be considered as a non-designated heritage asset because the earliest recording of a public house on or near the current site was in 1637; the history of The Plough is also inseparable from the history of sport in the area.
- To demolish such a landmark building would fundamentally change the character of the local setting.
- The owner listed the site at twice the market rent, ensuring that nobody would come forward to potentially take over the site.
- It could be possible to renovate the property and maintain the use as a public house whilst also adding residential accommodation, an example given is The York in Broomhill.
- There is not enough evidence to show that the building could not be run as a successful pub.
- Only one short paragraph regarding the ACV has been provided, the paragraph being an opinion from Crosthwaite Commercial which is not a specialist agency in the licencing trade. At the very least a market analysis should have been provided to demonstrate how the offered rent of £50,000 per annum compares to similar public houses in the region. One paragraph is insufficient and does not address the issue of viability. The CAMRA (Campaign for Real Ale) public house viability test has been adopted by many Planning Authorities and has a complex 10 point matrix to assess viability.
- Objection to the demolition of the building, if the building cannot be maintained as a community building it can be converted into dwellings.

- The demolition of The Plough would be contrary to both national and local planning policies as it would result in the loss of a 'valued facility' – since the initial listing as an ACV in 2015 and subsequent relisting in 2018, The Plough has continued to command high level support from the local community.
- The designation as an ACV should be the overriding material consideration when making the decision on the planning application.
- The applicant has failed to provide credible evidence to suggest that the future use of The Plough as a community asset is not a realistic outcome within the meaning of the Localism Act 2011.

Condition of the building

- Any damage to the building must be repaired and the building restored.
- The applicant has allowed for significant depreciation of the building by not securing it to intruders and the elements.
- According to the police crime website there is no record of the building being vandalised three times or being reported to the police.

Highway Safety

- The proposal would increase traffic on an already busy road.
- Increased parking, traffic and potential highway safety concerns on an already busy stretch of road.
- The proposal will likely result in around 8 more cars on a road where there is already a high level of on street parking, and would exacerbate the pinch-point caused by parking on both sides of the road which is a main artery road to Lodge Moor and Upper Fulwood and is also a bus route.

Design/layout Issues

- The design of the proposed houses does not honour the heritage of the Plough Inn.
- The design, appearance and proposed materials for the new housing are not in keeping with the local area and the dwellings would dominate the street scene, the proposed development would also increase the density of buildings and layout on the particular stretch of Sandygate Road.
- The site is too small for 8 dwellings.
- The public house (inter-war constructed) is of architectural interest.
- The proposals are out of keeping with the church opposite.

- The height of the proposed dwellings would dominate the streetscene, be overbearing and cause overlooking to neighbouring properties as well as the football/cricket ground.
- The proposed development would take away views of both The Plough and the football/cricket ground.
- Concern raised about the height of the proposed dwellings.
- The proposed development makes excessive use of dark materials which are out of keeping with the surrounding properties
- The proposed development is a characterless infill with no charm.
- The "town houses" are the wrong style, material and too oppressive for a scenic suburban area.

Heritage Issues

- Do not want to lose a stone built heritage building of 90 years which is on the site of a 17th century public house.
- The Public House is of significant historical merit.
- Housing can be built on sites that do not have the history and former beauty of this building.
- No need for additional housing in the area, especially not at the expense of a historically and culturally significant building.
- The demolition of the building would be an act of cultural vandalism.
- The application does not address the architectural, social and historic value of the Plough.
- If demolition is approved, another building of historical significance will disappear from the city.

Sporting Heritage/Legacy

- The building should be retained and its link to the oldest football ground should be utilised as a feature to bring tourists to the city.
- The Plough Inn is a part of football history and should remain so.
- Multiple comments refer to the fact that the rules of professional football were written in the building and the historical value outweighs the proposed commercial development.

- This site is the heart of the home of world football, other cities would promote the building as an asset to the city.
- The site should be turned into a tourist attraction given the history and location opposite the world's oldest football ground.
- The building should be converted into a museum for football.
- The sporting heritage of the site is unique.

Local Economy

- The building is an important asset to the local economy.

Residential Amenity Issues

- Loss of privacy for adjoining properties.
- Overshadowing to neighbouring properties.
- The green screening (to the Northern boundary of the site) is considered to be a token gesture, to protect the privacy of the proposed dwellings rather than the existing properties.

Other Issues

- Construction work would be disruptive to properties near the site.
- Flats could be built on unused land instead.
- There are too many new housing developments underway in Crosspool.
- Additional housing will not benefit the city.
- Any development on the land should make use of the existing building.
- Flooding issues.

Councillor Anne Murphy

- The local community made a clear decision in 2017 and 2018 to oppose the redevelopment of the public house and to back plans for community ownership of the site.
- The proposed conversion of the building for use as a supermarket was unanimously rejected by the planning committee which opened the way for the community to make a bid. Over 300 local people were prepared to invest their own money based on a professional business plan which demonstrated how the Plough Inn could be maintained as a thriving public house, meeting a wide range of community needs and interests.

- The previous owners opted to go with a local developer rather than the local community, purely for profit.
- A second community application to list the site as an Asset of Community Value was approved in 2018.
- The developer is aware of the local feeling, but in their view, profit comes before local democracy.
- Business and profit are important but not at any cost.
- The proposal for use as a community public house was the best of both worlds – a community asset run for profit to be reinvested back into the community.
- The Plough Inn is a building with significant historical football heritage and is opposite the oldest football ground in the world – this must stand for something in Sheffield’s footballing heritage and history.
- The local community should be able to invest in this building to return it to its former glory and bring it back to life as one of the historical homes of Sheffield’s football history.

CAMRA (The Campaign for Real Ale):

- Since Enterprise Inns (previous owners of The Plough Inn) took ownership of the site it appears that there has been no serious maintenance work on the site, suggesting that Enterprise Inns as well as the current owners have left the pub to rot.
- The Plough Inn was rebuilt in 1929 and is an important example of an inter war public house which, according to Historic England are ‘rare and overlooked buildings’. National planning policy recognises the importance of protecting historic assets as well as their settings, as was confirmed in the decision taken by the Local planning Authority to refuse the application to convert the property into a supermarket.
- The oldest football ground in the world, the site of the first football game recognised by FIFA, is occupied by the second oldest club in the world – Hallam FC and is opposite the Plough, inside which, the rules of football were written. The historical value of the venue outweighs speculative commercial development. It is a cultural icon which should be protected.
- The site was recently relisted as an ACV (Asset of Community Value) which protects its status as a public house, this was made possible by the widespread support from the local community and also local organisations.
- The application does not provide any evidence to suggest that the site is not viable for use as a public house. The developer states that no offers were received to lease the pub, this is because it was offered at an unrealistic rent of £50,000 per annum when average rents in the local area are between £24,000 and £29,000 per annum.

- The proposed development would see the Plough replaced by eight dwellings, none of which would be affordable for local people.
- The opposition to development of the site is about more than saving a pub, it is about gaining wider recognition of the historic role of the area in the sporting history of Sheffield.
- The Plough should be allowed to return to the former use as a community pub.

Crookes & Crosspool Green Party:

- Although the application is different from the previous scheme to use the building as a supermarket, the facts and justifications for refusal of the application remain.
- The Plough is an important focal point in the community.
- For over a century it was the organisational focus for the football and cricket clubs which are opposite the application site.
- Until recently it was a valued and well-frequented drinking and eating place for local residents.
- In recent years, tenants have been overcharged and discouraged from maintaining a thriving, imaginative public house.
- The fabric and facilities of the pub have not been maintained.
- There has been considerable local interest to run the pub, but conditions have been so costly that this was not possible, if conditions were right and fair the pub still has potential to be a thriving part of the community.
- It is an Asset of Community Value and local residents have mobilised to protect it, they should be given the opportunity to maintain it as a community pub.

Save Britain's Heritage

- Save Britain's Heritage states that they object to the demolition of this historic public house linked to sporting history and the loss felt by the local community. The building is an important non-designated heritage asset with significant local support and should be retained and adapted for future uses.
- The Plough is a building of historical significance and has been closely linked to both Hallam Football Club and Hallam FC. The building is a good example of an interwar public house.
- There have been significant and sustained local opposition, including from local councillors, and that there is a strong local support for community ownership with over 300 people prepared to personally invest.

- The balanced judgement required of the LPA under paragraph 197 of the NPPF should weigh the scale of any harm against the significance of the heritage asset. The proposed redevelopment does not sufficiently offset the harm it would do to the existing building and the character of the surrounding community through its demolition.

- Owing to the vandalism, it is considered that a comprehensive viability analysis for repair and conversion should be undertaken. A detailed assessment of the existing building in terms of its condition is expected, adaptability and reuse so that the LPA can reach a balanced decision on the proposal.

- Sheffield's Core strategy (Objective 12) seeks to protect and enhance Sheffield's Natural Environment and Distinctive Urban Heritage. It is considered that the current scheme does neither to enhance the local heritage nor is the proposed design sufficient to offset the harm to the asset of significant community value. SAVE therefore recommends that the application is refused.

Neutral Comments:

- Object to the demolition of the building but would prefer dwellings to a supermarket, believe that the use of brick would help the site remain in keeping with rather than spoil the feel of the local area.

Sheffield FC

- Sheffield FC have confirmed that the Sheffield Rules were written in a greenhouse on East Bank Road belonging to Sheffield statesman Asline Ward.

- Contrary to reporting, the Sheffield Rule book and Sheffield FC have no association with The Plough.

Comments in Support:

- Whilst not architecturally breath-taking, the proposed scheme is an attractive scheme to provide much needed new housing in a city that is lagging behind targets for new-build housing.

- The site is brownfield, if brownfield sites such as this are not redeveloped the only alternative is to release swathes of greenbelt land.

- The public house was sold as it was unviable – pubs become unviable when local people do not go in.

- Perhaps the applicant can be persuaded to put a blue plaque on the finished development commemorating the site's links to local football history.

- The site is an eyesore and appears to be falling into further disrepair which is having a detrimental impact on the wider estate.

- The proposed housing will improve the area immensely and tidy up an underused site which is deteriorating rapidly.
- The building is infested with rats and is therefore a health risk to nearby properties.
- With regard to the links to football and cricket history, the building is not the original building where Hallam Cricket Club and Hallam FC were founded, that building was demolished.
- The comments referring to the football rules being written inside The Plough are untrue.

A letter has been received from the Vice Chairman of Hallam FC. He states that the building has become a derelict building over the past 18 months and it is time to move on with the redevelopment of the site, and irrespective of its final use will then re-vitalize the local area rather than creating an eyesore in the centre of it. It is considered that the site should now be developed, which will benefit the community and that the granting of a secondary ACV only adds to the problems that area already been endured by those in the immediate vicinity of the shell of its former self.

Second round of consultation

Loss of a building that is designated an ACV

- The additional material posted by the applicant is mostly a re-hash of documents already submitted. This includes correspondence concerning the marketing of the Plough and the rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.
- This application is full of inaccuracies, inconsistencies and misleading information. This is especially evident in the statements concerning the ACV, marketing and redevelopment. From the outset, the applicant's intention was to redevelop the site hence his willingness to pay a development price of £450,000 plus £90,000 VAT (Land Registry Ref. SYK658265).
- There is no evidence that the client considered the option of continuing to operate the site as a public house. The applicant completed the purchase of the site in September 2017 and by the end of November had already submitted a pre-application enquiry 'with a view to exploring the redevelopment of the site' (letter from DLP Planning dated 14/02/2018). Further confirmation of the applicant's intention to redevelop the site is evident in the same letter from DLP, which states that our client is becoming increasingly concerned that the nomination has been made as a mechanism by which to frustrate their intentions to redevelop the site for housing.
- The proposed development goes against the will of the community and ignores the views of a thriving community group which had a viable plan to develop the site prior to its purchase by the developer.

- The building has an ACV, the purpose of which is to protect assets such as the Plough from profit driven developers, objection is raised to the solicitor's statement in the recent amendment to the application.

- In the right hands the pub could thrive.

- The White Lion public house in Hankelow quoted by the applicant as an example of a pub which was not viable is now in community ownership and undergoing substantial refurbishment.

- The building is historic and should remain in the community, it should be restored to its original purpose – a place for the community to come together.

- As the application involves an ACV, it meets one of 3 criteria of the 'Added Value Test'. In cases such as this the applicant would usually be required to include a 'consultation supporting statement' as part of the application. No such statement has been included and public consultation is conspicuous by its absence. The only reference to community consultation in the application are an email from the then Vice Chairman of Hallam FC which was written in 2018 in response to the proposed designation as an ACV, and a copy of the minutes of the High Peak Management Company LTD dated 24th October 2017. Neither documents are specifically relevant to the application.

- Whilst public houses have been closing nationwide in recent years, it should be stressed that more pubs are now opening than closing, showing that the sector has turned a corner and market conditions are improving, which improves chances of the viability of the use of the Plough as a public house.

- The recent planning history of a site is a relevant consideration in planning decisions. In 2017, the local authority rejected Sainsbury's application for change of use based on the Plough's listing as an ACV. It was accepted that there were no alternative community facilities within a reasonable distance;

- This is a perfectly viable site for a public house which has for years been wilfully made to appear to be failing by successive developers, because of its particularly high land value.

- Nothing has changed since the last proposal was submitted to convert the pub, which attracted unprecedented levels of objection from the local community. The New owner has made only a charade of trying to let it as a pub, asking more than twice the market rent ensuring no one would come forward.

- The pub is protected until 2023 by an ACV order stating it's importance as a community asset, and it's demolition should not even be considered by the Planning Committee.

- The Stainton letter (25/11/2019) that accompanies the application is wrong in some material facts. The White Lion is now owned by the community and the latest news shows work taking place as recently as December 2019, to rebuild the pub. Whilst Ms Stainton tries to suggest the ACV should not be a material consideration, she

ignores the precedent already set by Sheffield Council on 10/1/17, when the Planning Committee accepted the importance of the ACV and unanimously vetoed the Sainsburys' proposal.

- The additional material posted is mostly a reworking of documents previously submitted. This includes correspondence concerning the marketing of the Plough and the rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.

- Contrary to reports, the Save the Plough campaign has collected enough money from crowd funding backed by a similar amount from an anonymous backer to support the running of a community pub.

- The previous owners "Pubco" Enterprise Inns seemed to have little interest in keeping it as a pub - as evidenced by the rapid turn-over of tenants trapped into rigid contracts that ensured financial failure. One would suspect these companies treat their pubs as land-banks

Response to correspondence from DLP Planning and HLW Keeble Hawson (Dec 20th 2019):

- The correspondence dates back to 2018 and concerns the re-nomination of the Plough as an ACV so it is hard to understand the relevance to the current application.

- The correspondence was disregarded by the relevant committee of the Local Planning Authority when the Plough was added to the City Council's Register of Assets of Community Value.

- Notwithstanding the above the correspondence is factually inaccurate – for instance, DLP state that 'No community interest group is noted on the ACV registered as having requested to become a potential bidder'. The Plough Community Pub LTD gave notice to the Local Authority that it intended to bid and the statutory moratorium period was triggered, this is a matter of public record.

- The correspondence from HLW Keeble Hawson contains false statements such as: 'Our client understands that at no point was the community group seeking to re-list the property able to demonstrate to Enterprise Inns. Group PLC proof of funding for its proposed purchase of the property for £435,000 last summer'. The community group did make an offer of £435,000 and did provide proof of funding, this was demonstrated to the committee that added the Plough to the Register of Community Assets in April 2018 and is a matter of public record.

Condition of building

- The applicant is arguing that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the condition of the site with the current owner. The building should have been

maintained in a fit and proper condition for its current permitted use as a public house.

- At the time of purchase, the building was in a sound condition albeit in need of an internal refurbishment. Prior to submitting a bid to purchase the site, the Plough Community Benefit Society Ltd commissioned an independent report on the costs of bringing the site back into operational use. The total estimated costs of necessary renovations was circa £60,000. In this application, the agent states that the current estimated costs of bringing the building back into viable use is £450,000. The discrepancy in these figures needs a full explanation and indicates serious failings in the maintenance of the building by the current owner.
- There is no reference to what security measures have been in place, no maintenance works are described nor are there any mentions of remedial works.
- It is not credible that vandals have caused the scale of damage alleged to have taken place. Confusion also arises over the number of burglaries alleged to have occurred.
- The current condition of the building is the sole responsibility of the applicant and no advantage in the planning process should be gained from this.
- The agent also states that 'no stripping out whatsoever has been carried out by our client'. This seems at odds with the observations of local residents.
- The applicant is arguing that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the site with the owner and the building should have been maintained in a proper condition for its current permitted use as a public house.

Highway Safety Issues

- Extra vehicles will cause further parking issues.
- Vehicular access to the site would be hazardous – Sandygate Road is already a busy thoroughfare, particularly when there are events at the church, football/cricket ground. The safety of pedestrians and motorists will be put at risk.
- The proposed development would add further strain to local infrastructure.
- Insufficient parking provision. The proposes 8 dwellings on the site will invariably have 2 vehicles each, even though not enough parking is being provided. These vehicles will add to congestion and CO2 emissions, as against the use as a pub, when most of the regulars came on foot.
- The plans do not show storage three bins each property will need.

Design/layout Issues

- The proposed development is too high, much higher than the ridgeline of the existing building.
- The proposed dwellings are too close to Sandygate Road and will be overbearing to the street.
- Out of keeping with the materials and style of the original hamlet of Sandygate.
- The proposed development is unnecessarily big, particularly in height. The visuals clearly make this point and are changing the landscape.
- A smaller development would be preferable, built in keeping with the local style.

Heritage Issues

- The Plough is part of the City's heritage, once destroyed that heritage can never be replaced.

Sporting Heritage/legacy

- The building has a long history connected to football which would be lost if the property was demolished. The connection to football is an untapped area of economic development for the city.
- Can the Council compulsorily purchase the building and restore it? The site could drive football history tourism, people already visit from all over the world.
- The site is linked to the second oldest football club and the oldest ground in the world.
- The public house should be turned into a local community-run themed pub on the origins of football.

Other Issues

- The existing car park has been used as a dump for building waste, vehicle and portacabin storage, the building itself is becoming increasingly dilapidated due to neglect with no evidence of maintenance or care for the property.
- The development includes no affordable housing.
- There is too much housing in this area of Sheffield and too little consideration of the congestion and air pollution created in Crosspool and the whole of the Manchester Road/Broomhill/Whittam Road/Western Bank/Brook Hill corridor.
- The Council is taking firm action to improve air quality in the centre of the city and should do the same in the suburbs.

Councillor Anne Murphy

- The amended information provided by the applicant is mostly a re-hash of documents already submitted, the new material does not demonstrate continuous marketing of The Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's viability test. Information from a local landlord suggests that the valuation of £50,000 per annum was over double the usual asking price.
- The applicant argues that the current state of the building means that it is no longer viable as a public house. Current planning law places responsibility for the condition of the site with the current owner. The building should have been maintained in a fit and proper condition for its current permitted use as a public house.
- Concerns about the apparent unlawful use of the site as a waste disposal facility – unattended fires have been observed within the car parks; cars with no registration plates have also been stored on site, these concerns are the subject of a Planning Enforcement enquiry.
- The Local Planning Authority should give consideration to issuing a requirement for the building to be reinstated to its former condition, as it was at the time of purchase when an independent report was commissioned and which demonstrated that no major building work was required and that the cost of any internal refitting was manageable within a realistic business plan.
- Worth noting that the White Lion public house in Hankelow quoted by the applicant as an example of a pub which was not viable is now in community ownership and undergoing substantial refurbishment.

Sheffield and District CAMRA

- As stated in our previous submissions regarding planning applications for this site, we believe that the Plough should be functioning as a Community pub, with the added attraction of its key place in the history of world football. A small internal museum would not be inappropriate.
- This planning saga commenced when the previous owners, Enterprise Inns (EI), decided to deliberately run-down their historically important asset before closure in 2015. Since then, there has been no serious maintenance work and the subsequent owners, Spacepad UK, have left the pub to rot. Planning law places responsibility for the condition of the site with the current owner. By law, the building should have been maintained in a fit and proper condition for its current permitted use as a public house.
- The site has deteriorated to such an extent that some local residents claim it is an 'eyesore.' These concerns are currently the subject of a Planning Enforcement enquiry regarding the unauthorised use of the site as a waste disposal facility and a storage site for unregistered vehicles. An Enforcement Notice has been recommended. Sheffield CC should issue a requirement for the building, and site, to be reinstated to the condition it was in at the time of purchase from Enterprise Inns. At that point, an independent report, commissioned by the Plough Community Benefit Society Ltd demonstrated that, in order for the pub to reopen, no major

building work was required and that internal refitting costs were manageable within a realistic business plan.

- If the owners fail to reinstate the property, the Council should exercise its power to compulsorily purchase in order to avoid further deterioration. The authority should also take note of the action of Westminster City Council in ordering a developer to rebuild the Carlton Tavern after it had been demolished without prior planning permission.

- The additional material posted by the applicant on 20/12/2019 is essentially a re-mix of previously submitted documents, including correspondence concerning the marketing of the Plough and the exorbitant, and unrealistic, rental valuation of £50,000 per annum. The additional material does not demonstrate continuous marketing of the Plough at a realistic valuation as required by widely agreed criteria such as CAMRA's Viability Test.

- The recent planning history of a site is also a relevant consideration in planning decisions. In 2017, The local authority rejected Sainsbury's application for change of use based on the Plough's listing as an ACV and it accepted that there were no alternative community facilities within a reasonable distance. In 2018, following the sale of the Plough, the local authority re-listed the pub as an ACV.

- As there have been no material changes in the reasons why the Plough was listed as an ACV, this should remain an overriding consideration in any decision.

- The pub is adjacent to the ground of Hallam FC (the 2nd.oldest football club in the world). Hallam occupy Sandygate, the oldest football ground in the world, the site of the first football game (Hallam v Sheffield FC) as recognised by FIFA. The Plough should be allowed to return as both a community pub and a key player in the developing Sheffield Football History experience.

- The public house should be protected as an important part of the city's footballing history.

Support

- The building has deteriorated further since the application has been submitted.

- The ACV is not legal binding and can be withdrawn at any time. The ACV was granted July 2015. The Plough closed in April 2016. If the community had used the pub in the intervening months, then it would not have closed.

Non-material Matters

A number of non-matter matters were also raised by objectors including:

- The proposed dwellings would lower the value of existing properties.

- The proposal fails to comply with the Electronic Communications Code (EC), despite the site as existing containing a mobile phone mast, no allowance has been

made within the plans to accommodate the mast – in fact there is no mention of the mast at all within the application. Under the ECC, an agreement between the networks, service provider and land owner should only be terminated on the grounds of redevelopment if they ‘could not reasonably’ redevelop ‘unless the code agreement comes to an end’. In the opinion of the objector, it would be perfectly possible to redevelop and maintain the mast on the present site.

- Does the applicant have a valid waste transfer licence for the used building materials dumped from other sites.

PLANNING ASSESSMENT

The Principle of Development – Policy and Land Use

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.

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 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.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, Paragraph 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.

As Sheffield can demonstrate a five year housing supply (currently 5.1 years) the most important policies in the determination of this application are not 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.

The application site is located within a Housing Area. In Housing Areas, housing is listed as the preferred use under UDP Policy H10. The proposal to demolish the public house and erect 8 dwellinghouses would therefore comply with this policy.

The proposal would involve the development of previously developed land. As defined in the NPPF, previously developed land is land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. The proposal would therefore represent the development of a previously developed site and would accord with Core Strategy Policy CS24, which states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policy CS24 is consistent with the NPPF, which at paragraph 118 says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Core Strategy Policy CS26 promotes the efficient use of land for new housing and identifies that a density of between 30-50 dwellings per hectare is appropriate in parts of the urban area that are not near to high frequency bus routes. More up to date guidance is however contained in the NPPF which carries increased weight over Policy CS26 as Sheffield's housing need is now greater than it was when the Core Strategy was published.

Paragraph 122 of the NPPF promotes the efficient use of land subject to the consideration of a variety of factors including housing need, viability, the desirability of maintaining the areas prevailing character and setting, promoting regeneration, and the importance of securing well designed and attractive places.

The 8 dwellings proposed represents a density of approximately 65.8 dwellings per hectare. This is greater than the recommended density for this area. However taking account its accessibility, appropriate layout (discussed later in the report), the fact that Sheffield has a supply of deliverable housing land just above 5% and the increased weight of the NPPF over policy CS26, the scheme is considered to be acceptable from a density perspective.

Demolition of building that is registered an Asset of Community Value (ACV)

Under the Localism Act 2011, The Plough Inn was registered an Asset of Community Value (ACV) in May 2015, and then again in April 2018.

Development Plan policy in respect of community facilities is contained within UDP policies CF1 and CF2. Policy CF1 relates to the provision of new community facilities. Policy CF2 (Keeping Community Facilities) sets out that development which would result in the loss of community facilities will be permitted if:

- a) The loss is unavoidable and equivalent facilities would be provided in the same area; or
- b) The facilities are no longer required; or
- c) Where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

Although the UDP's definition of community facilities (pp169-170) is limited to uses in Use Class D1 usually provided by the public sector, the NPPF recognises the social benefits of public houses in promoting healthy and safe communities. Paragraph 92 part a) of the NPPF, states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments, with community facilities including local shops, meeting places, cultural buildings, public houses and places of worship.

The House of Commons Written Statement (HCWS221) (26 Jan 2015) also notes that 'Pubs play an important role in our local communities. They provide valuable local hubs that strengthen community relationships and encourage wider social interaction'.

The listing of an ACV lasts for 5 years, after which time, and unless the community group has applied and been granted for its listing to be renewed, the property is automatically delisted and the restriction imposed by the covenant are removed.

The listing process allows a community asset to be listed when it satisfies the requirements of Section 88 (1) or (2) of the Localism Act 2011. Part (2) is relevant in this case. It says which say that: there should be a time in the recent past when an actual use of the building furthered the social wellbeing or interests of the local community; and it should be realistic to think that there is a time in the next five years when there could be a use of the building that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. Both elements of the test require there to be a local community.

Under the terms of the legislation, once listed, an ACV:

- can become a material consideration in planning applications;

- is subject to provisions which allow time for it to be purchased by a group representing its users or the local community; and

- it can be compulsorily purchased 'if the asset is under threat of long-term loss to the community.'

When considering planning applications that have ACV status, paragraph 2.20 of the Department for Communities and Local Government's non-statutory guidance states that 'it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted considering all the circumstances of the case.' Such a judgement would depend upon the level of interest received as part of the application, in this case substantial, and the evidence received from representations that the public house is, or until recently has been used, effectively as a community facility.

Once a property has been registered, the owner of an ACV must inform the local authority if they wish to sell the asset. If a qualifying community group wants to purchase the asset, the group can trigger a moratorium for six months, to allow them the opportunity to raise the money to purchase the asset. However, there is no requirement for the owner to sell to a community group. The ACV listing only improves the chances of the community group being able to purchase the asset by providing more time to raise funds. There is no requirement for the owner to sell the asset at a discount.

The Plough Inn was nominated as an ACV in May 2015 and registered in July 2015. In designating the public house as an ACV, it was determined that The Plough Inn supported community groups and community activities that catered for the interests of a wide cross section of the local community. The Council was satisfied that, from the evidence provided in connection with its nomination, the public house is very well regarded by the local community and did not consider that there were any alternative premises within a reasonable travelling distance for many of the individuals who use the public house. There was no objection to its designation. The Council's reasons for registering it refer to the community it serves and the way it serves the community and concluded that:

'The Property [The Plough] is a thriving pub that principally serves the residents of Crosspool, Sandygate and Tapton Hill. It supports certain community groups and community activities that cater for the interests of a wide cross section of the local community.'

In April 2016, The Plough Inn closed.

In August 2016, an application (planning reference No. 16/02925/FUL) was submitted on behalf of Sainsbury's PLC to change the use of the public house to a supermarket (Use Class A1). In support of the application, the previous owners of the public house (Enterprise Inns) stated that it was unviable as a pub with figures (takings) provided at the time showing that it was making a loss. In considering the change of use application, officers were of the opinion that the applicant had failed to provide sufficient evidence to demonstrate that the use of the building as a public house is unviable and incapable of continuing to be used for the foreseeable future.

The application was presented to the Planning and Highways Committee in January 2017 where it was refused by Members for the sole reason that the proposal would involve the loss of a building that is considered to be a valued community asset, which before its closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community. It was refused in accordance with paragraph 70 of an earlier version of the NPPF, which sought to guard against the unnecessary loss of valued facilities and services.

Following the refusal of the application, Enterprise Inns put the public house up for sale. In doing so, the Council was notified of the owner's intention to sell the building, which set in motion the opportunity of the qualifying community group (Plough Community Benefit Society) to purchase the public house. The qualifying community group triggered a moratorium for six months to allow the group the opportunity to raise the money to purchase the asset.

From evidence submitted from the representations received, in 2017 more than 300 local residents donated the sum of £120,000 towards a £435,000 bid to purchase the public house, this being the estimated market value of the building for use as a public house as prescribed by The Plough Community Benefit Society. Despite this bid, the community group failed to purchase the public house and it was sold to the applicant in September 2017 at a cost of £450,000. As previously stated, the ACV legislation provides no requirement for the owner to sell to a community group with the ACV listing only improving the chances of the community group being able to purchase the asset by providing more time to raise funds. There is also no requirement for the owner to sell the asset at a discount. Enterprise Inns were therefore within their right to sell to the highest bidder, irrespective of the intentions of the new owner. Following the sale of the public house in September 2017 it was removed from the Register of Assets of Community Value in accordance with the legislation.

In October 2017 the applicant submitted a pre-application enquiry seeking informal planning advice in respect of a proposal to demolish the public house and erect eight dwellinghouses.

In April 2018, The Plough Inn was re-registered as an ACV. In registering the public house, the panel stated that despite the public house being closed for nearly 2 years, the previous community use of the Plough was 'recent past use' that would satisfy the first limb of the test in Section 88 (2) of the Localism Act. The panel went on to say that it was noteworthy that the community holds the property in high regard, which was evident by the creation of the nominating group and their efforts to bid for the property when it was put on the market, and that the group appeared to be well organised in respect of pursuing a future community use and that a previous application for planning permission was refused on the site.

The panel concluded that the previous use furthered the social well-being and interests of the local community, and with regard to the second limb of the test in terms of whether it was realistic to think that a future community use could come forward within the next five years, the panel concluded that notwithstanding the owner's intentions to pursue a residential development, it was realistic to think that as a range of possible outcomes co-existing for the property, there is a time in the

next five years when there could be non-ancillary use of the building that would further (whether or not in the same way as before) the social well-being or social interesting of the local community.

In June 2019, the applicant submitted a full planning application seeking approval to demolish the public house and erect 8 dwellinghouses (the subject of this report). During the course of the application, and in response to lengthy discussions between the applicant's agents and officers, an additional planning statement was submitted that responded to a number of issues that officers considered to be most relevant in assessing the proposal specific to the ACV listing (Matters Relating to 'The Plough Inn' ACV Listing, prepared by Axis Architecture, dated November 2019).

Commercial marketing of the public house

The applicant instructed Crosthwaite Commercial (CC) to market the premises in June 2018 and a 'To Let' board was erected on the premises in July 2018. Details provided from Crosthwaite Commercial state that details were circulated to prospective occupiers in the licenced trade and all the local and regional commercial property agents. In addition to this, it has been confirmed that the property has been advertised on the Crosthwaite Commercial website, and since 2018, the public house appeared on various internet based property websites including the Rightmove Commercial Property link. The marketing details submitted show that rental offers were invited in the region of £50,000 per annum.

Crosthwaite Commercial stated that there was initial interest in the rental of the public house, and in August 2018, terms to lease the building by a local company as a public house were agreed and solicitors were instructed. A rent of £45,000 per annum for the first three years was agreed rising to £50,000 per annum thereafter. However, this offer fell through following the prospective tenants attempt to re-negotiate the terms of the new lease, which was considered to be unacceptable by the applicant.

Since that time, Crosthwaite Commercial has stated that they have had little serious interest and no serious offers. It is their estimate that half a dozen viewings have been undertaken since it was first marketed, some proposing the continuation of the pub and others contemplating a restaurant. In their assessment, Crosthwaite Commercial has stated that, despite the continued marketing of the public house, they now have serious doubts that a tenant can be found who is prepared to spend the capital required to restore the public house as well as the first floor living accommodation, which is currently inhabitable. Crosthwaite Commercial have also confirmed that, while rental offers in the region of £50,000 per annum were invited, this figure was not 'set in stone' and they have always been prepared to be flexible. In addition, Crosthwaite Commercial has stated that no ingoing premium was asked for, which is unusual in the pub market.

In terms of marketing, officers queried the rental value of £50,000 (in the region of) as there were concerns that this was excessively high compared to similar public houses in the area. For example, the rental values of public houses in the vicinity of the site found that the rental value in respect of Bulls Head and Ranmoor Inn, both located in Fulwood were understood to be in the region of £20,000 and £36,000

respectively. While it is difficult to provide a direct comparison between the public houses, with factors such as location and type and size of accommodation (commercial floorspace and flat) all relevant in terms of rental value, it is nevertheless important to assess whether the amount referred in the marketing is a rent than any reasonable tenant would be prepared to pay.

In support of the rental value of £50,000, the applicant has stated that it is not reasonable to compare The Plough Inn with the other public houses cited by objectors as the other pubs are tied to a brewery, which generates a lower rent in comparison to free houses. Landlords of public houses tied to a brewery are largely limited to purchasing their beer from the pub company/brewery. Free houses, such as The Plough Inn, have the freedom to purchase from different breweries/companies and negotiate competitive prices.

The applicant was advised to provide evidence of this as a means of comparison, and has provided details of the Devonshire Arms in Middle Handley, which had a rental value in October 2017 in the order £55,000 per annum with around £350,000 spent on refurbishment. While only one example of a non-tied public house was provided by the land agent, it is evident that free houses can secure a higher rental values than public houses tied to breweries. It is also of note, in officers' opinion, that the public house was marketed 'in the region of £50,000', meaning that the rent was not fixed to this amount and could through negotiation be subject to a lower rent or include rent free periods. In addition to this, Crosthwaite Commercial make reference to the fact that The Plough Inn includes 3-bed living accommodation which could command rental in the region of £15,600 per annum in isolation, but which was included within the rental value of the public house.

The local planning authority's independent assessor has confirmed that the rental figure of £50,000 per annum is reasonable for a free house and would not, in his opinion, act to discourage potential tenants. In coming to this view, he gives weight to the following:

- The Plough Inn is a 'free of tie' entity;
- it includes 3-bedroom living accommodation;
- any incoming tenant would expect to incur capital expenditure towards the fixtures and fittings;
- terms were previously agreed at £45,000 (although this fell through); and
- as the freeholder, whatever the costs of works to the fabric of the building at the time of the marketing, these were to be undertaken at the cost of the applicant and not the ingoing tenant.

On this last point, the independent assessor states that, without evidence to the contrary, it is reasonable to accept the applicant's position that they would cover necessary works to the fabric of the building as a result of vandalism and the condition of the building due to general deterioration.

In addition, the applicant has confirmed in writing that the cost of refurbishing the building would not include works to the fabric of the building which, as owner of the building, would be undertaken at his expense. This would include making the building watertight, the replacement of services (e.g. the heating system) and any structural damage incurred as a result of the building remaining vacant or through vandalism.

The independent assessor researched a number public houses that were currently to let, and while the majority have rental values significantly less than £50,000, there are pubs in the vicinity that do demand a higher rental value, including the Doctors Orders on Glossop Road with a rent of £50,000 per annum and an ingoing cost of £42,647, and the Three Merry Lads on Redmires Road, which was being marketed for £65,000 per annum with an ingoing cost of £74,685.

While he acknowledges that the rental value exceeds the amount of 'tied' public houses and would require the incoming tenant to pay to refurbish the building to their requirements, it is not unrealistic to assume that an incoming tenant would be prepared to accept the costs and undertake capital expenditure to bring the building back into viable use. On this basis, it is considered that the rental figure can be justified and is a figure that would not price out genuinely interested parties in leasing the public house.

Since the closure of the public house in 2016, it is clear that the building has deteriorated. To bring the building back into a viable use would therefore require significant capital expenditure, and would be significantly greater than the amount estimated at the time the community group placed a bid on the building (believed to be in the order of £60,000). In addition to this, the applicant has provided evidence that the public house has been broken into on at least four occasions, resulted in extensive vandalism. The applicant has provided two police incident numbers, the details of which include the removal of catering kitchen equipment, extensive flood damage due to the stripping out of all copper pipework serving the toilets and heating system, and extensive damage to the floorboards. The applicant accepts that the current condition of the building is much worse than when it was originally marketed and, despite representations citing that the poor condition of the building is as a result of the neglect of the applicant, officers have no evidence to suggest that the applicant has wilfully or deliberately neglected the building in order to achieve a more favourable planning outcome.

The applicant has confirmed that it has always been accepted that an ingoing tenant would be required to fund some capital expenditure, and that he was always agreeable to negotiate terms of the rent, including accepting a rent free period, as well as bear the costs of works to the fabric of the building.

To establish the likely cost of repairs and to renovate the building, the applicant commissioned Edge Property Solutions, a building cost consultant, to undertake an assessment of the property. They estimated a cost of £450,000, based on repairs to the fabric, internal shell works and a complete fit-out including fixtures, fittings and equipment to make it operational. This was based on their experience of working with Ember Inns and the level of fit-out specification that they would expect.

The applicant notes that the actual cost of repairing the building could be significantly less than this, and that the cost of the fit-out would be at the discretion of the new tenant, ranging from 'cheap and cheerful' to the type of comprehensive refit that Ember Inns provide. This argument would also apply to the property's first floor 3-bedroom flat and function room.

It is noted that one of the objectors has stated that an alternative approach to assessing a fair market rent for a property is to use its 'rateable value', which is set by the Valuation Office Agency (VOA). In determining the rateable value of a property, the VOA takes account of various factors such as size, location, and in the case of public houses, the expected 'fair maintenance trade' of each establishment.

In considering the rateable value, it was noted that the rateable value of The Three Merry Lads and The Ranmoor Inn are £20,750 and £35,250 respectively, whereas The Plough Inn is only £9,250. The local planning authority's independent assessor again examined this information and has advised that it would be unreasonable to use the rateable value in determining the rent for The Plough Inn on account of it being closed, lead to a significantly lower figure. Business rates are based on trading figures, which are not available for The Plough Inn given the length of time it has been closed. They can vary significantly from property to property.

In addition to the marketing carried out by the applicant, Members are also advised that prior to this, the public house was marketed for sale by the previous owner (Enterprise Inns) for a continuous period from September 2012. During this time, it is understood that only one realistic offer from Sainsbury's PLC was received to lease the store as a supermarket.

While a number of objections have been received in relation to the extent of marketing undertaken, in officers' opinion the marketing of the public house has been sufficient for the purposes of seeking a new tenant.

The public house was marketed for sale between September 2012 up to the date the applicant purchased the site in September 2017 (5 years). Following the purchase, the applicant has actively marketed the public house for rent for nearly 3 years, and while this has been unsuccessful, it does not remove the fact that this has been done.

Many concerns have been raised in relation to the rental value and high costs of refurbishing the building, but it has been found that the rental figure is not unreasonable. It is also considered that a genuine attempt has been made to retain the public house as an ongoing concern, and that the rental value of the public house, together with any necessary capital expenditure, does not raise significant concerns that would require the applicant to re-market the property at a lower rental value in order to attract more interest or to undertake significant upfront capital expenditure that would make it more marketable to a potential tenant.

As set out earlier, UDP Policy CF2 sets out that development which would result in the loss of community facilities will be permitted in instances where the loss is unavoidable and equivalent facilities would be provided in the same area; where the

facilities are no longer required; or where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

Notwithstanding that the definition of community facilities in the UDP does not include public houses, the NPPF recognises their community value in paragraph 92 of the Framework and, in this instance, officers acknowledge that The Plough Inn provided social benefits to the local community. This is evident by the high number of objections received and the setting up of the community group in connection with the ACV.

However, it is also considered that there are a number of venues in the close vicinity offering community use and benefits. These include:

- the venue for hire at Hallam FC, which includes a bar;
- community facilities at the St Francis of Assisi Church, which has a meeting room that can be booked for external events;
- the Crosspool and District Youth Sports Trust community centre of Coldwell Lane which includes a sports hall, meeting room and sports field; and
- Stephen Hill Methodist Church, which hosts a range of events such as parent and baby classes and dance classes.

In addition, within 800m of the application site there are two public houses, the Sportsman Pub at Bentley Lane and The Crosspool Tavern, both of which are within walking distances of the catchment area of Crosspool.

It is evident, in officers' opinion, that the wider area includes a number of buildings that provide community facilities which could be considered to further the social wellbeing or interests of the local community, and which comply with the policy CF2 requirement for equivalent accommodation to be readily available elsewhere, though it is acknowledged that there is no statutory definition on which to base such a judgement.

Moreover, given the time that has lapsed since the public house closed, it is felt that the weight that can be given to the public house as a community facility has diminished. This may not be the case were the site the only potential facility, or if facilities were short on the ground, but the loss to the wider community is not considered to be so harmful that it should be retained regardless. Officers do not consider that the Plough Inn, while well regarded by some members of the community, comprises the centre of the community and provides facilities that cannot readily be found elsewhere in the vicinity.

As previously stated within this report, one of the reasons for registering an ACV is to give a qualified community group the opportunity to purchase the asset when it comes up for sale by allowing a 6 month moratorium to raise funds. One of the shortcomings of the Act is that there is then no right of first refusal for that group. Rather, the owner can sell the asset to whom they choose, which in most instances would be the highest bidder, as was the case here.

The moratorium was duly triggered in respect of The Plough Inn, and irrespective of the bid offered by the community group, this bid was ultimately unsuccessful and resulted in the applicant purchasing the building.

Officers are satisfied that reasonable endeavours have been made by the applicant to market the public house as a going concern. Our independent assessor concluded that the applicant sought a reasonable rental figure for a free house in this location with three bedroom living accommodation. The applicant confirms that he would have covered the costs of fabric repairs and the cost of fitting out the pub would have been funded by an incoming tenant, which is also reasonable.

With virtually no realistic prospect of the site being used for a future community use, and with permitted rights removed for ACV listed public houses, it is thought that the site would likely fall into further disrepair.

As such, it is considered that the proposal to demolish the public house and redevelop the site for housing can be justified.

Officers acknowledge that in August 2017, the Planning Inspectorate upheld a decision to refuse planning permission to demolish the Cherry Tree Inn, a public house at Carter Knowle Avenue that was and continues to be registered as an ACV. That application sought to demolish the public house and erect an A1 retail development, under planning application No. 16/02791/FUL. In dismissing the appeal (APP/J4423/W/17/3171556), the Planning Inspector recognised that the two nearest public houses to the site were approximately 500m away, but that due to the hilly nature of the site, they were not within a reasonable walking distance for all the community and so were less likely to act as a meeting place for the local community.

Similar to the Plough Inn, the Cherry Tree Inn included a number of testimonials from patrons regarding the Inns' community value as well as a petition with over 1,000 signatures opposing the proposed redevelopment of the site. However, the key difference between the two applications is that, unlike the Plough Inn, the Cherry Tree Inn was trading as a public house at the time of the application and continues to do so, also that the level of marketing of the public house had not been carried out for the length of time or as exhaustively as The Plough Inn has been. Officers do not therefore consider that the two applications are similar in nature, with exception that both related to the redevelopment of public houses registered as AVCs for alternative uses.

Design Issues and effect on the character and appearance of the surrounding area

The relevant policies of the development plan in respect of design issues are UDP Policies BE5 and H14 (a) and Core Strategy CS74.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. It encourages original architecture where it does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment on corner sites and designs that take advantage of the site's natural features.

Policy H14 (a) seeks new buildings and extensions to be well designed and would be in scale and character with neighbouring buildings.

Core Strategy Policy CS74 sets out the design principles that are expected in all new developments. It supports high quality development that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

The development plan policies described above are considered to broadly align with the NPPF in relation to design.

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 expects planning permission to be refused for developments of poor design that fail to take the opportunities available for improving the character and quality of the area and the way it functions. It goes on to say 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.

The Plough Inn is located in a prominent position on a main road in the residential suburb of Crosspool. The area has a mixed character with three and two storey red brick apartment blocks to its eastern side and rear (on St Francis Close) and traditional brick and stone dwellinghouses to its west. On the opposite side of the road are the low brick buildings at Hallam FC which sit behind a stone boundary wall and small surface car park. Elevated above this is the well-mannered two storey brick built Church of St Francis of Assisi.

While The Plough Inn is of some architectural merit, it is not listed, nor is it located within an Area of Special Character or a Conservation Area.

The proposals seek to demolish the public house and erect 8 townhouses in two similar 4 storey terraced blocks intersected by a 4.8m wide central access point that would lead down into an undercroft covered car park. The blocks have an external footprint of 24m by 9.8m and are set back from the back edge of footway by approximately 2m.

The supporting Design and Access Statement states that the proposed development has been designed to read as two separate symmetrical contemporary designed housing blocks finished in natural stone. The blocks include standing seam, pitched metal roofs and large glazed openings. Accommodation is arranged over four floors with the top floor set back from the building's main façade. Gardens are provided to the rear on the deck above the undercroft parking area.

The layout, orientation and scale of the proposed townhouses has been informed by the need to maintain a comfortable relationship with the street, neighbouring apartment blocks and more modest buildings to its west.

It is considered that the proposed development is of a high design quality that will make a positive contribution to the character and appearance of the wider area. While the architectural response is contemporary, the scale and form are

sympathetic to the local vernacular and the use of natural stone ties in with the prevalent stone boundary walls and building on the adjoining site to the west.

Amendments to the scheme have been secured that resulted in the upper section of the western block being removed, a design improvement that helps to achieve a more comfortable transition between the new build and the smaller scale buildings to the west.

A condition seeking full details of all facing materials together with the submission of materials samples should ensure the use of high quality materials and finishes.

It is therefore considered that the development would accord with UDP Policies BE5 and H14 (a) and Core Strategy Policy CS74.

Heritage Issues

UDP Policy BE20 encourages the retention of historic buildings which are of local interest but not listed.

NPPF paragraphs 184 to 202 relate to conserving and enhancing the historic environment. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The annexe to the NPPF defines 'heritage asset' as a building, monument, site, place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The aims of policy BE20 are considered to be consistent with the NPPF and can be afforded weight.

It is acknowledged that The Plough Inn is an attractive early 20th century building and that it makes a positive contribution to the character of the area. However, it is not listed and is not situated in a Conservation Area, where a higher level of protection is afforded.

As described above, UDP Policy BE20 seeks to encourage the retention of historic buildings, which are of local interest but not listed wherever practicable. The supporting text to this policy suggests that some of these buildings may ultimately be listed in their own right, while the preservation of others will need to be assessed

against the contribution they make to the local landscape, balanced against a proposed development that might replace them.

It should also be noted that an assessment made by Historic England following a call to list the building was rejected in July 2019. Historic England stated in their decision letter that the vernacular revival exterior is well preserved and of good quality but it is not of special interest in a national context for its relatively late date, and that the opening up of the ground floor and associated refurbishment has undermined the interest of the building as an inter-war public house because of the loss of the original plan and decorative detailing.

In this instance, the existing public house is not a designated heritage asset. Whilst the outward appearance of the building is of a traditional form and materials which make a positive contribution to the character of the area, it is not of special architectural interest, it has been substantially altered and it sits within a hard surfaced car park which does not make a positive contribution to its setting.

On balance, the building has a less than moderate significance as a non-designated heritage asset, and that with regard to the scale of harm, its loss and significance as a heritage asset, it is considered that its loss would not be significant.

A high number of representations were received making reference to the sporting heritage of the Plough Inn and specifically to it being the place where the rules of football were written. This is incorrect.

It is understood that a landlord of a former Plough Inn started Hallam FC, the second oldest football club in the world and the world's oldest ground, but there is no evidence of any link between that public house and the writing of the rules.

The football rules (known as the 1858 Sheffield Football Rules) were written over 160 years ago, well before the date that the existing Plough Inn was constructed. The process for creating the 1858 Sheffield Rules began with a copy letter by Nathaniel Creswick that culminated with a meeting at the Adelphi Hotel. A letter from the chairman of Sheffield FC states that Sheffield FC (1857) and the rules (1858) were conceived from a greenhouse on East Bank Road belonging to Sheffield statesman Asline Ward.

It is considered that very little weight can be given to the suggestions made by a number of objectors claiming that the demolition of the public house would destroy part of Sheffield's sporting history and legacy in the writing of the football rules.

Sustainability

The government makes clear in the NPPF that the purpose of the planning system is to contribute to the achievement of sustainable development. Chapter 14 deals more specifically with the challenges of climate change and identifies the planning system as playing a key role in reducing greenhouse gas emissions and supporting renewable and low carbon energy. When determining planning applications paragraph 153 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.

Policy CS63 of the Core Strategy sets out the overarching approach to reduce the city's impact on climate change, which includes actions includes giving priority to development that is well served by sustainable forms of transport and giving preference to development on previously developed land where this is sustainably located.

Policy CS64 seeks to ensure that new buildings are designed to reduce emissions of greenhouse gases through high standards of energy efficient design.

Policy CS65 seeks to promote renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

These local policies are considered to robustly align with the NPPF and are afforded substantial weight.

The application site is in an accessible location and, as such, future residents would have easy access to a wide range of services in the nearby Local Centre and beyond via the number 51 bus which passes the site and provides access into the city centre.

The applicant has confirmed that the envelope of the proposed development will be built to a high standard of insulation, that energy efficient building services will be used and that renewables will be integrated into the development in order to comply with policy requirements. The provision of these measures can be secured by condition.

Highway Issues

UDP Policy H14 (Conditions on Development in Housing Areas) (d) states that new development or change of use will be permitted provided the site provides safe access to the highway network, appropriate off-street parking and does not endanger pedestrians.

Chapter 9 of the NPPF promotes sustainable modes of transport but acknowledges the need for appropriate parking and safe and suitable access for all. Policy H14 (d) is not considered to conflict with the aims of the NPPF in this regard.

As part of the redevelopment proposals, parking would be provided within an undercroft car park that would be accessed from Sandygate Road in the centre of the site, between two housing blocks. The car park would have 18 parking bays, which would allow for two spaces per dwellinghouse and two visitor parking bays. This level of parking is considered to be acceptable and is unlikely to lead to any significant demand for on-street parking that would be prejudicial to highway safety.

Paragraph 106 of the NPPF says that maximum parking 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 that are well served by public transport. The site is located in a well established residential area and there are waiting restrictions on the site frontage. The site would have suitable visibility splays to ensure safe ingress onto Sandygate Road.

The site is located in a sustainable location with good transport links. There is a good selection of shops and restaurants in the Crosspool Local Shopping Area, which is an approximately 15min walk from the site. As described above, the site is served by the number 51 bus route which provides access into the city centre via Crosspool and Broomhill.

The proposals are unlikely to result in any significant increase in traffic above that generated by the public house were it still in use. In any case, the number of car movements created by 8 dwellinghouses is unlikely to have a significant impact on the local highway network.

The proposals raise no highway safety concerns and it is considered that UDP Policy H14 (e) would be complied with.

Residential Amenity Issues

UDP Policy H14 (k) states that new development should not to lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

It is considered that the future occupants of the new dwellinghouses would be afforded good levels of amenity with generous accommodation over four floors and reasonable sized rear gardens that would extend beyond the rear elevation of each dwellinghouses above the undercroft parking area. Most houses also benefit from small front and rear terraces that supplement the external gardens.

In terms of neighbouring properties, it is considered that the only properties that are directly affected by the proposal are limited to the apartments located to the rear of the site on St Francis Close and 310 Sandygate Road, a detached property that is situated to the west of the site. All other properties close to the site are considered to be sufficiently distanced to prevent any adverse impact on their residential amenity.

The two storey apartment buildings built on lower ground to the rear of the public house sit close to the rear site boundary, separated by a steep landscaped embankment. The apartment block to the west has several windows within its rear elevation facing the embankment. The existing pub also sits close the rear site boundary, such that there is a minimum of less than 5 metres between them.

The applicant was advised at pre-application stage to increase the separation distance between the proposed dwellinghouses and the apartment blocks, in order to prevent the development from having an overbearing impact or creating overlooking problems, by locating the development towards the front, southern end of the site. A separation distance of approximately 17m would now be maintained between the apartments and the main rear elevation of the proposed houses (14.3 metres

between the apartments and the single storey projections to the rear of the proposed houses). On account of this increased separation distance, and the existing changes in level, it is considered that the residents of the apartment blocks would not be unduly harmed by the proposed development, with no significant loss of privacy, loss of outlook or overshadowing.

While the proposed dwellinghouses would have windows within their rear elevations facing towards the apartment blocks, views from these windows would be mostly taken across the roof tops of the apartments rather than into the main windows of the flats.

It is acknowledged that the proposed dwellinghouses are sited to the south of St Francis Close, however shadow analysis submitted with the application shows that the neighbouring apartment blocks would not suffer from unacceptable overshadowing.

In terms of 310 Sandygate Road, this property is situated to the west of the application site and is in commercial use. While the same level of amenity is not expected, this property is a former dwellinghouse and could, at some point, be converted back again.

Number 310 has a ground floor window in its side elevation but its main front façade is set further back from Sandygate Road than the proposed dwellinghouses, it is angled slightly away from the application site and it is situated approximately 6m away, separated from the site by its access driveway and a stone boundary wall. It is considered that this relationship, together with the change in level and the latter amendments to plot 1 (which included the omission of the single storey rear projection and the roof terraces) will prevent the proposed development having an overbearing presence or lead to any significant loss of outlook that would be harmful to the amenities of the occupants of this neighbouring property.

In terms of noise, it is considered that the use of the site for housing will be less noisy than a well used public house, particularly one that currently sits within 5 metres of neighbouring dwellings and which is served by a large car park.

CIL and Other Planning Obligations

The Council has adopted a Community Infrastructure Levy (CIL) to provide the infrastructure to support new development.

The proposal is liable for CIL charges and is located in a zone where the charge for residential development is £30 sqm.

As the development involves the erection of eight dwellinghouses, it is below the 15 unit threshold set out in Supplementary Planning Development 'Planning Obligations and CIL Contributions'. There is, therefore, no requirement to provide affordable housing in connection with the redevelopment of the site.

Other Matters

It is noted that the existing public house has a telecommunication mast that would need to be removed in connection with the redevelopment of the site. This would be a matter to resolve privately between the applicant and the telecommunications operator. A replacement mast would be subject to the usual consents procedures including, where necessary, planning permission.

SUMMARY AND RECOMMENDATION

This application relates to site of The Plough Inn public house which sits on the northern side of Sandygate Road in a designated Housing Area. The public house closed in 2016. An application to change the use of the public house into a supermarket was refused in 2017.

The public house was designated an Asset of Community Value, firstly in 2015 and then again in 2018. The applicant purchased the public house in 2017 from Enterprise Inns, following a 6 month moratorium which allowed a community group the opportunity to raise funds and submit their own bid. One of the shortcomings of the Localism Act is that there is no right of first refusal for community groups. The owner can sell the asset to whom they choose, which in this case was the highest bidder.

The applicant is now seeking full planning permission to demolish the public house and erect eight 4-bedroomed townhouses. The townhouses would be split into two separate blocks, with a new central access leading to an undercroft car park for up to 18 vehicles.

The use of this brownfield site for housing, the preferred use of land in Housing Areas, and the provision of a reasonable number of family dwellings is a moderate benefit, particularly in light of the emphasis the government gives to boosting the supply of new homes.

It is considered that the proposed development is of a high design quality that will make a positive contribution to the character and appearance of the wider area. While the architectural response is contemporary, the scale, form and materials are sympathetic to the local vernacular.

Amendments to the scheme were secured which help to achieve a more comfortable transition between the development and the smaller scale buildings to the west and which will prevent the proposed development from having a harmful impact on the amenities of the occupants of neighbouring properties.

The level of parking provision is considered to be acceptable and the proposals raise no highway safety concerns.

The many objections to the proposed re-development of the site largely relate to the loss of the existing public house, an Asset of Community Value. Bearing in mind the failed community bid, the public house has been closed for almost 5 years and with little realistic prospect of the site being used for a future community use, it is thought likely that the site will fall into further disrepair.

Officers are satisfied that reasonable endeavours were made by the applicant to market the public house as a going concern. Our independent assessor concluded that the applicant sought a reasonable rental figure for a free house in this location with three bedroom living accommodation. The applicant confirms that he would have covered the costs of fabric repairs and that the cost of fitting out the pub would have been funded by an incoming tenant, which is also reasonable.

The intention of the ACV mechanism is not to stifle development, but to give the community the opportunity to bid for the asset when it comes onto the open market, which it did.

In view of the above it is felt that limited weight can be given to the pub's ACV status.

The development plan encourages the retention of historic buildings which are of local interest, but not listed, but expects this to be weighed against the merits of any proposed scheme to replace them. Whilst regrettable, it is considered that the proposal to demolish the public house and redevelop the site for good quality housing can be justified.

In relation to paragraph 11 of the NPPF, as Sheffield can demonstrate a five year housing supply the most important policies in the determination of this application are not automatically considered to be out of date. The most important local policies in the determination of this application, which in this case revolve around community facilities, housing land supply, highway related impacts, design, heritage, sustainability and residential amenity impacts, do, when considered as a collection, align with the Framework. As such section d of paragraph 11 is not applied in this instance.

Therefore for the reasons set out in the report, and in accordance with the local Development Plan and all other matters, the proposed development is considered to be acceptable and it is recommended that Members grant planning permission subject to proposed conditions.

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Case Number	19/02085/OUT (Formerly PP-07879010)
Application Type	Outline Planning Application
Proposal	Outline Planning Application for the erection of 8 dwellinghouses (Use Class C3) and a retail food store (Use Class A1) with access, car parking, servicing, landscaping and associated works (all matters reserved except access)
Location	Site Of South Yorkshire Trading Standards Thornccliffe Lane Sheffield S35 3XX
Date Received	07/06/2019
Team	West and North
Applicant/Agent	Morbaine Ltd & Ackroyd & Abbott
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (i) appearance, (ii) landscape, (iii) layout, and (iv) scale (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

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

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

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

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

Approved/Refused Plan(s)

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

Drawing nos.

7255/07 Rev C 'Existing Site Location Plan';

7255/08 Rev C 'Existing Site Survey';

and the access details shown on drawing no. 190302/01 'Access Arrangements' excluding the illustrative details of site layout; all published on 7.6.2020.

Reason: In order to define the permission.

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

5. No development shall commence unless 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 mine entry and areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority before development commences 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.

6. 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.

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.

9. Before development commences details of measures to promote, and achieve a net gain, in biodiversity within the site shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall include the recommendations contained in Section 6.3 and the Executive Summary of the Ecological Appraisal dated May 2019 (ref: A113369 Version 1) prepared by WYG. Thereafter the approved measures shall be implemented and maintained in accordance with the approved details.

Reason: in the interests of biodiversity.

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

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

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

11. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the food store is brought into use and the food store shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

(i) alterations to site access arrangements for vehicles and pedestrians broadly in accordance with submitted drawing number 190302/01 (which will be subject to further detailed design), including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility and (subject to a stage 2 road safety audit);

- (ii) provision of a pedestrian crossing facility on Lane End in the vicinity of the site, the type and design to be informed by additional speed surveys;
- (iii) repositioning of the bus stop opposite the site on Lane End to allow for the provision of a pedestrian crossing;
- (iv) any other accommodation works to traffic signs, road markings, lighting columns and general street furniture deemed necessary as a consequence of the development;
- (v) review/promotion of Traffic Regulation Orders in the vicinity of the site that are deemed necessary as a consequence of the development (waiting/loading restrictions) entailing advertising, making and implementing the Order in accordance with statutory procedures (including the provision of signs/lines as necessary).

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

12. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings and on the proposed measures for achieving a net gain in biodiversity. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

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

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

14. The food store shall not be used for the purposes hereby permitted unless full details of the scheme of sound attenuation works including the provision of acoustic fencing detailed in the Noise Impact Assessment dated March 2019 produced by Hepworth Acoustics has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried before the use of the food store commences and thereafter retained.

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

15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

16. Surface water run-off from hardstandings (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that shall have been submitted to and approved in writing by the Local Planning Authority, prior to any discharge to an existing or prospectively adopted sewer.

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

17. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable, and include details of how the safety of customers will be protected during servicing periods. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

18. 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.

19. 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 food store building or installed within its curtilage unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

Other Compliance Conditions

20. 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.

21. The foodstore shall be open to customers for the above-mentioned purpose only between 0800 hours and 2200 hours on any day.

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

22. No service deliveries shall take place to or from the food store other than between 0730 hours and 2000 hours on Mondays to Saturdays and 0730 hours and 1600 hours on Sundays.

Reason: In the interest of the amenities of the locality and occupiers of adjoining residents.

23. The reserved matters shall include details of and justification for the amount and type of on-site customer parking provision to serve the food store.

Reason: In the interests of highway safety and sustainability.

24. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0730 to 2200 on any day.

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

25. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Surface water draining to the public sewer shall discharge at a maximum rate of 1.1 (one point one) litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

26. Notwithstanding the indication given on the submitted plans, the details of appearance, landscaping, layout and scale are not approved.

Reason: For the avoidance of doubt.

Attention is Drawn to the Following Directives:

1. The applicant's attention is drawn to the UK national police initiative 'Secured By Design' guidance. For further advice contact Dene Tinker, Designing Out Crime

Officer, South Yorkshire Police, Snig Hill Police Station, Sheffield S3 8LY (tel: 0114 296 4929 Email: Dene.tinker@southyorks.pnn.police.uk)

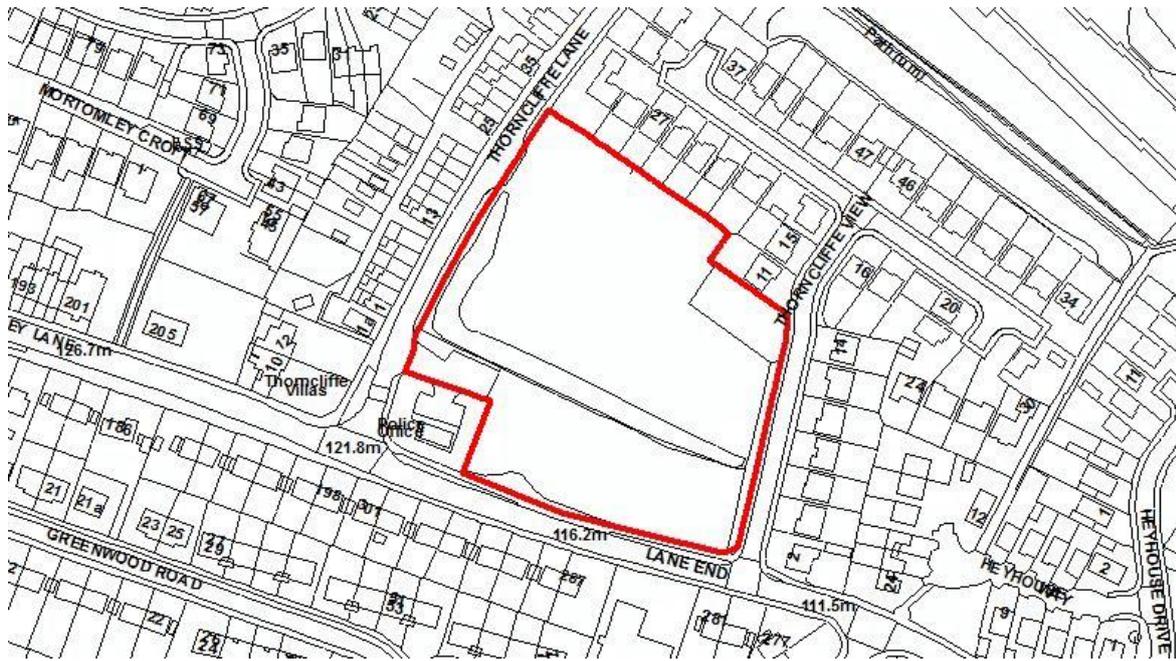
2. The applicant is advised to contact the Development Services Team at Yorkshire Water (tel: 0345 120 84 82 Email: technical.sewerage@yorkshirewater.co.uk) regarding new sewers and adoption agreements under Section 104 of the Water Industry Act 1991. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 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.
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.

7. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;

- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.
- Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

Site Location



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LOCATION

The site is located on the north side of Lane End in Chapeltown, and also has frontages to Thorncliffe View, to the east, and Thorncliffe Lane, to the west.

The site comprises approximately 1.1 hectares of vacant land formerly used by South Yorkshire Trading Standards. The former buildings on the site have been demolished. The existing ground levels generally fall towards the east across the site although the northern half of the site was mainly plateaued (to accommodate the former buildings and yard) with a small embankment around the western and southern fringe of the plateaued area.

A small single-storey building and associated parking area on the corner of Lane End and Thorncliffe Lane is outside the application site.

The surrounding area is predominantly residential. The Thorncliffe business park lies further to the north beyond the houses off Thorncliffe View and Thorncliffe Lane.

PROPOSAL

The proposal seeks outline planning permission for the erection of 8 dwellinghouses (use class C3) and a retail food store (use class A1) with access, car parking, servicing, landscaping and associated works. Details of access are included for approval at this outline stage. The details of appearance, landscaping, layout and scale are reserved for subsequent approval.

The applicant submitted the following documents in support of the proposed development: a planning and retail statement, a design and access statement, a consultation statement, transport assessment, air quality statement, noise impact assessment, a flood risk assessment and drainage strategy for each of the housing and retail elements, a preliminary risk assessment (land contamination and geo-environmental), an ecology appraisal and a consultation statement.

The applicant has subsequently submitted additional information in two supplementary documents relating to vehicle deliveries, traffic and pedestrian flows, parking provision and servicing arrangements. The applicant has also subsequently stated that they have reached an agreement with an operator for the foodstore (Lidl) if planning permission is granted.

The proposed access to the retail development would be directly off Lane End. Each of the proposed dwellings would have individual accesses onto Thorncliffe View.

The existing vehicular access into the site off Thorncliffe Lane would be closed.

A new pedestrian access is shown off Thorncliffe Lane as well as the main pedestrian access off Lane End.

The illustrative drawings submitted with the application show the proposed retail food store (1,951 sqm floorspace) to be sited centrally within the site with a generally rectangular footprint oriented south to north and its customer entrance at the

southern end of the building. Customer car parking (115 parking spaces) is shown on the western half of the site and the dwellings are shown on the eastern part of the site fronting onto Thorncliffe View.

The applicant has stated that a full lighting plan would be provided as part of the conditions or reserved matters and that they will comprise downward projecting LED lamps to minimise spill.

The illustrative drawings show the foodstore to have a shallow mono-pitched roof, glazed curtain walling alongside the customer entrance at the southwestern corner of the building and faced in white and grey horizontal metal cladding panels on the remaining elevations with louvre cladding around the plant area. A 3 metre high acoustic screen is shown alongside the loading area at the northern end of the building.

Landscaping is shown around the perimeter of the retail part of the site and includes a 2 metre high screen fence set back from the northern boundary and from the northwestern corner of the site.

The application forms state that the residential element would be brick built with tiled roofs.

The applicant has stated that the proposal would create 17 full-time and 23 part-time jobs.

RELEVANT PLANNING HISTORY

Several applications were submitted on this site prior to 2006 relating to the former use of the site by South Yorkshire Trading Standards and the former South Yorkshire County Council.

In 2006 an outline planning application submitted by Sheffield City Council for residential development of the site for 30 units (with all matters of detail reserved for subsequent approval) was granted planning permission (application no. 06/02366/RG3 refers).

The land was subsequently sold, and in 2008 full planning permission for residential development comprising 24 dwellinghouses and garages with associated landscaping was granted subject to a unilateral planning obligation to secure a financial contribution to the provision and enhancement of recreation space (application no. 08/01151/FUL refers). This permission was not implemented and subsequently lapsed.

SUMMARY OF REPRESENTATIONS

The application has been publicised by letters of notification to nearby residents, by newspaper advert and by display of site notices.

2 petitions of objection containing 169 and 162 typed names/town location have been received.

61 representations of objection have been received relating to the following matters:

Retail Policy:

- foodstore not suitable in this location, inappropriate for this site and the area, would be better placed in centre of Chapeltown, legislation introduced so that developments are concentrated closer to town centres, drawing customers in and supporting local business not drawing them away, jobs will be lost, small businesses in Chapeltown being driven out due to influx of large supermarkets, take away custom from independent retailers, resulting in closed businesses;

- too many supermarkets, does not take account of newer food retailers, no need for another supermarket in the area, plenty of stores in close proximity (Asda, Tesco, Sainsburys, Nisa, Londis, 2 Co-ops, Aldi, Chapeltown shopping centre and market, Morrisons, One Stop Shop and numerous other smaller retailers), 14 food stores within 0.7 mile radius, several shops missing from retail assessment (Co-op on Blackburn Drive, Nisa on Mortomley Lane), why retail impact not assessed;

- will impact on small businesses, the development has been sized such that an impact assessment is not formally required, demonstrates lack of moral and ethical obligation by not carrying out more contextual research about the area and long term impact, annual growth targets will impact on road capacity and local residents;

Traffic:

- increase in traffic including HGVs, construction traffic, entrance on the top of a hill, access to the development is in a dangerous position, junctions too close together, sight lines obscured by bus shelter and telecoms mast, swept paths do not demonstrate comfortable engineering solution, requires both lanes of traffic;

- Lane End is already busy and heavily parked on road, speeding traffic, residents park on both sides, cars parking on pavements, traffic has increased with development of Thorncliffe Leisure Gym and the Sainsbury's supermarket, hotel traffic, rush hours are a particular problem, road already dangerous, road struggles to cope with demand already, this is a residential road, roads not designed to cope with the additional traffic the development is expected to bring, road is narrow, blind bend, making turning difficult, road is blinded by sunlight, road floods by the Barrel pub when get heavy rain, no information about impact of snow heavy rain or fog, developer expects busiest times to be Monday to Friday between 1500 and 1600 hours, traffic would build up to unacceptable levels particularly at peak times, 3 schools on main routes to the site, would create a key pinch point in road, increased danger to pedestrians, already numerous accidents on local roads, will become dangerous for crossing, compromise highway safety, risk to elderly residents and children, possibility of accidents, impact on driver visibility when exiting Thorncliffe View junction, previous road traffic accidents, numerous serious accidents since application submitted, a pedestrian crossing will not resolve this issue, would add an additional hazard to the highway and not resolving wider dangers, safety concern as deliveries use the car park, Thorncliffe Lane is very busy now, cost of road repairs will be passed on to residents;

- little warning for vehicles approaching cars queuing up the hill from Loundside waiting to turn right into the development as there is a bend limiting forward visibility, vehicles approaching from High Green could encounter stationary traffic as they clear the brow of the hill, already frequent queues in both directions at this point due to parked cars outside houses, visibility leaving Staindrop Close not good;

- underplays transport impact, traffic survey not registered vehicles using Thorncliffe View, sceptical that there is no traffic flow in front of the retail unit during the morning, no reference to Thorncliffe Lane, Thorncliffe Park Estate is not a thoroughfare, number of cars to the site understated by the developer when factual studies reviewed, the TRICS information used by the developer is outdated has little relevance to the area and gaps in it such as in-depth data regarding major shopping days Saturday and Sunday peak and average figures understated by as much as 50%, there is little evidence to suggest a majority of the cars would be on the roads in the surrounding area, would be making trips independently rather than combining them, omits incidents of other accidents, car parking spaces vary between documents;

- request the council's highways department survey the traffic flows at local stores over a variety of days, hours, weeks to enable a meaningful view on likely impact, request speed survey by an independent contractor;

- difficult to justify claim that a significant number of people would travel on foot or by bus as carrying main weekly shopping impractical, buses also pass and stop outside other supermarkets, moving bus stop from outside care home, site is at the top of a hill no-one will be cycling to the store, if the desire is to see larger walking or public transport attendance reduce parking freeing up space to move building further away from housing;

- limited product selection meaning most people will still have to make further shopping trips to other outlets;

- a risk cars would park on roads in close proximity inconveniencing residents;

- opposite a residential care home, it is a residential area;

- driveway to plot 8 close to junction, plot 1 driveway will interfere with access to 11 Thorncliffe View, parking on road will increase congestion on Thorncliffe View;

Character/Appearance:

- not in keeping with quiet residential neighbourhood, impact on amenity value and character of the area, overdevelopment, appearance of a food store building is out of character with current houses, store will dominate houses on Thorncliffe View, dwarf the houses in the local vicinity, uncompromising height, building at top of bank will have claustrophobic effect on residents, will the old stone wall stay;

- new housing frontage will be an eyesore, not in keeping, existing houses brick built, proposed have wooden cladding to the fronts;

Residential Amenity:

- plot 1 will interfere with 45 degree rule for 11 Thorncliffe View;
- further over population of the area, limited green space in the area, who provides extra school places and GP surgeries;
- foodstore close to dwellings that abut the site, within 10 metres of the boundary for some homes;
- lighting into neighbouring properties will be affected, loss of sunlight, a 2 metre high timber fence will block light from garden and kitchen, 3 metre fence will block sunlight;
- impact on privacy;
- destruction of community for the gain of supermarket giants;

Wildlife:

- devastation of local wildlife, land allowed to become self seeded with numerous trees and plants which became a haven for wildlife, loss of woodland and green space, trees already lost, since clearance wildlife has disappeared;

Pollution:

- increase in commercial and non-commercial litter, plastic waste blown into trees, cardboard and food waste, encourages rats and vermin;
- pollution, more diesel fumes, increase air pollution, affect health, smells, cars sitting with engines idling not considered, conflict with the city's clean air strategy, light pollution, noise from traffic increase, opening/closing car doors, more people, will no longer be a quiet residential area, reverse beeps of delivery trucks at all hours 7 days a week, loading bay for large trucks and pollution from cars and trucks next to gardens of local residents where children play, properties are several metres lower than the planned building, fencing and trees will cut even more light, nursery 50 metres away;

Noise:

- early morning and late night deliveries, noise assessment is outdated and based on old plans, increase in traffic noise to the surrounding area has not been taken into account, assumes 1 main delivery a day by an articulated lorry, other documents state 6 HGV deliveries to the site a day, if deliveries outside typical hours the noise will be excessive, only taken into account opening times of 0800-2000 Monday to Saturday and 1000-1600 Sundays although developer aiming for 0800-2200 hours, hours unusual as local stores open from 0700-2100 on Monday to Saturday, this store will need to open at the same times with staff opening the store much earlier

than 0700 on most days, this would create noise issues early in the morning for residents;

- only 9 spaces considered contributing to noise to rear of Thorncliffe View however plans show 19 in this area, no details on external plant and its location, noise from refrigeration and air conditioning units operating 24 hours a day, if external plant located on roof a 3 metre fence will not eliminate noise, noise levels generated by external plant would be excessive, gas powered combined heat and power plant will be above acceptable levels, no mention of noise from waste disposal devices such as compactors or bin lorries, trees and bushes to absorb noise will not be sufficient, takes years for nature to grow to sufficient size to provide absorption needed, any contingencies if acoustic fencing and other mitigation is not good enough, more assessment of noise disturbance of car park noise needed, doors closing and trolleys, several assumptions made on reducing noise, condition reduced opening hours and one delivery per day;

- ambient noise measurements recorded late at night implying noise levels are low, the high ambient noise levels on the main road implies there are high levels of traffic;

Light:

- light pollution, light spillage into neighbouring properties, LED lamps will not stop excessive light levels from the building, front of building is fully glazed, light will penetrate into houses across road and to the side particularly in winter, re-stocking shelves after closing suggest lighting will not be off until 2100 or later, essential that high columns are not employed as these will increase spill onto local houses;

Other Matters:

- building work already proposed in the area, effect on mental health of residents;

- impact on human rights and peaceful enjoyment of homes;

- increased likelihood of anti-social behaviour, reduced security, safety of gardens, easy public access to rear of property, request site is secured out of hours by gate;

- impact of proposed works on stability of surrounding properties and land/gardens and already reinforced walls;

- drainage and run-off could potentially flood properties at lower level;

- taking down the screens on Thorncliffe View has made the site an eyesore;

- limited consultation shown by applicant, no benefits to residents or community, what planning gains have been offered by the developer;

- if development of this site is necessary it should be residential only, more in need of affordable homes, previous plans would have provided more houses, this space could be used to provide doctors, dentist and schools;

- strip of land opposite nos. 2 to 14 Thorncliffe View does not necessarily belong to the landowner.

3 representations have been received from Ecclesfield Parish Council objecting on this application and supporting all resident's objections. The concerns are:

- increase in noise and traffic pollution, and light pollution will be detrimental to this residential area;

- pavement safety issues;

- weight limit on roads more than they can take;

- concerns of highways large HGV lorries pulling in and out of the store is a safety issue for pedestrians and local children who walk to school, significance in the increase of traffic around the area if the store is approved;

- detrimental to other businesses due to excess in other areas, additional supermarket where there are 14 stores already in High Green considered unnecessary;

- an overdevelopment of the site;

- out of character with the surrounding area;

- the build would be overbearing to the new properties being built and the houses already in situ as the build would be on a higher level and would cause loss of light;

- dissatisfaction that more documents have been added, note Coal Authority report of 1 mine entry that building on top of or proximity to should be avoided, to ignore this advice could potentially be a serious risk to safety now or in future should this site be granted building approval, since the Coal Authority statement the suggested positioning of the building has been moved;

- note Japanese Knotweed has been identified on the site, the landowners have been spraying in the vicinity, Japanese Knotweed requires significant treatment, the surrounding residents are justifiably concerned the risk to their properties could be exacerbated if this weed is diverted from the current site;

- it has since come to light that a report was written stating Lane End is a high-risk black spot, additional traffic raises the risks to the public, the road has a blind spot just down from where the store is to be built so reiterate resident's concerns just in case of future accidents;

- if this shop is built the Parish Council believe as Aldi use 45ton lorries and regularly do night-tie drops unless there are restrictions in place, the store is surrounded by residential properties so asked to add that a restriction be put in place should permission be given to build this store to protect the residents from unnecessary noise.

A letter has been received from Angela Smith MP raising concerns:

- do not believe this proposal is entirely appropriate or sustainable for the local area;
- whilst do not object in principle to some development on this site, the provision of a large supermarket in this area may be disruptive to existing residents, including the residents of Aaron View Care Home, opposite the application site and almost directly opposite from the main entrance/exit of the proposed retail store;
- whilst Lane End carries a significant flow of traffic already, it is a comparatively narrow street and would struggle to cope with the additional pressure of customer traffic as well as the large delivery vehicles serving the retail store, there is little access to public transport as the bus stops outside are served by only one bus route which runs infrequently.

2 representations of support relating to:

- a reasonable price supermarket would be a help to those who don't drive and on low income;
- a development of a housing estate would still create noise;
- pedestrian crossing slows traffic down;
- purely concerned about the route in/out being on Thorncliffe Lane and causing traffic to Ironstone Crescent;

1 representation of comment:

- do not object, consideration be given to similar close boarded fence and planting further down Thorncliffe Lane, and a stone or brick exterior to the external façade of the supermarket would be more in keeping with adjacent buildings.

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 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's planning policies and guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

NPPF paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 120 states that planning policies and decisions need to reflect changes in the demand for land ... Where local planning authorities consider there to be no reasonable prospect of an application coming forward for the use allocated in a plan: ... (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Policy Issues

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

Sheffield Unitary Development Plan (UDP)

The UDP Proposals Map identifies the site as being within a Housing Area.

UDP Policy H10 relating to development in Housing Areas states that housing is the preferred use of land.

Whilst UDP Policy H10 states that small shops (use class A1) are acceptable in principle in Housing Areas, the UDP defines small shops as usually with not more than 280 sqm sales area or which are ancillary to other acceptable uses in the Area.

For larger shops over 280 sqm sales area, UDP Policy H10 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a District or Local Shopping Centre.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitate housing delivery and is consistent with paragraph 59 of the NPPF which states that to support the Government's objective

of significantly boosting the supply of homes, it is important that a significant amount and variety of land can come forward where it is needed.

In addition NPPF paragraph 67 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period.

The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply.

The test for retail development outlined in Policy H10 however is not up to date as it is not consistent with the thrust of the NPPF due to it appearing to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The housing preferences in Policy H10 have significant weight, whilst the test for retail is given less weight as taking an absolute approach to refusing permission for large shops would not be consistent with the NPPF, unless it was also considered in the context of the sequential and impact tests. The sequential test and impact test are considered below.

Housing Policy Issues

As noted above, the site lies within a Housing Area where housing (use class C3) is the preferred use. The proposed erection of 8 dwellings on part of the application site accords with Policy H10.

The sales area of the proposed foodstore exceeds 280 sq metres. The application site for the proposed foodstore is not at the edge of a central, district or local shopping area. The retail element of the proposal is contrary to Policy H10.

Policy H10 also identifies that development must also be considered against Policies H12 to H16 and S5 of the UDP where appropriate.

Policy H12 relates to housing development in the city centre and is not relevant to the current application.

Policy H13 relates to specific housing sites where a more limited range of uses are acceptable. Two such sites were identified in the UDP, one adjoining to the north of the application (0.5 hectares), and one to the west of Thorncliffe Lane (4.6 hectares). Both these sites have since been developed for housing. The current application site is not identified as one of the specified Housing Sites in the UDP.

UDP Policy H14, which includes parts (a) to (m), relates to conditions on development in Housing Areas. Policy H14 broadly reflects the principles of the NPPF. It is in part conformity with the NPPF and has significant weight.

H14 parts (a) to (h) and (k) relate to matters of design, access and amenity and are considered below in the relevant sections of this report.

H14 part (i) seeks to ensure that the development would not lead to a concentration of non-housing uses that would threaten the character of the area. The proposed housing would complement the character of the area. Whilst the proposed retail element would introduce a non-housing use into the Housing Area, the application site was previously used for non-housing purposes, is fairly small in contrast to the surrounding housing area and as such it is considered that the proposed retail element of the proposal would not threaten the residential character of the area.

H14 part (j) states that non-housing uses should not prejudice the provision of sufficient housing land for either the next five years or up to 2001.

Paragraph 73 of the NPPF requires local authorities to identify a 5 year supply of specific deliverable sites for housing with an additional 5% buffer. The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply.

Policy H14 part (j) is considered to align with the requirements of NPPF paragraph 73 and is therefore afforded substantial weight in the consideration of this application.

Furthermore the NPPF places great weight on boosting the supply of new homes (paragraph 59) and gives substantial weight to the value of using sustainable Brownfield land within settlements for homes (paragraph 118 c).

This site is in a designated Housing Area but is not an allocated site. It also appears on the Council's 2019 Brownfield Land register, which is a register of previously developed land that the local planning authority consider to be appropriate for residential development having regard to criteria in the Town and Country Planning (Brownfield and Registers) Regulations 2017.

The fact that the site is on the Brownfield Land Register does not indicate that planning consent for housing would be automatically approved, though it has been in the past (and since expired). An application would be subject to the consideration of all relevant material planning matters.

The site comprises 1.1 hectares of land and approximately 0.2 hectares are proposed for housing use. The remaining 0.9 hectares of the site comprises of a small area of land when considered in the context of the entire city wide Housing Policy Area. Whilst it would be desirable to maintain as much land as possible for housing, the Council do have a 5.1 year supply of housing land and the loss of part of the site, which could accommodate between approximately 16 and 22 additional dwellings (based on previous consents), would not prejudice the 5 year housing land supply and/or give rise to a shortage of land for the preferred housing uses.

On this basis the proposals are not considered to be contrary to policy H14 (j).

Policy H14 part (l) permits non-housing uses provided that it would be on a scale consistent with the residential character of the Area or meet primarily local needs or (in the cases of uses other than shops) occupy an existing building set in its own grounds. In this instance, the proposed retail development is restricted in floorspace and site area to a scale that would in principle be compatible with the residential area.

H14(m) seeks compliance with Policies H10 to H13. H11 relates to development in Nether Edge and Broomhall and is not relevant to this application site. H10 is considered above. H12 and H13 are also not relevant as referred to above.

Policy H15 relates to design of new housing developments in respect of matters of access, amenity and design. These matters are considered below in the relevant sections of this report.

Policy H16 relating to open space in new housing developments has effectively been superseded by the Community Infrastructure Levy.

In summary, the proposed housing element of this application is a preferred use in principle and complies with Policy H10, H14 (i), (j) and (l) (significant weight). Policies H14(a) to (h) and (k), H15 and H16 are considered below.

The retail element of the proposal is contrary to Policy H10 (less weight), but would comply with the non-housing uses criteria in Policies H14(i), (j) and (l) (significant weight where relevant).

Policy H10 also seeks compliance with UDP Policy S5 relating to shop development outside the Central Shopping Area and District Shopping Centres. The retail element of this application in respect of Policy S5 is considered in the retail issues below.

Core Strategy Policy CS23 relating to locations for new housing includes that in Chapeltown/High Green and larger villages ... housing development will be limited to suitable, sustainable sites within the existing built up areas.

NPPF (paragraph 118) gives substantial weight to using brownfield land within settlements to meet the need for new homes.

Policy CS23 is in part conformity with the NPPF and has moderate weight.

In this instance the site is within the built up area of Chapeltown/High Green and accords with Policy CS23 (moderate weight).

Previously Developed Land

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for housing and 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. Policy CS24 is in conformity with the NPPF and has moderate weight.

NPPF paragraphs 117 to 123 relate to making effective use of land. NPPF paragraph 118(c) gives significant weight to the value of using suitable brownfield land within settlements for new homes.

The Strategic Housing Land Assessment Interim Position Paper 2017 and monitoring up to 2018/19 indicates that 95% of dwelling completions between 2004/05 and 2018/19 have been delivered on previously developed land and that 5% of gross dwelling completions since 2004/05 have been on greenfield sites.

In this instance, the site has been previously developed. The land was occupied by permanent structures and whilst the former buildings on the site have been demolished and the site cleared, areas of hardstanding remain and the site has not blended into the landscape to the extent that it can be considered a Greenfield site.

Notwithstanding this, should the site be considered to be Greenfield, the proposed housing development would not result in the 12% criteria in CS24 being exceeded.

The proposed housing development complies with Core Strategy Policy CS24 (moderate weight) and is compatible with the NPPF as it is part of a wider strategy for prioritising previously-developed land.

Housing Land Supply

Core Strategy Policy CS22 relates to the scale of development for new housing and sets out Sheffield's housing targets until 2026. Identifying that a 5-year supply of deliverable sites will be maintained.

However the NPPF 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. Weight cannot be afforded to the housing figures identified in CS22.

The Council has recently updated its five year housing land supply position based on the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance. The local planning authority has reached this figure by undertaking additional work, including engagement with stakeholders, to reflect the requirements of notional policy and guidance before publishing the conclusions in a monitoring report.

Sheffield now has a 5.1 year supply of deliverable housing units and can therefore demonstrate a five year supply. However regardless of the 5 year housing land supply position and given that the updated housing land supply is only marginally over 5 years, paragraph 59 of the NPPF still attaches great weight to continuing to boost the supply of housing.

The proposed provision of 8 dwellings on part of this site would make a small contribution to meeting the City's obligation to maintain a 5 year supply of housing land, and on this basis, it is considered that this should be given weight in the balance of this decision.

Although the Council has a 5-year supply at this time and weight cannot be afforded to the housing figures identified in CS22, the reference to maintaining a 5-year supply of deliverable sites is consistent with the NPPF. Given this, it is considered that this aspect of the policy should be given significant weight.

The proposed housing element of this application is considered to be consistent with the NPPF as it is developing housing on a site which is part of Sheffield's 5 year supply of housing.

Density

Core Strategy Policy CS26 relating to the efficient use of housing land and accessibility states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities. In the remaining parts of the urban area outside district centres near high frequency bus routes it seeks a range of 40 to 60 dwelling per hectare and in the remaining parts of the urban area 30-50 dwellings per hectare. It also states that density outside these ranges will be allowed where it achieves good design, reflects the character of an area, or protects a sensitive area.

Core Strategy Policy CS26 is consistent with the NPPF and has significant weight.

NPPF paragraph 122 states that planning policies and decisions should support development that makes efficient use of land taking into account several factors, including identified need, availability, market conditions and viability, infrastructure and maintaining the prevailing character or promoting regeneration and change, and the importance of well designed, attractive and healthy places.

In this instance, the character of the area is primarily of family housing with a consistent grain of plot widths and garden sizes and given its location alongside housing of a similar character it is considered that on this small site the proposed density is acceptable and complies with Policy CS22 (significant weight).

Retail Policy Issues

The Government's National Planning Practice Guidance (NPPG) on Town Centres and Retail was updated in July 2019.

The proposal includes a retail food store (1,951 sqm). This is a 'main town centre uses' as defined in annexe 2 of the NPPF. The site is not within or at the edge of an existing centre.

UDP Policy H10 states that 'other shops (A1)' (ie. larger shops over 280 sqm sales area) are unacceptable unless at the edge of the Central Shopping Area or a District

or Local Shopping Centre. The retail element of the proposal (1,951 sqm) exceeds the floorspace threshold in Policy H10. As discussed above, the absolute approach to refusing permission for large shops in Housing Areas under H10 is not consistent with the NPPF, unless it is also considered in the context of the sequential and impact tests.

UDP Policy S4 states that food retail development will be promoted within District Shopping Centres and, where there are no suitable sites within such Centres, at their edges. As the proposed development is not within or at the edge of a District Shopping Centre, the proposed development is not promoted by Policy S4 as it identifies the Central and District Shopping Areas as the main areas for shopping facilities. Policy S4 is in part conformity with the NPPF and has moderate weight.

However UDP Policy S5, which relates to shop development outside the Central Shopping Area and District Shopping Centres, provides some policy support for such development and has three parts to it.

The first part of Policy S5 relates to retail development on the edge of the Central or District Shopping Centres and so is not relevant to the determination of this application.

The second part of Policy S5 states that retail development other than within or at the edge of the Central Shopping Area or District Shopping Centres will be permitted if the proposed development is (a) of a small shop; or (b) in or at the edge of a local centre for appropriately sized foodstores and other facilities to serve the day-to-day needs of the local population; or (c) in a retail park subject to Policy S9, or (d) in Meadowhall subject to policy S8.

The current proposal does not satisfy items (a) to (d) of Policy S5 and is in conflict with this aspect as it represents a wholly new out-of-centre development which is not a small shop.

The third part of Policy S5 lists seven criteria that all retail development outside the Central Shopping Area and District Shopping Centres (which the proposal is) must satisfy, including: not undermining the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and not jeopardising private sector investment needed to safeguard the vitality and viability of centres. It should also be easily accessible by public transport and on foot, not harmfully effect public transport or movements on the highway network, not generate traffic that would result in a significant increase in trips; not take up land where other uses are required nor give rise to shortages of land for preferred uses; and comply with other relevant policies.

The highways and transport and the land use issues identified in Policy S5 are considered in the relevant sections of this report.

UDP Policy S5, like H10, is not however considered to be fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF as outlined below. When considering this proposal Policy S5 requires an assessment to be made of the cumulative impacts of other recent or proposed

development, the NPPF does not. Secondly, as written, the text of UDP Policy S5 appears to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or in other out of centre locations, other than in a Retail Park or in Meadowhall. This is not consistent with the thrust of the NPPF as it does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The High Court Judgement (Aldergate/Mansfield) does however make it clear that even out-of-date policies still remain part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. This means the criteria in Policy S5 need to be considered. Nevertheless, it is considered that Policy S5 in this instance carries less (moderate) weight in light of the more up to date guidance contained in the NPPF and NPPG.

Core Strategy Policies CS34 and CS39 are supportive of District and Local Centres.

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

Core Strategy CS39 states that, in Neighbourhood Centres (or Local Centres as they are referred to in the NPPF), new developments for local shops and community facilities to serve the everyday needs of the community will be encouraged.

These policies are supportive of the sequential approach to ensuring the vitality of town centres (which includes district and local centres) and so broadly align with the aims of the NPPF and have significant weight.

Sequential Test

The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (NPPF paragraph 85).

The NPPF (paragraphs 86 to 90) describe the circumstances where-by local planning authorities should apply a sequential test to planning applications for main town centre uses, and require an impact assessment which should include impact on investment and on town centre vitality and viability. Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (paragraph 86).

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The NPPF is clear that applicants and local planning authorities should demonstrate flexibility on

issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (paragraph 87).

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development have been fully considered.

In this instance, the application site is not within or at the edge of a town centre. The proposal's main town centre uses comprise a retail food store (1,951 sqm).

The applicant's submitted Planning and Retail Statement includes a sequential test which has been considered by officers.

The applicant's submitted Planning and Retail Statement has considered sites with reference to the broad type of use proposed (medium sized food supermarket).

The applicant's submissions highlight the findings of the Sheffield and Rotherham Joint Retail and Leisure Study (2017) which for the area including Chapeltown and High Green (Study Area Zone 2) stated that within this zone there is a single dominant main food destination at Asda in Chapeltown and no discount foodstores within the zone with the closest discount foodstores being in Ecclesfield and Birdwell.

The applicant and the named operator consider that the proposed retail development would address the shortfall in provision and provide local customer choice across the catchment.

In this instance, the proposal passes the sequential test as there are no sites within the primary catchment (Chapeltown and High Green area) that are suitable for the proposed development. All the sites considered by the applicant in the sequential test are too small to accommodate the retail element of the proposal.

Impact Assessment

The NPPF (paragraph 89) states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). In this instance there is no locally set floorspace threshold. The proposal does not exceed the 2,500 sqm threshold and so an impact assessment is not required in this instance.

UDP Policy S5 requires an assessment of issues relating to impact. Policy S5 part (b) states that all retail development outside the Central Shopping Area and District Shopping Centres must not jeopardise private sector investment needed to safeguard vitality and viability of the Central Shopping Area or District Shopping Centres. Policy S5 is not fully up to date with the NPPF for the reasons identified earlier in this report but the aforementioned Aldergate/Mansfield High Court Judgement makes it clear that even out-of-date policies are still part of the development plan, and that any decision is required to assess whether the proposal

accords with it, as the starting point. The local planning authority may give less weight to Policy S5 but only after it has been considered.

Whilst the proposal falls below the 2,500 sqm threshold for an impact test to be applied under NPPF paragraph 89, the applicant's submitted Planning and Retail Statement has considered the health of the Chapeltown District Centre and the impact of the proposed retail development.

Chapeltown District Centre is considered to perform well against a number of indicators with a mix of national and independent retailers. The vacancy rate of units within the centre is below the national average. The Asda superstore is the single main food shopping facility in the centre. There are no significant in-centre investments that would be impacted by the proposal.

The applicant's submitted Planning and Retail Statement estimates the turnover of the application proposal with reference to a sales density representative of the mid-point between the company averages for Aldi and Lidl (of which Aldi has the higher sales density).

The applicant's submission considers the identified impacts arising from the proposed development are relatively modest and would impact on stores which appear to be trading strongly. The submissions estimate that the Asda in Chapeltown would have a convenience goods turnover of £30m subsequent to the implementation of the proposal and the Aldi at The Common Ecclesfield would have a turnover in excess of £24m which is representative of a viable store.

It is agreed that the applicant's estimated impact on Asda, and therefore Chapeltown District centre, does not amount to significant adverse impact which is the criteria set out in NPPF paragraph 90. The applicant's estimated impact is based on a trade diversion of 27% from Asda to the proposal and a subsequent impact on Asda of 8.4%. This would bring Asda's turnover to around 84% of its benchmark level (£6.2m below its benchmark of £36.5m).

The applicant has outlined case law where 76% of a store's benchmark would not amount to a significant adverse impact. Further, most of the Centre's trade will be top-up and local community based and although the impact on Asda will probably reduce linked trips to some extent, it is unlikely to be significant.

In light of the above, the retail element of the proposal is considered to be acceptable, and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90.

Effect on the Amenities of Residents in the Locality

UDP Policy H14 relating to conditions on development in housing areas includes matters of amenity (significant weight).

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users. NPPF (paragraph 180) which states that planning decisions should ensure that new development is appropriate for

its location taking into account the likely effects of pollution on health includes (a) mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In this instance this is an outline application with only the matters of access included for approval with all other matters, including layout, appearance, scale and landscaping are reserved for subsequent submission.

The applicant's illustrative details of these reserved matters are a representation of the proposal but are not submitted for approval at this outline stage.

There are residential properties adjacent and opposite the site on Thorncliffe View, Thorncliffe Road and Lane End including the Aaron View Care Home.

It is considered that the siting of the proposed 8 dwellings along Thorncliffe View would ensure that there would in principle be sufficient separation distances between them and existing houses to safeguard the living conditions of existing and future residents.

The siting of the proposed food store on the remainder of the site can be accommodated with sufficient separation distances to existing and proposed dwellings to ensure that in principle its massing and design would not harm the living conditions of residents. These matters would be considered in detail at the reserved matters stage.

The applicant's submitted Noise Impact Assessment has surveyed the prevailing noise climate of the area, and assessed the noise impact of the proposed development. Three aspects of operational noise have been considered: external mechanical services equipment, delivery noise and car parking.

Whilst this is an outline application, illustrative details of site layout show an external compound for plant and equipment in the northeast corner of the site. No details of the plant were available to the noise assessors who have assumed that there will be a need for external cooling/refrigeration condensers. The proposal includes a 3 metre high acoustic fence between the compound and residential properties. The Noise Impact Assessment considers it likely to be necessary to specify low noise emission plant and other mitigation measures such as housing equipment within acoustic enclosures and orienting fans/motors away from dwellings.

The illustrative plans also show a delivery area in the northeast corner of the site where acoustic screening is also proposed. The Noise Impact Assessment identifies the noise source being from delivery lorries manoeuvring, reversing and then driving away, and predicts this would have a low impact on adjacent properties with the acoustic barrier in position.

The proposed on-site car parking would generate noise from the manoeuvring of vehicles, closing of car doors and starting of engines. Whilst the submitted details of site layout are illustrative, it shows parking in front of the store, set back from and at a lower level than Thorncliffe Lane and at a higher level to the rear of houses off

Thorncliffe View. The Noise Impact Assessment considers that it is unlikely to give rise to any significant noise impact on residents on Thorncliffe Lane and that the impact to the rear of properties on Thorncliffe Lane would be modest and given the relative proximities between parking areas and houses acoustic fencing is proposed of a least 1.8 metres high.

It concludes that appropriate noise control design limits can be specified for external plant in order to protect residential amenity, that delivery noise with the proposed acoustic fence will not be an unacceptable noise impact, and that potential noise impact of car parking can be mitigated by acoustic fencing.

It is considered that subject to the implementation of the noise mitigation measures the proposed development would not result in unacceptable noise impact on the amenity of nearby residents. A condition is recommended to secure appropriate noise mitigation measures.

The proposal in principle complies with UDP Policy H14 (significant weight).

Impact on the Character and Appearance of the Locality

UDP Policy H14 relating to conditions on development in Housing Areas includes matters of amenity and design. Policy H15 relates to the design of new housing developments in respect of matters of access, amenity and design. UDP Policy BE5 and Core Strategy Policy CS74 seeks good quality design in new developments.

Policies H14, H15, BE5 and CS74 are consistent with the NPPF and have significant weight.

NPPF paragraphs 124 to 132 relate to achieving well designed places. NPPF paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

In this instance this is an outline application with only the matters of access included for approval. All other matters, including design, are reserved for subsequent submission.

The site is within a residential area and has level changes in relation to the adjacent housing.

Whilst the proposal for the erection of housing units on part of the site forming a street frontage to Thorncliffe View is supported, accommodating the proposed food retail unit poses challenges particularly in terms of levels and adjacent properties.

For this outline application the access can be agreed at this stage. The landscaping treatment especially along Thorncliffe Lane and within the site, between the store and new houses will need to be of high quality to be able to achieve a high quality setting, frontage and appropriate buffers. Pedestrian access will need to be clearly marked.

Whilst the submitted details of appearance of the proposed store and dwellings are illustrative and are reserved for subsequent approval, it is considered that the illustrative details shown would require revision in order to achieve a successful design at the reserved matters stage.

The South Yorkshire Police 'Designing Out Crime Officers' have reviewed the application and have no objections to the proposed development and have drawn attention to guidance contained in their Secured by Design standards

Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policies CS63 to CS65 are consistent with the NPPF and have significant weight.

A condition is recommended to ensure the development incorporates appropriate sustainability measures.

Highway and Transportation

UDP Policy H14 relating to conditions on development in housing areas also includes criteria (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians; and (h) it would comply with Policies ... T28; and for non-housing uses: (k) not lead toexcessive traffic levels.

UDP Policy T28 relating to transport infrastructure and development seeks to ensure that new development which would generate high levels of travel would be served adequately by public transport services and infrastructure and by the existing highway network. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided, or commitment entered into to secure their provision, before any part of the development comes into use.

UDP Policy H15 seeks to ensure that the design of new housing developments will, amongst other matters, (a) provide easy access to homes and circulation around the site for people with disabilities.

Policies H14 and H15 have significant weight. Policy T28 is broadly consistent with the NPPF and has significant weight.

NPPF paragraph 109 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.

In this instance the proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities.

There are no highway objections to the proposed housing element of this development proposal.

The proposal's housing element complies with UDP Policies H14, H15 and T28 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Core Strategy Policy CS51 relates to the strategic priorities for transport including maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Policy CS51 is in conformity with the NPPF, whilst CS53 is in part conformity, and both have significant weight in respect to the proposed development.

The NPPF (paragraphs 102 to 111) promotes sustainable 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 (NPPF paragraph 109).

The site has frontages to Lane End, Thornccliffe View and Thornccliffe Lane.

Lane End is part of a route running along Lound Side, Lane End, Mortomley Lane and Wortley Road between Chapeltown centre (to the southeast) and the A61 (to the northwest) and is a classified road (C47).

Lane End is on a bus route served by route nos. 1, 29, 72 and 135. There is a southeast bound stop with shelter on the application site frontage and a northwest bound stop opposite the site. Service 1 generally provides 4 buses an hour on Mondays to Saturdays whilst services 29 (6 buses a day), 72 and 135 (both 1 per hour) on Mondays to Saturdays are infrequent.

This application has been supported by a transport assessment (TA). The TA has considered the surrounding highway network and accessibility by pedestrians, public transport, vehicles and by cycle. The traffic generation potential of the proposed retail element of the development has been assessed using trip rates extracted from the TRICS national database.

The use of the TRICS database is a nationally accepted method of estimating levels of trip generation when considering development proposals. In order to ensure that the most accurate estimates are calculated it is important to ensure that the sites

chosen from the database are those which have, as far as possible, similar characteristics to the proposal under consideration such as location, parking provision, accessibility.

In terms of the impact of the proposed retail unit consideration has been given to the PM peak period when background traffic is at its highest. The TA has considered three types of retail unit: non-food retail, discount food retail and general food store. Of these, the trip rates calculated indicate that the general food store is the worst case and as such these figures are the ones used in the assessment. The applicant's submissions include a Supplementary Information Notes (SI Note) regarding Saturday traffic flows, the pedestrian crossing, parking provision, servicing arrangements, HGV's and times of deliveries and HGV routing.

The total number of vehicular movements estimated in the PM peak is 90 arrivals and 90 departures, however it is acknowledged that a proportion of these vehicular movements would be classed as pass-by (vehicles which are already on the network). It is generally accepted that the proportion of pass-by trips will be in the order of 30%. No further reduction has been made for diverted trips. On this basis it is estimated that the worst case traffic generation for the foodstore would be 63 arrivals and 63 departures in the PM peak (126 trips in total).

The SI Note notes that the Transport Assessment considered the weekday pm peak period as this period covers the combination of high development flows and the busiest flows on the network, and that whilst retail development flows are often greater on Saturdays the traffic flows on highways on Saturdays are usually lower and in combination are not worse than the weekday pm peak period. The increase in traffic flow through the proposed access on Saturdays would continue to be significantly less than the proposed access's capacity.

It is considered that service vehicle movements can be accommodated on the highway network without any detriment. The submitted plans provide tracking for service vehicles and demonstrate that the design vehicle can adequately manoeuvre within the site. The SI Note states that virtually all discount food stores are serviced through the car park and whilst the main delivery with the food items is timed to occur just before the store opens, a second and following deliveries can occur when the store is open. In the case of a discount food store use, 2 to 3 HGVs would be expected per day (Monday to Saturday). The applicant has stated that they anticipate the store will open at 8am in the week and could restrict delivery hours to no earlier than 7.30am, and if the store was to close at 10pm at the latest it could have a restriction of 8pm for the last delivery. The loading bay for the proposed development can be accessed with all parking bays occupied.

The TA has assessed the impact of the proposal on the Thorncliffe Lane and Thorncliffe View junctions as minimal.

The TA states that the logical route for HGV drivers is along Lane End and Mortomley Lane to the A61 and that a route through the Thorncliffe Business Park would not be used and could be prevented through a condition. It is considered that the comment in relation to accepting a condition prohibiting the use of Thorncliffe Lane by service vehicles is welcome. It is also recommended that a condition be

imposed requiring a service delivery plan which should include details of how the safety of customers will be protected during servicing periods.

The submitted information demonstrates that a suitably designed and safe access can be provided to serve a retail development on this site. The proposals include altering the line-markings on this section of Lane End to include marked parking areas and a re-laid centre line marking in the carriageway.

The applicant's submissions include a Supplementary Information Note (SI Note) to regarding Saturday traffic flows, the pedestrian crossing, parking provision and servicing arrangements.

The accident details provided in the TA do not indicate that there is any identifiable problem/blackspot and as such it is not anticipated that the additional traffic added to the network would result in a worsening of highway safety. Whilst it is acknowledged that there is general concern about road safety the fact remains that an appropriately designed access can be provided to the site and the proposal also includes a pedestrian crossing facility to provide improvements for pedestrian safety.

The SI Note has confirmed that vehicle speeds were recorded on the approaches to the access which are the same approaches to the proposed pedestrian ('zebra' type) crossing. The 85th percentile speeds (32mph eastbound and 30mph westbound) are below the maximum 45 mph (85th percentile) guidance for such crossings.

Based on the information currently provided the most appropriate type of pedestrian crossing would appear to be a 'zebra' crossing. A condition is recommended that the submission of the reserved matters include further speed surveys to be carried out to finally determine the design of the crossing. The proposed crossing facility would require the northwest bound bus stop to be repositioned.

The applicant's submitted documents refer varyingly to proposed car parking levels (115 with 6 disability spaces on the application forms, 115 on the site layout drawing and in the Planning Statement, 101 spaces in the SI Note, 121 in the noise impact assessment). As this is an outline application these figures are illustrative. However this range of levels and the ability of the site to accommodate such parking has been assessed in principle.

The SI Note considers that the proposed parking levels of 101 spaces for the retail unit is in line with the Council's parking standards of 1cps per 20 sqm of floorspace and above the expected maximum demand based on TRICS data.

It is considered that the submitted indicative plans indicate that adequate levels of car parking can be provided within the site. A condition is recommended that the reserved matters submissions include justification of the parking numbers ultimately proposed which should be made by reference to parking calculations based on estimated trip generation.

There are no highway objections in principle to accessing the proposed individual house plots off Thorncliffe View subject to satisfactory details.

In this instance the proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities.

There are no highway objections to the proposed development.

The proposal complies with UDP Policies H14, H15 and T28 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Air Quality

UDP policies include Policies GE22 and GE23 relating to pollution and air pollution which seek to ensure development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it, while Core Strategy Policy CS66 promotes action to protect air quality.

Policies GE22, GE23 and CS66 are consistent with the NPPF and have significant weight.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels, amongst other matters, of air pollution.

The local development plan policies align with the NPPF's aim of reducing and mitigating the impacts of development on air quality and are therefore afforded weight.

The site is located within the Sheffield city-wide Air Quality Management Area (AQMA) for exceedances of nitrogen dioxide and particulate matter.

The applicant has undertaken an air quality assessment and has modelled the impact of the proposed development on annual mean levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) concentrations on the site frontage and west of Thorncliffe Lane.

The Air Quality Assessment states that in this location the base NO₂ levels are around 28% of the target level with the development increasing this by less than 2%. The other pollutants including PM₁₀ and CO would have the same or negligible/zero effect. It concludes that in quantitative terms the effects of the proposed development would be negligible and emissions would be under target levels.

The air quality effects are therefore considered to be not significant.

The proposal complies with Core Strategy Policy CS66 and UDP Policies GE22 and GE23 (significant weight).

Ecology

UDP Policy GE11 seeks to protect the natural environment.

GE11 is in part conformity with the NPPF and has moderate weight.

NPPF (paragraph 170), which states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant has submitted an Ecological Appraisal of the site involving a desk study and field survey of habitat types and potential for habitats to support protected and notable species. The Ecological Appraisal assesses the habitats on the site, following recent scrub clearance, to be common and widespread in the locale with limited ecological value, and limited suitability for bats, birds and badgers. Non-native invasive Japanese knotweed and wall cotoneaster have been identified on the site.

The Ecological Appraisal considers that the proposal is unlikely to impact upon designated sites in the wider area due to distance and lack of connectivity, and recommends that to contribute to achieving a net gain in biodiversity that the proposed landscape scheme for the site includes species known to be of wildlife value and allows for areas on no or limited light spill, erection of bat boxes/tubes and bird boxes or within new buildings and management plan for the invasive species.

It is accepted that the site has little ecological value, and a condition is recommended to secure a net gain in biodiversity.

The proposal would, subject to securing net gain in biodiversity, comply with UDP Policy GE11 (moderate weight) and the Government's planning policy guidance contained in the NPPF, particularly paragraph 170.

Land Quality

NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site falls within a Development High Risk Area as defined by the Coal Authority.

The applicant has submitted a Preliminary Risk Assessment which has reviewed whether the site is potentially contaminated or whether there are other potential geo-environmental liabilities. Following a desk study and site reconnaissance it recommends further investigation including excavations to confirm accurately the location of a mine entry, intrusive investigation of ground contamination and gas monitoring, eradication of invasive plant species, and specialist ecological inspection. Conditions are recommended to secure assessment of these matters.

The Coal Authority have reviewed the applicant's submissions and has no objection to the proposed development subject to a conditions requiring site investigation works are undertaken and any remediation works carried out prior to the commencement of development.

Flood Risk and Drainage Strategy

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Policy CS67 is in conformity with the NPPF and has significant weight.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 1 where there is a low risk of flooding.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy report for both the housing and retail elements of the proposed development which conclude that the risk of flooding from all sources is considered to be very low and that surface and foul water could drain to the respective existing sewers subject to surface water attenuation.

The Local Lead Flood Authority has no objection to the principle of the proposed development.

Yorkshire Water has stated that the applicant's Flood Risk and Drainage Strategy is acceptable and has no objections to the proposed development subject to conditions to secure separate drainage foul and surface water systems and restrictions on the rate of surface water discharge to the public sewer.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to the housing element of this development.

In this instance the site lies within CIL Zone 3 where there is a CIL charge of £30 per sq m of gross internal floorspace 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 funds generated through CIL will be used in connection with strategic infrastructure.

SUMMARY

The UDP identifies the site as being within a Housing Area.

There are no objections in principle to the housing element of this proposal.

The retail element of the proposal is not within an existing district or local centre, nevertheless it passes the sequential test for out of centre proposals and would not have a significant impact on the vitality and viability of existing centres. In this instance the principle of the retail element of the proposal is acceptable.

The proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities. There are no highway objections to the proposed development.

This is an outline application with only the matters of access included for approval. All other matters, including layout, appearance, scale and landscaping are reserved for subsequent submission.

Nevertheless from the information submitted it is considered that the site can be developed for the uses proposed without causing significant harm to the amenities of adjacent and nearby residents or the character and appearance of the locality.

In relation to paragraph 11 of the NPPF, the most important policies in the determination of this application, which in this case revolve around housing and retail policy, highway and access design, and neighbourliness impacts, do, when considered as a collection, align with the NPPF. As such paragraph 11(d) of the NPPF is not applied in this instance.

The proposed retail development is not promoted by UDP Policy S4 and S5 (moderate weight) however the retail policies in paragraphs 85 to 90 of the NPPF have greater weight.

The proposal (housing and retail elements) complies with UDP Policies H10, H14, H15, BE5, GE22, GE23, T28 (significant weight), GE11 (moderate weight), Core Strategy Policies CS22 (significant weight in this instance), CS23 and CS24 (moderate weight), CS26 (significant weight), CS63 to CS65 (significant weight), CS67 (significant weight) and CS74 (significant weight), and the Government's planning policy guidance contained in the NPPF in particular paragraphs 85 to 90, 97 and 109, 117 to 123, 124 to 132, 156 to 165, 170, 178.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.

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Case Number	20/00352/FUL (Formerly PP-08437526)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of a three-storey building to form 6 x 2 bedroom flats and 3 x 1 bedroom flats
Location	Post Office 509 Pitsmoor Road Sheffield S3 9AU
Date Received	30/01/2020
Team	West and North
Applicant/Agent	Cr8 Architectural Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Plan number 101 Rev C Proposed Detailed Site Layout Plan and Landscaping published 16.07.2020

Plan number 254 Rev A Site Levels published 16.07.2020

Plan number 050 Rev A Proposed Elevations (Streetscene) published 16.07.2020

Plan number 102 Rev B Proposed Ground Floor Plan and Elevations published 16.07.2020

Plan number 103 Rev A Proposed 1st and 2nd Floor Plans published 16.07.2020

Plan number 104 Proposed Elevations published 16.07.2020

Plan number 01 showing the Red line boundary published 30.01.2020

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

6. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
 - a) Be based on the findings of an approved noise survey.
 - b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

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

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

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

7. 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.

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

- Window reveals;
- Juliette balconies;
- Recessed brickwork;
- Parapet;
- Slate tile and window jambs;
- Slate tile wall to brickwork detail.

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

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

9. 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.

10. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any

above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

11. The 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.

12. Details of new gates and fencing within the site 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.

13. The stone boundary wall surrounding the site shall be retained. Prior to any alteration or repair works, details shall be submitted to and approved in writing by the Local Planning Authority. Any alteration or repair shall be carried out in matching materials and construction style. The alterations and repairs shall be carried out in accordance with the approved details.

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

Other Compliance Conditions

14. The development shall not be occupied unless the cycle parking has been provided in accordance with the approved plans and storage details and, thereafter, such cycle parking accommodation shall be retained.

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

15. 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.

16. The new areas of hard surfacing shall be constructed of porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area of surface within the site, unless alternative details of surfacing and drainage have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved permeable/porous surfacing material shall be retained.

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

17. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated

changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
2. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
3. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated risk assessment on the basis of the information available to it, but there may be contamination within the land, which has not been discovered.
4. The applicant is advised that with regard to the discharge of the landscape condition. The following details shall be supplied:
 1. A scaled planting plan identifying plant species (including varieties, sizes and spacing);
 2. Construction details & specification for tree pits;
 3. Maintenance spec and a contractual commitment to replace any plants that fail during this period;
 4. Topsoil specification and depths;
 5. Data sheets/ specification for all street furniture;
 6. Data sheets/ specification for all areas of paving.
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

8. The applicant is advised to seek advice from Building Control as to whether an Asbestos Survey would be required with regards to clearing the site prior to development.
9. The applicant is advised to have regard to the advice provided by Northern Powergrid. This was published on the file on 6th February 2020.

Site Location



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LOCATION AND PROPOSAL

The application site is located on Pitsmoor Road, at a busy signalised junction, where Pitsmoor Road meets Burngreave Road and Shirecliffe Lane. Pitsmoor Road abuts the frontage of the site and Shirecliffe Lane abuts the south-west edge.

The site is currently occupied by a building that was last used as a shop and a post office, with a residential unit above. The facilities are no longer operational. The applicant seeks consent to demolish the existing building and construct a 3 storey building that would accommodate 9 flats. Amenity space and cycle storage is proposed to the rear. No parking provision is proposed on the site.

The area is generally characterised by two storey properties. Abbeyfield Park is located opposite the site containing Abbeyfield House, a Grade II listed Building. The park itself is a locally designated historic park. Closer to the site a Grade II Listed Toll House is located on the junction of Pitsmoor Road/ Burngreave Road. The site lies within an Area of Special Character as defined in the Sheffield Unitary Development Plan.

RELEVANT PLANNING HISTORY

The applicant submitted an enquiry for pre application advice in advance of making this submission.

SUMMARY OF REPRESENTATIONS

46 letters of objection have been received following publicity on this application.

The applicant has provided a representation supporting the scheme and responding to the objections received, which is summarised towards the end of this section.

The points raised in objection are summarised below:

Highways

- The development is in an awkward place and would cause traffic chaos and safety issues during demolition and construction as it is on a major junction, route into the city, close to schools and on the main approach to the hospital A and E;
- There is already a high demand for parking in the area with many houses being terraced and having no off street parking. There is no parking on the main road and side streets are too narrow or crowded. The development could accommodate 30+ people with cars and no parking. The scheme would cause parking obstruction and detriment to pedestrian safety, due to lack of car parking;
- Due to the existing lack of off street parking in the area, HGVs (which include refuse collections and deliveries) have to ask local residents to move their vehicles so that they are able to attend to the collection of bins, etc. This development will exacerbate what already is a bad situation;

- The lack of parking would cause parking further away from the site on other streets. Not being able to park close to your house causes security implications;
- Even though the transport links are excellent, this would not stop people owning a car and there would be nowhere to park unless it was stipulated that future occupants could not own a car;
- The scheme would cause congestion;
- The junction of Shirecliffe Lane is dangerous for cars trying to cross the main road and is often used as a short cut;
- The 'No Right Turn' into Shirecliffe Lane is ignored. Vehicles turn quickly into it with no warning. Concern is raised that a tall building directly on the corner can only make this more dangerous for pedestrians, cyclists and other road users;
- Concern for the safety of children and parents walking to the 2 schools in close proximity to the site. Increase in cars and footfall where there is a narrow pavement and school children would cause highway safety issues;
- When the site was a post office, cars and vans often pulled outside towards the no entry road which is not what pedestrians expect cars to be doing. This will only increase if new dwellings are built here;
- Residents should be limited to non car drivers and this should be controlled through condition;
- Road access and access onto the site would be directly blocking a crossing across the main road. It would be an issue trying to cross the road safely if people were coming out of the flats. It would also make some worrying blind spots when walking;
- Concern is raised that the current Covid 19 issue will result in higher car ownership and usage due to discouragement of the use of public transport.
- The scheme should be redesigned with reduced density, on site parking with electric charging points and secure cycle storage;
- Concern about space in the site and parking during the construction process and disruption to free flow of traffic;
- Existing parking issues are poorly enforced.

Design

- The development is overly prominent/ overdominant and too large/ tall, Not in keeping with the 2 storey terraces;
- Materials are inappropriate. Inappropriate design. The proposed building has no architectural merit - it's not attractive and will not age well;
- Strong feelings that the development would appear out of character amongst older buildings. The building would be out of context in this location and is not attractive;
- The development should be more in keeping with the listed Toll Gate opposite and the listed Abbeyfield House and the rest of the surrounding properties;
- The scheme does not acknowledge at all the character of the local buildings and the Victorian Park opposite;
- Loss of historic and attractive building;

- Development on this site should have a pitched roof, be constructed of materials similar to neighbouring houses, have lower occupancy levels and make relevant parking provision;
- Layout and density of building, the building is of bad design and with little landscape options. Should be reinstating the Georgian/ early Victorian characteristics.

Amenity concerns:

- The garden on Roe Lane would be overlooked;
- The area is already overdeveloped and overpopulated;
- There is no outdoor space for residents;
- Concern that increased emissions from 13 cars would add to already high pollution levels in the area;
- Noise and pollution concerns arising from demolition and construction;
- Inadequate bin storage would lead to an overflow of rubbish in the area.

Other issues:

- The loss of trees and impact on local bat and bird habitats;
- The area is full of properties with multi-occupancy. The area needs family homes rather than small apartments. There are sufficient flats/ apartments in the area;
- The development should be considered a HMO development. Pitsmoor already exceeds the subscribed limit set by the Local Authority regarding HMOs;
- Affordable housing is requested;
- Local services are already at capacity;
- The property would be better used as a family home or shop;
- There is enough intimidation and gangs without adding more places to commune. Concern about who the end user would be;
- New play equipment funded by the developers should be provided in the park if the development goes ahead;
- Nobody has been consulted about this. There should be consultation about what would replace the old post office;
- Concern is raised that local opposition may have been rendered useless by current Covid19 situation;
- Other sites could be renovated to provide housing;
- There is no evidence of need for this development.

APPLICANT'S RESPONSES TO 26 REGISTERED OBJECTIONS

The applicant has submitted a representation in response to the first 26 objections made, which can be summarised as follows:

Justification for the closure of the Post Office is provided:

- The site has been owned by the applicant's family since 2004 and as a Post Office for 13 years. The proprietors retired in April 2017, and a new lease was

awarded to a private tenant who also ran a Post Office for 2 years. The lease was surrendered early. The Post Office facility, therefore, ceased in July / August 2019;

- Royal Mail has advertised, on their website for new prospective tenants and potential sub postmasters. Interest has been virtually non-existent;
- Location of other nearby local post offices are highlighted;
- The applicant confirms the property has been marketed and attempts to sell the property outright have been unsuccessful - not a single serious enquiry has been forthcoming;
- The property is vacant and has been for some time and has problems with fly tipping and discarded drug paraphernalia.

The applicant puts forward that development of the site is in line with the NPPF in that it would:

- Boost the supply of homes (paragraph 59 of the NPPF);
- Make use of a brownfield site and remediate a site which is well related to existing settlements which should be encouraged where suitable opportunities exist. (paragraphs 84 and 118 of the NPPF;
- Reflect the changes in the demand for land. Where there is no "reasonable prospect" of land being used for its allocated purpose, authorities are asked to support alternative uses that will help meet unmet needs for development in the area (NPPF para.120).

The applicant argues that this retail unit and those similar are no longer commercially viable and that the planning system must respond to this. They point to the national housing shortage crisis, and that those in need of smaller, more affordable units are particularly hard hit. They state that this proposal will provide entry level housing at affordable levels of rent for key workers. They consider that refusal of the application would be wholly contrary to the thrust of the policies on providing such housing set out at paragraphs 67 to 72 of the NPPF, with particular reference to paragraph 68 which encourages the development of small and medium sized sites.

They point out that the scheme has taken pre-application advice on board and responded positively to officer recommendations. They state that there is a demand for such housing, given the current local and national shortage and that this development will assist the general shortage of good quality affordable housing.

In response to objections made on highway ground the applicants comments are summarised as:

- Policy is to encourage sustainable travel solutions, moving away from use of the private car and locate housing in areas which are well served by public transport. This site is on an excellent city bus route;
- The Target occupier market is those who can manage without a car because either their work place is within walking distance or they are able to access public transport (e.g. NHS). Reference is made to paragraphs 105 and 108b of the NPPF;
- It is highlighted that there has been no objection from highways officers

- It is queried whether there have been previous concerns raised to the Council / Highways Agency regarding parking difficulties for residents; concern for children attending nearby schools; concern for the elderly; concern for emergency service vehicles attending local hospitals;
- No parking has been provided because the road layout is far too complex for entry and exit into the site (it is not to seek to maximise development on site);
- Cycle storage will be provided;
- Parking difficulties in the surrounding area will not be significantly increased by this development. These difficulties are present at most cross roads leading up to a main road and as objectors' detail these are long established in this area;
- There is no evidence or projection that suggests that this proposal would cause significant congestion or restrict traffic flow particularly given the small scale of the scheme;
- Legal requirements in respect of construction safety procedures which would protect pedestrians during the construction process are highlighted. They say that this is true of any construction and is not a ground to refuse this application. Some inconvenience to local residents will always result in any type of construction however this must be balanced with the need for more houses to be built.

In response to design comments the applicant makes the following points:

- The density is supported by paragraph 123 of the NPPF particularly in this location well served by public transport;
- The design complies with policy and is not an overdevelopment. The development will enhance the surrounding area;
- The Post Office is not listed and is now in a state of disrepair and is no longer commercial viable;
- The proposal is limited three storeys and the design is bespoke to this site, and has been enhanced through pre-application discussions, which encouraged a contemporary design;
- The colour of the brick has been recommended by your officers;
- Adequate green space and bin storage will be provided in the development

PLANNING ASSESSMENT

Planning Policy Context

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

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

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

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

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, Area of Special Character, Historic Park and street scene.
- The effect on the living conditions of future and existing occupiers;
- Whether suitable highways access and off-street parking is provided;
- The impact of the proposal upon the existing landscaping.

Land Use

The application site falls within a Local Shopping Area as identified in the Sheffield Unitary Development Plan where Policy S7 lists Housing (Use Class C3) as an acceptable use subject to other policy criteria - Policy S10 being most relevant. UDP Policy S10 (Conditions on Development in Shopping Areas) states that in Shopping Areas development will be permitted provided that it would:

- (a) Not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area

The Local Shopping Centre has 67% of units in A1 use. This change of use would reduce this to 61% which is compatible with this policy.

Paragraph 85 of the NPPF promotes vitality and viability of centres by allowing them to grow and diversify in a way that can respond rapidly to change in retail and leisure

trends to allow a suitable mix of uses (including housing) and reflect their distinctive characters. The scheme would accord with this.

The aims of the local and national policy are similar; however the NPPF gives more flexibility. Moderate weight is therefore given to these UDP policies.

The site previously accommodated a post office as well as a retail unit. Post offices are considered a community facility and UDP Policy CF2 (Keeping Community Facilities) states that development which would result in the loss of community facilities will be permitted if: (a) the loss is unavoidable and equivalent facilities would be provided in the same area; or (b) the facilities are no longer required; or (c) where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

The applicant's supporting information is documented above and has set out the steps taken to continue the previous activities on site. It is highlighted that there are Post Offices at Ellesmere Road and Fir Vale (Owler Lane). It is accepted that the loss of the facility is unavoidable and, indeed it has already closed.

As to whether "equivalent facilities would be provided in the same area" (second part of part a CF2a), the two Post Offices are more than 400 metres ('the same area' in CF2) from the former Post Office on Pitsmoor Road; therefore this would be contrary to Policy CF2. However, the Post Offices at Ellesmere Road and Owler Lane can serve the same catchment that the Pitsmoor Road Post Office served, and are doing so already; there is a high frequency bus route between the two Post Offices in vibrant Local and District Centres (vacancy rates at 3 and 4% respectively) so it is not unreasonable for customers to visit those Centres combined with other trips. Therefore, whilst not ideal, the loss of the post office is accepted.

Paragraph 84 of the NPPF seeks the retention and development of accessible local services and community facilities. As assessed above, there is little prospect of the Post Office being brought back into use and alternatives in the locality are available. The aims of the local and national policies broadly align and significant weight can be given to the local policy.

The Core Strategy supports housing in this area, and promotes the need for new housing developments in the city. The proposal specifically assists the aims of Policies CS23 and CS24, by providing housing within the urban area, on a suitable, sustainably located, previously developed site, supporting regeneration and making efficient use of land and infrastructure.

The policy approaches of CS23 and CS24 in respect of prioritising brownfield sites is considered to align with the NPPF paragraphs 117 and 118, which promote the effective use of land and the need to make use of previously-developed or 'brownfield land'. Furthermore, paragraph 118 c) gives substantial weight to the value of using brownfield land within settlements for homes and other identified needs. Given the strong alliance with the NPPF, in this regard it is concluded that these policies can be offered substantial weight and, as such, it is concluded that the principle of developing the site is supported in policy terms.

The site is located adjacent to a high frequency bus route, where Policy CS26(c) recommends a density of 40-60 dwellings per ha. The proposed density is approximately 131 dwellings per ha. Whilst this is significantly higher than the range detailed, densities outside this are permitted by the policy where design is good and it reflects the character of the area.

These issues will be discussed in detail within this report but it is considered that the development meets these aims.

Paragraphs 122 and 123 of the NPPF seek to make optimal use of the potential for each site taking into account characteristics of the area. The local and national policies align.

The proposal to develop the site for housing is therefore acceptable in principle, in accordance with the identified local policies.

The NPPF section 5 seeks to significantly boost the supply of homes. The identified local policies are considered up to date and consistent with the overall Framework, in accordance with para. 213.

Paragraph 73 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield can identify a 5.1 year supply, and the subject site contributes to that, and significant weight is attributed to the benefits of the proposal in assisting Sheffield's required supply of housing.

Core Strategy Policy CS41 (Creating Mixed Communities) encourages housing developments to meet a range of housing needs – including a mix of prices, sizes, types and tenures. This aligns with the NPPF on the basis that a strong principle of sustainable development is the provision of a strong, vibrant and healthy community with a sufficient number and range of homes provided to meet the needs of current / future needs and communities' health, social and cultural well-being (paragraph 8, b).

The proposed development contains a mix of 1 and 2 bedroomed flats. The tenure will be open market housing for private sale. Given the small size of the site the mix and type is considered acceptable.

The proposal, therefore, is considered to be compliant with Policy CS 41 and the NPPF.

Design and Impacts on Character and Appearance of the Locality and Historic Assets

Core Strategy Policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP Policies S10 and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

This site falls within an Area of Special Character, is opposite the Grade II Listed Toll House and opposite the site within Abbeyfield Park (locally designated Historic Park) is a further Grade II listed Building.

Policies BE15, BE17 and B18 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.

Developments should not harm the character or appearance of Listed Buildings or Areas of special Character. Policy BE18 in particular seeks the retention of buildings, walls, trees and open spaces and other features which contribute to the character of the Area of Special Character and requires new development to respect the appearance and character of the area.

Policy BE19 states that proposals affecting the setting of a listed building will be expected to preserve the character and appearance of the Building and its setting. Policy BE21 'Historic Parks and Gardens' within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected.

Demolition of Existing Building

Whilst the existing building may have had some historic and architectural merit in the past, it has been unsympathetically clad and an unattractive shop front inserted. The commercial aspect is now vacant and the building does not have a positive visual impact in the street scene. It is particularly visible in its elevated position and at this junction. The demolition of the existing building in connection with the redevelopment of the site is therefore acceptable

Design and Layout

The site is a corner plot at a busy junction and is prominent. The development has been designed to acknowledge both road frontages which and it would have a similar set back from the highway to the existing buildings fronting Pitsmoor Road. This allows for some landscaping to be reintroduced and, importantly, the retention of the stone boundary walls.

The building would be 3 storeys in height with a flat roof. The buildings in the immediate context are two storeys with pitched roofs, with those to the north being fairly elevated above pavement level. The development would be constructed from a lower ground level than the existing building on site. The streetscene context plan, submitted with this application, shows the overall height of the proposed building sitting below that of the church to the north. The proposed upper floor accommodation would be level with the first floor of the neighbouring building. The development is shown to step up in height slightly at the corner, to acknowledge this junction.

Number 505 Pitsmoor Road on the opposite side of Shirecliffe Lane is lower rise; the buildings beyond this are higher than this. There is also a fall in gradient down Pitsmoor Road.

The height of the building is compatible with the existing development on Pitsmoor Road. On Shirecliffe Lane, the site behind is occupied by a large building on elevated land. The scale in the context of this street is acceptable.

There is variation in the height of the building and the proximity of the front wall to the site boundary is staggered. This, together with changes in material and fenestration detail means that the building would not appear overly imposing.

The design provides good vertical articulation and the openings have a vertical emphasis which is a characteristic of the street. The material palette is red brick and vertically hung slate. These are applied to give the building vertical emphasis. The final brick choice will be controlled by condition. Both red brick and slate are dominant in the street and are appropriate material choices. Whilst slate is to be applied to the walls this is appropriate given the contemporary design approach taken.

The immediate context is traditional pitched roof terraces, with the Historic Park opposite and the Grade II Listed Toll House located on the junction. This context does not preclude a contemporary design approach being taken. As assessed above this development has been well designed and relates to the scale of the street, and its characteristics and material pallet. Subject to control over the detailing and materials, the appearance of the development would be high quality and be an improvement over the current situation on site. The scheme allows for the retention of the stone boundary wall and replacement landscaping. The scheme would not harm the character and appearance of the Area of Special Character.

The development would affect the setting of the Grade II Listed Toll House which was built in the early 19th Century. This has historical and some architectural, significance. The listed building is sited on what would have been the main road from Sheffield to Barnsley, Wakefield and Leeds.

The development would be seen in immediate context with the Toll House, most so when travelling north up Burngreave Road. From this aspect it would be viewed as a back drop. The Toll House is sited at a busy road junction with a modern utilitarian car sales building to the south. There are a variety of development types surrounding the Toll House. The proposal would be more prominent than the existing building on site and would have more impact than the existing, however this is regarded as being less than substantial harm (the NPPF test) and would not significantly affect the character and appearance of the Toll House. This is compliant with Policy BE19 of the UDP.

Grade II listed Abbeyfield House is located well within the park and the park itself forms the setting of this building. Whilst there may be some contextual views, the setting of this building would be unaffected and therefore unharmed by the development.

Abbeyfield Park is identified on the local list as being a historic park, but it is not featured within the national list. The highway network separates the development site from the park and the development would not impact on the setting. Whilst there

are some very limited context views, the nature of the development would be such that it would not harm the character or appearance of the Park.

Paragraphs 189-196 of the NPPF reinforce the aims of the above local historic environment policies. Beyond this they introduce an impact test. They state that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. In this instance the scheme is considered cause less than substantial harm to the significance of the Toll House.

Paragraph 196 states that where there is less than substantial harm, this harm should be weighed against the public benefits, including where appropriate securing its optimum viable use. In this instance the redevelopment of the site would make use of a vacant site and boost the housing supply in a sustainable location. Balancing these factors with the low level impact on the Listed Building the less than substantial harm is considered to be outweighed by the benefits of developing the site.

The impact on the park and listed building within it does not result in harm to these assets.

The aims of the local and national policy broadly align so moderate weight is given to the local policy.

Chapter 12 of the NPPF requires good design - Paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 127 c) requires development to be sympathetic to the local character and history whilst not preventing or discouraging appropriate innovation or change (such as increased densities). 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. For the reasons outlined in the above assessment, the development accords with these aims.

The thrust of the national policy aligns with the local policies requirements and therefore significant weight is attributed to these local policies.

Landscaping

UDP Policy BE6 seeks good landscape design. Policy GE15 seeks to see mature trees retained where possible and to replace any which is lost. Policy BE18 also details the importance of retaining trees in Areas of Special Character.

There are trees in the northern corner of the Pitsmoor Road frontage and across the back of the site. Collectively these do contribute to the visual amenity of the area, particularly on the Pitsmoor Road frontage.

A survey of the condition of the trees indicated they are however of low quality. The Council's Landscape Officer has confirmed that none are worthy of a Preservation Order.

The plans do not allow for any retention of the trees. Whilst this is unfortunate, landscape areas have been designed into the new scheme with some limited opportunity for replacement planting along the Pitsmoor Road frontage and possibly some to be incorporated on the back corner adjacent to Shirecliffe Lane.

Whilst not as readily visible from public areas, the rear amenity space would also need to be subject to a high quality landscape scheme.

Given the quality of the existing trees it is reasonable to accept their removal subject to replacement planting. The replacement planting would provide adequate habitat replacement for any wildlife in the area.

Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) broadly aligns with these aims, as does paragraph 127.

Accessibility

The scheme has been positively amended during the course of the application to allow for level access into and around the building. Due to site constraints one of these accesses is to the rear which is not ideal. However refusal cannot be justified on this basis. The scheme accords with aims of Policy BE7 of the UDP and paragraph 127 of the NPPF which closely align.

Highways Issues

UDP Policy H5(c) requires appropriate off street parking for the needs of people living there.

Policy S10(f) seeks that development would be well served by transport facilities and provide safe access to the highway network and appropriate off street parking and not endanger pedestrians.

The existing site has a single access point that is accessed off a busy, complicated, signalised junction. The intensification of this access would be undesirable from a highway safety perspective.

The vehicle access point is shown to be removed, with no parking proposed within the site. There is not adequate room within the curtilage to provide any off street parking.

The location of the site is such that local amenities and access to good public transport links are within a short walking distance from the site. Further to this, the applicant has indicated secure cycle storage is to be provided.

At this location on street restrictions are such that prospective residents would have to leave their vehicles away from the site. As such, it is not expected that a significant number of residents would have access to a vehicle. Bearing the aforementioned points in mind, the lack of parking would not be expected to have a

significant impact on the local highway network and therefore, a refusal on highway grounds could not be justified given the very site specific constraints in this case. Given the very low anticipated level of car ownership associated with this development, significant issues regarding congestion would not arise. It is acknowledged that the residential development would need to be serviced for deliveries and waste collection, however this would have been the case with the previous retail and post office use, therefore the impact on congestion and flow of traffic would be unlikely to be significantly different.

The building is located sufficient distance from the junction so that it would not cause visibility issues.

The presence of the pedestrian crossing immediately adjacent to one of the entrances into the site is noted, however this is comparable to the existing situation and taking comparison to the previous levels of activity on the site then pedestrian conflict issues would not be intensified.

Comment has been made within representation about highway implications during the construction phase. Conditions will be attached to any approval to control these matters in the form of a Construction Management Plan.

Section 9 of the NPPF promotes sustainable transport. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway safety grounds if there would be unacceptable impact on highway safety or impacts on the road network would be severe. This above assessment demonstrates that this would not be the case in this instance.

The aims of the local and national policies broadly align, however national policy emphasises sustainable travel more heavily than the UDP, moderate weight is given to the local policy in light of this.

Living Conditions

Policy H5 seeks to ensure that living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

S10 states that development permitted should not cause unacceptable living conditions to residents in surrounding development.

Amenity of existing residents

The introduction of flats would be compatible with the residential nature of the area and therefore compliant with part a) of H5.

The neighbouring property to the north east along the Pitsmoor Road frontage is a church with a flat above. This property has no side windows in the gable. The proposed block is positioned adjacent to this with no windows in the side elevation, immediately adjacent to the boundary. Significant overbearing, overshadowing or overlooking implications would not arise.

To the rear of the site is a residential property that is subdivided. The separation distance from this property is such that unacceptable disamenity through overbearing, overshadowing or overlooking implications would not arise.

The development has been sensitively designed to minimise the impact on No 505 Pitsmoor Road. This property is separated from the application site by Shirecliffe Lane. There is a secondary ground floor obscure glazed window in the gable with the main window facing Pitsmoor Road. Due to the orientation and the siting of the building within the development site, significant overshadowing and overbearing implications would not arise.

Openings are proposed in the side elevation of the development. These would be orientated to face over the highway with the main outlook being at the side gable of No 505 rather than over their garden. The relationship is such that significant loss of privacy would not arise.

Other properties are sufficiently separate from the application site so that loss of amenity would not arise.

Amenity of future occupants

The internal amenity space for the proposed units is of good size. The main living accommodation would face south east and have a good standard of outlook and natural light. The outlook of the bedrooms at ground floor is a little compromised by the height and proximity of the perimeter boundary walls of the site, however given the outlook of the main habitable areas and the size of the units, the quality of the living accommodation is acceptable.

The development incorporates an acceptable size of amenity space to the rear of the units. Details will be controlled via condition to ensure that this is set out and landscaped to a good standard.

The site is immediately adjacent to a busy road intersection and therefore noise and disturbance issues could arise. This could adequately be addressed via the glazing specification being controlled by condition.

Paragraph 127(f) of the NPPF seeks a high standard of amenity for existing and future users. The above assessment demonstrates compliance with this aim. The aims of this align with Policy H5(b) and S10(d) of the local policy and significant weight is given to this element.

Sustainability

Policies CS63, 64 and 65 as well as the Sustainability SPG sets out the Council's approach to sustainable development. The policies require that developments are designed sustainably from the outset to minimise their energy demands, ensure that they make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation, minimise water consumption and that buildings are designed flexibly from the outset to ensure their long term sustainability. 10% of the development's energy needs must also be provided from a decentralised low

carbon or renewable resource. Alternatively a fabric first approach to reduce the development's energy needs by 10% would also be considered to comply with the policy.

A short statement from the applicant details that airsource heat pumps would be incorporated into the development. A suitable condition can be attached to require final details of the measures that will be employed to achieve this policy aim. In addition to the above the scheme is sustainably located and would be car free with cycle storage provision. This would encourage sustainable modes of transport, generating less pollution. The site is previously developed and achieves a high density

Flood Risk and Drainage

The site is in Flood Zone 1 so there is low risk of flooding. An additional area of the site would be developed compared to the existing. The application form details that surface water drainage would be by sustainable methods. The garden area to the rear will be conditioned to be landscaped which would aid natural drainage. Subject to appropriate condition adverse drainage implications would not arise. This would be compatible with the aims of CS67 which seeks to reduce the extent and impact of flooding.

The aims of these core strategy policies are closely aligned with those contained in Section 14 of the NPPF. The scheme accords with the relevant aims within this section of the NPPF.

Community Infrastructure Levy (CIL)

CIL is a planning charge introduced as tool to help local authorities deliver infrastructure to support development. In this instance the proposal falls within Zone 2. Within this zone there is a CIL charge of £0 per square metre

RESPONSE TO REPRESENTATIONS

Many issues raised through representation have been addressed within the above assessment. The remaining concerns are discussed below:

Residents should be limited to non car drivers and this should be controlled through condition.

- This would not be reasonable or enforceable.

Concern is raised that the current Covid 19 issue will result in higher car ownership and usage due to discouragement of the use of public transport.

- The current circumstances are evolving. The scheme must be assessed in accordance with current planning policy.

Developments should be moving in the direction of reinstating the Georgian/ early Victorian and earlier representations.

- This is not a policy requirement.

The area is already overdeveloped and overpopulated, local services are already at capacity.

- The location and size of the site are suitable for the level of development proposed. The scheme would generate additional population in the area. This would increase demand for local services, however mechanisms outside the planning process must address this.

Inadequate bin storage would lead to an overflow of rubbish in the area.

- Bin storage is incorporated to the side of the building. There is adequate space within the site for suitable waste storage to be provided.

The area is full of properties with multi occupancy. The area needs family homes rather than small apartments. There are sufficient flats/ apartments in the area Pitsmoor already exceeds the subscribed limit set by the Local Authority regarding HMOs.

- The proposal is for apartments not a HMO. Whilst family housing is needed in this area the site size and access limits the provision of this significantly. The development proposed is acceptable in terms of the type of accommodation it would provide.

Affordable housing is requested.

- The size of the development does not trigger this policy.

There is enough intimidation and gangs without adding more places to commune and concern who the end users would be.

- The site would be brought back into use and would be less attractive for people to congregate than the existing/ previous use.
- The application form details that the apartments would be open market housing.

New play equipment funded by the developers should be provided in the park if the development goes ahead.

- There is no policy provision to require this.

Nobody has been consulted about this. Concern is raised that local opposition may have been rendered useless by current Covid19 priority.

- The scheme has been publicised by neighbour notification, site notice and press advert. The representations received are fully considered in this report.

There should be consultation about what would replace the old post office

- The applicant details commercial viability issues limit what can be placed on site, consultation on this development has taken place.

Other sites could be renovated to provide housing

- Whilst this may be the case, the LPA must assess the scheme submitted.

There is no evidence of need for this development

- No evidence of need is required for this application; however National Planning Guidance seeks to provide an increased number of homes.

There is no evidence to suggest these dwellings will attract NHS tenants/buyers.

- The applicant sets out that this is the target market; however evidence of this is not needed. The profession of the end users is not material to the determination of this application.

Existing parking issues are poorly enforced – non planning issue

SUMMARY AND RECOMMENDATION

The application seeks consent to demolish the existing building on site and redevelop it with a single 3 storey building accommodating 9 units.

The principle of residential use is acceptable in this location and the scheme would provide additional homes and make use of a vacant, brownfield site in a sustainable location.

The previous post office on site has been closed for some period of time and whilst attempts have been made to revive this, this has not been possible. Alternative post offices exist in the locality and are relatively easy to access from this area. The loss of the previous use is accepted and the redevelopment of the site for positive use in line with local and national policy is welcomed.

The design approach has resulted in strong objection. The contemporary approach is acceptable and acknowledges the character of the area in terms of siting, height, scale and materials palette. The stone boundary walls would be retained. Whilst it is regrettable that the existing trees within the site would be lost. It is accepted that replacement planting could be provided, particularly owing to the quality of the existing trees. The development would not be harmful to the streetscene or the Area of Special Character.

The Grade II listed Toll House is opposite the site and the Historic Abbeyfield Park with grade II listed building would also be opposite. The Toll House would be seen in context with the development and there would be some impact to the setting. This is regarded as having less than substantial harm to the historical and architectural significance of this asset and when balanced with the public benefits that the development would bring as described in this report, this is acceptable.

Significant public objection has been raised regarding the lack of any parking within the development. This is accepted given the sustainable location of the development close to amenities and on excellent transport routes. Furthermore good capacity and facilities for cycle storage are incorporated into the scheme. It is expected that the scheme by virtue of its lack of parking would not prove attractive to vehicle owners.

The scheme has an acceptable impact on the amenities of existing residents and offers good amenity for future residents.

The most important policies for this scheme relate to land use; design & heritage; highways; and amenity. Whilst some elements of these differ from the NPPF, broadly the aims align and sufficient weight can be given to these policies.

The scheme is considered to be compliant with UPD policies S7, S10, CF2, BE5, BE6, BE7, BE15, BE17, BE18, BE19, BE21 and H5; and Policies CS23, CS24, CS26, CS41, CS63, CS64, CS65, CS67 and CS74 of the Core Strategy; as well as the aims of the NPPF.

For these reasons the application is recommended for approval subject to the listed conditions.

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Case Number	20/00040/FUL (Formerly PP-08397277)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of a three/four-storey building to form 9 apartments including bike store, car parking, communal garden space and landscaping works
Location	The White House Vicarage Lane Sheffield S17 3GX
Date Received	06/01/2020
Team	South
Applicant/Agent	Northern Town Planning Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan 1935-NMA-00-ZZ-DR-B-00001 P1 Scan Date 6 Jan 2020
Proposed Site Plan 1935-NMA-00-ZZ-DR-A-00100 P3 Scan Date 13 Jul 2020
Proposed Lower Ground Floor 1935-NMA-00-B1-DR-A-00100 P8 Scan 13 Jul 2020
Proposed Ground Floor 1935-NMA-00-00-DR-A-00100 P8 Scan 6 Jan 2020
Proposed First Floor 1935-NMA-00-01-DR-A-00100 P9 Scan 20 Jul 2020
Proposed Second Floor 1935-NMA-00-02-DR-A-00100 P8 Scan 6 Jan 2020
Proposed West Elevation 1935-NMA-00-ZZ-DR-A-00207 P1 Scan 13 Jul 2020
Proposed East Elevation 1935-NMA-00-ZZ-DR-A-00205 P1 Scan 13 Jul 2020
Proposed South Elevation 1935-NMA-00-ZZ-DR-A-00206 P2 Scan 20 Jul 2020
Proposed North Elevation 1935-NMA-00-ZZ-DR-A-00208 P2 Scan 20 Jul 2020
Proposed Sections 1935-NMA-00-ZZ-DR-A-00303 P2 Scan 13 Jul 2020
Proposed Section BB 1935-NMA-00-ZZ-DR-A-00301 P3 Scan 20 Jul 2020
Proposed Landscape lower ground 1935-NMA-00-B1-DR-A-00101 P2 Scan Date 6 Jan 2020

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 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.

5. 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.

6. 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.

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

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

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

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

- (a) External doors
- (b) Windows
- (c) Window reveals
- (d) Fascias
- (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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Before any works are carried out to the existing driveway, details of the level of excavation and measures to protect trees shall have been provided in writing and approved by the Local Planning Authority. Thereafter, this part of the development shall be built in accordance with the approved details.

Reason: In the interests of visual amenities of the locality, and to protect the existing trees.

14. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) 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/brown roof(s) 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.

15. 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 development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

16. The development shall not be occupied unless the car parking accommodation for 14 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 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.

17. The development shall not be occupied 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.

18. Before the first occupation of the building hereby permitted, the glazed panels to all balconies/terraces on the rear elevation shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screens shall be permanently retained in that condition thereafter.

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

Other Compliance Conditions

19. Notwithstanding the approved drawings all roof lights on the roof slopes facing north and south shall be set such that their cill height is no lower than 1.8 metres above the finished floor level of the room which they serve before the building is occupied. The roof light positions shall be retained as such thereafter.

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

20. 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.

21. The dwellings shall not be occupied unless the bin store as shown on the approved plans has been constructed in accordance with the approved details. Thereafter the bin store shall be retained.

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

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

Reason: To ensure satisfactory drainage arrangements.

23. 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.

24. The stone boundary wall to the front of the site fronting Vicarage Lane shall be retained, and at no point shall any part of the wall be removed.

Reason: In order to protect the character of the street scene, and the adjacent Conservation Area.

Attention is Drawn to the Following Directives:

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

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

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

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

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

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

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

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

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 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.

Site Location



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LOCATION AND PROPOSAL

The application site is currently occupied by a large detached dormer bungalow which is set back from the highway within substantial grounds. The site lies within a residential area and adjacent to the Dore Conservation Area which is immediately to the west and north of the site, but this site itself is not within the Conservation Area.

The street scene is characterised by a mixture of building styles and designs, which are predominantly in residential use. The land slopes from the front of the site, down to the rear of the site, following the natural topography of the area.

Planning permission is sought for the demolition of the existing house on the site, and the erection of a building which contains four floors of accommodation (including one within the pitched roof, and one within part of the basement), providing 9 apartments. Car parking is provided beneath part of the building, and to the rear and side of the site, the majority under carport structures. Amenity space is then provided around the site, but primarily to the front of the building providing 3 private gardens, and an area of communal space in the south east corner to the rear.

RELEVANT PLANNING HISTORY

There is no relevant formal planning history to this site.

Pre-application advice has recently been sought for a similar scheme, which was positioned closer to the rear boundary, and proposed all car parking to the front of the building. This concluded that the principle of the demolition of the building could be acceptable, and replacement with a good quality new build element that respected the surrounding street could be supported. This would be provided that car parking did not dominate the appearance of the site, and that the building was pushed away from the rear boundary of the site.

SUMMARY OF REPRESENTATIONS

Following publicity given to the application, there have been 22 representations in total.

18 objected to the proposal, 3 were in support and 1 representation was neutral.

Objections

- Councillor Colin Ross.

Wishes to support many objectors, particular the comment by occupants of No.5 Vicarage Lane and Dore Village Society which make many valid points.

Attention needs to be given to the appeals at 135 Dore Road, which were refused because the proposed development was out of character with the area and represented over development on the site.

The site is close to the village green and the Conservation Area and added weight should be given to preserving the character of the area.

The Dore Neighbourhood Plan has been submitted to the Council, and due weight should be given to its content in considering this application.

The proposal contravenes, CS31, CS53, and H14, in that the scale is over development, and out of character.

- Dore Village Society

The proposal does not safeguard or enhance the character of the attractive neighbourhood of this part of Vicarage Lane, does not respect the trees and mature gardens, or density which is contrary to Core Strategy Policy CS31

The proposal does not provide for adequate car parking in accordance with the Councils Guidelines and CS53, bearing in mind the lack of accessible public transport.

The proposal is over development of the area, with 4 storeys out of keeping, contrary to CS74.

The building is out of scale, is not served by an adoptable road, is over development, will impact on adjacent properties amenities, and does not provide adequate private garden space and outlook to future residents contrary to H14 and H15.

The Dore Neighbourhood Plan was submitted in September 2019. It requires at DN Policy 6 'The provision of Smaller Homes' with no more than two bedrooms on the highway frontage, but this proposal does not reflect the character of the area, or protect the existing mature trees in the rear garden, or parking conditions.

The provision of cycle storage is welcomed, but this does not reduce the need for adequate car parking provision for journeys outside of the area, contrary to DN Policy 16 'Transport and Parking'.

The Dore Village Society would welcome the development of a number of smaller apartments on the site within a two storey pitched roof building, with adequate car parking, that avoids a negative impact on residents privacy and amenities, and retains more mature planting and rear garden.

Objections

- Principle

Excessive development in a quiet residential area, and of a small site.

Removal of a family house and replacement with apartments is totally out of keeping with the sensitive location occupied by individual properties.

No site notices have been posted on the Lane.

2 planning appeals at 135 Dore Road have been turned down, as the two blocks of apartments would harm the character and appearance of the area, and living conditions of neighbouring occupiers. These decisions were clear and should be given significant weight.

The proposal is not in accordance with local or national guidance, or the Dore Neighbourhood Plan. (CS31, CS74, H14 and H15).

The density of properties per hectare for this proposal greatly exceeds that for the surrounding area.

The letters of support are from a local estate and a family member, and therefore should be ignored.

The proposal will create short term ownership, which induces a rootless population, with no commitment to 'place'.

- Design

A three/four storey block of apartments does not respect the local context and street pattern or scale and proportions of the neighbouring buildings which are two storeys.

The building appears as 3 storeys and not 2 storeys as described in the design and access statement, and is therefore inappropriate and unsympathetic.

The design is not subtle, but overbearing.

The roof height is 15 metres, with the north and south elevations particularly unattractive.

There are no other properties along Vicarage Lane which exceed 2 storeys.

Woodbine Cottages adjacent are Grade II Listed, based on a 17 century farmhouse. The proposal would be grossly inappropriate for this location.

- Highways

The road outside the site is very narrow (4 metres in width) and difficult to negotiate, near to the brow of a hill, near a 90 degree blind bend, having poor site lines and adjacent to a public footpath entrance. It is more like a rural lane and not a road.

Policy requires 2 spaces per apartment and a minimum of 2 visitor spaces, totalling 20.

Providing fewer on-site parking places than the normal planning policy requirement will lead to cars parked on-street, at this narrow section of road, close to the bend, where it is impossible for two cars to pass.

The existing pavement is unusable for prams, so pedestrians use the road.

The increase in traffic, on-street parking, and existing narrow sloping pavement will reduce visibility and compromise highway safety, for road users and pedestrians and cyclists.

The additional commercial vehicles to the 9 apartments would give rise to, and make the road even more impossible to negotiate.

The ingress/egress is difficult and dangerous.

Cycle bays are welcome, but will be used as much for recreation as for commuting.

Other sites which have been re-developed in the area are on much wider roads.

- Amenity

The massing of the large building will result in gross invasion of privacy to No. 17 which is immediately to the east, to the house and the garden. There will also be a significant increase in noise and disturbance at the rear causing a loss of amenity to No. 17.

The proposal would look directly into the garden and first floor windows of our house (139 Dore Road) reducing privacy.

The north facing elevation is two storeys high with a steeply pitched roof. Windows are proposed in both floors, which is only 6 metres away. This will impact on the adjacent property at No. 5, especially privacy to the bathroom roof windows and the garden. The massing and over-dominance, along with the reduced distance will result in significant loss of privacy and overlooking, contrary to Human Rights Act and Policy H5 of the UDP.

The 3 parking spaces on the north boundary will result in increased noise and disturbance.

Windows in the side at 3rd and 4th storeys will be intrusive to occupiers of No21.

The proposed garden area will be minimal.

- Others

There is already constant flooding due to surface rainwater, and old fashioned sewage and drainage which is insufficient. This development will add further pressure to the existing drainage system, with high numbers of occupants, and the removal of existing garden space for hardstanding and buildings.

Wildlife will suffer.

Neutral Representation

We do not want to stand in the way of progress, and hope that the planning authority takes steps to ensure the new building is in keeping with the surrounding area.

Support

The building will add one or two extra cars to the area, and be of a slightly bigger footprint and height, but will be far more attractive and in keeping with its surroundings, considering the wide variety and mix of house styles and designs.

The eco-credits including green walls and cycle storage is good.

There is sufficient parking on site for the units, being close to excellent local amenities, and given the demographics of potential occupiers, with the development set back from the highway.

There is a shortage of medium/large size flats in Dore for the ever ageing population within easy walking to the shops and services. The proposal is an excellent opportunity to provide good sized retirement living for those that still require guest rooms.

There are other similar developments at Blacka Moor Gardens, Totle Brook Road (top), Ryecroft Glen Road (off Dore Road), Ecclesall Road South. All are three and four storey built sympathetically.

PLANNING ASSESSMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) set's 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 at part d) 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:

(i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

(ii) 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.

Footnote 6 sets out a list of areas/assets of importance to which paragraph 11 (d) (i) relates. The only items relevant to the determination of this application are designated heritage assets.

Dore Neighbourhood Plan

The Dore Village Society makes reference to the 'Dore Neighbourhood Plan' The Plan proposal has been submitted to the Council (and Peak District National Park Authority) for examination. The statutory 6 week Regulation 16 publication and consultation has not yet commenced as it coincided with the commencement of restrictions resulting from COVID19.

Para 48 of the NPPF states:

'Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'

Policies are considered to have limited weight if there is no inconsistency with the NPPF, and no unresolved significant objections. These policies would then need to be considered alongside all other development plan policies and material considerations.

The weight and consistency of the policies referred to by the Dore Village Society is briefly assessed below for completeness.

The Dore Village Society make reference to Policy DN6 and DN16 in their representation. Policy DN6 lists criteria to be met to make it acceptable for new infill housing development in residential gardens of homes with no more than two bedrooms on a suitable highways frontage. These relate to highways, building line, plot ratios, design, character, trees and sensitive areas. This policy has no weight, due to inconsistency with NPPF para 16(b) and (d).

Policy DN16 requires development proposals to promote sustainable transport measures in and around Dore Village. Again, this policy has no weight, due to conflict with paras 16 (f) and 28 of the NPPF

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 street scene, and adjacent conservation area,
- 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 of the site.

--Land Use--

The application site falls within a Housing Area as identified in the Unitary Development Plan (UDP) for Sheffield. 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.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

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. Housing on greenfield sites should not exceed more than 12% completions, and part (b) be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

Policy CS23 and CS24 are open to question as they are restrictive policies, 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'.

In this instance, in accordance with the NPPF definition, the site is classed as greenfield, as it involves the development within the site of a residential garden. Completions on greenfield sites are well below the 12% figure, and furthermore, this is a greenfield site which does not have a building on it, and the new building is in a similar location to the existing building. In this regard CS23 and CS24 can be offered some weight, and the principle of developing this site within an existing urban area, and sustainable close to facilities within Dore is supported in policy terms.

--Housing Land Supply--

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 Local Planning Authority has recently updated its five year housing land supply position based on the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance. The Local Planning Authority has reached this figure by undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing the conclusions in a monitoring report.

Whilst the majority of CS22 carries limited weight, Sheffield now has a 5.1 year supply of deliverable housing units and can therefore demonstrate a five year supply, and this part of the policy is in compliance with the NPPF.

With regard to paragraph 11 of the NPPF, as Sheffield can demonstrate a five year housing supply, the most important policies in the determination of this application are not automatically considered out of date. The most important local policies in the determination of this application, which in this case revolve around housing land supply, design, amenity, highways, sustainability and landscaping, do, when considered as a collection, align with the NPPF. As such paragraph 11 (part d) is not applied in this instance.

Regardless of the 5 year housing land supply position the Government at paragraph 59 of the NPPF still attaches great weight to continuing to boost the supply of housing. The provision of 8 additional dwellings would make a small and helpful, contribution to meeting the City's obligations to maintain a 5 year supply of housing land in the future. It is considered that this should be given significant weight in the balance of this decision.

--Housing Density--

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

For a site such as this, within an urban area but not within or near to a District Shopping Centre or high-frequency bus route, CS26 (d) states that a range of 30-50 dwellings per hectares 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 Dore 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.

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.

Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in para 123 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Policy CS31 limits housing development at appropriate densities to infill and windfall sites in the urban area and developments in highly accessible locations. This reflects the approach of the NPPF whereby substantial weight to the value of using suitable brownfield land within settlements for homes is applied, however, additional land may be needed to meet future housing needs, and therefore moderate weight should be applied in determination of the application.

The application site is approximately 0.19 of a hectare, and the 9 proposed units would give a density of approximately 47 dwellings per hectare. This falls within the suggested range within the UDP, and 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 paragraph 122 of the NPPF.

--Design and Conservation Policy Context--

It is important to consider the impact on the character of the area. 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.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130 requires that planning permission should not 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.

The application site itself does not fall within a heritage asset, but sits adjacent to and could affect the setting of the Dore Conservation Area. The Conservation Area boundary lies immediately adjacent to the front (western) and side (northern) boundaries of the site. UDP Policy BE16 'Development in Conservation Areas' seeks to ensure that development would preserve or enhance the character or appearance of the Conservation Area. These principles are also material considerations in considering proposals which affect the setting of, or significant views into, or out of, the Conservation Area.

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 are considered consistent with the NPPF and so can be afforded significant weight.

--Design, Townscape and Impact on adjacent Conservation Areas Assessment--

The surrounding area is characterised by a mixture of building styles and designs. These are mainly in the form of residential dwellings, but vary significantly in size.

On the opposite side of Vicarage Lane is Dore Hall Croft which consists of 15 detached properties at a relatively high density. To the north of the site is a row of three small two storey terraced cottages that fall within the Conservation Area. Beyond this row of terraced cottages, is Woodbine Cottages which are Listed Buildings, and are approximately 37 metres away to the closest part of the site boundary. As you travel the other way along Vicarage Lane to the south, the dwellings consist of large detached properties set within substantial grounds. This mixture of house styles, designs and sizes is replicated within the wider surrounding area.

In this instance, the existing building on the site is of little architectural merit or historic interest and its demolition is acceptable in principle subject to its replacement. The removal of the dwelling has no impact on the Conservation Area setting. It is largely screened from view by significant frontage planting.

It is proposed to erect a building on the site, which is in a similar position to the existing. It does have a larger footprint than the existing building, with the existing being a maximum of 12.0 metres x 25.7 metres including the garage, and the proposed being a maximum of 17.4 metres x 29.7 metres. Whilst the replacement buildings footprint is larger than the existing, (approx. 460 square metres compared to approx. 250 square metres) it is considered to sit comfortably within the streetscape, being approximately 15 metres back from the site boundary highway, approximately 17 metres to the rear boundary, and set in from both side boundaries by 3.5m to the south and 6m to the north.

The existing building has accommodation over three floors, the ground floor, and first floor, with a games room within the basement/lower ground floor which is accessed internally.

The proposed building seeks to create an additional storey of accommodation above ground level. As a result, the ridge height which runs parallel to the road is higher by approximately 2.3 metres, with a further 1.3 metres to the top of gable features that have ridges running at right angles to the highway.

Again, the proposed building is clearly larger than the existing, but it does read as a two storey building with eaves level above the first floor, and accommodation within the roof space.

The proposed building is not read within the same context as the adjacent buildings as such. The houses to the north are small traditional terraced cottages which abut the back edge of the pavement, and the neighbouring property to the south is a large detached dwelling set back significantly from the highway and within large grounds. The proposed building will be more visible than the existing building on the site, but it will sit comfortably within the street scene, with sufficient separation between the existing buildings. It remains set back from the road, and with space between the building and the site boundaries which result in the building not feeling cramped or the site being over developed. There are a number of mature trees to the boundary with the highway in front of the proposal which are intended to be retained (with the exception of a Horse Chestnut which is discussed in the landscape section below). The acceptability of the increase in scale of the proposal does not rely on the presence of the trees, albeit they will screen the building to some extent.

Good quality materials are proposed which include natural stone and brick elevations under a pitched slate roof. The design takes a contemporary approach to a traditional villa, with central entrance feature, with bay window projections on either side. 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.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (the adjacent Dore Conservation Area in this instance), 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 the heritage assets setting. Paragraph 195 and 196 go on to say that where a proposed development will lead to substantial harm, or 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.

In this instance, it is considered that this well designed replacement building, will create no harm to the setting of the Dore Conservation Area which is opposite and to the north, and nor to the Listed Building which is located approximately 37 metres away from the site to the north on the opposite side of the terraces at No. 7-11 and therefore no public benefits will need to be demonstrated.

Overall, the building is well designed and subject to satisfactory building materials being used, a good quality scheme can be achieved and the proposals comply with Policies BE5, BE16, H14 and CS74, along with the above quoted paragraphs of the NPPF.

--Sustainability--

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing 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 substantial weight.

The site is in a sustainable location in respect of access to local amenities and public transport. For example, it is within a reasonable walking distance (approx 275 metres walking along Vicarage Lane) of the amenities available within the Dore Local Shopping Centre.

In addition, the scheme will incorporate sustainable drainage systems, including green roofs to the carports, which will result in reduced surface water run-off rate (see Drainage Section below).

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 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 substantial 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 high performing insulated building envelopes, low energy lighting, natural ventilation, and Photovoltaic Panels to the south roof slope and to the carports.

The scheme also includes a number of further features that add to its sustainability credentials, including the provision of several areas of green roofs and secure cycle parking.

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

--Highways --

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 H14 'Conditions on Developments in Housing Areas' part (d) and 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.

At present there is an existing vehicular access point towards the northwest corner of the site onto Vicarage Lane. This application seeks to utilise this existing access.

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. This would give a maximum figure of 20 spaces in accordance with the guidelines.

The site is located within the main urban area, and within approx. 275 metres walk along Vicarage Lane of Dore Local Shopping Centre. The shopping centre has a variety of facilities and services and there are regular buses running through Dore serving the wider area.

The scheme proposes 6 x 2 bedroom units and 3 x 3 bedroom units, 9 in total. There are 14 car parking spaces proposed. Owing to its sustainable location, allowing 1 space for each of the 2beds, and 2 spaces for each of the 3beds, would give a requirement for 12 spaces. The proposal includes 14 spaces, which would give 2 spaces to visitors.

This is an approach that is consistently taken on similar scenarios, which are within the main urban area, and is considered to meet the required justification in paragraph 106 of the NPPF.

Secure cycle parking is provided within basement of the building with a ratio of 2 cycle spaces per unit. This is welcomed and will encourage a different mode of transport.

On this basis, the proposal would be considered to meet Policies H5 (c), 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 H14 'Conditions on Development in Housing Areas' part (c) and H5 'Flats, Bedsitters and Shared Housing' requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

The NPPF at paragraph 127 Part (f) requires a high standard of amenity for existing and future users.

The UDP policies are therefore considered to align with the requirement of paragraph 127 so should be given significant weight in the context of carrying out an analysis of whether or not a proposal complies with the development plan.

- Impact on Neighbouring Occupiers

The closest neighbouring properties to the north are the terraced cottages at No's 7-11 Vicarage Lane, (with 11 being the closest) along with No. 5 which is behind the cottages. To the east of the site is No. 17 Vicarage Lane, a large detached dwelling in substantial grounds. To the south is the access driveway which serving No. 17 and also No. 19. No. 19 Vicarage Lane and then Barncroft and Silverlee are beyond to the south. On the opposite side of the road is the large detached Vicarage and No. 1 Dore Hall Croft.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include that two storey dwellings which face directly towards each other should be a minimum of 21 metres, and that rear garden lengths should be at least 10 metres, to ensure that privacy is retained. 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.

-Overbearing/Overshadowing

No. 17 Vicarage Lane is located to the rear (east) of the application site. The replacement building will extend closer to the rear boundary by between approximately 1.9 and 3.9 metres (the existing buildings rear elevation is staggered). This brings the proposed building to approximately 16.7 metres to the rear boundary, which is shared with No. 17. No. 17 is then positioned approximately 4 metres away from this shared boundary, with a distance of approximately 20.7 metres between buildings. There are no upper floor windows in the side of No. 17, with windows mainly in the front and rear. Although the proposal will be taller, wider and closer to the boundary with No. 17, because the buildings are at right angles, and there is a distance of approximately 20.7 metres between the two, it is not considered that the proposal would adversely overbear, overshadow or have an over dominating impact on occupiers of No. 17.

No. 11 Vicarage Lane sits at the back edge of the footpath, with the proposed development set back from the highway by approximately 15 metres into the site. The proposal is positioned approximately 18 metres from the rear of No. 11, and this is at a splayed angle. The proposed eaves are set between the first and second floor level, and the roof will slope away from No. 11 Vicarage Lane. Although the building will be more visible it is not considered to create a level of overbearing or overshadowing which will be to an unacceptable level.

No. 5 is positioned to the north of the site and has its rear elevation and garden facing towards the application site. The proposed new building is set approximately 6.5 metres away from the north boundary of the site. There is then a 2 metre public

footpath, and on the other side, the garden serving No. 5 which is approximately 10 metres long. No. 5 then has windows in the rear facing towards the site. There is a distance of approximately 18.5 metres between the rear of No. 5 and the proposal, but this is at an angle and not directly in front of the whole of the rear elevation of No 5. Although the building will be more visible, it is not considered to create a level of overbearing or overshadowing to the occupiers of No.5 which will be to an unacceptable level.

No. 19 Vicarage Lane is positioned to the south of the application site. The replacement building sits on a similar footprint being set back approximately 3.5 metres from the southern boundary, albeit it does extend approximately 1.8 metre closer to the east (rear) boundary. The majority of windows in No. 19 are positioned away from the proposal, with the exception of windows in the gable feature facing the shared driveway, and beyond to Vicarage Lane. The proposal is not considered to adversely overshadow these windows, owing to the orientation, but the south elevation will be taller than the existing building. However, this increase in height is not considered to be to an adverse level that would overbear or have an over dominating appearance. The eaves are set between the first and second floor level, and the roof will slope away from No. 19 Vicarage Lane. Barncroft and Silverlee which are also to the south beyond No. 19 are considered to be sufficient distance away from the proposed alterations to have no negative impact through overbearing or over dominance.

All other properties including those on the opposite side of Vicarage Lane are considered to be sufficient distance away from the proposed building so that no detrimental overbearing or overshadowing will be created.

-Overlooking

Main habitable windows and two balconies/terraces are proposed in the front elevation facing towards the highway. The balconies are small in size and set in from the side elevations of the building, and are not considered to create any adverse overlooking, with the main aspect from the windows/balconies towards the highway.

The rear of the property faces towards the rear garden area of No. 17 Vicarage Lane. There is a distance of approximately 16.7 metres to the rear of the site. The SPG has a guideline of 10 metres to rear boundaries to prevent adverse overlooking. This is a broad guideline, and aimed at house extensions, but the principle of the 10 metre guideline is used in new housing schemes. The existing building on the site contains a single family dwelling, which does have an elevated terrace on the rear. This proposal is for a larger building, which does contain more windows and therefore more overlooking will be created to No. 17 at the rear.

With No. 17 being positioned at right angles, and with a distance of approximately 20.7 metres between the buildings at their closest, it is not considered that the windows in the rear of No. 17 will experience any overlooking owing to the angle. No. 17 does have a long garden which runs along the entire length of the rear boundary of the site. Views from the proposed ground and lower ground floor windows will be screened by the existing hedge and the carports to be located in front of the hedge. A section drawing has been submitted which shows that the views from the first floor

windows taken at a height of 1.7 metres will primarily be over the hedge and not into the majority of the garden of No. 17. It is only at a distance of approximately 35 metres from the rear elevation of the proposed building that that a person stood in the garden of No.17 would be visible to a person looking from the first floor balcony of the development.

The second floor terraces are further elevated and more of the garden will be visible. It is at a distance of approximately 26 metres from the rear elevation of the proposed building that that a person stood in the garden of No.17 would be visible to a person looking from the second floor balcony of the development.

Whilst it is acknowledged that occupiers of No. 17 will experience some overlooking from the proposed building, it is not considered to be at level which would be harmful. There is a distance approximately 16.7 metres to the rear of the boundary which does consist of a 4 metre high hedge. It is intended to retain this hedge. However if the hedge for some reason is reduced in size or removed, the proposed carports with green roofs will provide a similar level of screening.

Outlook from the upper floor windows of No. 17 will be of the carport structure which is to have a green roof over the majority, and will screen the 8 parking spaces along this boundary. 3 parking spaces are to be under the building, with the 3 open air parking spaces located adjoining the public footpath which runs along the north boundary of the site.

There will be some noise from cars manoeuvring in this area, but this will be screened by the carport structure which will also prevent car headlights shining into the garden at No. 17, and the public footpath and boundary treatment to the north.

It is proposed that all of the glazed balconies to the rear are fitted with obscure panels. This will help to reduce the overall perception of overlooking from the balconies, and also from the windows and doors beyond which open out onto the balconies.

The south elevation of the building proposes windows at ground floor level and lower ground level. These will look towards the existing boundary treatment and are considered not to cause any adverse overlooking. Three windows were originally proposed at first floor. These were all secondary windows and had the potential to overlook owing to their elevated position and close proximity to the boundary. Amended plans have been received removing these windows from the plans. Several roof lights are proposed serving the accommodation at second floor level. These are positioned at high level with cill heights well over 1.8 metres from the floor of the room they serve. No overlooking will be created from these windows, which will just provide light, and an outlook of the sky.

Similarly, the north elevation contains windows at ground floor level which will look towards the existing boundary treatment. Again, the two secondary windows to the first floor have been removed to prevent overlooking to those properties to the north. Several roof lights are proposed serving the accommodation at second floor level. These are positioned at high level with cill heights well over 1.8 metres from the floor

of the room they serve. No overlooking will be created from these windows, which will just provide light, and an outlook of the sky.

- Amenity for Future Occupiers

The proposed dwellings are considered to provide a good outlook from main habitable rooms, providing a quality living accommodation for future occupants with more than sufficient private amenity space.

All of the units are in excess of 100 square metres in area, which provides a good sized level of internal accommodation for a 2 or 3 bedroom apartment.

Unit 1 which is to the basement has a private garden area which runs along the rear and side of the building. There is only a distance of approximately 3.3 metres to the edge of this private garden area, with a wall separating the communal space. Whilst this is quite restrictive, there is an outlook up and over the communal space, so sufficient light will be provided to occupiers of this apartment and furthermore there is approximately 50 square metres of private garden space.

The three units to the ground floor all have private garden spaces to the front of the building, with an outlook from main living room spaces over this space. Bedrooms are in the rear and have an outlook over the rear of the site. An area of defensible landscaping is proposed to the bedrooms in Unit 4 which are closest to the car parking. The first floor units have terraces overlooking the front garden area, and two terraces are proposed to the rear. These are all approximately 6.5-7 square metres. The second floor units have terraces on the rear which are approximately 11 square metres.

In addition, approximately 100 square metres of communal garden space is proposed (excluding the existing mature hedge running along the boundary).

It is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, or on occupiers of the proposed new dwellings. Accordingly, the proposal complies with UDP policy H14 and paragraph 127 of the NPPF.

--Trees/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 to integrate existing landscaping features.

The application is accompanied by an arboricultural report. The survey included 7 trees or groups. In summary T1 (Horse Chestnut) and T7 (Cherry) were found to have defects and both are poor specimens (category rating of C) and recommended to be removed. T1 is located along the front of the site, and does not need to be removed to facilitate the development, its removal is because of its defects. T7 is located to the rear of the site, and whilst it is required to be removed to allow for access to the rear/ car parking spaces, it is located to the rear of the site and does

not contribute to the appearance of the street scene or the adjacent conservation area.

The survey considered T6 which lies outside the site to be of high value, and T2 and T3 which lie on the frontage of medium value (category B). The survey considered all other vegetation to be of low value and would not be considered as a constraint to development.

The vast majority of the existing mature landscaping will be retained to the front, and additional landscaping is also proposed to the landscaped frontage and communal rear garden. This provides a positive visual amenity to the street scene, and the adjacent conservation area.

Overall, it is considered the proposal will not have a harmful impact on the existing landscaping, and the protection of the retaining trees on the site can be controlled through a relevant condition.

In this context the proposal does not conflict with policies GE15 and BE6 of the UDP.

--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 seeks to reduce the extent and impact on flooding.

In this instance, the areas of hardstanding could be constructed from a porous material, which would restrict surface water run-off and to ensure any alterations are to a minimum. In addition, the green roofs on the proposed car ports will help to absorb rainwater and minimise surface water run off from the site. Reducing the surface water discharge from the site can be secured by an appropriate condition and as such there is no conflict with policy CS67

--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 5. Within this zone there is a CIL charge of £80 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

RESPONSE TO REPRESENTATIONS

The majority of comments raised in the representations have been covered in the report above. Those which haven't are included below:

- A site notice was posted on the 30 January, and then reposted on the 4th February and the 6th February 2020 after reports that it had been removed.
- Letters of support have been received, and full postal addresses have been supplied. It is noted that one lives some distance away, and the others are S17 and S11, but are not immediate neighbours.

SUMMARY AND RECOMMENDATION

The application seeks permission to demolish the existing building on the site, and to erect 9 units within a single building. The pursuit of sustainable development is the overriding aim of national planning policy, and this site is within the main urban area, with the proposal being at an appropriate density, and the provision of these 8 extra units (over and above the existing dwelling) would be a helpful contribution to Sheffield's housing land supply.

The overall design, scale and massing of the proposal is considered to be acceptable, and will not adversely impact on the surrounding street scene, or setting of the adjacent conservation area.

The proposal will not impact on the amenity and living conditions of existing adjoining residents to an adverse level, with a good level of amenity afforded to future residents.

The majority of trees and soft landscaping within the site is to be retained, and supplemented with new planting, and the removal of the 2 trees (T1 and T7) will not impact on the overall character of the site or surrounding street scene.

Access to the site is via the existing access, and the proposed parking arrangement is considered suitable. Whilst parking ratios are not to maximum levels, it is considered in this location close to the local shopping centre and facilities, 1 space for the smaller units, and 2 spaces for the larger units, along with 2 visitors spaces is acceptable and will not prejudice highway safety.

As such it is considered that the proposal meets the relevant requirements of the National Planning Policy Framework, UDP and Core Strategy Policies as listed and discussed in the sections above, and it is recommended that planning permission is granted subject to relevant conditions.

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	North and West
Applicant/Agent	Mr Gary Campbell – Campbell Homes Limited
Recommendation	Grant Conditionally
Decision Issued	19.02.2020

UPDATE NOTE

The purpose of this report is to update Committee Members on the recent S73 planning approval at Loxley Works. The application (Ref: 19/01832/FUL) was approved at the Planning and Highways Committee held on 18 February 2020. Minutes of the committee meeting at Section 6d.5 (3) state that ‘a report be submitted to the Planning and Highways Committee in six months time to ensure that the work had been carried out to the satisfaction of the Council.’

The application related to the removal/variation of a number of conditions attached to the original permission on the site (Ref: 12/00585/FUL), which approved consent for the erection of 11 dwellinghouses. The application was submitted in order to regularise unauthorised works carried out and to address surface and foul drainage issues.

Condition No. 25 of the 2020 permission stated that the proposed surface water drainage design shall be submitted for approval within 8 weeks of the date of the decision, and the works shall be carried out no later than 6 months from the date of the

decision. In respect of this condition no details have been submitted by the developer as required by condition.

Condition No. 26 of the 2020 permission stated that the approved foul drainage system shall be installed 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 YW. The conditions goes on to say that the LPA shall be notified in writing of the installation date a minimum of 14 days before the approved foul drainage system being installed.

The completion date for when both these drainage systems should be installed is 18 August 2020.

The developer has confirmed that this date will not be met. The developer has advised officers that this delay relates largely to implications with respect to the Covid-19 pandemic. Matters relating to an ongoing legal process have also been raised but this is not a planning consideration.

With comments in relation to Covid-19 noted, this is a long running issue that needs to progress to a conclusion and, subject to agreement from Members, officers are intending to begin enforcement action against any breach of planning should the previously agreed six month timeframe not be met. The alternative would be to use discretionary powers in relation to enforcement action to offer a further extended period for the developer to comply with the noted conditions.

**Place Directorate
City Growth Department**

Planning Services
Howden House 1 Union Street Sheffield S1 2SH



Officer: Marcus Young
Ref: 19/01832/FUL (Formerly PP-
07866120)

Tel: (0114) 20 37860
19 February 2020

Collinshallgreen
Mr Simon Collins
Courtwood House
Silver Street Head
Sheffield
S1 2DD

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING PERMISSION**

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,

Applicant: Mr Gary Campbell - Campbell Homes Limited

Planning permission is hereby **GRANTED** for the above-mentioned development in accordance with the application deposited with the Council on 21 May 2019 together with the relevant plans, including any amendments now agreed, subject to the following condition(s), in each case followed by the relevant reason:-

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 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 120 P03 (External Works Drainage Remediation Plan), C470 121 P02 (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.

The Local Planning Authority shall be notified in writing of the installation date a minimum of 14 days before the approved foul drainage system is installed and shall be given the opportunity to witness its installation. Thereafter, the approved foul pumping station and drainage apparatus shall at all times be serviced and maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to it being brought into use.

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.

Please Note: There may not be conditions under each heading.

Date of Decision made by the Council's Planning & Highways Committee

19 February 2020

Planning Service Sheffield City Council

Attention is drawn to the following directive(s):

1. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at www.planningportal.gov.uk. There are fees, which are also set by the Government.
2. 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.

Attention is drawn to the following informative :

Sheffield City Council is a Community Infrastructure Levy (CIL) Charging Authority. Therefore, your development may be CIL liable if it falls within the categories on our CIL Charging Schedule which can be found at <http://www.sheffield.gov.uk/cil>. (Householder extensions under 100 square metres are not CIL liable). If your development is CIL liable 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.

NOTES

The term 'true conditions precedent' is used to mean a condition that expressly requires that development shall not commence until the condition has been complied with, and is central to the consent. Development commencing without complying with these conditions would be unlawful.

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act, 1990.

Enforcement - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice. If you want to appeal against your Local Planning Authority's decision on our application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Householder - If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

Minor Commercial - If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

All Other Applications - If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

Notes Regarding Access for Fire Service

Notwithstanding this planning permission, attention is drawn to Section 55 of the South Yorkshire act 1980 which requires that any application made under the Building Regulations shall be rejected unless, after consultation with the Fire Authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

Any queries in this respect should be directed to:-

South Yorkshire Fire and Rescue, 197 Eyre Street, Sheffield, S1 3FG. Telephone: 0114 2727202

Demolition

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

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 273 4170 email buildingcontrol@sheffield.gov.uk

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

Officer Report

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 20th 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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