



REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 24/09/2012  
AND HIGHWAYS COMMITTEE

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REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

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SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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SUMMARY

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RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

THE BACKGROUND PAPERS ARE IN THE FILES IN RESPECT OF THE PLANNING APPLICATIONS NUMBERED.

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FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

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BACKGROUND PAPERS

CONTACT POINT FOR  
ACCESS

Howard Baxter  
Chris Heeley

TEL  
NO:

0114 2736329

AREA(S) AFFECTED

**CATEGORY OF  
REPORT**

OPEN



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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The CITY CENTRE AND EAST Planning And Highways Committee  
Date Of Meeting: 24/09/2012

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	12/02479/FUL (Formerly PP-02118785)
Application Type	Full Planning Application
Proposal	Removal of non-food restriction/convenience restriction and amended servicing controls and parking layout, (Application under Section 73 to vary/remove condition No's 14. Businesses restriction; 15. Food retail area; 17. Servicing hours; 18. Car parking accommodation; as imposed by planning permission 99/01018/FUL - Erection of a retail unit (Class A1) and provision of car parking accommodation (As amended 3.8.99, 29.9.99 and 15.11.99)
Location	593 Abbeydale Road Sheffield S7 1TA
Date Received	08/08/2012
Team	SOUTH
Applicant/Agent	Peacock And Smith
Recommendation	Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of five years from the date of this decision.  
  
In order to comply with the requirements of the Town and Country Planning Act.
- 2 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 3 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works have been submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 4 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 by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 5 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 by the Local Planning Authority. Roof drainage should not be passed through any interceptor.

To prevent pollution of the Water Environment.

- 6 All chemical/fuel storage tanks must be surrounded by bund walls of suitable construction and sufficient height to contain the contents of the tanks and associated pipework in the event of a spillage. In the event of a drain valve being fitted to drain surface water accumulations, the valve must be lockable and vandal proof. All filling points, vents and sight glasses should be located within the bunds.

To ensure satisfactory drainage arrangements.

- 7 Prior to commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

To ensure satisfactory drainage arrangements.

- 8 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.

To ensure satisfactory drainage arrangements.

- 9 No development approved by this permission shall be commenced until: ~a) the application site has been subjected to a detailed scheme for the

investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the Local planning Authority. ~b) detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been submitted to and approved in writing by the Local Planning Authority. ~c) the works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme. ~d) if during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To protect the environment and ensure that the remediated site is reclaimed to an appropriate standard.

- 10 Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the construction of the building and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced to the satisfaction of the Local Planning Authority.

In the interests of the amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 12 The profiled steel roof shall be finished in a dark slate grey colour unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 13 Before the development is commenced, full details of the proposed canopies and supporting frameworks for planting and banners shall have been submitted to and approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 14 The retail floor space shall be limited and retained to the floor space in the approved plans and shall not be added to by virtue of a mezzanine or any additional extension.

To ensure adequate parking facilities are available.



- 15 All servicing to the unit shall be carried out in accordance with the details submitted in Appendix BGH8 Drg Number 12/243/TR/002. Prior to the commencement of the use of the building for food retail purposes, a service management plan shall be submitted. Servicing arrangements shall then be retained in accordance with the approved details. The service management plan shall incorporate the following restrictions:
- a) No vehicle exceeding 7.5t/8.1m in length shall be used to service the development.
  - b) No deliveries to the building shall be carried out between 2300 hours to 0500 hours (on the following day) or 1200 hours and 2000 hours on any day.
  - c) Vehicles delivering to the unit between 0500 and 0630 hours shall not exceed 3.5t in size and deliveries during this time shall be limited to newspapers and magazines.

To ensure adequate manoeuvring in the interests of highway safety.

- 16 The building shall not be used for food retail unless the parking accommodation for 11 vehicles as shown on drawing number AP201 and submitted in Appendix BGH8 Drg Number 12/243/TR/002 has been provided and thereafter such car parking accommodation shall be retained.

No staff parking shall occur on site for time periods in excess of 1 hour.

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

- 17 The gradients of vehicle and pedestrian areas within the site shall not exceed 1 in 12.

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

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

In the interests of traffic safety and the amenities of the locality

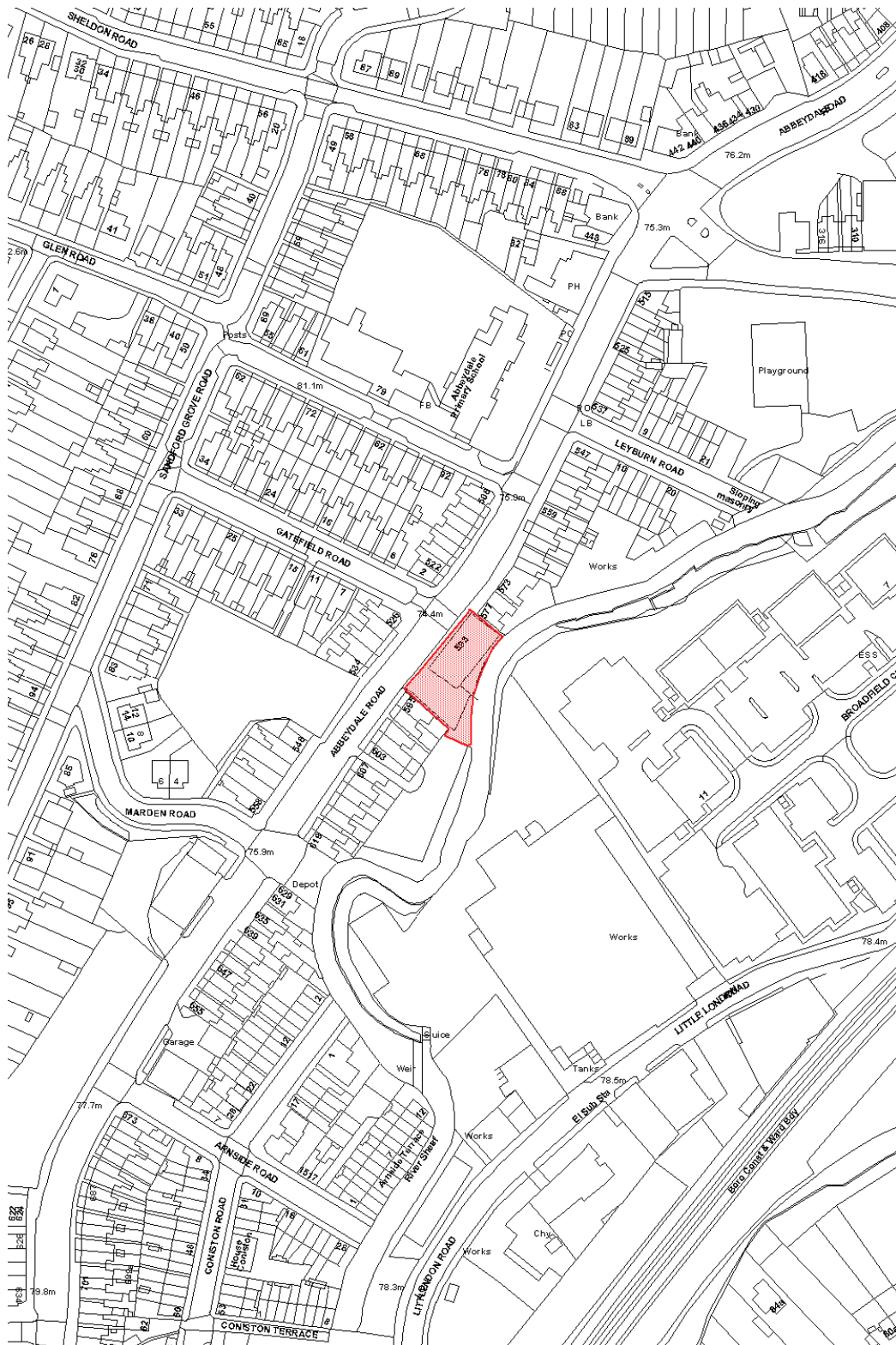
- 19 The building shall not be used unless 1.8 metres x 1.8 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

In the interests of traffic safety.

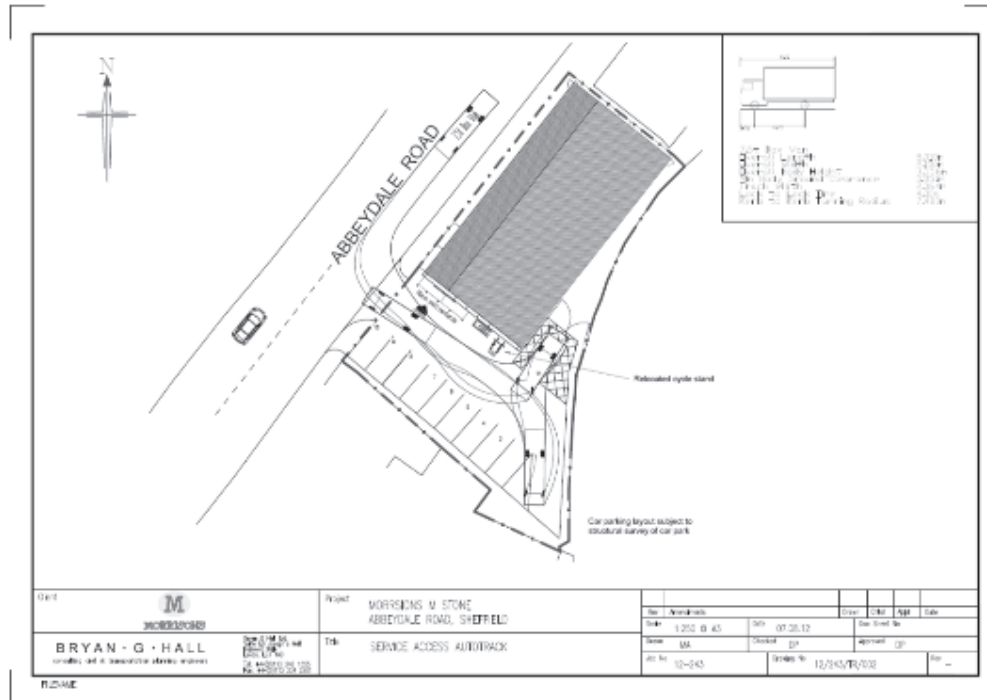
Attention is drawn to the following directives:

1. The applicant is advised that condition No(s) 1-13 and 19-21 were imposed by planning permission No. 99/01018/FUL 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.

# Site Location



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## LOCATION AND PROPOSAL

The existing retail premises subject to this application is located on Abbeydale Road and was formally used as a wine warehouse retail unit. The site is located within a Local Shopping Centre, and forms a relatively modern unit with parking that stands in contrast to the traditional shops characteristic of the centre. Although within the shopping centre, a row of houses lie to the South of the site, with the side gable and garden wall siding directly onto the side car park area.

A Housing Area lies opposite the site, upon the alternative side of Abbeydale Road, and consists of terraced houses. Abbeydale Road is a busy through route, and consists of 4 lanes, of which one is used for parking and as a bus lane during peak travel times in the morning and late afternoon.

The retail unit was formally granted permission under 99/01018/FUL (formerly 99/0488P). The original permission for the A1 unit did not include any particular servicing hours or opening hours restrictions, but did include the following conditions to which this application relates:

### Condition 14:

“The retail unit shall only be used by businesses within Use Class A1 (shops) whose main activity is a non-food retail use and any food sales shall remain ancillary only to the non-food use”

### Condition 15:

“The building shall not be sub-divided into units whose cumulative food retail area exceeds 180 square metres net floor area”

Condition 17:

“All servicing of the building shall take place outside the opening hours of the use hereby approved”

Condition 18:

“The building shall not be used unless the car parking accommodation for 9 vehicles as shown on the plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained”

Conditions 14, 15 and 18 were placed on the development due to concerns regarding the parking accommodation and its suitability for the level of users required for a food retail unit compared to a standard non-food retail unit. Guidelines from the Unitary Development Plan (UDP) suggest that food retail units up to 2000 square metres in floor area require 1 space per 20 square metres of floorspace, which requires 15 spaces in this case (for a floor area of 312 square metres). No information was received at the time justifying the reduction in parking spaces on site.

This application seeks to vary/remove the above conditions in accordance with the proposed use of the store as a food convenience store. This requires the removal of conditions 14 and 15, variance of condition 17 to allow for deliveries whilst the store is open, and variance to condition 18 to alter the car parking layout to assist in the on site accommodation and servicing. Information with regards to predicted car usage has been provided.

The present servicing condition (17) restricts servicing when the unit is open to reduce the conflict with car users. This revision, alongside turning circle information and par park layout changes, seeks to provide information to allow for this condition to be removed.

Separate applications under 12/02523/ADV and 12/02389/FUL have been received and are under consideration for associated advertisement consents and external alterations to the building.

#### RELEVANT PLANNING HISTORY

99/01018/FUL

Erection of a retail unit (A1) and provision of car parking accommodation (as amended 03/08/99, 29/09/99 and 15/11/99).

This application was Granted Conditionally on 20/12/1999.

#### SUMMARY OF REPRESENTATIONS

Neighbour notification has involved letters to neighbouring properties, including the row of properties opposite, plus the placement of a site notice. Despite this, no representations have been received specific to this application.

One representation to 12/02523/ADV, the advertisement consent application for signs to the unit, has been received from a neighbouring retail business in support of the general reuse of the building.

## PLANNING ASSESSMENT

The site is located within a Local Shopping Centre, and therefore the provisions of Unitary Development Plan Policy S10 are relevant. This states amongst other things, that development in Shopping Areas will be required to;

- (b) not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety
- (f) be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians

The principal issues for assessment are the impacts upon occupiers of neighbouring residential properties and the impacts of the proposal upon highway safety.

### Impact on Residential Properties

It is noted that the existing non-food use given permission on the site has no specific restrictions on delivery times with the exception that they occur when the unit is open for business. This application seeks permission for delivery times that will occur whilst the unit is open. Standard deliveries are sought between 0630 hours and 2300 hours, whilst newspaper deliveries require operation from 0500 hours, utilising smaller vehicles.

The main noise issues from deliveries will be caused through the running of vehicle engines and the movement of materials into the unit by wheeled containers. The closest residential property is the end terrace property at 595 Abbeydale Road, which is located next to the car park of the subject unit. Other residential properties are a suitable distance away from the main entrance points including the opposite side of Abbeydale Road, to prevent any noise problems arising.

The time of deliveries into the evening are not considered to raise any significant noise or amenity issues. There is fair traffic noise at present from Abbeydale Road that runs into the evening, whilst the time of operation up to 2300 hours will not be so late as to cause significant dis-amenity. It should be noted that policy S10 does mention that it is not always possible to ensure environmental standards in Shopping Areas that equate with those achieved in Housing Areas, and it is agreed that the late operation will not equate with standard expected in quieter locations. However, the late operation in this case should not cause significant problems given the location of the site in a Shopping Area next to a main arterial road. In addition, it is noted that the retail use at present has not restrictions on operation times or specific delivery times.

It has been agreed by the planning agent that general vehicles will deliver to the unit from 0630 hours. This would delay deliveries in the morning to a time where ambient traffic noise on Abbeydale Road will be increasing. It is also a reasonable time so as to not unreasonably disturb the sleep of nearby residents. A delivery management plan will also be required by condition to seek a suitable plan to confirm the delivery arrangements in a fashion to limit the potential for noise disturbance.

With regards to newspaper deliveries, these will be required at a very early time. These will only require a small van style vehicle, which will not create much noise beyond a standard diesel car. A condition will be used to limit deliveries by vehicles between 0500 and 0630 to a maximum size of 3.5 tonnes, which is the same size as a standard supermarket home delivery truck (example being the Iveco Daily 35S11 van) and to newspaper deliveries that do not require wheeled trolleys for movement.

#### Traffic and Highways Considerations

In order to justify the removal of conditions 14 and 15, a report detailing traffic surveys from comparative stores has been submitted by the agent. Based on the results of these surveys it is estimated that the Morrison's M Local is likely to generate between 900 and 950 customer trips per day, of these it is likely that some 62% would walk to the site. Again based on the surveys it is possible to make an estimate of the likely vehicular movements in the AM and PM peaks, this is 40 trips and 64 trips respectively. It is also possible to calculate the likely parking demand, this being 8 vehicles during the weekday afternoon and 9 vehicles during Saturday afternoon.

As an example of a similar store with a similar use, the survey includes evidence from the use of a Tesco Express unit also within the Abbeydale Road Local Centre, which benefits from a 20 space car park shared between itself and a non-food A1 unit. The Tesco store has a sales area of 361 square metres, larger than this proposal, and surveys taken using video cameras between 6am and 11pm on Friday 13th July and Saturday 14th July on the unit revealed that the maximum car parking accumulation was 8 vehicles within the car park and on street at any one time. In this case, an 11 space car park is proposed, with accommodation that will reduce to 9 spaces when the unit is being serviced.

The parking accommodation that is proposed for 11 spaces will be suitable to provide for the likely demand, bearing in mind the survey information above.

Two of the spaces in the car park (one of which will be closed during times of servicing) offer restricted manoeuvrability. However, this will still allow for at least 8 useable spaces when the unit is being serviced, which corresponds with the likely maximum use of the unit during the week. This excludes on street parking availability when the bus lane is not operational, which would provide additional capacity, especially during the weekend.



With regards to servicing, there is a need for on-site servicing during times when Abbeydale Road will be busy during the day, after 7am. This is to prevent conflict with traffic movements on the highway during the day. In addition, it will also avoid conflict with on street parking that is available when the bus lane is not in use, and which provides popular parking accommodation for neighbouring shops when they open from 8am onwards.

The plans submitted in the traffic generation and parking report indicate that on-site service parking is suitable for vehicles up to 7.5t in size and 8.1m in length. This size of vehicle is smaller than used for standard food retail units, and is proposed to correspond with the delivery practices of the Morrison's Local store that will rely on localised deliveries from the main Morrison's store at Meadowhead. The turning circles on site are suitable for a vehicle of this size, and would allow for the vehicle to enter and leave the site in a forward gear. As a result, the danger to traffic on Abbeydale Road will be prevented should this be put into practice during the day.

The supporting information submitted by the applicant suggests putting a restriction on deliveries from 1200 hours to 2000 hours when the unit will have the most customers, to reduce conflict with the car park users. This is considered suitable, and is included in the recommended conditions.

With regards to Staff Parking, the applicant confirms that there is a management strategy to prevent staff parking on site. This would encourage the use of public transport, although some on street parking on neighbouring residential streets may be expected. The numbers of staff are not likely to pose significant problems with regards to road parking capacity on neighbouring streets, nor are they likely to pose amenity problems for the neighbouring residents.

## SUMMARY AND RECOMMENDATION

The application seeks consent to vary the existing conditions placing restrictions on food retail use of the site and restrictions on deliveries occurring when the store is not open.

With evidence submitted demonstrating that the predicted customer levels will not exceed a maximum of 8-9 people in peak times and changes to the parking accommodation to increase the number of spaces available when not servicing, the variance of these conditions to allow for food retail use will not pose significant highways concerns with regards to not providing enough parking accommodation.

The revisions to the car park will allow for safe servicing of the unit during times when on site servicing is needed (when Abbeydale Road is busy and/or the bus lanes are operational). Relevant restrictions to servicing before 0630 hours in the morning will be provided by condition and will ensure that the amenity of neighbouring residential properties is not unduly affected by the revisions sought.



Overall, the proposal is considered to satisfy the requirements of Policy S10. As such the proposal is considered to be acceptable and therefore approval is recommended.

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Case Number 12/02137/LBC (Formerly PP-02083992)

Application Type Listed Building Consent Application

Proposal Alteration and Conversion to Form 2 units for use as Shops (Class A1), Financial and Professional Services (A2) and Restaurants/Cafes (A3), and Refurbishment of first floor for Business use (Class B1) including alterations to entrance doorways, as amended 4.9.12.

Location 17 Church Street  
City Centre  
Sheffield  
S1 2GJ

Date Received 17/07/2012

Team CITY CENTRE AND EAST

Applicant/Agent EdgePlan Ltd

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.

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 by Archer Architects:

(P)200 Rev D Proposed Basement Plan Rec'd 17.07.12 (P)201 Rev D Proposed Ground Floor Plan Rec'd 4.9.12  
(P)202 Rev F Proposed First Floor Plan Rec'd 4.9.12  
(P)304 Proposed Elevations Rec'd 17.7.12  
(P)600 Rev B Proposed Section A-A Rec'd 17.7.12  
(P) 601 Rev B Proposed Section B-B Rec'd 17.7.12  
(P)602 Rev C Proposed Section C-C Rec'd 17.7.12  
(P)603 Rev A Proposed Section D-D Rec'd 17.7.12  
(P)604 Rev A Proposed Section E-E Rec'd 17.7.12  
(P)602 Rev C (Extract) Proposed Plant/Ducting Rec'd 4.9.12  
D111 Rev B Unit 1 Entrance Detail Rec'd 17.7.12  
D130 Rev E Proposed Wall Section Rec'd 17.7.12  
D140 Rev B Unit 2 Entrance Detail Rec'd 17.7.12  
D190 Corinthian Column Pilasters Rec'd 17.7.12

(P)501 Rev D Ground Floor Demolition Rec'd 4.9.12  
(P)502 Rev E First Floor Demolition Rec'd 4.9.12

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 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:

(i) Scale of 1:20:

Doors

Internal Wall Construction and Finish

Balustrades

Lifts

Staircases

Dome Refurbishment

Roofing Details to Rear Section

ATM – External Elevation

(ii) Scale of 1:10:

Secondary Glazing

(iii) Scale of 1:50:

Treatment of External Courtyard

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

In order to ensure an appropriate quality of development.

- 4 All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 5 Details of the new internal floor structure and its abutment with the existing building structure shall be approved in writing by the Local Planning Authority before that part of the development commences.

In order to ensure an appropriate quality of development.

- 6 A schedule of all fixtures and fittings, with a photographic record, and details of their retention, repair, removal or relocation shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved schedule.

In order to ensure an appropriate quality of development.

- 7 The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

In order to protect the character of the original building.

- 8 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.

In order to protect the character of the original building.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CS74 - Design Principles

BE5 - Building Design and Siting

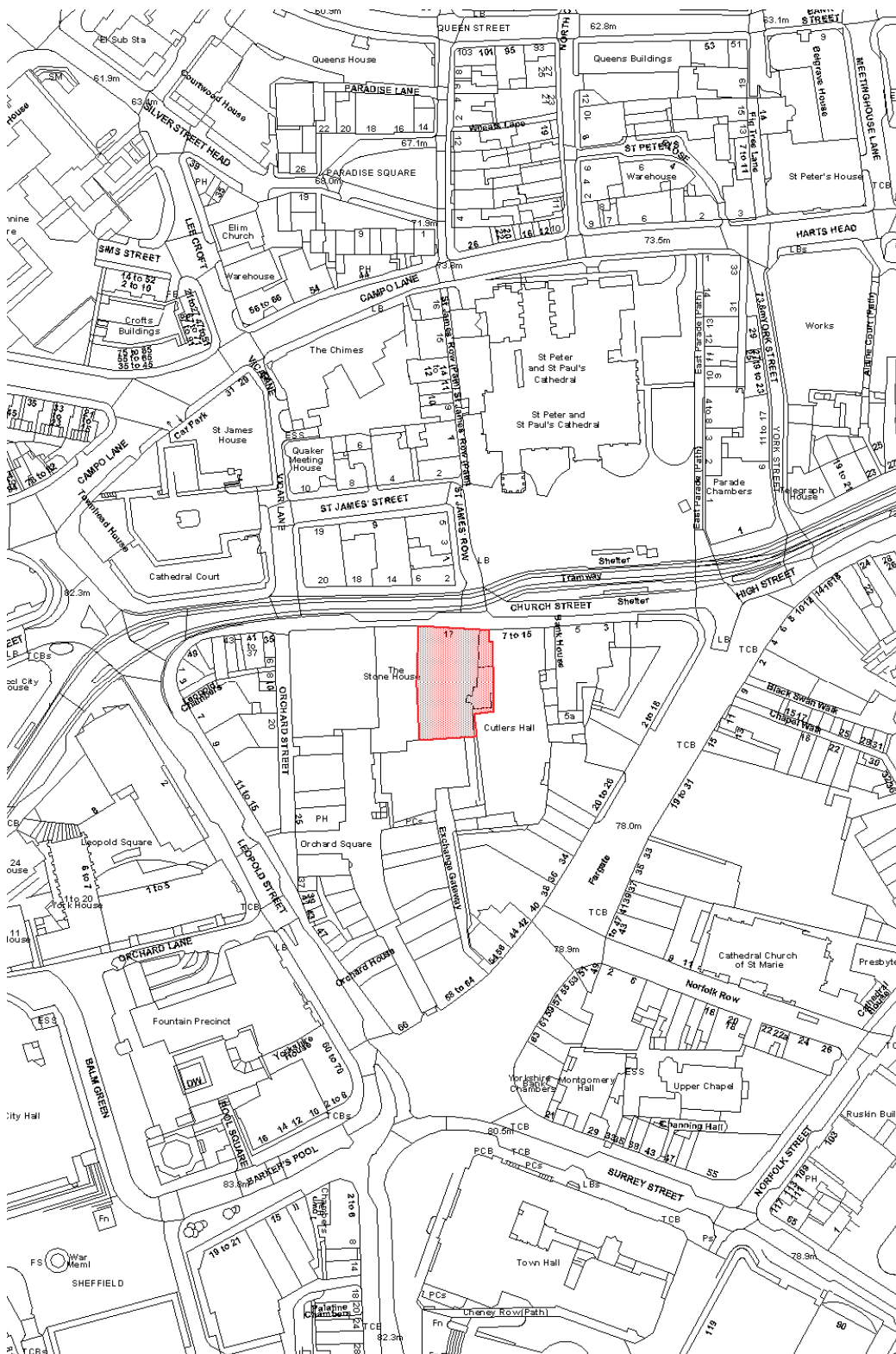
BE16 - Development in Conservation Areas

BE19 - Development affecting Listed Buildings

On balance the proposed development is considered acceptable, despite some concern about the subdivision of the banking hall. Greater weight has been given to the re-use of this valuable listed building and to the regeneration benefits of establishing a viable development.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

# Site Location



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For report please see application 12/02136/FUL

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Case Number 12/02136/FUL (Formerly PP-02083992)

Application Type Full Planning Application

Proposal Alteration and Conversion to Form 2 units for use as Shops (Class A1), Financial and Professional Services (A2) and Restaurants/Cafes (A3), and Refurbishment of first floor for Business use (Class B1) including alterations to entrance doorways, as amended 4.9.12

Location 17 Church Street  
City Centre  
Sheffield  
S1 2GJ

Date Received 17/07/2012

Team CITY CENTRE AND EAST

Applicant/Agent EdgePlan Ltd

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.

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 by Archer Architects:

(P)200 Rev D Proposed Basement Plan Rec'd 17.07.12 (P)201 Rev D Proposed Ground Floor Plan Rec'd 4.9.12  
(P)202 Rev F Proposed First Floor Plan Rec'd 4.9.12  
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(P) 601 Rev B Proposed Section B-B Rec'd 17.7.12  
(P)602 Rev C Proposed Section C-C Rec'd 17.7.12  
(P)603 Rev A Proposed Section D-D Rec'd 17.7.12  
(P)604 Rev A Proposed Section E-E Rec'd 17.7.12  
(P)602 Rev C (Extract) Proposed Plant/Ducting Rec'd 4.9.12  
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D190 Corinthian Column Pilasters Rec'd 17.7.12

(P)501 Rev D Ground Floor Demolition Rec'd 4.9.12  
(P)502 Rev E First Floor Demolition Rec'd 4.9.12

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 4 The design and location of all new external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

In order to protect the character of the original building.

- 5 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 external ducting) shall be approved in writing by the Local Planning Authority before installation.

In order to protect the character of the original building.

- 6 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy.

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, unless otherwise agreed in writing by the Local Planning Authority.

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.



- 7 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

- 8 No customer shall be permitted to be on the premises outside the following times: 0700 - 0030 hours on any day

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

- 9 The development shall not be used for use class A3 purposes 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 extract terminating 1 metre above the highest nearby window and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 10 Amplified sound or live music shall only be played within the building in such a way that noise breakout to the street does not exceed:  
(i) background noise levels (LAeq) by more than 3 dB(A) when measured as a 15 minute LAeq, and  
(ii) any background octave band centre frequency by more than 3dB when measured as a 15 minute Leq, when measured at the façade of the buildings directly opposite.

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

- 11 No amplified sound shall be played within the 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.

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

- 12 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) Monday to Saturday and between 2300 hours and 0900 hours on Sundays and Public Holidays.

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

- 13 No deliveries to the building shall be carried out between 2300 hours to 0700 hours (on the following day) Monday to Saturday and 2300 hours to 0900 hours Sundays and Public Holidays.

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

- 14 The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

- 15 Before the development is commenced full details of the proposed refuse and recycling storage facilities to be provided to serve the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arising. Prior to the occupation of the proposed development the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.

In order to ensure that proper provision for refuse is made and to encourage the maximum use of recycling in the interests of protecting the environment.

- 16 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 17 The development shall not be used unless a revised Delivery Management Plan amending the delivery route to the western service bay has been submitted to and approved by the Local Planning Authority, and thereafter the approved delivery routes shall be communicated to delivery operators for their regular use.

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

- 18 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 corresponding part of the development 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).

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CS17 - City Centre Quarters

CS18 - Shopping in the City Centre

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS74 - Design Principles

S3 - Development in the Central Shopping Core

S10 - Conditions on Development in Shopping Areas

BE5 - Building Design and Siting

BE7 - Design of Buildings Used by the Public

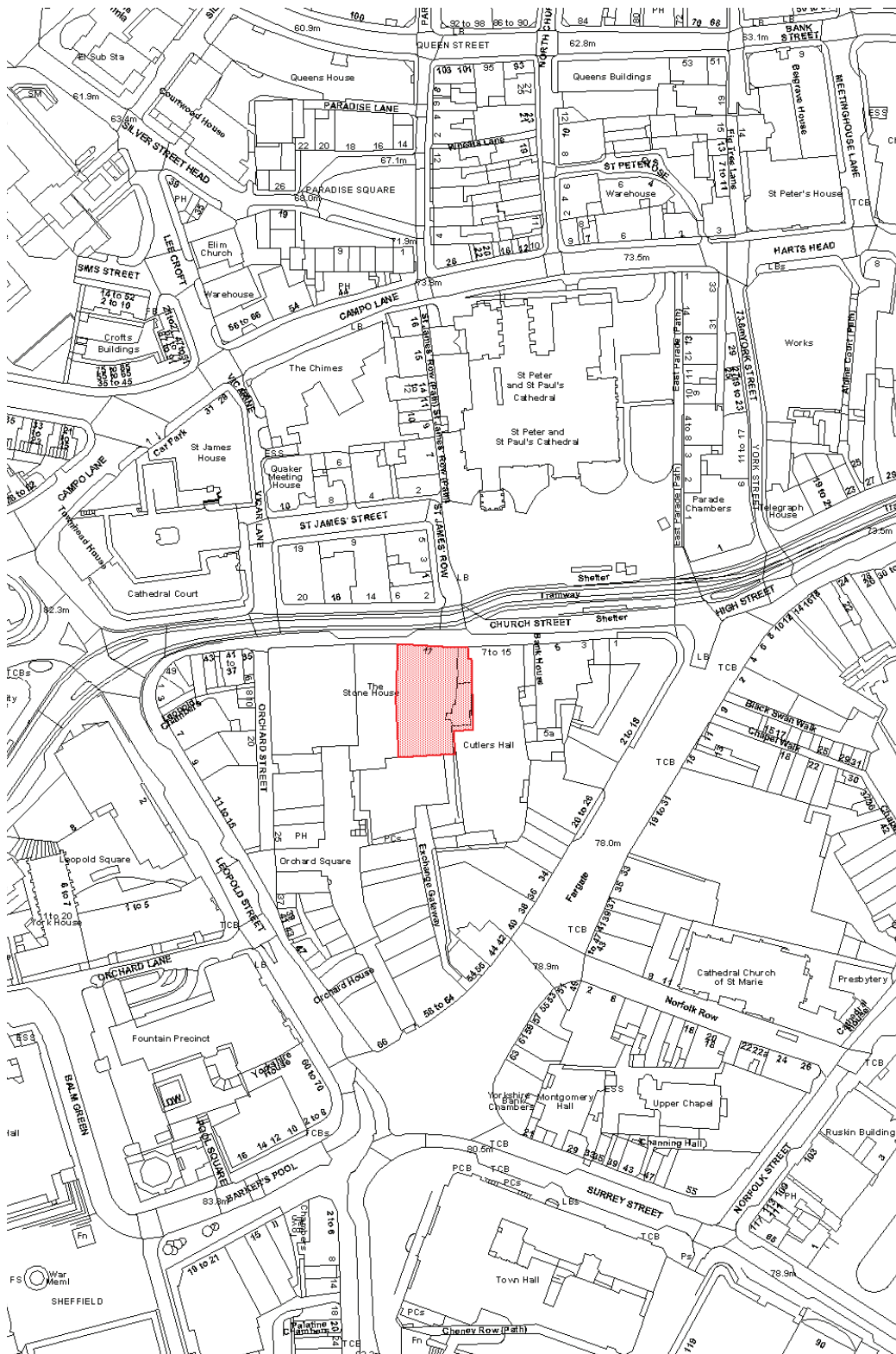
BE16 - Development in Conservation Areas

BE19 - Development affecting Listed Buildings

On balance the proposed development is considered acceptable, despite some concern about the subdivision of the banking hall. Greater weight has been given to the re-use of this valuable listed building and to the regeneration benefits of establishing a viable development.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

# Site Location



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## LOCATION AND PROPOSAL

This application is a revised scheme to convert a vacant bank on the south side of Church Street facing the Cathedral. The building has a fine stone façade with columns and windows between, and internally an imposing domed banking hall unusual in the city. It has level access through a single door at the right hand side of the façade, and steps to a double door access at the left hand side.

The banking hall is to be subdivided front to back at ground floor level only, forming a ground floor convenience store in Unit 1 to the left, with Unit 2 on the remainder of the ground floor to the right and also at mezzanine level above Unit 1 to the left.

Mezzanine access will be in the centre of the banking hall below the dome. The existing stone steps to the left will be lowered to create inclusive access to Unit 1.

An existing external spiral staircase at the rear will be relocated to provide service access to the roof. An internal light well at the rear will be infilled, and 5 rooflights to the single storey rear extensions will be removed.

Many modern insertions into the banking hall will be removed, and the historic fabric refurbished.

The first floor offices will be refurbished for separate letting.

## HISTORY

App No's 12/00106/FUL & 12/00105/LBC: Planning permission and listed building consent was refused on 11 April 2012 for external alterations to provide disabled access, replacement of external escape/access stairway, ground floor infill extension, removal and infilling of court yard turntable, and internal alterations to form mezzanine floor and division into 2 units.

Pre-Application advice for revised scheme given 16 July 2012  
(12/02001/PREAPP).

## REPRESENTATIONS

One Objection received: (1) Cutlers' Hall fire escape route through courtyard to former bank; (2) Proposed deliveries to building using existing service bays to Church Street, one of which is outside Cutlers' Hall. (3) Proposed times of deliveries outside peak hours in particular 1830-2000 hours would conflict with arrival of guests for frequent events at Cutlers' Hall.

English Heritage: To be determined in accordance with national and local policy guidance, and the basis of the Council's specialist conservation advice (8 August 2012).

## ASSESSMENT

### Land Use

Core Strategy Policy CS17 on City Centre Quarters: The site is within the Heart of the City where retail is one of the prime uses. The policy states that shopping will be improved. The site adjoins the Cathedral Quarter, where a richer mix of uses will be introduced including residential, leisure and retail.

Core Strategy Policy CS18 on Shopping in the City Centre: Major non-food retail will be concentrated in the Primary Shopping Area. Development that individually or cumulatively might prejudice or delay the regeneration of the Primary Shopping Area will not be permitted. Church Street is not listed as a Shopping Street. On other streets leading into Primary Shopping Area, small shops, food and drink and service outlets promoting vitality of the area will be acceptable on ground floor frontages.

The site is within the Central Shopping Area in the Unitary Development Plan, but is outside the Retail Core. Policy S3 states that Shops (Class A1), Offices used by the Public (Class A2), and the former Food and Drink (Class A3) are Preferred uses. Business (Class B1) is Acceptable.

The proposed land uses, including shopping, do not conflict with land use policy. The revised proposal is for Business use only (Class B1) for the first floor offices.

### Character of Listed Building and Setting

This former bank is a Grade 2 listed building, and was in use as such until early 2007.

Policy BE19 in the Unitary Development Plan expects internal and external alterations affecting the special interest of a listed building to preserve the character and appearance of the building and where appropriate to preserve or repair original details and features of interest. Development within the curtilage of the building or affecting its setting will be expected to preserve the character or appearance of the building and its setting. The original use of a listed building will be preferred but other uses will be considered where they would enable the future of the building to be secured.

UDP Policy BE16 on Development in Conservation Areas: The erection of buildings, changes of use, and demolition will only be permitted if they preserve or enhance the character or appearance of the Conservation Area.

Policy BE5 on Building Design and Siting expects good design and good quality materials on all new refurbished buildings, and encourages refurbishment of good existing buildings where their loss would lower the quality of the street scene.

The building lies within City Centre Conservation Area in a sensitive location facing the Cathedral (Grade 1 listed building) and close to several other listed buildings including the Cutlers' Hall (Grade 2\*).

The provision of a new “pod” within the building to accommodate the proposed convenience store is considered to affect the interior of the building, as it reduces the existing space within the building at ground floor level. It creates a new wall at ground floor level almost in the middle of the main space, with a new mezzanine floor above the pod over part of the main hall. This cannot be done without some loss of character.

However, the new internal alterations to the banking hall are to be in high quality materials and are to be reversible without significant damage to the historic fabric. The new structure will be supported on load-bearing columns sited in the basement without the need for lateral restraint. The interface with the internal walls will be by joinery and decorative finish only.

The new stairs and lift to the mezzanine floor are positioned to maximise the view of the dome directly from below

Compared with the previous scheme refused in April, the mezzanine floor is much less damaging, being limited to the roof of Unit 1 and allowing good views of the domed ceiling with most of the internal walls clear of new fixtures. This is welcome.

All the mid-20th century insertions will be removed, including counters, partitions, and wood panelling, allowing refurbishment of most of the hall in a character more typical of the building in its late 19th century heyday. This will also be a great benefit.

If the permission is implemented the building will be made watertight and generally upgraded, giving it a new future.

On balance the proposal takes more account of the character of the listed building than did the previous scheme, and successfully addresses the earlier deficiencies, so far as this is possible. There is insufficient reason to withhold listed building consent, subject to the new work being carried out to a standard matching the high quality of the interior.

The proposed internal alterations include the use of structural glazing for the lift and staircase enclosure to the mezzanine floor, and the use of lightweight partitions. The existing clock will be repositioned as it will be affected by the new pod. Two internal high level window openings between the banking hall and the lobby will be infilled with the transfer of some adjoining floorspace to the first floor office accommodation.

The new mechanical and engineering equipment will be sited in the less sensitive parts of the building at the rear.

Externally, the front steps are to be removed and replaced with new, and a short rise lift installed to provide inclusive access to Unit 1. The steps are not in fact historic but a modern replacement and the floor is not original. The revised drawings show a new ATM cash machine by the entrance to Unit 1, similar to the



ATM to be removed from the other entrance to Unit 2. To allow use by people using wheelchairs, the keypad will be set at 900mm above footway level, meaning that the base will be supported beneath the brick vaulted ceiling of the basement below. This is unavoidable, and confined to a limited area. The changes will not damage the character of the building.

#### External Plant and Equipment

Revised sketch drawings show equipment for Unit 1 on the rear single storey roof with ducting beneath the new ceiling. This is satisfactory subject to conditions, which should also cover the other accommodation in the building.

#### Hours of Use

Policy S10 of the UDP requires that change of use should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

Council Policy on opening hours for Cafes and Restaurants is set out in the Interim Planning Guidelines on City Centre Night Time Uses approved 26 October 2005. Guideline 1 puts this site within the Heart of the City Controlled Area, which sets a closing time of 0030 hours for Drinking Establishments (Class A4) and night clubs, but does not set a closing time for Cafes/Restaurants unless through Guideline 2 there would be an adverse effect upon residents, workers or users of the area. Considerations will include (a) noise breakout, traffic, parking on nearby streets, odours street noise and general disturbance; (b) anti-social behaviour that would disturb residents, workers or users of the area; (c) whether car parking or provision of signs, outdoor tables and chairs would impair safety and ease of movement of pedestrians and road users. Cumulative effect will be taken into account.

There are few if any residents living close by, but there are flats above shops lower down on both sides of High Street. This area by the Cathedral and Cutlers' Hall although busy with trams, buses and local traffic is otherwise a quieter, dignified area and generally should remain that way to retain its character.

The occupier of any café/restaurant in Unit 2 is unknown at present, but its licensed capacity will be substantial in view of its large size. Unit 1 may also be used as a café/restaurant if the convenience store option is not taken up or ceases.

For the time being a closing time of 0030 hours is recommended for the proposal in order that the hours of use may be suitably managed.

#### Noise and Odours

Conditions are recommended to restrict noise breakout, times of servicing, and requiring the provision of fume extraction equipment.



## Inclusive Access

Core Strategy Policy CS74 on Design Principles: Development should enable all people to gain access safely and conveniently, providing in particular for the needs of families and children, and of disabled people and older people.

UDP Policy BE7 on Design of Buildings used by the Public: All buildings used by the public should have safe, easy and equal access for people with disabilities.

Generally a good standard of inclusive access is proposed. However there are still difficulties with the standard provided in the following areas: door widths, height of vision panels, push-button operation, use of goods lifts rather than passenger lifts, provision of second handrails at 600mm on both sides of the stairs, and smooth access instead of cobbles to the entrance to Unit 3.

A condition is recommended requiring further improvements.

## Sustainability

Core Strategy Policy CS64 on Climate Change, Resources and Sustainable Design of Developments: All new building conversions must be designed to reduce greenhouse gas emissions and function in a changing climate. All developments should achieve a high standard of energy efficiency, making best use of solar energy, passive heating and cooling, natural light and natural ventilation. Conversions must minimise impact on existing renewable energy installations, and produce renewable energy to compensate for any loss of generation from existing installations as a result of the development.

Core Strategy Policy CS65 on Renewable Energy and Carbon Reduction: All significant developments will be required, unless this can be shown not to be feasible and viable, to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Paragraph (b) of the policy requiring 20% carbon dioxide emissions reduction is not at present being implemented to provide assistance to developers during the recession. Renewable or low carbon energy technologies must be operational before any converted buildings are occupied.

The proposal includes the removal of the rear roof lights over the single storey extensions and the provision of secondary/double glazing of all rear windows including the rooflight over the retained glazed dome to the banking hall. It is not intended to secondary glaze the historic front windows of the banking hall. Such improvements to the building fabric and the renewal of inefficient boilers and air handling/cooling equipment are likely to substantially improve the building's thermal performance. The applicant expects it to satisfy Council policy in this regard, which is welcome. The requirement is confirmed by condition requiring the submission of pre-commencement report and post-installation validation report. On this basis planning policy will have been complied with.

## Refuse and Recycling

The initial proposal for 4 refuse and recycling bins in the side courtyard has been increased to 7 relocated alongside the rear of the former bank building. There is ample space for manoeuvring and for more bins as required. Provision, retention and arrangements on collection day are covered by condition.

## Highways

**Servicing and Deliveries:** The former bank was serviced securely behind the main gates in the side yard using a vehicle turntable. This will be removed. The submitted Delivery Management Plan states that Unit 1 (convenience store) is likely to receive 4-5 deliveries daily using small vans delivering everyday goods like milk, paper, bread and frozen goods taking approximately 10-15 minutes to unload. There will also be one large rigid vehicle daily maximum 10.35m long with an unloading time of 20 minutes approximately. Deliveries can be made outside peak hours (0500-0730, 0930-1130 or 1830-2000).

Unit 2 (café/restaurant) can be served by smaller vehicles delivering fresh produce at least once per day, typically before 0800 hours. It is stated that the occupiers of Units 1 and 2 will be required to co-operate so that no more than 2 small one 1 large vehicle delivers at any one time.

The existing service bays in Church Street have adequate capacity for the above. The Delivery Management Plan has been revised to include (i) maximum size of delivery vehicle being 10.35m long, (ii) specific reference to extra care being required to ensure servicing has no adverse impact upon running of Supertram. However, the use of High Street/Church Street for access to both existing service bays is considered undesirable, and a revised Plan is required by condition to ensure access to the western delivery bay is via Vicar Lane and St James Street to avoid congestion on High Street/Church Street.

**Cycle Parking:** The revised drawings show some cycle parking provision, but it is insufficiently secure for commuter use. Improvements are required by condition.

## RESPONSE TO REPRESENTATIONS

(1) Not a planning matter; (2) Existing service bays have adequate capacity; (3) Not a planning matter, but other service bay could be used subject to private arrangement.

## CONCLUSION

The proposal is considered to comply with the relevant policies and proposals from the Core Strategy of the Sheffield Development Framework and the Unitary Development Plan set out below:

CS17, CS18, CS64, CS65, CS74  
S3, S10, BE5, BE7, BE16, BE19,

On balance the proposed development is considered acceptable, despite some concern about the subdivision of the banking hall. Greater weight has been given to the re-use of this valuable listed building and to the regeneration benefits of establishing a viable development in a more sustainable building. Considerable attention has also been given to ensuring a high standard of refurbishment, satisfactory inclusive access and a practicable way of servicing the building.

#### RECOMMENDATION

Grant subject to conditions.

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Case Number 12/01985/FUL (Formerly PP-01859728)

Application Type Full Planning Application

Proposal Change of opening hours to 0800 - 0030 the following day on Mondays to Wednesdays, 0800 - 0130 the following day on Thursdays to Saturdays, and 0900 - 0030 the following day on Sundays and Public Holidays (Application under section 73 to vary condition 20 (opening hours) of planning permission ref. 00/01269/FUL)

Location Units 1-2, 3 And 14  
The Plaza, West One  
Fitzwilliam Street  
Sheffield  
S1 4JN

Date Received 03/07/2012

Team CITY CENTRE AND EAST

Applicant/Agent BNP Paribas Real Estate

Recommendation Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that the proposed extension of opening hours would result in an unacceptable degree of noise and general disturbance in the early hours of the morning which would be detrimental to the amenities of the locality and to the living conditions of nearby residents. The proposal is therefore contrary to Policies H14 and S10 of the Unitary Development Plan, to the aims of the City Centre Living Strategy and to guidelines 1 and 2 of the Interim Planning Guidance on Night Time Uses.



## LOCATION AND PROPOSAL

The application site comprises of units 1 - 2, 3 and 14 situated within The Plaza, the ground floor retail/commercial centre at the northern end of the largely residential West One complex located between Fitzwilliam Street and Cavendish Street. Units 1 and 2 are occupied by Revolution, unit 3 is occupied by Bar 23 and unit 14 is occupied by The Hop (all use class A4 – drinking establishments).

When planning permission was granted for the West One development in February 2001, a condition (number 20) was attached to the consent stating that any A3 (food and drink) units should only be used between 0800 hours and 2330 hours Monday to Saturday and between 0900 hours and 2300 hours on Sundays and Bank Holidays, in the interests of the amenities of the locality and occupiers of adjoining property.

In October 2007, planning permission was granted for an extension to the opening hours at units 1 and 2 (Revolution) to between 0800 hours and 0030 hours the following day on Monday to Saturday and between 0900 hours and 0030 hours the following day on Sundays and public holidays (application 07/01862/FUL).

An application to extend the opening hours at unit 3 (Bar 23) until 0000 hours was approved in August 2008 (application 08/03045/FUL).

Then, in June 2011, planning permission was granted for the use of unit 14 (formerly Budgens) as a pub (Class A4), including a stage for hosting live music and comedy nights (application 11/01126/CHU refers). A condition was attached to this consent restricting the opening hours to between 1100 hours and 2330 hours Monday to Saturday and 1100 hours to 2230 hours on Sundays and Bank Holidays.

Subsequently, a Section 73 application to vary the opening hours of unit 14 to between 0800 hours and 0030 hours the following day on Mondays to Saturdays and 0900 hours to 0030 hours the following day on Sundays and public holidays was granted in September 2011 (application 11/02150/CHU).

The applicant is now applying under Section 73 to vary condition 20 of the original 2001 planning consent (00/01269/FUL) to extend the opening hours of units 1, 2, 3 and 14 to between 0800 hours and 0030 hours the following day on Monday to Wednesday, between 0800 hours and 0130 hours the following day on Thursdays to Saturday, and to between 0900 hours and 0030 hours the following day on Sundays and public holidays.

## RELEVANT PLANNING HISTORY

11/02150/CHU	A Section 73 application to vary conditions 3 and 7 to extend opening hours to 0800-0030 the following day Mondays to Saturdays and 0900-0030 the following day Sundays and Public Holidays and to allow playing of live music until 0000
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hours on Fridays, Saturdays, Sundays before a bank holiday and Christmas Eve was granted on 6th September 2011.

- 11/01126/CHU Planning permission was granted on 20th June 2011 for the use of unit 14 for Class A4 purposes (Pubs and Bars).
- 11/00389/FUL On 3rd May 2011, planning permission was granted for the use of unit 7 (formerly Prego) as a restaurant/cafe (Use Class A3) and provision of an extraction flue.
- 09/02736/FUL Planning permission was granted in January 2010 for the use of unit 14 (formerly Budgens) as a restaurant/cafe, including the formation of an external seating area.
- 09/03941/FUL Also in January 2010, planning permission was granted for a temporary, 2 year extension to the opening hours of The Bowery, on the eastern side of Fitzwilliam Street. No amplified music or dancing was allowed after 0030 hours. This consent has now expired.
- 08/04888/FUL Planning permission was granted in December 2008 for the change of use of unit 12 from a retail unit to a restaurant (Use Class A3).
- 08/03045/FUL An application to extend the opening hours at unit 3 (Bar 23) until 0000 hours was approved in August 2008.
- 07/01862/FUL Permission was granted in October 2007 for the extension of opening hours at units 1 and 2 (Revolution) to 0800-0030 hours Monday-Saturday and 0900-0030 hours Sundays and public holidays.
- 07/01727/CHU An application for the change of use of units 11 and 12 from retail (A1) to a bar/restaurant (A3/A4) was withdrawn in October 2007.
- 06/03519/CHU In November 2006, planning permission was granted for the use of unit 5 as an extension to an estate agent's (A2).
- 06/02884/CHU Planning permission was refused in October 2006 for the change of use of units 11 and 12 from retail (A1) to a bar/restaurant (A3/A4) for the following reasons:
- 'The local planning authority consider that the use of the site for food and drink purposes (Use Class A3/A4) would result in an unacceptable degree of noise, smells and general disturbance to the occupiers of neighbouring residential properties. In these respects the proposal is contrary to Policy H14 of the Unitary Development Plan.'

This decision was upheld at appeal.

- 06/02865/CHU An application for a temporary outside seating area at units 1 and 2 (Revolution) for restaurant/bar purposes (A3/A4) between 0900 and 2230 hours daily was approved in March 2007.
- 06/02190/FUL An application to vary condition no. 2 (as imposed by planning permission 05/03077/FUL) to extend the opening hours of the bar/restaurant at unit 3 until 0000 hours was approved on 22 August 2006.
- 05/03077/FUL Planning permission for the use of unit 3 as restaurant (A3) and bar (A4) with a 2300 hours closing time was granted on 23 September 2005.
- 05/01183/CHU The use of unit 3 and part of unit 2 as a restaurant (A3) was approved on 19 July 2005. A 2300 hours closing time was conditioned.
- 05/00561/CHU The use of West One's former leisure and fitness suite (The Cage) as offices (B1) was granted on 1 June 2005.
- 03/01573/CHU An application for outside seating areas in association with Class A3 purposes (food and drink) was approved on 5 August 2003. Conditions were imposed requiring the seating areas to units 1 and 2 to be used only between 0900 hours and 1930 hours on any day and, at units 8/9, 10, 13 and 15 to be used only between 0800 hours and 2230 hours on any day.
- 00/01269/FUL The West One application, for the erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and crèche (D1) (amended scheme) was granted planning permission on 22 February 2001. Condition 20 of the approval stated that any A3 (food and drink) units should only be used between 0800 hours and 2330 hours Monday to Saturday and between 0900 hours and 2300 hours on Sundays and Bank Holidays (in the interests of the amenities of the locality and occupiers of adjoining property). Condition 22 required no more than 33% of the proposed retail units/floorspace to be occupied by A3 units (In order to comply with the Devonshire Quarter Action Plan Policies).

#### SUMMARY OF REPRESENTATIONS

In total 29 representations were received in connection with the proposed extension of opening hours.



We received 18 representations objecting to the proposals, including 16 from local residents, 1 from the Sheffield City Centre Residents' Action Group (SCCRAG) and 1 from Cllr Jillian Creasy.

We also received 11 representations in support of the proposals, including 4 from local residents and landlords and 7 from local businesses and their customers.

The concerns raised by objectors include:

- This is a residential area and the commercial premises on the ground floor were meant to provide for a mixed, balanced community with shops and retail outlets as well as food and drink establishments.
- The character of the area has changed as a result of the takeover by the entertainment industry.
- Many people in the apartments at Glossop Road Baths and West One are older and this fits with the idea of a mixed, balanced community. This mix is threatened by the changing character of the area towards alcohol fuelled youth culture. Extending the opening hours would encourage this tendency and reduce the attractiveness of the area to older people, who may be vacating under-occupied houses in the suburbs, and younger families wanting to live near the centre. It is more sustainable to keep the centre and fringes attractive to a wide range of occupants. Progress is being made with new convenience shopping and enhanced parks and public spaces, but granting this application would work against a sustainable, mixed, balanced town centre.
- Retail uses have been driven out by high rents and low footfall.
- As a consequence of the changing character of the Plaza, the people who bought apartments at West One and neighbouring residential developments are forced to endure late night noise, broken sleep and disruption to their lives.
- The owners of West One are gradually turning the entire ground floor into a homogenous boozier in order to collect more money from rental income.
- The proposals are a clear contradiction of the city's night time uses planning guidance which states that closing times should be no later than 0030 hours.
- Planning guidance for the Devonshire Quarter and wider city centre, put in place at the time West One was being built, was specifically designed to address the tensions between residents and pubs/clubs. Zones with a high residential density had an earlier closing time. West One falls within this category. Residents of the city centre expect higher noise levels but also expect some protection, which is what the guidance is supposed to give us.

- Many residents bought properties in West One with the assurance that they were in a residential area where all bars must close by 0030. If bar owners want to open a bar that opens later, they can take their pick from the vacant units nearby.
- The point of the original hours of use condition was to protect residents in the area from unacceptable noise levels and disturbance when they were likely to be sleeping. This has already been modified to allow premises to open until 0030 hours most evenings. The applicant is requesting another extension on the grounds that there is a current trend for customers to arrive later in the city centre. Can we assume that if this trend continues another application will be made to extend opening hours?
- Late night noise regularly escapes through fire doors left open on summer evenings.
- Closing time does not mean going home time and there is usually between 30 minutes and an hour between the official closing time and people leaving the area.
- Contrary to the claims made in the application that management techniques are in place to minimize noise and anti-social behaviour at closing time, residents suffer considerable disruption precisely because the management is woefully inadequate.
- Noise levels, street vomiting and general anti-social behaviour are already a problem. The planning department should not be discouraging inner city living by approving this application.
- It states in my lease that 'after 11pm residents must consider their neighbours and be respectfully quiet' and tenants have a legal right to 'the quiet enjoyment of the leased premises'.
- I regularly work anti-social hours, but still when I return home in the early hours there is often a lot of noise from within the Plaza area.
- The Council should consider the impact late bars have on night clubs, which are usually away from residential areas and more able to handle late night revellers.
- An extension of hours will create additional waste. Unit 3 has never had sufficient storage space for its bins (it was originally a retail unit). Most of the time they are stored on Convent Walk, making it dirty, smelly and unpleasant.

Supporters of the application commented that:

- One of the reasons for moving our business (ASK4) to West One was to be in a thriving, busy area. It is essential that the development continues to offer facilities that open in line with other local bars/restaurants.

- The business owners (in the Plaza) are responsible people and I am sure will manage the extension well.
- West One is a very popular place to live, evidence that people seem to want to live near bars and restaurants in a city centre environment.
- Representatives of Blundells (estate agents) consider the West One complex to be one of the most popular places to live and visit in the city centre and they claim never to have had a complaint from a tenant about noise from the bars or restaurants.
- The extension of hours will allow the bars to compete on a level playing field with other bars in the area and will make the whole development more vibrant and alive. The whole point of city living is to be close to the 'action' and night life that the city offers.
- Failure for businesses to keep up with the competition due to reduced opening hours will result in them having to close.
- Far more noise is created from bars on West Street, Devonshire Street and the taxi rank than from the West One complex. The restricted opening hours put these businesses at a disadvantage.
- A representative of The Hop believes that extending opening hours would not result in a loss of amenity to nearby residents due to the works and management strategies already in place – including secondary glazing, sound insulation to ceilings, an acoustic lobby and restrictions on the use of the outdoor seating area. They chose a unit in the West One development as it appeared to be a thriving, mixed-use development where businesses could operate fully. After 6 months it became clear to them that this is not the case as bars in West One have to close earlier than other bars in the city centre. Their peak trading time is 10.30 to 12.30 on Friday and Saturday evenings and they have to shut the venue down at 12.30 whilst still full. They are unable to operate fully within their current trading times and their grave concern long term is that the trend across the city continues with nights out becoming later and later, with a massive risk to the viability of their venues if hours are not extended.
- Owners of Bar 23 state that new developments and later opening bars have put them at a massive disadvantage and severely affect their trade. Customers are now going out later, particularly at the weekend. Opening for an extra hour on busy nights would allow them to retain their customers, who ordinarily vacate when they close and move on to a later opening venue) and keep their heads above water.

## PLANNING ASSESSMENT

### Land Use and Policy Issues

The Unitary Development Plan (UDP) for Sheffield (1998) pre-dates the West One development which was granted planning permission in 2001. Consequently, the northern half of the Plaza lies largely within the Central Shopping Area and the southern half lies within a Housing Area as defined in the UDP. Policy S3 of the UDP (Development in the Central Shopping Area) defines food and drink outlets as a preferred use in Shopping Areas. However, Policy S10 (Conditions on Development in Shopping Areas), states that new development should not cause residents to suffer from unacceptable living conditions.

Policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in Housing Areas, and advises that food and drink uses are considered to be acceptable provided that they do not cause disturbance to people living nearby. Similarly, Policy H14 (Conditions on Development in Housing Areas) states that new development or changes of use will be permitted provided that they are small in scale and do not threaten the residential character of the area, or lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby.

In April 2004, in order to guide housing development in the City Centre and limit the potential conflict between the growing population of residents and late night uses, the Council adopted the City Centre Living Strategy (CCLS).

Guideline 8 of the Strategy expects planning submissions involving potentially noisy uses to submit a scheme of works to address noise problems. It states that 'planning consent will be refused for developments that are unable, through design, technical measures or separation, to prevent noise and disturbance from affecting residents'.

Guideline 10 of the CCLS identified the Devonshire Quarter as an area of the city in which the amenity of residents, during night-time hours, is important and so, for developments involving pubs, bars and restaurants, it recommends restrictions on opening hours in order to prevent undue disturbance.

The Interim Planning Guidance on Night Time Uses (NTU) was adopted in October 2005 in order to help the Planning Service deal with applications for development relating to night time uses in the face of the changing liquor licensing legislation. Whilst acknowledging that people living in the city centre can not expect to experience the same levels of quiet as the more suburban parts of the city, the NTU guidance aims to protect the living conditions of residents by limiting the opportunities for noise and disturbance that might directly affect them.

Guideline 1 of the NTU guidance identifies specific areas in the city centre where there is a need to provide a greater level of protection against noise and disturbance and recommends that, in these controlled areas, a 00.30 hours closing time will normally be applied. The two areas where opening hours are more

vigorously controlled are the Heart of the City/Cathedral Quarter and the section of the Devonshire Quarter to the west of Fitzwilliam Street, including West One.

Guideline 2 of the NTU guidance advises that leisure, and food and drink uses will only be allowed if conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance, and that they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area. It also states that the Council will take into account the cumulative harmful effect of existing leisure and entertainment uses.

It is considered that extending the hours of opening of units 1, 2, 3 and 14 until 0130 hours the following day on Thursdays to Saturdays will cause unacceptable harm to the amenities of the many residents living in and adjacent to West One and is a clear contravention of policies H14 and S10 of the UDP and of guidelines 1 and 2 of the Night Time Uses guidance.

### Emerging Policy

As the conflicts between city centre residents and increasingly late night uses continue, new policies are emerging as part of the Sheffield Development Framework (SDF). In the draft Proposals Map, the application site falls within a Central Housing Area. Policy H1 of the City Policies and Sites Consultation Draft (Land Uses in Policy Areas) states that applications for drinking establishments in the Central Housing Area will be decided on their merits, while Policy C3 (Safeguarding Sensitive Uses from Nuisance) states that development should not cause occupants of any residential accommodation to suffer from nuisance that would be harmful to living conditions and that, in areas where commercial premises stay open late at night and cause a nuisance to residents, zones will be designated where the number, scale and times of opening of late night uses will be limited. Consequently, the Controlled Night Time Uses Zones (embodied in NTU Guideline 1) are incorporated within the draft City Policies and Sites Proposals Map.

Though the SDF is still in draft form, the National Planning Policy Framework (NPPF) (paragraph 216) gives weight to emerging policies according to their stage of preparation and the extent to which there are unresolved objections. The City Policies and Sites document has been through several rounds of consultation and is due to be submitted to Government in 2013. None of the unresolved objections relate to the designation of more tightly controlled zones, including the Controlled Night Times Uses Zone incorporating the West One development. The proposals do not comply with the Controlled Night Times Uses Zone included in the draft Proposals Map.

### SUMMARY AND RECOMMENDATION

Finding the right balance between vitality and living conditions in the city centre is difficult, but the city centre is not and never will be a level playing field. In more heavily populated areas, residents have been afforded greater policy protection from noise and disturbance and many residents will have knowingly chosen to

reside in these areas on this basis because the hours of use are clearly defined in adopted planning policy.

The Council has been clear and consistent in its decision making and policy position. All bars and restaurants within the Devonshire Quarter controlled zone close at 00.30 hours, other than those that historically have no planning controls. Changing trends and the challenging economic times are acknowledged, and the Council has proved flexible in allowing a retail led scheme to change to a largely night-time leisure complex and in extending opening hours up to the 00.30 restriction, despite concerns about the design of the Plaza compounding noise problems. If the Council wishes to re-consider its stance on 00:30am closing at West One, the most appropriate course of action would be a review of existing policies complete with public consultation.

It is therefore recommended that Members refuse this application to vary condition 20 of planning permission 00/01269/FUL to extend the opening hours of units 1, 2, 3 and 14 to between 0800 hours and 0030 hours the following day on Monday to Wednesday, between 0800 hours and 0130 hours the following day on Thursday to Saturday, and to between 0900 hours and 0030 hours the following day on Sundays and Public Holidays for the following reason:

The Local Planning Authority consider that the proposed extension of opening hours would result in an unacceptable degree of noise and general disturbance in the early hours of the morning which would be detrimental to the amenities of the locality and to the living conditions of nearby residents. The proposal is therefore contrary to Policies H14 and S10 of the Unitary Development Plan, to the aims of the City Centre Living Strategy and to guidelines 1 and 2 of the Interim Planning Guidance on Night Time Uses.

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Case Number 12/01753/LBC

Application Type Listed Building Consent Application

Proposal Alterations to existing toilet building to form new walkway to new Visitor Centre

Location Abbeydale Industrial Hamlet  
Abbeydale Road South  
Sheffield  
S7 2QW

Date Received 30/05/2012

Team SOUTH

Applicant/Agent Windle Cook Architects Ltd

Recommendation Grant Conditionally Subject to S of S

Subject to:

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

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

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

Drawing 12-500-A105

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

Opening treatment to form covered walkway through existing building.  
Treatment of walls within covered walkway.

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

In order to ensure an appropriate quality of development.

- 4 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.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

BE15 - Areas and Buildings of Special Architectural or Historic Interest

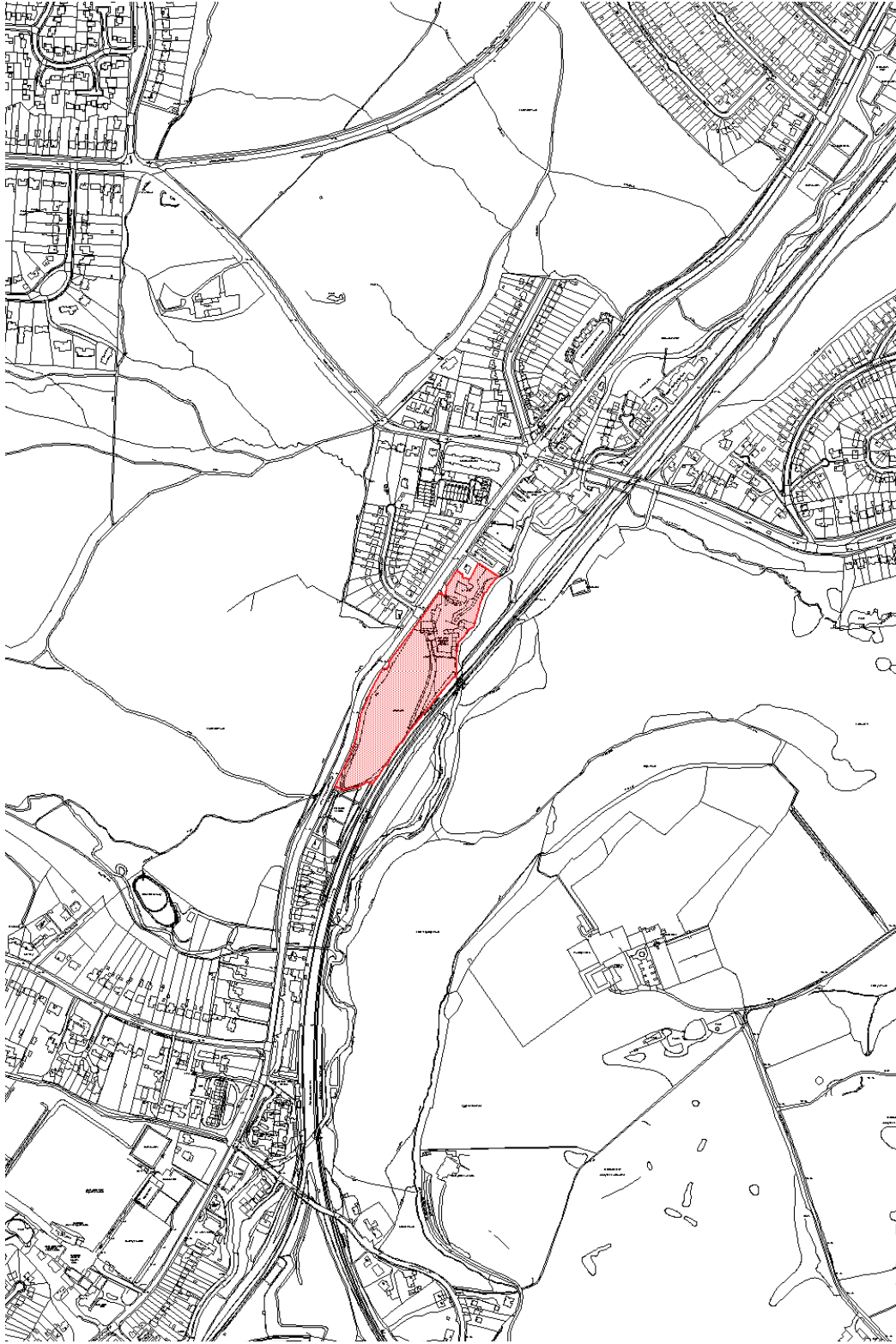
BE19 - Development Affecting Listed Buildings

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.



Site Location



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For report please see application 12/01750/FUL.

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Case Number 12/01750/FUL

Application Type Full Planning Application

Proposal Erection of learning centre with associated cafe and bookshop, toilets and workshops, raising of ground level to form courtyard, alterations to existing toilet block and formation of walk through and store

Location Abbeydale Industrial Hamlet  
Abbeydale Road South  
Sheffield  
S7 2QW

Date Received 30/05/2012

Team SOUTH

Applicant/Agent Windle Cook Architects Ltd

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.

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:

12-500-A100

12-500-A102

12-500-A103

12-500-A104 Rev B

12-500-A105

12-500-A107

Flood Risk Assessment (submitted 19/06/12)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until full details of measures to protect the existing trees/shrubs/hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved

measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 4 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 and shall include details of the location of site compounds and provision for contractors parking. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 5 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.

In the interests of the safety of road users.

- 6 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the access and facilities for people with disabilities, as shown on the plans, shall have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans, such details shall include level thresholds to the proposed workshops. The building shall not be used unless such access and facilities have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

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

In order to ensure an appropriate quality of development.

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

Windows

Window reveals

Doors

Heads and cills

Eaves and verges

External wall construction

Rainwater goods

Opening treatment to form covered walkway through existing building

Treatment of walls within covered walkway

Louvres

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

In order to ensure an appropriate quality of development.

- 9 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.

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

- 10 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the building. Thereafter the hard surfacing shall be implemented in accordance with approved details.

In order to ensure an appropriate quality of development.

- 11 Prior to installation, full details of all external lighting, CCTV, way-finding signs, fences and external handrails/balustrades shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development carried out in accordance with the approved details and shall not be altered without the prior consent of the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 12 Surface water drainage shall be to soakaways unless proved not to be feasible, in which circumstances full details of alternative surface water drainage arrangements shall have been submitted to and approved in

writing by the Local Planning Authority prior to commencement of the development or alternative timeframe to be agreed with the Local Planning Authority. Thereafter the drainage arrangements shall be implemented in accordance with the approved plans.

To ensure satisfactory drainage arrangements.

- 13 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.

In the interests of the visual amenities of the locality.

- 14 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

BE5 - Building Design and Siting

BE6 - Landscape Design

BE7 - Design of Buildings Used by the Public

BE9 - Design for Vehicles

BE15 - Areas and Buildings of Special Architectural or Historic Interest

BE19 - Development Affecting Listed Buildings

BE22 - Archaeological Sites and Monuments

GE15 - Trees and Woodland

CF1 - Provision of Community Facilities

CS63 - Responses to Climate Change

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS67 - Flood Risk Management

CS74 - Design Principles

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.



This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. 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 £85 or £25 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.

2. 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.
3. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
4. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

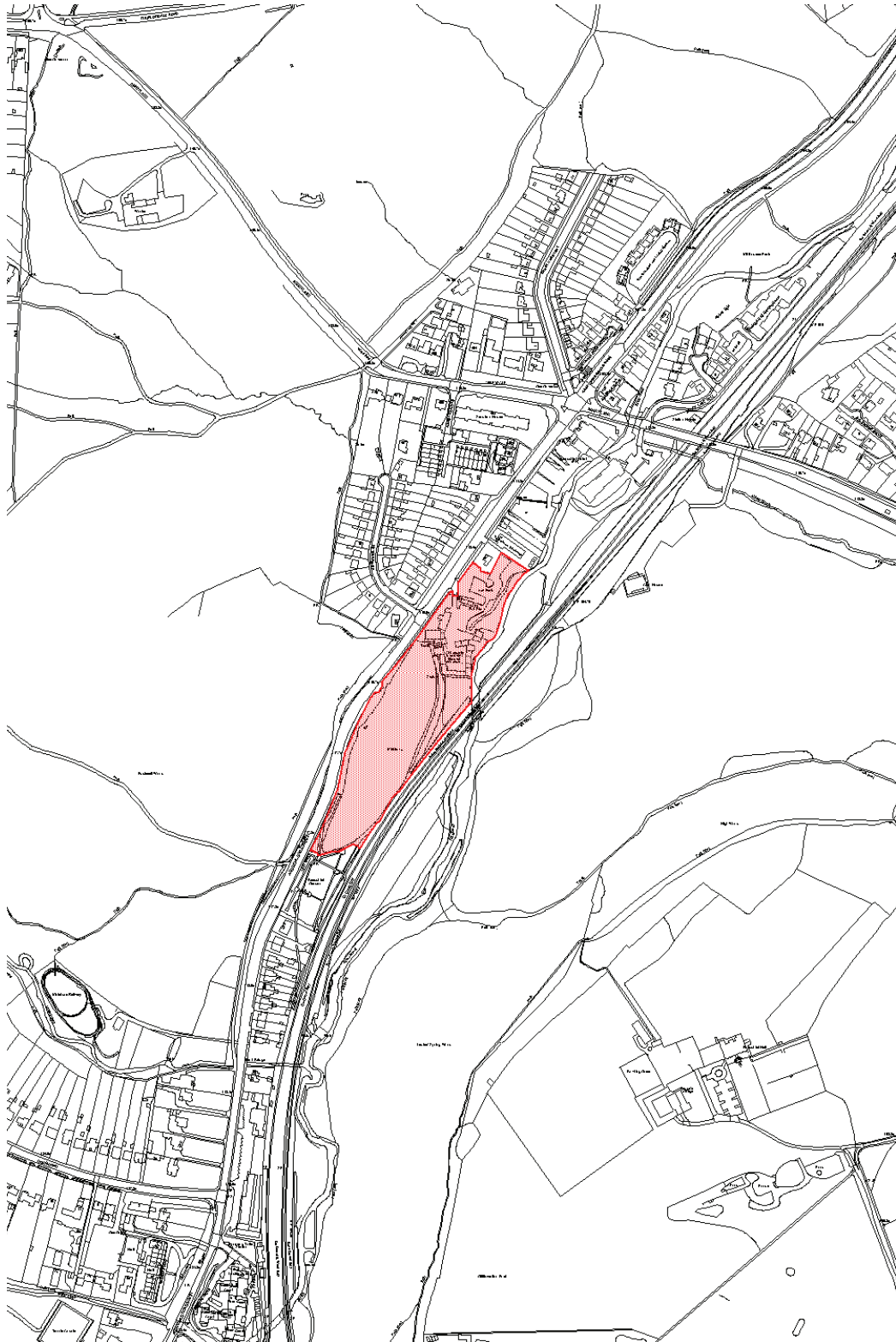
5. The developer's attention is drawn to:
- (i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and
  - (ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

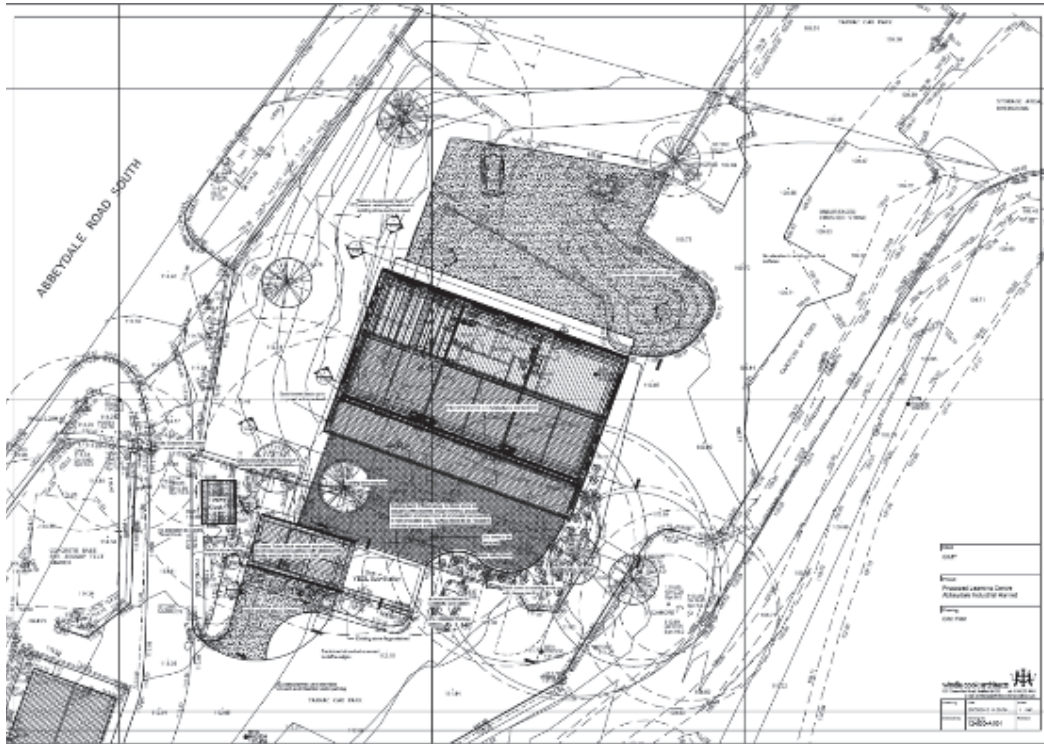
If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.



## Site Location



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## INTRODUCTION

This report relates to two applications, for planning permission and listed building consent, respectively.

## LOCATION AND PROPOSAL

Abbeydale Industrial Hamlet is located in Abbeydale Road South. It adjoins a dwellinghouse (No183) and a Telephone Exchange to the north, the River Sheaf and railway line to the east and a formal garden to the south of the mill pond. On the opposite side of Abbeydale Road South are a row of detached dwellinghouses and the road junction with Sherwood Glen.

The site extends to 2.51 hectares and includes a range of historic 18th and 19th Century stone buildings, principally 2 storey and single storey in height, arranged around a random open courtyard. The courtyard is open on its north elevation, where the boundary is defined by a derelict stone wall and a line of beech trees. In front of this boundary are a 1970's ticket office, toilet block and electricity sub-station. These modern buildings are separated from the historic buildings by an area of tarmac and cobbles which provides car and coach parking. The ground levels fall to the north of the site where a further car park is located some 3.5 – 4 metres below road level and below the dwelling at No183. The single vehicular access to the site is some 25m from the boundary with No183 and some 40m away from the Sherwood Glen road junction. There are a number of mature trees within the embankment to Abbeydale Road South and along the boundary adjacent the river.

The application proposes a learning centre comprising visitor, educational and ancillary facilities (including a café), together with 3 workshops in a contemporary two-storey split-level building. The building is proposed to be located to the north boundary of the existing courtyard behind the existing sub station and toilet block. It will be built on the lower car park with the principal elevation being at the higher courtyard level. The roof comprises two distinct mono-pitches, one of which is extended over the front elevation to provide a covered walkway.

The existing toilet block and sub-station building is proposed to be adapted to create a covered entrance to a new courtyard directly in front of the learning centre. The existing lower car park will be cleared of stored objects and debris and generally tidied to create greater utility for car parking.

The application for listed building consent is restricted to consideration of the works to the toilet block / sub station which is within the curtilage of listed buildings and therefore forms part of the relevant listing.

#### RELEVANT PLANNING HISTORY

There have been several applications for planning permission and listed building consent for various works but none are relevant to this proposal. Other than the concurrent application (12/01753/LBC), there have been no applications since 1995.

The concurrent application (12/01753/LBC) relates to the works to the toilet block / sub station required to create the walkway to the proposed learning centre.

#### SUMMARY OF REPRESENTATIONS

2 letters of representation have been received from nearby residents. The representations are summarised below.

- queries height of building and need for it to be at an elevated level - if built at present ground level it would be unobtrusive from the road and would maintain existing pleasant leafy view
- proposed materials are 'another carbuncle on the face of a wonderful oasis' – visibility from road will detract from current ambience and materials will desecrate the site
- existing entrance is used as a layby/turning point 24/7 and traffic is compromised when vehicles are entering or leaving the site – can a separate entrance to the new site be created so that vehicles don't have to drive through the Hamlet itself - vehicles at present have to be extremely cautious driving into the site because of visitors, some of them children, walking across the drive-through area
- no provision for coaches and fails to cater for off-street parking for extra traffic it will generate
- use of bus stop outside Hamlet stops all traffic and part time bus lane not used properly
- on street parking problems as existing car park is closed on open days

- welcomes attention being given to the Hamlet but notes that existing café, bookshop and workshops are under used
- notes no proposals for working the water wheel or re-opening small businesses on the site
- application provides little evidence for anticipated increase in visitors and little information about revenue costs or implications

English Heritage have expressed support for the application. They conclude that the proposals will not have any adverse effect on the setting or significance of the Abbeydale Industrial Hamlet Scheduled Monument or Listed Buildings and will enhance the heritage asset. They recognize that the development will have a significant beneficial impact on the heritage functions of the Hamlet and on its long term sustainability as a nationally important heritage asset and heritage attraction.

The Conservation Advisory Group has considered the application and their comments are minuted as follows:

The Group recommended that the toilet block be adapted to form a learning centre and that consideration be given to using roof lights to illuminate it. The Group felt concern at the proposed use of wood, rather than stone or brick, for the development and suggested that consideration be given to using reclaimed stone or brick.

## PLANNING ASSESSMENT

### Policy

The Hamlet is predominantly within the adopted Green Belt. However, the proposed building is on land within a Housing Area as defined in the Unitary Development Plan (UDP). There are no proposals to change these policy areas in the Sheffield Development Framework (SDF) Draft Proposals Map.

The Hamlet is a Scheduled Ancient Monument and the historic buildings are Grade I and Grade II\* Listed Buildings. The toilet block / sub station is not listed in its own right but is protected as a curtilage building.

A small portion of the site lies within Flood Zone 2 as defined in the Council's Strategic Flood Risk Assessment. Flood Zone 2 has 'medium probability' of flooding.

The most relevant UDP and SDF Core Strategy Policies are:

- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE7 (Design of Buildings Used by the Public)
- BE9 (Design for Vehicles)
- BE15 (Areas and Buildings of Special Architectural or Historic Interest)
- BE19 (Development Affecting Listed Buildings)

BE22 (Archaeological Sites and Monuments)  
GE15 (Trees and Woodland)  
CF1 (Provision of Community Facilities)  
CS63 (Responses to Climate Change)  
CS64 (Climate Change, Resources and Sustainable Design of Developments)  
CS67 (Flood Risk Management)  
CS74 (Design Principles)

The National Planning Policy Framework (NPPF) is relevant, in this instance particularly in relation to the historic environment.

The most relevant policies in the SDF Draft City Policies are:

G3 (Trees, Woodland and the South Yorkshire Forest)  
G7 (Development and Heritage)

However, unresolved objections dictate that very little weight can be attached to these policies at this stage of the adoption process.

#### Principle of Proposed Development

The proposals are intended to secure the future of the Hamlet in the long term and make a fundamental change in the way people can enjoy and engage with the facility, based on the active participation of its local community; and playing an important role in the preservation and presentation of heritage skills. The project is the main focus for Sheffield Industrial Museums Trust (SIMT) and will create a step change in the development of Abbeydale as a Working and Sustainable site.

SIMT hosted a consultation workshop to review the provision and services for education groups which explored the potential for the education market and identified barriers and solutions for the current and potential education users. The workshop concluded that further development of the service, including increasing visitor numbers was not possible without a purpose built learning centre. With a step change in provision the group were very optimistic that significant increases in provision and education numbers could be made. Also new delivery methods would enable better education, visitor use and increased understanding of the historic spaces and areas and reduce negative impacts on the historic structures.

The existing small and/or inadequate spaces within the historic structures struggle to house pupils and visitors alike and were identified as the key limiting factor to increased learning and participation. The current facilities are operationally restrictive and a new building was considered necessary to increase understanding, lengthen the operating season and improve the educational experience. In return, the long term sustainability of the site will be secured with significant benefits for national heritage and public interests.

Overall, the proposals represent an extension of an existing community facility on a site of local and national importance. There is no conflict with land use policies. The proposals comply with UDP Policy CF1 which promotes the provision of community facilities and, in principle, should be welcomed.



## Conservation Interests

The proposed building lies at the edge of the Scheduled Monument Area with only the front courtyard space impinging. Although visible from Abbeydale Road South and from within the existing informal courtyard area, the building does not adversely impact on the listed buildings. This is due to the split level nature of the learning centre which results in the building being of single storey appearance at entrance level, together with its location behind the existing toilet block / sub station. The proposals therefore comply with Policy BE19.

The proposed classroom, café and toilet accommodation replace those already present on the site and allow the old buildings to be put back to their original state as an integral part of the heritage asset.

The proposals have been subjected to several design options prior to submission of the application. The final proposal is the result of collaborative working between the applicant, Council officers and English Heritage with the objective of providing a high quality building that enhances the function of the Industrial Hamlet without harming the historic significance of the site.

Significant weight should be given to the long term sustainability of the Hamlet that will be assured through the development proposals. In economic and physical terms, the proposals will enhance the viability of the Hamlet and will allow the former buildings to revert to more traditional use, respectively. These outcomes are fully in accordance with the principles of national policy in the NPPF and Policies BE15 and CS74 which seek to preserve or enhance designated heritage assets.

The proposed courtyard in front of the new building will be within the Scheduled Ancient Monument Area but does not adversely affect its setting or any important features within it. As stated earlier, the development is supported by English Heritage. The development is therefore acceptable in compliance with UDP Policy BE22.

The toilet block / substation is a 20th Century building which is not individually listed and does not form part of the original built environment within the Hamlet. The proposals involve the demolition of an approximately 2.65m section of the front and rear walls of the stone built toilet block. The pitched roof will be retained to form a covered walkway through to the visitor centre. The proposed alterations will be carried out sympathetically and will have no adverse impact on the setting of the Listed Buildings or Scheduled Monument.

## Design and Sustainability

The design of the building has evolved through collaborative working with the key aim being to provide a flexible user friendly space which sits comfortably within the historic context. The constraints are significant but the building responds well to the existing ground levels, the road frontage and the listed buildings. There is no adverse impact on the boundary of the Scheduled Monument.

The design is split level, with a two-storey elevation fronting the lower level car park. The principal elevation is single storey with large aluminium framed glazed openings between stone faced columns. This elevation will sit beneath a covered way formed by the overhang of the roof. The overhang is supported by additional stone faced columns. The roof facing the Hamlet will be covered in reclaimed black slate to match the slate of the 19th Century Grade II\* listed former manager's house on the site (the remaining listed buildings have stone slate roofs). The rear roof slope (facing the lower car park) will be zinc which will have little presence due to the shallow pitch.

The roof trusses will be exposed within the front section of the visitor centre and will create a feeling of space with character. Vertical boarded larch cladding is proposed above natural stone to the side and rear elevations. The cladding to one side elevation will be visible from Abbeydale Road South and will successfully contrast with the stone of the historic buildings whilst sitting comfortably behind the tree planted embankment.

Using reclaimed materials is a sustainable form of development and aluminium is highly recyclable. The principal elevation is south facing albeit shaded. However, the large window openings will maximise natural light within this constraint. The building will be constructed to a high standard of energy efficiency although of insufficient size to trigger the policy requirement for a BREEAM (or equivalent) rating. The wider benefits of enabling the Hamlet to operate on a sustainable footing which will secure its long term future are given significant weight and, overall, the proposals comply with Policies CS63 and CS64.

The alterations to the toilet block / sub station building involve the removal of part of the toilet accommodation to form a covered walkway beneath the existing pitched roof. New/exposed walls to the sides of the covered way will be rendered. The render will not be prominent and will provide a lighter environment for visitors to walk through to the main visitor/learning centre.

Level access is provided to and within the new building and covered walkway. The exception is the single step to the 3 workshop entrances accessed from the lower car park area. Level access could be achieved in this area but has been purposely avoided due to the need to raise the internal floor level within Flood Zone 2. Ramped access could easily be provided to these units and can be secured by condition. The remaining facilities are fully accessible in compliance with Policy BE7.

Overall, the building is well designed and complies with Policies BE5, BE7 and CS74.

#### Flood Risk and Drainage

The rear of the building lies within Flood Zone 2 and is therefore at 'medium' risk of flooding. The remainder of the building is within Flood Zone 1. The public areas are not at risk of flooding and have direct access to Zone 1.

Technically, the proposals are subject to Sequential Testing in accordance with the NPPF. In this instance, the proposals support the existing use of the site and sequential testing is therefore restricted to the boundary of the Hamlet. The heritage asset designations prevent any alternative siting that would be wholly within Flood Zone 1 and the proposals therefore satisfy the Sequential Test. The Exceptions Test is also satisfied due to the significant public benefits of the scheme and the limited encroachment into Zone 2.

The workshops will be of a basic resilient construction which includes fair faced blockwork walls, closed cell insulation and concrete floors with all services fed from above and any outlets located above a height of 1 metre. The design will also reduce surface water run off through a sustainable drainage design with soakaways.

In view of the above, there is no conflict with the NPPF or Core Strategy Policy CS67 and the Environment Agency have no objections to the proposal.

### Landscape

The siting of the building has been amended during the design process in order to protect the historic environment and reduce the impact on the most important trees. The trees to the boundaries of the site are retained.

Removals are restricted to two trees at the rear of the existing toilet block / sub station to accommodate the development. A Tree Survey and Report has been submitted and indicates that one of these trees appears to be one of the original hedging trees, but shows signs of exudation (localised bleeding) on the lower trunk resulting from infection. It has a lower life expectancy than the remaining original trees and a poorer form. The other tree is a much younger specimen with poor shape. The remaining trees are sufficient to maintain an almost continuous canopy along the boundary of the Scheduled Monument and no replacements are necessary. One of the remaining trees will be accommodated within the new courtyard area and can be adequately protected through appropriate construction methods.

Overall, the proposals maintain adequate tree cover and sufficiently integrate the remaining trees and landscape features. The proposals therefore comply with Policies BE6 and GE15.

### Residential Amenity

The building will be some 20m from the side elevation of the dwelling at No183 and at a lower level. The first floor elevation facing 183 will have no openings. The openings to the workshops at ground level will be approximately 3.5m below the level of 183 which will ensure there is no perception of overlooking. The building will be in excess of 40m from the front elevations of buildings on the opposite side of Abbeydale Road South and will appear as a single storey building from that view point.

In view of the above, there will be no adverse impact on residential amenity.



## Highway Issues

There is limited parking within the existing informal courtyard. Further parking is available in an informal car park at the lower level. This area appears to receive little use at present and the majority of the area is currently inaccessible due to the storage of various materials and artefacts. Although part of the rear car park will accommodate the development, the remainder will be cleared, resurfaced and made available for car parking with minor extensions where ground levels permit. In practice, there will be a net increase in available provision. The parking will remain informal.

The proposals are not intended to increase the capacity for daily visitors at the site although it is likely that the improved facilities will attract more visitors in practice. Any increase in open days will also increase visitors but overall patterns of activity at the site at any one time are not expected to be materially different. There are currently only 3 Open events each year, although historically there have been 5. During these events cones are placed to discourage parking on Sherwood Glen. Only one event (the Steam event) requires the closure of the car park.

SIMT have confirmed that the majority of visits are made by schools and that, usually, on weekdays, there are few general public visitors to the site and the on-site parking is more than adequate. School visits are generally made by coach with usually only one coach on site at any one time. However it is possible for 2 coaches to be accommodated within the parking area between the toilet block and the heritage site. Further coach parking could also be accommodated within the improved rear parking area. Nevertheless, the intention to make the site available for more of the year will ensure that an increased number of school parties can be catered for without over populating the site on a daily basis.

The representations refer to coaches pulling in at the bus stop outside the site. This is understood to be only an occasional occurrence and is largely outside the applicant's control. SIMT have confirmed that they do make schools aware that there is coach parking available at the Hamlet and that this can accommodate the majority of school parties. A directive can be added to any permission to reiterate that this should continue.

Any alterations to the existing access and parking arrangements within the informal courtyard are not recommended due to the impact on the heritage assets.

In view of the above, the proposals will not materially alter travel patterns or generate any significant increase in traffic or demand for parking. Any such increases will be better accommodated on site than at present and the proposals are considered acceptable in accordance with Policy BE9.

## SUMMARY AND RECOMMENDATION

The proposals represent a sustainable form of development that will ensure the long term viability of Abbeydale Industrial Hamlet as an important heritage facility and asset. The proposals will be funded with assistance from the Heritage Lottery

Fund. English Heritage support the application proposals in terms of ensuring the long term sustainability of the Hamlet in the public interest and the absence of any harm to the setting of the Grade I and Grade II\* Listed Buildings and Scheduled Ancient Monument.

The proposals will provide new visitor and education facilities, together with 3 small workshops. These facilities will provide a modern visitor experience with significantly improved access for all user groups. Improvements to an existing under used car park to the rear of the new visitor / learning centre will ensure that adequate parking is available on site for the majority of the Hamlet's operational requirements. Wider interest 'Open Days' are infrequent and the proposals are not expected to materially increase traffic visiting the site. The building is well designed, flexible and will sit comfortably within the historic environment and landscape. Although partly within Flood Zone 2, the public areas are not at risk of flooding and the workshops will be constructed to be flood resilient.

Overall, the proposals will strengthen the nationally important heritage asset and should be welcomed. There is no conflict with the policies quoted in the body of this report and it is recommended that planning permission is granted subject to conditions (ref 12/01750/FUL).

It is also recommended that Members are minded to grant listed building consent for the works to the toilet block (ref 12/01753/LBC). This application must be referred to the Secretary of State due to the works affecting a building within the curtilage of Grade I and Grade II\* listed buildings.

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Case Number 12/01641/FUL (Formerly PP-01940536)

Application Type Full Planning Application

Proposal Erection of building to provide double garage and apartment

Location 71 Cherry Bank Road  
Sheffield  
S8 8RB

Date Received 15/06/2012

Team SOUTH

Applicant/Agent Miss Angela Krug

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.

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:

As received by the Local Planning Authority on 15 May 2012,

unless otherwise authorised in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 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.

In order to ensure an appropriate quality of development.

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

Windows  
Window reveals  
Doors  
Eaves and verges  
Balcony rails

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

In order to ensure an appropriate quality of development.

- 5 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 dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

- 6 No garage door shall, when open, project over the adjoining highway.

In the interests of pedestrian safety.

- 7 The dwellinghouse 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.

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

- 8 The proposed green roof (vegetated roof system) shall be provided on the roof 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 roof shall be provided prior to the use of the building commencing unless otherwise approved. 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.

In the interests of biodiversity.

- 9 The proposed green wall shall be provided in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green wall shall

be provided prior to the use of the building commencing unless otherwise approved. 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.

In the interests of biodiversity.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

The National Planning Policy Framework  
BE5 - Building Design and Siting  
H10 - Development in Housing Areas  
H14 - Conditions on Development in Housing Areas  
CS22 - Scale of the Requirement for New Housing  
CS23 - Locations for New Housing  
CS74 - Design Principles

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

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:

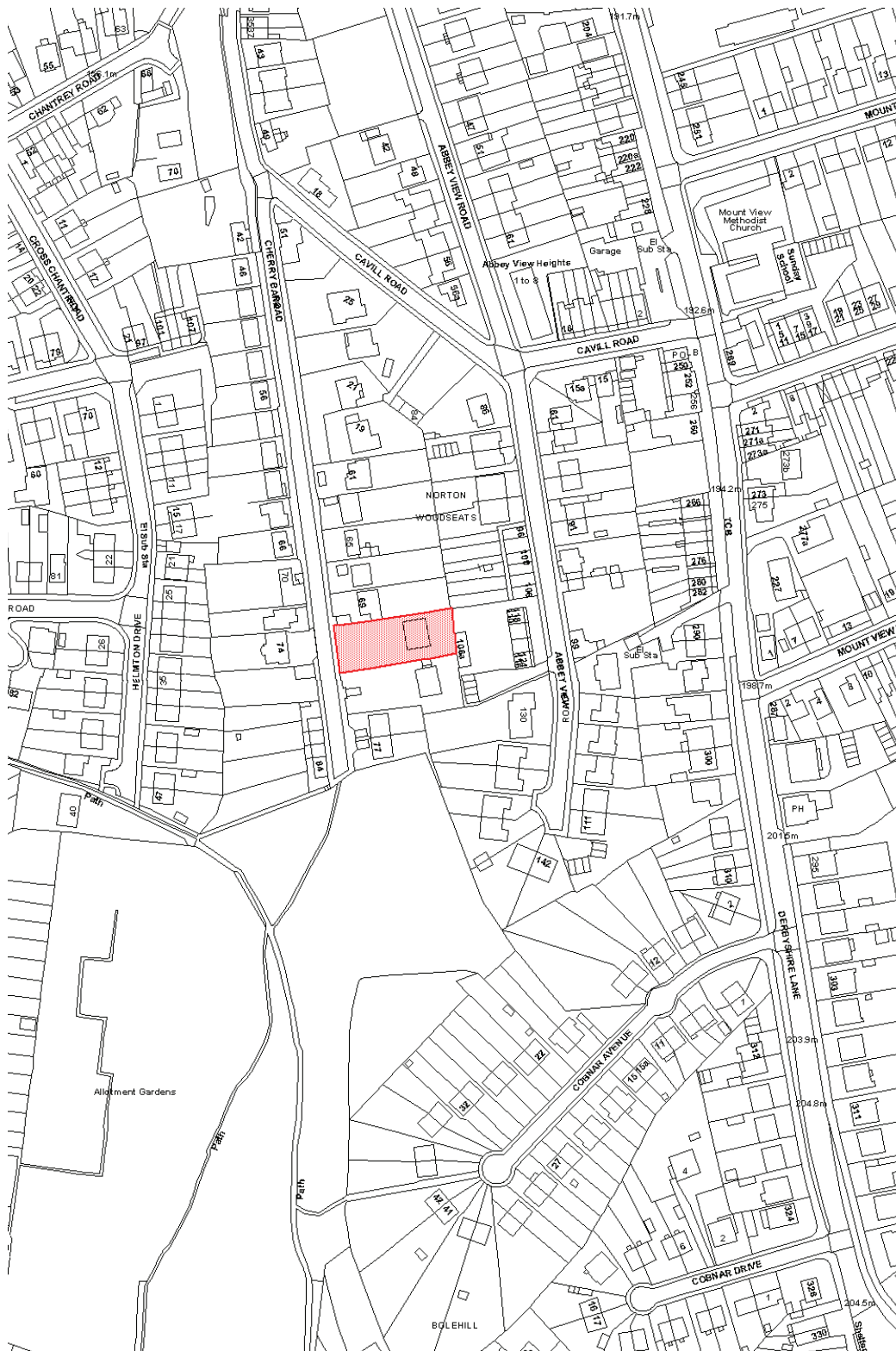
Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

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. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers

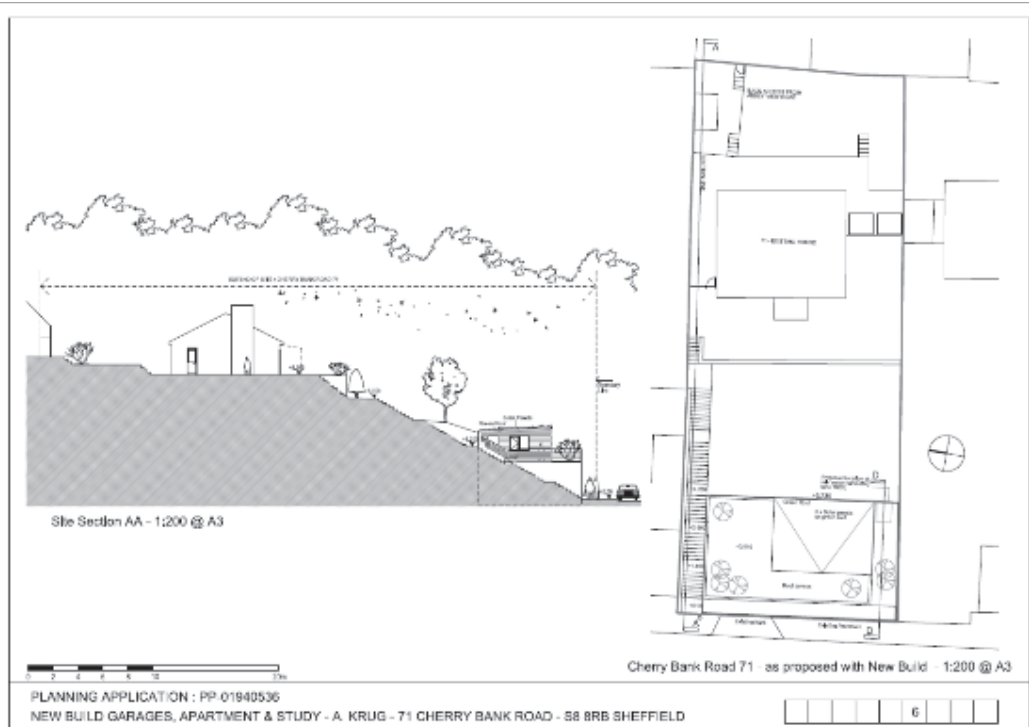
must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to an area of land that currently forms part of the domestic curtilage of a bungalow. The site lies within an allocated Housing Area and the prevailing character of the locality is residential.

The curtilage can be considered as two adjoining but distinct areas. The eastern half of the site, in which the bungalow is located, is a gently sloping area which has been regularly tended and has the appearance of a typical domestic garden with lawns and beds.

The western half of the curtilage is steeply sloping, falling approximately 10 metres from the bungalow to back edge of footway on Cherry Bank Road, and whilst featuring some low lying shrubs and other vegetation has a significantly less 'tended' appearance.

The bungalow itself is of modest proportions and is set back a considerable distance from back edge of footway. A combination of this distance and the rising land level means that the bungalow makes a minimal contribution to the street scene.

The dwellings in the vicinity of the site are best described as diverse, both in terms of architectural style and relationship to the highway. Properties on the east side of the road vary from stone built Victorian detached through to 1970's semis. There is no clearly established building line on this side of the road and although the great majority of houses are set back from the back edge of footway, several feature

outbuildings/detached garages that project forward of the houses with some of these located immediately adjacent the footway.

The west side of Cherry Bank Road has a stronger building line (presumably in order to achieve level access to houses located on ground that falls steeply away from the highway). However, even on this side of the road there is little in the way of an established rhythm to the street scene particularly in the area opposite the site. Here, houses are staggered relative to the highway and some do not present their principal elevations to the street. Once again the architectural styles are varied with white painted render houses from the late C19th/ early 20th century lying adjacent more recent development in red brick dating from the 1970's/80's.

It is proposed to erect a two storey building on the site close to the back edge of footway. This would be of contemporary design and feature a lower ground floor faced in white render and containing a one bedroom apartment featuring bedroom, living room/kitchen area and shower/w.c. This apartment would lie adjacent a garage space capable of accommodating two cars. The upper storey of the proposed building would be set in from both side and front elevations of the lower ground floor and contain a study/workspace. This element would be clad in cedar timber boarding.

The balance of the roof to the lower ground floor area would function as a roof terrace and the study/workspace would feature a green roof and solar panels.

Pedestrian and vehicular access would be provided from Cherry Bank Road and a pedestrian access would be maintained for the occupants of the existing bungalow.

#### RELEVANT PLANNING HISTORY

There is no planning history on the site.

#### SUMMARY OF REPRESENTATIONS

There have been 9 representations received.

Summary of points made:

On street car parking is already problematic and the scheme will exacerbate the problem.

The building is poorly designed and visually out of keeping with the street scene. The building doesn't follow the 1960's building line.

Access to the garages will be difficult.

The building would be overly imposing and have a contrasting built form, layout, style and scale to existing development.

The solar panels will be visible across a wide area of Sheffield.

The proposal will result in overlooking to neighbouring properties

The proposal represents inappropriate development in an existing garden.

The proposal would be contrary to the aims of Policy G5 of the City Policies and Sites Document by virtue of its design and relationship to the street scene.

Other matters raised that are not material planning considerations:

The scheme will affect the stability of steps adjacent the site

There are landslip issues in the locality

The parking problems will deny access along the street for the emergency services.

Neighbours will be disturbed during the construction period.

The garages will be unusable because other vehicles will be parked across the garage doors.

It might affect the future occupants street lighting and communications.

## PLANNING ASSESSMENT

### Principle

Policy H10 identifies housing as a preferred use within an allocated Housing Area.

The provision of a new dwelling at this location is also consistent with the objectives of Core Strategy Policy CS22 'Scale of the Requirement for new housing' which sets out the requirement for new housing in the plan period and Policy CS23 'Location for New Housing' which confirms that at least 90% of additional dwellings should be located within the main urban area of Sheffield Design and Environmental Considerations

### Physical Design

Paragraph 58 of the NPPF confirms that planning policies and decisions should aim to ensure that developments at least function well and add to the overall quality of the area,...optimise the potential of the site to accommodate development...respond to the local character and history and reflect the identity of local surroundings and materials as well as being visually attractive.

Within the Unitary Development Plan these themes are expounded by

Policy BE5 'Building design and siting' which states:

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (d) in all new developments, design should be on a human scale wherever possible, and, particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down;
- (f) designs should take full advantage of the site's natural and built features;
- (g) the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

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:

Policy H14 'Conditions on development in Housing Areas' which 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

Policy CS74 Design Principles (Core Strategy) which 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:

- a. the topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces;
- b. views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside;
- 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

The street scene of Cherry Bank Road, particularly that part close to the site, is a melange of architectural styles and the relationship of houses to the highway is variable.

The locale is not considered to be an area characterized by homogeneity and historical significance.

Given the above, the introduction of a more contemporary design close to back edge of footway is considered acceptable in principle.

The proposed building would be partially sunk into the existing slope of the site and this, combined with the significant set back of the upper storey, would result in a design that would not form an overbearing presence in the street scene.

The proposal would undoubtedly lie in a position well forward of the front elevations of flanking development constructed in the 1960's though there are properties in the wider street scene that do abut the back edge of footway.

Notwithstanding this, the low level profile of the design and its partial concealment within the steeply sloping site are considered to reduce the massing of the side elevations to a level whereby the structure represents a minimal profile when viewed from aspects to both north and south.

The set back on the upper storey reduces any potential overbearing aspect onto the adjacent footway and when viewed from wider aspects this upper storey will be viewed against the context of rising ground and neighbouring dwellings beyond.

As a result it is not felt that the scale and massing of the structure represents an unacceptable addition to the street scene.

The proposal is of a contemporary appearance and there are clearly no other dwellings of similar design within the existing street scene. However, the introduction of a design that departs from existing styles does not in itself represent a reason for refusal. It is considered that the design is suitably restrained and would not represent a strident or deleterious addition to the street scene.

The use of white render at ground floor mirrors facing materials of properties on the opposite side of Cherry Bank Road as well as the neighbouring garage and boundary wall. Given the variety of facing materials apparent in the existing street scene (stone, red and buff brick, render) this material is considered compatible. The use of timber on the set back upper floor should result in a 'soft' appearance that will not draw the eye in either short and medium views of the site and this element should not appear in stark contrast to the soft landscaping of the slope against which it will be seen.

The proposal would result in the loss of a green area that is prominent in the street scene and its replacement with built form. However, the street scene, as a whole, would retain a significant green presence with a strong bank of trees at the end of Cherry Bank Road. Furthermore, the green space as existing is not considered well tended and does not contain any individual species/specimens of particular merit or public amenity value

In conclusion it is felt that the proposal is acceptable in design terms and satisfies policies BE5, H14 and CS22, CS23 and CS74.

#### Residential Amenity (existing residents)

The closest residential properties to the proposal are those at No. 69 and 76 Cherry Bank Road. The former is a detached dwelling on the adjacent plot to the north. This is set at a significantly higher level on the sloping ground and, as such there are no implications for overshadowing or overbearing on this dwelling. Views across the residential curtilage from the proposed roof terrace will be limited to the front garden of this property which is already visible from the public domain and houses opposite.

No. 76 Cherry Bank Road lies on the opposite side of Cherry Bank Road. The street elevation of this property contains a window at ground floor and a bedroom window at first floor.

At ground floor level the window would be separated from the proposal by 10 metres and at first floor level by 12.5 metres. Whilst this separation would represent a shortfall on guidelines stated in Supplementary Planning Guidance the respective windows are separated by the street/public domain and these sorts of

separation distances are not uncommon on terraced streets throughout the city. As such it is not considered that the proposal represents any significant increased potential for overlooking.

#### Residential Amenity (future occupants)

It is considered that the internal spaces offer acceptable outlook and natural lighting. There are no minimum standards relating to provision of external amenity space for one bedroom dwellings such as this but the roof terrace has an area of 65 square metres and, although not entirely private this is considered acceptable.

#### Highways considerations.

The proposal includes provision for two off street car parking spaces.

Unitary Development Plan car parking standards require one off street space for a one bedroom flat, excluding garages.

Given that two spaces are provided for this development and the garages can be conditioned so that they remain in use solely for the storage of a motor vehicle the provision is considered acceptable.

There is no provision made for the existing bungalow but this represents no change in circumstance and is not considered a reason for refusal.

#### Sustainability considerations

The supporting statement and plans state the intention to include several features that would contribute to the sustainability credentials of the build. These include rainwater harvesting, the use of sustainable materials and the use of solar panels for water heating.

The inclusion of a green wall and green roof to the roof terrace and study area respectively are welcomed both in terms of contribution to sustainability, biodiversity and visual amenity.

#### RESPONSE TO REPRESENTATIONS

Matters relating to design, residential amenity and car parking have been dealt with in the main body of this report.

Paragraph 53. of the National Planning Policy Framework indicates that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens.

The Local Planning Authority does have a policy in place within the Core Strategy that refers directly to development in mature gardens (Policy CS31) but this is not applicable to this application as CS31 only relates to that segment of the south west of the city bounded by Manchester Road and Abbeydale Road.

It is not considered that the solar panels will represent any significant visual impact on long vistas across the city. Solar arrays of this size are located all over the city with no discernable impact.

Policy G5 in the emerging City Policies document does not, at present, carry significant weight compared to policies BE5 and CS74. However, the essential aims of Policy G5 are mirrored in the two currently applicable policies and these have been considered in the assessment of this application.

## SUMMARY AND RECOMMENDATION

This is an application for a one bedroom dwelling in an allocated Housing Area. The proposal involves the subdivision of an existing residential curtilage. The proposal is considered to be a good quality modern design. Whilst the proposal would be prominent in the street scene it is considered, in terms of scale, design and detailing that the building would make a positive contribution to the street scene. It is not considered that the proposal would impact adversely on existing residential amenity and the accommodation would provide an acceptable living environment for future occupants. An appropriate level of off street car parking is provided and the commitment to sustainable features within the design is welcomed.

In conclusion the proposal is considered to satisfy UDP policies BE5, H10, and H14, Policy CS74 of the Core strategy and the NPPF.

As such it is recommended that planning permission be granted subject to the listed conditions.



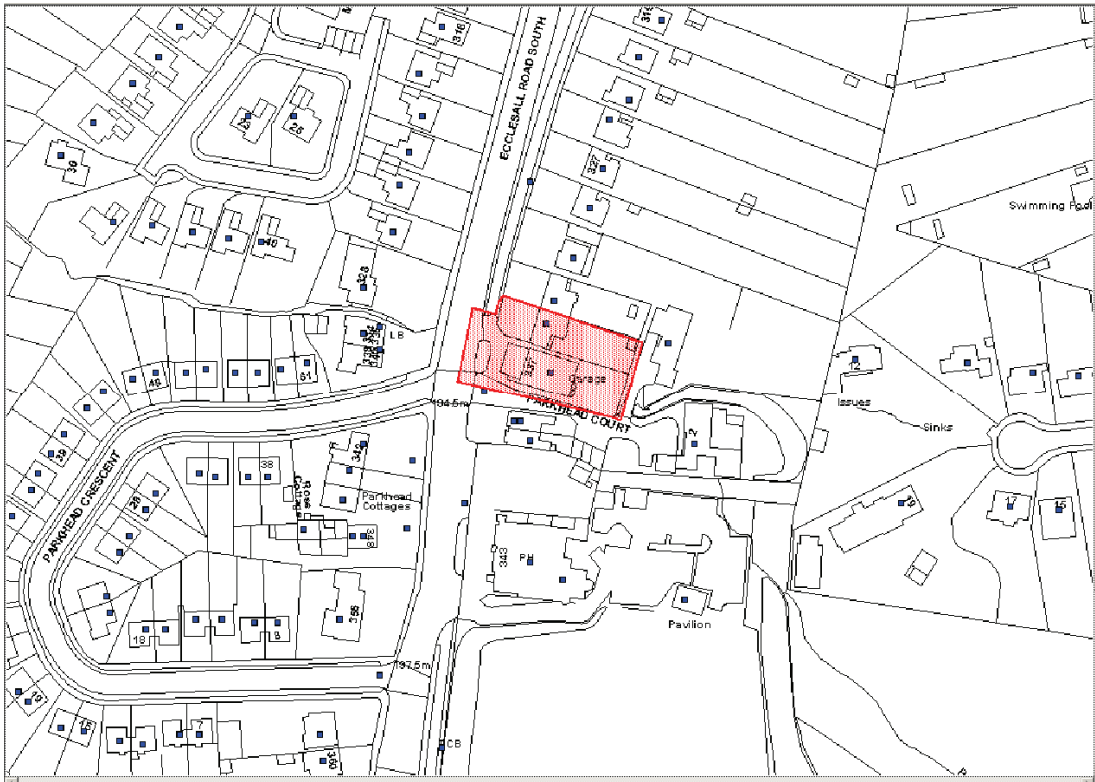
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Case Number	12/01397/FUL (Formerly PP-01970851)
Application Type	Full Planning Application
Proposal	Erection of a convenience foodstore (Class A1) with ATM facility, car parking accommodation and landscaping works, part demolition of existing buildings and use of remaining buildings as part of proposed foodstore
Location	335 - 337 Ecclesall Road South Sheffield S11 9PW
Date Received	14/05/2012
Team	SOUTH
Applicant/Agent	DPP Consulting Ltd
Recommendation	Refuse

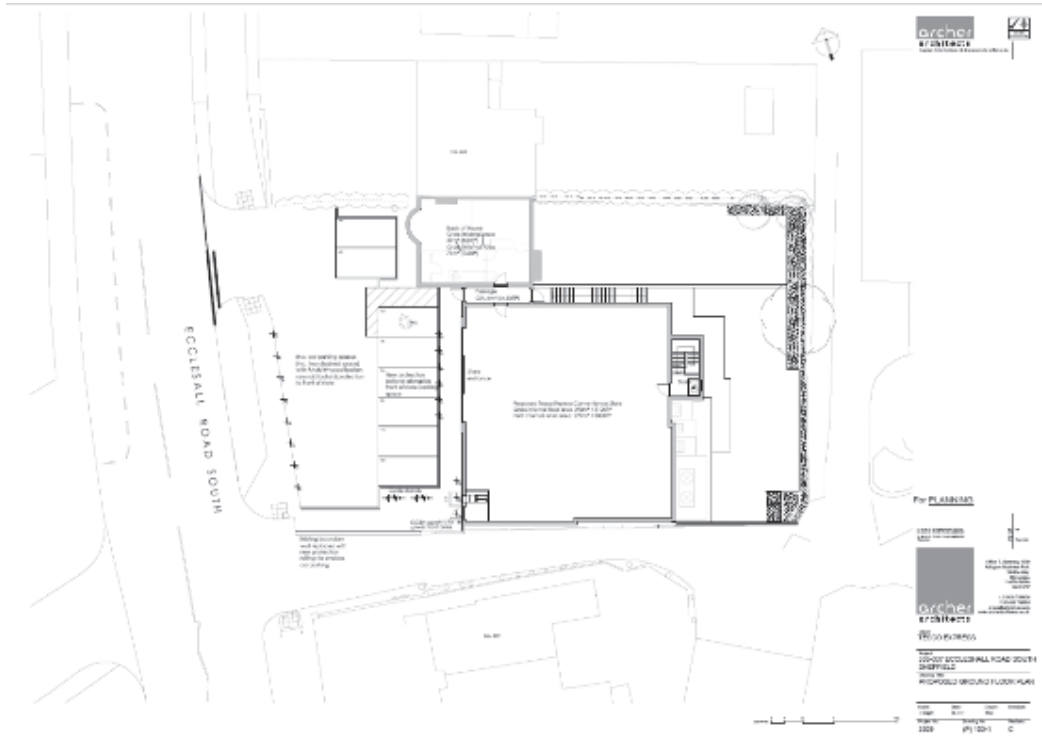
For the following reason(s):

- 1 The Local Planning Authority consider that the proposals fail to incorporate adequate off street car parking and servicing facilities to meet the needs of the development and in consequence the proposals would have a detrimental impact upon the free and safe flow of traffic on Ecclesall Road South contrary to policies S5, S10, S11, H14, BE9, T22 and T28 of the Unitary Development Plan and policy CS51 of the Core Strategy.
- 2 The Local Planning Authority consider that owing to the layout and extent of the proposed development the proposals would result in an excessive level of noise, disturbance and loss of amenity for occupiers of existing neighbouring property. As such the proposal is contrary to policies S10 and H14 of the Unitary Development Plan and CS74 of the Core Strategy.

## Site Location



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## LOCATION AND PROPOSAL

The application site comprises the former car repair garage at Parkhead, no 337, Ecclesall Road South, which is a vacant building with a pitched roof constructed of brick and timber. The building is single storey at the front but, due to level differences, two storeys at the rear. At the front of the former garage is a forecourt and canopy with access to Ecclesall Road South and at the rear is a hard standing area.

Also included within the site is the adjoining semi detached house, no 335, Ecclesall Road South, which is a two storey dwelling that has been vacant for some years. This is brick built with a gable feature at roof level at the front and there are gardens to the front and rear. The back garden is at a lower level than the front with access taken from the basement level. Vehicle access is shared with the former garage.

With respect to surrounding uses, there is the adjoining semi detached house at 333, Ecclesall Road South and there are two bungalows with garages at the rear accessed off Parkhead Court, which is a single width access that runs directly along the southern boundary of the application site. A fence separates this from the application site.

Beyond Parkhead Court are two hot food takeaways, a public house with additional commercial uses at the rear and the cricket ground.

Across Ecclesall Road South is a convenience store and other retail and commercial uses located within the local shopping centre and housing around this.

Ecclesall Road South is very busy at this point and there is a complex layout in the vicinity of the application site. There are parking restrictions in the form of double yellow lines in front of the site, there is a bus stop across the road also in front of the site and to the south, in front of the pub is a pedestrian crossing. Parkhead Court has a junction with Ecclesall Road South next to the application site and directly opposite is Parkhead Crescent, which also has a junction with Ecclesall Road South.

There is off street parking associated with the pub, two takeaways and the shopping centre but it is noted that the garage forecourt of the application site is used for informal parking, as well.

This application seeks planning approval to demolish the former garage building and erect a convenience foodstore (Class A1) with ATM facility, car parking and landscaping. The semi detached house would be linked to the foodstore and used as ancillary space in association with the new store. The gross internal floorspace of the retail unit is 290 sqm.

#### RELEVANT PLANNING HISTORY

04/04659/FUL. Conversion of 335, Ecclesall Road South into two flats, erection of a building for use as 8 flats with basement parking and erection of coach house with ground floor parking and flat above at 337, Ecclesall Road South approved on 04.10.2005.

08/04799/FUL. Erection of retail unit (Class A1) with 2 apartments over and associated car parking (Amended plans 12.01.2009) refused on 10.06.2009.

10/03170/FULR. Conversion of 335, Ecclesall Road South into two flats, erection of a building for use as 8 flats with basement parking and erection of coach house with ground floor parking and flat above at 337, Ecclesall Road South (Application to extend time limit of application no 04/04659/FUL) approved on 20.12.2010.

The most relevant of these three applications to the current proposal is the refusal of the retail unit – 08/04799/FUL and the reasons for refusal of this are:

The Local Planning Authority consider that owing to the size, form and extent of proposed development, the proposals would constitute an overdevelopment and over-intensification of use of a site of restricted dimensions which would result in an unacceptable loss of outlook, privacy and excessive level of noise, disturbance and loss of amenity for occupiers of existing neighbouring residential property and for occupiers of the proposed flats. As such the proposal is contrary to the aims of policies S10 and H5 of the Unitary Development Plan for Sheffield.

The Local Planning Authority consider that the proposals fail to incorporate adequate off street parking and servicing facilities to meet the needs of the development and in consequence the proposals would have a detrimental impact

upon the free and safe flow of traffic on Ecclesall Road South, contrary to policies S5, S11, BE9, T22 and T28 of the Sheffield Unitary Development Plan 1988.

This refused application involved the demolition of the former garage to be replaced by a food store with flats above that would have been two storeys high fronting on to Ecclesall Road South but three storeys at the rear. Parking was shown at the front of the store where there were 5 spaces with a further 4 spaces at the rear accessed by an access between the food store and 335, Ecclesall Road South. The food store would have been serviced using the access and parking area at the front.

## SUMMARY OF REPRESENTATIONS

153 letters of objection have been received, the comments being:

- Parking, Highways, Access and Servicing.

The additional traffic would make existing congestion worse.

Service lorries would park on the road.

This would be a danger to pedestrians especially school children and further complicated by being too close to the pedestrian crossing and traffic lights at the Abbey Lane junction.

There is inadequate parking on site which will lead to parking on the road and the numbers of vehicles using the site has been underestimated.

The servicing proposals are not acceptable and they would lead to accidents and obstruction to the free flow of traffic. Also, the service vehicles would block visibility for those visiting the takeaways and pub.

The bus stop is too close to the site.

Traffic arriving and leaving the site would be a hazard for pedestrians.

This is a very busy part of Ecclesall Road South with two takeaways, a pub, shops, bus stop, cricket pitch, nursery, health spa and access road and the food store would make this much worse.

There would be nowhere for staff to park.

The numerous cars associated with short visits to the store would result in significantly more traffic movements along an already very busy road.

It is likely that people will park in the service bay and along Parkhead Court causing obstructions.

There is an assumption that all service vehicles will arrive from the direction of the city centre but if they do arrive from the opposite direction, it would be very difficult

to manoeuvre into the site by either turning around in the road or entering and leaving the service bay facing oncoming traffic.

Parkhead Court provides access to seven garages, service vehicles visiting the houses, visitors, unauthorised parking, customers of the takeaways and delivery vehicles and cannot accommodate any increased traffic or parking.

A traffic count was carried out by neighbours that showed there was an average of 1300 vehicle movements between 16.30 and 17.30 hours on weekdays.

- Design and Amenity Issues.

Will attract anti social behaviour, especially late in the evening. There would also be noise and disturbance from cars, delivery vehicles, bins, 24 hour ATM and plant and air conditioning units.

The windows of the semi detached house would be blocked from the inside and look unsightly.

Increased litter.

Loss of a family house.

There is no access to the rear for the disposal of rubbish.

The design is no better than the previous refusal. It is over development which is not in keeping with the area.

Comments on Supporting Documents Submitted with the Application.

The bus service is less frequent than submitted in the Transport Assessment.

This is a small shopping centre, so the proposal is unlikely to add to the diversity of the area with no benefit to the community.

It is not the case that most customers will arrive on foot. There is no evidence for this.

The actual sales area is an increase of 494 square feet from the previous refusal.

This will not generate 20 new jobs.

The Transport Assessment Appendix C is flawed because the comparisons with other stores, such as Wandsworth in London have different characteristics and there is no mention of the existing store at Totley.

There is no mention of the results of the pre application consultation carried out with local residents.

With respect to the Noise Survey, the measurement location at the rear of the disused garage is not clear if it is inside or out and cannot assess the potential noise from staff congregating outside or refuse bins.

Times of deliveries can not be controlled by a planning condition.

- Planning Policy Comments

The application is in conflict with policies S5, S10, S11, BE9, T22 and T28 of the UDP.

The site should be used for housing instead.

The proposal is outside the UDP definition of a 'small shop'.

- Remaining Matters.

The existing 'RED' convenience store provides a good service and it is likely that this would have to close because of competition from Tesco, which would also mean the loss of the Post Office within.

Another Tesco, so close to the one at Abbeydale Road, is not needed.

A petition signed by 2,992 people has been received which objects to the application.

It would be detrimental to traffic and pedestrian safety.

There would be congestion from parking and inadequate servicing facilities for service vehicles.

Overdevelopment of the site.

Detrimental impact on local area.

A second petition has been submitted containing 150 signatures which objects to the application. There are no supporting reasons with this.

One letter of support has been received.

## PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the application site has split designation. The former garage at 337, Ecclesall Road South is within the



local shopping centre whereas the adjoining semi detached house is part of a housing policy area.

UDP policy S7 says that retail (A1) is the preferred use in Local Shopping Centres and policy H10 says that small shops are acceptable but larger shops are not acceptable unless at the edge or within shopping centres. The application site is both within and at the edge of the local shopping centre so there is no policy conflict here.

The Draft City Policies and Sites Document has limited weight but the site is designated as a Neighbourhood Centre and Housing Area, similar to the UDP and according to policy H1, shops are preferred in neighbourhood centres.

The National Planning Policy Framework (NPPF), in paragraph 23 sets out the criteria for ensuring the vitality of town centres. This says that competitive centres should be promoted with diverse retail facilities on offer.

Design, Layout and External Appearance.

UDP policy S10(d) requires new development to be well designed and of a scale and nature appropriate to the site. Policy H14(a) sets out similar requirement for new development in housing areas.

Core Strategy policy CS74 requires good quality design in new development.

The design and layout features two main components being the new sales area building and the retention and change of use of the semi detached house.

The existing house would be retained with no alterations to the exterior but the garage at the side would be demolished. Internal frosted or vinyl film would be attached to the interior of the windows and the ground floor would be used for 'back of house' purposes and may include bulk storage, chiller, bakery and freezer. The first floor space would not be used.

The new building would be detached from the house but there would be a corridor linking the two. The store would be single storey at the front with the roof plane of the pitched roof facing Ecclesall Road South. There would be a gable feature reaching to the ridge level on the left of the front elevation which would be above the entrance. The building would extend towards the rear of the site on a similar footprint to the existing former garage and at the rear be two storeys high because of the level changes. The pitched roof would continue above this but the ridge would be at right angles to the front facing ridge.

The exterior would be of brick and there would be no openings in the side elevations and only a small first floor window and a single door at the rear. The front elevation would be a mix of brick and glazing in entrance doors and windows either side.

The sales building would be set back behind the established building line of the houses by 3.6 metres to allow the eight parking spaces to be laid out with space in

front for vehicle manoeuvring. Access to the site would be from a crossover which would be in front of the existing house that would allow cars to enter and exit the site. This access would also serve the service area which would be a new layby at the front of the site.

At the rear of the site, there would be a plant and bin storage area and there would be an access via a door for staff to reach this part of the site. The land at the rear of the site and the garden area of the house would be landscaped but a path would allow access to the side of the new building and the bin store. There are existing double gates that allow access to Parkhead Court which would be removed and a new wooden fence would be put in place along this boundary. At the top of the site, the existing boundary wall with Parkhead Court would be replaced by protection railings.

In terms of layout and design of the new building, there are a number of concerns, the principle one being the building line which would disrupt the street scene. There are also concerns about the vehicle/pedestrian conflict associated with the approach to the store and the visual appearance of the house which would have windows blanked out giving it an air of not being in use.

Set against the concern would be the fact that the design is considered to be acceptable and in keeping with the scale and character of the location and a vacant site would be brought back into use, preventing the house falling into further disrepair. The concern about the vehicle/pedestrian conflict will be explored further in the Parking and Access section but it is considered that the weight attached to the remaining design and layout concerns is not sufficient to merit resisting the application on these grounds alone. Consequently, the design and external appearance is considered to be acceptable.

It is noted that the previous reason for refusal said that the earlier scheme was over development but that is not the case with this scheme because it is a storey lower in height and the scale and massing is acceptable.

Access, Parking, Servicing, Highways and Transportation.

UDP policies S10(f) and H14(d) both require new retail development to provide safe access to the highway, appropriate off street parking and there should be no danger to pedestrians.

UDP policy T22 requires developers to provide sufficient off street parking and policy S11(c) says that appropriate car and cycle parking is provided for people who work in shops.

UDP policy BE9(c) deals with design for vehicles says that new development will be expected to provide adequate manoeuvring, turning and parking facilities for service vehicles.

UDP policy S5(d) says that new local shopping development must not have a harmful impact upon the surrounding road network and policy T28(d) says that new

traffic generating development should only be located where it can be adequately served by the existing highway network.

Core Strategy policy CS51 sets out transport priorities which includes (c) containing congestion levels and (e) improving road safety.

There are a number of issues associated with the proposal and there is considerable overlap in assessing these. However, the issues are:

Car Parking Levels.  
Servicing.  
Access.  
Pedestrian and Vehicle Safety.

With respect to car parking, a total of eight spaces are proposed. Two of these would be in front of the house and the remaining six would be in front of the proposed store and one of these would be for a disabled person. Cycle parking would also be provided in front of the store. This provision would cater for both staff and shoppers.

A Transport Assessment has been submitted in support of the application which says that the parking provision of eight spaces will be adequate and that a significant proportion, about half, of customers will walk to the proposed store. The assessment in this respect is not accepted because the applicant has based the figures on a store that excludes the ground floor space in the adjoining house. In addition, a separate assessment has been carried out by different highways consultants on behalf of local residents which uses a more up-to-date database, which officers believe to be the correct one. These findings indicate that between 1400 and 2200 hours there would be a demand for between 9 and 11 customer cars so there would be a significant shortfall as this does not take account of any staff parking and it is extremely likely that there would be added pressure on street parking.

Members should be aware that the service layby would be at the front of the site and it would be very tempting for shoppers to park there. In the event of a service vehicle arriving at the same time, this would have to wait, parking on double yellow lines and blocking drives to houses or service the store, parking on the carriageway, causing a severe obstruction the free flow of traffic on a very busy road.

Members should also be aware that, although there is parking available elsewhere, most of this is across the road and some informal parking will be lost because some visitors to the area currently use the former garage forecourt for this purpose. This parking is in heavy demand by shoppers to the local centre, the pub and two hot food takeaways.

Consequently, it is considered that the parking provision is unacceptable and inadequate and would lead to increased pressure on parking elsewhere in the immediate locality.

The proposed parking layout is restricted in size which means that it is very awkward to manoeuvre out of a number of spaces. This would cause an obstruction within the car park and could mean that cars waiting to enter would be stationary on the road causing an obstruction.

The unacceptable car parking arrangements are in conflict with UDP policies S5(d), S10(f), H14(d), T22 and S11(c).

Delivery vehicles would use the layby proposed at the front of the site. This solution is not considered to be acceptable.

The layby would be 2.5 metres wide for a length of 10 metres with tapered ends allowing a vehicle to enter and leave. These dimensions are very limited and, unless perfectly parked, the service vehicle is likely to encroach into the highway and the store access. Also, the tracking shown as part of the application indicates that to access the layby, the vehicle will have to cut across the access. In the event of the service vehicle having to wait to allow a car to leave the car park, then this will completely obscure the visibility needed to allow that car to leave. The service vehicle will also obstruct the free flow of traffic.

There is also concern that when the service vehicle is parked, visibility will also be obscured for cars leaving the store and Parkhead Court. The layby has restrictive dimensions and can only accommodate a vehicle of 10 metres in length. The applicant's Transport Assessment suggests that a delivery management plan can be put in place but there is no mention of the size of service vehicles that would be used. The layby would be adopted highway, and no such restrictions could be put on any other user.

It is conceivable that more than one service vehicle would arrive at the same time as it is common practice for stores to receive goods from a number of suppliers as well as from their own storage facilities. If the layby was occupied, a second lorry would have no other option but to park on double yellow lines, in front of neighbours' drives, which would be unacceptable.

Consequently, the service arrangements would be in conflict with UDP policies BE9(c), S5(d) and T28(d) and Core Strategy policy CS51(c) and (e).

The access into the store car park would be wide enough to allow two vehicles to pass but it is not considered to be acceptable because there would be conflict with cars arriving and leaving with service vehicles and also pedestrians who would have to walk across the access to reach the store entrance. In addition, service vehicles would block visibility for those leaving the car park.

The access arrangements would, therefore, be in conflict with UDP policies S10(f) and H14(d) and Core Strategy policy CS51(e).

The parking, servicing and access arrangements would have a detrimental impact on highways and pedestrian safety for the reasons set out in this section of the report, which would be in conflict with UDP policies S10(f) and H14(d) and Core Strategy policy CS51(e).

## Potential for Noise and Disturbance.

UDP policies S10(b) and H14(e) both say that new development should not give rise to unacceptable living conditions for neighbours and Core Strategy policy CS74 says that new development should contribute to sustainable and successful neighbourhoods.

At the rear of the store would be the bin store, plant and air conditioning units and it is likely that the plant would be operating constantly to keep coolers and freezers operating. These are about nine metres from the boundary with the house at the rear and about 13 metres from the house itself. This is a quiet area away from the background noise of the main road and the noise generated here would have an unacceptable impact on the adjoining neighbours at the back.

The Noise Survey submitted in support of the application makes the case that the operating levels of plant and air conditioning units would operate beneath the background noise levels of the area but these are variable and there is no certainty about this. The drawings submitted in support of the application show a landscaped buffer area between the rear of the store and the house but it is not considered that this would fully resolve the issue.

It is also likely that the disturbance from this part of the site would extend to the residents of the adjoining semi detached house at 333, Ecclesall Road South and disturb the enjoyment of their rear garden. With respect to this property, there is even greater concern about the impact of activities relating to the store operations.

333, Ecclesall Road South adjoins the house that would be use as a 'back of store' facility for storage and ancillary uses and it is likely that noise from this would break through to the house next door. The applicant suggests that this could be resolved by way of a condition requiring noise attenuation measures to prevent noise affecting the neighbour. This would not resolve the matter because there is a wider issue to consider.

The applicants indicate that they wish the store to operate from 07.00 to 23.00 hours seven days a week. This means there would be activity for sixteen hours a day while the shop was open but there would also be additional activity associated with preparing to open and clearing away after closure. This activity would not be limited to noise from within the store but also from customers, delivery vehicles and staff who would arrive earlier than 07.00 hours to open up. The noise from this, particularly first thing in the morning and late at night would disturb the adjoining neighbours to the detriment of their quality of life. Staff arrivals and activity outside at the front and rear would be particularly audible at very quiet times of the day.

There would be an unacceptable level of noise and disturbance affecting neighbours at the side and rear which would be contrary to policies S10(b) and H14(e) of the UDP and CS74 of the Core Strategy.

## Remaining Issues.

With respect to disabled access, there would be a level threshold into the store, disabled toilet facilities would be available and there would be disabled parking close to the entrance. However, the same concerns about the pedestrian/vehicle conflict at the entrance and car park set out earlier in this report are also applicable to access by people with disabilities.

Local residents have said in their representations that there is no need for this new store because the existing 'RED' store provides a very good service and there are large supermarkets close to the site. Also, it is likely that the RED store would have to close because of the competition. National guidance contained in paragraph 23 of the NPPF says that competitive town centre environments should be promoted so this issue cannot be taken into account in the assessment for this proposal.

Residents have also raised an issue about disposal of waste and rubbish. The bin storage facilities are proposed at the rear of the store and, given that the applicant has no right of access along the adjoining Parkhead Court, it is questioned how waste will be disposed of. The applicant has confirmed that 95% of waste will be recycled and all remaining waste will be taken through the store to the front to be removed.

## SUMMARY AND RECOMMENDATION

The site is the former car repair garage and semi detached house to the north and associated rear hardstanding, gardens and forecourt. The site lies both within and at the edge of a local shopping centre and this planning application seeks approval to demolish the garage and replace it with a convenience store with parking and servicing at the front. The house would be used for storage and ancillary uses in association with retail operations.

The broad principle of the proposal is acceptable as the use complies with acceptable uses in the development plan designations within which the application falls, but the application fails on a number of issues.

The car parking provision and layout would not meet the anticipated demand which would result in conflict within the site and increased pressure on street parking. The servicing arrangements are so restricted that vehicles using this would be likely to cause an obstruction to the free flow of traffic, conflict at the site access and prevent drivers from safe levels of visibility. There would be an unacceptable impact on highway safety that would be contrary to appropriate policy criteria.

There would also be an unacceptable level of noise and disturbance associated with store activities particularly early in the morning and late at night which would have an unacceptably harmful impact on immediate neighbours.

The design, scale and external appearance of the proposal would, on balance, be acceptable but this would not be enough to outweigh the strong concerns about parking, servicing, noise and disturbance.

The application is contrary to policies S5(d), S10(f), S11(c), H14(d) and (e), BE9(c), T22 and T28(d) of the UDP and policies CS51(a) and (e) and CS74 of the Core Strategy. The application is, therefore, recommended for refusal.



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Case Number 12/00752/FUL (Formerly PP-01863888)

Application Type Full Planning Application

Proposal Erection of a Community Renewable Energy Centre

Location Land At Rear Of Hadee Engineering Co Ltd  
Rother Valley Way  
Sheffield  
S20 3GH

Date Received 16/03/2012

Team CITY CENTRE AND EAST

Applicant/Agent Mr Paul Clarke

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.  
  
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:  
  
H40/PL01/01, 03b, 04, 05b, 06, 08b Rev b, 10,  
  
unless otherwise authorised in writing by the Local Planning Authority.  
  
In order to define the permission.
- 3 No development shall commence until the improvements (which expression shall include 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 building is brought into use.

Highway Improvements:

1. The provision of a pedestrian/cycle link between the existing pedestrian/cycle path at the north-west of the site/south of the travellers site and Rother Valley Way. The pedestrian/cycle path shall be 3.3m wide with a 1m verge either side and shall follow the broad alignment of option 1 in the options appraisal submitted with the application. Unless a detailed feasibility assessment demonstrates option 2 is preferable, taking into account convenience and usability of the two options, the costs and environmental effects.
2. The reconstruction of the footways along the Rother Valley Way frontage of the site that have been directly affected by the development.

In the interests of accommodating the footpath cycle route identified in the Sheffield Development Framework Draft Proposals Map and ensuring the footway to Rother Valley Way is designed and constructed to take into account the new vehicular and pedestrian/cycle connections.

- 4 No development shall commence until ecological enhancements to the "Other Local Nature Site" as identified in the Sheffield Development Framework Draft Proposals Map adjoining the southern boundary of the site 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 building is brought into use.

In the interests of mitigating the impact of the development and enhancing the natural environment in accordance with the National Planning Framework.

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

In the interests of the visual amenities of the locality.

- 6 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.

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

- 7 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).

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

- 8 The fuel source for the Biomass plant shall be waste wood as defined in point 3.1.7 of the Environmental Statement.

In order to ensure that the development is carried out in accordance with the submitted details, the environmental impact is as assessed in the application and the Co2 savings are secured.

- 9 A comprehensive and detailed hard and soft landscape scheme for the site including native species to enhance the biodiversity of 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.

In the interests of the visual amenities of the locality.

- 10 Prior to the development hereby permitted being brought into use, a detailed scheme for Nitrogen Dioxide monitoring shall be submitted to the Local Planning Authority for approval. The scheme shall include the following detail and provisions:

- specification of equipment to be used and a protocol to be adopted for Nitrogen Dioxide monitoring;
- location of proposed monitoring stations;
- provision for carrying out for a period of six months, measurement of Nitrogen Dioxide levels on the site boundary prior to the development hereby permitted being brought into full operation;
- provision for monitoring of Nitrogen Dioxide levels for a period of six months after the development hereby permitted has been brought into beneficial use: and
- The results of all Nitrogen Dioxide monitoring in the area shall be submitted to the Local Planning Authority and in the event that there is an exceedence of background Nitrogen Dioxide levels attributable to the development by more than 3ugm3 for the 6 month average, a programme for reduction of

Nitrogen Dioxide emissions from the development hereby permitted shall be submitted to the Local Planning Authority within three months of any such request. Thereafter the approved programme shall be implemented.

In the interests of ensuring that the Nitrogen Dioxide produced by the plant is as predicted in the application submission and exceedences above background levels are mitigated in the interests of minimising the impact on air quality.

- 11 Before the plant is brought into use a delivery management plan shall be submitted to and approved by the Local Planning Authority. The delivery management plan shall include the following details:
- Heavy goods vehicle routing and delivery timing.
  - Arrangements to ensure that heavy goods vehicles delivering to the site shall be to Euro V standard minimum or be fitted with exhaust after treatment technologies or other non prime Nitrogen Dioxide emitting catalyst systems.
- Thereafter the deliveries to the plant shall be undertaken in accordance with the approved delivery management plan.

In the interests of minimising the impact on residential amenity and on air quality of deliveries.

- 12 The dust impact of construction, demolition and earthworks activities shall be mitigated by implementing the mitigation measures in London Councils 'The control of dust and emissions from construction and demolition Best Practice Guidance'

In order to minimise the air quality impact of construction works.

- 13 The building 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.

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

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

In the interests of the safety of road users.

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

In the interests of the safety of road users.

- 16 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 17 The location of the boundary fence on the southern side of the site and on the Rother Valley Way frontage are not approved as part of this consent. Revised details of the location of the boundary fences on the above frontages shall be submitted to and approved by the Local Planning Authority prior to the development being brought into use and the location shall take into account the final agreed alignment of the new footpath cycle connection to Rother Valley Way.

To ensure the cycle footpath connection is located outside the site boundary and to minimise the impact on the landscaping areas to be retained.

- 18 The east and south elevation of the main building and offices/education suite, and the design of the roof and precise positioning of the office/education suite are not approved as part of this permission. Before any development commences revised details of the treatment of the above elevations including minor adjustments (less than 1m) to the positioning of the office/education building, and provision of a green roof to the office building shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 19 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.

In order to ensure an appropriate quality of development.

- 20 Before construction of the building commences details of the height and design of the boundary fencing shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the building is brought into use.

In the interests of the visual amenities of the locality.

- 21 The development shall be carried out in accordance with recommendations 5.5 of the phase 1 habitat survey and protected fauna survey dated 8.4.2011.

In the interests protecting nesting birds.

- 22 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).

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

- 23 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.

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

- 24 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.

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

- 25 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 or any part thereof shall not be brought in to 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 Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 26 Noise levels from plant and equipment shall not exceed 5dBA (LA90) below background noise levels when measured at the boundary of the site and the travellers site on Longacre Way as an LA90.

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

- 27 Delivery hours shall be restricted to between 08.00 and 17.00 Mondays to Saturday and with no deliveries on Sundays.

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

- 28 Unless required for delivery operations the doors and window openings serving the plant rooms shall remain closed unless a noise assessment has been submitted to demonstrate opening of these doors and windows would be unlikely to result in dis-amentiy to occupiers of the nearest sensitive uses.

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

- 29 The construction works shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

To prevent pollution of the water environment.

- 30 The construction works shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

To prevent pollution of the water environment.

- 31 The surface water discharge shall be limited to 5 litres per second per hectare, or 5 l/s total if the site is smaller than 1 Ha. This should be achieved by sustainable drainage methods where feasible. Detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to commencement of building.

To ensure satisfactory drainage arrangements.

Attention is drawn to the following justifications:



1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

CS47 - Safeguarding Open Space  
CS63 - Responses to Climate Change  
CS64 - Climate Change, Resources and Sustainable Design of Developments  
CS65 - Renewable Energy and Carbon Reduction  
CS66 - Air Quality  
CS67 - Flood Risk Management  
CS73 - The Strategic Green Network  
CS74 - Design Principles  
GE17 - Rivers and Streams  
GE23 - Air Pollution  
LR5 - Development in Open Space Areas

There is strong support in both local and national planning policy for renewable energy plants due to their climate change benefits. In this case the plant is appropriately located in an industrial area and the Environmental Statement demonstrates that it should not have a significant impact in terms of noise, air quality and traffic. As the site is undeveloped a new business operation is bound to worsen air quality when compared to the existing situation. However the air quality assessment shows that the impact on air quality will be within acceptable limits and the Environment Agency will ensure that emissions are controlled to not have a significant harmful impact on health and the environment. Given the scale of the plant there will be a limited negative visual impact, but the views from sensitive areas are generally from a longer distance and the building and plant will be viewed in the context of the surrounding industrial development. The visual impact from the traveller's site and cycle footpath will be more significant but not too harmful when the existing industrial context is taken into account. The loss of the open space is considered to be accepted when judged against planning policy and the proposal is considered to be acceptable in terms of its impact on the green link. The provision of the new footpath cycle link is a benefit of the proposal and the new planting and ecological enhancements to the green link should result in an overall bio-diversity benefit. It is envisaged that Natural England will withdraw their objection once the newt mitigation strategy has been submitted.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. 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.

2. 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.

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. The Environment Agency has requested that the following informatives are passed on:

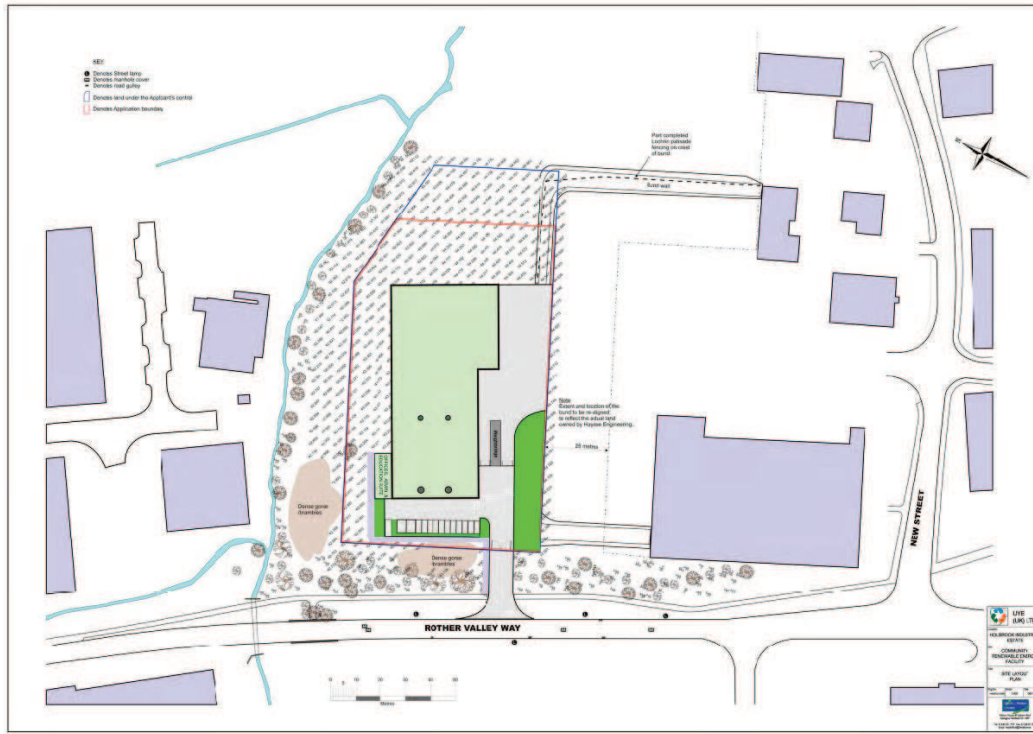
#### Storage of oils

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bundling) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.

#### Waste management

The applicant should ensure that all waste generated from the site is managed correctly, and in accordance with the principles of the Waste Hierarchy, with an emphasis on its reduction, reuse or recycling in preference to final disposal.





## LOCATION AND PROPOSAL

The application site is approximately 0.95 hectares and located in the Holbrook Industrial Area. The area is predominantly industrial in character, the exception being a travellers' site located approximately 130 m to the north west of the site and accessed from New Street.

The site comprises of an area of open space laid to grass which adjoins Rother Valley Way, the Short Brook and the rear of industrial units which front onto New Street. Other than then the travellers site the nearest housing is 500m south west on Station Road, 600m to the north in Sothall and 750m to the west in Westfield. There is a belt of woodland screen planting along the Rother Valley Way frontage of the site and woodland adjoining the Short Brook river corridor.

The application is seeking permission for a combined heat and power plant which will use recycled waste wood chippings to generate electricity and heat. The recycled wood chippings will be pre-prepared and imported to the site. The electricity will go into the national grid via an on site substation and underground cabling. The heat will be distributed by an underground pipe along Rother Valley Way, Owlthorpe Greenway and Westfield Northway to an existing boiler house at the junction of Pedley Grove where it can provide heat to the Westfield residential area. It is anticipated that 36,000 Megawatt hours of electricity will be generated annually (4.6 MW renewable electricity and 4 MW thermal energy). It is expected to import 45,000 tonnes of wood fuel per year which equates to 8 deliveries and 16 HGV movements per day. The application states that HGVs are to be routed to access the site from the south and leave the site to north. The plant will operate over 24 hours but fuel deliveries are intended to be between 0930 and 1530 Monday to Saturday with no deliveries on Sundays.

The fuel will be waste wood sourced from waste wood processing and the production of furniture panels, furniture, pulp, paper and cardboard, waste packaging, construction and demolition wastes, municipal wastes and similar commercial industrial and institutional wastes not containing dangerous substances. Heavily contaminated wood will be rejected and shredded to remove the majority of paints, varnishes and glues. The applicant has said that all the waste fuel will be sourced within a 25 mile radius of Sheffield. There will be checks and controls in place to ensure the fuel meets the specification dictated by the boiler manufacturer.

The fuel is stored in the building and the plant is also contained within the building. The fuel will be fed into the boilers by conveyors which will then heat thermal oil, which in turn vaporises to a silicate. The vapours drive the turbine which drives further turbines that produce the electrical energy. The silicate will be passed through a secondary heat exchanger to provide heated water for the district heating network and this will be pumped off site at between 82-95C. The silicate is cooled and re-circulated. The flue gases pass through a cyclone separator unit, an Electrostatic Precipitator and bag filters to clean the emissions. Natural gas will be used for start up and shut down procedures and a diesel generator will be used for backup.

The plant will be housed in a building located in the centre of the site of approximately 3600 sqm. It will be 85m long, up to 42m wide and 15.5m high with two exhaust stacks up to 25m high. The site will be accessed from Rother Valley Way from a new vehicular access. Heavy Goods Vehicles will deliver fuel to the fuel store at the rear of the site via a service area adjacent to the northern boundary. Thirteen parking spaces will be provided on the Rother Valley Way frontage of the premises in front of the building.

It is anticipated that up to 30 people will be employed during construction with 7 people employed to operate the facility and a further 6 indirectly through maintenance and fuel supply.

The development will include an education suite for organised school visits allowing local school children to learn about renewable and green technologies.

The applicant has advised that the development will reduce greenhouse gas emissions by approximately 18,000 tonnes of CO2 equivalent per annum by producing energy from renewable fossil fuels rather than non renewable fossil fuels such as gas and oil. The applicant has offered to enter into a legal agreement, should permission be granted, to secure the provision of a community heating scheme.

#### RELEVANT PLANNING HISTORY

Planning permission was granted in 1977 for the tipping of inert material on the site to form playing fields, planning permission 77/01324/FUL.

#### SUMMARY OF REPRESENTATIONS



Immediate neighbours of the site were consulted by individual letter, including the occupiers of the traveller's site. As the residential communities surrounding the site are generally more than 500m away with intervening industrial development, site notices were displayed at some of the Supertram/bus stops that serve those communities and on residential streets closest to the site. The scheme was advertised in the press, and the Community Assembly, Beighton Community Partnership, Ward Councillors and Rotherham and North East Derbyshire Council's were notified directly.

The applicant organised some publicity for the scheme after the application was submitted. They made contact with the local media and press releases were issued. A public exhibition was held on the 26th and 28th of April 2012 and a briefing booklet was delivered to over 500 residential and business premises which included details of the exhibition. A summary of the comments made at the exhibition are listed below.

88 letters/emails and a petition signed by 23 people have been received objecting to the proposal. There are two representations in favour of the proposal and one neutral comment has been received.

Summary of objections to the scheme.

- Adverse impact on air quality due to pollution and dust which will affect local residents, schools, nature sites, staff working in the industrial estate and the Rother Valley Country Park. The pollution will be a health hazard. The site is too close to houses, schools and open space. The air quality assessment says that the Nitrogen Dioxide emissions will breach the EU limit for vegetation and there is uncertainty over the background levels of other pollutants including dioxins. Old data and data collected remote from the site has been used in the air quality assessment. The air quality assessment says that pollution will disperse over Rother Valley Country Park but the wind changes direction and it will blow over residential areas. The wood that will be burnt may be treated with toxins. The facility could be used for more noxious incineration in the future. Technical questions raised about the technology proposed to be used and how this effects emissions.
- Odour problems will occur which will particularly effect the travellers site and add to existing odours from Wooley Brothers Abattoir and Northern Foods.
- Heavy Goods Vehicles will pass through local villages to get to the site adding to congestion, fumes, and noise and creating pedestrian safety problems. There should be no more vehicular accesses from Rother Valley Way. Although the applicant may agree to vehicle routing this may not be kept to when drivers find quicker/shorter routes.
- Harmful visual impact resulting from the building and chimney.
- Noise impact from the Turbine.



- The site is in an open space area and policies seek to protect open space and green links.
- It will harm wildlife habitat and a site which is a home for protected species, a mitigation strategy should be submitted for the Great Crested Newts.
- The proposal is for an incinerator under the guise of a renewable energy plant. It will increase carbon emissions. If the heat from the plant is not used the proposal will be unsustainable and there are no existing district heating networks in the area. There are increasing questions over the sustainability of the Biomass. Wood should be recycled rather than burnt.
- There has been insufficient consultation with the local community.
- There will be disturbance during construction.
- The plant should be located in Attercliffe and the waste processed at the Bernard Road incinerator.
- It will deter tourists/visitors from Rother Valley Country Park.
- There will be disruption to local footpaths and cycle routes.
- A neighbouring business that is also interested in the site feels they have been treated unfairly over their attempts to purchase the site. Property values will be reduced. Both of these issues are not planning considerations.

#### Summary of representations in favour of the scheme.

- There is support for the climate change benefits of the scheme.
- Sheffield Campaign Against Climate Change supports the proposal. They consider that more energy should be produced locally and the local demand for the process heat will improve the efficiency of the plant. They consider there is insufficient growth in renewable energy. They consider the air quality impacts are likely to be minimal due to the pollution control equipment, controls over the quality of the feedstock and Environment Agency controls over the emissions. They argue 8 deliveries a day is not significant in the local context. They consider conditions should be attached over the local sourcing of waste wood as this wood has little alternative use. They would not support a scheme that utilises virgin wood.

#### Summary of Issues raised at the applicant's public exhibition.

47 members of the public attended the exhibition and completed a comments/questionnaire.

The applicant has advised that the concerns raised were under the following topic headings.

- Traffic routing.
- Air quality/emissions
- Noise.
- Alternative site would be better.
- Fuel type.
- Visual Impact.
- Lack of pre-application consultation.
- Smell.
- Timing of vehicle movements.

Six questionnaires were in support of the proposal.

Rotherham Council has raised no objections to the proposal.

## PLANNING ASSESSMENT

### Policy Issues.

The National Planning Policy Framework (NPPF) sets out 12 Core planning principles, including encouraging a plan led system, supporting sustainable economic development to deliver the infrastructure needed, conserving the natural environment and reducing pollution and encouraging the use of renewable resources, for example by the development or renewable energy.

In meeting the challenge of climate change the NPPF states that planning plays a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure. To help increase the supply of renewable energy local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. When determining applications local planning authorities should not require applicants for renewable energy development to demonstrate the overall need for renewable or low carbon energy and approve applications if the impacts are acceptable.

Core Strategy Policy CS 63 is concerned with promoting measures to help adapt to climate change. One of these measures is to promote developments that generate renewable energy. Therefore the proposal is supported by this policy.

Core Strategy Policy CS 65 contains a target to exceed 60MW of renewable energy capacity in the city by 2021. The proposal will contribute over 4.6MW of renewable energy which is over 5% of the above target. The proposal is supported by this policy and will clearly generate more than 10% of the development's predicted energy needs from renewable sources, which is also a requirement of this policy.

The application site lies in an open space area as defined in the Unitary Development Plan Proposals Map. Core Strategy Policy CS47 is concerned with safeguarding open space and lists criteria for considering applications in open space areas.

In this case the application site does not have an obvious open space use at present other than it adjoins the Short Brook and therefore can be considered to be part of the Green Network. It does not contain any pitches, or facilities of any kind and comprises of grassland that is grazed by the ponies from the adjacent travellers site.

Policy CS47 seeks to protect open space where there is a shortage, where it is of high heritage, landscape or ecological value, where people living or working in the area would be denied access to a valued or well used open space or where it would cause a break in the city's Green Network. Where development satisfies the above criteria it will only be permitted where it is surplus to its current open space function and could not fulfil another unsatisfied open space need.

In this case as the population within 500m of the site is very limited, an open space assessment shows that there would not be a shortage of open space in the locality. The site is not considered to be of high landscape value and the ecological assessment shows that it is not of high ecological value. There is no evidence to suggest that it is of archaeological interest, particularly as it has been the subject of tipping in the past. It does not appear to be well used or particularly valued. The green open area adjoining the Short Brook will be reduced in width as a consequence of the development. However the development will largely take place on the grassed area that is used for grazing horses. A corridor between 14 and 26m wide will be retained on the south side of the Short Brook which contains the trees and shrubs adjoining the brook. This is considered to be sufficient to maintain the Green Network in this location. Given the above it can be considered that the open space is surplus and as it lies in an industrial area in a location where additional residential accommodation is unlikely to be developed it is unlikely that it could fulfil another unsatisfied open space need.

Unitary Development Plan policy LR5 lists criteria where development in open space areas will not be permitted. The most relevant of these are that it must not significantly detract from the green and open character of the green network, or make an open space ineffective as an environmental buffer, or the proposed use would be incompatible with surrounding land uses. As explained above, given that the vegetated corridor adjoining the Short Brook will be retained it is considered that the green and open character of the green network will be satisfactorily maintained. The site boundary is approximately 130m from the traveller's site at the nearest point and it is considered that an adequate environmental buffer is maintained between these uses. The surrounding uses are generally industrial in character and the development is compatible with these uses. The noise/air quality assessments also demonstrate that the development is not incompatible with the traveller's site, and the development is not significantly different in character from the existing industrial uses that are close to the traveller's site.

It is clear that both national and local planning policy is strongly supportive of this proposal given that it will generate the energy needed for economic development with significantly less carbon emissions than if it were generated by traditional fossil fuels, thereby mitigating the impact of climate change. The applicant has estimated that the development would off set approximately 18,000 tonnes of CO<sub>2</sub> annual if the same amount of energy were generated by traditional fossil fuels.

The proposal is also considered to be acceptable in terms of the open space policies that apply to this site. However whilst the principle of the development is supported by policy it should not create any unacceptable environmental impacts, such as the visual and landscape impacts, impacts on natural history interest and the green link, traffic and pollution impacts. These are considered in more detail below.

#### Sustainability.

The definition of sustainability in the National Planning Policy Framework is “development which meets the needs of the present without compromising the ability of future generations to meet their own needs”

The NPPF also states there are three dimensions to sustainable development which are economic, environmental and social.

By delivering energy from waste wood and therefore offsetting carbon emissions that would otherwise have been produced by energy delivered from non-renewable sources the development is minimising the impact of climate change which is clearly sustainable.

It will deliver economic benefits in terms of generating economic activity and jobs whilst utilising an innovative technology.

The assessment below considers the impact of the proposal on the environment in terms of the visual impact, ecological impact, air quality, noise impact, traffic and landscape impact. It concludes that the proposal will not have a significant harmful impact on these issues. The loss of the open space and the archaeological issues are considered above and it is concluded that that given the quantity, value and use of the open space and lack of archaeological potential that the proposal will not have any significant social impacts. Whilst there are fears within the local community that the emissions would be harmful to health the Environment Agency has a specific remit to limit emissions to ensure they will not have a significant impact on health.

Core Strategy policy CS64 seeks to encourage sustainable design. The policy states that for developments over 500 sqm this can be achieved by designing to achieve BREEAM very good standard. The applicant has confirmed that they will design the scheme to achieve this standard and a planning condition is proposed to secure this.

#### Access Issues.

The application site is not currently served by a vehicular access and therefore it is proposed to create a new access off Rother Valley Way. The proposed site access has been designed to accommodate an articulated vehicle and there is sufficient visibility in both directions for vehicles to safely egress the site.

It is estimated that there will be 8 HGV deliveries of fuel to the plant per day and 1 load of ash per week to be removed. This represents approximately 2 vehicle

movements per hour during the proposed delivery hours. This represents a 0.4% increase in total vehicle movements in a 12 hour day on Rother Valley Way and a 10.1% and 12.3% increase in HGV movements north and south of the access respectively during the 12 hour period. It is concluded that this would have no significant effect on the safety and operation of the highway network.

The applicant is proposing a voluntary lorry routing scheme to be agreed with the Council in order to address concerns raised by local residents. Whilst this is not considered to be necessary because of the low number of vehicle movements and because the local roads are designed to accommodate industrial traffic, a condition is proposed to secure this benefit offered by the applicant. This could allow vehicles to access the site by New Street and Holbrook Avenue rather than by Owlthorpe Greenway and Station Road if the applicant is agreeable to this.

The Sheffield Development Framework Draft Proposals Map identifies a proposed walking and cycle route adjoining the Short Brook. Core Strategy Policy CS 73 seeks to maintain and enhance the strategic green network where possible and provide new footpaths and cycle routes along the river valleys as part of the strategic green network. The applicant has indicated that he is willing to provide a footpath cycle connection between the existing cycle route to the south of the traveller's site and Rother Valley Way. A number of options have been considered, the most direct of which would be along the top of the embankment adjoining the Short Brook connecting directly to Rother Valley Way. A second option could route the link adjacent to the new access, along the front of the building and then by the Brook. These options have differing implications and further work is required to establish which is most appropriate. A condition is therefore proposed requiring the most direct option to be adopted unless a detailed feasibility assessment shows the engineering implications and impact on the landscape/ecology outweighs the benefits of the more direct route. The new cycle/footpath link will improve pedestrian/cycle connections and link in with the wider footpath/cycle network which is a benefit of the proposal.

Eleven parking spaces are proposed with 2 disabled spaces. The on site car parking and servicing arrangements are considered to be satisfactory to serve the new development. The site level is higher than Rother Valley Way and the adjacent footpath. To achieve appropriate gradients for the site access part of the footpath either side will need to be re-graded. Whilst details of this are not available at this stage the highway officer is satisfied that an acceptable design can be achieved. It is considered that a safe access to the site from Rother Valley Way can be provided in the location proposed and the design of the access is adequate to accommodate the traffic generated by the development.

Noise.

A noise assessment has been submitted in support of the planning application. This includes a background noise survey undertaken during both the day and night to establish the background noise at the adjacent traveller's site which is the nearest noise sensitive use. Noise levels from the plant and vehicle deliveries have been provided by the applicant and noise measurements made at other similar development sites. The use has been assumed to be operational for 24

hours but deliveries restricted to between 8am and 5pm Monday to Saturday. It has also been assumed that the plant will be located in well constructed buildings which will provide a high degree of attenuation to noise, that roller shutter doors will remain shut except during deliveries and that they will provide a good degree of attenuation.

The noise assessment concludes that between 8am and 5pm when deliveries are made the noise levels arising from the facility are expected to be 10 to 7 dB below the measured background noise level at the nearest noise sensitive properties. Between 5pm and 8am the noise produced is expected to be 9 dB below the background noise level at the traveller's site. During both periods the proposal is unlikely to give rise to complaints.

The Council's Environmental Protection Service has assessed the noise submission and has not raised any concerns about the methodology or conclusions of the report. However they have proposed a more stringent noise condition than the one proposed by the applicant to avoid noise creep of existing background levels. The proposed condition limits noise levels from the development to be 5dBA below background levels at the edge of the site and adjacent to the traveller's site. They also recommend conditions limiting deliveries to between 8am and 5pm Monday to Saturday, excluding Bank Holidays and that doors are kept closed except during deliveries.

With the above conditions in place noise from the proposal should not have a harmful impact on the amenity of the occupiers of the traveller's site or other adjoining occupiers.

#### Ecological Impact.

Unitary Development Policy GE17 is concerned with rivers and streams. It states that as part of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and where appropriate for public access.

A habitat survey and search for protected species has been carried out on behalf of the applicant by a qualified ecologist. The majority of the site comprises of a field of improved grassland. There is a belt of improved semi natural Broad-leaved woodland adjoining the Short Brook adjacent to the southern boundary, which is outside of the application site. There is also a belt of trees and shrubs on the sloping embankment leading down to Rother Valley Way. There is also a known habitat for Great Crested Newts on the east side of Rother Valley Way.

The habitat surveys revealed no protected species or special ecological interest on the site. Great Crested Newts which are a protected species were identified in ponds on the east side of Rother Valley Way outside of the application site. However Great Crested Newts travel large distances between ponds and terrestrial refuges and it is recommended that anywhere within 500m of a pond should be treated as potential great crested newt habitat and should be surveyed and evaluated.



The applicant's submission recommends that because Great Crested Newts have been identified that a full mitigation strategy and compensation measures must be prepared to avoid injuring or killing any newts and ensuring that the population is maintained at its current status. The submission points out that mitigation will inevitably include surrounding the work site with amphibian fencing and excluding all newts and amphibians from the work area for a period of 30 days before works can commence and this can only be done when the newts are active, between March and October. Given the presence of Great Crested Newts a licence will be required from Natural England before works can be carried out.

The applicant's submission also recommends that as the vegetation growing within the survey area provides opportunities for nesting birds that vegetation clearance is carried on outside the bird nesting season which extends from March to September. Otherwise clearance must be preceded by a nesting bird survey carried out by a suitably experienced person. If any active nests are found they must be left undisturbed until the young have fledged.

Natural England has objected to the application as it does not include any mitigation proposals for the Great Crested Newts. They consider that a fully detailed strategy must be prepared outlining full mitigation and compensation measures that will be taken to avoid injuring or killing any newts and ensuring that the population is maintained at its current status. Unless this is resolved they are of the view that granting permission would be likely to offend against article 12(1) of the habitat directive. However Natural England acknowledges that it is ultimately the decision of the Local Planning Authority to consider whether the permission would offend against Article 12(1) and whether to attach a condition.

This has been put to the applicant who is now in the process of preparing a mitigation strategy. It is expected that the details of this and Natural England's response will be reported in a supplementary report to committee.

The development and the footpath/cycle link can be accommodated on the level grassed area of the site without significant encroachment into the scrub area adjacent to the Short Brook. There will however be some trees removed on the Rother Valley Way frontage to accommodate the new site access. Given that the development will take place on the grassed area and the significant area of planting being retained adjacent to the Short Brook it is considered that the proposal will not have a significant impact on the Green Link. The applicant has agreed to provide new planting within the site, and provided this incorporates appropriate native planting it would enhance the bio-diversity value of the site. The applicant has also agreed to some ecological enhancement works to the existing planting adjoining the Short Brook to improve its bio-diversity, as recommended by the City Ecologist. These are covered by a planning condition and should along with onsite planting mean that the development has a positive impact in ecological terms.

Drainage.

Core Strategy policy CS67 is concerned with flood risk management. It states that surface water must be reduced to 5 litres per second per hectare on all sites over 1



hectare. As the site is approximately 1 hectare a condition is proposed to secure compliance with this policy.

The site is a Greenfield site and therefore surface water run off from the proposed building and hard standing should not exceed the existing Greenfield run-off rate. A planning condition is proposed requiring drainage details to be submitted and limiting the surface water run-off to the Greenfield rate so that the proposal does not worsen flooding elsewhere.

The applicant intends to direct surface water run-off to a tank that will then be used for dust suppressing and to flush toilets where possible.

#### Air Quality.

Core Strategy policy CS66 states that action to protect air quality will be taken in all areas of the city. It states that further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Unitary Development Plan policy GE23 states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution.

The operation of the proposed renewable energy facility will be regulated by the Environment Agency under the Environment Permitting Regulations (England and Wales) 2010.

An air quality assessment has been submitted in support of the application. The stack emissions were based on the limit values for various pollutants set out in the Waste Incineration Directive. The predicted emissions have been compared with the relevant European Union Limit and Target Values, Critical Levels or UK Air Quality Objectives or Environmental Assessment Limits.

The modelling indicates that the prevailing winds are predominantly from the south west and the plume will be mainly disperse across Rother Valley Way, industrial units to the north east and the north west corner of the Local Wildlife site on the east side of Rother Valley Way and towards Rother Valley Country Park.

The air quality assessment considers the impact of the proposal on sensitive receptors in the vicinity of the site including the traveller's site which is the nearest sensitive receptor. The assumptions used in modelling result in a worst case prediction as if the plant were a general incineration plant and they are based on the maximum limits for pollutants allowed under the Waste Incineration Directive. In this case the plant would use wood chips with the majority of metals and plastics removed.

The modelling does not predict that the stack emissions from the plant will result in exceedance of either the long or short term Environmental Standard established for human health at a relevant receptor (ie. Place where members of the public

may be regularly exposed). The greatest impacts at such a receptor are predicted at the traveller's site where all predicted concentrations, taking into account estimated background concentrations, are predicted to be below the relevant statutory and non-statutory environmental standards. The exception is for Polycyclic Aromatic Hydrocarbons and Chromium IV where the background concentrations (based on the limited information available) is already predicted to be above the standards. The information on the background concentrations of these substances comes from regional rather than local monitoring sites.

The assessment concludes that the modelling indicates that adverse impacts on human health are unlikely to be caused by the proposed development.

The assessment predicts marginal occasional exceedances of the annual average Critical Level for nitrogen dioxide established for the protection of ecological systems in the north west corner of the Local Wildlife Site on the east side of Rother Valley Way. However concentrations across the majority of the site are below the critical levels. However as the site is not statutorily protected the Critical Levels are not strictly applicable.

The predicted impacts from HGV exhaust emissions due to increases in nitrogen dioxide and particulates are very small and considered to be negligible.

Visible plumes result from the condensation of water vapour as the gases emitted from the stack cool. There are no health effects from the plume but it can cause nuisance due to overshadowing effects on adjoining property. Environment Agency guidance states that if the plume does not extend beyond the boundary for more than 5% of daylight hours per year then its impact is considered to be insignificant to low. The assessment indicates that a plume will be visible less than 1% of daylight hours which based on the Environment Agency guidance indicates that the visual impact will be insignificant.

The Council's Air Quality Officer has considered the air quality assessment and advised that the methodology used is known and acceptable. The assessment predicts that the development will have a medium Nitrogen Dioxide impact and a small particulate impact. It also suggests that the background levels of these two pollutants in the vicinity of the site are below their prospective prescribed standards. As a result the predicted levels of these two pollutants are considered to be negligible, particularly at the nearest and most sensitive receptor the traveller's site on Long Acre Close. The Air Quality Officer is satisfied with these conclusions and that the air quality impact is not likely to be significant, and will not result in exceedances of the national air quality objective for Nitrogen Dioxide and small particulates, and is not likely to undermine any actions of the air quality action plan. The air quality officer has recommended the following mitigation/monitoring:

- Pre and post Nitrogen Dioxide monitoring to be carried out to provide reassurance about the predicted impacts.
- Dust mitigation measures to be undertaken during construction in accordance with the London Councils' Best Practice Guidance.

- The heavy goods vehicles delivering to the site to be Euro V standard minimum or are fitted with exhaust after treatment technologies to limit nitrogen dioxide emissions.

The applicant has agreed to all the above and conditions are proposed to deliver these restrictions.

Concerns have been raised about the plant producing odours, which is a particular concern to residents who have experienced odours from a nearby abattoir and animal carcase incinerator. The applicant has advised that on reception of the fuel it will be subject to screening that will remove paints, varnishes or glues and other solvent substances from the wood. The fuel stored in the building will be subject to a rotational cycle to minimise the risk of anaerobic conditions. When the wood has been through the combustion process it will pass through an electro-static precipitator, and a system of bag filters to reduce the small particulate matter and minimise the risk of odours. The Environment Agency will regulate odours through the Environmental Permit. The Environment Agency has advised that odours are highly unlikely to occur as they do not get odours with this type of plant. There will be conditions in the Environmental Permit relating to odours.

The National Planning Policy Framework states that to prevent unacceptable risks from pollution planning decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects for pollution, should be taken into account. It also states that local planning authorities should focus on whether the development is an acceptable use of the land, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume those regimes will operate effectively.

In this case the process and emissions will be controlled under an Environmental Permit administered by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. The regulations state that permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health or the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

If issued, an Environmental Permit will control the activities and processes on site and associated emissions. Any permit application must demonstrate that people and the environment will be protected from these. Mitigation is likely to be required to control emissions to air from the site. The Environment Agency will not issue a permit for a proposal that would cause significant harm to human health or the environment. It will also be a requirement of the permit that emissions from the stack are continuously monitored.

Given the above and the conclusions of the air quality assessment it can be concluded that the emissions from the plant will not have a harmful impact on

amenity or health and that this issues will be tightly controlled by the Environment Agency.

Landscape and Visual Assessment.

Core Strategy policy CS47 which relates to safeguarding open space says that development will be refused which would involve the loss of open space that is of high landscape value.

Policy CS74 which relates to design principles states that development should respect and enhance the components and character of local landscapes, skylines and views to surrounding countryside.

Unitary Development Plan policy GE15 relates to trees and woodland and requires developers to replace trees lost to development.

The application site is located in an industrial area with mixed quality and the industrial development mainly comprising of workshop buildings. This is interspersed with tree planting on the perimeter of sites, along road frontages such as Rother Valley Way and native planting associated with the Short Brook.

There is a 10m wide belt of native deciduous planting along the Rother Valley Way frontage of the site which is approximately 20 years old. There is a 15m wide semi-natural woodland belt adjoining the Short Brook which abuts the southern boundary of the site.

A dedicated cycle/footpath runs alongside the Short Brook to the west of the application site and then north to New Street and a footpath runs from the east side of Rother Valley Way and then north alongside the railway.

The applicant has submitted a landscape and visual assessment. The assessment identifies a Zone of Visual Influence which is an area where within which the proposed development may affect visual amenity. Twenty two viewpoints were identified to represent a range of views. The stacks and building roof would be seen from a wide area including parts of Sothall, Halfway and Westfield. To the east it would be visible from the Rother Valley Country Park and Kilamarsh.

The residential areas in the wider surrounding area of Sheffield and Rotherham and the adjacent traveller's site are considered to be visually sensitive. Users of the cycle/footway adjoining the Short Brook and The Rother Valley Country Park and the Trans-Pennine Trail are highly sensitive in terms of their amenity value as are the Green Belt areas on the eastern side of the Rother Valley.

The removal of trees along part of the Rother Valley Way frontage to facilitate vehicular access, and the physical development of the buildings and chimneys, has the potential to affect the visual amenity.

The most significant visual impact will be on the traveller's site and potential users of the cycle/footpath adjacent to the Short Brook. The impact of the new building will be substantially adverse in the early years reducing slightly as the planting

within the site matures. It should be noted that the traveller's site is some 130m from the development and sits within a context of industrial development.

The impact of the development would be mitigated by limited screening at ground level from new planting at the western end of the site which will soften views from the traveller's site and by management of the undeveloped land to the west and south of the site.

Many of the residential areas around the site have restricted views towards the application site. Those areas that have a good view would see development from some distance and it would be viewed as a small change to the existing industrial estate. The visual impact from the residential areas of Westfield, Halfway, parts of Sothall and Killamarsh is judged in the Environmental Statement to be slightly adverse as there would be a perceptible change in the views of the Holbrook Industrial Estate and an intensification of the industrial land use. Views of the site from the Trans-Pennine Trail and Rother Valley Country Park are judged to be moderately adverse in the winter months as the roofline and stacks will be noticeable on the wooded skylines along Rother Valley Way and the railway corridor west of the Country Park, although the impact is judged to be slightly adverse in the summer 15 years after the development is completed. There is judged to be no significant impact on the visual amenity of the Green Belt where the development would be seen in the context of the wider urban fringe development.

The applicant has produced some illustrative photomontages from some of the key viewpoints in the landscape and visual assessment to help officers and members understand the visual impact assessment. Whilst these are not technically accurate, a "technically accurate" photomontage is one that is based on three dimensional survey data whereas those submitted are visual representations only that use a variety of fixed landscape features (pylons, existing buildings etc) to determine relative elevations. These are used in conjunction with the site topographical survey data and plant elevations which are then "inserted" into the photographs. This is a standard procedure adopted by landscape architects in producing such illustrative photomontages. They do help to demonstrate that the visual impact from the wider residential areas and the Rother Valley Country Park will be very limited as assessed in the visual impact assessment.

Design Issues.

Core Strategy policy CS74 states that high quality development will be expected, which will respect, take advantage of and enhance the distinctive features of the city including:

- the Green Network, important habitats, woodlands, other natural features and open spaces.
- the townscape and landscape character of the city's districts, and their associated scale, layout, built form and building styles.

The proposed building is set back some 40m from the Rother Valley Way frontage. There is no strong street character to Rother Valley Way and setting the building

back means it will be less prominent in the street scene and will ensure that the existing planted character of this section of the street frontage remains dominant. The building will not be especially prominent in the street scene as it is intended to retain much of the mature vegetation along the Rother Valley Way frontage, which will screen much of the building. The building will also not be prominent from New Street as it will be screened by intervening industrial development. As discussed above the site will be most prominent from the Travellers site and footpath/cycle route to the west.

The scale of the building is not significantly different to other industrial buildings in the locality. For example it has a similar footprint to the adjacent Hadee Engineering building and the top of the building would be 3m higher. The two tall chimneys are 25m high, these will be significantly taller than surrounding buildings. However these are relatively slim features and considerably lower than the electricity pylons that run adjacent to the railway line to the east of the site.

The building has been designed as a metal clad structure with a masonry plinth. The intended cladding colour is 'Leaf Green' so that it blends in better with the surrounding green infrastructure. Due to the nature of the use there are limited window openings to add visual interest to the elevations. However the massing is broken down to some extent by masonry elements and lower sections of building.

Although the scale and massing of the building is considered to be acceptable further design development is needed in terms of the disposition of the masonry elements and the treatment of the low level offices/admin/education block, to give this more prominence and quality. The applicant has been reluctant to resolve these issues at this stage but has agreed to a planning condition which will require further details of the disposition of the masonry elements of the south and east elevation of the building, along with the revisions to the elevations of the offices/education block and minor adjustments to the position of this block. This is considered to be acceptable as the design changes will be fairly small scale comprising of minor changes to the disposition of cladding materials on the main building. The changes to the office/education block, which is a low scale building, will largely only be noticeable to visitors to the site and users of the new footpath/cycle link.

It is concluded that the scale and massing of the building is not dissimilar to other existing industrial buildings in the area. Although the building design is not considered to be high quality it will not appear out of place in the industrial area in which it is situated. Further minor improvements in the building design will be secured by planning condition.

#### Lighting Assessment.

A lighting scheme has been designed and a light spill diagram produced which indicates that all external lamps will be activated by motion sensors only and so will only be triggered by staff/visitors and vehicles accessing the site.



## Land Contamination.

The site is known to have been used for open cast mining and landfill. The Council's Environmental Protection Service has advised that given the previous history there is a likelihood of contamination and ground gas being present. Whilst this should not prejudice the proposed use, conditions are proposed to ensure any contamination and landfill gas issues are properly assessed and remediated.

## Alternatives.

The applicant has considered alternative technologies within the constraints of operating a combined heat and power plant and the use of renewable recycled wood as a fuel. The proposed technology was selected as the best option as some of the alternatives were not able to supply heat at an appropriate temperature; the limits on their electrical and thermal outputs; the degree to which they had a successful operational history; and their standing under Government support mechanisms.

## RESPONSE TO REPRESENTATIONS

The air quality assessment takes account of changes in wind direction - weather data over past years is used to assess the likely ground level concentrations surrounding the site.

The wood will be screened to minimise the use of contaminated feedstock. Regardless of this limits on the plant emissions which will be set by the Environment Agency should ensure that the plant will not create pollution that exceeds the emission limits established to protect human health and the environment.

The recommended conditions will ensure that the fuel source could not be changed without making a planning application.

Energy generated by Biomass is considered to be renewable energy and national planning policy seeks to support this as a response to climate change. The fuel is waste wood which has few alternative uses. The applicant has agreed to enter into a legal agreement to secure the construction of a heat network which demonstrates a clear intention to utilise the heat from the plant.

The plant needs to be local to the Westfield area as it is intended to serve the local heat demand. The availability of sites elsewhere is not a reason for opposing this application, which must be considered on its merits.

There is no planning policy requirement to control the distance from which the Biomass fuel is collected. It is likely that the economic costs of transportation will control the catchment area for the collection of Biomass fuel.

## SUMMARY AND RECOMMENDATION

There is strong support in both local and national planning policy for renewable energy plants due to their climate change benefits. In this case the plant is



appropriately located in an industrial area and the Environmental Statement demonstrates that it should not have a significant impact in terms of noise, air quality and traffic. As the site is undeveloped a new business operation is bound to worsen air quality when compared to the existing situation. However the air quality assessment shows that the impact on air quality will be within acceptable limits and the Environment Agency will ensure that emissions are controlled to not have a significant harmful impact on health and the environment.

Given the scale of the plant there will be a limited negative visual impact, but the views from sensitive areas are generally from a longer distance and the building and plant will be viewed in the context of the surrounding industrial development. The visual impact from the traveller's site and cycle footpath will be more significant but not too harmful when the existing industrial context is taken into account.

The loss of the open space is considered to be accepted when judged against planning policy and the proposal is considered to be acceptable in terms of its impact on the green link. The provision of the new footpath cycle link is a benefit of the proposal and the new planting and ecological enhancements to the green link should result in an overall bio-diversity benefit. It is envisaged that Natural England will withdraw their objection once the newt mitigation strategy has been submitted.

It is therefore concluded that the proposal should be supported given the climate change impacts and because the environmental impacts are within acceptable bounds.

It is recommended that planning permission is granted with conditions and subject to a S106 agreement to secure the following Heads of Terms.

#### Heads of Terms

The applicant will submit a scheme for the provision of a community heating network including a programme for its implementation.