

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 18/08/2015

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	15/00143/FUL (Formerly PP-03911247)
Application Type	Full Planning Application
Proposal	Erection of 12 apartments in a 1 x 3/4 storey block, including basement car parking for 12 vehicles and provision of a landscaped court yard above the carparking accommodation at first floor level as amended 11.6.15, 23.6.15 and 23.7.15
Location	Land Adjacent 240 Springvale Road Sheffield S10 1LH
Date Received	16/01/2015
Team	West and North
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing no. 14943\_A1\_02 Existing Site Plan;  
Drawing no. 14943\_A3\_01 Site Location Plan;  
Drawing no. 527\_SRS02 Tree Constraints Plan;  
Drawing no. 527\_SRS03 Tree protection Plan;  
Drawing no. 527\_SRS01 Tree Survey;  
all received on 16.1.15.

Drawing no. 14943\_A1\_04 Rev E Proposed Ground Floor Plan;  
Drawing no. 14943\_A1\_05 Rev C Proposed Plans;  
both received on 11.6.15.

Drawing no. 14943\_A1\_06 Rev C Proposed Elevations 1;  
Drawing no. 14943\_A1\_07 Rev D Proposed Elevations 2;  
both received on 23.7.15.

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

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

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

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

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

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

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

7. No development shall commence until the measures to protect the existing trees to be retained have been implemented in accordance with the details shown on approved drawing no. 527\_SRS03 prepared by Weddle Landscape Design. 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 unless otherwise approved.

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

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

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

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

9. Large scale details, including materials and finishes, at a minimum of 1:10 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
  - (i) Windows and window reveals;
  - (ii) Doors;

- (iii) Eaves and verges;
- (iv) External wall construction;
- (v) Balconies;
- (vi) Entrance canopies;
- (vii) Roof, ridge & valleys;
- (viii) Rainwater goods;

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

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

10. 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 improvements works will be carried out before the building is/are brought into use.

Highway Improvements:

- a) Review/promotion of Traffic Regulation Orders that might be desirable as a consequence of the development (prohibition of waiting/loading) along the development site frontage to prevent indiscriminate parking practices, entailing advertising, making and implementing the TRO subject to usual procedures (including provision and installation of regulatory traffic signs and road marking in accordance with Traffic Signs, Regulations and General Directions 2002)
- b) The provision of pedestrian friendly tapers rather than kerbed radii and resurfacing of the footway flanking/fronting the development site frontage.

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

11. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

13. 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.

14. Before the development commences full details of the package of sustainable measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before that part of the building is brought into use and the development shall be carried out in accordance with the approved details. Thereafter such details as provided shall be retained.

Reason: In order to ensure an appropriate quality of development

15. Before any of the apartments are first occupied, the second floor landing window on the elevation of the building facing southwest, the first, second and third floor landing windows on the elevation of the building facing northwest and the first and second floor bathroom windows on the elevation of the building facing northeast shall be fully obscured to a minimum privacy standard of Level 4 Obscurity. The obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

16. Before any of the apartments are occupied the screen fence along the southwestern boundary of the site shown on the approved drawings shall have been provided in accordance with the approved details and thereafter the screen fence shall be retained and maintained.

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

17. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been implemented and thereafter retained. Such scheme of works shall install glazing to a minimum specification comprising one pane of 6mm and one pane of 8mm glass separated by a nominal cavity of 12mm for bedrooms and living rooms on elevations facing Howard Road and Springvale Road and be capable of achieving the following noise levels:
  - a) Be capable of achieving the following noise levels: Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours); Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours); Other Habitable Rooms: LAeq (16 hour)

- 40dB (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

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

18. Before any of the apartments are occupied details of the management of the entrance to car park and bin store shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the entrance to car park and bin store shall be operated in accordance with the approved details.

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

19. The building shall not be used unless the car parking accommodation for 12 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.

20. The building shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

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

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

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

Reason: In the interests of biodiversity.

23. Before any of the apartments are first occupied handrails shall have been provided to the approach ramp and steps to the entrance door of the building in accordance with details 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.

24. The building 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.

#### Other Compliance Conditions

25. 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.

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

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

27. The gradient of the shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The development hereby approved is liable to Community Infrastructure Charges (CIL).
2. A telegraph pole is located fronting the proposed site. This will have to be resited at the applicant's expense as part of any access works.
3. 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.

4. 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

5. 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.

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. 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.
9. 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.
10. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on

Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

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

## Site Location



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### LOCATION

The site is located on the northwest corner of the junction of Springvale Road with Howard Road and Commonside.

The site has been vacant for several years and the buildings associated with its previous use as a petrol filling station have been removed.

There is a high retaining wall along the northern boundary and partly along the eastern boundary of the site. The site is slightly irregular in shape with a 24 metre

frontage to Springvale Road and a 10 metre frontage to Howard Road. There is a slight fall across the site down towards the east.

The surrounding area to the west, north and east is predominantly residential. To the southeast of the site there are several commercial properties fronting Commonside.

## PROPOSAL

The proposal seeks full planning permission for the erection of 12 apartments.

The proposal has been amended since its submission to revise the layout of the parking area, bin store and entrance area, clarify window cill levels and raise the height of the building by 0.6 metres.

The proposed building would have four floors of accommodation with the top floor being within the roofspace. There would be a car park, cycle parking, a bin store and one residential apartment on the ground floor; four apartments, a courtyard garden and two green roofed areas on the first floor; four apartments on the second floor and three apartments and a green roof on the third floor.

The proposed building would be cover most of the site with the building being slightly set back from the adjacent pavement frontages on Springvale Road and Howard Road. The upper floors would be set back from the side boundary with no. 240 Springvale Road. The upper floors on the rear elevation would also step back away from the rear boundary of the site.

The proposal would provide 11 two-bedroomed apartments and 1 one-bedroomed apartment. A lift is provided within the building and three of the apartments are designed to mobility standards.

The building would be faced in coursed natural sandstone with black powder coated cladding panel features and a natural slate roof with photovoltaic panels. The proposal also seeks to incorporate a ground source heat pump

## RELEVANT PLANNING HISTORY

The earlier planning applications in the on the site in the 1970s and 1980s related to its use as a petrol filling station and for proposed car sales. The applications for car sales were refused planning permission. Since then three applications for a convenience store on the site and an application for an apartment building on the site have been refused planning permission. A planning application for the erection of an apartment building was granted planning permission in 2004.

The planning permissions for various developments relating to the use of the site as a petrol filling station and car repair servicing were granted in 1979 (workshop extension), 1984 (canopy and storage tank), and 1989 (jet wash).

Planning permission was refused in 1977 for the use of garage and forecourt for display and sale of motor vehicles and again in 1982 for the additional use of the premises to include sale of cars (application nos. 77/2025P and 82/4687P refer).

In 2003 planning permission was refused for the erection of a building on the site providing 8 study apartments (providing a total of 30 single bedrooms) and a management office. The proposed building had a three-storey elevation (part pitched roof /part flat roof) to Springvale Road and to Howard Road (flat roofed) including a curved element on the corner, and a two-storey rear wing (flat roof). The reasons for refusal were that the design and materials proposed were out of character with the locality and would detract from the visual amenities of the area contrary to Policy S10(d) of the Sheffield Unitary Development Plan, and that the intensity of use proposed on the site was inappropriate in the locality leading to increased on-street parking to the detriment of local resident's living conditions contrary to Policy S10(d) of the UDP (application no. 03/01799/FUL refers).

In 2004 planning permission was granted for the erection of 8 apartments (providing a total of 18 bedrooms) in a 2/4-storey block and associated car parking accommodation. The proposed building would have a four-storey elevation to Springvale Road with the top storey in the mansard roofspace, a two-storey circular corner wing (flat roof) and a two-storey rear wing (flat roof). 10 off-street parking spaces were proposed in accordance with the Council's guidance. The proposal involved the closure of the access nearest the junction of Springvale Road with Howard Road/Commonside (application no. 04/00193/FUL refers). This planning permission was not commenced and expired in 2009.

Two planning applications for the erection of a convenience store on this site were refused 2007. The proposals were for a single-storey building faced in cladding panels with a mono-pitched roof. The applications were refused for reasons of insufficient and unsuitable car parking accommodation within the site and insufficient space for the acceptance of deliveries, that the proposed means of vehicular access/egress to and from the site would be detrimental to the safety of road users and the free and safe flow of traffic, and for an unsatisfactory design detrimental to the character and appearance of the locality and the Birkendale Area of Special Character (application nos. 07/02845/FUL and 07/02849/FUL refer).

Finally in 2009 planning permission was refused and dismissed on appeal for the erection of a two-storey convenience store. The application was refused for reason that the proposed servicing arrangements would be detrimental to the safety of pedestrians, other road users and the free flow of traffic on Springvale Road, Howard Road and Commonside contrary to Policy S10(f) (application no. 09/00745/FUL).

## SUMMARY OF REPRESENTATIONS

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

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

- concern at height, size, scale and appearance of the building, too large for the available space, the size of the development seems large, height design and materials not in keeping with two-storey detached houses, out of keeping with the style of buildings in the area, out of character particularly given it sits on edge of Birkendale Conservation Area, out of character with traditional Victorian architecture in the locality, contravention of existing building line especially at southeast corner, overbearing, poor standard of design, going to look ugly, spoil appearance of local area, will dominate corner, shame to mar it with an ill fitting large modern looking building, will ruin an historic part of Sheffield;
- amount of green space attributed to the development is a token effort and unusable;
- surrounding sites and their houses enjoy space to breathe around each dwelling, the dwellings/ha proposed is beyond what is reasonable in this setting, proposal is excessive for size of land, overdevelopment of the site;
- negative impact on traffic management parking and safety, adverse effect on traffic flow, access would disrupt traffic flow, the main problem of developing this corner plot is that to introduce more traffic/junctions to this area would be at best chaotic and at worst dangerous, proximity of schools makes this problematic;
- addition of a driveway for the car park on this dangerous corner, witnessed several accidents on this corner involving cars and bicycles, traffic comes from five directions, limited visibility, existing right hand turns from Upperthorpe are dangerous;
- entrance to car park will cause further delays and worsen visibility at this pinch point, insufficient space for vehicles turning up Springvale Road, leads to frequent traffic chaos and deters schoolchildren from being able to safely cross;
- cars turning left into car park would add to chaos;
- the entrance to the car park should be as far away from the road junction as possible even if it reduces the number of places available for cars or apartments;
- the location already has parking issues, frequently block drive to 207, particularly acute on Friday and Saturday evenings, parked cars make awkward five-way junction more congested and hazardous, on-street parking is main parking area for residents of flats on Commonsides and customers of the restaurants;
- increase pressure added to existing on-street parking problem, the access to the apartments will reduce on-street parking by two spaces, visitor parking is unaccounted for;
- proposed car parking is inadequate, likelihood of more than one car per dwelling, although the apartments will have 12 parking spaces, at full occupancy there will be at least 22 adults living there, is 12 spaces enough for residents let alone if visitors are considered;
- raises issues of privacy, the top storey windows/balconies will have a clear and direct view into house at 207 Springvale Road;
- neighbour at 252 Springvale Road will likely lose direct sunlight and privacy;

- the drawings indicate an attractive building but will restrict light to house and garden at 1 Heavygate Road, it will be too high for the site
- if residents have access to the green space existing residents will be exposed to noise, nuisance and disruption, potentially create noise disturbance from another influx of students;
- problems from noise and disturbance for residents of the corner apartments due to busy corner;
- would welcome a more sympathetic smaller scale proposal, if it were two-storey it would fit better, a stone fascia would blend with existing character, a design more sympathetic to Victorian buildings would be desirable, the site should be available for use as a one/two family property or as a commercial site or public space;

1 representation of support has been received:

- nice to see this land being developed.

2 representations of comment have been received stating that they neither object nor support the planning application. The comments made are:

- support residential development but concerned that the plans represent over-development of the site and will exacerbate existing road safety issues;
- on a pedestrian route to Westways Primary School at a complex junction congested at peak times, visibility to the junction is frequently impaired by cars parked close to the junction and access for parents compromised by vehicles parked on the pavement;
- no provision for visitor parking so increased pressure for on-street parking;
- suggest number of flats be reduced.

Councillor Geoff Smith has commented;

- the site needs developing and apartments is a sensible use, however two concerns, the first is traffic. It is a difficult junction and if there are parked cars on either side of the drive the site lines for everyone will be more difficult. It was a petrol station with cars coming in and out before but because of the entrance and exit there was less room for parked cars to obscure views. Would welcome a view from traffic engineers but inclined to think that some double yellow lines would help with road safety although would add to the pressures of parking on the road. Other concern is height. It looks like it will loom rather large over surrounding houses.

## PLANNING ASSESSMENT

### Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP identifies the site as being part of the Commonsides Local Shopping Centre. The site lies at the northern end of, and just within, the boundary of the Commonsides Local Shopping

Centre where shops are the preferred use and housing including apartments is an acceptable use (Policy S7 of the UDP refers).

The Pre-Submissions version of the Draft City Policies and Sites Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map excludes the site from the local shopping area and identifies it as being within the surrounding Housing Area.

UDP Policy S10 relates to conditions on development in shopping areas including criteria (a) which seeks to ensure that new development would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre.

In this instance as the previous use of the site was for non-shopping purposes and as such the proposed redevelopment of the site for residential apartments will not affect the dominance of shops in this local shopping area.

It is considered that the proposed use is an acceptable use in principle on this site and would not harm the dominance of shops in the local shopping area or its principle role as a shopping centre.

The site is previously developed and new homes on this site would contribute positively towards achieving the aim of Core Strategy Policy CS24 to maximise the use of previously developed land for new housing.

The proposal complies with UDP Policies S7 and S10(a) and Core Strategy Policy CS24.

#### Highway and Transportation Issues

UDP Policy S10 relating to conditions on development in shopping areas includes criteria (f) which seeks to ensure that the development would be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The site is on the fringe of the local shopping centre, within a densely populated area, and is served by regular bus services along Commonsides/Howard Road. It is considered that the site is in a sustainable location with access to local services and facilities.

The two existing vehicular accesses off Springvale Road would be replaced with one vehicular access. The proposal would provide 12 car parking spaces within the ground floor of the proposed building accessed off Springvale Road of which 3 spaces would be suitable for use by people with disabilities. Cycle parking is also proposed within the ground floor car park.

The main pedestrian entrance into the building would also be from the Springvale Road frontage.



The proposed provision of 12 on-site car parking spaces accords with the Council's parking guidelines for housing developments outside the city centre. In this instance the site is in a sustainable location and a provision of one car parking space per apartment is considered appropriate. The design of three of these spaces to be suitable for use by people with disabilities corresponds to the policy requirement for three of the apartments to be designed to mobility standards.

The proposal makes no provision for on-site visitor car parking and any visitors arriving by car would have to park on-street. There is currently a demand for on-street parking in the local area mainly as a result of customers visiting the nearby shopping area and commercial premises and as a consequence of several existing residential and other properties in the immediate area having no on-site parking facilities. On-street parking currently occurs along Springvale Road, in the parking laybys on Commonsides and other nearby roads. Due to the narrow width of the carriageway on Springvale Road some drivers park partly onto the footpath particularly where kerbs are lower rather than park further away.

In this instance it is considered that whilst there is a current demand for on-street parking in the vicinity of the site the site is on a bus route and there would be sufficient on-street parking available in the locality to meet the limited demand generated by visitors to the proposed apartments.

It is considered that the proposal makes satisfactory provision for car parking. The proposed access arrangements are satisfactory and would not adversely affect the free flow of traffic in the immediate area or cause harm to vehicle and pedestrian safety.

The proposal complies with UDP Policy S10(f).

#### Impact on the Amenities of the Locality

The UDP also identifies the site as being within the Birkendale Area of Special Character and opposite the Birkendale Conservation Area which lies to the east of Howard Road/Commonside.

Policy S10(d) of the UDP seeks to ensure that new development in shopping areas is well designed and of a scale and nature appropriate to the site. Core Strategy Policy CS26 relating to the efficient use of housing land and accessibility seeks to ensure that densities are in keeping with the character of the area and support the development of sustainable balanced communities and subject to the character of the area being protected densities will vary according to accessibility of locations.

In this instance the density achieved by an apartment building on this site will be higher than the range of densities envisaged for the parts of the urban area outside the city centre, district centres and high frequency public transport routes. Core Strategy Policy CS26 states that densities outside these ranges will be allowed where they achieve good design, reflect the character of the area or protect a sensitive site.

Policy BE5 of the UDP relates to building design and siting and seeks good design and use of good quality materials in new development. Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

UDP Policies BE15 to BE18 seek to ensure that development does not harm the character or appearance of Areas of Special Character and Conservation Areas.

The application site is located on a prominent corner at the edge of the local shopping centre. The existing buildings on the corner sites around the Springvale Road junction are sited up to the pavement frontage.

Facing part of Commonside just to the southeast of the site there are a range of buildings with a single-storey element to the front and a higher element to the rear giving them an overall massing of three/four-storey from Commonside. Buildings on Howard Road in the vicinity of the site are set back from the road frontage with walls and mature trees dominating the streetscene.

West of the site along Springvale Road the terraced and semi-detached houses are mostly set back behind short front gardens and front boundary walls. The buildings in this locality are generally two-storey (some with additional accommodation in the roofspace). The houses are mainly faced in stone or brick with some faced in render. There are some single-storey residential properties off Heavygate Road on land at a higher level to the rear of the site.

A low natural stone wall and hedgerow planting is proposed along the boundaries of the site fronting Springvale Road either side of the vehicular and pedestrian accesses and along Howard Road.

The ground floor deck of the building fronting Springvale Road would be set back approximately 1.6 metres from the frontage with Springvale Road and its upper floor elevations would be set back a further 1.4 metres.

A bay on the corner of the proposed building would project further forward to within 0.8 metres of the corner boundary.

The main elevation of the proposed building facing Howard Road would be generally set back between 1.6 and 6.9 metres from the boundary of the site with Howard Road. The nearby mature horse chestnut tree alongside the highway on the Howard Road frontage would be retained.

The application site is levelled and cuts into the rising land the west and north with retaining wall to the rear of the site. The proposed four-storey building with its upper storey being within the roofspace would have an eaves and ridge line approximately 2 metres higher than the adjacent dwelling at no. 240 Springvale Road with a separation of approximately 4.7 metres between them at the upper floor levels. The houses to the west of no. 240 step up the rising ground levels along Springvale Road. The adjacent house to the north of the site at no. 1 Heavygate Road is on the higher ground levels and is well screened from Howard Road by a row of mature trees which also soften the view of the site from Howard

Road to the north. The proposed building would have a ridge height approximately 1 metre higher than that of no. 1 Heavygate Road.

Although the scale and massing of the proposed building is greater than the adjacent housing the site forms a prominent corner and the height as proposed will help to address the corner effectively within the streetscene. It is considered that due to the rising ground levels beyond the site to the north and west, the height and massing of the proposed building can be accommodated on this site without appearing unduly intrusive into the surrounding townscape.

The proposed building would be a dominant building on this corner site and its proposed modelling, design and use of stone as the main facing material would ensure that the building would contribute positively to the appearance of the locality. The proposed development would not harm the character and appearance of the Birkendale Area of Special Character or the nearby Birkendale Conservation Area.

The proposal complies with UDP Policies S10(d), BE5 and Policies BE15 to BE18 and Core Strategy Policy CS74. Furthermore, it is considered that the proposal also meets the exceptions for higher density allowed by Core Strategy Policy CS26.

#### Sustainability

Core Strategy Policies CS63 to CS65 relating to climate change also promote various sustainability issues. The Government's planning policy guidance contained in the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development (NPPF paragraph 14).

The applicant has stated that the proposed development would be constructed to the level 4 of the former Code for Sustainable Homes. Together with the incorporation of photovoltaic panels and a ground source heat pump it is predicted that the development will achieve 10% of predicted energy needs from decentralised and renewable low carbon energy and a reduction in carbon emissions of over 20%.

#### Effect on the Amenities of Residents

UDP Policy S10(b) seeks to ensure that new development would not cause residents to suffer from unacceptable living conditions including air pollution, noise, other nuisance or risk to health or safety.

There are residential properties adjacent to the site off Springvale Road and Heavygate Road.

The adjacent dwelling to the west at no. 240 Springvale Road is a two-storey semi-detached house with front and rear gardens and its side boundary runs alongside the application site. The primary windows of no. 240 face towards the front and rear gardens. Its side gable has ground and first floor windows facing towards the application site. The ground floor level of no. 240 is raised above the street level.

The massing and modelling of the proposed building varies on its side elevation facing towards no. 240. The ground floor deck of the proposed building would be sited alongside the boundary with the property at no. 240 with a separation of approximately 2.2 metres between it and the side elevation of no. 240 and would project approximately 3.1 metres forward of the main front elevation of no. 240. Whilst the ground floor deck would be 3.7 metres high the flat roof of the deck would only be 2 metres higher than the floor level of the house at no. 240. The front part of this deck would be flat roofed ensuring it would not unduly overbear the front of the property at no. 240. Due to the rising ground levels in the rear garden of no. 240 the massing of this proposed ground floor deck alongside the side boundary of no. 240 would be lessened and would not overbear or overshadow the rear garden of no. 240.

The upper floors of the proposed building are set back from the side boundary of no. 240 by 2 metres where it is opposite the side gable of no. 240 and by 6 metres where it is opposite the rear garden of no. 240. Whilst the proposed apartments in the immediate side gable of the proposed building opposite the side gable of no. 240 contains no side facing windows, there are windows to the apartments in the upper floors of the rear part of the proposed building facing towards the rear garden of no. 240. These side facing windows to the proposed apartments are designed to eliminate overlooking of no. 240 by using high level windows and single aspect oriel windows. A condition requiring the provision of obscure glazing in the landing window on the second floor would be required.

The proposed building would not significantly overbear or overshadow the secondary windows on the side elevation of no.240 Springvale Road. The remainder of the proposed building is sufficiently recessed from the boundary with no. 240 to ensure that there would be no significant overbearing or overshadowing of no. 240.

The recessing of this side elevation allows an area of roof over the ground floor deck to be in part a green vegetated roof alongside the house at no. 240 and in part an outdoor landscaped and screened amenity space for the occupants of the apartments. The screen fencing would be 1.8 metres above the floor level on top of the deck. Its overall height would not significantly overbear or overshadow the property at no. 240 whilst ensuring there is no significant overlooking of the property at no. 240. It is considered that the use of the proposed amenity area would not be so intense from this development of 12 apartments that it would cause disturbance to the living conditions of the occupants of no. 240 and other nearby property.

The adjacent dwellings on the higher land to the north of the site are at no. 252 Springvale Road and no. 1 Heavygate Road.

A short part of the boundary of no. 252 Springvale Road adjoins part of the rear boundary of the application site alongside the proposed amenity area which would be at a lower level than the property at no. 252. The proposal would achieve sufficient separation and screening between no 252 and the proposed building and

its amenity area to ensure that there would be no significant harm to the living conditions of the occupants of no. 252.

The property at no. 1 Heavygate Road has a single-storey appearance with living accommodation in its first floor roofspace. Its garage and rear garden adjoins the application site. The primary windows of no. 1 face towards its front and rear gardens.

The proposed building runs alongside the side boundary and part of the rear garden boundary of no. 1 Heavygate Road although part of the proposed building is set back with two areas of vegetated green roofs. Whilst sited on lower ground levels than the property at no. 1, the upper two and a half storeys of the proposed building would be above the rear garden levels of no. 1. The proposal would achieve a separation distance of between 11 and 13 metres between the north facing elevation of the proposed building and the rear elevation of the garage and house at no. 1. Whilst the proposed building is sited alongside these boundaries with no. 1 Heavygate Road its aspect is mainly off-set from the main rear elevation of no. 1 and as such it is considered that the proposed building would not significantly overbear or overshadow the property at no. 1.

There are three rear facing landing windows and two bathroom windows on the elevations of the proposed building facing towards the rear garden of no. 1 Heavygate Road which will require provision of obscure glazing to ensure there would be no significant overlooking of the property at no. 1 Heavygate Road.

It is considered that there would be sufficient separation between the proposed building and properties on the opposite side of Springvale Road, Howard Road and Commonsides to ensure there would be no loss of privacy or other harm to their amenities.

It is considered that the proposed development can be accommodated on the site without causing harm to the living conditions of adjacent and nearby residents subject to a condition to secure the provision of obscure glazing on appropriate secondary windows.

The proposal would provide sufficient amenity space and facilities for the occupants of the proposed apartments. The provision of three mobility standard apartments is in accordance with the requirements of UDP Policy H7 relating to mobility housing.

Given the location of the site close to commercial premises and the road frontages, a condition is recommended to secure appropriate glazing specification to ensure acceptable internal noise levels are achieved within the proposed apartments.

The proposal complies with UDP Policy S10(b) and H7.

#### Land Quality

The site includes an historic petrol filling station. Conditions are recommended to ensure actual or potential land contamination is investigated. Conditions will be

required to secure appropriate mitigation of any ground contamination within the site.

The site falls within a Development High Risk Area as defined by the Coal Authority. The applicant has submitted a supporting statement concerning the coal mining risk assessment. The assessment concludes that the site is not considered to be at risk from historical mining activities at shallow depth and drilling and grouting should not be required.

The Coal Authority considers the content and conclusions are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority does not object to the proposed development.

#### Community Infrastructure Levy

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

In this instance the proposal is liable for CIL charges. The proposed net additional gross internal floorspace of 1,230.6 sq metres would generate a CIL charge of £36,918.

#### RESPONSE TO REPRESENTATIONS

Matters raised in the representations that have been received relating to ruining views from adjacent houses, destroying resale value of adjacent houses are not material considerations that can be considered.

#### SUMMARY

The UDP identifies the site as being at the northern end of, and just within, the boundary of the Commonside Local Shopping Centre, and as being within the Birkendale Area of Special Character, and opposite the Birkendale Conservation Area which lies to the east of Howard Road/Commonside.

The proposed use is an acceptable use in principle on this site and would not harm the dominance of shops in the local shopping area or its principle role as a shopping centre.

The site is previously developed and new homes on this site would contribute positively towards achieving the aim of maximising the use of previously developed land for new housing.

It is considered that the proposal makes satisfactory provision for car parking.

The proposed provision of 12 on-site car parking spaces accords with the Council's parking guidelines for housing developments outside the city centre. In this instance the site is in a sustainable location and a provision of one car parking space per apartment is considered appropriate.

The proposal makes no provision for on-site visitor car parking and any visitors arriving by car would have to park on-street. There is currently a demand for on-street parking in the local area mainly as a result of customers visiting the nearby shopping area and commercial premises and as a consequence of several existing residential and other properties in the immediate area having no on-site parking facilities. On-street parking currently occurs along Springvale Road, in the parking laybys on Commonsides and other nearby roads. Some drivers park partly onto the footpath particularly where kerbs are lower rather than park further away.

In this instance it is considered that whilst there is a current demand for on-street parking in the vicinity of the site the site is on a bus route and there would be sufficient on-street parking available in the locality to meet the limited demand generated by visitors to the proposed apartments.

The proposed access arrangements are satisfactory and would not adversely affect the free flow of traffic in the immediate area or cause harm to vehicle and pedestrian safety.

The application site is located on a prominent corner at the edge of the local shopping centre. The existing buildings on the corner sites around the Springvale Road junction are sited up to the pavement frontage.

Although the scale and massing of the proposed building is greater than the adjacent housing the site forms a prominent corner and the height as proposed will help to address the corner effectively within the streetscene. It is considered that due to the rising ground levels beyond the site to the north and west, the height and massing of the proposed building can be accommodated on this site without appearing unduly intrusive into the surrounding townscape.

The proposed building would be a dominant building on this corner site and its proposed modelling, design and the use of stone as the main facing material would ensure that the building would contribute positively to the appearance of the locality. The proposed development would not harm the character and appearance of the Birkendale Area of Special Character or the nearby Birkendale Conservation Area.

There are residential properties adjacent to the site off Springvale Road and Heavygate Road.

The variation in massing and modelling of the proposed building on its side elevation facing towards the adjacent property at no. 240 Springvale Road and the incorporation of single-aspect oriel windows and screen boundary fencing would ensure that the proposed building would not significantly overbear, overshadow or overlook the property at no. 240.

The proposal would achieve sufficient separation and screening between no 252 Springvale Road to the rear of the site and the proposed building and its amenity area to ensure that there would be no significant harm to the living conditions of the occupants of no. 252.

The proposal would achieve a separation distance of between 11 and 13 metres between the north facing elevation of the proposed building and the rear elevation of the garage and house at no. 1. Whilst the proposed building is sited alongside these boundaries with no. 1 Heavygate Road its aspect is mainly off-set from the main rear elevation of no. 1 and as such it is considered that the proposed building would not significantly overbear or overshadow the property at no. 1.

Conditions are recommended to require provision of obscure glazing to some of the upper floor landing and bathroom windows in the proposed building to ensure there would be no significant overlooking of adjacent property from these secondary windows.

There would be sufficient separation between the proposed building and properties on the opposite side of Springvale Road, Howard Road and Commonsido to ensure there would be no loss of privacy or other harm to their amenities.

Overall, it is considered that the proposed development of this previously developed site in a sustainable location is welcomed and that the scale, massing and design of the proposed development can be accommodated on the site without causing undue harm to highway safety, the amenities of the locality and the living conditions of nearby residents.

The proposal complies with UDP Policies S7, S10, H7, BE5 and BE15 to BE18 and Core Strategy Policies CS24, CS63 to CS65, and CS74. The proposal meets the exceptions for higher density allowed by Core Strategy Policy CS26.

## RECOMMENDATION

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



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Case Number	15/00107/FUL (Formerly PP-03898318)
Application Type	Full Planning Application
Proposal	Demolition of former brewery buildings
Location	Former Cannon Brewery, Rutland Road, Sheffield S3 9PJ
Date Received	13/01/2015
Team	West and North
Applicant/Agent	R Bryan Planning
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Environmental Statement as amended by email received 3rd June 2015

Drawings RJB 1, RJB 2, RJB 3 as amended in writing by email 21st April 2015 in relation to substitution of breeze blocks , capping and pallsade fencing.

Bat Report and Methodology received 29th July 2015

Ecology Survey and Report

EIA

Demolition Work Method Statement

Reason: In order to define the permission.

#### Pre-Commencement Condition(s)

3. Other than during the three notified weekend road closures and one working night shift (as detailed in sections 19.17 to 19.21 of the Demolition Works Method Statement), demolition works and any associated site works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays. At least four weeks prior to any agreed out of hours working commencing, a suitable programme of communications to alert local business and residents to likely disturbance shall be submitted for approval in writing by the Local Planning Authority. The approved programme shall then be implemented at least one week prior to any out of hours works commencing.

Reason: In the interest of the amenities of neighboring properties.

4. Demolition works shall not commence until full details have been submitted and approved in writing by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition works and any subsequent 'making good' of the site. Development shall thereafter continue in accordance with the approved details.

Reason: In the interests of the amenities of the local environment and neighbouring properties.

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

##### Other Compliance Conditions

5. Development shall commence in accordance with the recommendations and methodology set out within the Method Statement in respect of Common Pipistrelle Bats at Cannon Brewery Sheffield received 29th July 2015.

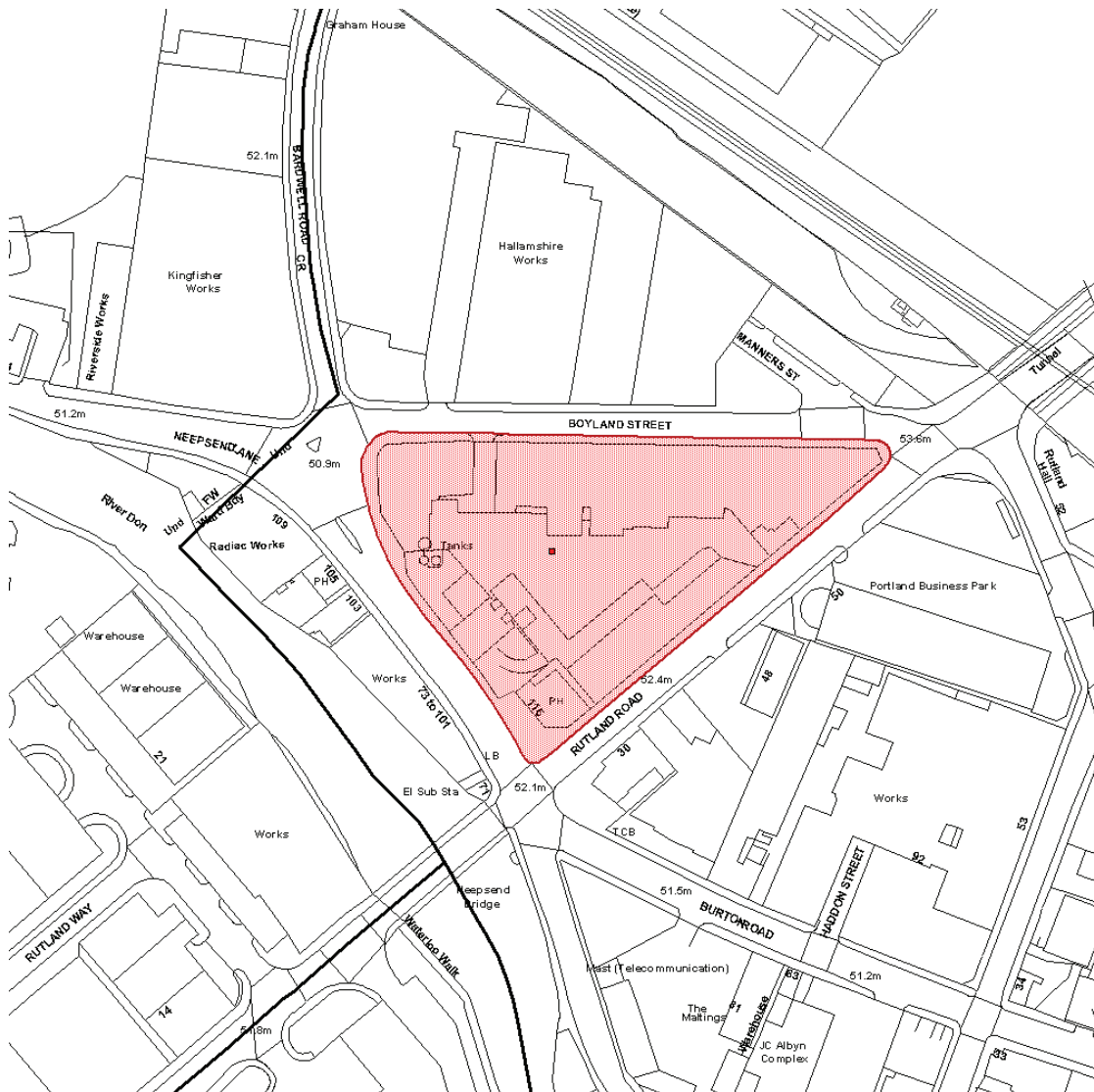
#### Attention is Drawn to the Following Directives:

1. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
2. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt

with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Richard Harris  
Ecology Manager  
Sheffield City Council  
Meersbrook Park  
Brook Road  
Sheffield  
S8 9FL  
Tel: 0114 2734481  
E-mail: richard.harris@sheffield.gov.uk

### Site Location



## LOCATION AND PROPOSAL

The application relates to the site of the former Cannon Brewery on Rutland Road. Cannon Brewery occupies a triangular block of land between Rutland Road, Boyland Street and Neepsend Lane. The site has been in use as a brewery since around 1838 until the mid 1990s. The site has been redeveloped since its initial occupation and the buildings on site now comprise a complex of relatively utilitarian complex of brick buildings which vary in height but are mainly three and four storeys high.

The buildings are now in a derelict state since production on site ended, and the site has been subject to an amount of vandalism and graffiti as well as damage through exposure to the weather and lack of subsequent maintenance.

The site occupies a prominent corner site on Rutland Road, which is a strategic road, and is located on the edge on the Kelham Island Conservation Area. The site is within an area designated as a General Industry Area with Special Industries. The site is also located within a medium and high probability flood zone. (2 and 3a)

The site is surrounded by a mix of industrial and commercial uses, with the nearest residential accommodation being above the unit to No.71 Neepsend Lane and above the Gardeners Rest PH which faces towards the site.

This application seeks consent for the demolition of the former brewery buildings. The site will be enclosed by means of a retained brick wall, with capping, where the buildings facilitate this and palisade fencing, to match that which already exists, is proposed where the site does not facilitate the brick wall to be retained.

The application has been accompanied by an Environmental Impact Assessment in accordance with the Environmental Assessment Regulations 2011.

## RELEVANT PLANNING HISTORY

There is a long and varied planning history for the Cannon Brewery Site, but none is considered to be particularly relevant to the consideration of this application for its demolition.

## SUMMARY OF REPRESENTATIONS

There have been three letter of representation regarding this application. The following points have been made:

- The demolition is supported.
- Steadfast Autocare are concerned at the impact of the road closures as Saturday is a trading day for the company. They have queried who will pay compensation for the loss of trade and disruption to the business on the weekend when the road is Closed; Hague Plant or SCC? It is also stated that

- staff will have to still be paid and if the closures extend to further weekends will they receive compensation.
- The EIA is incorrect as the nearest residential apartment are only a few metres away and not 110metres. The accommodation above No. 71 Neepsend Lane (Old Post Office/Amazing Cave) and the flat above the Gardeners rest are both occupied as residential units.
  - The impact of the demolition upon the business as between 65-75% of trading occurs Friday to Sunday. They state that many customers use the bus or drive and want to park in sight of the pub as they travel to the pub. (It is a destination pub rather than a locals pub)
  - From experience it is known that disruptions have a detrimental effect upon trading.
  - It is not known whether the noise from the demolition will mean that the Gardeners Rest will be unable to host the music nights and quiz.
  - It is not known what the level of dust will be and the impact that this will have upon the Gardeners Rest occupiers who live, work and sleep in this location and the consequences of this.

## PLANNING ASSESSMENT

### Principle of Demolition

The applicants have put forward a justification for the demolition of the site and have cited three reasons; health and safety, insurance and regeneration.

The applicants state that the site is difficult to secure the site from trespassers, due to its size and the amount of accessible road frontage. As a result of these difficulties, the site has been subject to trespass and graffiti. The site is also stated, by the applicant, as being dangerous to the public, and containing large structurally unsound buildings and hidden voids. The applicants state that the health and safety insurance on the site is very expensive and has extensive exclusions allowing claims by members of the public, who even if they are trespassers, can make a health and safety claim. The owner is therefore concerned that as a result of the inability to physically secure the site, there is significant threat of a serious injury and/or significant claim from a trespasser.

The applicant also states that in addition to the risk to trespassers, there is a further danger to members of the public using the adjacent footpaths and highways from building collapse.

The submitted statement also states that the owner of the site is keen to achieve development of the site but that in its current site it is not effectively marketable. The high abnormal costs of demolition and potential decontamination particularly from asbestos are potentially a deterrent to developers.

The buildings are acknowledged to be in a poor state of repair and vandalised, and as such the complex of buildings adds little to the street scene and local area. Indeed, the higher storeys of the building which have been a canvas for graffiti are visible from a wider area, including when travelling along Penistone Road.

The complex of buildings, as exists, offers little to the character and appearance of the adjacent Conservation Area, the boundary of which is opposite the site on Neepsend Lane and in this regard their retention is not required.

Ultimately, the buildings are detrimental to the overall visual amenity of the area and the buildings on site are of little architectural merit such that it would be reasonable for the local planning authority to require their retention and in terms of the visual impact of their loss the overall principle of demolition is considered to be acceptable.

#### Demolition Procedure

A demolition method statement has been submitted with the application which sets out the measures to control the noise, dust, the manner and phasing of demolition, the health and safety considerations and the traffic management arrangements.

It is noted that the method statement refers to the nearest residential properties being 110metres away. However, this is not the case with the nearest residential properties being above No.71 and above the Gardeners Rest Public House. The proposals have therefore been considered by the LPA within this context.

#### Noise

In terms of the noise arising from the demolition it is considered that there will be some impact, but that this will be for a limited period.

In terms of minimising the impact of development for both residents and businesses, it is recommended that a condition be applied which limits the hours of demolition to the three weekends and night shift as identified in the demolition method statement, and that outside of these exceptions, that any demolition and works that are audible at the site boundary be limited to the hours of 0730 hrs to 1800hrs Monday to Friday and between 0800hrs and 1300 hrs on Saturdays and not at any time on Sundays and Public Holidays.

The requirement for local residents and businesses to be notified of the out of hours works at least two weeks prior to the work commencing will also be conditioned to further limit the potential for disturbance.

The timeframe for disturbance will be limited, and will result in a wider and longer lasting benefit in terms of cleared site, removing an unattractive building and helping to facilitate the future development of the site and therefore on balance, and subject to these mitigation measures it is considered that the proposal is acceptable in respect of noise disturbance.

#### Dust

With regards the potential for dust arising from the demolition and making good of the site, then the methodology for monitoring and controlling dust emissions will be conditioned in order to ensure an appropriate level of control. Further control than that which is identified in the methodology is required, more particularly, in the form

of details of methods to control dust generation, the monitoring of emissions and the response procedures in case of dust emissions noted or reported by third parties.

In respect of the potential for asbestos then the methodology refers to further procedures being followed, should this be identified, and this is considered to be acceptable.

Overall, it is considered that the potential environmental impacts in respect of dust will be acceptable subject to a condition requiring further details in respect of the methodology, notifications and subsequent compliance with the agreed details.

### Highways

In terms of the highway implications of the demolition method statement then it is noted that the scheme will result in a phased demolition and roads will be closed in a phased manner, in accordance with this. The details submitted in respect of this are acceptable in principle and final details of traffic management plans regarding signage and diversion routes can be agreed nearer the time and will be controlled as part of a separate highway process.

A further highway implication of the development will be the removal of demolished material. The environmental statement submitted states that there are approximately 5000 tonnes of material to be demolished, and that this will require approximately 250 loads, in order to remove the material. Some material will be retained on site in order to infill the cellar voids and leave the site flat and fully compacted. The use of demolished material to fill the voids and infill sections of the wall and cap it, will mean a more efficient use of waste material and will limit, to a degree, the waste to be exported from site.

It is noted that this is a large number of loads of waste to be cleared from the site, but the nature of the site necessitates this. The impact upon air quality arising from these journeys will also be only for a limited time period.

The overall highways implications of the demolition proposal are considered to be acceptable in principle.

### Retained State of the Site

The site will be levelled and compacted in order to create a neat, flat surface.

The site will be enclosed via either the retention of the walls around the boundary of the site at a height of 2metres or palisade fencing.

Where the walls are to be retained, and there are openings and windows in existence, these will be in-filled using reclaimed bricks from the development, rather than breezeblocks as initially proposed. This revised treatment has been confirmed in writing by the agent and supersedes the originally submitted plan. Similarly, the agent has confirmed that in order to cap the retained wall rather than

leave it unfinished then reclaimed bricks will be used which will be turned on end in order to create a proper capping.

Palisade fencing already exists to some sections of the boundary and therefore the principle of using this is considered to be acceptable. As part of the discussions through the application it was agreed that the fencing should be restricted to one type rather than two forms, which would create a more ad hoc appearance to the site.

The site will be capped in crushed recycled material and in principle, this is considered to be an acceptable solution.

The sites' close proximity to the Conservation Area is noted, but it is not considered that that the cleared and secured site would ultimately have an unacceptable impact upon the character and appearance of the Conservation Area ( and indeed that of neighbouring character buildings), and certainly no more so than the current impact that the buildings and the potential further degradation and vandalism of the site if left.

It is noted that the applicant refers to the North Neepsend Interim Planning Guidance 2010, but this document has not been through the cabinet process and is not adopted and therefore has little weight. In any case this document refers to the redevelopment potential of the site rather than the quality or retention of the building on the site.

As the site may be left for some time pending development, the potential for further treatment of the site has been raised with the applicant, such as the potential for suitable wild flower seeding, as has been utilised on other cleared residential sites around the City, to improve the site both visually and in terms of biodiversity.

The agent has however, indicated that his client is keen to progress the development of the site and states that the site will not be readily visible and therefore is not willing to agree to this. Whilst this is disappointing it is not considered that it is essential to the acceptability of the development site.

Overall, the visual impact of the cleared site will be acceptable and will not result in an impact which is worse than the current state and impact of the derelict buildings on site.

## Ecology

The buildings on site have been recorded as containing bat roosts, which are a protected species. A mitigation strategy has been provided which considers the impact of the development proposal, the siting of the roosts, the exclusion method and subsequent demolition alongside the mitigation works.

It has been established that it is not possible to create bat roosts within the retained walls due to light spillage and height and therefore it is proposed that 4 bat boxes are erected on poles in pairs within the site. (One to the Neepsend Lane frontage and one to Rutland Road frontage) These poles will be at a height of



between 2.66metres and 6.1metres within the site and will be in situ and seeded prior to the demolition of the building and the destruction of the roost. The final site of the bat boxes on site will be designed so as to be high enough to protect the bats from predation or human disturbance and allow bats to emerge without risk of becoming grounded, to not be subjected to artificial light overspill and to have clear flight lines.

Whilst there is some variance in the final height of the bat boxes it is not considered that even at the highest height proposed, that the installation would have an adverse visual impact, or be detrimental to the site. It is also noted that these is required as a means of mitigation, and is the appropriate means for achieving this in any case.

It is also proposed that the boxes will be appropriately monitored in line with good practice guidelines.

There is also the potential for the site to be used as a habitat for nesting birds, although none were found during the survey. If demolition works commence during the season which extends from March to September then a nesting bird survey should be undertaken in order to ensure that no harm to nesting birds occurs.

No other habitats or species were found on site.

In ecological terms the impact of the demolition is considered to be acceptable, provided that the works commence in accordance with the submitted details.

#### Flooding

Whilst the site is located within a high/medium risk flood zone, there is no objection to the demolition of the buildings in respect of this and therefore will be no risk to the site from flooding and nor should in increase flooding elsewhere. The Environment Agency has confirmed that they are satisfied with the proposal.

Should the site be developed in the future then a full flood risk assessment would be needed at this time and this may affect the future use of the site.

#### RESPONSE TO REPRESENTATIONS

That the demolition of the site is supported is noted.

The potential for providing compensation as a result of the loss of trade arising from the road closures to facilitate the demolition is not within the remit of the Local Planning Authority.

The proximity of the nearest residential properties to No.71 Neepsend Lane and the above the Gardeners Rest are both noted.

It is noted that for the three weekends there will be disturbance and it may be that the music nights and quiz are compromised, but there will be advance notice of this

and whilst it is not desirable upon the business affected it is not considered that the refusal of the application could be justified on these grounds.

Weekend working is proposed in order to minimise disruption which would could have potentially wider implications.

Dust will be appropriately controlled and this will be achieved by condition.

#### SUMMARY AND RECOMMENDATION

There is a reasoned justification for the demolition of the buildings forming the Cannon Brewery complex and the principle of losing these in terms of their visual impact is considered to be acceptable. The demolition of the building raises issues in respect of noise, dust, highways and the loss of ecological habitat for protected species. However, an appropriate scheme of mitigation in respect of all these factors has been put forward and subject to the imposition of appropriate conditions which achieve these measures, it is not considered that this should be a barrier to the demolition of the site on environmental grounds.

The measures proposed for the subsequent securing and capping of the site once demolition has been completed are also considered to be acceptable and will not have an unacceptable impact upon the appearance of both the site and wider street scene, particularly in comparison to the environment which already exists on site.

It is noted that there will be some disturbance to local businesses and residents as a result of demolition works, but this will be for a limited period and whilst it is not desirable, it is not considered that it is sufficient to justify a refusal of the application, given the overall benefits of achieving a cleared development and the complexities associated with the achievement of this.

In considering all the above it is recommended that planning permission be granted for the demolition of the buildings subject to conditions.