

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 16/09/2014

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* 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.

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Case Number	14/02739/FUL (Formerly PP-03545500)
Application Type	Full Planning Application
Proposal	Application to remove condition No. 7 (retention of car parking area) - an application under Section 73 as imposed by planning permission No. 01/00240/FUL - Alterations and erection of canopy to front entrance and alterations to rear elevation and external area
Location	Robin Hood Hotel Millhouses Lane Sheffield S7 2HB
Date Received	24/07/2014
Team	South
Applicant/Agent	The JTS Partnership
Recommendation	Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of five years from 21 May 2001.

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

- 2 Before the development is commenced, full details of the proposed external materials and screening to Air Handling Unit shall have been submitted to and approved by the Local Planning Authority.

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

- 3 Before work on site is commenced, full details of suitable access and facilities for disabled persons, both to and within the building and also within the curtilage of the site, shall have been submitted to and approved by the Local Planning Authority and the building shall not be used unless such access and facilities have been provided to the satisfaction of the Local Planning Authority and thereafter such access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 4 Before the development is commenced, full details of the proposed external materials shall have been submitted to and approved by the Local Planning Authority.

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

- 5 All extraction fans serving the four gas fires within the building shall be turned off at closing time, or 2300 hours, whichever is the later.

Reason; In the interests of the amenities of the occupiers of neighbouring residential property.

- 6 Within one month of the building becoming operational in accordance with the approved plans, a noise survey shall be carried out and submitted to the Local Planning Authority for approval to ensure that the works implemented comply with the level of 45 dB(A)L Aeq as specified in the noise report provided in support of the planning application.

Reason; In the interests of the amenities of the occupiers of neighbouring residential properties.

Attention is drawn to the following directives:

1. The applicant is advised that condition Nos 1 to 6 were imposed by planning permission No.01/00240/FUL (formerly 9B/0063P) and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

- The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

### Site Location



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### INTRODUCTION

Members will recall that an application for planning permission for a 'jumbrella' and associated works on the existing public house car park was refused at the Committee meeting on 15 July 2014 (ref 14/01363/FUL). The decision overturned the Interim Head of Planning's recommendation to grant planning permission. The reason for refusal was:

The Local Planning Authority consider that the development would result in inadequate parking provision for the public house, and would displace existing parking provision onto surrounding streets, which would have a detrimental effect upon the amenities of local residents and local businesses owing to the lack of car parking provision in the area surrounding the site. As such the proposal is contrary to the aims of Policy H14 of the Unitary Development Plan for Sheffield.

This application is to remove a restrictive planning condition from an earlier planning permission that requires the car park to the public house to be retained.

## LOCATION AND PROPOSAL

The application relates to a historic public house at the junction of Millhouses Lane with Springfield Road. The building is on a triangular site and directly faces the road junction which is close to the signalled junction of Springfield Road with Abbeydale Road South. The site has frontages of approximately 50 metres to both Millhouses Lane and Springfield Road. Directly to the front of the building is a car park and 3 flights of steps up to the raised main entrance into the building.

The car park is marked out to provide 12 parking spaces which line the boundaries with the road frontages. A small shrub bed and a tall freestanding signage column are at the head of the car park at the road junction. There is a terrace to one side of the building abutting Springfield Road which accommodates 3 tables/benches. To the rear is a further external seating area with several more tables/benches and a smoking shelter. There is a small service yard area accessed from Springfield Road towards the rear boundary of the site.

On the opposite side of Springfield Road is a row of dwellinghouses which follow a strong building line some 11m behind the road frontage. On the opposite side of Millhouses Lane is Millhouses Methodist Church which also has a frontage to Whirlowdale Road. There is no access from Whirlowdale Road to Millhouses Lane.

The application is to remove the restrictive planning condition from a 2001 planning permission (ref 01/00240/FUL) that requires the car park to be retained. Removal of the condition will enable the majority of the previously refused proposals (ref 14/01363/FUL) to be implemented without the need for planning permission.

## RELEVANT PLANNING HISTORY

Planning permission for landscaping works to the front of the building, including the erection of a 'jumbrella' was refused in July 2014 (see Introduction above) (ref 14/01363/FUL).

Planning permission for a front canopy, alterations to the rear elevation and alterations to the rear external area was granted in 2001 (ref 01/00240/FUL). This permission includes the condition that is the subject of the current application. The relevant condition states:

The existing car parking area within the site shall be retained and no obstruction to the parking of vehicles shall be caused in this area at all times the premises are open for business.

The reason stated for the imposition of the condition is 'In the interests of traffic safety and the amenities of the locality'.

Planning permission to construct means of vehicular access to the existing car parking spaces from both road frontages was granted in 2009 (ref 09/01599/FUL). The permission was not implemented and expired in 2012.

Permission to retain an unauthorised smoking shelter at the rear of the building was granted in 2008 (ref 08/01811/FUL).

## SUMMARY OF REPRESENTATIONS

36 representations have been received from nearby properties and other interested parties objecting to the removal of the condition. The objections are summarised below:

### Car Parking

- Already a lack of parking in the general area which impacts on residents and businesses
- Difficult to find parking spaces at lower end of Springfield Road at some times of day e.g. when dentist at No40 is open and when contractors park to work on properties
- Reduction already been opposed by residents and previous proposals resulting in reduction have been refused by Council
- Loss of this facility for pub customers will inevitably increase number of cars forced to find parking on the nearby roads leading to added congestion and pollution, and increased potential for more noise and disturbance to the local residents
- Car park full at 18.45 on Saturday night (16 Aug) - pub is equally busy and cars are parked all the way up one side of Springfield Road
- 19 local businesses close to the traffic light controlled junction who also need their customers to be able to park on the streets, as does the Methodist church and the dentists in Springfield Road. The Robin Hood's own delivery trucks already struggle to find sufficient space - removal of car park and the resulting increase in street parking would lead to more occasions when the trucks would park across the drives of residents or impede the traffic up and down the road (which is also a bus route)
- Cars usually park on the pavement causing obstructions for pedestrians and also obscuring view of drivers when leaving parking spaces in front of their houses
- Frequently pub visitors park partly on double yellow lines in Springfield road which prevents reverse parking into drive (14 Springfield Road) and requires 3-4 point turning manoeuvres (37 Millhouses Lane) - situation will be made worse

- (photos submitted) - intended to demonstrate that pub parking is not used by commuters - 2 cars parked at 10:45 (Wed 30 April); 5 cars parked at 12:29; 3 cars parked at 19:26; 9 cars at 19:52; 2 cars at 13:46 (Thu 1 May); approx. 8 cars at 19:58; 1 car at 11:39 (Sat 3 May); 2 cars at 9:30 (Wed 7 May); 5 cars at 12:18; 10 cars at 21:13. A photo of a large delivery vehicle parked in Springfield Road is also shown. The photographer says that the photos are a true reflection of the situation
- Robin Hood should have its own car park, as do all other pubs in area - pub visitors cars would take up local parking spaces for prolonged periods of time meaning that anyone trying to park for 10-15 minutes to purchase food from one of the four take-aways would not be able to do so - need for transient parking spaces in evenings
- Since charges were introduced at Millhouses Park we also get people parking for this amenity in Springfield Rd. Losing any more parking spaces would be a disaster for local residents
- Old and infirm church-goers need to be dropped off close to Church door - increased parking would impact on this
- Pub should accommodate its own customers - their problem, not their neighbours
- Bus drivers in Springfield Road sometimes have difficulty negotiating due to parking
- Existing provision for disabled parking is totally inadequate – too short, too narrow, not properly marked out, poorly signed and accessed over a raised kerb – requests that applicant is encouraged to improve parking provision for disabled and also to provide improved direct access into pub for disabled

#### Removal of Condition

- Condition not opposed at time (in 2001) and car ownership and congestion has increased in last 13 years and traffic levels will increase further when Abbeydale School development is completed
- Impossible to see how the condition is not relevant as proposed alterations can only be carried out with substantial reduction in parking spaces
- (ex-Councillor Sylvia Dunkley) Recalls that Members were reluctant to grant permission in 2001 and condition was imposed to try to address some of major parking problems at bottom of Springfield Road, Millhouses Lane and Whirlowdale Road - situation is worse now with huge competition for parking spaces from residents, shoppers, Church goers, pub goers, takeaway users and commuters who use the area as a park and ride facility
- No benefit to the local community in the removal of condition no. 7, and no reason why the largest business in the environs of the Abbeydale Rd/Millhouses Lane junction should be permitted to stop offering parking to its customers

#### External Area

- Could result in a large outdoor drinking area creating noise and litter etc near many residential properties
- Will spoil character of area

- Removal of car park and erection of a canopy would restrict available parking and impact on parking in the immediate vicinity of the pub and shops and would bring noise and intrusion in the evenings
- This is a family residential area, with young families in the immediate vicinity, whose peace would be disturbed by people drinking/dining/smoking outside in the evening
- Young family directly opposite have been close to reporting increased noise to Police since pub trading hours were increased to midnight but have resorted on a regular basis to raise these issues with the on-site pub manager
- Glasses are left on tables on very regular basis - health and safety risk - and drinkers are left to carry on inappropriately loud conversations past trading hours after staff have left
- Removing car parking spaces will potentially attract customers who are only interested in drinking (as opposed to dining) - noise levels would be unbearable and issues would increase, along with increased annoyance of taxi drivers dropping off and picking up into early hours
- Visually intrusive: aesthetically unpleasing and loss of visual amenity
- Use of outdoor heating and lighting is environmentally unfriendly
- Potential increase in light pollution and noise
- Object to anything which could lead to outside drinking and can't understand why the brewery would want to remove parking spaces, unless it was intending to create a new drinking area
- Have young children and need to keep the windows closed to ensure they are not woken up by loud noise (36 Springfield Road)
- Conversation outside pub clearly audible when windows open and have young children (26 Springfield Road) - enjoy having quiet local pub but needs to remain quiet
- Objects to any future application for a jumbrella

#### Other Non-Planning Matters

- Applicant has had no regard for the feelings of the local community who are totally opposed to this
- Company with a turnover of nearly £1.9 billion will feel it can ride roughshod over the views of the planning committee and local residents and hope, that by renewed appeals, people will lose interest - begs question of amount of ratepayers money the Council is having to spend dealing with this matter
- Any alteration to existing set up would block view of church and privacy in front rooms would be reduced significantly (14 Springfield Road)
- Mitchell and Butler in asking for the removal of the condition to retain a car park are being ultimately selfish and not considering the impact on the rest of the community

#### Millhouses Traders Association objects:

- Local centre of Millhouses has been hit hard by the development of 3 supermarkets in recent years and the increase in car usership and the chronic shortage of car parking in the vicinity has been another factor

- undermining the viability of the 15 local businesses. On the main road by the shops are two bays with, between them, only 9 car parking spaces
- If the Robin Hood is allowed to close its only car park, this would displace a further 10 cars to compete for the available parking - would be particularly damaging at lunch times and in the evenings when the 3 takeaway food outlets are dependent on their customers being able to park briefly, with frequent and rapid turnover, close to their shops
- Approval of this application would undermine the customer base of all the other businesses in the area
- Millhouses Methodist Church (opposite in Millhouses Lane) have reiterated their previous concerns about the loss of the car park:
- A number of Church members are elderly and/or disabled, and already have difficulty parking near the church for weekday meetings as well as on Sundays
- Many community groups also use the Church building in the evening
- Congregation had therefore hoped that the Council might take this opportunity to address the wider issue of parking in the Millhouses area, which has been exacerbated by the introduction of parking charges in Millhouses Park - if the Council is not minded to do so, then we urge that at least it does not aggravate the problem by permitting the displacement of pub users' cars onto the street

Carter Knowle & Millhouses Community Group object to the removal of the condition:

- Planning officer dealing with the 2001 application recognised the inadequacy of the parking-provision and refer to a UDP guideline of between 59-64 car spaces, although he recognised that the site had no capacity for extra provision. He also noted that this already impacted on the local area with considerable customer car-parking on neighbouring roads. Also noted difficult to argue any intensification of use which might have given grounds for refusal
- Not clear whether condition was recommended by the Officer or imposed by Members but clear that Condition was a response either to the physical addition of the extra steps and/or to the concern over the impact of any extra traffic and car-parking on nearby roads
- Applicant contends that condition was 'unnecessary' and 'not relevant' (having regard to 2 of the 6 tests for validity of conditions) but have ignored other 4 tests
- Condition was necessary to make the application acceptable in planning terms - physical alterations had the potential to encroach on the car-park and reduce parking spaces on site and impact on street parking
- if potential impact of development was to threaten to reduce car-parking provision, then clearly it was relevant and justified to impose the Condition - development did threaten to contribute to and exacerbate existing problems
- condition meets 'enforceable' and 'precise' tests
- condition meets 'reasonable' test - all other comparable outlets in the immediate area (2 public-houses and 2 restaurants) have parking provision



and so do most pubs in wider area - why should Robin Hood not do likewise?

- Applicant did not contest condition at the time
- Planning Committee, in refusing most recent application, implicitly refused to accept the Planning Officer's interpretation of necessity of the 2001 condition, and substituted their own, more common-sense judgement stated in reason for refusal - therefore implicitly accepted that this situation had been unacceptable in 2001, and was even more unacceptable in 2014
- Car-parking in the area is already inadequate, and under pressure, and this is damaging to local residents and businesses
- Contests Senior Planning Officer's view that very few businesses relied on local parking - there are a number of businesses that rely on roadside parking for customers, some of which are elderly and rely on vehicles for access to shopping centre
- Applicant's car parking surveys not reliable - inconsistencies with evidence and local resident's evidence/photos
- Condition required to be removed so applicant can implement original proposals - 2014 Committee report acknowledged potential noise and disturbance and loss of privacy but discounted this consideration on grounds of fall-back position - fall-back position contradicted by current application and impact on residential amenity should therefore carry considerable weight - would be unjust if technical loophole avoids consideration

## PLANNING ASSESSMENT

Determination of this application is dependent on whether the original planning permission in 2001 (01/00240/FUL) could have been satisfactorily implemented in the absence of the condition proposed to be removed. If it is considered that the proposals in the 2001 application (i.e. the erection of a front canopy, alterations to the rear elevation and alterations to the rear external area) could not reasonably have been granted without imposing Condition 7 (i.e. retention of the car park and keeping it free from obstruction during opening hours) then it is reasonable to refuse this application to remove the condition. If it is considered that the planning permission could have been satisfactorily implemented in the absence of Condition 7, then there is little option but to grant this application to remove the condition.

The National Planning Practice Guidance (PPG) states that conditions should not be imposed in a planning permission unless they meet all of the following test criteria and are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

The 6 conditions tests in the PPG reflect those in the cancelled Circular 11/95 (Use of conditions in planning permissions) that was in force when the 2001 permission was granted.

In addition the PPG confirms that 'a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the development'. Again this reflects similar provisions in Circular 11/95.

The 2001 condition appears to have been imposed by Members rather than recommended by Officers. The relevant Committee minutes confirm that Members resolved to attach an additional condition to ensure that access to the car park would not be obstructed. This led to a requirement to retain the car park. The officer's report noted that it would be difficult to demonstrate that the proposals would lead to any intensification of the use of the site which might have justified the car parking requirement. It also notes that the proposals would result in a net reduction of 19 square metres of public area within the building (leaving 237 square metres in total).

It is assumed that the condition was considered by Members to have been justified as a result of a significant shortfall in car parking provision on site relative to the Car Parking Guidelines at that time. However, it is possible that it could have been imposed to safeguard residential amenity by preventing any additional outside drinking areas, in addition to the parking issues.

It is your officers' view that the condition cannot reasonably be described as necessary to the granting of the 2001 planning permission or relevant to the alterations that were subject of the 2001 proposals. The alterations were considered acceptable in their own right at that time and the Officer's report noted that it would be difficult to demonstrate that they would lead to any intensification of the use of the site which might have justified the car parking requirement.

Given that the floorspace was reduced as a result of the 2001 proposals, it is difficult to justify imposing a condition to ensure protection of the existing car parking provision as the car parking provision could not be required as a result of the alterations proposed at that time. This line of reasoning indicates that the condition did not satisfy tests 1 and 3 to the PPG. In the 2001 context of the application submission, when Circular 11/95 was in force, it is worth noting the reference in para 25 of that circular which states that a condition 'must also be justified by the nature of the development permitted'. It could not reasonably be argued that the alterations and reduction in floor space would lead to an increase in parking on the site, and the condition should not therefore have been imposed to remedy a pre-existing issue not created by the development.

It is clear that the existing level of provision falls significantly below the level of provision recommended in the Car Parking Guidelines which suggest a need for 59 spaces relevant to the size of the internal public areas. It is also clear from the representations received in connection with the 2001 and the 2014 applications that parking issues are a real concern for local residents and businesses, despite the results of the car parking surveys that were undertaken by the applicant in support of the recent 'jumbrella' application. The surveys indicate that there is

adequate capacity for the loss of 10 parking spaces to be taken up on-street. Of course, removal of the condition could result in the loss of 12 parking spaces if the applicant chooses to also remove provision for 2 disabled parking bays which could further increase on street demand.

Whilst understanding the concerns about increased pressure for on street parking as a result of removing the condition, they cannot justify retaining a condition that appears to fail the PPG tests (as well as those in Circular 11/95) on the grounds of not being necessary or relevant to the 2001 proposals.

## RESPONSE TO REPRESENTATIONS

The validity of the condition is considered above. The remaining concerns in respect of noise and disturbance from potential future use as an external drinking area (as proposed in the jumbrella application) do not justify retention of a condition that is considered to fail the PPG criteria.

With regard to the request for improvements of provision for disabled access, there is no facility to secure any improvements as part of this application to remove a planning condition.

## SUMMARY AND RECOMMENDATION

Determination of this application is dependent on whether the original planning permission in 2001 (01/00240/FUL) could have been satisfactorily implemented in the absence of the condition proposed to be removed.

The alterations that were permitted in 2001 were considered acceptable in their own right at that time and the Officer's report noted that it would be difficult to demonstrate that they would lead to any intensification of the use of the site which might have justified the car parking requirement. Whilst understanding the concerns about increased pressure for on street parking as a result of removing the condition, they cannot justify retaining a condition that appears to fail the 6 conditions tests on the grounds of not being necessary or relevant to the 2001 proposals and which your officers feel was unlawfully imposed to remedy a pre-existing car parking problem not created by the implementation of that planning permission.

In view of the above, it is recommended that Condition 7 is removed and no additional conditions are imposed.

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Case Number	14/02393/FUL (Formerly PP-03498837)
Application Type	Full Planning Application
Proposal	Mixed use development incorporating commercial unit (Use Classes A1, A2, A3, B1) (395 sq. m), kiosk (A1 Use) (41 sq. m), 53 student cluster flats (287 bedspaces) with associated facilities, 100 apartments and associated car parking accommodation and landscaping works (Phase 1) and partial demolition, conversion and refurbishment of former St Luke's School Building for office use (Phase 2)
Location	Site At 29 To 65Garden StreetSheffieldS1 4BJ
Date Received	02/07/2014
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	GRA GC subject to Legal Agreement

Subject to:

- 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.

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

- Drawing no. P/113, dated June 2014;
- Drawing no. P/114, dated February 2014;
- Drawing no. P/115, dated June 2014;
- Drawing no. P/116, dated June 2014;
- Drawing no. P/101, dated June 2014;
- Drawing no. P/102, dated June 2014;
- Drawing no. P/103, dated June 2014;
- Drawing no. P/104, dated June 2014;
- Drawing no. P/105, dated June 2014;
- Drawing no. P/106, dated June 2014;
- Drawing no. P/107, dated June 2014;
- Drawing no. P/108, dated June 2014;
- Drawing no. P/109, dated June 2014;

- Drawing no. P/110, dated June 2014;
- Drawing no. P/111, dated June 2014;
- Drawing no. P/112, dated June 2014;
- Drawing no. P/117, dated June 2014;
- Drawing no. P/118, dated June 2014;
- Access & Design Statement, dated June 2014;
- Energy Statement, compiled by Icen Projects Ltd, dated June 2014;
- Extended Phase I Habitat Survey Report, compiled by Bowland Ecology, dated June 2014;
- Interim Travel Plan, compiled by ADL Engineering Ltd, dated July 2014;
- Letter re 'Student Accommodation Demand', dated 27th June 2014;
- 'Fresh Student Living' Student Management Plan;
- Sustainability Statement, compiled by Icen Projects, dated June 2014;
- Transport Statement, compiled by ADL Traffic Engineering Ltd, dated July 2014;
- Geo Environmental Report (T/13/1209/GA), compiled by Tier Consult (SY) Ltd, dated 22nd February 2013;
- Heritage Assessment, compiled by Wardell Armstrong, dated February 2013;
- Planning Statement, compiled by DLP Planning Consultants, dated June 2014;
- Ambient Noise Assessment, compiled by PDA Acoustic Consultants, dated 2nd July 2014; and
- Daylight & Sunlight Report, compiled by GL Hearn Ltd, dated 10th July 2014.

Reason: In order to define the permission.

- 3 Notwithstanding the detail shown on the approved drawing, the sales area within the approved flexible use commercial unit shall not exceed 280 sq metres where Class A1, A2 or A3 uses are implemented.

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

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

- Balconies
- Entrance canopies
- Privacy screens
- Ventilation louvers

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

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

5 Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below (buildings positioned on the west half of the Broad Lane frontage) shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Window reveals
- Rainwater goods
- Eaves and verges
- Abutment of new elevations to existing building

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

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

6 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:

- South-facing façade including any solar shading devices
- Window reveals
- Eaves and parapets
- Cladding panels including fixing details
- Glazing system
- Soffit treatment details

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

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

7 Before that part of the development is commenced, details, which shall include a 1:20 scale cross-section, of the front entrance to the retail kiosk shall have been submitted to and approved in writing by the Local Planning Authority and such works shall be implemented in accordance with the approved details and thereafter retained.

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

8 Before that part of the development is commenced, details, which shall include a 1:20 scale cross-section, of the main entrance to the flexible commercial unit shall have been submitted to and approved in writing by the Local Planning Authority and such works shall be implemented in accordance with the approved details and thereafter retained.

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

9 Before that part of the development is commenced, details, which shall include a 1:20 scale cross-section, of the main entrance to the 7-storey

building fronting onto Broad Lane shall have been submitted to and approved in writing by the Local Planning Authority and such works shall be implemented in accordance with the approved details and thereafter retained.

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

- 10 Details of the extent and specification of brick/stone repair and cleaning of the former school building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works and shall thereafter be carried out in accordance with the approved details.

Reason; In order to ensure that the fabric of the building is not damaged.

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

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

- 12 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.

- 13 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 prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

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

- 14 The front elevations to the 11 storey and 6 storey buildings, fronting onto Broad Lane, as shown on drawing P/113 are not approved. Before that part of the development is commenced, details of an alternative treatment to these elevations shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such treatment shall be implemented in accordance with the approved plans.

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

15 Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below (11 storey and 6 storey buildings positioned on the eastern half of the site, fronting onto Broad Lane) shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Windows
- Window reveals
- Eaves and parapets
- Cladding panels
- Glazing system
- High level brickwork transition detail
- Soffit treatment
- Fixing details of cladding panels

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

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

16 Before installation, details of all proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority and such lighting shall be implemented in accordance with the approved details and thereafter retained.

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

17 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 the development is commenced, 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.

18 Prior to occupation, details of any boundary treatment, including any other means of enclosure, which shall include railings within the site shall have been submitted to and approved in writing by the Local Planning Authority and such boundary treatment and other means of enclosures shall be implemented in accordance with the approved details and thereafter retained.

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

19 The proposed brown roofs (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.

- 20 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. 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 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

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

- 21 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy;

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. 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, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 22 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless the scheme of sound insulation measures detailed in the submitted Ambient Noise Assessment, dated 2 July 2014 have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority.

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

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

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

- 24 The residential accommodation hereby permitted shall not be occupied unless the sound insulation measures detailed in the submitted Ambient Noise Assessment, dated 2 July 2014 have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Bedrooms	L <sub>Aeq</sub>	15 minutes 30 dB (2300 to 0700)
Living Rooms	L <sub>Aeq</sub>	15 minutes 40 dB (0700 to 2300)

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

- 25 The office accommodation shall not be occupied unless the approved sound insulation works detailed in the submitted Ambient Noise Assessment, dated 2 July 2014 have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Offices Noise Rating Curve NR45 (0700 to 2300)

(Noise rating curves should be measured as a 15 minute Leq at the octave band centre frequencies 31.5Hz to 8KHz).

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

- 26 In the event that the ground floor, flexible use commercial unit hereby approved is used for Food and Drink purposes (Class A3 use), prior to the use commencing a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of restricting noise breakout from the Use Class A3 use to the street to levels not exceeding:
  - i) the background noise levels by more than 3 dB(A) when measured as a 15 minute L<sub>Aeq</sub>,
  - ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,
  - iii) Be capable of restricting noise breakout from the Class A3 use to the flats above to levels complying with the following:

Bedrooms: Noise Rating Curve NR25 (2300 TO 0700 hours),  
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

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

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

Reason: In order to protect the health and safety of future occupiers and users of the site.

- 28 The ground floor, flexible use commercial unit shall be used for Class A1, A2 and A3 purposes only between 0800 hours and 2300 hours on any day.

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

- 29 No deliveries to the building shall be carried out between the hours of 2300 to 0700 (on the following day) Sundays to Fridays and 2300 hours to 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 30 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and

between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 31 In the event that the ground floor, flexible use commercial unit hereby approved is used for Food and purposes (Class A3 use), the units shall not be used unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include plans showing the location of the fume extraction system in context with the building and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 32 No amplified sound shall be played within the commercial building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

- 33 The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

- 34 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways 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 offices, commercial unit and residential units are brought into use.

Highway Improvements:

- 1) Reconstruction of the footways to both Garden Street and Broad Lane frontages with new materials compatible with the Urban Design Compendium, including new lighting.

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

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

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

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

36 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 highway safety and the amenities of the locality.

37 Before the development is commenced, details of all walls that will be supporting the highway or any elements of the building that will overhang the highway (including structural calculations) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure satisfactory drainage arrangements.

39 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

40 Before the development is commenced, details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure satisfactory drainage arrangements.

41 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

42 Prior to occupation of the buildings, evidence that 10 bird/bat boxes have been installed in accordance with the approved details shall have been submitted to and approved in writing by the Local Planning Authority.

Reason; In the interests of biodiversity.

43 Prior to occupation, a floor plan at a scale of 1:50 showing a typical layout for a residential unit designated as a disabled unit, shall have been submitted to and approved in writing by the Local Planning Authority and such accommodation shall be provided in accordance with the approved details and thereafter retained.

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

44 The retail kiosk, flexible use commercial unit and residential accommodation shall not be used unless level thresholds have been achieved to all entrances, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

- 47 The areas of coloured glazing/panels indicated on the recessed upper floors and the fish scale zinc treatment to the elevations fronting Garden Street, as shown on drawing no. P/113 are not approved. Before that part of the development is commenced, details of an alternative treatment to these areas shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such treatments shall be implemented in accordance with the approved plans.

Reason; In order to ensure an appropriate quality of development, in the interests of the visual amenities of the locality.

- 48 The areas of coloured glazing/panels and proposed solar shading indicated on the Broad Lane elevation of the 7-storey building are not approved. Before that part of the development is commenced, details of the final treatment to these areas shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such treatments shall be implemented in accordance with the approved plans.

Reason; In order to ensure an appropriate quality of development, in the interests of the visual amenities of the locality.

- 49 The proposed colour panelled, top floor treatment to the east facing, courtyard elevation, shown on drawing no. P/114 is not approved. Before that part of the development is commenced, details of an alternative treatment to this floor shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such treatment shall be implemented in accordance with the approved plans.

Reason; In order to ensure an appropriate quality of development, in the interests of the visual amenities of the locality.

- 50 The glazing serving the stairwell on the west facing elevation of the 7-storey building shall be partially glazed with translucent glass, but before such glazing is installed, details thereof shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Attention is drawn to the following directives:

1. The applicant should be aware that a legal agreement will be completed in respect of this application.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.



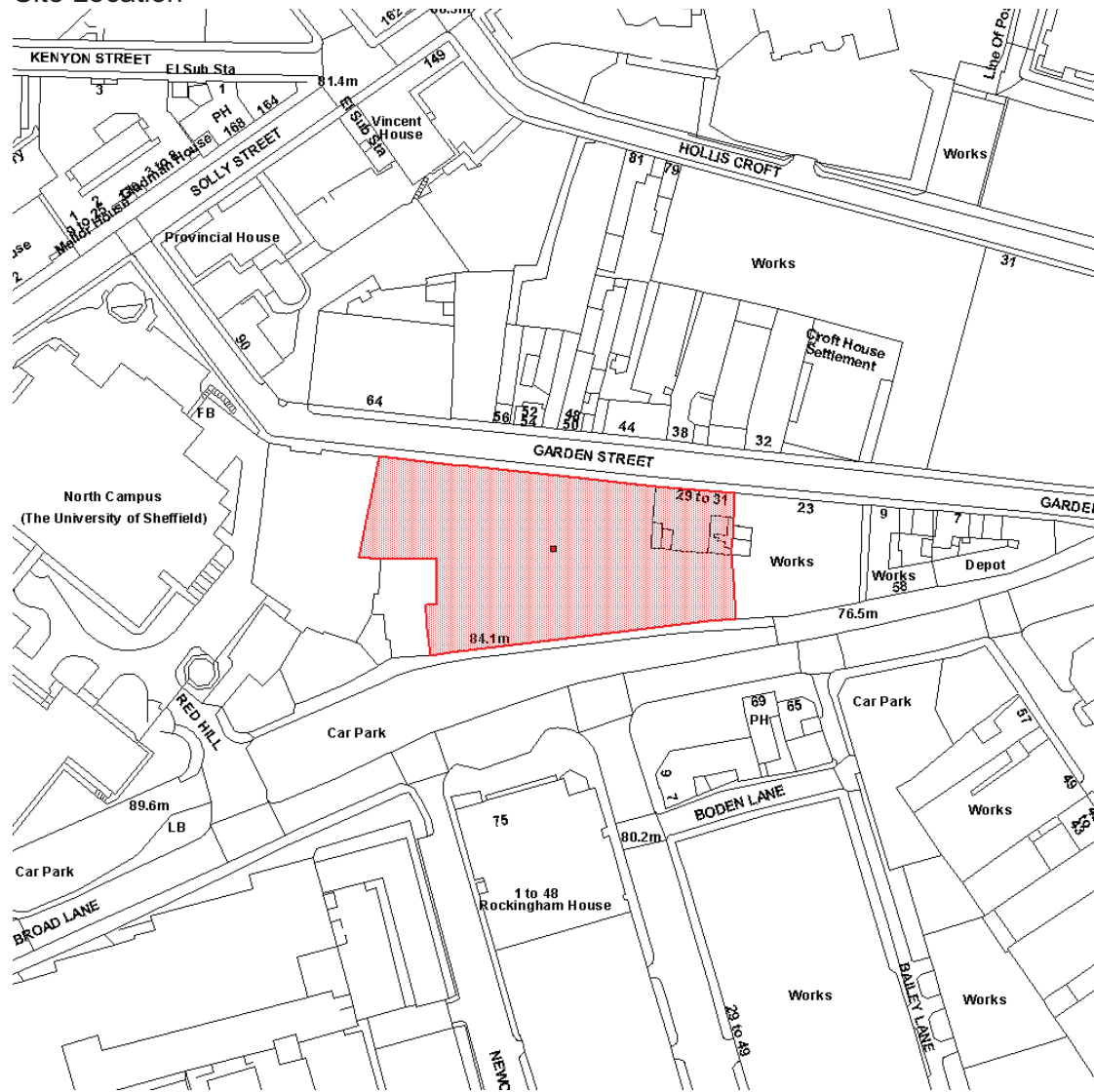
If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator 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. 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 and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
5. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
6. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.
7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
8. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
9. For larger restaurants advice on the discharge and arrestment of kitchen fumes and odours is given in the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', Annex B,

'Information required to support a planning application for a commercial kitchen' by the Department for Environment Food and Rural Affairs (Defra).

10. You may need a Premises Licence under the Licensing Act 2003, you are advised to contact Health Protection Service (Health & Safety) for required standards before any works are undertaken on Telephone Number 0114 273 4616.
11. You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up to date information about the natural environment and other characteristics of the area by building up the data base of up to date ecological information and this will help in future decision making ideally data should be provided in ESRI shape file format.

## Site Location



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## LOCATION AND PROPOSAL

The site lies within the Well Meadow Conservation Area, within the St Vincent's quarter of the City Centre. The site relates to a piece of land which is positioned on the north side of Broad Lane and is bounded by Garden Street to the north. The site has been cleared (with the exception of a 19th Century, former school building located in the north-east corner of the site) and foundations have been laid, as part of an earlier approved scheme (07/00148/FUL), for a Graduate School, comprising teaching space and 98 apartments. Construction work ceased as the developer went into liquidation and the land was put into receivership but has since been purchased and the new owner now proposes the redevelopment of the site.

Planning permission and Conservation Area Consent was granted in May 2013 (references 13/00576/FUL and 13/00577/CAC) for a mixed use scheme to be developed in 2 phases, comprising education facilities and associated functions (Class B1/D1), 53 student cluster flats and demolition and refurbishment of a former school building. The development was intended to be an International Language School for students aged between 16 and 18 year olds in partnership with the University of Sheffield. However, the operator was not successful in securing the future contract for the language school and following further discussions it has been confirmed that there is no interest in occupying the education space at this time.

Extending across the Broad Lane frontage is a wide cobbled surfaced, public car park, known as 'Setts car park'. Immediately adjacent to the site, in the south-west corner is a three-storey Georgian building, which is used partly as a house in multiple occupation (HMO) and partly as workshop and vehicular repair garage. To the west is a waste recycling facility (which has a temporary 3 years consent), which forms part of the curtilage of the north campus of the University of Sheffield further to the west. To the north, fronting onto Garden Street, are a number of business premises and small workshops including the University of Sheffield's Royal Exchange Works (a Graduate Research Centre). To the east are the retail and workshop premises of the Sheffield Window Centre. Opposite the site, to the south-east, at the junction of Broad Lane and Rockingham Street is Madox House, which comprises a ground floor retail unit with apartments above. To the south on the opposite corner of the junction is a 6/10 storey building that includes an NHS drop in centre at ground floor, with student accommodation above.

Broad Lane is a wide and busy highway, dominated by tall buildings and smaller commercial units whilst Garden Street is a quiet, narrow highway characterised by a variety of buildings dating from the 19th Century, through to mid and later 20th Century. Notably, there are a number of buildings, which are Grade II Listed; these include nos. 48-50 and nos. 52, 54, 56 and adjoining workshops.

A mixed use scheme is proposed, which will be developed in two phases. Phase 1 will comprise a flexible use, commercial unit (395 square metres) to be used as offices (Class B1 use), for retail purposes (Class A1 use), financial and professional services (Class A2 use), and restaurant/café (Class A3 use); a retail kiosk (41 square metres); and residential accommodation in the form of 53 cluster apartments (providing 287 bed spaces), 72 studios, 18 one bed apartments and 10 two-bed apartments, with ancillary management suite, reception area, and common room. Other ancillary facilities will be provided in the form of a shared courtyard, bin storage facilities, car parking accommodation and associated landscaping.

The Broad Lane frontage is the principle elevation, which is proposed to incorporate the retail kiosk, a commercial unit and main entrance and reception facilities serving the upper floor self-contained residential accommodation. The shared cluster flats will front onto Garden Street, which will be served with 2 pedestrian entrances and a vehicular access will be provided to undercroft car parking accommodation and cycle facility.

Phase 2 proposes the refurbishment of the former school building (no. 29-31 Garden Street), which will involve the partial demolition of a later two-storey extension, to be replaced with a smaller single-storey extension. The school building will provide separate office accommodation, not directly linked with Phase 1 of the development.

## RELEVANT PLANNING HISTORY

13/00576/FUL - Erection of a mixed use development incorporating educational facilities and associated functions (Class B1/D2), 53 student cluster flats containing 287 bedspaces and facilities together with associated works including access and ancillary facilities (Phase 1); conversion and refurbishment of former St Luke's School building for office use (Phase 2) - Granted Conditionally subject to a completed Legal Agreement - 22nd May 2013.

13/00577/CAC - Demolition of modern extensions attached to 29-31 Garden Street (former St Luke's School building) - Granted Conditionally - 22nd May 2013.

08/05439/FUL - This application sought planning permission for a mixed use development comprising 5433 net sq metres office/teaching space and 99 apartments (3575 net sq metres) with ancillary car parking accommodation and landscaping works. The footprint of the Broad Lane frontage had been reduced and amendments to the elevations were proposed. The application was withdrawn, owing to land ownership discrepancies.

07/01148/FUL - Planning permission was granted (subject to a Legal Agreement) 10th December 2007, for a mixed use development comprising 4573 net sq metres office/teaching space, 4176 net sq metres residential (98 apartments).

06/00765/FUL - Planning permission was granted (subject to a Legal Agreement) 30th May 2006, for the refurbishment of 29-31 Garden Street and the erection of a mixed-use scheme comprising 143 apartments, 4527 sq. metres of B1 business space and 100 car parking spaces.

06/00814/CAC - Conservation Area Consent was granted 31st May 2006 for the demolition of buildings (excluding 29-31 Garden Street).

05/02300/FUL - Planning permission was refused 20th December 2005 for the refurbishment of 29-31 Garden Street and the erection of a mixed-use scheme comprising 161 apartments, 3000 sq. metres of B1 business space and 140 car parking spaces. An appeal was lodged against the refusal of planning permission but was later withdrawn.

## SUMMARY OF REPRESENTATIONS

The applications have been advertised (07.08.2014 and 17.07.2014) and site notices have been displayed (21.08.2014 and early August 2014). Following neighbour consultation, 2 letters of representation have been received in respect of this application, which are summarised below. The University of Sheffield have expressed concerns about the proposed development, which are as follows:-

- During the construction period the proposed scheme may affect the research and teaching taking place within the Sorby building by vibrations from the heavy plant and machinery placed on site. They requested that the impact on the University's buildings be investigated further and that the developer provide the information to the University so that they may work together and find a suitable solution.
- Concerned that the noise and vibrations from the proposed power and heat supply of a CHP unit could affect the research carried out in the University's building positioned closest on the west boundary. It is not clear as to the location of the proposed supply and if located to the western boundary of the site, the noise, dust, vibration and electromagnetic field may affect the research and operations of the University's departments.
- The research carried out is of a very detailed and sensitive nature and any changes in the surrounding location could affect the valuable research carried out. Given the circumstances, they would insist that further investigations are carried out as to the possible effect on the established surrounding properties and the impact of the development both during construction and upon completion.
- The proposed development will improve the vacant site, which is welcomed. The short and long term effects need to be known and they would like assurances that valuable research will not be affected by the proposed development. In terms of the above concerns, the Agent has responded directly to the University of Sheffield as they are not strictly planning concerns.

One letter of representation has been received from an interested party, who is not a local resident. They consider the proposed development to be garish and out of keeping with the older, smaller scale buildings in the surrounding area.

The Coal Authority, having considered the content and conclusions of the Geo-environmental Appraisal (22nd February 2013), have confirmed that they have no objection to the proposed development.

South Yorkshire Police responded and provided some advice, to ensure that the proposed development creates a safe environment.

Northern Powergrid has responded confirming the location of apparatus within the vicinity of the application site.

The Environment Agency has confirmed that they have no comment to make on the application.

## PLANNING ASSESSMENT

Land Use Policy

It is necessary to identify and assess the development against relevant local planning policies, which are those contained within the Unitary Development Plan (UDP) and the Local Development Framework, Core Strategy (March 2012). The development proposes a commercial unit (395 sq metres) which will have a flexible use, allowing the opportunity to be used for retail (Class A1), financial and professional services (Class A2), restaurant/café (Class A3) and offices (Class B1 use), together with a small retail kiosk (41 sq metres), and a mixture of residential accommodation including 72 studios, 18 x one bed apartments, 10 x 2 bed apartments and 53 student cluster flats, containing 287 bed spaces. The cluster flats do not fall within any particular Use class and thus, are considered to be a 'sui generis' use, which shall be determined on its own merits.

The site lies within a General Industry Area as defined in the Unitary Development Plan and as such, Policies IB5 and IB9 apply. UDP Policy IB5 states that general industry and warehousing are the preferred uses in General Industry Areas, with small shops, food and drink outlets and business uses considered to be acceptable. In this regard, the proposed commercial uses are therefore considered acceptable in principle. Policy IB5 identifies housing as an unacceptable use, as satisfactory living conditions in industrial environments would generally not be achieved and the presence of housing can prejudice the viability of existing and potential industrial uses.

UDP Policy IB9 states that new development would only be permitted where it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area, and would not cause residents of housing to suffer from unacceptable living conditions. The Policy also requires that the proposed development should be well designed and should not harm the quality of the environment such that other new industry and business would be discouraged, and it should also be adequately served by transport facilities.

However, it is the case that this General Industry designation is no longer appropriate following the adoption of the Core Strategy Policy CS6. Policy CS6, which relates to Manufacturing in the City Centre - Transition Areas advises that, in parts of St Vincent's Area, manufacturing should not be allowed to expand where it would detract from the regeneration of the city centre.

The site falls within the St Vincent's Action Plan area. The Action Plan (adopted December 2004), provides an alternative 10 year vision for the area and is a material consideration when assessing planning applications. The Action Plan is an interim policy document until the adoption of the emerging Sheffield Development Framework (SDF). The Action Plan identifies the application site as falling within a new Business Area where business uses are preferred but housing is an acceptable use where it helps to deliver substantial office space, the rationale at the time being that St Vincent's is adjacent to the Cathedral Quarter and the Central Business District and therefore provides a natural route for expansion of business space.

Core Strategy Policy CS17, which relates to the city centre quarters, identifies St Vincent's as a mixed business, residential and educational area with links to the University of Sheffield and the legal and professional quarter. Given the types of

uses proposed, which includes offices, retail, financial and professional services, such uses are appropriate and will encourage activity at street level within the St Vincent's area. The proposed residential accommodation is a compatible use, which will complement the ground floor uses and encourage vitality and viability within the area. Such uses are considered to be acceptable in principle and will accord with this Policy.

It is relevant to note that the pre-submission Draft version of the City Policies and Sites, approved by Cabinet in February 2013, proposed a Business Area in this location, where employment uses will be encouraged through restricting residential uses to no more than 40% of the floorspace in the area. Currently, residential uses are below this 40% threshold, but the residential element of this scheme will take the proportion of residential uses in the area to approximately 50%, and thus, will be contrary to this draft Policy. There has been no percentage change since the previously approved application in 2013 (ref 13/00576/FUL). Although the proposal will be contrary to this draft policy, it has only very limited weight. Furthermore, the current proposal does include commercial uses, and thus will accord with Core Strategy Policy CS17. In addition given the site's proximity to the University of Sheffield, using the site for student accommodation is a sustainable solution. As such, the proposed development is considered acceptable in land use terms.

The National Planning Policy Framework (NPPF) advises that Local Planning Authorities should apply a sequential test to planning applications for main town centres that are not in an existing centre and not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A flexible use commercial unit is proposed along the Broad Lane frontage, which will have a floorspace of 395 square metres. The proposed uses, which include retail, financial and professional services, and restaurant/cafe uses are considered to be town centre uses. Although the site is not located within the primary shopping area of the City Centre, it is in an accessible location, which will promote activity at street level and serve the new community within the St Vincent's quarter. Furthermore, the floor space shall be restricted to a maximum of 280 sq metres for any single use, which falls within the definition of a 'small shop', as defined in the UDP. Given the overall size of the commercial unit and the potential to sub-divide into smaller units, it is not considered that it will have an adverse effect on the vitality and viability of the city centre, and as such is acceptable in principle.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part A of CS41 seeks to provide for a broad range of smaller households in the City, with no more than half of the new homes in larger developments (large developments being defined as 60 or more dwellings) consisting of a single house type. The proposal will provide a mix of 35% cluster flats, 47% studios, 12% one bed flats and 6% two bed flats. In this regard, it is demonstrated that there will be a variety of house types provided and as such the proposal will accord with Part A of Core Strategy Policy CS41.



Part C of CS41 seeks to encourage new purpose-built student accommodation, as part of a mix of housing development. It seeks to secure a mix of tenures and sizes of unit on larger sites, primarily in the City Centre and the areas directly to the north-west and south of the City Centre. As the proposed development provides both purpose built student accommodation and apartments and will be located within the City Centre, the proposal will accord with Part C of the Core Strategy Policy CS41.

Part (d) of the policy seeks to limit shared accommodation where the community is already imbalanced by a concentration of such uses or where the development would create an imbalance. In order to comply with Policy CS41, no more than 20% of residences within 200 metres of the application site should be shared housing. The concentration of shared properties is currently at 38% and this proposal will maintain it at this level, owing to the fact that a mix of shared and non-shared accommodation will be provided. Although the proposed development will be above the 20% threshold and thus, will be contrary to Part D, the proposal will not worsen the existing concentration. The previous application (refer 13/00576/FUL) was approved contrary to this part of the policy, with a resultant concentration of approx. 50% shared housing. Greater weight was given to developing the site as it had been abandoned for a number of years and therefore the redevelopment of the site was welcomed, particularly as it is in a prominent location. Furthermore, the student accommodation would relate directly to the education facility, providing a residential college facility in a prominent and sustainable location immediately adjacent to the University of Sheffield. Given that this current proposal will not worsen the concentration of shared housing, will facilitate the redevelopment of the site and is immediately adjacent to the university campus, it is considered that the wider benefits of developing this site far outweigh the disbenefits of not complying with this Policy.

#### Design and Conservation Issues

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

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

The site falls within the Well Meadow Conservation Area and as the proposal seeks to convert and partially demolish a significant character building, it is

relevant to note guidance set out in the National Planning Policy Framework (NPPF), dated March 2012.

Para 126 advises that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Para 128 states that applicants should describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Para 131 advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

UDP Policies BE15, BE16, and BE17 also apply. Such policies are principally concerned with preserving and enhancing the character and appearance of the Conservation Area and as such, a high standard of design is expected together with the use of traditional materials. UDP Policy BE15 does not permit development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character. In particular, Policy BE16 states that those buildings which make a positive contribution to the character and appearance of the Conservation Area will be retained.

Members should be aware that pre-application discussions took place prior to the submission of these applications. During those discussions it was reiterated that the proposed development would only be acceptable subject to achieving a scheme which would reflect a scale and mass no greater than previously approved. Other design elements were discussed, with particular emphasis on the use of good quality materials. The retention of the former school building was also considered to be essential.

#### Phase One

The proposal comprises a number of blocks, which are arranged around the periphery of the site, fronting onto Broad Lane and Garden Street. The footprint, scale and massing of the proposed development is the same as the previously approved scheme (refer 13/00576/FUL).

The blocks vary in height, ranging from 4 storeys up to 10/11 storeys. In general, the buildings graduate up Garden Street to reflect the topography and given the height of approx. 4/5 storeys high, with the uppermost floors being set back, they are to a scale, which is consistent with the existing frontage.

The Broad Lane frontage generally reflects the topography, by stepping down in height towards the east, down Broad Lane. However, a larger building interrupts the step down, which provides a point of interest, on the approach from the top of Rockingham Street, to the south.

The Broad Lane frontage will comprise 3 main buildings; a 7 storey block with a small 5 storey off-shot to the western half, on the upper side of the site, and 2 further buildings ; 11 and 6 storeys high, occupying the east half of the site.

The façade to the upper floors of the 7 storey block positioned at the top half of Broad Lane, will incorporate a simple zinc framed, grid like frontage, inset with powder coated, aluminium frame glazing. The frontage will be over-laid with a sub-grid of solar shading mesh suspended on stainless steel wires. The 5 storey element will appear as a contemporary zinc clad box with deep window punctuations. The ground floor across the 5 and 7 storey block will be recessed and incorporate large sections of vertical glazing, set within a grey/black brick exterior.

The eastern half of the Broad Lane frontage will comprise of 2 further buildings; an 11 storeys high building (referred to as the tower) and a 6-6 1/2 storey building. The buildings are simple in form, faced in red brick and will contain substantial glazing in the form of regular punctuations within the façade, providing greater height glazing to the ground floor top floor. Deeper reveal depths will be achieved to window openings around the edge of the front elevation and particularly to the top two floors, which will provide greater shadowing, and thus will ensure some visual interest and avoid the building appearing flat. Similar modelling will be introduced to the smaller residential block.

The Garden Street frontage, will comprise of a predominantly brick façade, in keeping with the neighbouring buildings and will be broken up by vertical areas of zinc detailing and glazing, which will breakdown the scale and so reflect the domestic scale and existing rhythm of plot widths. Buildings have been designed with repetitive regular window openings, to reflect the same language as other buildings within the locality. Roofs will be flat, and given the land gradient, this detail gives a greater emphasis to the graduating effect of the blocks. The uppermost floors will be set back and randomly located, coloured panels will be introduced. A limited number of external balconies are proposed and two single-storey projections of contrasting dark brick set against a zinc façade will provide additional visual interest. The development along Garden Street is considered to be in scale with the existing built form and will not dominate the Listed Buildings. Furthermore, the scale of development is primarily the same as previously agreed.

The majority of the inner elevations (facing into the courtyard) will be faced in white brick, with a regular window pattern to each elevation. The windows, which will serve individual bedrooms and shared living space (kitchen/dining facilities), will be generous in size and vertically orientated. Two sections of the rear elevation of the 5/7 storey block (on the west half of the site) will be faced in zinc, to ensure some consistency of materials to that building and provide some visual breaks to the north facing courtyard elevations, which will form the backdrop to the Garden Street frontage. The end elevations proposed to the east and west will be appropriately treated with matching brick or zinc, consistent with the remainder of those buildings.

The rear elevation of the six storey building facing Broad Lane will project at the rear to abut up to the rear elevation of the school building. The building will be 4

storeys high and will incorporate a flat roof, which will be to a height consistent with the ridge height of the school building. The proportions of the projecting element are considered to be appropriate and will relate to the scale of the school building. This part of the building will be set back within the site, such that it will not be wholly visible from Garden Street and will be seen in the context of the larger building that fronts onto Broad Lane. The external finish to this element of the building has not been resolved but is envisaged to be a lighter weight structure, glazing being the obvious choice. A condition will be imposed requiring details to be submitted.

Given the configuration of the buildings proposed, a courtyard will be provided along the centre of the site, which will serve to provide amenity space for future residents. The courtyard will not benefit from a high degree of natural sunlight, and as such, it is proposed to provide an area, which is predominantly hard-surfaced. To ensure a safe environment which will be well utilised, it is recommended to introduce minimal, low maintenance planting, which will help soften the development. The topography of the site will necessitate the requirement for ramps to be constructed within the space, in order to provide inclusive access between the buildings. Conditions will be imposed requiring details to be submitted to ensure they are well designed.

On the western edge of the site is a retaining wall, which supports the adjacent Georgian building, and owing to structural concerns, this was built during the construction phase of a previously approved scheme. Along the edge of this boundary will be a gated pedestrian route, which will vary in width, between 3 and 6 metres that will be hard-surfaced and extend back to the enclosed courtyard. The route will primarily serve to provide an escape route in times of emergency.

The scheme is considered acceptable in terms of its design. The scale and massing of the development is appropriate and responds positively to the topography of the site. The facing materials are satisfactory and will give the buildings a more robust appearance, bearing in mind the historic industrial background of this part of the City. Amendments have been made to the external elevations and the level of modelling has been improved and conditions are proposed to ensure that generous window reveal depths and appropriate articulation is achieved, which will result in a higher quality build.

## Phase Two

The proposal seeks to retain and refurbish the former school building, 'St Luke's', numbered 29-31 Garden Street. The preservation of this building is welcomed, since it has been identified as being a character building, which contributes positively to the Conservation Area.

The building, which was formerly a church school, dates back to approximately the 1870s. The building was converted to a works c1940 but retains substantial historic external features. The frontage will remain relatively unchanged whilst to the rear a modern two-storey extension will be partially demolished. The principle of demolition has already been established, by virtue of an extant consent (refer 13/00577/CAC) which was granted consent in May 2013. As the existing

extension is not of high architectural merit and did not form part of the original building, its demolition was considered acceptable. The removal of the extension releases space to the rear, to provide a courtyard. The remaining building will be made good, new windows will be introduced, which will be sympathetic to original building and a pitched roof will be constructed above.

The building is 'T' shaped and immediately to the rear of the building on either side of the off shot courtyards will be created. The courtyards will serve to provide amenity space in connection with the proposed office development. An external storage bin enclosure will be provided within the space and railings will be erected to the rear boundaries to provide some degree of separation between each phase.

Such works represent an improvement on the existing, and subject to appropriate conditions, will ensure that the integrity of the building is preserved.

### Sustainability

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings and conversions of existing buildings be designed to reduce emissions of greenhouse gases and function in a changing climate. Of particular relevance are section (a) which requires all developments to achieve a high standard of energy efficiency; and (b) make the best use of solar energy, passive heating and cooling, natural light and natural ventilation. All conversions of existing buildings must also be designed to use resources sustainably, including minimising water consumption and maximising water re-cycling; re-using existing buildings where possible; designing buildings flexibly to allow a variety of possible future uses; using sustainable materials wherever possible; and minimising waste, promoting recycling, during construction and occupation. To satisfy this policy, all new developments of 5 or more dwellings should achieve Code for Sustainable Homes Level 3 as a minimum and all non-residential developments over 500 sq metres should achieve a BREEAM rating of Very Good.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments (that being new developments of 5 dwellings or more) should provide a minimum of 10% of their predicted energy.

A Sustainability Statement and an Energy Statement have been submitted, which indicate that a number of design features and energy efficiency measures will be introduced. It is predicted that the buildings will achieve a BREEAM rating of 'Very Good', and thus will comply with Policy CS64. It has also been confirmed that brown roofs will be provided to buildings fronting onto Garden Street.

In respect of meeting 10% of predicted energy needs from decentralised and renewable or low carbon energy, it is suggested that CHP (combined heat and power) technology is the most effective solution for the residential element, and air source heat pumps to meet the demands of the commercial and office facility. It is anticipated that such measures will provide between 38% and 42% of the development's total energy needs, and as such, will accord with the requirements of Policy CS65.

To secure the delivery of the above requirements, conditions will be imposed.

The proposed development will not be connected to the Sheffield District Heating Scheme, however, the development will be designed to allow sufficient flexibility so that it is capable of connection in the future.

#### Amenity Issues

UDP Policy IB9 states that new development would only be permitted provided that satisfactory living conditions can be achieved. UDP Policy H5 (b) requires that the living conditions provided must be satisfactory for occupants of the accommodation.

#### Noise and Disturbance

The site is located in an area that is predominantly occupied by commercial premises and as such there is a potential risk of noise and disturbance affecting future occupiers of the commercial space and residential accommodation. An acoustic assessment has been carried out, which identifies road traffic as the major noise source. The report recommends a number of mitigation measures to the building fabric and installing appropriate acoustic glazing and vents.

The development proposes to introduce a ground floor commercial space (approx. 395 sq metres), fronting onto Broad Lane. Planning permission is being sought to use this space for a number of uses, including offices (B1 use class), retail (A1 use class), financial and professional services (Class A2 use) and as a restaurant/café (Class A3 use). Inevitably there will be some noise generation from the proposed uses although an office or retail use is unlikely to cause significant noise and disturbance. However, for a restaurant/café use, there is potential for noise and odour nuisance, by virtue of general activity inside and outside of the premises and any fume extraction system proposed. To mitigate potential impacts conditions will be imposed and details of any proposed fume extraction system will need to be submitted to and approved prior to installation.

The Environmental Protection Officer has no objection to the proposal and recommends a number of conditions, which will ensure that appropriate acoustic measures are implemented and that no additional noise or odour nuisance will occur from any future plant and equipment.

#### Effect on Future Residents of the Site

The proposal will provide residential accommodation in the form of cluster apartments, studios, and one and two bed apartments. The cluster apartments will provide between 4 and 6 bedrooms, each to be served with an ancillary kitchen/dining room. The layout of the clusters is fairly typical. A generous sized window will provide natural daylight to all rooms, although owing to the orientation and position of the proposed buildings, it is inevitable that some degree of overshadowing and overdominance will occur. The distance between the rear elevations of the main Broad Lane buildings and the rear elevations of the Garden

Street residential units will vary between 10 metres and 11.6 metres. The habitable rooms, which face into the courtyard, particularly those on the lower floors and on the lower part of the site will receive less light than upper floor rooms. A daylight analysis has been carried out, which confirms that a number of rooms will only achieve limited daylight, however, it has been demonstrated that the proposed development will receive more direct sunlight and for a longer period of time than the previously approved scheme. Whilst not ideal, given that such accommodation will be occupied by transient residents, it is not considered that the impact on living conditions will be so harmful as to justify refusing permission. Furthermore, given the site's city centre location, it is not expected that the same level of amenity is achieved as elsewhere.

The residential bed spaces will be provided with adequate outlook, with no significant amount of overlooking resulting from the development. There are a limited number of bed spaces situated on the ground floor fronting onto Garden Street, where there is potential for overlooking to occur from properties opposite and pedestrians using the footway. This is not ideal, but given that this is not a busy frontage and the fact that it will affect a small number of rooms, it is considered acceptable in this instance.

#### Effect on Existing Residents

To the west of the site is a building in multiple occupation, (no.114-116 Broad Lane) that contains a number of windows, which face directly onto the site. Two of these windows appear to serve habitable rooms and therefore will be subject to some degree of overshadowing. The elevation in which they are positioned, is set back from the site boundary by approx. 3 metres and given that there will be a pedestrian route extending along this frontage, which will widen to approx. 7 metres, there will be a separation distance of 10 metres, which represents a shortfall of just 2 metres as advised in Supplementary Planning Guidance. On this basis, it is not considered that the harm will be so great as to justify resisting permission. This is particularly so, bearing in mind the type of accommodation it provides and the fact that this is a city centre location, adjacent to what has been a potential development site for a number of years.

A number of windows are proposed in the side elevation facing west towards the adjacent property, no.114-116 Broad Lane. Main habitable room windows will be cast windows and therefore will be set at an angle, avoiding potential overlooking. A stairwell will be positioned along this elevation, which will incorporate glazing that will face towards the adjacent site. Translucent glass will be provided where appropriate, which will prevent unnecessary overlooking.

In light of the above, it is considered that the impact on existing residents is within acceptable bounds and appropriate accommodation will be provided for future residents of the site. As such, the proposed development will be acceptable under UDP Policy IB9.

**Bin Storage Facilities** Adequate bin storage facilities are provided for both Phase 1 and Phase 2 of the development.

## Highway Issues

Policy T25 aims to regulate car parking to ensure on-street parking problems are not worsened and as such states that on-street parking will be restricted as necessary; and encourages land owners to provide suitable off-street parking within their curtilage, wherever possible.

The proposed development does not raise any serious highway concerns. It will provide a total of 26 undercroft car parking spaces, plus 4 spaces designated for people with disabilities. The level of car parking accommodation is considered acceptable, given its city centre location and the opportunities for alternative modes of travel available. Provision will be made for cycle parking within the basement of the building.

No highway objections have been received and subject to the imposition highway conditions, the proposed development will accord with UDP Policy T25.

Mobility/Access Issues UDP Policy H7 encourages the provision of a proportion of mobility housing in all new or refurbished housing except where the physical characteristics of a site or existing buildings make it impracticable.

The topography of the area is such that there are significant level differences throughout the site. However, the development will be highly accessible, by virtue of providing level thresholds, with ramped accesses where appropriate and the provision of lifts to upper floors. Four designated disabled parking spaces will also be provided in the undercroft car park.

The proposed scheme will provide 28 disabled bedrooms, which equates to approx. 7% of the total bed spaces provided. The bedrooms will be fitted out to full mobility standard or capable of being adapted to accessible standard. The provision will be distributed across the accommodation in order to provide a choice to those who are mobility impaired.

In this regard, it is considered that a reasonable and pragmatic approach has been taken and as such, the proposal is acceptable under UDP Policy H7.

## Affordable Housing

Core Strategy Policy CS40 requires developers of all new housing developments to contribute towards the provision of affordable housing where this is practicable and financially viable. Further new guidance exists, in the form of a 2014 update of the Interim Planning Guidance (IPG), which covers the period between the adoption of the Local Plan Core Strategy and adoption of Community Infrastructure Levy (CIL) and associated Planning Obligations Supplementary Planning Document (SPD). The Guidance should be read alongside Policy CS40.

Guideline G2 of the updated IPG, sets out the expected level of affordable housing provision for each Affordable Housing Market Area. The site falls within that part of the City Centre, where there is no requirement to provide a contribution to affordable housing and as such, no further consideration of this issue is required.



## Drainage

A condition will be imposed requiring a 30% reduction in surface water runoff compared with the existing peak flow to reduce the risk of surface water flooding in line with current best practice.

## Ecology

The development will incorporate a number of brown roofs, which will encourage biodiversity and will reduce the amount of surface water runoff.

An Extended Phase 1 Habitat Survey Report (dated June 2014) has been submitted, which confirms that there were no bats present at the time of the survey carried out on site. In the event that works have not commenced on site by January 2015, it is recommended that another bat survey be undertaken. This will be secured by condition.

The Report also confirms that bird boxes will be provided within the site. This will also be secured by condition.

## Public Art

UDP Policy BE12 seeks to encourage the provision of public art as part of the design of major developments. The site occupies a prominent position on Broad Lane, and will benefit from this opportunity to enhance the local environment. The applicant has confirmed that this is acceptable and a financial contribution of £30,000 shall be secured, via a s106 Legal Agreement. The monies shall be used to refurbish the Montgomery Fountain, which is positioned on the west half of the Setts car park, fronting onto Broad Lane.

## Open Space Contribution

In accordance with Policy H16 of the UDP, the developer is required to make a contribution towards the provision of open space, in lieu of direct open space provision. This is calculated on figures taken from the City Centre Living Strategy, which recognises that there is a shortfall of open space in the city centre. The City Centre Breathing Spaces Strategy builds on this guidance and provides a clear vision on how the Council will improve and expand the City centre open spaces, identifying specific projects that the contributions will be spent on.

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990, will be required to secure a contribution. In this case, the total contribution amounts to £161,870.00.

## RESPONSE TO REPRESENTATIONS

In response to the letter of representation sent by the University of Sheffield, the developer has responded formally in writing to address their concerns. The issues raised are not planning issues.

## SUMMARY AND RECOMMENDATION

The proposal represents a substantial development in the St Vincent's quarter of the City. The site has been vacant for a number of years and its redevelopment will provide wider regeneration benefits to the area. The re-use of the vacant school building is particularly welcomed. In land use terms, the proposal will accord with current Core Strategy Policies CS6 and CS17. Although contrary to Policy CS41 it is considered that the benefits of developing this site outweigh the disbenefits of not providing a wider mix of housing.

The design of the proposed development is considered acceptable in terms of siting, scale, massing, form and detail. The design of this group of buildings relates well with the street and general topography and will serve to provide an interesting frontage and encourage activity on Broad Lane. The Garden Street frontage reflects the domestic scale of development within the Conservation Area and will not detract from the appearance and setting of neighbouring Listed Buildings.

The proposal will provide satisfactory living conditions for future students. Occupiers of adjacent properties will not be significantly adversely affected by the proposed development.

There are no significant highway implications arising from the proposed development. For the reasons set out above, the proposed development is considered acceptable and will accord with Unitary Development Plan Policies, H5, H7, H16, IB9, BE5, BE12, BE15, BE16, and BE17, Core Strategy Policies CS6, CS17, CS40, CS41, CS64, CS65 and CS74, and the National Planning Policy Framework (NPPF), March 2012. The application is therefore recommended for approval subject to the completion of a legal agreement, with the following heads of terms.

## HEADS OF TERMS

1. A financial contribution of £30,000 (in phased payments) towards a public art project to refurbish the Montgomery Fountain on Broad Lane in line with Policy BE12 of the Unitary Development Plan.
2. A financial contribution of £161,870.00 (in phased payments) towards the provision or enhancement of public open space in line with Policy H16 of the Unitary Development Plan, the City Centre Living Strategy and the Breathing Spaces Strategy.

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Case Number	14/02178/FUL (Formerly PP-03367932)
Application Type	Full Planning Application
Proposal	Erection of one detached dwellinghouse (C3 Use) and associated landscaping
Location	Curtilage Of 7 Stocks Green Court And Land Rear Of 3-7 7 Stocks Green CourtSheffieldS17 4AY
Date Received	17/06/2014
Team	South
Applicant/Agent	Ms S Bolsover
Recommendation	Grant Conditionally

Subject to:

- 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.

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

6475 PL01 Rev A  
6475 PL02  
6475 PL03  
6475 PL04  
6475 PL05  
6475 PL06  
6475 PL07  
6475 PL08  
6475 PL09  
6475 PL10

Reason: In order to define the permission.

- 3 No development shall commence until full details of measures to protect the existing trees, shrubs, hedge/s to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate

root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 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 the visual amenities of the locality.

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

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

- 5 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 the development is commenced, 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.

- 6 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason; To ensure that the development can be properly drained.

- 7 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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no further windows or other openings shall be formed in the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

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

- 9 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 which materially affect the external appearance of the dwelling shall be

constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interest of the amenities of occupants of neighbouring dwellings and in order to prevent the built environment encroaching into the Green Belt.

- 10 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwelling shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 11 The parking area shall not be used unless the parking areas of the site are constructed of permeable/porous surfacing. Thereafter the approved permeable/porous surfacing material shall be retained.

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

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

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

- 14 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.

- 15 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.

- 16 The dwelling shall not be used unless the car parking accommodation for 2 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.

- 17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason; To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal

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, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

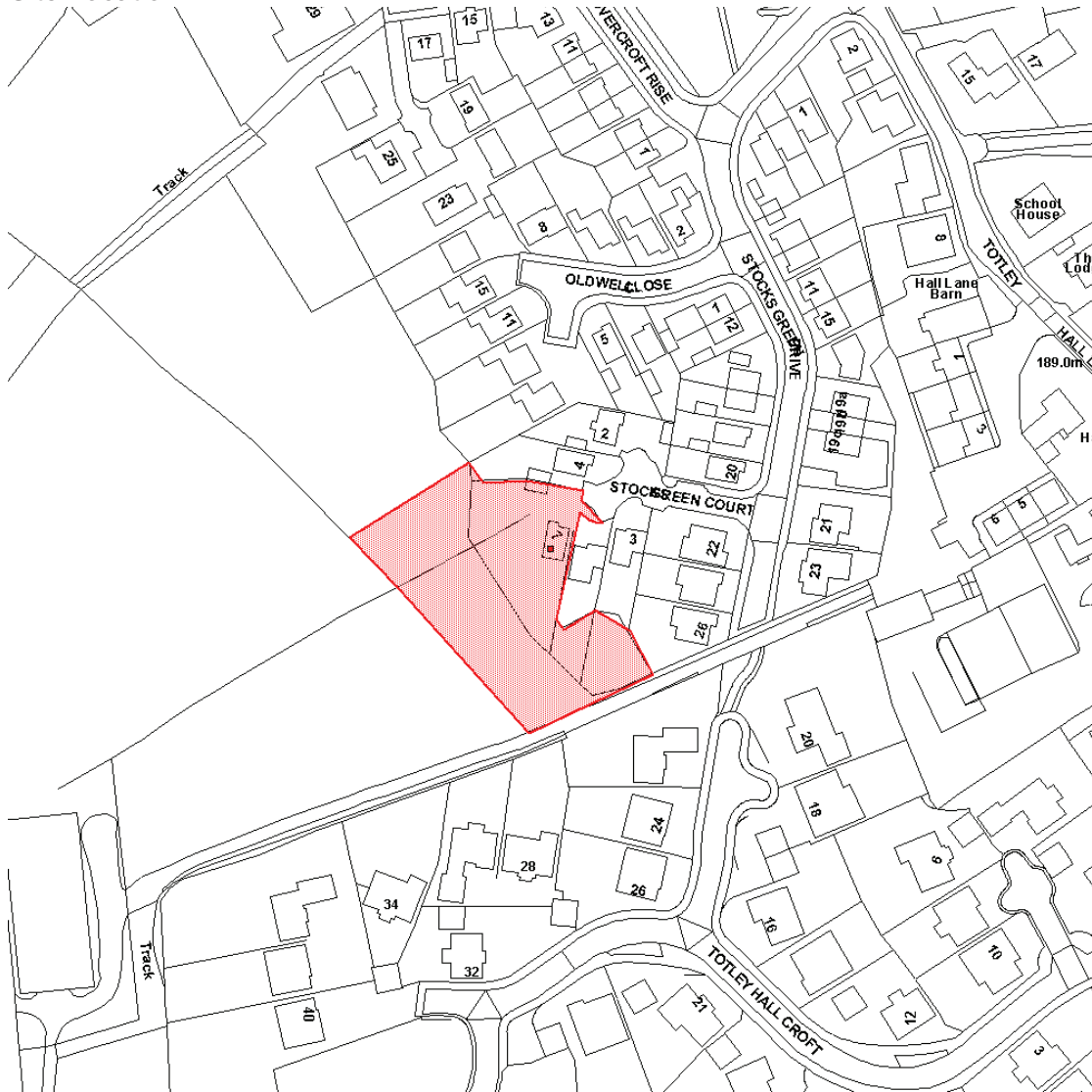
For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

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 and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the

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

3. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

## Site Location



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## LOCATION AND CONTEXT

The application relates to a 0.16 hectare site lying to the south of the domestic curtilage of No. 7 Stocks Green Court.

The land consists of a 'paddock' area adjacent to, but not included within the current domestic curtilage and an adjacent area which until recently was agricultural land.

The majority of the site is allocated as Housing Area in the Sheffield Unitary Development Plan but part lies within the adjacent Green Belt and Area of High Landscape Value. The site also lies immediately adjacent the Totley Conservation Area to the north.



To the north east, south and east the site is bounded by 1980's housing. To the north and west the site is bordered by agricultural land that is open in character.

The site lies on ground falling generally from west to east. This fall in land level is most pronounced in the northern half of the site close to 7 Stocks Green Court where the level falls in the order of 3 metres from the north west corner to the highway at Stocks Green Avenue.

There are no trees of public amenity value on the site though there is anecdotal evidence that some site clearance occurred before submission of the application.

It is proposed to establish the land as domestic curtilage and erect a single detached dwelling. This property would be a 3 bedroom home.

The dwelling footprint would equate to that of the existing dwelling on the site and the house would be two storeys in height. The proposed house would be somewhat 'sunk' into the site with ridge heights of the house not dissimilar to the ridge height of No. 7 Stocks Green Court.

The proposed dwelling would be of traditional appearance and constructed in stone with a natural slate roof.

The site parking would be accessed from Stocks Green Court utilising a widened access point already formed in part by the drive to No. 7 Stocks Green Court. The dwelling would be reached on foot by a pedestrian footway, once again emanating from the turning head of Stocks Green Court.

A detached double garage would provide off street parking, one half of this structure occupying the current garage footprint.

#### RELEVANT PLANNING HISTORY

Permission was granted in 1990 (90/02616/FUL) for a two storey side extension and porch.

An application for a pair of semi-detached houses on this site was withdrawn in 2011.

Permission for two houses was refused in 2013 (13/00660/FUL) for the erection of two dwellings on the same parcel of land. The application was refused for the following reason:

1. The Local Planning Authority consider that the proposal would, by virtue of the siting of the access, introduce an increased level of vehicular and pedestrian activity in close proximity to the existing dwelling. This would result in potential for noise and disturbance, and erosion of privacy which would be detrimental to the amenity of present/future occupants of No. 7 Stocks Green Court and would therefore be contrary to Policy H14 of the

Unitary Development Plan and Paragraph 17 of the National Planning Policy Framework

The decision was appealed and the subsequent appeal was dismissed

SUMMARY OF REPRESENTATIONS

There have been 10 letters of objection to the scheme and representations from Cllrs Colin Ross and Martin Smith.

Cllrs Ross is supportive of resident's objections and notes in particular that:

The locating of the proposal in the area of land known as the Totley Buffer Zone should be a material planning consideration.

There is a lack of detail in the plans with regard to heights and dimensions.

The demolition of the garage adjacent a neighbours garage would appear problematic if the neighbour does not agree.

The application appears to require access across a neighbouring garden.

The proposal will result in loss of light to No.5 Stocks Green Court and will overlook neighbouring dwellings.

There should be a tree survey on the site.

Cllr Martin Smith comments:

There is a lack of detail in the plans with regard to heights and dimensions.

The demolition of the garage adjacent a neighbours garage would appear problematic if the neighbour does not agree.

The application appears to require access across a neighbouring garden.

The proposal will result in loss of light to No.5 Stocks Green Court and will overlook neighbouring dwellings.

It would appear that a neighbour that owns part of the site was not given prior notification and this may impact on the validity of the application.

Other matters raised by local residents in representations not listed above are as follows:

The proposal would:

- result in a neighbouring garage being 'mutilated' (Party Wall Act)

- disturb the water table resulting in flooding of neighbouring dwellings and outbuildings
- Include an area of land not under the ownership of the Applicant
- Include a BT manhole which is insufficient to support the weight of a motor vehicle.
- encroach on the Green Belt and forms part of a strategy with neighbouring land owner to open the site up for further development.
- overload services and drainage, including refuse collection
- have inadequate off street car parking
- not be in keeping with the character and nature of surrounding buildings.
- Result in the loss of the front garden of No.7
- An extended paved area that would increase rain water run-off
- Increase vehicular traffic on the cul-de-sac
- Introduce a slate roof which is out of keeping with the existing houses and the character of the Totley Conservation Area.
- result in overshadowing of neighbouring dwellings
- result in a loss of privacy to neighbouring dwellings
- result in road safety problems arising from construction traffic
- introduce an additional garage on the turning head which is subject to severe snowdrifts.
- Introduce landscaping that will overshadow neighbouring properties.
- Introduce high revving cars travelling uphill late at night to access the new garage
- Result in construction vehicles blocking access to other houses on the cul-de-sac.
- Require retaining walls on site but these are not shown on the plans
- The third driveway to the centre will not have sufficient space to open the car doors when other vehicles are present beside it.
- Would create a precedent for development on adjacent parcels of land adjacent the Green Belt

- No. 7 will be left with very little recreation space.
- No gap is shown between new and old garages...there should be a 1 metre space for maintenance.
- Would have an adverse effect on the amenity of occupants of Nos. 4, 5, and 7 due to increased activity close to these dwellings.
- Would introduce planting that would overshadow neighbouring dwellings.
- Disrupt animal and birdlife
- There are protected species habitats not far away from the site.
- Matters raised that are not material planning considerations
- The proposal would:
  - Devalue existing properties.
  - Have nowhere to put bins on collection days
  - Impact on private views
  - Introduce heavy construction traffic onto the adjacent highways.
  - There are errors and inaccurate statements in the application.

## PLANNING ASSESSMENT

### General Principles

The National Planning Policy Framework at paragraph 14 states that 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' which for decision making means approving development proposals that accord with the development plan.

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside

Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework

Paragraph 19 states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 58 states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Planning policies and decisions should aim to ensure that developments:

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

optimise the potential of the site to accommodate development

respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

and are visually attractive as a result of good architecture and appropriate landscaping.

Policy CS 23 'Locations for New Housing' states:

New housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield.

Impact on the Green Belt and Area of High Landscape Value

Within the Green Belt/AHLV

The site lies predominantly within an allocated Housing Area though an area to the west impinges into the adopted Green Belt.

As such Policies GE1 and GE3 are relevant to this area:

GE 1 'Development in the Green Belt' states:

In the Green Belt, development will not be permitted, except in very special circumstances, where it would:

(c) lead to encroachment of urban development into the countryside

GE3 'new building in the Green Belt' states:

In the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1.

CS 71 'Protecting the Green Belt' states:

Countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages.

The proposal does not introduce physical structures into the part of the site allocated as Green Belt though it would result in a wedge of land being planted as a screen to the built form. It is not considered that this would conflict with Green Belt policies stated in the NPPF or UDP policies GE1, GE3 and CS71 given the extent of this parcel of land and the proposed use as a significant area of natural screening.

Adjacent the Green Belt/AHLV

Policy GE4 'Development and the Green Belt environment' states:

The scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

Policy GE8 'Areas of High Landscape Value and The Peak National Park' states:

In Areas of High Landscape Value, protection and enhancement of the landscape will be the overriding consideration. Development which is permitted:

(b) on land conspicuous from Areas of High Landscape Value or the Peak National Park; must protect, and wherever appropriate enhance, the appearance and character of the Area of High Landscape Value and Peak National Park.

Policy CS72 'Protecting Countryside not in the Green Belt' states:

The green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside...

Policy CS74 'Design Principles' of the Sheffield Core Strategy states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

b. views and vistas to landmarks and skylines...across the city to the surrounding countryside;

It is accepted that there are already domestic curtilages present in the locality that border the Green Belt (GB) and the Area of High Landscape Value (AHLV). However these feature domestic gardens that facilitate a degree of separation to the GB/AHLV itself.

Typically separation between the built environment and the GB/AHLV is achieved in the order 15 metres with an occasional instance as low as 6-9 metres. These garden spaces therefore provide something of a 'breathing space' between the two-storey housing and the open countryside which helps to maintain the openness and character of the GB/AHLV. Nonetheless, existing housing remains a highly prominent feature when viewed from the Green Belt.

The previously refused application located two dwellings closer to the Green Belt boundary with one dwelling located within 4 metres of this boundary. The current scheme proposes to locate the dwelling 12 metres from the Green Belt and this separation distance would not be dissimilar to other domestic properties in the locality.

The dwelling would be somewhat sunk into the site with plans indicating that the finished ground floor level would be some 600mm below current natural ground level. (Approximately 800mm above the ground floor level of No.7 itself)

This approach would reduce the dwellings presence relative to the Green Belt boundary and further mitigation is proposed through the introduction of a planting on the site boundary adjacent to, and within the actual adopted Green Belt.

Such a group of trees would screen the development to a degree an given the combination of planting, excavated finished floor level and separation distance to boundary and it is considered that the dwelling would not have an adverse effect on the character of the Green Belt/AHLV and that the planting could be considered to have a positive effect on vistas from the west.

Given the above it is considered that, on balance, the proposal would be acceptable with regard to Policies GE4, GE8, CS72 and CS74.

Housing Supply, Location and Density

The NPPF at paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The proposal would contribute towards housing supply as set out in Core Strategy Policy CS22. Whilst there is currently a shortfall in the supply of deliverable sites for housing, it is considered that the proposals will make only a very limited contribution and, consequently, little weight is given to this factor.

The site is suitable for residential development and is sustainably located within the main urban area. The proposals therefore comply with Core Strategy Policy CS23.

Core Strategy Policy CS24 gives priority to locating new housing development on previously developed (brownfield) sites. The site is not considered to be 'previously developed land'.

However, Policy CS24 acknowledges that permitting some development (sites of fewer than 15 units) on sustainably located small greenfield sites is unlikely to prevent the target of building 88% of new dwellings on brownfield sites being met. Notwithstanding this, the policy acknowledges the need to meet housing supply targets.

Policy CS 26 'Efficient Use of Housing Land and Accessibility' requires housing development 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.

For a location such as this a density of 30-50 dwellings per hectare would normally be expected.

The development equates to a density of approximately 6 dwellings per hectare which falls below this range.

However, the site is somewhat unusual in its shape with a significant portion to the south east not utilised due to proximity to other dwelling and difficulties with accessibility. The requirement to prevent the built form occupying any part of the adopted Green Belt also reduces the developable area of the site.

There is a need to respect the layout and characteristics of the existing estate and, given the previous refusal of planning consent there is a constraint in terms of the number of dwellings that can be accommodated without the requirement for a full vehicular access drive penetrating into the site adjacent the existing house.

Given these constraints it is felt that the density proposed is reasonable and that a requirement to increase density would not be advantageous. The proposal is therefore considered to be acceptable with regard to Policies CS23, CS24 and CS26

#### Principal Allocation, Design and Context

The great majority of the site lies within an allocated Housing Area and as such the principle relevant policies are H10 and H14

Policy H10 identifies housing as the preferred use and as such the proposal would satisfy this policy subject to satisfactorily complying with policy H14.

Policy H14 'Conditions on development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

(a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings; and (c) the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing



garden space which would harm the character of the neighbourhood; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians;

The adjacent estate development is characterised by modest detached dwellings in equally modest curtilages. The typical footprint is approximately 50-60 square metres and ridge heights are typically around 8.5-9 metres. The proposed property displays characteristics not dissimilar to dwellings in the locality and the overall impression is of an appropriately laid out extension to the pattern and grain of existing development. In this respect the proposal is largely considered to mirror existing patterns of residential development.

It should be noted that whilst part of the site taken for the access currently forms part of the garden of No.7 Stocks Green Court the main rear garden space of that property would remain untouched by the proposal (which is sited principally on the 'paddock' to the south of the garden and the parcel of former agricultural land on the western edge of the development). As such it is not felt that the proposal would be contrary to Paragraph 53 of the NPPF which refers to residential gardens.

#### Residential Amenity (Existing residents)

##### Space about dwellings

With regard to H14 (c) and (d) the general principles outlined in Policy H14 are further supported by Supplementary Planning Guidance 'Design of house extensions' (SPG) which lays out good practice guides for new build structures and their relationship to existing houses. Of these the following are particularly relevant:

SPG guideline 4 states that in most circumstances a minimum distance of 10 metres should be achieved between main aspect windows in the rear elevation and the rear boundary.

This separation distance is required for reasons of neighbouring privacy and in order to provide an appropriate outlook for future occupants. In the case of main aspect windows in the front and rear elevations adequate separation to neighbouring curtilages is achieved. Windows in the front elevation achieve a minimum separation of 13 metres to the rear curtilage of No. 4 Stocks Green Court which is considered acceptable.

The proposed dwelling has been designed so as to locate main aspect windows in rear elevations with outlooks that are considered acceptable. Distance to rear boundary varies but is always in excess of 10 metres.

There are no implications for neighbouring amenity arising from rear windows

SPG guideline 5 states that a two-storey structure should not be located closer than 12 metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased. In this regard the proposal is acceptable.

Guideline 5 of SPG states that two storey structures should not cut a 45 degree line scribed from a neighbouring main aspect main window. The dwelling is located

in such a way that the eastern corner of the dwelling does very marginally cut the 45 degree line traced from the nearest rear window in No.7. However, this is at a distance of 4.5 metres from that window and as such is not considered to have a significant overbearing implication.

SPG guideline 6 states that dwellings should keep a minimum of 21 metres between facing main windows.

It is therefore considered that the property will not have overbearing or overlooking implications presence to the detriment of occupants of neighbouring properties.

The proposed dwelling is located at distances and elevations such that any shadow cast is unlikely have a significant impact on the rear elevations of neighbouring dwellings. There will undoubtedly be some shadow cast towards the immediate rear amenity space of No.7 in the late afternoon when the sun is low in the sky to the west. However, the relationship between the proposal and No.7 is not dissimilar to that between Nos. 5 & 3 Stocks Green Court and as such any marginal overshadowing is not considered a robust reason for refusal.

The proposal would leave the existing No.7 Stocks Green Court with approximately 150 square metres of private amenity space and this is significantly more than minimum standards required by Supplementary Planning Guidance.

Given the above it is considered that the proposal is acceptable with regard to Policy H14 and Supplementary Planning Guidance.

#### Amenity and Vehicular Arrangements

NPPF paragraph 17 (d) states:

Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

In this regard the proposal differs significantly from the previously refused application in that no vehicular access is now proposed to the side of the existing property.

Instead only pedestrian access is facilitated with off street car parking now being provided with space adjacent the highway.

The proposed vehicular access to the off street spaces would bring vehicular movement closer to the front elevations of both Nos. 5 & 7 but not to a degree that would impact significantly on existing levels of amenity and the arrangement of car parking spaces and access is considered satisfactory with regard to highway safety.

In conclusion it is considered that the proposal represents an appropriate development of the site and the scheme is felt to be in accordance with Policy H14.

#### Residential Amenity (Future Occupants)

All internal spaces would benefit from good natural lighting and external amenity

spaces are generously proportioned. It is not considered that the presence of the proposed copse, when mature, would adversely affect natural light to main aspect windows to any significant degree.

## Design

National Planning Policy Framework paragraph 58 states:

Planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, and respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping.

At paragraph 59 it continues:

'...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally'.

Further, at paragraph 60 it states:

Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

BE5 'Building design and siting' states:

Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

### Physical Design

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

(f) designs should take full advantage of the site's natural and built features;

Policy CS74 'Design Principles' of the Sheffield Core Strategy states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;

BE 16 'Development in Conservation Areas' states:

In Conservation Areas permission will only be given for proposals which contain

sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.

Material considerations in considering proposals will include matters which would affect the setting of a Conservation Area or significant views into, or out of, the Area.

The site lies adjacent to, not within the Conservation Area. It is considered that the design of the house is well proportioned and of traditional appearance, in keeping with the general characteristics of the locality, and suitably detailed.

External materials for the dwelling are indicated as natural stone facing with natural roof slate and in these respects the dwellings would be of high quality. Window casements would be in timber with quoins, lintels and mullions in cut natural stone.

These materials do not match exactly those of the existing street scene but there is no necessity or requirement in policy for them to do so and the natural materials proposed exceed the quality of external materials on adjacent properties.

The detached garage would be faced in different materials thereby matching the design and detailing of the garage remaining to No.4 Stocks Green Court. This is considered an appropriate response.

Hence, whilst views from the turning head of Stocks Green Court (the closest point located in Totley Conservation Area) towards the development would be limited it is felt that any partial views of the proposal would be sympathetic to the character of the locality and to the Totley Conservation Area.

In these regards the scheme is therefore considered acceptable with regard to Policies BE5, BE16 and CS74.

Highways and Car Parking matters.

Policy BE9 Design for Vehicles states:

New developments and refurbishments should provide a safe, efficient and environmentally acceptable site layout for all vehicles (including cycles) and pedestrians.

Unitary Development Plan guidelines require the provision of 2-3 spaces per dwelling for dwellings of this type and this is accommodated on the indicated hardstanding areas and associated detached garages.

Manoeuvring into and out of these spaces would not differ significantly from existing arrangements at Nos. 7 & 4 Stocks Green Court and there are not considered to be adverse implications for highway safety.

There is no reason to believe that the additional trips generated by one additional dwelling will impact on highway safety or on the free flow of traffic on the highway

The proposal is considered to satisfy Unitary Development Plan guidelines for off

street car parking provision and policy BE9.

#### Landscaping

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new developments.

The development itself will not result in the loss of any significant publicly accessible open/green space or loss of trees of significant public value though. There was some evidence that limited site clearance of lesser specimens occurred before the submission of the previous application.

Nonetheless the Applicant has provided plans designating specific areas for planting across the site as a whole.

It is felt that the general arrangement of the planting scheme proposed would be satisfactory, would enhance the natural environment and would satisfy policy BE6. A detailed landscape scheme should be required by condition.

#### Sustainability

The site is located in a reasonably sustainable location though this is an area of high car ownership. The site is located within 200 metres of the A621 with it's regular bus service.

The introduction of the boundary planting should establish a habitat for flora and fauna and contribute to biodiversity. The tree types included in any detailed landscape scheme should include indigenous species such as oak, hazel and hawthorn.

Should the application be granted permission a condition should be added requiring the use of permeable/porous hard surfaces to the new hard surfacing

#### Drainage

Yorkshire Water do not object to the proposal in principle but have suggested several conditions be added to any permission.

#### Response to Representations

Matters relating to the character of the area, design and detailing, highways and car parking have been dealt with in the main body of this report.

Similarly, residential amenity considerations such as overlooking, overshadowing and overbearing have been addressed.

Those matters relating to the Green Belt /Area of High Landscape Value and the impact on the Conservation Area have also been dealt with.

## Other matters

### The proposed access and matters of ownership

A section of land indicated within the red line boundary is the subject of a dispute in terms of land ownership. The Applicant's agent was alerted to this matter and has responded that the land is within the Applicants ownership.

It is understood that a portion of the land included is currently maintained under licence by the owners of No. Stocks Green Court but remains as adopted highway. Officers have confirmed that the only persons permitted to carry out maintenance are the licenced owners whilst the area or any part of it remains as a highway planted margin.

However, one of the scenarios that would supersede this arrangement would be if planning consent were to be granted to make a vehicle crossing over the land. This forms part of the application under consideration.

The demolition of the garage and replacement with a double garage has been dealt with in the main body of the report. The implications of any Party Wall agreement do not fall to be considered by planning legislation.

There is no requirement for a tree survey in this case. The specimens on site have been assessed by Officers and none are considered to be of public amenity value though the retention of several specimens and the extensive planting scheme is welcomed.

### Impact on the Buffer Zone

The 'Buffer Zone' as mentioned in some representations is not a planning consideration. All that is relevant is the allocation (as Housing Area and Green Belt) and related policies in the Unitary Development Plan and the Core Strategy until such time as the Sheffield Local Plan (SLP) policies are fully adopted and any changes to the current Green Belt boundary are secured.

With regard to this matter the NPPF at paragraph 216 states:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

Several representations have highlighted the fact that the Council is seeking to re-allocate a larger proportion of the site as Green Belt. Policy CS71 indicates that changes may be made to the Green Belt boundary but these do not outweigh the currently adopted Green Belt boundary.

The proposals map for the SLP indicates that a significantly larger portion of the site could be allocated as Green Belt if recommendations are implemented after examination in public by the Inspector. However, it should be noted that objections have been received with regard to the proposed changes and therefore, in line with paragraph 216 of the NPPF, the proposed new boundary does not carry weight at this time.

#### Other matters raised

There is no evidence that there are protected species habitats on the site and no reason to believe that the loss of a largely featureless 'paddock' will have any significant effect on wildlife in the locality.

Whilst noting neighbour comments regarding surface water run-off from nearby fields this in itself is not considered a reason for refusal. Indeed, the proposal may mitigate some of this run off rather than exacerbating the current situation.

Details of finished floor levels are given on the plans and the plans are drawn to an indicated scale.

The matters relating to ownership have been dealt with in the main body of the report.

The proposal will not result in the loss of the entirety of the front garden of No.7 Stocks Green Court.

There is no reason to conclude that the granting of permission for this development will set a precedent for other development adjacent the Green Belt. Any such applications would be judged on their individual merits.

There is no planning policy requirement to leave gaps between development and neighbouring property for maintenance purposes.

There is no reason to believe that proposed planting will introduce unacceptable degrees of overshadowing towards existing dwellings and their curtilages.

There is no reason to believe that the additional drainage, sewerage or waste collection from the dwelling would 'overload' services

Matters that have been raised that are not material planning considerations.

The degree to which the house will be sunk into the site may require small retaining walls but it is not considered that these will have implications for the environment or residential amenity.

The proposal will devalue existing properties.

New residents will have nowhere to put bins on collection days

The house will impact on private views

The development will introduce construction traffic onto the adjacent highways.

The presence of a BT manhole cover in the proposed access would be unsafe

Conjecture regarding strategic plans to open up the site for further development

## CONCLUSIONS

This is an application seeking permission for the erection of a family dwelling and associated domestic curtilage.

The dwelling's proximity to the Green Belt and the Area of High Landscape Value is not considered out of character to other dwellings in the locality.

The proposed location and boundary planting should negate any impact on the character of Green Belt and Area of High Landscape Value. This aspect of the development is not considered out of character with other residential development in the locality.

The proposal is considered to respect the prevailing grain and character of the locality and the Totley Conservation Area.

It is felt that the level of amenity afforded future occupants would be acceptable and that amenity space left to residents of No.7 would be appropriate.

It is not considered that the dwelling will have adverse impacts on the amenities of neighbouring residential property.

Subject to conditions the proposal is therefore considered acceptable with regard to policies H10, H14, BE5, BE6, BE16, GE1, GE3, GE4, and GE8 of the Sheffield Unitary Development Plan, to Policies CS22, CS23, CS24, CS26, CS71, CS72 and CS74 of the Sheffield Core Strategy and to relevant paragraphs of the National Planning Policy Framework and is recommended for approval.



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Case Number	14/01042/FUL (Formerly PP-03271328)
Application Type	Full Planning Application
Proposal	Repositioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (Amended description) (as per amended drawings received on 7 August 2014 and 4 September 2014)
Location	Village News176 - 178 Main Street, Grenoside, SheffieldS35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

- 1 The development must be carried out in complete accordance with the following approved documents:

Drawing No. P14:034:01 Revision D (Site Location Plan);  
Drawing No. P14:034:02 Revision F (Existing and Proposed Elevations/Plans)

Reason: In order to define the permission.

- 2 The work as detailed on amended drawing No. P14:034:02 Revision F (Existing and Proposed Elevations/Plans) shall be carried out within 6 weeks from the date of this decision unless an alternative timescale has been first agreed in writing by the Local Planning Authority.

Reason: In order to secure a reasonable timescale for work to be carried out in the interests of protecting the residential amenity of neighbouring properties.

- 3 The refrigeration unit shall only be operational during shop/café opening hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

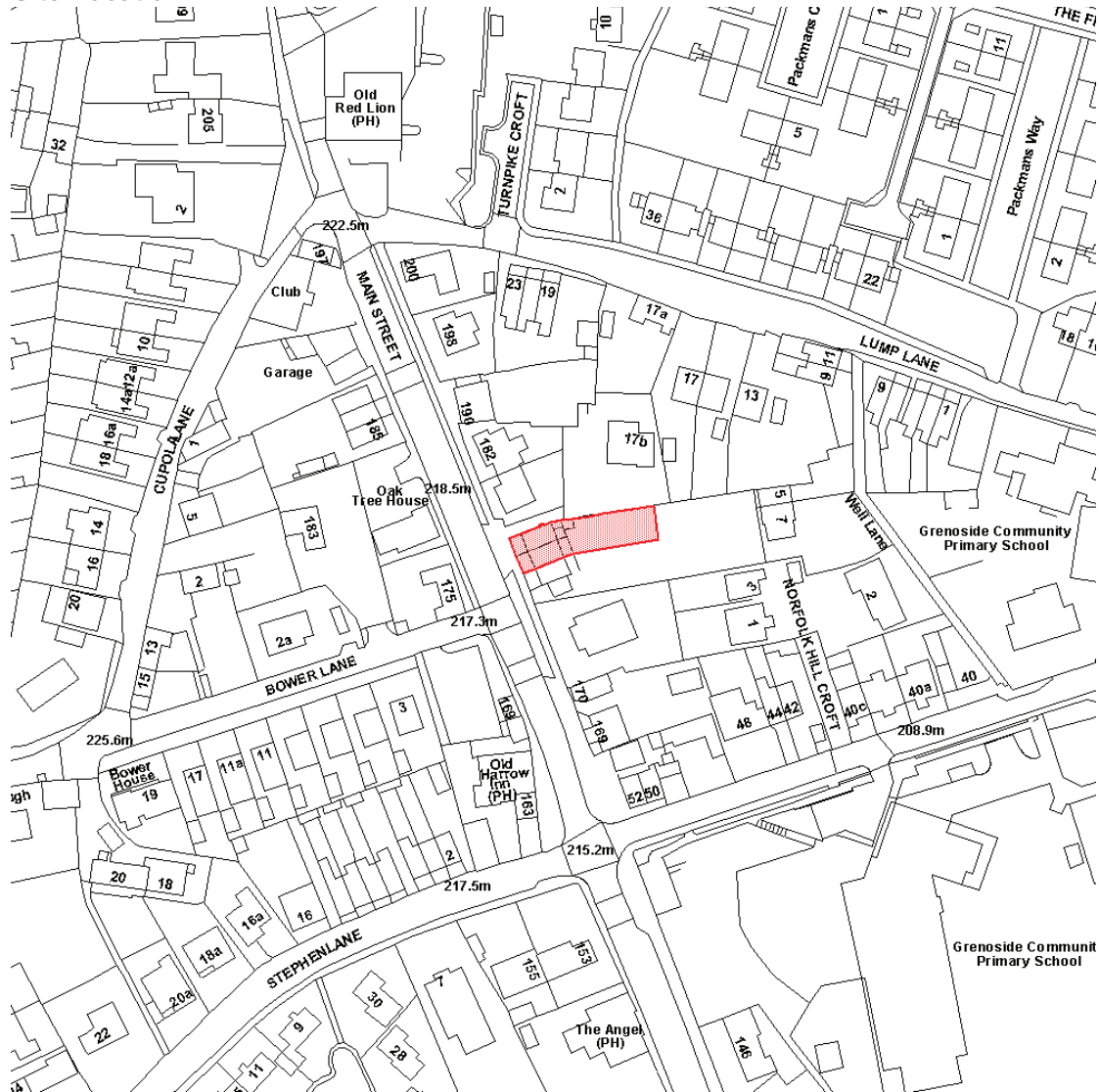
- 4 The refrigeration unit hereby approved shall be enclosed by a sound reduction enclosure within 6 weeks of the date of this decision, details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound reduction enclosure shall be retained.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

## Site Location



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## BACKGROUND

This application relates specifically to 178 Main Street in Grenside. The building is occupied at ground floor by a shop/newsagent (A1) known as Village News. The applicant has been running the newsagent for over 12 years.

In March 2014, officers were informed that a new refrigeration unit had been erected along the side (northern) elevation of the property without the benefit of planning permission. Officers were informed of this together with information that the applicant was not complying with two other conditions (Nos. 3 and 6) imposed by planning approval No. 13/02171/CHU to change the adjoining premises (No. 176) from a dwellinghouse (C3) to a café (A3).

On account of the above, the Council served a breach of condition notice on the applicant on the 28 March 2014 relating to Condition Nos. 3 (opening hours), 6 (cooking equipment) and No. 7 (External mounted plant and equipment).

In response to the breaches of planning, the applicant decided to seek retrospective planning permission to retain the refrigeration unit and also seek approval under a Section 73 application to vary Conditions No. 3 (hours of use) and 6 (cooking equipment) of planning approval No. 13/02171/CHU.

Members are informed that an application seeking to vary Condition Nos. 3 and 6 is being considered under a separate application No. 14/01031/CHU. It is intended that the Section 73 application will be reported to Members at the next Planning Committee scheduled for the 7 October 2014.

## LOCATION AND PROPOSAL

No. 178 Main Street is an end-terrace property; one of three traditional two-storey stone cottages located along the eastern side of Main Street. The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan and also lies within Grenoside Conservation Area.

The neighbouring property (No. 176), also owned by the applicant, is a café and No. 174 is a dwellinghouse. To the north of the site is the southern property of a pair of semi-detached houses (No.180 Main Street) and to its north east is a large detached house (17b Lump Lane). A 2m high privet hedge runs along the southern boundary to No. 180 Main Street.

To the side of the property is a small rectangular strip of land. This land, measuring approximately 7m by 3m lies between the application property and No. 180 and provides a through route to 17b Lump Lane. Although this land has no registered owner, the applicant has enclosed it off at both ends by 1m high timber fencing and is currently using it for storage in connection with the shop and café.

The application seeks retrospective planning permission to retain the newsagent's refrigeration unit. The refrigeration unit is attached to the side (northern) elevation of the building and forms one of two units along the building's side wall. The unit is being used to provide refrigeration to one of the shop's fridges and was installed in the spring of this year without the benefit of planning permission. The unit is fixed to the side of the building's wall by brackets, some 1.5-1.75m above ground level and overhangs the adjoining strip of land outside the applicant's ownership.

## RELEVANT PLANNING HISTORY

14/01031/CHU - Application to increase opening hours of cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per

planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description) – Pending

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

## SUMMARY OF REPRESENTATIONS

There have been several letters of objection received in response to the two applications at Main Street; most of these relate specifically to the application to vary Condition Nos. 3 and 6 of planning approval No. 13/02171/CHU. The representations received in response to neighbour consultation that relate specifically to the retention of the refrigeration unit are summarised below:-

- Unlawful development on land which does not constitute part of the applicant's property; and
- Noise disturbance.

Ecclesfield Parish Council considers that the neighbouring residents are still suffering from unacceptable noise levels from the refrigeration unit. They go on to state that the applicant is not adhering to the conditions previously imposed, and as such is affecting the quality of life of neighbouring residents. They recommend that the application be refused.

Grenoside Conservation Society states that the applicant has ignored several conditions set out in granting planning permission for the change of use to the detriment of neighbours and Grenoside Conservation Area. This includes installing an external air-conditioning unit in contravention of Condition No. 7.

Angela Smith MP has written in on behalf of a number of her constituents. With regard to this application, she states that a condition was attached to the planning approval for the café that states that no externally mounted plant or equipment for heating, cooling or ventilation be fitted to the building without the prior approval of the LPA. The external refrigeration unit has been fitted to the exterior of the building and protrudes over land which does not belong to the applicant. The unit is emitting unacceptably high levels of noise, affecting quality of life and causing the occupants difficulties sleeping.

## PLANNING ASSESSMENT

The application should be assessed against the criteria set out in Policy H14 of the UDP. This policy relates to conditions that development in Housing Areas should be required to meet. Part (k) of this policy details that new development or change of use will be permitted provided that it does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance. The reason behind the policy is to ensure that conditions placed

on development do not lead to an unsatisfactory environment for people living nearby that could harm their residential amenity.

From representations received, it is considered that the main issue with this application relates specifically to noise disturbance. The representations have been received from the residents of 180 Main Street and 17b Lump Lane. These residents have commented that the new refrigeration unit emits unacceptably high levels of noise to the detriment of their residential amenity. From officers' site visit, it was noted that the refrigeration unit was clearly audible within its vicinity, which in officers' opinion was compounded by the general quietness of the street. Although the unit only operates intermittently throughout the day, due to its very close proximity to No. 180 Main Street, noise emanating from the unit is considered significant and harmful to the residential amenity of this neighbouring property. Even with sound-proof casing, the distance and height of the unit to this neighbouring property is still likely to impact on this property's residential amenity.

On account of officers' concerns, the applicant has agreed to re-locate the refrigeration unit to the rear of the building and box the unit within a sound-reduction enclosure. By doing so, officers are satisfied that the residential amenity of both No. 180 Main Street and 17b Lump Lane would not be unduly harmed from unacceptable noise disturbance emanating from the unit. Although it is accepted that moving the unit to the rear of the building would bring it closer to No. 17b Lump Lane, the distance of the unit to this neighbouring property would be in excess of 13m. This separation distance together with the proposed sound reduction enclosure should mean that any noise emanating from the unit would be muted and dispersed and not such that would be harmful to this neighbouring property. Moreover, on the recommendation of the resident of 17b Lump Lane, the applicant has amended the scheme further by agreeing to lower the height of the unit on the rear wall so it not readily visible when viewed from this neighbouring property. Environmental Protection Service (EPS) have commented that they are satisfied with the proposal to re-locate the unit and do not consider that it would unduly harm the amenity of neighbouring properties.

Should Members be minded to grant planning permission, it is recommended that a condition be attached that requires the refrigeration unit to be moved to the rear of the building and boxed within a sound reducing casing within 6 weeks from the date of the decision. It is also recommended that a further condition be attached that permits the refrigeration unit only be operational during shop/café opening hours.

Subject to these condition being attached, it is considered that the application is acceptable and would be in general accordance with Policy H14 (k) of the UDP.

#### Other Issues

A number of concerns have been raised regarding the narrow strip of land to the side of the building that the applicant has enclosed off and is using it in connection with his business despite not being within his ownership.

While this is noted, Members are advised that land ownership is not a material consideration for the purposes of planning control. The applicant has fulfilled all the procedural requirements of the planning application by signing Certificate D on the application form and placing an advert in the Local Press to advertise that the

development, as originally submitted, involved work on land not full within his ownership. The amended scheme has relocated the unit at the rear of the property on land within the applicant's ownership.

#### SUMMARY AND RECOMMENDATION

Retrospective planning permission is being sought to retain a refrigeration unit that has been installed to a commercial premises in Main Street, Grenoside. The refrigeration unit is being used by the applicant to refrigerate produce sold within the newsagent/shop.

The application has been amended on the advice of officers following concerns that noise emanating from the refrigeration unit causes significant noise disturbance to the detriment of neighbouring properties. The applicant has agreed to re-locate the unit to the rear of the building and enclose it in within a sound reduction enclosure. Subject to this being carried out within 6 weeks from the date of the decision, it is considered that the residential amenity of neighbouring properties would not be unduly harmed from unacceptable noise disturbance from the unit.

For the reasons set out in the report, it is considered that Policy H14 of the UDP is met. The application is therefore recommended for approval subject to the conditions listed within the report.

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Case Number	13/02892/FUL (Formerly PP-02832662)
Application Type	Full Planning Application
Proposal	Demolition of existing caretakers house and garages and proposed residential development of 52 dwellinghouses with associated access, car parking and area of public open space
Location	Former Oakes Park School, Matthews LaneSheffieldS8 8JS
Date Received	23/08/2013
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	GRA GC subject to Legal Agreement

Subject to:

- 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.

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

Drawings no'd:  
811103/100/10  
811103/100/11  
811103/100/12  
811103/100/13  
811103/100/14  
811103/100/15  
811103/100/16  
811103/100/17  
811103/100/18  
811103/100/19  
811103/100/20  
811103/100/21  
811103/100/22  
811103/100/23  
811103/100/24



811103/100/27  
811103/100-002  
811103/100-003 Rev.E  
811103/100-001 Rev.K

Reason: In order to define the permission.

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

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

- 4 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the dwellings shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 5 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 6 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, 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.

- 7 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.

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

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

- 9 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.

- 10 No development shall commence until full details of measures to protect the existing trees 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 the visual amenities of the locality.

- 11 Prior to the commencement of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.

5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

- 12 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 13 A minimum of 25% of the dwellings shall be built to Mobility Standards and prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority and such agreed details shall be implemented and retained thereafter.

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

- 14 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. 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 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

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

- 15 The dwellings shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater

than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

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

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

- 17 The gradient of the access road/driveway shall not exceed 1:20 for the first 10 metres from the highway.

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

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

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

- 19 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 highway safety and the amenities of the locality.

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

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

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection

fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. 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 a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

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

The notice should be sent to:-

Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

For the attention of Mr P Vickers

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

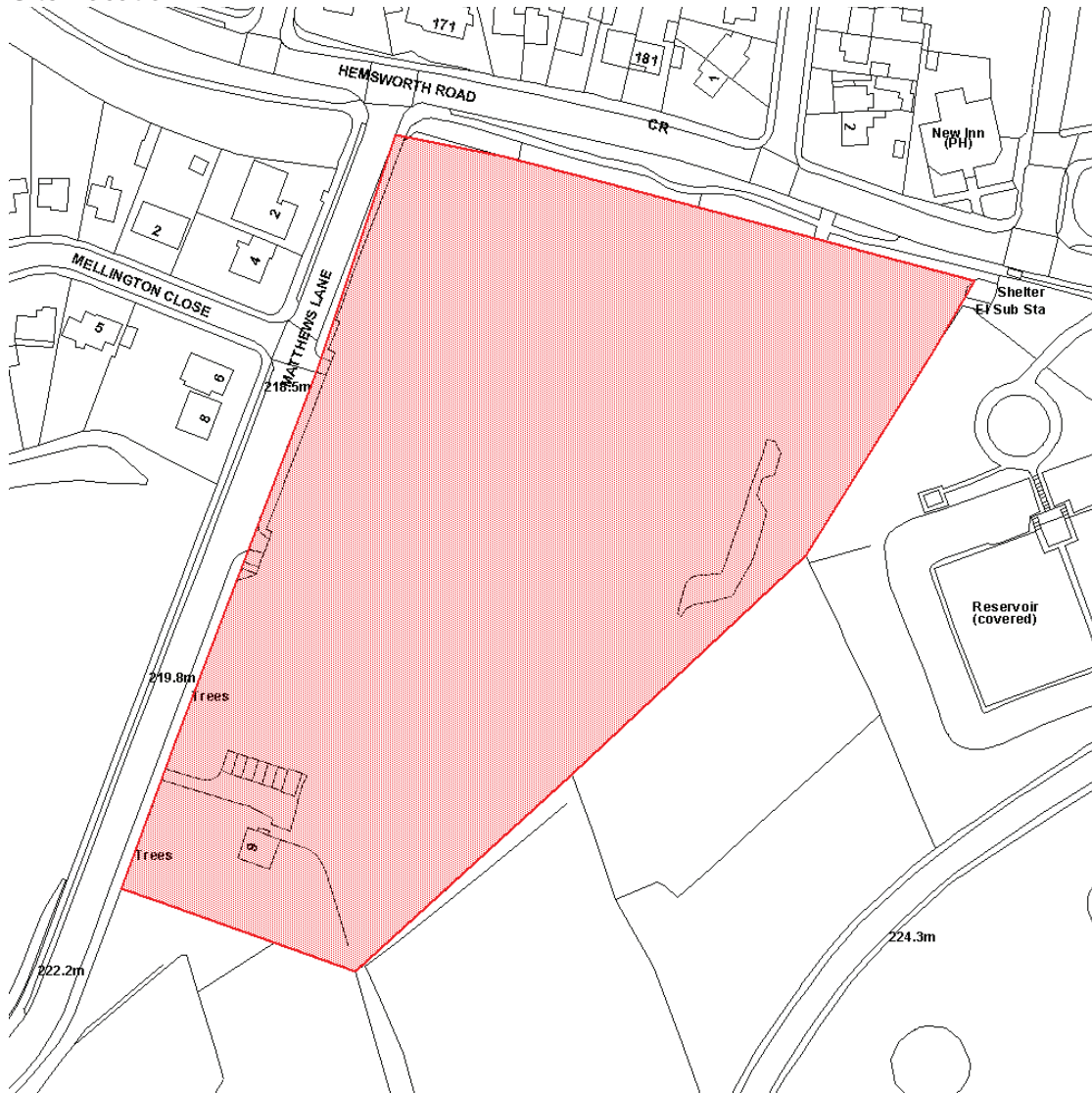
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the

refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
7. Before the development is commenced, 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 deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
8. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

## Site Location



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## INTRODUCTION

Members will recall that at the Committee meeting of 26<sup>th</sup> August 2014 they deferred a decision on this application, whilst expressing support for the development in principle. This deferral was to enable Officers to reconsider the distribution of the monies being received by the Council and to bring a report back to the subsequent Committee meeting for a decision.

The further consideration requested is addressed under the affordable housing section of this report, and the recommendation is amended accordingly.

## LOCATION AND PROPOSAL

The application site is located in the Norton area of Sheffield on the south side of Hemsworth Road and to the east of Matthews Lane. Access to the site is currently afforded from both Hemsworth Road and Matthews Lane by way of vehicle and pedestrian points associated with the former school.

The site is open and vacant, having been cleared of the former school. It extends towards the south and east and beyond are fields, Norton Free School and the covered reservoir. To the north and north west is housing and a public house with sports fields to the west.

The centre of the site is an area of hard core with landscaping and trees around all edges of the site, with mature trees along both roads to the north and west and also in the south east. The caretaker's house remains in the south corner of the site and this is occupied.

The topography of the site is such that it is generally level with a gently sloping gradient to the south east and steep banks rising up to the eastern boundary.

There is a local shopping centre at Constable Road which is a short walk from the site and a larger shopping centre on Derbyshire Lane which is also within walking distance but further away. Graves Park also lies close to the site. The nearest bus stop is on Hemsworth Road adjacent to the site.

This application seeks planning permission for 52 houses being a mix of terraced, semi detached and detached properties containing 3, 4 or 5 bedrooms.

The main access into the site would be taken from Matthews Lane and would use one of the former access points. A secondary access also on Matthews Lane would be introduced that would serve six houses. Each house would have a minimum of two car parking spaces.

An area of public open space would be provided in the south west of the site retaining a number of mature trees. Mature trees along the boundaries with Hemsworth Road and Matthews Lane would also be retained. The open space would run along the south side of the main internal access road and link the fields either side in the form of a green link.

## RELEVANT PLANNING HISTORY

11/02850/DPNRG3. Demolition of school, caretakers house and all associated outbuildings (Application for prior approval in accordance with additional details received on 26.10.11 and 9.11.11) granted on 18.11.11.

## SUMMARY OF REPRESENTATIONS

Four letters have been received from neighbours setting out the following objections.



Matthews Lane is a very busy road on school days and Sundays because of the football and cannot support the extra traffic that would be generated by 52 houses.

Parking occurs on both sides of Matthews Lane and Matthews Fold which is made worse when there are events at Graves Park. This results in one way traffic only and traffic has to queue on Hemsworth Road to get into the site.

There is a potential for an extra 100 cars if each household had two.

Parking restrictions should be imposed in the area.

There is only one entrance point into the site and it would be better if this was located along Hemsworth Road

Many children walk to school and there will be extra danger from construction vehicles and additional traffic.

There will be more pollution caused by extra cars.

The numbers of houses should be reduced and the green space retained.

There will be an adverse impact on wildlife.

The school is already oversubscribed so another housing estate will put even more pressure on school places.

The application is contrary to the Core Strategy.

A letter from an interested party has made representations about affordable housing which states that:-

- Miller Homes are not intending to provide any on-site affordable housing and have not provided any justification for this. On this site, there is no reason for not, at least in part, providing some on-site provision together with a commuted sum payment to achieve the G2 Target Level of 30% equivalent.
- The IPG Affordable Housing section G3 says that wherever possible and appropriate, affordable housing should be provided onsite'. If the applicant does not provide any on-site affordable housing then the application should be refused because it would be contrary to this guidance.

A Statement of Community Involvement has been submitted in support of the application which tends to focus on the pre-application advice sought from your officers prior to the submission of this application. However, with respect to public consultation, the applicant said that an Information Leaflet was distributed to local residents which displayed the layout and gave a brief description of the proposal. At the time of the submission of the application, details of responses were pending and none have been received by your officers.

## PLANNING ASSESSMENT

### Planning Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and a key thread that runs through this document is a presumption in favour of sustainable development. Paragraph 9 says that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as people's quality of life.

The 12 Core Principles are set out in paragraph 17 of the NPPF and this includes encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. The Core Principles also say that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 47 of the NPPF says that local planning authorities should identify specific deliverable sites sufficient to provide five years of housing. Paragraph 50 says that Local Authorities should plan to deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

The Unitary Development Plan (UDP) shows that the site is designated as part of a housing policy area and policy H10 says that housing is the preferred use.

Core Strategy policy CS22 sets out the requirements for new housing. This says that sufficient sites will be allocated to meet the housing requirement to at least 2020/21 and that a five year supply of deliverable sites will be maintained at all times. Currently, the supply of housing land is estimated to be less than five years so the proposal for 52 houses will contribute to this supply.

Core Strategy policy CS23 deals with the locations for new houses and says that at least 90% of additional dwellings should be located in the main urban area of Sheffield. Norton is within the main urban area so the provisions of this policy would be satisfied.

Core Strategy policy CS24 seeks to maximise the use of previously developed or brown field land. This site was previously developed as a school so the proposal meets this policy.

Core Strategy policy CS26 says that housing development will be required to make efficient use of land but the density of new housing should be in keeping with the character of the area. In this area of Sheffield housing density should be 30 to 50 dwellings per hectare (dph). The developable area of the site is 1.76 hectares so it would be developed at 30 dph which although at the lower end of the range, complies with this policy.

In general terms, the proposed density reflects that of surrounding residential development so the proposal would be consistent with surrounding development in this respect.

## Layout, Design and External Appearance

UDP policy H14 says that new buildings need to be well designed and in scale and character with neighbouring buildings.

UDP policy BE5 says that good design and the use of good quality materials will be expected in all new buildings.

Core Strategy policy CS74 says that high quality development will be expected which contributes to the creation of attractive, safe, sustainable and successful neighbourhoods.

Statements dealing with Design and Access and Building For Life have been submitted in support of the application.

The arrangement of existing houses in the immediate locality, which are predominantly detached and semi-detached and two storeys high with pitched roofs, is that they front on to the road and there are substantial gardens containing mature trees and landscaping. This characterises the local area.

The proposed layout, as amended, has taken cues from the locality in terms of the layout and the design and appearance of the houses. Houses will front Matthews Lane apart from the south end where there would be open space and the flank of one house. Along the Hemsworth Road frontage there are mature trees and a sewer easement that is to be retained. The retention of the trees along both Hemsworth Road and Matthews Lane will maintain the character of the area. Houses will face towards Hemsworth Road but would be set behind the easement and trees.

The siting of the proposed houses is such that there is less space between the buildings than between existing buildings in the neighbourhood. However, a sense of space will be created by the inclusion of the open space in the southern area, a number of generous gardens and the easement along the northern boundary. This proposal would not, therefore, appear as a cramped development which would be in contrast to neighbouring houses.

Within the southern part of the site, an area of open space is proposed that will stretch across the breadth of the site at this point linking the green spaces either side. There are a number of existing mature trees within the site at this point and virtually all of these have been retained within the open space which has been designed to allow for this and the creation of an attractive area.

Along the south and south eastern boundaries of the site, houses are proposed and these, along with those across the road, would overlook the open space, making the most of a pleasant aspect.

The houses will be two storeys high with pitched roofs being a mix of gable and hipped. There would also be a variety of designs, some incorporating a plain approach whereas others would incorporate gables or garages at the front rather

than being integrated. This approach reflects the existing variety in the neighbourhood.

With respect to the external finishes of the houses, a mixture of red and buff brick, off white render is proposed along with grey and terracotta roof tiles. Again, this reflects the treatment of existing houses in the area. Boundary treatment would comprise a mix of 1.8 metre close boarded fencing, 1.8 metre walls and 1.2 metre railings which would be along the boundaries of the open space.

### Sustainability

Core Strategy policy CS64 requires all new buildings to be designed to reduce emissions of greenhouse gases and function within a changing climate. All new buildings will be expected to achieve a high level of energy efficiency and to use resources sustainably. The latter includes minimising water consumption, using sustainable materials, solar energy, passive heating and cooling, minimising waste and other measures.

Core Strategy policy CS65 says that all significant development, a category this application falls into, will be required to provide a minimum of 10% of their predicted energy needs from renewable or low carbon energy and incorporate design measures sufficient to reduce the development's overall predicted carbon emissions by 20%.

A key theme in the NPPF is that new development should be located in and built to a high level of sustainability.

A Sustainability Statement has been submitted in support of the application. This says that the site is in a sustainable location close to frequent bus services and local shops. There are also education, retail and leisure facilities nearby.

The statement says that the development would increase the number of people living in the area, thereby strengthening the sense of community and creating a better environment than the open and vacant site that exists at present.

The statement also says that the proposed development will meet the requirements of relevant Core Strategy policies. The design includes high levels of passive solar gain and high levels of insulation will be provided. There would be water saving features and energy efficient boilers. A detailed energy statement has also been submitted which provides similar information to the Sustainability Statement but in greater detail.

An appropriate condition would be attached to ensure the development complied with policies CS64 and CS65.

### Impact on Neighbours' Amenities

UDP policy H14 says that new development should not harm the amenities of existing and future residents.

Core Strategy policy CS74 requires new development to contribute to the creation of attractive, sustainable and successful neighbourhoods.

There are houses that face the site across Hemsworth Road but there would not be any significant disturbance or disamenity from the proposed development that would affect these.

Hemsworth Road is busy and heavily trafficked particularly in the morning and evening peak periods and because the main entrance to the proposal lies on Matthews Lane and there is a landscaped buffer zone within the site along Hemsworth Road, there would be no disturbance affecting existing residents here.

Along Matthews Lane, four houses face the site. At present, a vacant, open site faces them and this would be replaced by housing on completion of this proposal and it is the case that there would be more activity than at present. It is considered however that the very limited noise associated with this would not merit resisting the application.

The existing houses would not be subject to any overlooking, loss of privacy or over dominance as all houses would face each other across the public domain and new dwellings would be of a similar scale and height to those existing.

#### Highways, Access, Parking and Transportation

UDP policy H14 says that safe access to the highway network should be provided along with appropriate off street parking and pedestrians should not be endangered.

Core Strategy policy CS51 sets out transport priorities which includes promoting choice by developing alternatives to the car.

Core Strategy policy CS53 seeks to manage the demand for travel.

A Transport Statement has been submitted in support of the application and this concludes that the level of new traffic generated by this proposal is modest equating to one vehicle every two minutes in both AM and PM peaks which can be absorbed into the existing road network. Consequently, no off site road improvements are required.

With respect to traffic accidents, three slight accidents have been recorded on Hemsworth Road but no common cause has been associated with these suggesting that this situation would be aggravated by the development.

There are bus stops close to the site which provide links into and out of the city centre on a variety of routes. It is also considered that walking and cycling offer realistic alternatives given the close proximity of amenities and services to the site. It is possible to use the main internal access road as a cycle and pedestrian route from Hemsworth Road to Matthews Lane cutting out the road junction to the west and shortening the route.

With respect to access points into the site, an existing vehicle access point from Hemsworth Road would be closed and this would be for pedestrian access only. A main access point would be located towards the south end of the site which would have acceptable visibility in both directions. This road and internal distributors would serve all but six houses which are at the southern end and a separate access would serve these which would also have acceptable visibility.

There would be safe pedestrian access to the site. Footways would be provided along either side of the main access road into the site which would link to the existing footway system along Matthews Lane. There would also be a link established with Hemsworth Road in the north east of the site which would avoid having to walk all the way through the site and along Matthews Lane to reach this point.

Off street car parking provision is 2 spaces per dwelling with a space for visitors being available on the street. This is acceptable and complies with Council guidelines on this issue.

A concern to local residents is the existing parking along Matthews Lane and Matthews Fold generated by parents dropping off and collecting children attending Norton Free School, located close by on Matthews Lane. There is also the issue of those using the football pitches at weekends. Residents feel that the introduction of the new development will worsen this situation. Within the estate, there is sufficient off street parking but, currently along Matthews Lane there is a lay by which would be lost to the development and on street spaces along the site frontage would be reduced because of driveways leading on to the road. It is the case that this would lead to a reduction in street spaces but this is not considered significant enough to merit resisting the application for this reason alone.

The new road layout within the site would not be subject to parking restrictions so there would be some capacity within the site to provide some compensatory parking for football visitors.

Access, parking and transport proposals are considered to be acceptable subject to conditions.

#### Landscaping, Trees and Green Link

UDP policy GE10 says that a network of Green Corridors and Green Links will be protected from development and will be enhanced by encouraging development which increases their value for wildlife and recreation. The UDP shows that a Green Link runs from east to west across the site.

UDP policy GE15 seeks to retain trees and woodland and says that developers should retain mature trees where possible and replace any trees that are lost.

Core Strategy policy CS73 deals with the Strategic Green Network and says that this will be maintained and enhanced where possible. The link between Oakes Park and the Limb Valley crosses the application site.

The applicant has submitted two Arboricultural Survey reports and Method Statements dated July 2012 and September 2013 which provide detailed tree surveys, protection methods and set out landscaping proposals.

With respect to the Green Link, the application proposal has sought to protect and enhance the link by way of retaining mature trees in the south of the site and creating an area of public open space that runs the width of the site thus retaining the link with fields either side of the site. This will ensure that the Green Link will contribute to an attractive development when viewed from inside and outside the site but also enhance the ecological value.

The Arboricultural Survey dated 2012 sets out the condition of 28 trees and tree groups within the site and it is the case that many of these will be retained, principally along the Hemsworth Road frontage and within the site in the public open space/Green Link. Some trees along Matthews Lane and within the site would be lost to allow for the development to be introduced but trees to be lost would be replaced by new ones.

The 2012 Survey also sets out tree protection measures and 'No dig' methods which comply with guidance set out in British Standard 5837: 2012.

The Arboricultural Survey dated 2013 is a supplementary report that deals with a small group at the south of the site that was excluded from the original Survey. A group of trees in the south west corner would be retained but others to be lost will be replaced within the site.

The landscape and green link proposals are considered to be acceptable.

#### Air Quality

Paragraph 124 of the NPPF requires planning policies to contribute towards EU limit values or national objectives for pollutants, taking account of Air Quality Management Areas and the cumulative Impacts of air quality from individual sites locally. It also requires decisions to be consistent with the Air Quality Action Plan (AQAP). Sheffield's AQAP identifies the whole of the urban area as an Air Quality Management Area.

Core Strategy policy CS66 relates to air quality and refers to action being taken across the built up area of the city where residents are exposed to levels of pollution above national targets. The policy seeks to achieve protection and improvement of air quality through the AQAP and local Transport Plan and through decisions about planning applications for significant traffic generating uses.

Traffic generation from the scheme is predicted within the Transport Assessment to involve 30 movements an hour at the peak AM and PM times. This is below the level of traffic that would require a specific air quality impact assessment but sufficient to promote air quality mitigation measures.

Such measures are often incorporated into Travel Plan measures that are designed to reduce the reliance of the private car and promote alternative modes of transport.

The AQAP promotes the development of infrastructure for the promotion of smarter travel choices. The applicant, in paragraph 5.23 of the Transport Statement, has committed to make purchasers aware of sustainable transport options but your officers feel this should be strengthened by way of requiring a travel plan which would be controlled by a condition.

#### Flood Risk

Core Strategy policy CS67 seeks to reduce the impact and extent of flooding but the information submitted in support of the application confirms that there is a very low risk of flooding. Whilst the site is not within a high or medium probability flood zone, the size and scale of development gives rise to the potential for increasing surface water run-off, leading to flooding elsewhere.

With respect to surface water run-off, policy CS67 says that this must be reduced to 5 litres per second on all sites over 1 hectare, except on brown field sites such as this where the developer can demonstrate that there is existing surface water run-off. In such instances, run off must be reduced by 30%. This is achievable and would be controlled by a condition.

#### Disabled Access

UDP policy H7 says that mobility housing should be provided at a ratio of 25% and the developer has confirmed that this would be the case.

Core Strategy policy CS74 says that the needs of disabled people should be met in new development.

The application takes account of the need to provide mobility compliant housing and a 25% of houses will be designed to meet the mobility housing standards and allow for suitable conversion. The applicant has also committed to providing appropriate treatment to allow for access through the site by disabled people.

Full details have not been provided so a condition would be attached to control this issue prior to the commencement of development.

#### Planning Obligations

##### Affordable Housing

The Sheffield Local Plan Core Strategy Policy CS40 states that developers of new housing in all parts of the city will be required to contribute to the provision of affordable housing where this is practicable and financially viable.

Affordable Housing Interim Planning Guidance was issued in 2009, and has been updated in 2014. This sets expected levels of developer contribution towards



affordable housing in different parts of the city, and identifies an expected contribution of 30% for sites in the South Affordable Housing Market Area, in which this site falls.

The NPPF at paragraph 173 states that 'to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.

The applicant has submitted an affordable housing statement which states that £1,060,000 plus one on site unit is their maximum offer for an affordable housing contribution. In line with normal practice in such cases, and reflecting the requirements of the NPPF and policy CS40, the District Valuation Service has independently assessed the developer's viability case. The District Valuer's report identifies that the applicant's offer of a £1,060,000 contribution plus one on site affordable unit would equate to a 15.5% affordable housing contribution (i.e. approximately half of the policy requirement).

The DV's report further identified that a full 30% contribution of £2,224,411 plus one on site unit could be delivered whilst retaining scheme viability with a reasonable land value, and reasonable developer profit of 17.64% (on gross development value) or 21.42% on costs. In these circumstances a full 30% contribution is therefore considered necessary in order to meet the requirements of policy CS40.

In this instance, the offer therefore leaves a shortfall of £1,164,411 in relation to affordable housing. Given that land value reflects planning obligations then should a full affordable housing contribution be paid then this would typically reduce the capital receipt payable to the landowner. However, in this instance, this sum will still be paid to the Council as landowner of the site as part of the capital receipt. The Council is in the unique position of being able to reinvest money from the sale of the site in public projects. Therefore the Council could commit to spend the shortfall (in this case £1,164,411) on projects of wider public benefit which in certain circumstances may be considered to outweigh the need for additional affordable housing units. It is considered that this is one such occasion.

Officers have given further consideration to the distribution of the money and having taken on board the views expressed by Members now recommend that in addition to the previously identified £1,060,000 contribution towards the delivery of affordable housing in the local area, the shortfall of £1,164,411 be committed to the Council's Local Growth Fund to promote housing delivery and economic regeneration.

The Council receives New Homes Bonus funding from Central Government that Cabinet agreed, in August 2011, should be allocated to a new Local Growth Fund. A Local Growth Fund Investment Strategy was subsequently agreed by Cabinet in November 2011 to use this funding to promote housing and economic regeneration. It sets out the strategy to increase available housing by delivering

more new homes and reducing the number of long term empty properties. It aims to do this by addressing the key challenges and opportunities which affect housing delivery in the City, including:

- Overall land supply and choice of sites
- Housing market conditions and site viability
- Affordability and availability of mortgage finance
- Place-making
- Long term empty properties
- Design quality
- Economic regeneration
- Restarting the City Centre Housing Market

Investment is prioritised to projects which deliver significant impact in terms of increasing housing delivery and the ability to bring empty homes back into use. The more new housing that is delivered the more funding the Council receives by way of New Homes Bonus which goes back into the Local Growth Fund to promote the delivery of more housing and regeneration.

By providing additional funding of £1,164,411 from the capital receipt for the site, for this housing delivery strategy, the development will overall provide £2,224,411 towards housing projects both in the delivery of a significant proportion of affordable housing, and additional funding for the Local Growth Fund.

Therefore, whilst this would still leave a shortfall in the direct affordable housing contribution and in the development's compliance with policy CS40, the commitment to direct £1,164,411 from the capital receipt for the site to the Local Growth Fund will result in the development providing further considerable public benefit in the delivery of housing projects including affordable housing projects elsewhere in the city, which is a material consideration to be balanced against the shortfall.

It is important to note that the overall contribution the development would provide to the Council for local infrastructure would be the same as it would were the full affordable housing contribution being provided. However in this instance there is significant public benefit in a combined provision of a substantial affordable housing sum, which is capable of delivering approximately 25 additional Council homes within the local area as part of the Council's citywide Stock Increase Programme, and assisting the funding of the Local Growth Fund.

The Council is committed to ensuring that a sum equivalent to the shortfall, and resulting from the sale of the site is made available for assisting the delivery of the Local Growth Fund Investment Strategy.

Therefore despite the shortfall in affordable housing contribution, and conflict with policy CS40, such commitment will result in the development providing considerable public benefit which is a material consideration to be balanced against the shortfall.

This is similar to the circumstances in which a reduced level of affordable housing provision was accepted on the Psalter Lane application submitted by Sheffield Hallam University.

#### Open Space

UDP policy H16 requires open space to be provided within the site, or failing that, a financial contribution made for appropriate improvements to existing provision nearby, where there is a shortfall of open space. An assessment of open space has been undertaken and a shortfall exists, the existing provision being below minimum requirements. Informal and formal open space at 2.23 ha and 3.13 ha per 1000 population are below minimum standards but outdoor sports provision is above the minimum guideline at 3.13 ha per 1000 population.

As part of this scheme, the informal open space will be provided within the site but a financial contribution for off-site works totalling £83,193.10 would be required for formal sports provision and children's play facilities. This would be secured via a legal agreement.

#### Education

Core Strategy policy CS43 says that expansion of schools should be funded by developers where there is insufficient local space for demand arising from new housing developments.

There is a long term trend across Sheffield of accelerating and sustained growth in demand for secondary school places. In the local area, there is significant pressure on Meadow Head secondary school and pressure will increase on Newfield school in the near future, given current forecasts.

In this instance, a sum of £142,636 is required which would contribute to increasing secondary provision within a two mile radius of the site. This would also be secured by a legal agreement.

#### Bus Shelter

It is likely that the demand for bus travel will increase when the development is occupied because of the attraction of good bus services so close to the site and the applicant has agreed to contribute £10,000 towards the improvement of the bus shelter on Hemsworth Road next to the site. This would be controlled by a legal agreement.

The provision of all the above contributions would be controlled by a legal agreement under section 106 of the Planning Act.

#### RESPONSE TO REPRESENTATIONS

A number of representations have already received a response earlier in this report but some responses are still needed.

There are concerns from local people that there is already heavy demand for street parking spaces in the area around the application site particularly at the weekends when the nearby sports field are in use. This has been considered but the issues that are resulting in the current on street parking are not attributable to the proposed development, which can accommodate its parking needs within the site so it would not be reasonable to impose parking restrictions.

A representation on the planning application queries the provision of a contribution for off-site affordable units rather than on site. In this case, owing to the proximity and availability of existing residential units (ex- Council right to buy stock) it would be possible to provide approximately twice as many affordable houses off site, than on site by buying such properties on the open market. As such the benefits of providing almost twice as many units outweigh the desire for units to be provided on site. This constitutes exceptional circumstances as set out in part f) of Guideline G3 in the 2014 Affordable Housing Interim Planning Guidance, provided the money is spent in the local area, which will be secured through a Planning Obligation under s106 of the Town and Country Planning Act.

The access point off Matthews Lane is considered to be acceptable having good visibility in both directions.

The numbers of houses proposed meets all relevant policy criteria and the development is an acceptable density.

There would be very limited impact on wildlife and the green link through the southern part of the site would contribute to the biodiversity of the area.

## SUMMARY AND RECOMMENDATION

The application site is vacant and comprises a central hard surfaced area which used to accommodate Oakes Park School prior to its demolition. Around this area are areas of landscaping, including a number of mature trees. Hemsworth Road and Matthews Lane border the site to the north and west respectively and the predominant surrounding land use is housing.

The proposal, as amended, is to introduce 52 houses which would have a mix of 3, 4 or 5 bedrooms into the site along with associated off street car parking, landscaping including an area of public open space, also acting as a green link in the southern part of the site.

The main access would be taken from Matthews Lane which would use one of the former points of access. A smaller, secondary access serving six houses would also be from Matthews Lane but to the south of the main entrance. An existing vehicle access from Hemsworth Road would be blocked off and be available for pedestrians only.

The site is classified as being previously developed or brown field so it's redevelopment for housing is acceptable as is the density of 30 dwellings per hectare.

The layout, design and external appearance will be acceptable in that new two storey development would be complement existing housing in the area.

The accesses into the site are safe and the proposed off street parking provision is acceptable. The open space within the site will provide an informal facility and a green link between fields either side retaining a number of mature trees.

The development provides planning obligations in order to ensure local open space, education and public transport facilities can accommodate the proposal. In addition, a substantial sum is committed to provide off site affordable housing units in the local area, and whilst this sum falls short of the full policy requirement under policy CS40, for the reasons set out above there is an exceptional case for utilising the balance of the affordable housing contribution, for public benefit to support and provide additional funding for the Council's Local Growth Fund Investment Strategy to deliver housing projects including affordable housing projects elsewhere in the city.

The application, as amended, will deliver a significant number of new dwellings, along with the above improvements to local facilities, and is therefore recommended for conditional approval subject to a unilateral undertaking securing the payment of commuted sums for off-site open space and public transport improvements, affordable housing and education provision.

#### Heads of Terms for Unilateral Undertaking

- (i) The owner(s) of the site shall serve on the Council, within 21 days of the commencement of development, notice of the commencement of the development, and in the event of such notice not being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed,
- ii) The owner(s) of the site shall serve on the Council, within 21 days of the occupation of the 1<sup>st</sup>, 15<sup>th</sup> and 30<sup>th</sup> dwelling, occupation of that dwelling and in the event of such notice not being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed,
- (iii) On or before occupation of the first dwelling, the owner(s) shall pay to the Council the sum of £41,596.55 towards the provision and enhancement of open space within the 1200m of the site, and a further £41,596.55 prior to occupation of the 15<sup>th</sup> dwelling and shall not permit the occupation of more than 15 dwellings until the total Open Space sum of £83,193.10.
- (iv) On or before the occupation of the first dwelling, the owner(s) shall pay to the Council the sum of £142,636 to be used to provide additional school places generated by the development within the Planning Area 7 – East.

- On or before the occupation of the 15<sup>th</sup> dwelling, the owner(s) shall pay to the Council the sum of £530,000 towards the provision of affordable housing within the South Affordable Housing Market Area, and shall pay a further £530,000 on or before occupation of the 30<sup>th</sup> dwelling. The owner shall not permit occupation of more than 15 and 30 dwellings respectively until such sums have been paid.
  - The owner(s) shall construct the on-site affordable housing unit within 24 months of the commencement of development and the Affordable Housing Unit will be made available for acquisition by the Council.
- (vii) On or before the commencement of development, the owner(s) shall pay to the Council the sum of £10,000 towards the improvement of the bus shelter next to the site.