

City Centre, South and East Planning and Highways Committee

Monday 13 August 2012 at 2.00 pm

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain Peter Price, Janice Sidebottom and Diana Stimley

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

The areas covered by the City Centre, South and East Planning and Highways Committee, include Arbourthorne, Beauchief, Birley, Dore, Ecclesall, Gleadless, Graves Park, Greenhill, Nether Edge and Totley.

The Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. It is also responsible for determination of City Centre planning, development of transport matters and strategic development projects affecting the City as a whole.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

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

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

**CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE
AGENDA
13 AUGUST 2012**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence from Members of the Committee**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting**
Minutes of the meeting of the Committee held on 23rd July 2012
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations**
Report of the Director of Development Services
- 8. Enforcement of Planning Control**
 - a) 20 Albany Road.
Report of the Director of Development Services
 - b) 33 Albany Road.
Report of the Director of Development Services.
 - c) 44 Fellbrigg Road.
Report of the Director of Development Services.
 - d) 204 Chippinghouse Road.
Report of the Director of Development Services.
- 9. Quarterly Planning Enforcement Update**
 - a) Quarterly Overview of Enforcement Activity.
Report of the Director of Development Services.
 - b) Quarterly Enforcement Update In The City Centre, South and East Area.
Report of the Director of Development Services.
Report of the Director of Development Services.

10. Record of Planning Appeal Submissions and Decisions

Report of the Director of Development Services

The next meeting of the City Centre, South and East Planning and Highways Committee will be held on Monday 3rd September, 2012, at 7.30 pm, at the Town Hall.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

A new Standards regime was introduced on 1st July, 2012 by the Localism Act 2011. The new regime made changes to the way that your interests needed to be registered and declared. Prejudicial and personal interests no longer exist and they have been replaced by Disclosable Pecuniary Interests (DPIs).

The Act also required that provision is made for interests which are not Disclosable Pecuniary Interests and required the Council to introduce a new local Code of Conduct for Members. Provision has been made in the new Code for dealing with “personal” interests.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council’s website as a downloadable document at -<http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests>

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

Agenda Item 5

CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

Meeting held 23 July 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Jayne Dunn, Tony Downing, Adam Hurst, Peter Price, Janice Sidebottom and Diana Stimely

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1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed members of the public to the meeting and the basic housekeeping and fire safety arrangements were outlined.

2. **EXCLUSION OF PRESS AND PUBLIC**

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

3. **APOLOGIES FOR ABSENCE**

3.1 An apology for absence was received from Councillor Ibrar Hussain and Councillor Adam Hurst attended the meeting as the duly appointed substitute.

4. **DECLARATIONS OF INTEREST**

4.1 There were no declarations of interests

5. **MINUTES OF PREVIOUS MEETING**

5.1 The minutes of the meeting of the Committee held on 2nd July, 2012 were approved as a correct record.

6. **SITE VISIT**

6.1 RESOLVED: That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 9th August, 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. **APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

7.1 RESOLVED: That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 12/01647/FUL, 12/01332/FUL and 12/00456/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite

notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) in connection with the decision to refuse an application for planning permission for the change of use to a house in multiple occupation within the curtilage of 21 Fieldhead Road (Case No. 12/01210/CHU), (i) authority be given to the Director of Development Services or Head of Planning to take all necessary steps including, if necessary, enforcement action and the institution of legal proceedings to secure the return of 21 Fieldhead Road to its previous use as a C3 dwellinghouse and (ii) officers be requested to enter into discussions with the applicant, with a view to agreeing an appropriate period for compliance with the enforcement action, which would ensure that any occupiers affected by the Notice would be able to find alternative accommodation;

(c) an application for planning permission for the erection of a dwellinghouse and double garage on the garage site at the rear of 47 to 55 Trap Lane (Case No.12/01174/FUL) be granted, conditionally, with a request that officers investigate the serving of a Tree Preservation Order on the trees situated to the rear of properties off Muskoka Drive, which adjoin the proposed development site; and

(d) an application for planning permission for the erection of 3 dwellinghouses within the curtilage of 31 Brickhouse Lane (Case No.12/00289/FUL) be refused as the Committee considered that (i) the development would be out of character and an overdevelopment of the site, when taking into account the cumulative impact of an earlier outline consent for four dwellings (Case No. 11/02416/OUT) and (ii) there would be insufficient on site car parking provided, which would lead to parking on the adjoining streets.

(NOTE: An application under Section 192 for a certificate of lawful use development in connection with the erection of a building for use as garages, workshop, indoor golf practice centre and gym, all incidental to the use of a dwelling at Newfield Farm, 20 Newfield Lane (Case No.12/00610/LD2) was withdrawn from consideration.)

8. ENFORCEMENT OF PLANNING CONTROL: 255 GLOSSOP ROAD

- 8.1 The Director of Development Services submitted a report on his investigation into complaints received concerning a breach of planning control, in respect of the unauthorised erection of an external fume extraction flue and externally mounted plant at 255 Glossop Road. The report stated that the premises, which were used as a restaurant, had recently changed from being an Italian to a Chinese Restaurant and due to the type of cooking now being carried out, it required different extraction equipment to be used. It was explained that the new flue, which had been erected without planning permission and listed building consent, was considered unacceptable due its impact on the Grade II listed building and the streetscene. It was also considered that the external mounted plant was visually prominent and out of character with the building.

With regard to the noise from the new flue, it was further explained this was being assessed by the Environmental Protection Service to establish if a Noise Abatement Notice would be required.

- 8.2 In proposing enforcement action, it was indicated that officers were working with the restaurant operators to seek an acceptable solution to help the business, although this had to be balanced against the wider environmental concerns.
- 8.3 The Committee heard representations from a resident on behalf of residents living on Gell Street and in Westminster Chambers who expressed strong concerns over the noise disturbance being experienced by families, particularly children, who live nearby and in respect of the cooking odours from the restaurant which had taken place over a period of two months. It was asked that urgent action be taken to assist residents, with a request that consideration be given to a Stop Notice being issued to the owners of the business. In response, it was stated that the statutory Enforcement Notice had to be served in respect of the removal of the flue and the other externally mounted equipment. It was further explained that, whilst a Stop Notice could not be served in respect of the noise and odour problems, measures would be sought through the Environmental Protection Service to address these problems.
- 8.4 **RESOLVED:** That the Director of Development Services or Head of Planning be authorised to take all necessary steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised fume extraction apparatus and other unauthorised externally mounted plant at 255 Glossop Road.

(NOTE: At the commencement of the meeting, the Chair (Councillor Alan Law) indicated that the above item was to be considered as an urgent item under Council Procedural Rule 26 of the Council's Constitution, in view of the impact of the new flue, other externally mounted plant and the need to consider enforcement action, although it had not been possible to give five clear working days' notice of the item.)

9 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

- 9.1 The Committee received and noted a report of the Director of Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

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Agenda Item 7

Application No.	Location	Page No.
11/03818/FUL (Formerly PP-01730121)	Abbeydale Hall Gardens 240 Abbeydale Road South Sheffield S17 3LJ	5
12/01352/FUL (Formerly PP-01964952)	Williamson Hardware 222 Fulwood Road Sheffield S10 3BB	32
12/01401/FUL (Formerly PP-01966428)	Site Of Former Green Lane Works Green Lane Shalesmoor Sheffield S3 8SE	40
12/01609/FUL (Formerly PP-02004802)	44 High Street Mosborough Sheffield S20 5AE	64
12/01691/FUL (Formerly PP-01978832)	Bents Green Secondary School Ringinglow Road Sheffield S11 7TB	74
12/01696/FUL (Formerly PP-02021435)	40 Whirlowdale Road Sheffield S7 2NH	83
12/01729/FUL	Car Park At Junction With Matilda Street Shoreham Street Sheffield S1 4SP	89
12/01763/FUL (Formerly PP-02031553)	48 High Street Mosborough Sheffield S20 5AE	117

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REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 13/08/2012
AND HIGHWAYS COMMITTEE

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

SUMMARY

RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

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

FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR
ACCESS

Chris Heeley
Lucy Bond

TEL 0114 2736329
NO: 0114 2734556

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: 13/08/2012

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.

Case Number	11/03818/FUL (Formerly PP-01730121)
Application Type	Full Planning Application
Proposal	Erection of 12 apartments in 4 x 3 storey blocks with associated landscaping and car parking accommodation (As amended 11/07/12)
Location	Abbeydale Hall Gardens 240 Abbeydale Road South Sheffield S17 3LJ
Date Received	06/12/2011
Team	SOUTH
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to a Unilateral 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:

Drawings:
034-P-0.06 Rev C (Tree Removal Plan)
034-P-1.07 Rev A (Drainage Strategy)

034-P-1.08 Rev C (Construction Layout)
034-P-1.01 Rev D (Site Layout)
034-P-1.02 Rev E (Ground Floor Plan)
034-P-1.03 Rev D (First Floor Plan)
034-P-1.04 Rev D (Second Floor Plan)
034-P-1.05 Rev B (Roof Plan)
034-P-2.01 Rev B (Elevations)
034-P-2.02 Rev B (Elevations)
034-P-2.03 Rev B (Elevations)
034-P-2.04 Rev B (Elevations)
Design Statement (DLP - November 2011)
Habitat Survey Report recommendations (Baker Shepherd Gillespie -
October 2011)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Notwithstanding the details shown on the Elevations drawings, the finished external ground levels are not approved. All level changes shall be outside the Root Protection Areas unless otherwise agreed in writing by the Local Planning Authority and full details thereof shall have been submitted to and approved in writing by the Local Planning Authority prior to any level changes being carried out.

To adequately protect the retained trees within the site and in the interests of the amenities of the locality.

- 4 Notwithstanding the details shown on the Elevations drawings, additional window openings shall be incorporated to overlook the pedestrian entrances to the buildings and full details thereof shall have been submitted to and approved in writing by the Local Planning Authority prior to construction of the external elevations. Thereafter the window openings shall be provided in accordance with the approved details and retained.

In order to ensure an appropriate quality of development.

- 5 Notwithstanding the details shown on the submitted plans, provision for Mobility Housing shall be incorporated within the development in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority.

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

- 6 Notwithstanding the details shown on the Tree Removal Plan, tree T8 shall be retained unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the locality.

- 7 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.

- 8 Before the development is commenced, a Landscape and Ecological Management Plan, including proposals for the restoration of the retained ponds and measures to encourage biodiversity, together with short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, shall have been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In the interests of biodiversity.

- 9 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying design measures sufficient to reduce the development's overall predicted carbon dioxide emissions. Any agreed renewable or low carbon energy equipment or low carbon energy sources or 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 and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment 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.

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

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

- 11 A schedule and 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.

- 12 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
External wall construction
Entrance canopies
Balconies

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

In order to ensure an appropriate quality of development.

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. Such scheme shall include details of any pedestrian access routes around the buildings.

In the interests of the visual amenities of the locality.

- 19 The drainage arrangements shall be in accordance with the drainage strategy shown on the approved plans and in accordance with further details to have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include a Construction Method Statement, surface water discharge rate and a proposed flood flow route in the event that the pond wall is over-topped.

To ensure satisfactory drainage arrangements.

- 20 All vehicular areas shall be constructed in permeable materials in accordance with a Method Statement which shall have first been submitted

to and approved in writing by the Local Planning Authority. Such Method Statement shall be based on a 'no dig' method of construction to be employed within all Root Protection Areas as defined in accordance with BS5837:2005 (or any subsequent amendment thereof). Thereafter, the permeable surfaces shall be retained.

To adequately protect the retained trees within the site and to reduce surface water run-off.

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

In the interests of the visual amenities of the locality.

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

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

- 23 The remaining landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

In the interests of the visual amenities of the locality.

- 24 Notwithstanding Condition 6, 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.

- 25 Green / brown roofs (vegetated roof system) shall be provided to the roofs of the buildings. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roofs shall be provided prior to the occupation of the buildings 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.

- 26 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

- 27 The apartments shall not be used unless the car parking accommodation for 15 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.

- 28 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 apartments 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).

- 29 The apartments shall not be used unless turning space for vehicles has been provided within the site, in accordance with submitted details and thereafter such turning facilities shall be retained.

To ensure access is available at all times.

- 30 Details of any external lighting to serve the development shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the lighting shall be installed in accordance with the approved details and shall not be modified without the prior written agreement of the Local Planning Authority

In the interests of the amenities of the locality.

- 31 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Part 2 (Class A), or any Order revoking or re-enacting that Order, no gates, fences, walls or other enclosures shall be erected without prior planning permission being obtained from the Local Planning Authority.

To protect the natural environment.

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
BE9 - Design for Vehicles
BE15 - Areas and Buildings of Special Architectural or Historic Interest
BE19 - Development Affecting Listed Buildings
BE21 - Historic Parks and Gardens
GE10 - Green Network
GE11 - Nature Conservation and Development
GE15 - Trees and Woodland
GE16 - Lakes, Ponds and Dams
H5 - Flats, Bed-sitters and Shared Housing
H7 - Mobility Housing
H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
H15 - Design of New Housing Developments
H16 - Open Space in New Housing Developments
CS22 - Scale of the Requirement for New Housing
CS23 - Locations for New Housing
CS24 - Maximising the Use of Previously Developed Land for New Housing
CS26 - Efficient Use of Housing Land and Accessibility
CS31 - Housing in the South-West Area
CS41 - Creating Mixed Communities
CS47 - Safeguarding of Open Space
CS63 - Responses to Climate Change
CS64 - Climate Changes, Resources and Sustainable Design of Developments
CS65 - Renewable Energy and Carbon Reduction
CS67 - Flood Risk Management
CS74 - Design Principles
D2 - Open Space in New Housing Developments
G3 - Trees, Woodland and the South Yorkshire Forest
G4 - Water in the Landscape

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 or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. With regard to Condition 3, appropriate treatment of the finished external levels can be better determined following erection of the tree protection fencing and staking of the building footprints. Please contact the Case Officer to arrange a visit following implementation of the fencing and stakes with a view to determining appropriate finished levels.
2. 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 or apply online at 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.

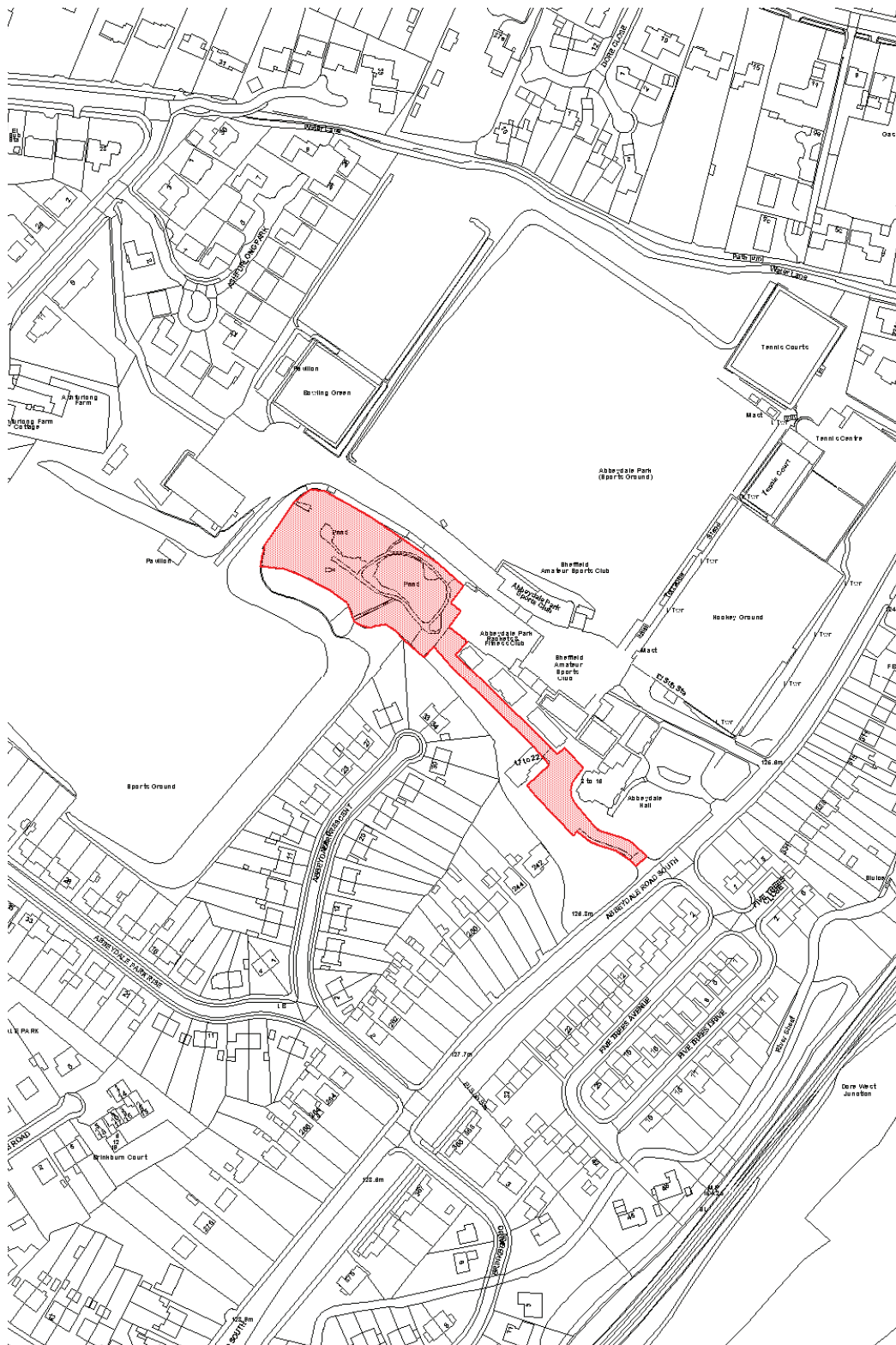
For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

3. 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.
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.
5. The applicant is advised that the 'alternative timeframe' referred to in the conditions must be applied for in writing, by letter, to the original case officer and must be approved in writing by that case officer.
6. Where a direct discharge to a water course is contemplated, or the proposal lies within a water catchment area, it will be necessary to provide a secondary form of treatment (a filter) to the satisfaction of the Main Drainage Section.
7. 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

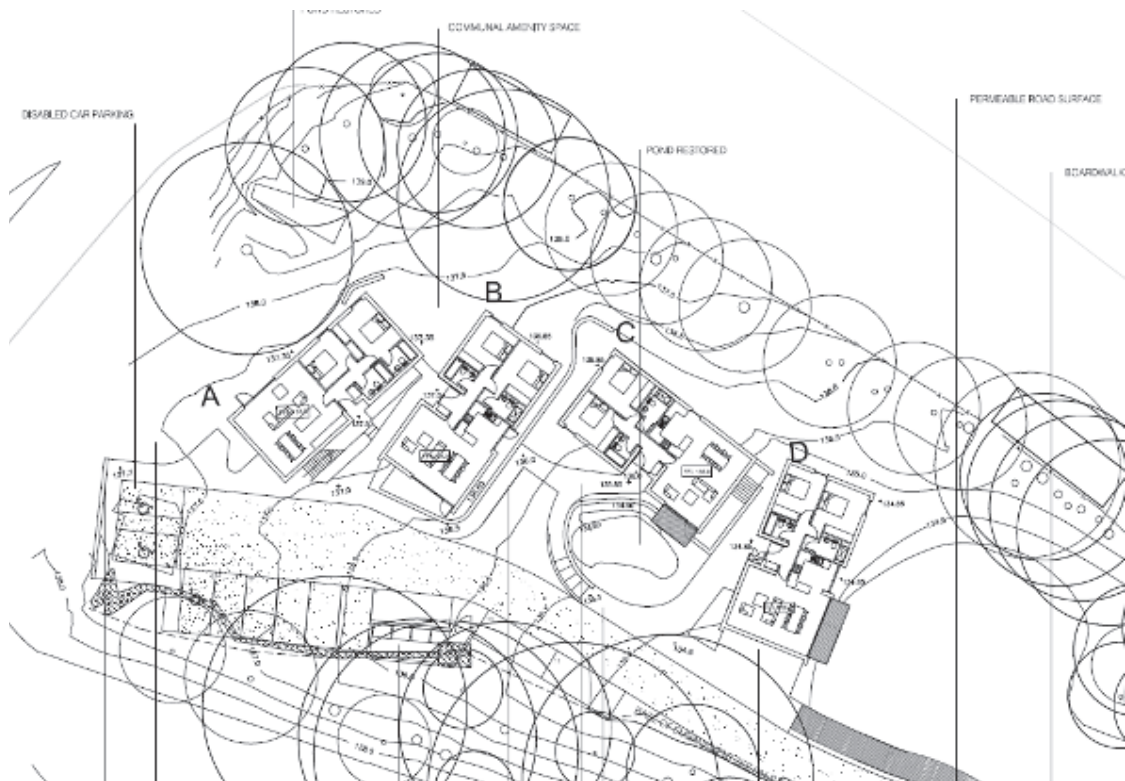
demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.

8. This site contains trees, which are protected by Tree Preservation Orders or Conservation Areas. These trees must be retained and protected and the Local Planning Authority may pursue legal action where vegetation is illegally damaged or removed. The Wildlife and Countryside Act may also be a legal consideration in the removal or works to trees, if the trees are providing a habitat to protected species or a nest site to wild birds.
9. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit www.livingroofs.org or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
10. The applicant is advised that the access for fire appliances should be in accordance with Building Regulations Approved Document B. Your attention is drawn to the fact that South Yorkshire Fire and Rescue now have some standard fire appliances that are 26 tonnes gross weight.

Site Location



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LOCATION AND PROPOSAL

The site covers an area of approximately 0.6 hectare. Abbeydale Sports Club surrounds the site on three sides. The site sits below rugby pitches to the south-west, a sports hall to the north-west and a car park and cricket field to the north-east. There is a pedestrian gate to the site through the remaining boundary. Access to the gate is over the private driveway of Abbeydale Hall and through the relatively recent flats complex to the rear of that building.

The land was formerly a designed garden serving Abbeydale Hall. Abbeydale Hall is a Grade II Listed Building. The site contains 3 linked ponds within a woodland setting. Under Council and Sheffield College ownership respectively, the site was actively managed as a 'Community Wildlife Garden' between 1982 and 1996 by local interest groups, including the Friends of Abbeydale Hall Gardens, in association with the Council's Planning and Ecology Services. Since disposal of Abbeydale Hall by Sheffield College, ownership of the application site was split from Abbeydale Hall and maintenance ceased. The site has since been returned to the same (private) ownership as Abbeydale Hall but remains severely neglected and rundown. There is evidence of tipping in a small area close to the access gate although this is not on any significant scale.

The application seeks planning permission for 12 x 2 bed flats in 4 x 3 storey blocks. The proposals have been amended during the course of the application having originally proposed 13 flats in 5 x 2 and 3 storey blocks.

The buildings are proposed to be sited in the area between the largest pond and the north-west (rear) boundary of the site. The buildings are in a linear

arrangement away from the north-east and south-west boundaries. Vehicular access is proposed to be taken from Abbeydale Road South through the grounds of Abbeydale Hall and past the blocks of flats. The access drive is proposed to extend alongside the largest pond towards the rear (north-east) boundary culminating in a car park for 10 vehicles. A further 4 car parking spaces are proposed adjacent the entrance to the site.

One of the two smaller ponds and a number of trees will be lost in order to accommodate the proposed development.

RELEVANT PLANNING HISTORY

Outline planning permission for 6 flats in 3 blocks was refused in September 2008 (ref. 06/04408/OUT). The reasons for refusal were:

1. The proposed development would result in the significant loss of an area of informal green space and a significant number of trees with inadequate opportunities for replacement planting. The site is a greenfield site of public amenity value and interest to nature conservation, including vegetation and woodland trees which are the subject of a Tree Preservation Order. The Local Planning Authority consider that the proposed development would thereby be detrimental to the natural environment and the amenities of the locality and contrary to Policies BE6, GE11, GE13, LR4, LR5 and LR8 of the adopted Unitary Development Plan and contrary to the aims of national planning policies in PPS1 and PPS3.
2. The proposed development would result in the loss of and encroachment into pond and water features within the site and insufficient information is provided to satisfy the Local Planning Authority that the remaining ponds and water features can be adequately retained and protected. Owing to the loss and encroachment into these features and in the absence of sufficiently detailed proposals to demonstrate that the remaining ponds and water features can be adequately retained and protected, the proposals are considered to be contrary to Policy GE16 of the adopted Unitary Development Plan.
3. The Local Planning Authority consider that the proposed development would exacerbate an overall deficiency in informal recreation space in an area where this is significantly below the minimum guideline as set out in the adopted Unitary Development Plan and the Supplementary Planning Guidance: Open Space Provision in New Housing Development. The proposed development is therefore contrary to Policies LR5 and LR8 of the adopted Unitary Development Plan.

An appeal against the Council's decision was allowed and outline planning permission was granted. The planning permission lapses on 17 September 2012. The appeal decision is a material consideration in determining the current application and must carry considerable weight. The key points of the appeal decision are:

- The site was considered to be previously developed land (brownfield site) in an 'acceptably sustainable location'.

- The continuation of the Community Wildlife Area designation (Sheffield Nature Conservation Strategy 1991) must be questioned as the site is now in private ownership with no public access and no long term commitment to community involvement
- It was considered that the value of the trees on the site is derived largely from their contribution as a green backdrop when viewed from the surrounding extensive sports ground. Limited development of the site was considered to allow scope for active management of the remaining tree/hedge cover that might not otherwise occur and the green backdrop function could be maintained
- The Tree Preservation Order and any revisions thereto will give the Council control over future works to trees
- It was considered that current ecological interest would be retained with an appropriately designed scheme, together with appropriate planning conditions including a Landscape and Ecological Management Plan
- It was considered that the scheme would not result in any worsening of 'any actual deficiency' in local informal recreation space

An application for planning permission for 16 apartments was withdrawn prior to being validated in March 2006 (ref.05/04366/OUT).

Planning permission for alterations and extensions to Abbeydale Hall to form 8 apartments and the erection of a further 27 apartments in 5 x 3 storey blocks was granted planning permission in 2000 (ref.99/01758/FUL). The permission is subject to a legal agreement to secure pedestrian access across the Abbeydale Hall site to the application site at all times and to secure vehicular access for maintenance purposes.

Listed Building Consent for the works to the Hall was granted concurrently (ref.99/01759/LBC).

SUMMARY OF REPRESENTATIONS

The application has been advertised as a Major Development and individual letters of notification about the application were sent to 64 neighbours and other interested parties. Individual letters were also sent about the reduced scheme.

A total of 21 objections were received as a result of the first consultation. These are summarised below:

6 letters of objection from local residents (2 of which are from the same household):

- Abbeydale Hall already overdeveloped with flats and parking – overspill to already crowded Abbeydale Road and Sports Centre
- Size, scope and local impact of this proposal are at huge variance with the original proposal – no of dwellings more than doubled and number of blocks increased by two thirds – completely new design that needs completely new review process

- Trees subject to Preservation Orders will be badly damaged or have to be removed
- Wholesale destruction of large habitat currently home to many species including pipistrelle bats and owls – contrary to Policy CS74.. Has a recent bat survey been carried out?
- Massive overdevelopment with respect to tree cover – contrary to Policy H14
- Will be highly visible for large part of year due to tree losses and remaining trees being largely deciduous – 3 storey blocks wholly inappropriate – contrary to CS31
- Elevation plans grossly misleading – show trees that don't exist
- Concerned about impact on wildlife, particularly badgers. Ecological Survey (Oct 2011) found no badgers but badgers have been seen in gardens in Abbeydale Park Crescent and are likely to have come from Abbeydale Hall – additional survey should be carried out
- Destruction of flora and fauna – site previously a valuable education resource
- Site zoned as Open Space in SDF – development contrary to Policy POS1
- Site is 'Site of Importance to Nature Conservation' – development contrary to Policy PGE4
- Loss of trees contrary to Policy PGE4
- Unacceptable increase in traffic congestion very close to very busy Sports Club where congestion already occurs regularly
- Applicant's references to fly tipping by neighbours incorrect – tipping is in connection with applicant's business and tenants of existing Abbeydale Hall flats
- Applicants workmen removed stones and drained pond which has caused silting up and loss of wildlife at time of original development

9 letters of objection from interested individuals, some of which have previously been involved in the landscape management of the application site:

- Attractive wildlife area and pond created on the site when owned by City Council and used as further education college
- Damage to protected species, mature and specimen trees, former award-winning wildlife garden and scheduled Community Wildlife Area; and to associated archaeology relating to grounds of 17th Century hall. Lack of surveys or impact assessment and no mitigation strategy – a significantly damaging proposal for an already badly neglected site
- Site designated as Local Wildlife Site in recognition of important biodiversity features – application incorrectly states that there are no important habitats or biodiversity features
- Development seems to cover most of the site leaving little of original important biodiversity areas
- Difficult to imagine how so much development can be crammed into such a small and sensitive site without destroying its character and wildlife value
- Application description of 'last use of site' is misleading

Dore Village Society object:

- proposal constitutes considerable intensification of built development compared to development allowed at appeal (6 units)
- does not protect and enhance area character or retain attractive and distinctive neighbourhood – natural setting of trees and garden will be greatly diminished by extent of tree loss/pruning (policy CS31)
- intensification will damage natural and landscape character and reduce sustainable natural conservation of the site (policy CS74)
- overdevelopment in context of existing tree cover, landscape and wildlife character and likely to be noise and privacy issues for occupiers related to proximity of Abbeydale Sports Club (policy H14)
- development for a modest number of dwellings could open the site for public access and their enjoyment of the landscape and wildlife conservation but appropriate balance is not met in this proposal

Abbeydale Sports Club object:

- site is designated as Open Space Area in UDP and covered by Open Space policies POS1 and POS2; and the pond is designated as an Other Local Nature Site. Also covered by Playing Field policy POS3
- will disturb major playing field areas around the site and cause damage and drainage issues from the playing fields which is home to over 1000 children's sporting activities, including rugby and cricket
- further significant addition to local traffic problems on Abbeydale Road South and at entrance/exit to Sports Club

Abbeydale Rackets and Fitness Club object:

- object to proposed turning head sited close to south-west corner of Club building – appears to have no purpose other than to provide access into other backlands abutting Club premises. Would give tacit approval to further development which would be overdevelopment – requests removal of hammerhead or relocated to opposite side of access road
- concerns about possible changes to ground levels which could expose Club building foundations or cause damp and damage to walls – requests assurances
- concerns about possible increase in surface water run-off and/or raising of water table and potential damage to Club building
- concerns about nature of tree planting – potential damage to Club building

Dore Conservation Group object:

- overdevelopment and detracts from character of site – contrary to Policies CS31 and H14
- loss of significant number of mature trees and detrimental to local wildlife – contrary to Policies H2 and GE11
- close proximity to Abbeydale Sports Club will result in significant amenity issues for future occupiers
- applicant has not completed Code for Sustainable Homes
- planners have not disclosed Council's 'Building for Life' assessment – fundamental to allow proper appreciation of merits of proposals

- planners have not disclosed City Ecologist's environmental screening opinion – fundamental to proper appreciation of impact on wildlife
- locality already overcrowded – further pressure on parking, traffic, educational, dental and medical services
- scheme at odds with National Planning Policy – planners should adopt powers awarded by Govt to prevent overdevelopment of neighbourhoods and garden grabbing over and above what was granted on appeal scheme

The editor of 'Dore to Door' magazine has written to confirm that his magazine has received many messages concerning this site – overdevelopment, destruction of natural habitat, increased traffic on already busy road, removal of mature trees and further strain on local amenities and services.

Cllr Colin Ross objects:

- proposal is for considerably more than the 6 units previously allowed on appeal and represents a gross overdevelopment
- greater density will impact on landscape and wildlife – previously a managed garden and pond – although overgrown the site still has great potential for wildlife and natural vegetation cover, both of which will be damaged and contrary to Policies H14 and CS74
- level of development would impact on character of area and not protect distinctive landscape (Policy CS31)

In response to re-notification about the reduced scheme, one representation has been received from a local resident, 4 have been received from interested individuals and the Dore Village Society has made further representation. The representations generally re-state the original objections.

Sheffield Wildlife Trust has made representation acknowledging that:

- the development is smaller than originally planned
- the applicant has undertaken ecological surveys, agreed to keep the most important pond(s) and trees and agreed to some ecological mitigation and management (including restoring the damaged pond and a management plan) – all these are improvements from the original application. Stresses how important all these measures are in the long as well as short-term and requests that the surveys and management are carried out by suitably qualified people and monitored by the Council

PLANNING ASSESSMENT

Policy

The site lies primarily in a Housing Area as defined in the adopted Unitary Development Plan (UDP). A small portion at the rear boundary is defined as Open Space as are the sports facilities surrounding the site. However, the extent of this Open Space designation is limited and very little weight was given to it in the appeal decision. Similarly, very little weight was given in the appeal decision to the Council's suggestion that the site should be treated as 'local open space'. The

Inspector felt that the site did not fall within any definition of formal or informal open space.

The recently published National Planning Policy Framework (NPPF) states that relevant policies in emerging plans may be given weight in planning decisions, although the level of weight to be attached to the policies depends on the stage of preparation, the extent to which there are unresolved objections to the relevant policies and consistency of the relevant policies to the NPPF. In the Sheffield Development Framework (SDF) Draft Proposals Map the entire site is defined as Open Space. However, in this instance, a formal objection to the designation of the site as Open Space in the Draft Proposals Map was submitted during the formal consultation process in 2010 and remains outstanding. Weight that can be attached to the proposed Open Space designation is therefore necessarily limited.

The site is covered by an 'Area' Tree Preservation Order (TPO) which is expected to be replaced by a 'Woodland' TPO as part of the review process covering all existing TPO's.

The site is recognized as a Community Wildlife Area (CWA) in the Sheffield Nature Conservation Strategy (1991). The appeal decision dictates that very little weight can be given to this designation. In the SDF Draft Proposals Map, the site is defined as a Local Nature Site. Again, there is an outstanding objection to this proposed designation which means that little weight can be attached.

The following UDP policies are most relevant to the consideration of the application proposals:

- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE9 (Design for Vehicles)
- BE15 (Areas and Buildings of Special Architectural or Historic Interest)
- BE19 (Development Affecting Listed Buildings)
- BE21 (Historic Parks and Gardens)
- GE10 (Green Network)
- GE11 (Nature Conservation and Development)
- GE15 (Trees and Woodland)
- GE16 (Lakes, Ponds and Dams)
- H5 (Flats, Bed-sitters and Shared Housing)
- H7 (Mobility Housing)
- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)
- H16 (Open Space in New Housing Developments)

The following SDF Core Strategy policies are also relevant:

- CS22 (Scale of the Requirement for New Housing)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)

CS31 (Housing in the South-West Area)
CS41 (Creating Mixed Communities)
CS47 (Safeguarding of Open Space)
CS63 (Responses to Climate Change)
CS64 (Climate Changes, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS67 (Flood Risk Management)
CS74 (Design Principles)

Whilst several policies in the City Sites and Policies Consultation Draft (May 2010) are relevant, weight that can be given to them is restricted by objections raised during the consultation process. However, the following policies can be given significant weight as the objections raised do not affect aspects of the policies relevant to this proposal:

D2 (Open Space in New Housing Developments)
G3 (Trees, Woodland and the South Yorkshire Forest)
G4 (Water in the Landscape)

The adopted Supplementary Planning Guidance (SPG) 'Open Space in New Housing Development' is also relevant.

Principle of Development

The principle of residential development on the site has been established by virtue of the 2009 appeal decision.

The site lies within a Housing Area and the proposals represent a preferred land use in accordance with UDP Policy H10. The site lies within the main urban area which is a preferred location for new housing in accordance with Core Strategy Policy CS23. As the site has been deemed to be 'previously developed land', the proposals also comply with Core Strategy Policy CS24.

Density and Mix

Policy CS26 seeks to make efficient use of land and normally requires a density range of 30–50 units per hectare in the wider urban area. However, CS26 makes allowances for an alternative density range if necessary to protect the character of an area or to protect a sensitive area. Policy CS31 is designed to ensure that the character of sites in the south-west of the City is adequately safeguarded and that the scale of new development will be largely defined by what can be accommodated on sites such as this at an appropriate density.

The proposed development achieves a density of 20 dwellings per hectare. This is the result of the significant constraints to development of the site, in particular the need to protect the ponds and the majority of trees. These constraints must be given considerable weight when assessing the proposals in relation to the supply of new housing.

The latest update of the Sheffield Housing Land Availability Assessment (SHLAA) (March 2012) highlights the impact that the 'credit crunch' has had on housing delivery and overall supply. Many of the sites with planning permission that were deemed deliverable in the 2008 SHLAA are now unlikely to be achievable within the next five years or are being developed more slowly. Development at this density makes a modest contribution to the supply of 'deliverable' housing sites in accordance with Core Strategy Policy CS22.

Core Strategy Policy CS41 seeks to create mixed and balanced communities by encouraging development of housing to meet a range of housing needs. On larger sites, development is expected to include a variety of house types which will appeal to varying needs.

The development is restricted solely to two bedroom flats which, at face value, appears contrary to the policy. However, the development is relatively small scale (12 units) and the site constraints are not conducive to alternative forms of housing. In particular, the need to manage the landscape is a key consideration. The flats scheme will allow for effective management as all the external space will be communal. Other forms of housing would require individual gardens which would be potentially damaging to the landscape character. Although the remainder of the Abbeydale Hall complex provides similar accommodation to these proposals, the wider area of Dore and Totley is predominantly family housing.

Overall, the density and form of residential development is considered acceptable in accordance with Policies CS22, CS26, CS31 and CS41 and the secluded nature of the site and mix of house types throughout the wider area will ensure that the site specific concentration of flats is acceptable in accordance with Policy H5(a).

Conservation

The site lies within the curtilage of Abbeydale Hall which is a Grade II Listed Building. However, the site is effectively separated from the historic building by the new blocks of flats and it is accepted that the setting of the listed building is not materially affected. In these circumstances there is no conflict with UDP Policies BE15 and BE19.

Policy BE21 seeks to protect the character, setting and appearance of Historic Parks and Gardens. Whilst the site is not defined as a Historic Park or Garden, it is recognized in the UDP Policy Background Paper as having some merit, particular reference being made to the linked ponds and cascade. These features are still present although overgrown and partly silted up. In view of a previous appeal decision in respect of Miller Homes' proposals for the 'secret garden' at Crookes Road and Taptonville Road (refs 05/03130/FUL and 07/01379/CAC) and loss of features contained therein, it is considered that Policy BE21 (Historic Parks and Gardens) can reasonably be given considerable weight.

A landscape appraisal of the former garden has previously been carried out by an historic landscape consultant and was submitted in support of the 2006 application. The report notes the interest of the site, in particular the ponds and surrounding pond wall, cascades and a former footpath link between the site and the adjacent

rugby pitch. Of these features, the main pond and one of the two smaller ponds will be retained and enhanced and the pond wall will be restored. The two cascades are attractive but relatively minor features which have been sacrificed to accommodate the development. The former footpath link is barely legible and is not affected. However, the impact on the landscape and built features is considered to be more sympathetic overall than the indicative proposals for the smaller development granted on appeal.

Restoration of the remaining water features will be a significant benefit to the site and, on balance, the proposals are considered to comply with Policy BE21.

Sustainable Design and Layout

The siting of the buildings has developed through extensive negotiations and takes account of the need to retain the most important features of the site. The key features are the tree cover to the boundaries of the site. The mature perimeter planting is particularly important in maintaining the 'green' public views across the open expanse of the sports pitches from Water Lane and from the rugby pitches to the north-west. The design development has resulted in the reduction in the number of blocks from 4 to 3. The loss of one block has been compensated for by raising the height of two of the blocks by one storey so that all are 3 storeys high. The increased height is considered acceptable due to the ability of the perimeter planting to screen the buildings in public views. The buildings have been drawn to a more central position to ensure the root zones of the perimeter planting have adequate protection and to safeguard against the need for future removals to increase light to the flats.

The loss of one of the two smaller ponds, the small water cascades and a large Beech tree is the consequence of rearranging the layout. However, these features had a relatively low prospect of being accommodated permanently and satisfactorily within either the originally submitted layout or the indicative layout that was considered at appeal. Adequate tree cover is maintained across the site as a whole and the loss of the water features will be compensated for by the more sympathetic retention of the remaining smaller pond and the opportunity to significantly enhance the larger pond. The loss of the water features and the Beech tree will have no impact outside the site.

The proposed buildings are of contemporary timber frame system design with use of timber cladding, zinc panelling, render and aluminium framed glazing. Structural piles will form the foundations in order to minimise the impact on the landscape. A system of external walkways is proposed to give access to the upper floors and the buildings will have 'green' roofs. The elevational details require further submissions (schedule of materials, architectural modelling e.g. window reveals) to ensure a high quality finish. These details can be secured by conditions.

The relatively low rise scheme of contemporary design and lightweight materials is welcomed in accordance with Policies BE5(a)/(b), H14(a) and CS74. The design and layout is well co-ordinated having regard to the site constraints and will comply with Policy H15. The siting and orientation of the buildings ensures a degree of informality to the layout whilst maintaining adequate co-ordination.

The site is in a reasonably sustainable location with easy access to public transport and local shopping facilities within moderate walking distance. The development works with the landscape, notably providing opportunity for the discharge of surface water to the ponds. The 'green' roofs promote biodiversity whilst reducing surface water run-off. There is little scope for the use of renewable energy – wind turbines and solar panels would perform poorly in this wooded location. However, the building fabric will promote energy efficiency and Level 3 of the Code for Sustainable Homes can be achieved. A Building for Life Assessment has been undertaken and the scheme scores 15 from a possible total of 20 marks (A score of 14 or over is an indication of good design quality).

Overall, the scheme is considered sufficient to comply with Policies CS63, CS64, CS65 and CS67 and the sustainability measures can be conditioned.

Mobility Housing

The proposals are constrained by the need to work satisfactorily with the natural environment. However, it is possible to provide reasonably accessible housing albeit short of meeting the full mobility housing requirements. The shortfall relates to the routes to the buildings from the main driveway and parking spaces. Some reconfiguration of the internal layout of the ground floor flats may be required.

Overall, the proposals are capable of ensuring that there is no material conflict with Policy H7.

Residential and Public Amenity

The proposals can provide good quality living conditions and provide adequate amenity for residents in accordance with Policies H14(c) and (d). This is dependent on ensuring adequate buffers to ground floor bedroom windows where they front onto communal space. This can be achieved in the landscape layout which can be conditioned.

No other properties are affected.

Consideration has been given to public access to the site and the submitted Design and Access Statement makes reference to such provision. However, access to the site is through the main Abbeydale Hall development which has gated access. Pedestrian access is possible at the discretion of the land owner but the existing development does not visibly promote such access. Access has been maintained in accordance with the original flats permission in 1999. Such access was intended to allow maintenance of the application site but it is clear that this has long since ceased and there is no evidence of any public use of the access route. It seems that there has been limited access gained over third party land at the adjoining Abbeydale Sports Club. This is outside the applicant's control but could have been stopped by the provision of appropriate boundary treatment.

In the absence of any evidence of existing legitimate use of the site, it is clear that there is no obvious demand for public access to this relatively remote and secluded

site. Public access can only be gained over private land which is unusual. On balance, it is considered that permitting the site to be restricted to private use will permit more effective management and enjoyment of the communal areas; and provide a more secure environment for occupiers of the existing and proposed flats at Abbeydale Hall.

Landscape and Ecology

UDP Policies GE10, GE11, GE15, GE16 and BE6 seek to protect and enhance various features of the landscape and green environment, including mature trees, ponds and wildlife habitats. Draft City Policies G3 and G4 have similar objectives and Core Strategy Policy CS63 incorporates these principles as part of the wider strategy for a sustainable environment.

The site is badly neglected with little prospect of effective management in the foreseeable future. In particular, the large pond is badly silted up, to the point that the water level is not visible. A Habitat Survey (HS) was submitted with the application. The HS did not find any evidence of any protected species and the City Ecologist is satisfied with the methodology, findings and recommendations of the report. The HS recommends a further bat survey prior to commencement of development and this can be conditioned. The ecological interest has also been assessed as part of the proposals for inclusion as a Local Nature Site in the SDF. The assessment considers the potential of the site for biodiversity and the Ecologist is satisfied that the proposals are capable of maintaining these interests through the retention of the majority of tree cover and the restoration of the larger pond.

The appeal decision attached significant weight to the enhancements that could be achieved on the back of some form of development of the site.

The majority of tree cover is maintained in the revised layout and the large pond will be restored. Culverting of watercourses (the smaller pond and the cascades) is normally resisted in accordance with Policy GE16. However, the opportunity to restore the larger pond will promote biodiversity and create new habitats and, on balance, is considered to outweigh the culverting considerations. The proposals include the provision of bat boxes which will mitigate in the event that bats use the site.

In the 2006 application, concerns were raised about the impact on trees both during and post construction. The impact of the construction of the access drive serving the proposed development and the pressure on root systems and canopy of the perimeter trees were particular concerns. The appeal decision on that application considered that the site would be likely to be laid out as shown on the submitted indicative layout and that the natural environment could be adequately accommodated. These views must be given significant weight in considering the current proposals.

The proposed access drive is in the same location as the appeal application but does not extend as far towards the rear boundary as previously. This allows for existing planting at the rear boundary to be afforded a more realistic prospect of

survival than previously and also provided scope for additional planting. The removal of the centrally located beech tree has allowed the driveway to be realigned to give more protection to the trees belt to the south-west of the proposed driveway. The arrangement also better accommodates turning for vehicles, including a fire appliance. The additional car parking resulting from the increased number of flats is accommodated within the realignment and through creation of 4 spaces to the side of the drive immediately upon entering the site. The removal of one small pond and the beech tree frees the central area quite considerably and allows an acceptable form of development which is pulled away from the important perimeter planting.

A Construction Layout has been submitted and demonstrates that construction activity can be adequately accommodated. The layout includes exclusion zones, identifies the site set up area and indicates forms of construction including sub base construction details. As in the previous application, the smaller pond may need to be temporarily bridged to allow construction access. This is indicated in the construction layout. A supporting method statement can be conditioned and the pond will be expected to be reinstated.

Overall, the detailed plans indicate that the most important landscape features and ecology interests can be retained. The proposals provide an opportunity to ensure that the natural environment is actively managed in the future. A management plan can be conditioned. In these circumstances the proposals comply with adopted Policies GE10, GE11, GE15, GE16, BE6 and CS63; and draft policies G3 and G4.

Open Space

UDP Policy LR7 was considered relevant in the determination of the 2006 application. LR7 defined formal and informal recreation space for the purpose of developing recreation space for non-recreational uses. This policy has been superseded by Core Strategy Policy CS47 (Safeguarding of Open Space) which provides explicit definitions of recreation space. The relevant definitions are:

Open Space:

- a wide range of public and private areas that are predominantly open in character and provides, or have the potential to provide direct or indirect environmental, social and/or economic benefits to communities. For the purpose of assessment, this includes ancillary buildings that contribute to the use of an area as open space;

Informal Open Space:

- parks - including urban parks, country parks and formal gardens (these may also consist of elements of formal provision);
- natural and semi-natural urban open spaces – including accessible natural green space, woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas;
- river and canal banks, cycleways, and rights of way;

- small green or landscaped areas (public or private) which provide a setting for built development and which may offer opportunities for informal recreation close to home or work;
- allotments, community gardens, and city (urban) farms;
- churchyards, cemeteries and gardens of rest (associated with crematoria);
- accessible countryside in urban fringe and rural areas – including woodlands, agricultural land with public rights of way and publicly accessible areas with a right to roam;
- civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians

Policy CS47 was considered by the appeal Inspector as the Core Strategy was adopted between refusal of the 2006 application and consideration of the appeal. The Inspector concluded that the site did not fall within the CS47 definition of either formal or informal open space and consequently there would be no loss of open space. In these circumstances, it has to be deemed inappropriate to apply the provisions of CS47 which seek to protect existing open space in certain circumstances. The Inspector also noted that the proposals would legitimise public access to the site but this appears to have been a neutral consideration as he concluded there was no net loss of open space.

A commuted sum of £5,314.80 is required for the provision/enhancement of recreation space in the locality in accordance with UDP Policy H16, draft Policy D2 and the SPG ‘Open Space in New Housing Development.’
A unilateral obligation is in the process of prepared to secure this requirement.

Highway Issues

Access is proposed to be taken through the grounds of Abbeydale Hall past the existing blocks of apartments. 15 car parking spaces are proposed, including 3 spaces suitable for disabled parking and 3 visitor spaces. This allows for 1 space per unit (plus visitors) and is at the lower end of the Council’s current Car Parking Guidelines. However, the site is reasonably accessible and, due to the distance from the site to the public highway network (approx 160m), it is highly unlikely that there will be any demand for on-street parking. There is scope for cycle parking within the layout. Details can be conditioned.

Satisfactory access for emergency services is provided.

Pedestrian access is provided by a boardwalk adjacent the driveway. The driveway has good visibility and is suitable for shared use as an alternative.

Overall, provision for vehicles and pedestrian movement satisfactorily complies with Policies BE9, H5(c), H14(d), H15 and CS53.

SUMMARY AND RECOMMENDATION

The 2009 appeal decision relating to application 06/04408/OUT establishes the principle of residential development on this site and also establishes that the site

should be regarded as previously developed (brownfield) land and does not fall within the definition of formal or informal recreation space.

Although more intense than the appeal proposals, the proposed development remains at a relatively low density that is appropriate in the context of the constraints of the site and local character. Despite the increased number of units (12), the scheme is considered to be more sympathetic to the overall landscape and ecology interests as it satisfactorily accommodates the important mature planting visible in views across the adjacent sports pitches. Although architectural modelling is limited in the details submitted, the layout and general appearance is acceptable. Further details can be conditioned to ensure that a high quality scheme that is attractive and energy efficient is ultimately delivered. A number of sustainable measures are already indicated, including a sustainable surface water drainage system, green roofs and provision for wildlife.

The loss of one of the two smaller ponds and a number of trees within the site will have no impact in public views and will not adversely affect ecological interests. A satisfactory construction layout proposal has been submitted. The loss of the small pond and integral trees will be satisfactorily mitigated by the restoration of the main pond and the active management of the remaining woodland. Restoration proposals and a long term management plan can be conditioned and, overall, the proposals do not undermine the purpose of the historic 'Area' Tree Preservation Order which generally seeks to maintain adequate tree cover across the site.

With appropriate conditions, living conditions will be satisfactory for future occupants and the site will provide adequate communal external amenity space, including access around the main pond area. Amendments to the site layout have been negotiated to ensure adequate natural light and space around the buildings.

Car parking and service provision is adequate and provision can be made for cycle parking. As the site is some 160m from the public highway, there is not expected to be any pressure for on-street parking.

A commuted sum of £5,314.80 is required for the provision/enhancement of recreation space in the locality in accordance with relevant policies and adopted guidance. A legal agreement is expected to be in place prior to the Committee meeting.

Overall, the proposals reflect the principles established in the previous appeal decision and comply with relevant planning policies and guidance quoted in the body of this report. There is a degree of conflict with Policy GE16 which seeks to resist the culverting of water courses. However, the wider benefits of restoring and actively managing the badly neglected large pond within the site are considered to outweigh this consideration in this instance.

It is recommended that planning permission is granted subject to conditions and the completion of a legal obligation to secure provision for recreation space in accordance with UDP Policy H16.

HEADS OF TERMS FOR PLANNING OBLIGATION

The owner shall, on or before the commencement of development, pay to the Council, the sum of £5,314.80 to be used towards the provision or enhancement of Open Space within the vicinity of the site.

In the event of a satisfactory S106 Planning Obligation, covering the Heads of Terms set out in the preceding paragraph, not being concluded by 28 August 2012, it is recommended that the application be refused for failure to make provision in this regard.

Case Number 12/01352/FUL (Formerly PP-01964952)

Application Type Full Planning Application

Proposal Alterations to retail unit, including the change of use from office to retail to part of the first floor

Location Williamson Hardware
222 Fulwood Road
Sheffield
S10 3BB

Date Received 11/05/2012

Team SOUTH

Applicant/Agent Seven Architecture

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 numbered 002, 020, 021, 025, 026

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 Before construction works commence full details of the proposed materials shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.
- 4 Before construction works commence full details of the proposed plant equipment shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 5 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.

- 6 Before the retail space at first floor level is occupied, the proposed obscure windows at first floor level shall be installed and thereafter retained. No advertisements, graphics or window displays shall be presented.

In the interests of the amenities of the locality owing to the design and external appearance of the 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:

BE5 - Building Design and Siting
BE16 - Development in Conservation Areas
S7 - Development in District and Local Shopping Centres
S10 - Conditions on Development in Shopping Areas
CS34 - District Centres
CS74 - Design Principles

This proposal is considered to be acceptable in terms of its scale, built form and detailing. The proposal is therefore considered to fully comply with UDP policies BE5, BE16, S7, S10 and Core Strategy policies CS43 and CS74.

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 or by calling the planning officer, contact details are at the top of this notice.

Site Location



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LOCATION AND PROPOSAL

The application relates to a retail unit that is set within a large brick built 1960-70's styled arcade of shops. The building is set on Fulwood Road and is centrally located within the Broomhill area.

The property is sited within a District Shopping Centre and a Conservation Area as defined in the Unitary Development Plan. The surrounding area comprises of a mixture of commercial properties and residential uses. The south side of Fulwood Road is outlined by rows of terraced properties which mostly accommodate retail units at ground floor level and residential units above. The north side of Fulwood Road, however, is mostly occupied by the large brick built shopping arcade that this application relates to.

The building plays host to a variety of small and medium sized shops and commercial uses at both ground and first floor level. The building is constructed from mostly brickwork, although there are elements of cladding. The building has a flat roof and is significantly different to the buildings within the surrounding area.

The shopping arcade rises up from north to south. It is sited slightly back from Fulwood Road and there is a small area of car parking between the shop fronts and the main road. To the rear of the site there is large area of hardstanding which accommodates a turning area for large delivery vehicles. The building also has a flat roof which also allows for further car parking above the entire building.

The application seeks permission to make some alterations to the unit, including a new shop front, and to change the use of part of the first floor level to an A1 retail use. It should be noted that the majority of the premises, both at ground floor and first floor levels, do not need planning consent to operate as an A1 retail use. The change of use is solely to the area on the first floor currently used as B1 office space. The plans show that there would be two new entrances incorporated at the front. The new shop front serves one large and one small retail units, two in total.

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with this application.

SUMMARY OF REPRESENTATIONS

There have been 138 letters of objection to the proposal and one letter of support. The material planning concerns that can be taken into consideration in the assessment of this application are:

- The proposal will increase traffic and will not be sustainable. The proposal would increase the size of the retail unit to one that would generate trolley-scale rather than basket-size trade. The implication of this would be more vehicular traffic;
- The proposal will not be economically sustainable and the proposal would prejudice the viability of the shopping district by reducing the variety and scale of retail units;

The above issues are discussed in the following report.

The majority of the objections assume that Sainsbury's will be operating within the premises. The objections seek to support the current local business and prevent any larger company from moving into the area. The application does not mention the use of the premises by Sainsbury's; moreover, the use by such a company is not material to the assessment of this planning application. The application seeks permission to provide a shop frontage that provides access to two individual retail shops rather than one large retail unit. Many of the objections do not appear to have taken note of this.

In planning terms, it is irrelevant who the end occupier is, provided that the end use of the unit does not prejudice the fundamental purpose of the shopping centre as an area for A1 retail purposes.

The proposal relates to alterations to the unit and the use of the first floor as additional retail space.

PLANNING ASSESSMENT

Policy Issues

The application relates to a property that is situated within a Conservation Area and a District Shopping Centre. As such, the most relevant planning policies are therefore outlined in the Unitary Development Plan and the adopted Core Strategy. Although the National Planning Policy Framework has superseded all Planning Policy Statements it does not have any implications for the planning policies outlined below or their implementation.

The relevant UDP policies are:

S7 'Development in District and Local Shopping Centres';
S10 'Conditions on Development in Shopping Areas';
BE5 'Building Design and Siting';
BE16 'Development in Conservation Areas'.

The relevant Core Strategy policies are:

CS34 'District Centres';
CS74 'Design Principles'.

UDP policy S7 looks at development within District Shopping Centres. The policy states that A1 retail uses are the preferred uses within District shopping centres provided that the change of use can comply with the criterion stipulated within the other policies. The policy seeks to maximise A1 uses which cater for local needs and ensure that the shopping centres and districts remain viable. The building is currently used for A1 retail purposes at ground floor level and B1 office space above. The change of use from B1 office space to A1 retail is therefore fully in accordance with UDP policy S7.

Similarly, in the Core Strategy, policy CS34 seeks to encourage District Centres in fulfilling their role as retail areas. It states that A1 retail units would be best situated where they are readily accessible and within the centres of the identified districts. The subject property is located within the heart of the Broomhill District Shopping Centre and is on a busy bus route to and from the city centre. It is a sustainable location in terms of public transport and the further retail space would promote the vitality of the centre. Again, in this respect the proposal accords with policy CS34.

The principle of using the first floor for retail purposes is considered to comply with both the UDP and Core Strategy policies.

Design Issues

To facilitate the use of the first floor for retail purposes, the proposal would include some external alterations to the building. UDP policy BE5 seeks high quality designs which do not detract from the character of the original building or the surrounding area. This is further reiterated in Core Strategy policy CS74.

The subject building is set within a conservation area. The subject property is of a typical 60's/ 70's style; however, it is not a significant heritage asset. UDP policy BE16 seeks to preserve and enhance the conservation area and find design solutions which are of a high quality.

The subject building has a prominent frontage within the conservation area and is centrally located within Broomhill. The rear of the site, however, is fairly well screened from view.

The proposed alterations are mainly to the rear of the site, although small changes are to be made to the shop frontage. The shop frontage would incorporate two shop openings and the proposal would include materials to compliment the existing frontage and others within the arcade of shops. The proposal would gain an element of symmetry and it is considered that the proposed shop frontage would enhance the ground floor of the subject property.

The only changes at first floor level would be the replacement of the windows and the installation of obscure glass. The existing windows have signage on them advertising the previous office use. The changes would tidy up the appearance of the first floor and again, enhance the appearance of the building.

The proposal also includes small alterations to the rear. These would include the removal of a small tower which housed a staircase and the erection of a screen which would surround externally mounted plant equipment. The proposed siting and appearance of the screen and equipment should be conditioned to ensure that full details are provided; however the principle and size and siting of such equipment is considered to be acceptable.

The changes to the front of the building would enhance the character of the original building and improve the character and appearance of the surrounding conservation area. Moreover, the alterations to the rear of the property have been

sensitively sited and are not harmful to the character and appearance of the surrounding area or that of the original building. Accordingly, the proposal is therefore considered to be acceptable in terms of policies CS74, S10, BE5 and BE16.

Amenity Issues

The subject property is situated within a District Shopping Centre which is located on a main arterial route into Sheffield City Centre. There is a fairly high background noise level, and this has been demonstrated through other planning applications in the area. The nearest residential units are approximately 21 metres away and on the other side of the road.

The proposal does increase the size of retail space, however, the size is not considered to exacerbate issues regarding noise and general disturbance. The location of the unit and its small increase in size enables the proposal to fit in with the surrounding area and not negatively impact upon the amenities of the area. In this respect the proposal is considered to be acceptable in terms of UDP policy S10.

Highway Issues

The location of the property is very sustainable. The property is situated within a shopping centre which is very accessible by public transport. Moreover, the surrounding residential areas are well connected to the Shopping District and as such, there is a good pedestrian footfall.

The Broomhill area does have restricted on street car parking. However, there is car parking to the front of the row of shops and on the roof of the building; furthermore, there is also a public car park within approximately 300 metres of the site. Whilst the proposal does increase the amount of retail space, the increase in size is not considered to significantly increase traffic generation to an unacceptable level.

A representation has been raised stating that the proposal will become a medium sized retail unit that will prompt people to make more car journeys. There is no evidence of this in the application. The proposal seeks to create two retail units and as such, consumer behaviour is unlikely to change.

On balance, it is considered that the proposal is acceptable in highway terms. The proposal is not considered to promote the use of the car and is in a very sustainable location. The proposal's scale is considered to be appropriate to the central location of the building within the shopping centre and as such, in this respect the proposal is considered to be acceptable in terms of UDP policy S10.

SUMMARY AND RECOMMENDATION

The proposal seeks permission to change the B1 offices at first floor level to accommodate further retail space. The large unit is proposed to be split into two and use of the building is considered to be wholly appropriate to the siting of the

unit in a District Shopping Centre. The scale and nature of the use, subject to conditions, is deemed to be acceptable and not harmful to the amenities of the surrounding area.

The proposed alterations to the building, which are as a result of the proposed change of use, are considered to be sympathetic to the character and appearance of the original building and the surrounding area. The proposal would enhance the frontage of the building and, therefore, the surrounding conservation area.

This proposal is considered to be acceptable in terms of its scale, built form and detailing. The proposal is therefore considered to fully comply with UDP policies BE5, BE16, S7, S10 and Core Strategy policies CS43 and CS74.

Accordingly, Members are recommended to approve this application subject to conditions.

Case Number 12/01401/FUL (Formerly PP-01966428)

Application Type Full Planning Application

Proposal Development of land and buildings to provide 107 residential units, conversion of Eagle Works to form shop/restaurant (use class A1/A3) and creative arts space (use class B1), conversion of gateway building to provide shop/restaurant (use class A1/A3), erection of 5 storey building for use as energy centre with office spaces above (use class B1) and laying out of associated car parking, access roads and landscaping (Amended as per plans received on 21/7/2012, 23/7/2012, 24/7/2012 and 26/7/2012)

Location Site Of Former Green Lane Works
Green Lane
Shalesmoor
Sheffield
S3 8SE

Date Received 14/05/2012

Team CITY CENTRE AND EAST

Applicant/Agent Sturgeon North Architects

Recommendation Grant Conditionally 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:

2100 L(p) 001;
2100 L(p) 009;
2100 L(p) 010;
2100 L(p) 011;
2100 L(p) 012; and
2100 L(p) 013 all received on 14/5/2012

2100 L(p) 002c;
2100 L(p) 005a;

2100 L(p) 007a; and
2100 L(p) 008a all received on 21/7/2012

2100 L(p) 006a;and
2100 L(p) 014a received on 23/7/2012

2100 L(p) 004b received on 24/7/2012

2100 L(p) 003b received on 26/7/2012

And supplementary drawings:

2100 SI02 and 2100 SI03 received on 21/7/2012;

2100 SI01 and 2100 SI04 received on 24/7/2012; and

2100 SI05 received on 26/7/2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The development shall be built in phases in accordance with the Proposed Site Plan (Phasing) 2100L(p)014a received on 23/7/2012.

In order to define the permission.

- 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.

- 5 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before the relevant phase of the development commences:

Windows and window reveals
Doors and garage doors
Eaves and verges
External wall construction
Brickwork detailing
Balconies and balustrades
Roofs
Rainwater goods

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

In order to ensure an appropriate quality of development.

- 6 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of that part of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 7 Before any works to Eagle Works commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works unless otherwise authorised in writing by the Local Planning Authority.

In order to ensure the protection of the original fabric of the Listed Building.

- 8 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority confirming how:
 1. a minimum of 10% of the predicted energy needs of the completed development shall be obtained from decentralised and renewable or low carbon energy; and
 2. Code for Sustainable Homes Level 3 has been achieved, or a report demonstrating how the development will attain an equivalent standard.

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 each phase 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.

- 9 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
 - a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before each phase of the development is brought into use.

Highway improvements:

- A review of Traffic Regulation Orders in the vicinity of the development site that might be desirable as a consequence of development (waiting/loading restrictions) entailing advertising, making and implementing the Traffic Regulation Order subject to usual procedures (including provision and installation of regulatory traffic signs and road markings in accordance with traffic signs, Regulations and General Directions 2002).
- A review of tactile paving and lowered kerb locations in the vicinity of the development site (and provision of new facilities where necessary) to assist pedestrians crossing the road and to fit with new pedestrian desire lines created by the development.
- Any other accommodation works to traffic signs, road markings, lighting columns, and general street furniture necessary as a consequence of development.
- Footway resurfacing and kerbing works (including street lighting) along the Green Lane frontage to the site in accordance with the Urban Design Compendium.

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

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

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

- 11 The development shall not be occupied until full details of the proposed servicing arrangements for the commercial elements of the scheme, plus recycling/biomass and general waste collection for the scheme as a whole (including the hours of servicing) shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to. Any changes to the servicing arrangements shall have first been approved in writing by the Local Planning Authority.

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

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

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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).

- 13 No development shall commence until full details of the following have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- Construction method statement.
 - Site safety/hoardings.
 - Any temporary site access for construction traffic.
 - Location of site compound and temporary car parking arrangements for contractors.
 - Haulage routes.
 - Any times when construction works and movement of construction traffic will be restricted.

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

- 14 Notwithstanding the submitted plans, and within a time-frame to be agreed in writing by the Local Planning Authority, full details shall be submitted to and approved in writing by the Local Planning Authority of arrangements to secure a Zonal Walkway Agreement (or similar), including any necessary signage, enabling the uninterrupted use by the general public of pedestrian, cycle and vehicle routes within the red-line boundary of the application site. Thereafter, the areas identified on the plan contained within the agreement will be made permanently available for public use.

To ensure access is available at all times.

- 15 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.
- 16 The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.
- In the interests of highway safety and the amenities of the locality.
- 17 Prior to the occupation of each phase of the development, the car parking accommodation shall have been provided as indicated on the approved plans, with the parking surfaced, sealed, drained and formally marked out to the satisfaction of the Local Planning Authority and thereafter retained and maintained for the sole purpose intended.
- To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.
- 18 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.
- 19 Prior to the occupation of each phase of the development, car park illumination shall have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority.
- To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.
- 20 Notwithstanding the submitted plans, no development shall commence until full details of the permanent vehicular access arrangements to and from Green Lane have been submitted to and approved in writing by the Local Planning Authority. The required details include geometric standards, the width and margins of ramps, materials and specifications, any drainage implication, tactile paving, demarcation of highway boundary and the location and type of any vehicle barrier control mechanism. The access points shall be constructed in accordance with the approved details prior to occupation of each phase of the development.
- In the interests of highway safety and the amenities of the locality.
- 21 Notwithstanding the submitted plans, no development shall commence until full details of all external illumination within the site boundary have been

submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved details prior to the occupation of each phase of the development.

In the interests of the amenities of the locality, pedestrian and vehicle safety.

- 22 Prior to the first occupation of the development, full details of the management and allocation of the car parking spaces shall have been submitted to and approved in writing by the Local Planning Authority, and the approved arrangements shall thereafter be adhered to.

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

- 23 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.

- 24 No development shall commence until details of a scheme of sound attenuation works have been submitted to and approved by the Local Planning Authority. The residential accommodation shall not be occupied unless the approved scheme of sound attenuation works has been installed in full. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels;

Bedrooms: LAeq (15 min) 30 dB; L_{Amax} 45dB - (23:00 to 07:00),

Living Rooms: LAeq (15 min) 40 dB - (07:00 to 23:00),

External Amenity Areas: LAeq (16 hour) → 55 dB - (07:00 to 23:00).

- c) Include a system of alternative acoustically treated mechanical ventilation to all habitable rooms.

Once installed, the approved scheme of sound attenuation works shall thereafter be retained and maintained in accordance with the approved details.

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

- 25 Before the use of the development is commenced, a Validation Test of the sound attenuation works shall have been carried out and the results

submitted to and approved by the Local Planning Authority. Such Validation Test shall:

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

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

- 26 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.

- 27 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.

- 28 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.

- 29 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.

- 30 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.

- 31 No live music or amplified sound shall be played within buildings in commercial use unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
b) Be capable of restricting noise breakout from the building to the street to levels not exceeding:

(i) the ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq,

(ii) any octave band centre frequency by more than 3 dB when measured as a 15 minute linear Leq.

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

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

- 32 Units within the A1 and A3 use classes shall only be used for such purpose between 0800 hours and 2330 hours Monday to Saturday and between 0900 hours and 2200 hours on Sundays and Public Holidays.

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

- 33 Development of any commercial food uses hereby permitted shall not commence 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. 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.

- 34 Deliveries to buildings in commercial use shall only be carried out between 0700 hours to 2300 hours Monday to Saturday and between 0900 hours to 2300 hours on Sundays and Public Holidays.

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

- 35 Movement, sorting or removal of waste bottles, materials or other articles, and movement of skips or bins shall be carried on within the site of the development only between 0700 hours and 2300 hours on Mondays to Saturdays and between 0900 hours and 2200 hours on Sundays and Public Holidays.

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

- 36 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.

- 37 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 38 The proposed green roofs 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 the relevant phase of the development commencing on site. The green roofs 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.

- 39 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development unless otherwise authorised in writing by the Local Planning Authority.

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

- 40 Prior to each phases of the development commencing on site, details of bat boxes, including locations on trees and/or buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

In the interests of ecology.

- 41 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by I D Civils Design Ltd, Report Number 3682/FRA1, dated June 2012 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 49.85 m above Ordnance Datum (AOD) as stated on page 8, sub-section 8.8 of the submitted flood risk assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To reduce the risk of flooding to the proposed development and future occupants.

- 42 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 43 Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.

To ensure satisfactory drainage arrangements.

- 44 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to

the completion of the approved surface water drainage works and no building shall be occupied prior to the completion of the approved foul drainage works.

To ensure satisfactory drainage arrangements.

- 45 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

To reduce the risk of pollution to the water environment.

- 46 Before the ground floor commercial units are occupied, the uses of each unit shall be agreed in writing by the Local Planning Authority. A minimum of one unit shall be within the A1 retail use class.

In order to define the permission.

- 47 No development, including any demolition/alteration of the standing buildings, shall take place until the applicant, or their agent or successor in title, has secured the implementation of a Written Scheme of Investigation (WSI) for buildings 6-11, as set out in Wessex Archaeology's Historic Building Recording dated July 2012, including reporting of the recording work carried out in 2009, and the timetable for this work has been approved in writing by the Local Planning Authority. The necessary investigation shall include:

- additional recording of buildings 6-10;
- analysis of buildings 6-11;
- interim reporting of the results of the recording/analysis of buildings 6-11;
- allowance for publication of the results;
- allowance for deposition of the completed archive.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

Attention is drawn to the following 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:

MU9 - Kelham Mixed Use Area

MU11 - Conditions on Development in Mixed Use Area

BE5 - Building Design and Siting

BE16 - Development in Conservation Areas

BE19 - Development affecting Listed Buildings

CF5 - Community Benefits

H16 - Open Space in New Housing Developments

CS17 - City Centre Quarters

CS24 - Maximising the Use of Previously Developed Land for New Housing

CS26 - Efficient Use of Housing Land and Accessibility

CS40 - Affordable Housing

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS67 - Flood Risk Management

The proposed development comprises of an ambitious, mixed use, low carbon scheme which, it is considered, will make a positive contribution to the existing Kelham Island community. Furthermore, it is considered that the contemporary yet robust design of the new build elements of the scheme, along with the retention and re-use of Eagle Works and the historic boundary wall, will enhance the conservation area and setting of neighbouring listed buildings in a way which reflects their industrial heritage.

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 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. 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.

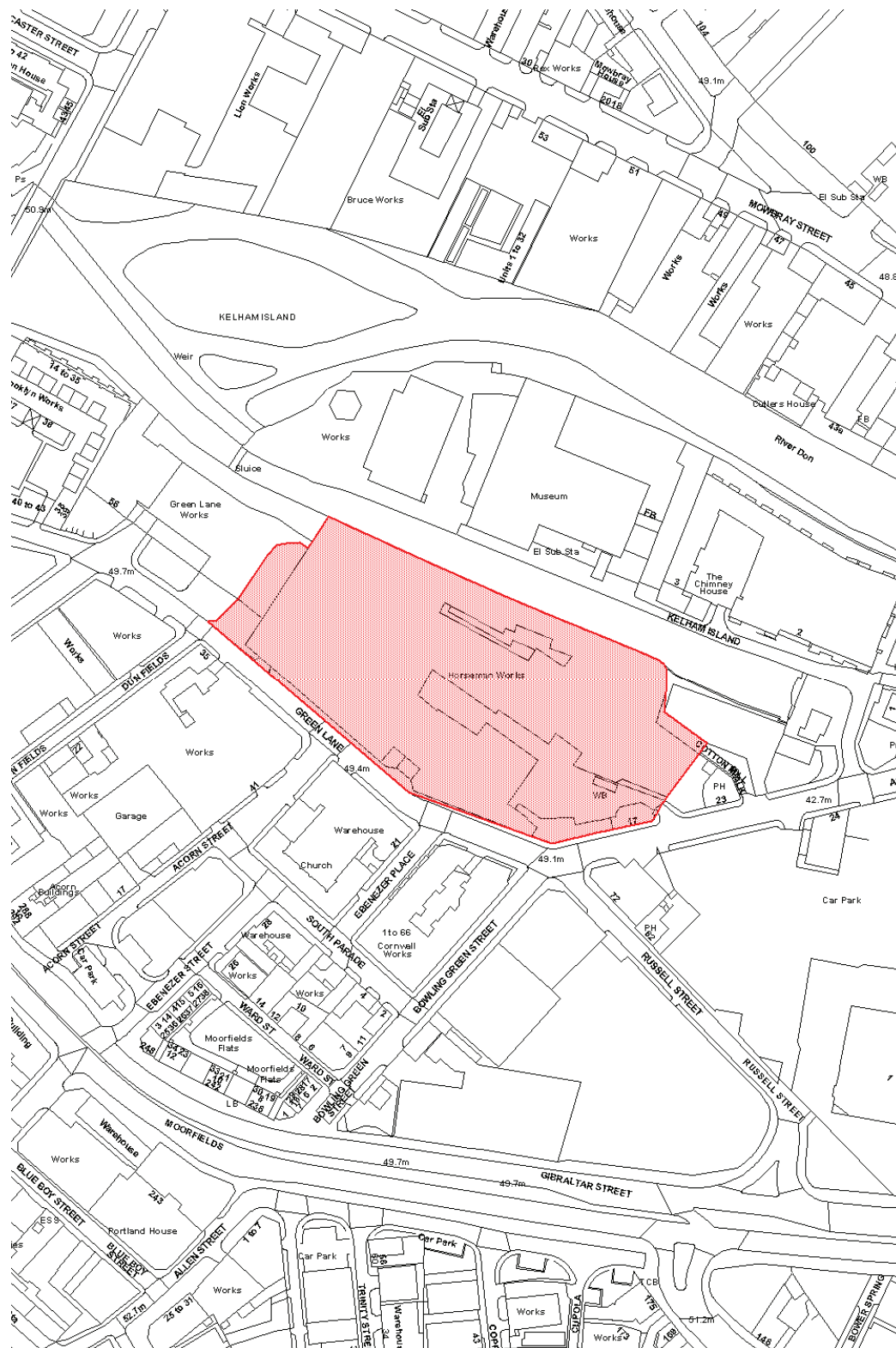
You should apply for a consent to: -

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

3. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
4. 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.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 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.
6. 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 site is located on the northern side of Green Lane and Alma Street, and to the south of the Kelham Goit, which separates the site from the Kelham Island Industrial Museum and the residential development known as Kelham Riverside. It lies at the centre of the Kelham Island Conservation Area.

To the west the site adjoins Green Lane Works and its grade II* listed entrance building circa 1795 which was rebuilt in 1860 by Henry Hoole. The three storey building, finished in ashlar, stucco and brick, boasts a tripartite triumphal arch, clock tower and bronze relief panels of Industry and Art.

The grade II listed public house known as the Fat Cat, and a small surface car park serving the Industrial Museum, bound the site to the east while the south side of Green Lane and Alma Street is largely occupied by vacant former industrial buildings plus the grade II listed stone built Ebenezer Chapel and a 3 to 5 storey residential development known as Cornish Works.

The site is currently vacant, having previously been occupied by MIBA Tyzack, a company who manufactured clutch components. The sheds and workshops that occupied most of the site have been demolished, leaving a one, three and four storey red brick building, known as Eagle Works, and adjoining wall with arched openings along the goit edge. A similar red brick wall – a remnant of the previously demolished industrial buildings – runs along the boundary to Green Lane, culminating in the two storey former entrance building at the eastern end of the site.

Planning permission is now sought for a highly sustainable mixed use development comprising of 107 one, two and three bedroom dwellings – a combination of houses and duplex apartments in a range of 4 house types – with 137 parking spaces, 1350 square metres of creative arts space on the upper floors of Eagle Works (use class B1) with a combination of A1/A3 and B1 uses at ground level, an Energy Centre with office accommodation over and a café/bakery.

It is expected that the development of Green Lane Works will form a subsequent phase of this development and may be the subject of a new planning application.

RELEVANT PLANNING HISTORY

04/02337/CAC In March 2005, conservation area consent was granted for the demolition of 20th century two storey factory units.

04/02017/FUL & 04/02016/LBC In June 2005, planning permission and listed building consent were granted for the demolition of 20th century two storey factory units, alterations to and conversion of retained 19th century listed buildings and the erection of two, three, four and five storey buildings to provide 310 one and two bedroom apartments with basement car parking.

09/00645/FUL In March 2009, planning permission was granted for the variation of conditions 2, 3, 4, 7, 13, 14, 16, 23, 27, 28, 30 and 32 of application

No. 04/02017/FUL to allow some enabling and demolition works to take place prior to the discharge of these pre-commencement conditions.

09/00658/LBC Listed building consent was granted in April 2009 for the variation of condition 2 of application no. 04/02016/LBC to allow some enabling and demolition works to take place before detailed pre-commencement conditions are approved.

09/00653/CAC Also in April 2009, conservation area consent was granted for the variation of condition 2 of application no. 04/02337/CAC to allow some enabling and demolition works to take place before a legally binding contract for redevelopment works is made.

09/01261/LBC An application to vary condition 2 of application no. 04/02016/LBC to allow phasing of the development into 5 separate phases was approved in June 2009.

09/01262/CAC Also in June 2009, the variation of condition 2 of application 04/02337/CAC to allow for phasing of development into 5 separate phases was granted.

09/01260/FUL In July 2009, an application to vary conditions 2,3,4,7,8,10, 11, 12, 13, 14, 15, 21, 23, 25, 27, 28, 29, 30, 31, and 32 of application no. 04/02017/FUL to allow the phasing of development into 5 separate phases was approved.

SUMMARY OF REPRESENTATIONS

Following extensive neighbour notification and the posting of site notices, two representations were received in relation to the proposed development.

The first, from Councillor Jillian Creasy, welcomed the mix of uses and range of dwellings proposed, as well as the formation of streets and open spaces, though she felt that the scheme would benefit from more green amenity space as opposed to the hard surfaces proposed. The sustainability features of the scheme were also supported.

One representation was received from an occupant of Brooklyn Works. They too welcome the development – the larger properties, off-street parking and commercial space – but felt that it was important to reflect the industrial heritage of the area in the design of the scheme and expressed some concern regarding the relationship of some dwellings with the public realm; in particular, the proximity of some bedroom accommodation to the street. They queried the treatment of the public square and the new openings within the boundary wall to Green Lane and felt that it was important to retain the stone curbs and cobbled entrances along Green Lane.

The scheme was presented to the Sheffield Sustainable Development and Design Panel on the 19th April 2012. They supported the approach to density and form;

mix tenure housing and the introduction of business units, which respond to the character of Kelham, but also offered something different within the area.

In a conventional scheme the Panel would have been concerned at the letability of some of the commercial space but was given confidence by the developer's track record in Leeds and their approach to active management.

Whilst the Panel supported the retention of the wall, which forms a strong contextual element to the townscape, it reflected that a key characteristic of the wall is its historic function as the gable end of the industrial buildings, providing enclosure as well as a sense of the activity beyond when viewed from the street. They were not convinced that the approach to retain the wall as a free standing structure responded to this characteristic, as the relationship between the wall and the activities behind it was broken.

The Panel considered that further work was necessary to resolve the nature of the public realm, as well as the way vehicle movement would be managed through the site and, whilst the introduction of car parking beneath the buildings was supported, the Panel were conscious of the need to ensure that this approach did not result in a large expanse of blank elevation facing onto the public spaces.

The Panel commended the range of energy systems being investigated, and the aspiration to explore how businesses on site and within the vicinity might create a micro generation hub and realise operational benefits with one another.

The Conservation Advisory Group considered the application at their meeting on 19 June 2012. They felt that, subject to both the use of materials and the design being to the satisfaction of the Head of Planning, there was no objection, in principle, to the development. They recommended the use of red brick rather than grey, and queried whether all of the proposed sustainability features would be feasible. The Group recommended that the developer be encouraged to improve the Green Lane Works concurrently with the new development.

PLANNING ASSESSMENT

Land Use

The application site is located within the Kelham Mixed Use Area as defined in the Unitary Development Plan (UDP), in which housing and business are preferred uses under policy MU9 (Kelham Mixed Use Area), which also describes small shops and food and drink outlets as acceptable.

Policy MU11 of the UDP (Conditions on Development in Mixed Use Areas) seeks to ensure that no single use becomes dominant in the area. However, policy CS17 of the Core Strategy (City Centre Quarters) favours residential development in Kelham. This aspiration is reflected in the draft City Policies and Sites document that proposes the site form part of a new Central Housing Area and now carries some weight following the adoption of the National Planning Policy Framework (NPPF).

The proposals meet the objective of policy CS24 of the Core Strategy (Maximising the Use of Previously development Land for Housing) as well as policy CS26 (Efficient Use of Housing Land and Accessibility) which requires a minimum

density of 70 dwellings per hectare in the city centre. The proposed development has a density of approximately 88 dwellings per hectare.

In general, the mix of proposed uses is considered to accord with the relevant policies in the UDP, the Core Strategy and the emerging City Policies and Sites document.

Design and Amenity

Policy BE5 of the UDP (Building Design and Siting) states that original architecture will be encouraged, but that new development should complement the scale, form and architectural style of surrounding buildings.

Policy BE16 (Development in Conservation Areas) requires new development to preserve or enhance the character or appearance of the conservation area. Similarly, Policy BE19 (Development Affecting Listed Buildings) states that proposals affecting the setting of a listed building should preserve the character and appearance of the building and its setting.

The proposed development of 107 dwellings, creative arts space, an energy centre, office accommodation, cafes and a bakery is a very modern intervention in an area characterised by traditional, industrial architecture, yet the scheme seeks to repair and enhance the conservation area in a way which reflects its industrial heritage, while introducing a range of properties and uses that will enhance the existing Kelham Island community.

Within the retained red brick boundary walls to Green Lane and the goit, new buildings are arranged along a strong east west axis and a series of north south streets which reflect the historic street pattern and offer views into and through the site. The site is designed to be highly permeable, with the Upper Don Walk crossing the site. Commercial uses are located deep within the plan – at Eagle Works and the ground floor of the Wedge – to encourage people in and through the development and the applicant has agreed to provide a landing platform on the southern side of the goit to accommodate a possible future pedestrian footbridge (by others).

The new residential accommodation aims to widen the housing on offer in Kelham, in particular by providing family homes with their own front doors and gardens. There will be a range of four house types on offer including:

Garden Houses

The three and four storey Garden Houses have first floor gardens to the rear and distinctive saw tooth style roofs characteristic of some industrial buildings of the past. They are largely clad in a black brick with white render to the rear elevations in order to lighten the garden areas.

Wedge Houses

The Wedge Houses are a series of one, two and three bedroom dwellings in a concrete clad wedge shaped building. Ranging from one to four storeys in height, it has a dramatic green sloping roof.

Entrance Houses

The brick built Entrance Houses adjacent the eastern site entrance are a combination of south facing, one bedroom, two storey, flat roofed houses with balconies and three bedroom, two storey, dual aspect, pitched roof houses with large terraces.

Goit Houses

The Goit Houses are duplex style dual aspect properties in a four storey brick built range along the goit edge.

All properties benefit from generous window openings, a garden, terrace or balcony. Many have integral garages while others can access spaces within the communal parking areas below the decks to the rear of the Gardens Houses.

The prevalent use of brick, albeit in a contemporary colour palette, is designed to reflect the industrial character of the area, however both the Wedge, in the centre of the site, and the Energy Centre, adjacent Green Lane, are seen as opportunities to introduce more contemporary materials into the scheme. In particular, the five storey Energy Centre uses a combination of stone filled gabions and black cladding to highlight the site's main entrance.

Between buildings, a series of public spaces, designed to encourage social interaction among residents as well as visitors, are proposed. These areas have evolved into intentionally simple spaces, where street clutter is minimised – to a few well placed trees and reclaimed timber planters/seats – and the proposed hard surfaces reflect the industrial character of the area. The applicant proposes the use of a trafficable compacted gravel and a gravel bound wearing course across the site, with reclaimed stone used at street junctions and to define vehicle routes. Cars will have access across the site, however the scheme is designed to be dominated by pedestrians.

Policy MU11(b) of the UDP seeks to ensure that the living conditions in Mixed Use Areas are acceptable. The proposed scheme comprises of high density urban housing where suburban levels of separation can not be expected, yet privacy distances are considered to be comfortable with a minimum of 9 metres between dwellings across streets, and 18 metres between the rear elevations of the Garden Houses. Many properties have entrances and garages at ground level while many other have raised ground level accommodation to safeguard the privacy of occupants.

The site is largely affected by noise from traffic with some noise from local industrial and commercial sources. However, it is accepted that good internal noise levels can be achieved through a scheme of sound attenuations works (reserved by condition).

Sustainability

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new developments of 5 dwellings or more should achieve Code for Sustainable Homes Level 3, or equivalent.

The design of the proposed development adopts a 'fabric first' approach. The orientation of dwellings and use of large openings optimises passive solar gain and construction materials have been selected according to their thermal performance, air tightness and energy efficiency.

Rainwater harvesting systems will be incorporated into all new buildings, along with water and energy efficient appliances, and recycling stations are provided across the site.

Policy CS 65 (Renewable Energy and Carbon Reduction) requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

It is envisaged that the proposed Energy Centre will house the plant associated with providing the sites required thermal energy. This would supply an on site district heating network comprising of flow and return pipework and a heat exchanger integral to each property. The applicant is currently reviewing 2 options for meeting the thermal load: on site biomass district heating or on site gas district heating and connection into a future low carbon local heat network. Both options would enable the scheme to generate its own thermal energy on site, however the applicant feels that there would be substantial benefits and energy savings in exploring the longer term strategy and designing their scheme to connect into a wider network at a future date.

The electrical load for the site will be partly met through the installation of photovoltaic (PV) panels on to the roofs of the Garden Houses, the Goit Houses and Eagle Works using a mounted panel system. The roofs of the Garden Houses have been sized and orientated to maximise solar gain.

A scheme by Sheffield Renewables - to reinstate a water wheel in the goit to the north of the site - received planning approval earlier this year. The applicant is considering developing the scheme in order to generate their own hydro-electricity or purchasing the electricity generated from the scheme if developed by others.

From the evidence submitted, it is considered that the proposals will comply with the requirements of policies CS 64 and CS65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large scale developments. A green roof is proposed on 80% of the Wedge building and the Garden Houses will benefit from first floor gardens. Given other design

considerations, these proposals are considered to satisfy the requirements of Guideline CC1.

Highways

The 107 dwellings proposed are served by 137 parking spaces, 43 of which are integral to residential units while the others are provided in communal parking areas (largely below the deck to the Garden Houses). This level of parking is considered to be acceptable. However, to ensure that future residents take up the on-site parking provision, they will not be eligible for permits as part of any future local authority permit scheme.

The proposed vehicular and pedestrian routes through the site will not be adopted. However, it is envisaged that the applicant will enter into a Walkway Agreement to protect the right of the public to access the site. This is reserved by condition.

Flood Risk

The application site falls within medium risk flood zone 2. Policy CS67 of the Core Strategy (Flood Risk Management) allows housing in areas with a medium probability of flooding.

A Sequential Test must be undertaken for all proposed developments in Flood Zones 2 and 3. The sequential test for this site is considered to be satisfactory, demonstrating that there are no other reasonably available sites in lower probability flood zones.

The Environment Agency has been consulted, but raised no objection provided a number of measures are taken to reduce the risk of flooding. These include a minimum finished floor level of 49.85 m above Ordnance Datum and the submission of a scheme to improve the existing surface water disposal system. The applicant is considering incorporating an over ground channel system to discharge surface water into the goit at an appropriate rate.

Archaeology

We know, from the desk based assessment carried out as part of the extant planning consent submission, that the application site has a history of mixed industrial and residential use that is likely to have left archaeological evidence. Indeed, excavation of the site of the former wing to Green Lane Works suggests that preservation could be good. However, the foundation design of the proposed development has been developed to build off the existing concrete slab and so new ground disturbance will be localised and very limited. It is therefore considered that evaluation of the site, in the form of trial trenching, is not required as any archaeological deposits will remain protected by the slab. The applicant has agreed, however, to complete the programme of historic building recording begun in 2009 relating to Eagle Works.

Ecology

The site at Green Lane Works has been the subject of bat survey work by environmental consultants ECUS in 2004, 2007, 2009 and 2011. No evidence of roosting bats was found in any of these surveys. However, the 2011 report recommended that a single additional bat activity survey be undertaken between late May and June 2012 prior to any re-development.

ECUS were commissioned to undertake a dawn return survey on 19th June 2012. The pattern of bat foraging and commuting activity was as recorded in the 2011 survey – bats are attracted to the site due to its proximity to the goit which provides a good foraging resource – however only common pipistrelles were recorded and it was felt that the absence of Daubenton's bats (typically recorded near watercourses) may be due to lighting levels from the street and nearby apartments. No evidence of bat roosting activity was recorded and no further survey work was recommended. It was recommended, however, that any new lighting adjacent the goit be kept to a minimum and that bat boxes be erected on site, either on trees or on the south facing walls of buildings.

Affordable Housing

Policy CS40 of the Core Strategy (Affordable Housing) states that, in all parts of the city, developers of new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. It proposes a target of 30 - 40% affordable housing on sites of more than 15 units. However, the developer felt that they were unlikely to be able to provide any affordable housing for reasons of economic viability. They therefore entered into a process of appraisal by the District Valuers Office (DVO) who concluded that the scheme would make a profit equating to the target return of 15% and therefore no affordable housing could be delivered.

Mobility Housing

Policy H7 of the UDP (Mobility Housing) seeks to ensure that a proportion (usually 25%) of mobility housing will be encouraged as part of new developments except where the physical characteristics of a site or existing buildings make it difficult. In this case 13% of properties have been identified and this is considered the best that can be achieved on this challenging site.

Education

Policy CF5 of the UDP (Community Benefits) states that planning obligations will be sought where they would enhance development proposals, provided that they are necessary, relevant and directly related to the development.

It is recognised that new housing developments may create new demand on existing community facilities, including schools and, as a result of population growth, the catchment schools are already at capacity. There is also expected to be a shortfall in the supply of school places in the wider area. On this basis, the School Organisation Team considers that a claim is justifiable for Section 106 contributions against all dwellings in the development for both primary provision, at £2548 per dwelling, and secondary provision, at £2743 per dwelling.

There is, however, an extant consent for 310 one and two bedroom apartments on the application site with no related contribution toward education provision. It is also considered that the proposed one and two bed properties will generally appeal to couples and single households rather than families. Consequently, it is considered appropriate to omit the proposed one and two bed dwellings from the calculation of contributions towards education provision and, on this basis, the applicant has entered into a unilateral planning obligation and agreed to pay the Council the sum of £174,603.00, in a series of agreed phases.

Open Space Enhancement

Policy H16 of the UDP (Open Space in New Housing Developments) requires that the developer make a financial contribution towards the provision or enhancement of public open space within the vicinity of the application site. The applicant has entered into a unilateral planning obligation and agreed to pay the Council the sum of £55,702.50 in a series of agreed phases. This sum takes into account money already spent by the applicant of the extant 2005 planning consent on the adjoining goit. The monies will be distributed in consultation with the relevant Area Panel.

SUMMARY AND RECOMMENDATION

The proposed development comprises of an ambitious, mixed use, low carbon scheme which, it is considered, will make a positive contribution to the existing Kelham Island community. Furthermore, it is considered that the contemporary yet robust design of the new build elements of the scheme, along with the retention and re-use of Eagle Works and the historic boundary wall, will enhance the conservation area and setting of neighbouring listed buildings in a way which reflects their industrial heritage. The proposals are considered to comply with all relevant policies in the UDP and Core Strategy, and Members are therefore recommended to grant planning permission subject to the proposed conditions.

Case Number 12/01609/FUL (Formerly PP-02004802)

Application Type Full Planning Application

Proposal Change of use to hot food takeaway (Use class A5) and erection of an external flue

Location 44 High Street
Mosborough
Sheffield
S20 5AE

Date Received 31/05/2012

Team CITY CENTRE AND EAST

Applicant/Agent Mr Geoffrey Garfitt

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:

Elevations Plan (including extraction details) Ref: 2012-05-C dated 19 July 2012.

Floor Plans Ref: 2012/04A dated 31 July 2012.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The hot food takeaway shall be used for the above mentioned purpose only between 1100 hours and 2300 hours Monday to Friday, 1100 hours and 2330 hours on Saturdays and between 1100 hours and 2200 hours on Sundays.

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

- 4 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) Mondays to Saturdays and between 2300 hours and 0900 hours (on the following day) on Sundays and Public Holidays.

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

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

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

- 6 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 7 At all times commercial bins shall be stored to the rear of the property and shall at no time be stored on the adjoining highways unless otherwise agreed in writing with the Local Planning Authority.

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

- 8 The occupation of the first floor flat shall be limited to a person solely or mainly employed by the ground floor hot food takeaway (A5) business or any resident dependants unless otherwise agreed in writing with the Local Planning Authority.

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

- 9 No live music or amplified sound shall be played within the building unless otherwise agreed in writing with the Local Planning Authority.

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

- 10 The flue extraction ducting hereby approved shall be painted black unless otherwise agreed in writing with the Local Planning Authority.

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:

S7 - Development in District and Local Shopping Centres

S10 - Conditions on Development in Shopping Areas

This application seeks permission to change the use of an empty retail (A1) shop to a hot food takeaway (A5) and install a fume extraction system.

Consideration of this application to change the use of a vacant retail (A1) shop into a hot food takeaway (A5) in isolation from the proposed change of use of No.48 High Street would result in the proposal not threatening the dominance of preferred retail uses within the Local Shopping Area. However when considering the application alongside the proposals for No.48 High Street, preferred uses would no longer remain dominant as required by Policy S10 (a).

However, in this case it is considered that the existing local shopping area is relatively vibrant comprising of a number of retail uses as well as a mix of other uses. Food and drink uses (A3/A4 and A5) are acceptable uses in principle in Local Shopping Areas in accordance with policy S7 of the UDP and is considered to be a location where you expect to find such a use. The proposal will make use of an existing vacant unit and is considered to contribute to the vitality of the shopping area and as such the proposed change of use is considered acceptable in this case.

The application site is accessible by public transport, there is considered to be ample on street parking and the site is also very accessible by foot from the local area.

The location, specification and design of the extraction system is considered acceptable and will not give rise to any unacceptable impacts on the visual amenity of the locality or the amenity of residents.

Hours of use will be restricted to ensure the unit does not give rise to any unacceptable late night noise and disturbance.

Adequate commercial bin storage is available to the rear of the property and a litter bin will be conditioned to be provided outside of the premises.

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 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 seeks permission to change the use of the ground floor of No.44 High Street from retail use (Use Class A1) into a hot food takeaway (Use Class A5). The applicant also proposes an externally mounted extraction flue located to the gable elevation of the property, which will terminate approximately 1 metre above the ridge of the roof.

The application site forms part of an established 'Local Shopping Area' as defined in the Sheffield Unitary Development Plan (UDP). As such the majority of the adjoining properties have ground floor commercial uses. The notable exceptions to this are the two units to the immediate south (40-42 High Street), which are entirely in residential use.

The opposite side of the street is a Housing Policy Area and there are a mix of houses and commercial uses on this side of the street. High Street is a main route through to Eckington and beyond.

The application building presents two storeys to High Street and is three storeys to the rear owing to a change in levels. The upper floors are in use as residential accommodation.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SUMMARY OF REPRESENTATIONS

There have been 65 letters of representation and a 70 signature petition in respect of this application including objections from Councillor Roslyn-Josephs, Councillor Bowler and Clive Betts MP, the issues are summarised as follows

- Insufficient car parking provision on High Street.
- Additional traffic will be detrimental to road safety.
- Proposal will create congestion.
- Odour and smell issues.
- Health hazard – spread of vermin in the area.
- Noise and disturbance from late night operation.
- There are more houses than business premises on High Street.
- There are already two takeaways on High Street.
- Litter will be spread throughout the vicinity.
- Antisocial behaviour associated with the takeaway.
- Proposal will attract people of the public houses in the vicinity.
- Late night operation will detrimentally affect the character of the area.
- Flue and cooking will give rise to air pollution.
- Area already well served by hot food establishments.
- Detrimentally affect the quality of resident's life.
- No public notices were posted.
- The proposal will create a precedent for future applications
- Proposal could lead to vandalism in the area.

- Flue would be an eye sore.

PLANNING ASSESSMENT

Land Use & Dominance

Policy S7 'Development in District and Local Shopping Centres', identifies retail (A1) as the preferred use of land within the policy area, however it also identifies food and drink uses inclusive of hot food takeaways (use class A5) as acceptable uses. As such the principle of the proposed use is considered acceptable subject to the requirements of other UDP policies.

Section (a) of Policy S10: Conditions on Development in Shopping Areas, states that proposals for changes of use should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the 'area'. The area referred to in this case being those properties located on the eastern side of High Street only (No.34 to No.66 High Street) and which fall within the Local Shopping Area as defined on the UDP proposals map. Appendix 1 within the UDP defines dominance as usually meaning that non-preferred uses do not occupy more than half of the area.

Following an assessment of uses within the Local Shopping area retail (A1) uses currently remain dominant comprising of 10 of the 17 available units in the shopping area. The application site was formerly used as a shop (A1) and the loss of this former retail unit would still result in retail (A1) uses remaining dominant in the policy area. However Members should be aware that an application for the change of use of No. 48 High Street (planning ref: 12/01763/FUL) from a retail shop (A1) to a hot food takeaway (A5) is also proposed. Should both applications be granted for change of use to hot food takeaways retail (A1) uses would no longer remain dominant in the shopping area with retail uses comprising of 8 of the 17 units in the centre.

The local centre itself is considered to be relatively vibrant comprising of a good mix of uses including a number of retail uses (A1), including a post office (A1), sandwich shop (A1), hairdressers (A1) and financial and professional services (A2), tanning and nail studio (sui generis), limited residential uses as well as other retail (A1) uses. The proposed use would fill a currently vacant shop unit and is considered to offer a service that is not currently available in the local centre and which is in principle an acceptable use in the policy area in accordance with policy S7 of the UDP. The proposal is considered to contribute positively to the vitality and range of available services in the local centre.

Retail uses (A1) would still comprise a large part of the shopping area, especially when discounting residential uses (No. 40 and 42) and specifically No. 34 High Street which is a detached dwelling located at the eastern end of the shopping area, which although technically defined as being within the allocated shopping area as defined on the UDP proposals map, it is detached set back from the road frontage and is not considered to form part of the terrace of properties which actually make up the shopping street.

When considered in isolation from the proposal to form a takeaway at No. 48 High Street the proposed change of use will not affect retail dominance in the centre. Should members grant permission for the change of use of No.48 into a hot food takeaway as well as the current application, the change of use applications are considered to have a very minor impact on overall retail dominance in the shopping area.

The proposed use is therefore considered to positively contribute to the mix of uses in the shopping area adding to the vitality of street and would not lead to a dominance of uses that would affect the overall shopping function and character of the area.

Design

Policy S10: Conditions on Development in Shopping Areas, (d) states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

The only external alterations are the erection of an extraction flue and new railings to the side access path, which leads to the rear garden.

The extraction flue will be set well back from the front elevation and will be largely screened from view by the existing properties. The applicant has also agreed to paint it black, which will reduce any prominence. It therefore causes no concerns from a design perspective.

The railings will be set slightly back from the front elevation and are of a traditional design. They give rise to no concerns and will ensure any possible security issues are negated.

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, Section (b) states that that new developments or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution & noise.

The design of the flue extraction system has been amended during the course of the application to address concerns raised by the Council's Environmental Protection Services. This has resulted in a majority of the extraction system, including the filtration and fan systems being accommodated with the envelope of the existing building

The flue terminates one metre above the ridge of the roof, and is also fitted with a jet cowl in order to ensure appropriate dispersal of cooking odours and fumes. The applicant has also agreed to improve the extraction filtration system to install a three stage odour neutraliser system which will eliminate a majority of odours before fumes are dispersed into the atmosphere via the extraction flue.

These measures will eliminate any undue potential for noise and odour from the operation of the extraction system.

Sound attenuation will need to be provided in the flat above the takeaway for the amenity of future residents; however the flat is to be occupied by a member of staff, which will be secured by planning condition, and, as such, the operation of the flue is not considered to detrimentally affect the amenity of future residents of this premise.

There is potential for customers using the premises to create some noise when entering and exiting the premises and customers arriving by car. However the application site is in a Local Shopping Area adjacent to a busy road where you would expect some evening time activity and traffic movement. There are also a number of other established evening time uses such as public houses in the area which generate their own activity.

It is acknowledged that there are residential properties in the vicinity the site, including the unit to the immediate south (40-42 High Street), which has a main bedroom window facing onto the gable of the application property. However, the relationship between the application site and established residential properties in the vicinity is not considered unusual or unique and is in fact a very common relationship in local and district shopping areas and many housing areas throughout the city.

The applicant proposes to operate between 11:00 and 23:00 hours Monday to Friday, between 11:00 and 23:30 hours on Saturdays and between 11:00 and 22:00 hours on Sundays. These limited hours of operation will minimise any possible late evening noise and disturbance and the hours of operation are considered appropriate in a Local Shopping Area, when there are other established late night uses including public houses in the vicinity.

The applicant has included new railings to the side of the property to ensure people cannot walk down the access path and linger.

The proposal is not considered to give rise to any unacceptable amenity issues and therefore is considered to comply with section (b) of policy S10.

Highways

Section (f) of Policy S10: Conditions on Development in Shopping Areas, states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The site is accessible by public transport and there is ample on street parking available on High Street and the immediate vicinity should customers arrive by car. The use is not considered to be a large trip generator in its own right, primarily serving the local area and properties in the vicinity.

Given the above, the proposal is considered to be in compliance with Policy S10 (f).

Bin Storage/litter

The property has a large rear yard area accessed from Stone Street which could accommodate any required commercial bin storage associated with the takeaway. A litter bin for customers will be conditioned to be provided outside of the shop when the premises are open in order to prevent the spread of litter in the locality.

RESPONSE TO REPRESENTATIONS

Issues with regard to litter on the street could be dealt with by the provision of a litter bin outside the premises secured by condition.

There is no evidence to suggest that the use will increase or give rise to antisocial behaviour or vandalism, which is a matter for the police.

Again there is no evidence to suggest that the use would increase vermin or attract rodents, if this issue did arise it could be dealt with by Environmental Health.

There is no requirement to post a public notice for this application however letters were sent to a wider area than would ordinarily be undertaken for this type of application at the request of residents and councillors.

In relation to concerns regarding the creation of similar uses, future applications will be considered on their individual merits.

All other issues raised are covered in the main body of the report

SUMMARY AND RECOMMENDATION

This application seeks permission to change the use of an empty retail (A1) shop to a hot food takeaway (A5) and install a fume extraction system.

Consideration of this application to change the use of a vacant retail (A1) shop into a hot food takeaway (A5) in isolation from the proposed change of use of No.48 High Street would result in the proposal not threatening the dominance of preferred retail uses within the Local Shopping Area. However when considering the application alongside the proposals for No.48 High Street, preferred uses would no longer remain dominant as required by Policy S10 (a).

However, in this case it is considered that the existing local shopping area is relatively vibrant comprising of a number of retail uses as well as a mix of other uses. Food and drink uses (A3/A4 and A5) are acceptable uses in principle in Local Shopping Areas in accordance with policy S7 of the UDP and is considered to be a location where you expect to find such a use. The proposal will make use of an existing vacant unit and is considered to contribute to the vitality of the shopping area and as such the proposed change of use is considered acceptable in this case.

The application site is accessible by public transport, there is considered to be ample on street parking and the site is also very accessible by foot from the local area.

The location, specification and design of the extraction system is considered acceptable and will not give rise to any unacceptable impacts on the visual amenity of the locality or the amenity of residents.

Hours of use will be restricted to ensure the unit does not give rise to any unacceptable late night noise and disturbance.

Adequate commercial bin storage is available to the rear of the property and a litter bin will be conditioned to be provided outside of the premises.

In light of the above the proposal is considered acceptable and it is therefore recommended that planning permission is granted conditionally.

Case Number 12/01691/FUL (Formerly PP-01978832)

Application Type Full Planning Application

Proposal Erection of a conservatory

Location Bents Green Secondary School
Ringinglow Road
Sheffield
S11 7TB

Date Received 09/06/2012

Team SOUTH

Applicant/Agent The Joinery Shop 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:

drawing numbers:- P2, P4, P6, P8 and P10 all received on the 12th June 2012,

drawing number:- P12, received on the 23rd of June 2012,

Design & Access Statement received on the 12th of June 2012 and agent's correspondence received on the 31st of July 2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

3 Notwithstanding the details shown on the approved drawings, a comprehensive and detailed soft landscape scheme for the area immediately adjacent to the conservatory and access ramp 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.

- 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.

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:

GE3 - New Building in the Green Belt

GE4 - Development and the Green Belt Environment

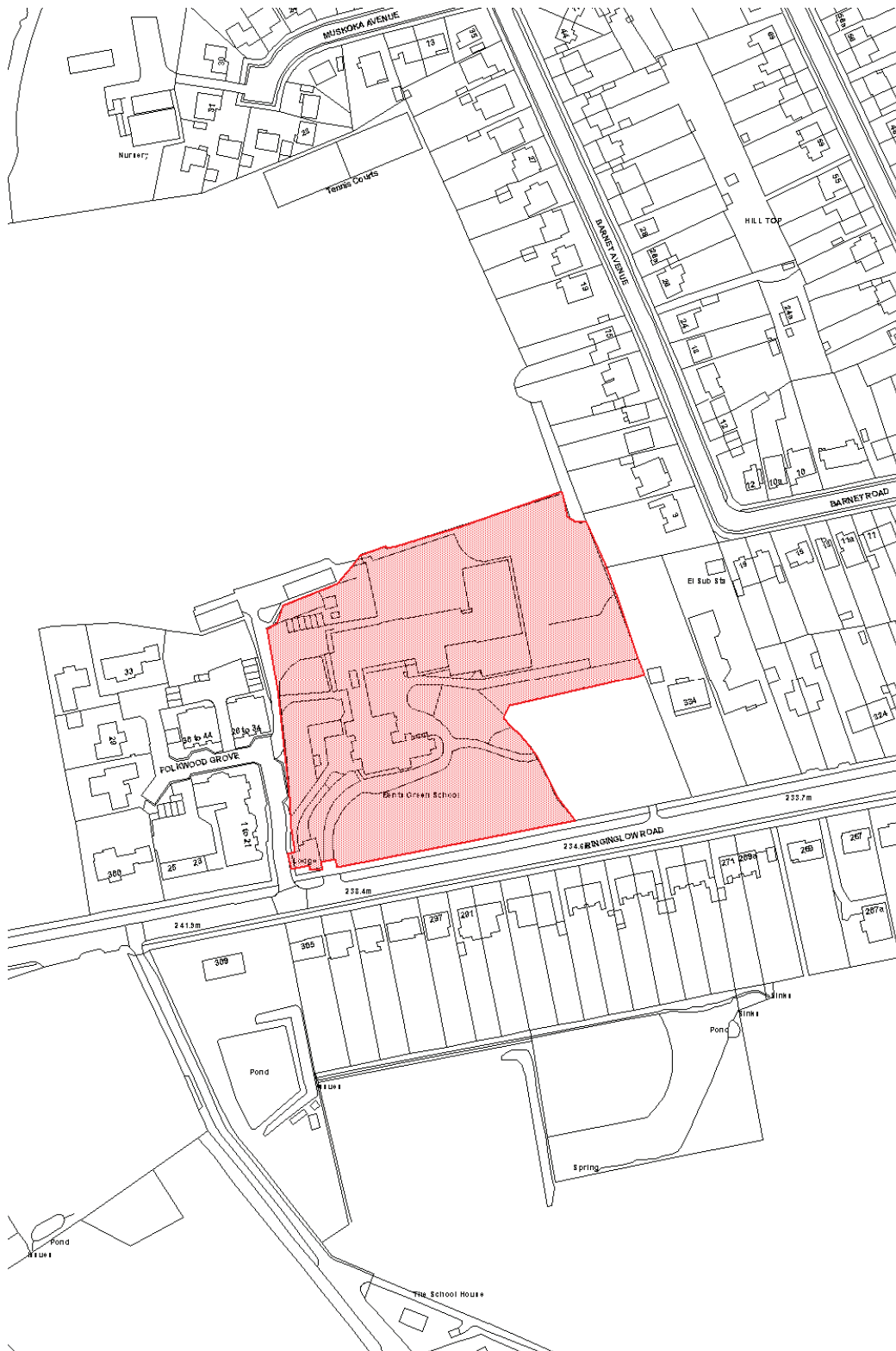
CF1 - Provision of Community Facilities

CS71 - Protecting the Green Belt

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 or by calling the planning officer, contact details are at the top of this notice.

Site Location



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Design:

This part of the school was originally a fairly modest, built in the Victorian era and was known as Skeggs Green Lodge.

It has historic importance.

Within the last two years, there has been extensive work to renovate the building and to create a residential care facility for children with special needs.

The buildings exterior walls are made of dressed stone. The windows and doors are made from timber, which has been painted.

The proposed reconstructed conservatory would sit on foundations that originally supported a conservatory.

There are plans left on the stone walls that describe the space that was enclosed within the original conservatory.

In order to match the existing windows and doors, the reconstructed conservatory will be built of timber and will be painted.

The new conservatory would be built to a traditional Victorian design.



THE JOHNSON SHEDS LTD
5 Station Road
Doveyall
Sheffield
S46 2BQ

0114 2885520
0795 4229335

PROJECT
Conservatory
reconstruction

Doveyall School
Kingfisher Road
Sheffield
S11 7TB

Drawn: May 2012
Drawing ref: D&A 1
Not to Scale



LOCATION AND PROPOSAL

This is an application for a single-storey timber-framed conservatory extension to the front of an existing recently refurbished school (Bents Green Secondary Community Special School) in the Bents Green area of Sheffield.

Bents Green School is a co-educational secondary school with a residential facility. The service caters for the educational needs of boys and girls aged between 11 and 19. The service provided by the school supports pupils that may have learning, language or communication difficulties, (this includes some children that may be on the autistic spectrum). All the pupils that attend the school have a statement of special educational need and are referred to the school by the Local Education Authority. The school is set in several acres of grounds on the southwest edge of Sheffield. The school has recently been through a process of redevelopment consisting of several new large additions being added and linked to the main original stone-built building (which was also refurbished). The school has approximately 250 pupils and approximately 90 members of staff.

The proposed conservatory extension will measure approximately 4.9 metres wide by 3.8 metres deep and 3 metres in height to the eaves level (4 metres in height to the roof lantern ridge). The proposed new conservatory will be sited on an existing stone base (that had previously, for nearly 30 years accommodated a similar-sized conservatory). The proposed conservatory will be to the residential accommodation of the school site and not to the academic or teaching block.

The proposed conservatory will be made of timber and painted white. It has been designed with a flat roof and a centrally-positioned roof-lantern. The conservatory will be glazed with clear double-glazed glass units.

Whilst the original conservatory (i.e. the one built at least 30 years ago) was built with stepped access at the front, this proposed new conservatory will have a ramped access. In order to achieve the appropriate gradient levels on the ramp, it is proposed to construct the ramp at the side of the conservatory in what is currently a narrow landscaped area.

The school stands in fairly well-established grounds with a range of hard and soft landscaped areas including numerous mature trees.

When the school was recently redeveloped, 44 car parking spaces, (including 3 disabled spaces) were provided. Most of the parking spaces were for staff, with 2 spaces for visitors. The school also made provision for 4 minibus spaces and 26 cycle parking spaces. It is understood that because Bents Green School is a special needs school, most of the pupils arrive and depart by minibus. The site has therefore been developed with a widened access, a turning circle and a minibus drop off point. A drop off point for parents' cars is also provided on the Ringinglow Road frontage.

RECENT & RELEVANT PLANNING HISTORY

09/01858/FUL – This was an application for:- the erection of a three-storey school building, a cycle store, two polytunnels, two sheds and two willow classrooms. This proposal also included the refurbishment of an existing two-storey school building and a three-storey residential care building, and the provision of associated car-parking and landscaping. This application was conditionally approved in October 2009

SUMMARY OF REPRESENTATIONS

This application has resulted in two individual letters of representation and a petition (with 62 names) being received.

One of the letters of representation received is neither an objection nor a letter of support - it merely attaches a photocopy of a drawing of the original conservatory and how it looked 30 years ago.

The remaining letter of representation and the petition are all in opposition to the proposal. The reasons given for the objections are:-

- that the site is already overdeveloped;
- that there is insufficient off-street car parking provision within the site at present to meet the needs of existing staff and therefore the site should not be developed any further until full consideration has been given to the on-site parking needs of the whole school development;
- that a high number of staff from the school park their cars on Ringinglow Road and as a consequence, existing residents on Ringinglow Road and Folkwood Grove are experiencing highway safety problems.

RESPONSE TO REPRESENTATIONS

The response to the objections is addressed below in the “Highway Issues” section of this report.

PLANNING ASSESSMENT

Policy

The Sheffield Unitary Development Plan identifies the school as being located within the Green Belt.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. There is a general presumption against ‘inappropriate’ development within green belts, as set out in Policy GE3 and GE4 of the adopted Unitary Development Plan (UDP). Also Core Strategy Policy CS71 seeks to safeguard the Green Belt. ‘Inappropriate’ development is generally defined as development for purposes other than agriculture and forestry, essential facilities for outdoor sport and recreation, cemeteries, minor extensions or replacement of existing dwellings, limited infilling in existing villages and limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Given that the principle of the whole school redevelopment within the Green Belt had already previously been addressed by the granting of planning approval (reference 09/01858/FUL), the main issue here is whether or not the proposed conservatory extension will be any more harmful to the green and open character of the Green Belt setting. In this regard, it is noted that the proposed conservatory will be sited on an existing raised base where there had previously been (for many years) a similar-styled conservatory extension. It is also noted that the proposed conservatory would be seen as only a small addition to the actual built form and, would be seen against a backdrop of a much bigger built-form. It would be difficult to argue therefore that the proposed conservatory extension (at 3.8 metres by 4.9 metres) is not a minor addition to the overall built form.

The argument in favour of the proposed conservatory extension is further supported by the fact that the school building is set back from the Ringinglow Road frontage and is partially screened by existing landscaped areas, structures and boundary walls.

As outlined with the previous planning approval for the school, the proposals were then considered to be in line with the planning brief for the site, in that the new build development was to be rebuilt on a similar footprint to the existing building. Likewise, with regard to the proposed conservatory extension, the new conservatory will be built on the same footprint and on the existing base of a previous conservatory.

The proposed conservatory is classed as a minor addition that will be in accordance with development plan policy.

Although only a small extension, it is considered that the proposal will also comply with Policy CF1, of the Sheffield Unitary Development Plan, 1998, (Provision of Community Facilities), which encourages the provision of local community facilities.

Design, Landscaping and Impact

Policy GE4 of the UDP requires the scale and character of any new development in the Green Belt to be in keeping with the area and to preserve and enhance the natural environment.

The new conservatory will be constructed in timber and, will have a roof lantern which is felt to be a totally acceptable design for a character property such as the main school building.

In order to accommodate a suitable ramped access, the proposal will result in the loss of a section of an existing landscaped area to the immediate side of where the proposed conservatory is to be located. The landscaped area is a flower bed that currently contains low-level plants and shrubs. There is still however some scope to incorporate some planting within the flower bed area to the immediate front and rear of the disabled access ramp and thereby soften the appearance of the ramp and maintain some greenery around the structure.

As mentioned previously, the main school building is set well back from the Ringinglow Road frontage and is also within fairly mature landscaped grounds. The proposed conservatory will be seen against the backdrop of a much larger

impressive stone-built Victorian building and, officers consider that the visual impact of the proposed conservatory would be minimal.

The proposed conservatory will be sufficiently distant from neighbouring residential properties and therefore will not lead to any overlooking or loss of privacy issues.

The impact of the proposal on highway safety issues is covered below in the "Highway Issues" section of this report.

Highway Issues

The previous planning approval (reference 09/01858/FUL) for the redevelopment of the school provided more car, cycle and mini bus parking than had previously existed at the site, the development also provided a wider access into the site with improved vehicle turning and manoeuvring areas. Improvements were also made in order to secure better vehicular and pedestrian segregation and, a new drop-off point was also provided close to the site frontage on Ringinglow Road. The school also has a Travel Plan which was intended to encourage staff to use car-sharing, bicycles or public transport. Clearly therefore, when the original school redevelopment proposals were approved in October 2009, every effort was made to ensure that the development adhered to parking standards and that highway safety would not be compromised. Based on the information provided (i.e. staff and pupil numbers), officers were satisfied in 2009 that the proposal would not lead to on-street parking or highway safety issues. Officers therefore have to now consider whether or not the proposed conservatory will adversely affect traffic generation and highway safety over and beyond what had previously been approved (in 2009). i.e. will the new conservatory extension adversely exacerbate the traffic and on-street parking problems at the site.

It is understood that the proposed conservatory will not result in any increase in staff or pupil numbers and that the conservatory is purely to provide additional comfort space within the residential element of the school accommodation. In this regard therefore, officers do not feel that the proposed conservatory extension in itself will lead to any increase in traffic, and as such, officers feel that the proposal will not exacerbate or lead to detrimental harm in terms of highway safety. Officers also feel that it would be unreasonable to justify a refusal of the proposed conservatory on highway issues.

SUMMARY AND RECOMMENDATION

The proposal will involve a new timber-framed conservatory extension being added (on an existing base that had previously accommodated a conservatory extension) at the front elevation of an existing school building. The school is a "special school" and provides on-site education and boarding accommodation for children with learning difficulties. The school was extensively refurbished in 2009/2010 and consists of a range of old and new buildings set within large mature grounds. The school site is also located within the Green Belt.

The conservatory extension (measuring approximately 3.8 metres deep by 4.9 metres wide) will be used as part of the residential element of the school and not

for office or teaching purposes. The proposed extension will not lead to an increase in either staff or pupil numbers.

Local residents have raised an objection to the proposal based on traffic-related problems that already exist at the site. However, this proposal will not lead to any increase in staff or pupil numbers and therefore, should have no direct impact on traffic-related problems that are said to exist. Officers therefore consider that it would be unreasonable to refuse the application on highway safety issues. On balance, the proposal accords with both the Sheffield Unitary Development Plan and the Sheffield Core Strategy. Officers do not consider that the proposal will have a direct or detrimental impact on the living conditions of nearby residents or on highway safety issues.

Therefore, based on all of the above-mentioned information, officers recommend that the application be conditionally approved.

Case Number 12/01696/FUL (Formerly PP-02021435)
Application Type Full Planning Application
Proposal Single storey rear extension to dwellinghouse
Location 40 Whirlowdale Road
Sheffield
S7 2NH
Date Received 11/06/2012
Team SOUTH
Applicant/Agent Space Design Partnership 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:

Drawing no. 01190_002

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the extension hereby permitted without the prior written approval of the Local Planning Authority.

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

- 5 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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

Attention is drawn to the following justifications:

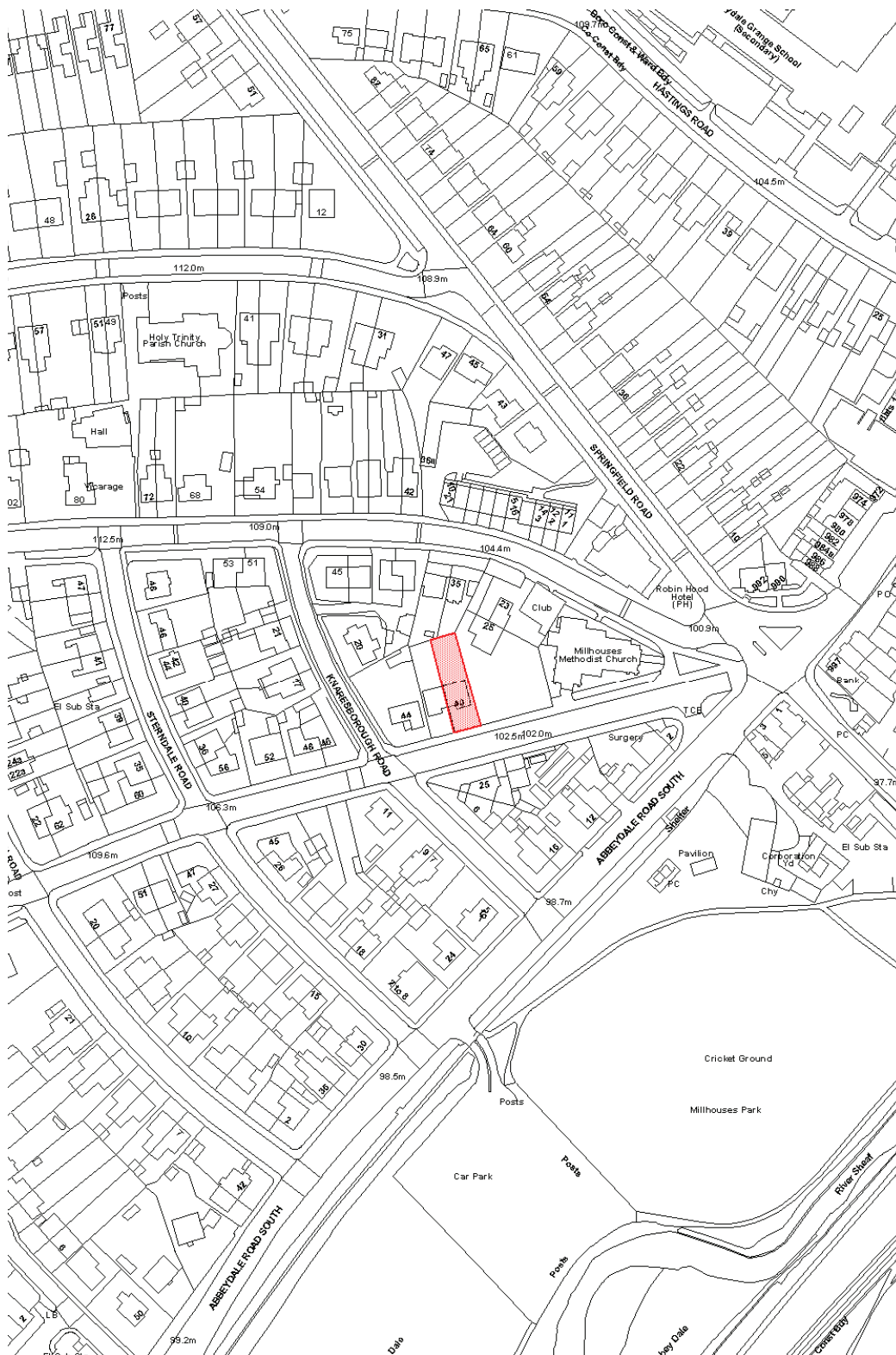
1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H14 - Conditions on Development in Housing Areas and SPG: Designing House Extensions

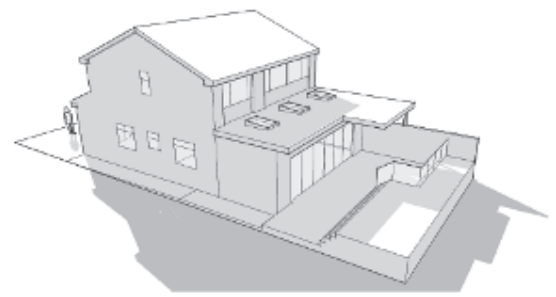
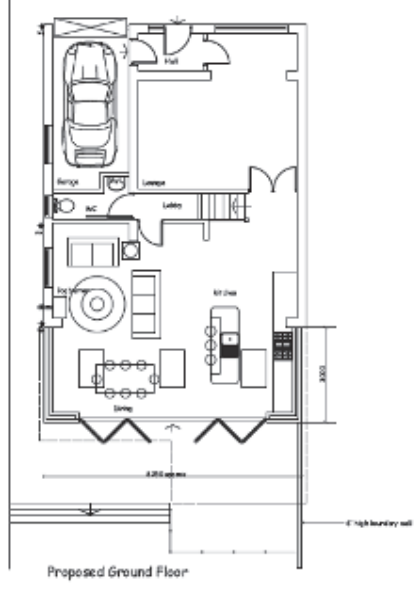
Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

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 or by calling the planning officer, contact details are at the top of this notice.

Site Location



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1. This plan and any accompanying specifications are the work of the architect and are not to be used for any other purpose without the written consent of the architect.
 2. The architect is not responsible for any errors or omissions in the plan or specifications.
 3. The architect is not responsible for any errors or omissions in the plan or specifications.
 4. The architect is not responsible for any errors or omissions in the plan or specifications.
 5. The architect is not responsible for any errors or omissions in the plan or specifications.
 6. The architect is not responsible for any errors or omissions in the plan or specifications.
 7. The architect is not responsible for any errors or omissions in the plan or specifications.
 8. The architect is not responsible for any errors or omissions in the plan or specifications.
 9. The architect is not responsible for any errors or omissions in the plan or specifications.
 10. The architect is not responsible for any errors or omissions in the plan or specifications.

**PROPOSED NEW DWELLING @
 40 Whitewdale Road,
 SHEFFIELD S7**

Drawn:
 Title:
 Drawn No.: 01190_002
 Amendment:
 Drawn By: Date: Scales:
 16/06/12 1:50

T 0114 235 1047
 www.aprwoodchip.com or email: ship@apc.co.uk



LOCATION AND PROPOSAL

The dwellinghouse subject to the application is a semi-detached property, of relatively modern construction.

The application seeks planning permission to construct a single storey extension at the rear of the dwelling.

The proposed extension would project by a depth of 3.0m, with an additional canopy projecting by 2.6m outward from the extension's roof.

RELEVANT PLANNING HISTORY

There is no planning history relevant to the current application.

SUMMARY OF REPRESENTATIONS

Following neighbouring notification, no written representations have been received.

PLANNING ASSESSMENT

The application site is located in a Housing Area under the provisions of the Adopted Unitary Development Plan. On this basis the proposal is required to be assessed against the provisions of UDP policy H14.

H14 'Conditions on Development in Housing Areas' requires, amongst other things, for new buildings and extensions to be well designed and in scale and character with neighbouring buildings, to not result in the site being over-developed or deprive residents of light, privacy or security, and to provide appropriate off-street parking.

The works would also be required to be assessed against the provisions of the Designing House Extensions Supplementary Planning Guidance.

-Guideline 1 states that extensions should be compatible with the character and built form of the area

-Guideline 2 states that extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality.

-Guideline 5 states that unreasonable overshadowing and overdominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended.

Design Issues

The proposed extension would not be visible from any public vantage points, and as such there is not scope for the proposed extension to have a detrimental impact upon the character of the surrounding street scene and the nearby area.

As such the proposal is not considered to be contrary to the relevant elements of policy H14 and guidelines 1 and 2 of the SPG.

Neighbour Amenity Issues

The proposed extension would abut the boundary with the adjoining semi at N0.42 Whirlowdale Road, where there is an existing single storey extension of approximately 2.5m in depth.

The proposed extension would project by a depth of 3.0m adjacent to the boundary. This element of the proposal would comply with the limit of 3m for single storey rear extensions given in Guideline 5 of the SPG.

In addition to this there is the canopy element of the proposal, which would project by a further 2.6m. Since, it would project by approximately 2.5m beyond the existing extension at No. 42, its implications would also be in accordance with the provisions of Guideline 5. As such it is not considered that it would have an overbearing impact upon the amenities of these neighbouring occupiers.

The dwelling at No.25 Millhouses Lane is angled toward the rear of the application premises, and incorporates a conservatory extension almost up to the boundary with the application site. The boundary fence would prevent the proposal having a detrimental impact upon the amenities of these neighbouring occupants.

Overall, it is considered that the proposal would have an acceptable impact upon the amenities of neighbouring occupiers, satisfying the provisions of UDP policy H14 and the relevant guidelines of the Designing House Extensions SPG.

Highway Issues

The proposed extension would not lead to additional vehicles being associated with the dwelling. As such the proposal would not have any implications upon highway safety within the vicinity of the application site.

RESPONSE TO REPRESENTATIONS

No comments required.

SUMMARY AND RECOMMENDATION

The application seeks planning permission to add a single storey rear extension, including an additional canopy element.

It would avoid having any detrimental impacts upon the appearance of the dwelling, and would have an acceptable impact upon the amenities of neighbouring occupiers satisfying the relevant policy requirements and Supplementary Planning Guidance. The nature of the proposal would mean that it would not have a detrimental impact upon highway safety.

Overall, the proposal would be considered to be acceptable, and therefore conditional approval is recommended.

Case Number 12/01729/FUL

Application Type Full Planning Application

Proposal New build and refurbishment of existing Sidney Works buildings to form a new university technical college, with associated external works including flood lit rooftop multi-use games area

Location Car Park At Junction With Matilda Street
Shoreham Street
Sheffield
S1 4SP

Date Received 06/06/2012

Team CITY CENTRE AND EAST

Applicant/Agent HLM Architects

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:

- General Arrangement Plan Ref: ALA066L03/PL4 dated 31 July 2012.
- Elevation Plans Ref: 12047/A(05)010/P5 - 12047/A(05)011/P5 - 12047/A(05)012/P5 dated 31 July 2012.
- Floor Plans Ref: 12047/A(04)006/P3 & 12047/A(04)005/P3 dated 6 June 2012.
- Floor Plans Ref: 12047/A(04)001/P8 - 12047/A(04)002/P8 - 12047/A(04)003/P7 - 12047/A(04)004/P8 dated 20 July 2012.
- Section Plans Ref: 12047/A(03)100/P2 - 12047/A(05)030/P2 - 12047/A(05)020/P2 dated 6 June 2012.
- Landscape Masterplan Ref: ALA066L02 dated 20 July 2012.
- Small Scale Details Plan Ref: 12047/A(21)001/P1 & 12047/A(21)002/P1 dated 20 July 2012.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

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:

- Canopies.
- New metal panel sections on Sidney Works.
- Three storey glazed entrance.
- Soffit of the cantilever, including lighting and cladding patterns.

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 6 With the exception of works agreed within email dated 31 July 2012, before any further works on the Sidney Works building(s) commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works unless otherwise authorised in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 8 Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 9 Before first occupation a Highway Management Strategy covering the following shall be submitted to and approved in writing by the Local Planning Authority:

- Drop off and pick up arrangements, which should include how the lack of on-site facilities will be mitigated. This shall be informed by the submitted Transport Statement.

- A strategy to ensure staggered departure times. This shall be informed by the submitted Transport Statement.

- The use and maintenance of the rooftop terrace area in relation to highway safety.

The recommendations of this Management Strategy shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 Unless otherwise agreed in writing by the Local Planning Authority at no time shall the rooftop Multi Use Games Area (MUGA) be used without the top stop net being in place and fully intact.

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

- 11 The building shall not be used unless the car parking accommodation for two vehicles 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.

- 12 Within three months of development commencing improvements to the highways listed below shall have either;

a) been carried out; or

b) details shall 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:

The footway to Shoreham Street and Matilda Street for the entire length of the site should be reconstructed in line with Sheffield City Councils 'Urban Design Compendiums' Secondary Palette.

To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

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

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

- 14 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.

- 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 building shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

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

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).

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

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

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

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).

19 Noise from plant and equipment associated with the development (measured as LAeq 5min) shall not exceed existing background noise levels (measured as LA90) outside residential properties on Shoreham Street and on the footpath outside 100 Matilda Street. Measurements shall be carried out and assessed in accordance with BS4142 : 1997.

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

20 The use of the rooftop Multi Use Games Area (MUGA) shall be restricted to between 0900 hours and 2200 hours Mondays to Saturdays and 1000 hours and 2200 hours on Sundays.

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

21 The floodlighting and columns installed in association with the rooftop Multi Use Games Area (MUGA) shall be as detailed in the lighting plan by Silcock Leedham (Ref: 10283/SK/6001/P1) received on dated 06 June 2012. These lights shall not exceed a lighting level of 10 Lux when measured at the site boundary.

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

- 22 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.

- 23 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.

- 24 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.

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

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

- 26 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development 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.

- 27 A comprehensive and detailed soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority within three months of development commencing, 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.

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

In the interests of the visual amenities of the locality.

- 29 Unless otherwise agreed in writing by the Local Planning Authority the proposed brown roof (vegetated roof system) shall be provided in accordance with the submitted specification shown on plans received on 01 August 2012 Ref: ALA066LO6/PL4 & ALA066DO1/PL0 and in accordance with locations shown on the approved plans. The brown 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.

- 30 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

- 31 Before first occupation the boundary treatment to the riverside detailed in the following plans shall have been provided:

- ALA066L07/PL1 (Porter Brook Elevation) dated 31 July 2012.
- ALA066L04/PL4 (Fencing Arrangement Plan) dated 31 July 2012.

This boundary shall remain in place thereafter.

In order to ensure an appropriate quality of development.

- 32 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.

- 33 Unless an alternative timeframe has been agreed in writing by the Local Planning Authority, within 18 months of first occupation the development shall have been fully incorporated into the City's Combined Heat and Power System and confirmation of this shall have been submitted to and approved in writing by the Local Planning Authority. If an alternative timeframe has been agreed then this shall be adhered to. Once in place the connection shall be retained in full working order.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

- 34 Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in complete accordance with the details shown on the submitted drainage plan, NTS2153/SK400/P2 dated 24/04/2012 received on 2 July 2012.

In the interest of satisfactory and sustainable drainage.

- 35 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres / hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

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

- The programme and method of site investigation and recording.

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

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

- 37 Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

- 38 Before first occupation the existing culvert and bridge shall have been removed in accordance with plans received on 20 July 2012 (Ref: ALA066SK16/PL2 & ALA066SSSK11/PL1).

In order to mitigate against the risk of flooding.

- 39 Before first occupation, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, final details of proposals for the inclusion of public art within the development, which shall follow the principles set out in the Procurement of Public Art Document received via email on 24 July 2012, shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented in accordance with agreed timeframes. The project shall be retained and managed in accordance with the agreed details thereafter.

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

- 40 Within three months of development commencing details of bird and bat boxes, including locations on the building, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

In the interests of ecology.

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:

BE1- Townscape Design
BE5 - Building Design and Siting
BE7 - Design of Buildings Used by the Public
BE12 - Public Art
BE16 - Development in Conservation Areas
GE24 - Noise Pollution
IB6 - Development in Fringe Industry and Business Area
IB9 - Conditions on Development in Industry and Business Areas
CS63 - Responses to Climate Change
CS64 - Climate Change, Resources and Sustainable Design of Development
CS65 - Renewable Energy and Carbon Reduction
CS67 - Flood Risk Management
CS74 - Design Principles
National Planning Policy Framework
Cultural Industries Quarter Action Plan

The provision of this education facility on this vacant brownfield site will accord with the relevant land use policies.

The retention of Sidney Works is very welcome and the proposals have allowed for its full integration. The new buildings will follow the back edge of footpath, which accords with the established principles evident in this Conservation Area, while the recessed entrance will bring several benefits to the scheme.

The proposed design has respected the scale and massing of the retained Sidney Works and the three storey approach to the new building is considered to be appropriate, as is the majority of the materials palette.

Although the site offers a limited amount of external space the scheme has taken advantage of the opportunities available to offer a variety of high quality external areas, including a rooftop terrace and a courtyard.

The applicant has provided a Flood Risk Assessment, which identifies how the buildings and wider site have been designed to mitigate flooding. This will include the removal of an existing culvert and provision of a flood storage area within the rear amenity space. The applicant has also provided a suitable Sequential Test.

The limited car parking is not viewed as problematic as the central location ensures the site is in close proximity to a variety of public transport links. Although the lack of drop-off facilities is regrettable the surrounding streets

have capacity to serve this function when needed. The vehicle ingress and egress point on Shoreham Street is viewed as acceptable.

The site is considered to have excellent sustainability credentials, which includes meeting BREEAM Very Good, connecting to the Combined Heat and Power System and providing a brown roof.

The scheme has been designed to provide access for all users, which has been achieved as best allowed by the constraints of the site.

Limits on the hours of use will ensure the amenity of surrounding residents will not be unduly impacted by the Multi Use Games Area, whilst it has been demonstrated that the associated floodlights will not cause problems to surroundings uses.

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 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:-

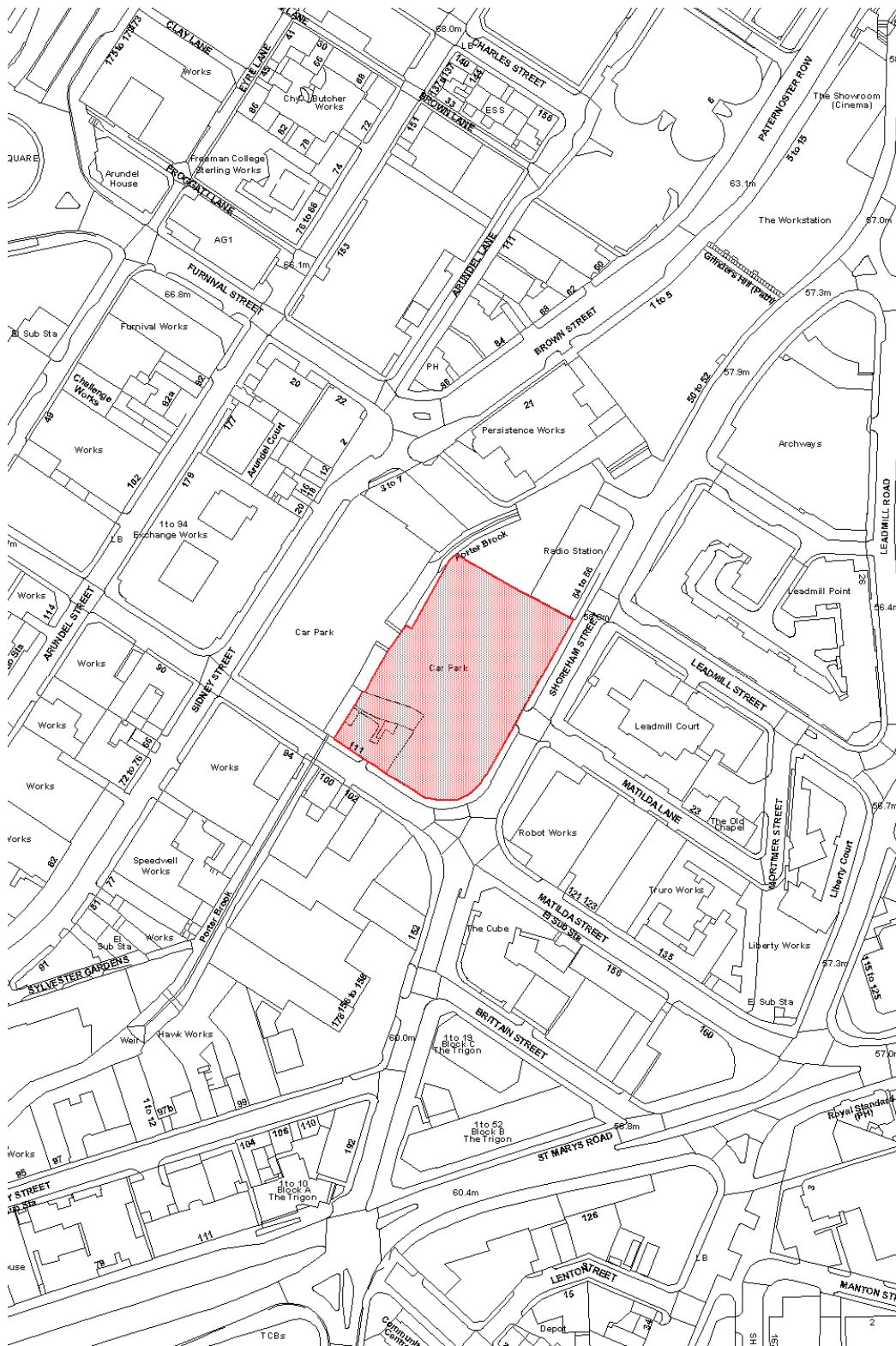
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

Site Location



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LOCATION

This application relates to a site set on the corner of Matilda Street and Shoreham Street. The site has a 53 metre frontage to Matilda Street, which is set to the south, and an 84 metre frontage onto Shoreham Street, which is set to the east. The majority of the site is currently in use as a surface level commercial car park, with a section fronting Matilda Street also accommodating the historic Sidney Works building, which is currently vacant. The BBC Radio Sheffield site bounds the application site to the north, while the Porter Brook is set to the west, beyond which is another surface level car park.

The site is located within the Cultural Industries Quarter Conservation Area, which is an area that has a wide variety of uses and is established as the main location for creative and digital industries in Sheffield. There are several residential buildings in the vicinity of the site, including Leadmill Court and Leadmill Point set across Shoreham Street to the east.

Although not listed, Sidney Works is considered to be a high quality building of historic significance. The five storey rear wing of the building was constructed in 1902, with the two storey southern wing fronting Matilda Street added later.

The site is located within a Fringe Industry and Business Area as defined by the adopted Sheffield Unitary Development Plan (UDP) and, with the exception of a small section to the south, which is located within Flood Zone 2, the site is located within Flood Zone 3.

PROPOSAL

The applicant is seeking planning permission to create a University Technical College (UTC). The scheme would include the conversion of the existing Sidney Works building and the erection of a new three storey building that will have frontages onto both Matilda Street and Shoreham Street.

The concept behind the UTC is to provide a more vocationally focused education for students aged between 14 and 19 years of age. The principle is to specialise in advanced engineering and manufacturing and creative and digital media in partnership with business and existing educational establishments, such as the universities and Sheffield College. It is anticipated that student numbers will grow to 600 as the institution becomes established and this project is one of several to be delivered across the country.

The scheme, which will principally be constructed in red brick and present generous window proportions, includes features such as a floodlit Multi Use Games Area (MUGA), brown roof, café, link route for the riverside walk and recessed glazed entrance on the corner of Shoreham Street and Matilda Street.

There is a relatively large terraced amenity area for students to the rear, which looks onto the Porter Brook and the scheme also provides a courtyard space in the Sidney Works complex and a rooftop terrace.

Vehicle access is taken from Shoreham Street adjacent to the BBC Radio Sheffield site and this will be utilised by service vehicles and vehicles using the two mobility parking spaces provided.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SUMMARY OF REPRESENTATIONS

Councillor Representation

Councillor Robert Murphy has made a representation stating that there are major noise and light pollution issues with floodlit MUGA's and this is not an ideal location. It could impact a number of residents across a wide area and the site is set directly across from Leadmill Court, with 84 residents. If the MUGA is allowed, nearby residents are less likely to be adversely impacted if the hours of use are restricted.

Resident Representations

Three representations have been received from local residents, which raise the following issues:

- The rooftop MUGA will create noise nuisance and light pollution.
- The loss of car parking facilities will increase demand for the limited on street parking. This will also remove the ability for residents and their guests to park conveniently.
- The lack of drop off facilities on-site, coupled with the restrictions on dropping off on both streets fronting the site, will result in this taking place on side streets, which are already congested.
- The use of the mini factory and other processes will create noise nuisance and vibration.
- The proposed use will overlook surrounding residents.
- The proposal will reduce/remove views from surrounding residents.
- Residents will be required to live next to a building site, which will have a negative impact in terms of issues such as noise and dust nuisance.

Sheffield Conservation Advisory Group

The Group welcomed the proposal and were pleased to note that Sidney Works was being retained and incorporated into the scheme, with the existing pattern of fenestration also retained. The Group encouraged the opportunity to open up access to the Porter Brook waterfront to be explored.

Sheffield Sustainable Development and Design Panel

The scheme was presented to the Design Panel at the-application stage. The Panel make the following comments:

- Site arrangement and layout

The Panel supported the approach of introducing the entrance onto the corner, although it was felt that there was scope to increase the mass at the corner to give it greater emphasis. The decision to pull the building back to provide a more generous arrival space along Shoreham Street was supported, which would create an attractive and inviting street environment.

The approach to locate the MUGA on the roof, together with associated uses such as the café and roof terrace was interesting and had the potential to create an exciting series of spaces as well as offering views across the city.

The Panel considered that further attention needed to be given to the relationship with the adjacent BBC Radio Sheffield building, to give a greater presence to this part of the site and a stronger edge to Shoreham Street.

There was a view that this might be achieved through bringing forward the store buildings and integrating them into the street edge.

The introduction of a secondary entrance for out of hours use was supported, but some further design development was felt necessary to give it greater prominence and reflect the degree to which it would be used.

- Architectural approach

The Panel was of the view that the elevational approach needed further consideration in order to respond to the retained historic buildings and surrounding context as well as the particular demands of the College.

The historic buildings provided a number of cues in terms of the proportions, materials and manner in which these buildings meet the ground that were useful in terms of how the new buildings are resolved. The Panel reflected that this was a proposal with a unique function - a cross between a factory and a college rather than a school or university building - and the architecture needed to respond to this to produce something distinctive.

- Approach to the retained buildings

The Panel welcomed the approach to retain the existing Metal Trades buildings, as well as the decision to remove a floor and expose the roof internally, which had the potential to create an interesting and distinctive space.

- Landscaping and external spaces

The approach to public realm, and in particular the decision to drop the levels of the space towards the Porter Brook was supported, but the Panel were of the view that further work was needed in order to ensure that there was a clear relationship between the internal and external spaces.

The treatment of the footpath and service yard as a shared space was supported.

- Sustainability

The Panel commended the clear strategy, and in particular the approach to future flexibility demonstrated by the unallocated basement space as well as the consideration of out of hours use for the MUGA.

The decision to locate the MUGA on the roof had some implications for the natural light levels on the floor below, and the Panel was concerned that this might unduly constrain the operation of the College by dictating the types of uses that would occupy these spaces.

PLANNING ASSESSMENT

National Planning Policy Framework

The recently published National Planning Policy Framework (NPPF) has replaced a significant proportion of the previous national policy framework and sets out the Government's revised planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and

historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Land Use

The NPPF encourages the reuse of land that has been previously developed (brownfield land). The NPPF also states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

As the proposal will develop a brownfield site and will provide a new type of educational establishment it is considered to accord with the spirit of the NPPF.

Policy IB6: Development in Fringe Industry and Business Area identifies educational establishments (Use Class D1: Non-Residential Institutions) as acceptable uses in such areas.

Section a) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development should not lead to a concentration of uses which would prejudice the dominance of industry and business (preferred uses) in the area.

The UDP considers such a use to be acceptable in this area and, as the current use of the majority of the site is as a surface level car park, which is not a preferred use, then there will be no dominance issues.

The Cultural Industries Quarter Action Plan identifies key aims for the Quarter in the future, which include:

- The desire to provide opportunities for education and training in a number of key occupations and skills.
- The need to renew and revive an important part of the fabric of the City.

The provision of this education facility, which will have a strong focus on vocational training, will accord with the aims of the Cultural Industries Quarter Action Plan, as will developing this vacant site.

The proposal is therefore considered to be in accordance with the above land use policies.

Design & Landscape

The NPPF states that development should always seek to secure high quality design and encourages the reuse of existing resources, including the conversion of existing buildings.

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

Policy BE5: Building Design and Siting within the UDP states that good design and the use of good quality materials will be expected in all new buildings.

Policy BE16: Development in Conservation Areas within the UDP states that new development should preserve or enhance the character and appearance of the conservation area.

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

Policy CS74: Design Principles within the Sheffield Development Framework Core Strategy (CS) states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive feature of the city.

- Conversion

It is firstly noted that the retention of Sidney Works is very welcome and will ensure the more historic character of the site is retained. The proposals have allowed for the full integration of the retained buildings with careful consideration given to their remodelling and refurbishment. For example the scheme will provide a new fully glazed stair and lift core which incorporates all the differing levels between the new and existing floors. The location of this new link is considered to be structurally sympathetic to the current building as it will replace the current link between the two wings.

Other alterations will include unattractive elements of the facades replaced with new contemporary features that will add interest and subtle contrast with the existing buildings. This includes glazing to the existing five storey block staircase and the previous loading dock onto Matilda Street, while the removal of an existing lightweight building will allow the central courtyard to be created.

These alterations also include the removal of the internal floor to the top section of the five storey building in order to create a double height art studio, which will provide a unique feature.

- Layout

The new building will follow the back edge of footpath along both Matilda Street and Shoreham Street, which accords with the established principles evident in the Conservation Area. The exception to this is the main entrance, which is recessed back from the footway at the junction with both roads. This offers several benefits to the scheme, including the provision of a plaza/meeting space, ease of access and a space that can be used to display students work.

One of the key drivers of the internal layout was to ensure that the main activities of the UTC were visible to passers by. This has been achieved by locating activities such as the mini factories, workshops and multi use space onto the road frontage. The three storey glazed entrance area will also aid in creating visual permeability.

The rooftop MUGA will add a unique design feature and talking point to this building and its link through to the café and rooftop terrace allows flexibility of use. The MUGA has also ensured more amenity space can be provided to the rear for the use of all students and allows flexibility in dealing with other issues, such as flooding and servicing. An example is how it has made possible the use of an artificial turf, as oppose to tarmac, which would not have been possible if the pitch were located at ground level, owing to the flooding issues.

- Scale and Massing

The proposed design has respected the scale and massing of the retained Sidney Works building by providing a lower contrasting linking element adjacent to the lower section of Sidney Works onto the road frontage, before it steps up further back.

The three storey approach to the new building is considered to be appropriate and reflective of the established scale of the conservation area, while the amount of site coverage is welcomed and ensures a strong perimeter block is created. The scheme also includes a detached single storey brick structure between the main building and BBC Radio Sheffield building, which is to be used for storage and as a sub-station. This structure will reduce the gap between the two buildings and continue to provide a strong definition to the site perimeter.

The desire to place the MUGA on the roof has resulted in a deep plan to this section of the main building, however the benefits this brings in terms of usability of external spaces outweighs any negative impact this could have on the internal layout, which the design has tried to negate through the use of a central atrium. One further additional benefit of the rooftop MUGA is the reduction of mass from this section of the building, which will allow a notable amount of natural daylight to penetrate the rear amenity area than would have been possible otherwise.

- Appearance

The principle material to be used is a red brick, which is considered to be appropriate as this is the dominant material across the conservation area. The applicant has decided to use a black render as the material for the link (entrance) element of the building. Although render is evident in the conservation area it is not used with such prominence and it is felt that a black/grey brick would have offered the same contrast, whilst being more robust and better reflecting the conservation area. Although the use of render is not ideal, this is not an issue that should hold up this application given the significant other benefits it offers.

The new building will present a welcome contemporary addition to the conservation area and offers a contrast to the retained Sidney Works. The applicant has

however used sections of the Sidney Works building to inform the new buildings design, which includes the use of generous window proportions.

Some further notable details includes the first floor cantilever, which also aids in ensuring the use of the site is maximised, and the use of large glazed elements, which play an important role in breaking the mass down and allowing the distinction where the connection of old and new occur.

- Landscaping and external spaces

Although the site offers a limited amount of external space the scheme has taken advantage of the opportunities available to offer a variety of high quality external areas. These include a large area to the rear of the building, a roof terrace linked to the café area and an internal courtyard within the retained Sidney Works building. It is considered that the materials used for these spaces are of a good quality and the inclusion of tree and shrub planting across the site is very welcome.

- Design and Landscape Conclusion

Overall it is considered that the scheme will represent an excellent addition to the conservation area from a design, landscape and conservation standpoint and the scheme accords with the above design policies.

Flooding

Policy CS67: Flood Risk Management within the CS states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. These measures include:

- Requiring the new development to limit surface water run-off.
- Encouraging the removal of existing culverts.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.

The majority of the site is located in Flood Zone 3 and the remaining small section is located within Flood Zone 2. As such this application has been accompanied by a Flood Risk Assessment (FRA) and Exception Test. The FRA identifies how the buildings and wider site have been designed to mitigate flooding, including the use of permeable paving and robust materials in the rear amenity space. This amenity area has also been designed as terracing, which allows the lower section to the north west to flood when needed. However, the applicant's original FRA raised several questions with the Environment Agency (EA), most notably how the scheme would compensate for not being able to provide like for like flood storage capacity.

During pre-application discussions it was considered that the removal of the culvert from the Porter Brook would compensate for this reduced storage capacity, given the benefits this would offer in respect of removing potential future blockages. Following further discussion the FRA has now been amended to reflect this commitment. The Environment Agency has confirmed that it has no objection to

the proposed development. Other works to the brook, including the removal of the existing bridge and trees and cutting back overhanging branches, is welcomed and will also aid in removing potential blockages during heavy rainfall.

Given that the site is set within Flood Zones 2 & 3 the applicant has also been required to prepare a Sequential Test, which must demonstrate that there are no other readily available alternative sites in areas less vulnerable to flooding. Given that the UTC will have a sub-regional catchment area it was deemed reasonable to limit the Sequential Test search area to a 400 metre radius around the train station. 400 metres was chosen as this is recognised as a distance that is reasonable to expect people to comfortably walk. Following revisions it is considered that the applicant has demonstrated that there are no readily available alternative sites of a size that could accommodate the UTC development within this catchment area.

The scheme will include other sustainable drainage techniques to reduce surface water run-off, which includes the inclusion of a section of brown roof.

Highways

The NPPF promotes the location of developments that generate significant movement to be where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Section f) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development or change of use applications should be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking.

The proposed scheme only includes two parking spaces, both of which are for future users with mobility needs. This minimal parking provision is not a cause of concern as the central location of the site ensures it is in close proximity to a variety of public transport links, including the main bus and train stations. As a result the UTC will be comfortably accessible to students and staff from across Sheffield and further afield.

The location of the vehicle ingress and egress point on Shoreham Street has been assessed by Highways and is considered to be suitable, being set a safe distance away from the existing pedestrian crossing.

The proposal does not include a drop-off point, which is a regrettable constraint of this small site. Although it is anticipated that a number of users will travel to the site via public transport, there is a concern that some parents may drop children off on Shoreham Street and Matilda Street, both of which have restrictions on such activities. The UTC will therefore provide parents with information guiding them to surrounding roads that have capacity to deal with this activity. Although not ideal, this is the best solution to resolve this situation.

The building has been designed with a cantilever at first floor, which allows the footpath along Shoreham Street to be widened to cope with the increased number of users. It is noted that as the floor to ceiling height at ground floor is generous,

users of the footway will not feel dominated. The applicant has also provided information that demonstrates that the footways and crossings in the vicinity of the site can cope with the increased number of users.

One of the longer term aspirations of Sheffield City Council is the continuation of the riverside walk along the western side of the river. As a result there is a need to provide a new bridge link in the north west corner of the site in the future (not to be delivered as part of this scheme) and the proposal includes a new tree lined link adjacent to the BBC Radio Sheffield building in order to allow users to cross the bridge and arrive on Shoreham Street. The provision of this link is very welcome.

In respect of the MUGA a stop net will be in place above the pitch to ensure that balls or other objects cannot escape and reach surrounding highways.

The applicant will be resurfacing the footways to Shoreham Street and Matilda Street for the entire length of the site in line with the Urban Design Compendium's Secondary Palette.

Given the above the proposals are considered to comply with the relevant highway policies.

Sustainability

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

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

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

In practice, to satisfy the main body of the policy non-residential developments should achieve a BREEAM rating of Very Good. CS64 has further requirements that may fall outside BREEAM, such as designing buildings flexibly from the outset to allow a variety of possible future uses.

Policy CS65: Renewable Energy and Carbon Reduction within the CS sets out objectives to support and require renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires new developments to provide a minimum of 10% of their predicted energy needs from decentralised

and renewable or low carbon energy unless it can be demonstrated that it is not feasible and viable.

CS65 did until recently also require the generation of further renewable or low carbon energy, or the incorporation of design measures, sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. As this is now a requirement of Building Regulations it is no longer being sought as part of planning applications.

The developer has confirmed that the scheme will meet the BREEAM Very Good standard.

In relation to the 10% requirement set out in section a) of Policy CS65 the intention is for the development to connect to Sheffield's Combined Heat and Power System, which would achieve this saving. However this has proved problematic as, at present, the system is at capacity. It is anticipated that capacity to accommodate new connections will be in place within the next 24 months and the development will therefore provide the required infrastructure to make this connection at the appropriate time and this will be monitored as part of compliance with the planning conditions. It is considered that a more medium term practical view should be taken for such a building, particularly as the Combined Heat and Power System currently serves the adjacent BBC Radio Sheffield building.

In addition to the above the development is a brownfield site in a sustainable central location and includes a number of additional features to promote sustainable design such as removing the culvert from this section of the Porter Brook, a brown roof, cycle parking and refuse and recycling facilities.

Given the above it is considered that the development will comfortably meet the sustainability requirements introduced by the CS.

Air Quality

As the proposed development will be replacing an existing surface level car park and only includes minimal car parking itself, it will not have any undue impact in terms to air quality.

Public Art

Policy BE12: Public Art within the UDP encourages public art as an integral part of the design of major developments.

All stakeholders consider that it would be a lost opportunity if the public art to be delivered as part of the scheme did not involve the input of students. It has therefore been agreed that the public art scheme will be delivered after the UTC has opened following consultation between students, teachers and a public artist. This has been secured through a planning condition.

The two projects to be chosen from are the use of a projection screen set behind the glass above the main entrance or a sculpture set within the rear amenity area.

If the projection screen is chosen highways have confirmed that this would not lead to safety issues so long as the image is not moving, which has been confirmed by the applicant.

The proposal is therefore considered to be in accordance with Policy BE12.

Access

Policy BE7: Design of Buildings Used by the Public within the UDP requires safe, equal and easy access for people with disabilities to buildings used by the public.

The site has provided several challenges from an access point of view, including a change in level of around 700mm, the need to integrate a new and existing building and the requirement to set the ground floor above the flood level.

The design ensures level access to both primary and secondary entrances and the internal facilities include mobility compliant toilets and changing rooms and access lifts to all floors.

The only two parking spaces that have been provided within the scheme are mobility spaces. Although these are set away from the main entrance their location is defined by site constraints.

Overall the proposals are considered to be in accordance with the above access policies.

Amenity

Policy GE24: Noise Pollution within the UDP requires that development should not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

Section b) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

There are a number of residential uses in the vicinity of the development, but the building will not be set in such proximity as to harm the amenity of these residents in term of privacy, shadowing or dominance.

The MUGA will create noise from users and the balls bouncing and the UTC do have a desire to use this facility when the college is closed as an income generator and for community events. It has been agreed to limit the hours of this facility to 22:00 hours in order to ensure that residential amenity is not unduly impacted. The applicant has provided a lighting study that demonstrates that light pollution from the MUGA will not be a problem in the area and will not impact residents. A condition will be attached which ensures this remains the case.

Information has been provided by the applicant to ensure that noise omitted from the rooftop plant will not be a nuisance to surrounding residents. This will be secured through the imposition of planning conditions. Although there will be manufacturing activities inside the UTC these will be limited in scale and will not have the potential to create noise and vibration problems for surrounding residents.

Planning conditions will also be applied to ensure the ground contamination is effectively dealt with during the construction process.

The proposal is therefore considered to accord with the above amenity policies.

Archaeology

The scheme has been assessed by the South Yorkshire Archaeology Service who confirm that with suitable conditions the archaeological interests of the site will be protected.

Ecology

The applicant has undertaken a Bat Survey and a White Crayfish Survey, both of which have uncovered no evidence of either species.

It has been agreed to place bird and bat boxes on the buildings in the interests of ecology.

RESPONSE TO REPRESENTATIONS

The majority of the points raised in the representations received from Councillor Robert Murphy and the three residents have been addressed within the above assessment with the remainder of the issues addressed as follows:

The right to a view is not a planning consideration and it would not have been reasonable to expect this site to not come forward for development given the prominent location.

The impact of the loss of the car park on surrounding residents is not considered to be a relevant issue. This car park is not associated with the surrounding residential properties and car parking is always restrictive in such a city centre location. It is also noted that there is a sufficient supply of short stay car parking in the city centre to allow this site to be developed.

There will of course be noise and disturbance during the construction process, this is inevitable but only lasts for a limited period and can be controlled under Environmental Protection Legislation.

SUMMARY AND RECOMMENDATION

The provision of this education facility on this vacant brownfield site will accord with the relevant land use policies.

The retention of Sidney Works is very welcome and the proposals have allowed for its full integration. The new buildings will follow the back edge of footpath, which accords with the established principles evident in this Conservation Area, while the recessed entrance will bring several benefits to the scheme.

The proposed design has respected the scale and massing of the retained Sidney Works and the three storey approach to the new building is considered to be appropriate, as is the majority of the materials palette.

Although the site offers a limited amount of external space the scheme has taken advantage of the opportunities available to offer a variety of high quality external areas, including a rooftop terrace and a courtyard.

The applicant has provided a Flood Risk Assessment, which identifies how the buildings and wider site have been designed to mitigate flooding. This will include the removal of an existing culvert and provision of a flood storage area within the rear amenity space. The applicant has also provided a suitable Sequential Test and Exceptions Test.

The limited car parking is not viewed as problematic as the central location ensures the site is in close proximity to a variety of public transport links. Although the lack of drop-off facilities is regrettable the surrounding streets have capacity to serve this function when needed. The vehicle ingress and egress point on Shoreham Street is viewed as acceptable.

The site is considered to have excellent sustainability credentials, which includes meeting BREEAM Very Good, connecting to the Combined Heat and Power System and providing a brown roof.

The scheme has been designed to provide access for all users, which has been achieved as best allowed by the constraints of the site.

Limits on the hours of use will ensure the amenity of surrounding residents will not be unduly impacted by the Multi Use Games Area, whilst it has been demonstrated that the associated floodlights will not cause problems to surroundings uses.

Overall the development will present an excellent and welcome addition to the city centre and is recommended for conditional approval.

Case Number 12/01763/FUL (Formerly PP-02031553)

Application Type Full Planning Application

Proposal Use of retail unit as a Hot Food Take-away (Use Class A5), new shop front and extraction flue to rear

Location 48 High Street
Mosborough
Sheffield
S20 5AE

Date Received 16/06/2012

Team CITY CENTRE AND EAST

Applicant/Agent JKM Building Design Limited

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:

Drawing No: 0512/01P rev A received 30th July 2012 (including flue extraction specifications)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The hot food takeaway shall be used for the above mentioned purpose only between 0800 and 2300 hours Sunday to Thursday and between 0800 and 2330 hours on Fridays and Saturdays.

In the interests of the amenities of the locality and occupiers of adjoining property.
- 4 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.

- 5 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.

- 6 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 7 At all times commercial bins shall be stored to the rear of the property and shall at no time be stored on the adjoining highways unless otherwise agreed in writing with the Local Planning Authority.

In the interest of satisfactory bin storage and the visual amenities of the locality.

- 8 The occupation of the first floor flat shall be limited to a person solely or mainly employed by the ground floor hot food takeaway (A5) business or any resident dependants unless otherwise agreed in writing with the Local Planning Authority.

In the interest of the amenities of future occupants.

- 9 No live music or amplified sound shall be played within the building unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenities of adjoining properties.

- 10 The flue extraction ducting hereby approved shall be painted black unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenities of the locality.

Attention is drawn to the following justifications:

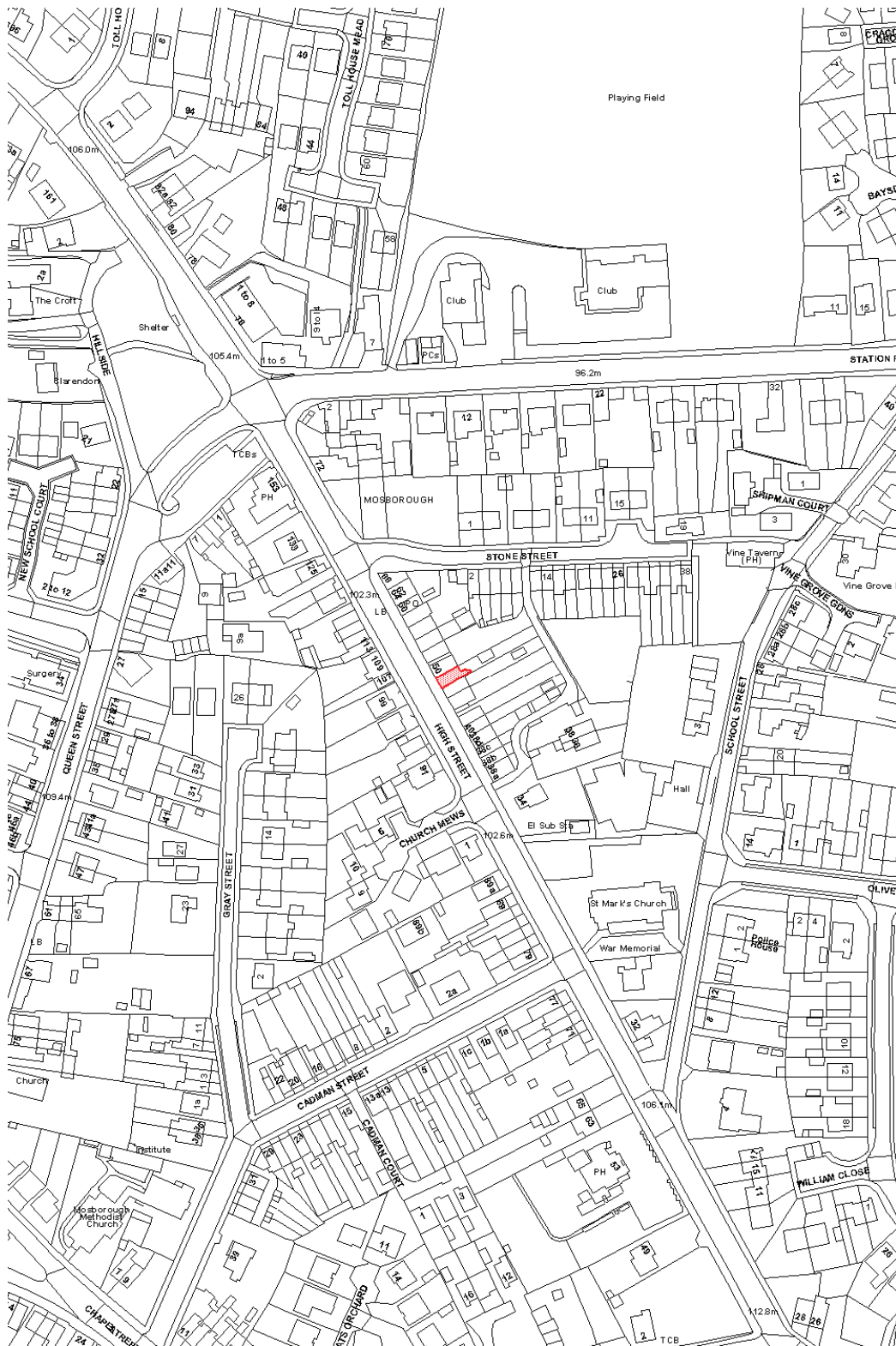
1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

S7 - Development in District and Local Shopping Centres
S10 - Conditions on Development in Shopping Areas

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 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 seeks permission to change the use of the ground floor of No.48 High Street from retail use (Use Class A1) into a hot food takeaway (Use Class A5).

The applicant also proposes an externally mounted extraction flue located to the rear elevation of the property, which will terminate approximately 1 metre above the ridge of the roof. The existing shop front is also proposed to be removed and replaced with a modern glazed shop frontage with integrated roller shutter.

The application site forms part of an established 'Local Shopping Area' as defined in the Sheffield Unitary Development Plan (UDP). The building is a three storey stone fronted mid terraced property with residential accommodation above and a basement level below. The property forms part of an established parade of shops which are located on the east side of High Street, Mosborough. The rear of the premises is accessible from Stone Street via a shared drive which also serves a number of the other shops fronting High Street.

The opposite side of High Street is a Housing Policy Area and there are a mix of houses and commercial uses on this side of the street. High Street is a main route through to Eckington and beyond.

RELEVANT PLANNING HISTORY

91/00530/FUL – Use of ground floor and lower ground floor as offices – Granted Conditionally.

SUMMARY OF REPRESENTATIONS

There have been 50 letters of representation and a 70 signature petition in respect of this application including objections from Councillor Roslyn-Josephs, Councillor Bowler and Clive Betts MP, the issues are summarised as follows

- Insufficient car parking provision on High Street.
- Additional traffic will be detrimental to road safety.
- Proposal will create congestion.
- Odour and smell issues.
- Health hazard – spread of vermin in the area.
- Noise and disturbance from late night operation.
- There are more houses than business premises on High Street.
- There are already two takeaways on High Street.
- Litter will be spread throughout the vicinity.
- Antisocial behaviour associated with the takeaway.
- Proposal will attract people of the public houses in the vicinity.
- Late night operation will detrimentally affect the character of the area.
- Flue and cooking will give rise to air pollution.
- Area already well served by hot food establishments.
- Detrimentially affect the quality of resident's life.
- No public notices were posted.

- The proposal will create a precedent for future applications
- Proposal could lead to vandalism in the area.

PLANNING ASSESSMENT

Land Use & Dominance

Policy S7 'Development in District and Local Shopping Centres', identifies retail (A1) as the preferred use of land within the policy area, however it also identifies food and drink uses inclusive of hot food takeaways (use class A5) as acceptable uses. As such the principle of the proposed use is considered acceptable subject to the requirements of other UDP policies.

Section (a) of Policy S10: Conditions on Development in Shopping Areas, states that proposals for changes of use should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the 'area'. The area referred to in this case being those properties located on the eastern side of High Street only (No.34 to No.66 High Street) and which fall within the Local Shopping Area as defined on the UDP proposals map. Appendix 1 within the UDP defines dominance as usually meaning that non-preferred uses do not occupy more than half of the area.

Following an assessment of uses within the Local Shopping area retail (A1) uses currently remain dominant comprising of 10 of the 17 available units in the shopping area. The application site was formerly used as a shop (A1) and part of the adjoining hairdressers (A1). It is proposed to reduce the size of the hairdressers and enlarge the former dress shop to form the application site. The loss of this former retail unit would still result in retail (A1) uses remaining dominant in the policy area. However members should be aware that an application for the change of use of No. 44 High Street (planning ref: 12/01609/FUL) from a currently vacant retail shop (A1) to a hot food takeaway (A5) is also proposed. Should both applications be granted for change of use to hot food takeaways retail (A1) uses would no longer remain dominant in the shopping area with retail uses comprising of 8 of the 17 units in the centre.

The local centre itself is considered to be relatively vibrant comprising of a good mix of uses including a number of retail uses (A1) including a post office (A1), sandwich shop (A1), Hairdressers (A1) financial and professional services (A2), tanning and nail studio (sui generis), limited residential uses as well as other retail (A1) uses. The proposed use would fill a currently vacant shop unit and is considered to offer a service that is not currently available in the local centre and which is in principle an acceptable use in the policy area in accordance with policy S7 of the UDP. The proposal is considered to contribute positively to the vitality and range of available services in the local centre.

Retail uses (A1) would still comprise a large part of the shopping area especially when discounting residential uses (No. 40 and 42) and specifically No. 34 High Street which is a detached dwelling located at the eastern end of the shopping area, which although technically defined as being within the allocated shopping

area as defined on the UDP proposals map, it is detached set back from the road frontage and is not considered to form part of the terrace of properties which actually make up the shopping area.

When considered in isolation from the proposal to form a takeaway at No. 44 High Street (planning ref: 12/01609/FUL) the proposed change of use will not affect retail dominance in the centre. Should members grant permission for the change of use of No.44 to a hot food takeaway as well as the current application, the change of uses are considered to have a very minor Impact on overall retail dominance in the shopping area. The proposed use is considered to positively contribute to the mix of uses in the shopping area adding to the vitality of street and would not lead to a dominance of uses that would affect the overall shopping function and character of the area.

Design

Policy S10: Conditions on Development in Shopping Areas, (d) states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

Externally the shop front will be altered to form a largely glazed shop front with entrance door. A roller shutter is proposed, however it will be perforated and the shutter housing is recessed to avoid any large shutter housing boxes being affixed to the front elevation. The design of the shop front is considered acceptable.

The proposed extraction flue is located to the rear of the property, and as a result of the changes to the design and specification of the system it is largely accommodated internally with the extraction ducting extending up and across the rear roof plane and terminating approximately 1 metre above the ridge of the roof. The rear elevation of the building is not visually prominent accessible only by a private drive from Stone Street. The design of the flue is considered appropriate and subject to being painted black in order to blend with the existing slate roof the flue will not harm the appearance of the building or form a visually prominent or obtrusive feature in the street scene and therefore is considered to comply with Policy S10 (c).

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, Section (b) seeks to ensure that that new developments or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution & noise.

The design of the flue extraction system has been amended during the course of the application to address concerns raised by the councils Environmental Protection Services (EPS). This has resulted in a majority of the extraction system, including the filtration system being accommodated with the envelope of the existing building which will eliminate any potential noise and disturbance from the operation of the extraction system. Sound attenuation will need to be provided in

the flat above the takeaway for the amenity of future residents; however the flat is to be occupied by the applicant, which will be secured by planning condition and as such the operation of the flue is not considered to detrimentally affect the amenity of residents.

The flue has also been repositioned so as to terminate through the rear roof plane and now projects one metre above the ridge of the roof, it is also fitted with a jet cowl in order to ensure appropriate dispersal of cooking odours and fumes. The applicant has also agreed to improve the extraction filtration system to install a three stage odour neutraliser system which will eliminate a majority of odours before fumes are dispersed into the atmosphere via the extraction flue. The proposal is therefore not considered to give rise to any detrimental odour or fume issues.

There is potential for customers using the premises to create some noise when entering and exiting the premises and customers arriving by car. However the application site is in a Local Shopping Area adjacent to a busy road where you would expect some evening time activity and traffic movement. There are also a number of other established evening time uses such as public houses in the area which generate their own activity.

It is acknowledged that there are residential properties in the vicinity the site; however the relationship between the application site and established residential properties in the vicinity is not considered unusual or unique and is in fact a very common relationship in local and district shopping areas and many housing areas throughout the city.

The applicant originally sought to operate the takeaway until 0100 hours seven days a week, however following discussions the hours of operation have been reduced and it is now proposed to operate between 0800 and 2300 hours Sunday to Thursday and between 0800 and 2330 hours on Friday and Saturdays. The addition of a hot food takeaway that would predominantly serve the local community is not considered to attract a significant number of customers to the area that would detrimentally affect the amenities of residents. The reduced hours of operation will also minimise any perceived late evening noise and disturbance and the hours of operation are considered appropriate in a Local Shopping Area where there are other established late night uses including public houses in the vicinity. The proposal is not considered to give rise to any unacceptable amenity issues and therefore is considered to comply with section (b) of policy S10.

Highways

Section (f) of Policy S10: Conditions on Development in Shopping Areas, states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The site is accessible by public transport and there is ample on street parking available on High Street and the immediate vicinity should customers arrive by car. The use is not considered to be a large trip generator in its own right, primarily

servicing the local area and properties in the vicinity. Given the above, the proposal is considered to be in compliance with Policy S10 (f)

Access

The alterations to the shop front include a new level threshold into the unit. As such suitable access is provided.

Bin Storage/litter

The property has a large rear yard area accessed from Stone Street which could accommodate any required commercial bin storage associated with the takeaway. A litter bin for customers will be conditioned to be provided outside of the shop when the premises are open in order to prevent the spread of litter in the locality. The proposal includes suitable bin storage and therefore complies with policy S10.

RESPONSE TO REPRESENTATIONS

Issues with regard to litter on the street could be dealt with by the provision of a litter bin outside the premises secured by condition. There is no evidence to suggest that the use will increase or give rise to antisocial behaviour or vandalism, which is a matter for the police. Again there is no evidence to suggest that the use would increase vermin or attract rodents, if this issue did arise it could be dealt with by Environmental Health. There is no requirement to post a public notice for this application however letters were sent to a wider area than would ordinarily be undertaken for this type of application at the request of residents and councillors. In relation to concerns regarding the creation of similar uses, future applications will be considered on their individual merits. Concerns regarding traffic safety and highways concerns have been addressed in the main body of the report. Restrictions on hours of use and specification of the extraction system are considered to mitigate any noise and disturbance associated with the use. All other issues raised are covered in the main body of the report

SUMMARY AND RECOMMENDATION

This application seeks permission to change the use of an empty retail (A1) shop to a hot food takeaway (A5), install a fume extraction system and form a new shop front

Consideration of this application to change the use of a vacant retail (A1) shop into a hot food takeaway (A5) in isolation from the proposed change of use of No.44 High Street (planning ref:12/01609/FUL), the proposal would not threaten the dominance of preferred retail uses within the Local Shopping Area. However when considering the application alongside the proposals for No.44 High Street, should it be granted as well as this application, preferred uses would no longer remain dominant as required by Policy S10 (a).

However in this case it is considered that the existing local shopping area is relatively vibrant comprising of a number of retail uses as well as a mix of other uses. Food and drink uses (A3/A4 and A5) are acceptable uses in principle in

Local Shopping Areas in accordance with policy S7 of the UDP and is considered to be a location where you expect to find such a use. The proposal will make use of an existing vacant unit and is considered to contribute to the vitality of the shopping area and as such the proposed change of use is considered acceptable in this case.

The application site is accessible by public transport, there is considered to be ample on street parking and the site is also very accessible by foot from the local area. Taking account of the commercial nature of the area and the close location of the surrounding residential community, this application is not considered to place any undue pressure on the existing highway network or harm highway safety.

The location, specification and design of the extraction system is considered acceptable and will not give rise to any unacceptable impacts on the visual amenity of the locality or the amenity of residents.

Hours of use will be restricted to between 0800 and 2300 hours Sunday to Thursday and between 0800 and 2330 hours on Friday and Saturdays. Taking account of the sites location in a Local Shopping Area with other established late night uses in the vicinity, the proposed hours of operation are not considered to give rise to any unacceptable noise and disturbance.

Adequate commercial bin storage is available to the rear of the property and a litter bin will be conditioned to be provided outside of the premises when it is open for customers in order to avoid the spread of litter in the vicinity.

In light of the above the proposal is considered acceptable and it is therefore recommended that planning permission is granted conditionally.

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND BOUNDARY WALL TO THE FRONT OF 20 ALBANY ROAD, S7.

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED WINDOWS AND BOUNDARY WALL .

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

BRENDAN GILLESPIE

TEL NO: 203 7798

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS AREA COMMITTEE

13 August 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT WINDOWS AND BOUNDARY WALL TO THE FRONT OF THE DWELLING AT 20 ALBANY ROAD WHICH LIES WITHIN THE NETHER EDGE ARTICLE 4 CONSERVATION AREA

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 20 Albany Road is a traditional stone built detached property located within Nether Edge Conservation Area, and is covered by an Article 4 (2) direction. The Article 4(2) direction was declared in 2005 and was placed on properties which had traditional features on buildings of merit within the street scene.
- 2.2 The Council was first alerted that workmen were converting the house into separate flats and taking out the windows on 2nd October 2008. A visit to the site was made that day and officers witnessed interior work being carried out on the house but the traditional windows had already been replaced with new Brown uPVC windows not considered to be in keeping with the character of the Article 4 Conservation Area.
- 2.3 The workmen advised that the new owner intended to use the house as a traditional family home and had no intentions to convert the property into separate flats. The next day the owner rang the office and was advised that the work to replace the windows was unauthorised and the new windows fitted were not considered suitable or in keeping with the character of the properties within the Conservation Area. He was informed the Council would write confirming this and would also consider taking enforcement action to secure the windows removal

- 2.4 A letter was sent to the owner concerning the unauthorised works, together with a Section 330 Notice, that was returned on 28th October 2008. (A section 330 Notice requires the owner to provide information to the Council such as their interest in the building, and works that have been carried out etc).
- 2.5 In December 2008 a further phone call was received from a neighbour advising that the original small front boundary wall and the hedging had now been replaced by a breeze block wall. Again this wall is unauthorised and not in keeping with the character of the Conservation area. Officers also noticed a velux window had been installed on the roof on the front elevation, which had also been fitted post the Article 4 restrictions.
- 2.6 Officers acknowledge that a considerable amount of time has passed since the breach was first noticed. It also acknowledges that delays have occurred in trying to take further action against this site. Since the creation of the new enforcement team processes are being introduced to identify these delayed cases and take further action and ensure that similar delays no longer happen.
- 2.7 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use, the onus is on the owner to prove this. In this case no evidence has been produced by the owner to show that the works were carried out more than 4 years ago. It is considered that on the balance of probability, the lack of evidence submitted by the owner and information held by the Council is sufficient to consider that the works were carried out within the last 4 years.
- 2.8 The house, showing the windows as they were at the time when the Article 4 restrictions were imposed, along with the windows as recently replaced, together with the boundary wall that was subsequently built and subject of this report, are shown in the photographs below.

Original Windows and Frontage – December 2005



Replacement Windows and Wall Frontage



3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1** The original bay windows were wooden framed traditional sash opening whilst the first and second floor windows were wooden framed

although not sash opening. These traditional style sash windows are an important feature in the many Victorian and Edwardian villas within the Nether Edge Conservation Area. The replacements are all however brown uPVC frames with detailing on the glass and all non sash opening, which have a detrimental appearance on the house.

- 3.2 The installation of the breeze block wall at the front of the house is an inappropriate boundary treatment that should be replaced by a wall of more traditional materials such as stone or brick.
- 3.3 The installation of the velux window is considered to be acceptable due to its limited impact.
- 3.4 The Local Planning Authority consider that the retention of the uPVC windows as installed and the front boundary wall by reason of their external appearance, poor detailing and material, gives rise to an unsatisfactory appearance, and therefore fails to preserve or enhance the character of the Nether Edge Conservation Area and is therefore contrary to the aims of policies BE5, BE15 and BE17 of the Unitary Development Plan

4. ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the suspected breach of control and property ownership. It also gives an opportunity for the developer to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case we already have details of ownership and the dates and nature of the breach. Furthermore we have already discussed the options with the owner so a PCN is unlikely to prove useful.
- 4.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require remedial measure to ensure that the perceived harm is remedied. In this case this would be that the Windows should be replaced with wooden sash windows substantially similar to those removed and the front boundary wall should be replaced with a treatment substantially similar to that previously in place.

5. EQUAL OPPORTUNITIES

- 5.1 There are no equal opportunity implications arising from the recommendations in this report.

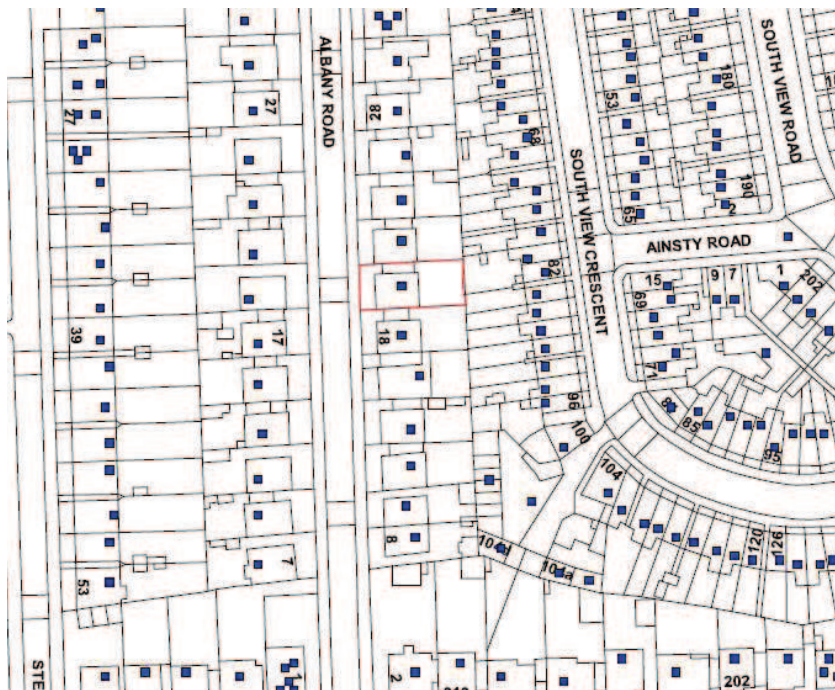
6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from the recommendations in this report.

7. RECOMMENDATION

7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action, and the institution of legal proceedings to secure the removal of the unauthorised windows, excluding the velux window in the roof, and boundary wall to the front of 20 Albany Road.

SITE PLAN 20 Albany Road, Sheffield, S7



Dave Caulfield
Head of Planning

30th July 2012

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND TO THE FRONT OF 33 ALBANY ROAD, S7.

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED WINDOWS.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

BRENDAN GILLESPIE

TEL NO: 203 7798

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS AREA COMMITTEE

13 August 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT WINDOWS TO THE FRONT OF THE DWELLING AT ALBANY COURT, 33 ALBANY ROAD WHICH LIES WITHIN THE NETHER EDGE ARTICLE 4 CONSERVATION AREA

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 33 Albany Road is a traditional stone built detached property located within Nether Edge Conservation Area, and is covered by an Article 4 (2) direction. The Article 4(2) direction was declared in 2005 and was placed on properties which had traditional features on buildings of merit within the street scene. This particular property was converted into 3 self-contained flats following formal planning approval in 1978.
- 2.2 On the 2nd October 2008, Officers were first alerted that workmen were fitting a brown uPVC window into a Dormer window at the front of the property. A visit to the site was made that day and officers witnessed work being carried out on the Dormer window and that a window on the 2nd floor had just been replaced with a new Brown uPVC window, not considered to be in keeping with the character of the Article 4 Conservation Area.
- 2.3 The workmen were advised that the new windows were unauthorised and as such no further work other than to secure the Dormer, should be carried out. The next day the owner rang the office as requested and was advised that the work to replace the windows was unauthorised and the new windows fitted were not considered suitable or in keeping with the character of the properties within the

- 2.4 A meeting, arranged for 16th October, was attended by the owner of the house, the Conservation Officer and the Enforcement Officer. The owner confirmed that he lets out the property and was unaware that planning permission was required for any alterations made on the property or that the Article 4 Directive was in operation within the area.
- 2.5 The reasons behind the Article 4 Directive and the standards expected on any alterations to properties within the Conservation Area were carefully explained to the owner and he was also advised that on its inception, every property within the Article 4 area had received a letter of information explaining the Article 4 Directive and all planning issues relating to it. A photograph showing the front of every house was also taken, just before the Article 4 Directive was adopted, for formal identification purposes.
- 2.6 It was explained to the owner that the Council is trying to be fair and consistent in its approach to these matters and would work with Owners where ever possible to ensure a satisfactory conclusion but the owners also needed to show a level of commitment that they were willing to work within the guidelines and act accordingly. The owner appreciated this and asked for more time, possibly a year, to change the windows, to take out all the unauthorised windows and replace them with more suitable ones, to be approved by the Council. It was suggested an Application be submitted by the owner to this effect, which could contain a Legal Agreement and/or Conditions with instructions giving the time period allowed.
- 2.7 To date no application or further information has been received from the owner of the property regarding the matter.
- 2.8 Officers acknowledge that a considerable amount of time has passed since the breach was first noticed. It also acknowledges that delays have occurred in trying to take further action against this site. Since the creation of the new enforcement team processes are being introduced to identify these delayed cases and take further action and ensure that similar delays no longer happen.
- 2.9 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use, the onus is on the owner to prove this. In this case no evidence has been produced by the owner to show that the works were carried out more than 4 years ago. It is considered that on the balance of probability, the lack of evidence submitted by the owner and information held by the Council is sufficient to consider that the works were carried out within the last 4 years.

2.10 The house, showing the windows as they were at the time when the Article 4 restrictions were imposed, along with the windows as recently replaced, and subject of this report, are shown in the photographs below.

Original Windows and Frontage – December 2005



Replacement Windows and Frontage



3. ASSESSMENT OF THE BREACHES OF CONTROL
 - 3.1 On closer inspection, it can be seen that the original bay windows to the ground and first floor, and the top-opening single windows adjacent to them, have also been replaced, since the Article 4 Directive came into operation. The bay windows were white uPVC apart from the two side sections of the ground floor bay which were wooden framed traditional sash opening. These traditional style sash windows are an important feature in the many Victorian and Edwardian villas within the Nether Edge Conservation Area. The replacement white uPVC windows are considered to have a better appearance than the former ones because of their design, which is more in keeping with the character of the Conservation Area.
 - 3.2 The replacement brown uPVC window to the 2nd floor and the Dormer window, together with the Dormer's casing also give a detrimental appearance to the house.

- 3.3 The Local Planning Authority consider that the retention of the brown uPVC windows as installed by reason of their external appearance, poor detailing and material, gives rise to an unsatisfactory appearance, and therefore fails to preserve or enhance the character of the Nether Edge Conservation Area and is therefore contrary to the aims of policies BE5, BE15 and BE17 of the Unitary Development Plan. The replacement white uPVC windows are considered to be acceptable.

4. ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the suspected breach of control and property ownership. It also gives an opportunity for the developer to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case we already have details of ownership and the dates and nature of the breach. Furthermore we have already discussed the options with the owner so a PCN is unlikely to prove useful.
- 4.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require remedial measure to ensure that the perceived harm is remedied. In this case this would be that the Windows should be replaced with wooden sash windows substantially similar to those removed and previously in place.

5. EQUAL OPPORTUNITIES

- 5.1 There are no equal opportunity implications arising from the recommendations in this report.

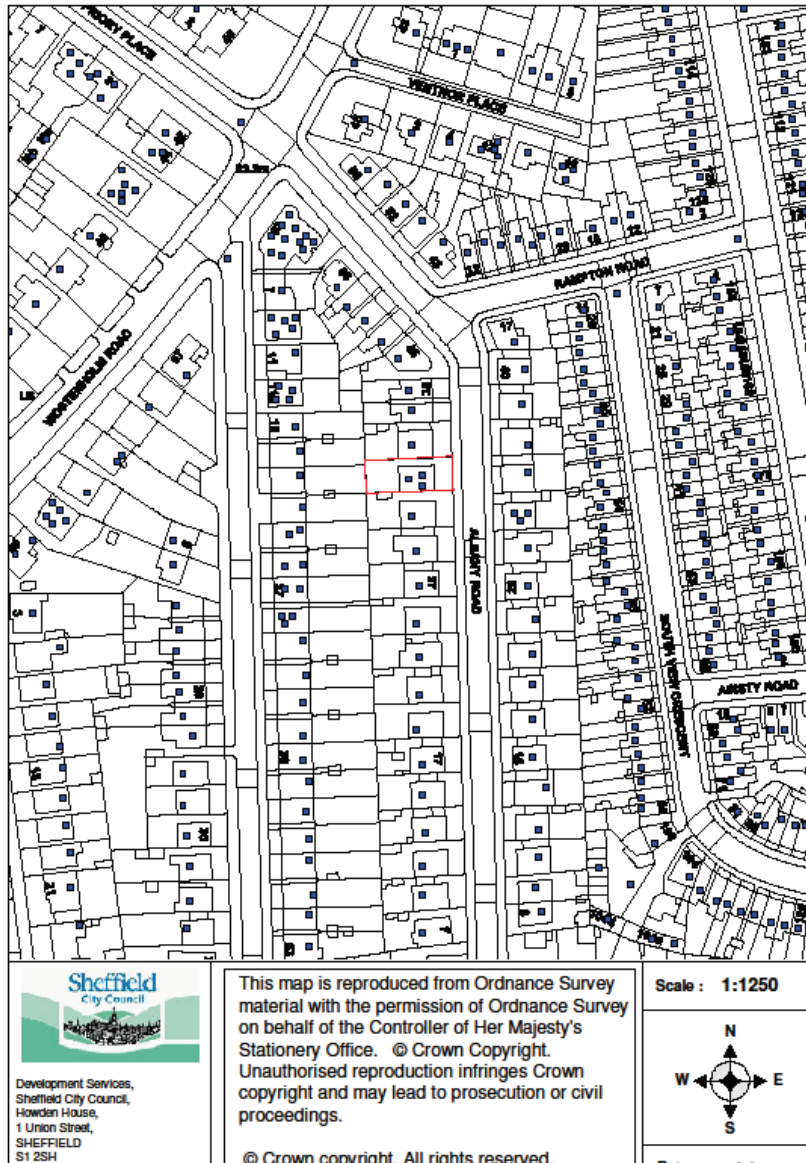
6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations in this report.

7. RECOMMENDATION

- 7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action, and the institution of legal proceedings to secure the removal of the unauthorised windows to the front of 33 Albany Road.

SITE PLAN
33 Albany Road, Sheffield, S7



Dave Caulfield
Head of Planning

31st July 2012

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED SITING OF TIMBER STORAGE BUILDING FORWARD OF THE PRINCIPAL
ELEVATION OF A DWELLING HOUSE AT 44 FELLBRIGG ROAD S2

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED TIMBER STORAGE BUILDING.

FINANCIAL IMPLICATIONS

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS FIONA SINCLAIR

TEL NO: 273 7370

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

ENFORCEMENT REPORT

UNAUTHORISED SITING OF TIMBER STORAGE BUILDING FORWARD OF THE PRINCIPAL ELEVATION OF A DWELLING HOUSE AT 44 FELLBRIGG ROAD S2

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Board Members of a breach of planning control and to make representations on any further action required.

2. BACKGROUND

- 2.1 A complaint was received regarding the siting of a timber storage building on a hard standing in front of the principal elevation to No. 44 Fellbrigg Road.
- 2.2 Correspondence was entered into, with the owner/occupier, advising him that the storage building does not meet the requirements of Class E of the Permitted Development Order 2008, and that given it is unlikely that planning permission would be granted he should arrange to have it removed.
- 2.3 The owner/occupier responded by claiming the building was a temporary store for materials whilst renovation work is being carried out at the property; but would not specify how long it is to remain there.
- 2.4 Despite correspondence instructing the owner to remove or relocate the building in the rear garden he has yet to do so.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 Due to its location in front of the dwelling's principal elevation the building, a 3.10m x 1.86m x 2.00m high timber prefabricated shed, would not benefit from the Permitted Development rights for outbuildings within the curtilage of a dwelling house, as described in Class E of the Permitted Development Order 2008; which states that:

Development is not permitted if any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house.

3.2 The street scene, at this locality, is entirely residential in character and there is no other similar development on Fellbrigg Road; and, with regard to this, the building is considered as causing visual harm to the amenities of the street and to be contrary to policy H14 of the Unitary Development Plan (see photograph).

4. ASSESSMENT OF ENFORCEMENT OPTIONS

4.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case, however, such a notice is not considered appropriate as details of use, ownership and interests in the land have already been established. Moreover, attempts encourage the owner to remedy the situation have failed; and, regularisation by planning permission is not recommended in this report.

4.2 Section 172 of the Town and Country Planning Act provides for the service of an Enforcement Notice. In this case such a notice would be appropriate and would require the removal of the unauthorised building from the front of 44 Fellbrigg Road.

5 EQUAL OPPORTUNITIES

5.1 There are no equal opportunity issues arising from the recommendations in this report.

6 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

6.1 There are no financial or equal opportunity implications arising from the recommendations contained in this report.

7.0 RECOMMENDATIONS

7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised timber building at 44 Fellbrigg Road

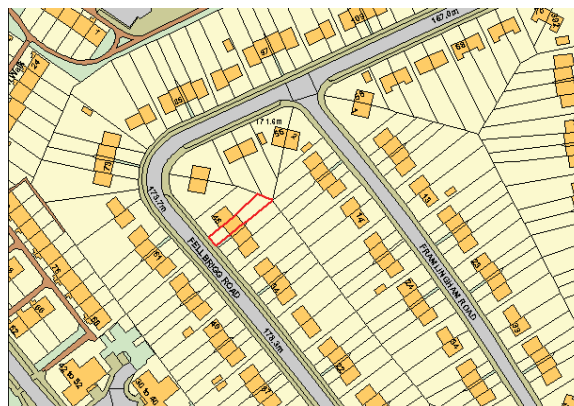
Photograph showing unauthorised timber building



Edited photograph showing how the property would look following the building's removal



SITE PLAN



D Caulfield
Head of Planning Service

18 July 2012



**SHEFFIELD CITY COUNCIL
PLACE**

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND DOOR TO THE FRONT OF 204
CHIPPINGHOUSE ROAD, S7.

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE HEAD OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED WINDOWS AND DOOR AND THEIR REPLACEMENT WITH A SUITABLE ALTERNATIVE AS SPECIFIED IN ANY NOTICE.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

KHALID MAHMOOD

TEL NO: 203 7758

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING
AND HIGHWAYS
COMMITTEE

13 AUGUST 2012

ENFORCEMENT REPORT

UNAUTHORISED REPLACEMENT OF WINDOWS AND DOOR TO THE
FRONT OF 204 CHIPPINGHOUSE ROAD, S7.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 204 Chippinghouse Road is a traditional two storey stone built detached property with a garage. The property is located within the Nether Edge Conservation Area and a Housing Area as designated in the Unitary Development Plan. The property is also within the Nether Edge Article 4(2) Area.

- 2.2 A complaint was received on the 15 February 2012, regarding the replacement of windows and door at the property. A site visit was carried out and it was noticed that the original timber sliding sash window on the ground floor nearest to number 202 and the first floor timber framed window nearest to 202 and the remainder of the first floor UPVC windows had been removed and replaced with top opening white UPVC windows. The original timber door to the front of the property had also been replaced with a new white UPVC door without consent.

- 2.3 A meeting was arranged with the owners and they were informed that that there is no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the windows and door without planning permission was unauthorised. The owner agreed that details would be submitted via a joiner showing either a more appropriate replacement or a similar replacement. To date, no attempt has been made to resolve this issue.

3. ASSESSMENT OF BREACH OF CONTROL

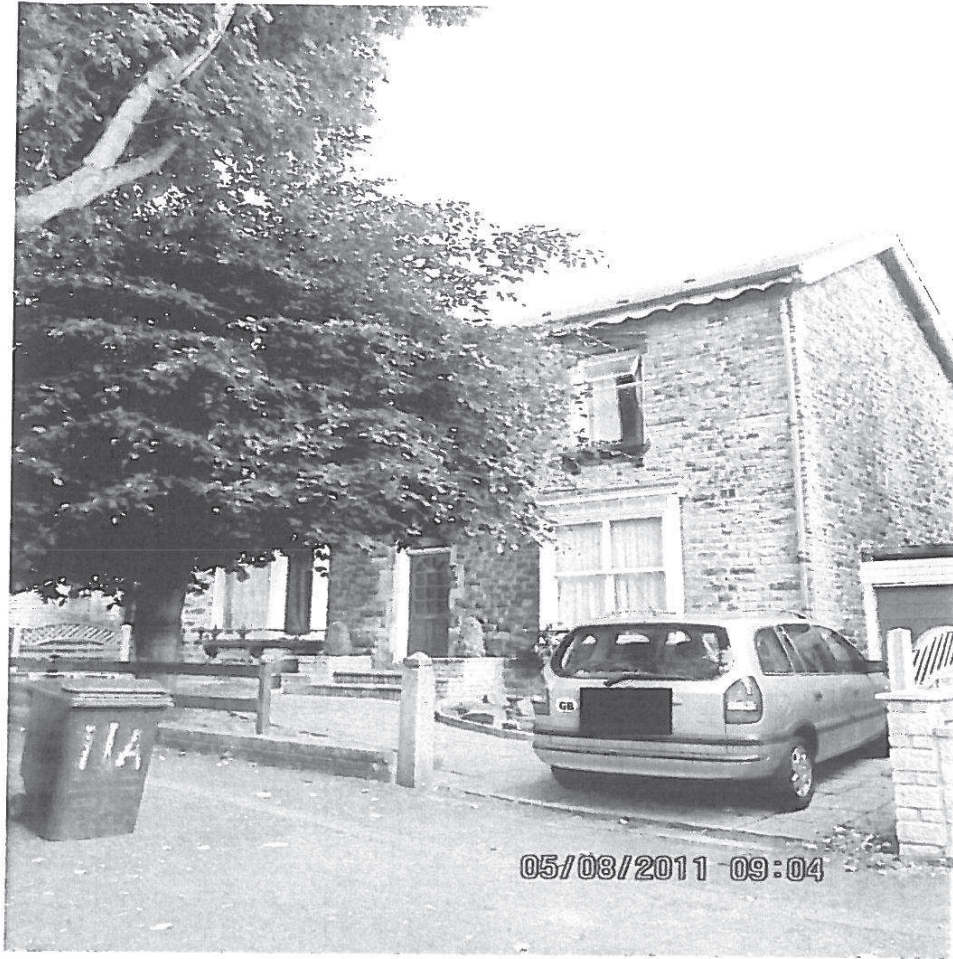
- 3.1 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

- 3.2 Unitary Development Plan Policy BE15 'Areas and buildings of special architectural or Historical Interest' states that development which would harm the character or appearance of a Conservation Area will not be permitted.
- 3.3 Unitary Development Plan Policy BE16 'Development in Conservation Areas' states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.
- 3.4 Unitary Development Plan Policy BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.
- 3.5 Unitary Development Plan Policy H14 'Condition on Development in Housing Areas' states that developments should be well designed and in scale and character with the neighbouring buildings.
- 3.6 GROUND FLOOR WINDOW NEAREST TO NUMBER 202 - The previous window was a traditional detailed timber vertical sliding sash. The replacement window is now a white UPVC with a top hung opening.
- 3.7 FIRST FLOOR WINDOW NEAREST TO NUMBER 202 - The previous window was a timber top hung. The replacement window is now a white UPVC with a top hung opening.
- 3.8 FIRST FLOOR WINDOWS ABOVE THE FRONT ENTRANCE DOOR AND WINDOW NEAREST TO NUMBER 206 - The previous windows were white UPVC with a central opening. The replacement window is now white UPVC with a top hung opening.
- 3.9 It is considered that the unauthorised new UPVC windows are of an unsatisfactory appearance due to the poor design and detailing. The traditional styles of windows in this area were timber sliding sash. One of the most important aspects of these are the top sash that projects over the bottom sash and the method of opening which has not been replicated in these replacements. This has the effect of a flush appearance. The second important characteristic is the slender box frame. The replacements have lost this slender detail and have a much heavier chunky appearance to the frames. As the windows have a non-traditional method of opening this is further exacerbated when the windows are left in the open position.
- 3.10 DOOR - The previous door was a timber door. The replacement door is of a UPVC materials.

- 3.11 The incremental loss of such traditional features threatens the character and appearance of the Conservation Area, and is in direct conflict with the purpose of the Article 4(2) direction. The aim of the direction is to halt the erosion of traditional character, by exerting greater control, and to gradually restore it with suitable alterations that enhance the appearance of the Conservation Area. The works undertaken are typical examples of the alterations identified by the Conservation Area Appraisal as having a negative impact on the conservation area.
- 3.12 Given the circumstances the windows and door fail to preserve or enhance the character of Nether Edge Conservation Area and as a result are contrary to the aims of the policies BE5, BE15, BE16, BE17 and H14 of the Unitary Development Plan.
- 3.13 The photo images below show the property in question before and after the changes and clearly demonstrates that the unauthorised windows and door are not appropriate for the property and their appearance is deemed not to be in keeping with the character of the area.

Before changes photographs taken in August 2011

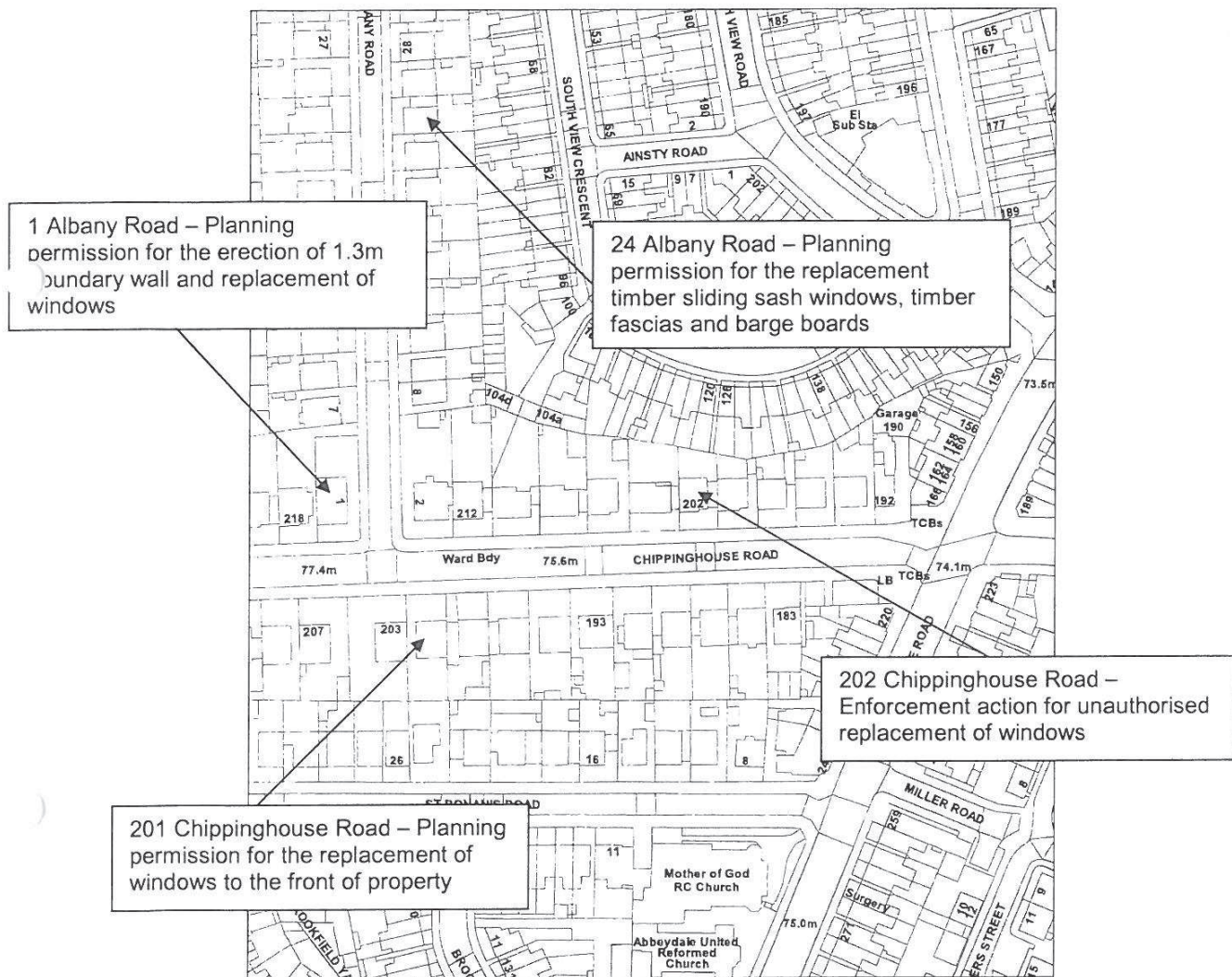




After changes photograph taken on 3 July 2012



- 3.14 Officers also looked at recent planning applications for the area which were Article 4 related and found that there have been three recent applications made in the immediate area (see map below). Enforcement action is also being taken against the owners of 202 Chippinghouse Road for the unauthorised replacement of windows. This demonstrates public awareness of the controls that operate in this area, and action is being pursued consistently.



- 3.15 The Enforcement Notice would require the replacement of the unauthorised windows and door to the front of the property with appropriate design and materials to meet conservation design standards within a specified time period.

4. REPRESENTATIONS

- 4.1 A complaint was received about the replacement of windows and door within an Article 4 area.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require remedial measures to ensure that the perceived harm is remedied. In this case this would be that the windows and doors at the front of the property are replaced with appropriate design and materials. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However recent appeal decisions have supported the Council in taking similar action.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations of this report

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 There are no equal opportunities implications arising from the recommendations of this report.

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised windows and door and their replacement with a suitable alternative as specified in any Notice.

D Caulfield
Head of Planning

1 August 2012

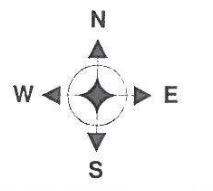



 Sheffield
 City Council

 Development Services,
 Sheffield City Council,
 Howden House,
 1 Union Street,
 SHEFFIELD
 S1 2SH

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Date: 14 June 2010

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DATE 13 AUGUST 2012

**REPORT TO THE CITY CENTRE,
SOUTH & EAST PLANNING AND
HIGHWAYS COMMITTEE**

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF PROGRESS ON THE WORK BEING UNDERTAKEN BY THE ENFORCEMENT TEAM

RECOMMENDATIONS

TO NOTE THE CONTENTS OF THE REPORT

FINANCIAL IMPLICATIONS

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS LEE BROOK

TEL NO: 0114 2734590

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE
SOUTH AND EAST
PLANNING AND HIGHWAYS
COMMITTEE
13TH AUGUST 2012

QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to advise members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st April to the 1st of July.

2. ACTIVITY DURING THE QUARTER

- A total of 179 enforcement complaints were received. Of these 60% concerned unauthorised development and 17% failure to comply with conditions or approved plans. The percentage of cases involving houses in multiple occupation and Section 215 (untidy land/buildings) dropped markedly compared to the last quarter.
- The number of cases resolved within the target of 6 months was 57%. This equates to the 58% achieved in the first quarter of 2011 but fails to maintain the results of the two last quarters of 2011 (68% and 63% respectively)
- Notices served in the period: -

Notice type	Apr 2011 – Mar 2012	Quarter 2 Jul – Sep 2011	Quarter 3 Oct – Dec 2011	Quarter 4 Jan – Mar 2012	Quarter 1 Apr – Jun 2012
Breach of conditions	14	2	10	1	2
Discontinuance (adverts)	3			1	
Enforcement	29	6	10	2	8
Stop					
Temporary Stop	2	1	1		
Section 215 (untidy land)	15	3	3	2	4
Section 225 (signs)	36	15	6	12	1
Total	99	27	30	18	15
Prosecutions	18	5	1	6	5

- The Article 4 Direction removing permitted development rights for houses in multiple occupation over a substantial area of the Western suburbs and the City Centre came into effect in December. This has created a whole new area of enforcement activity and cases involving HMO's increased to become the second most significant area of work in the quarter to April (15% of all cases). During the last quarter this work dropped back to only 4% of all cases.
- In the area of Nether Edge covered by the article 4 direction; and following the dismissal of appeals against the enforcement notices, the required work was undertaken by the owners of two properties on Raven Road. This included the replacement of artificial slate roofs with natural slate and the removal of render and paint from the walls.
- On Sandford Grove Road the fine resulting from the successful prosecution of the owner had not been sufficient to achieve the removal of an unauthorised extension. Therefore direct action was taken jointly with Private Sector Housing to remove the offending development.

3 CONCLUSION

- 3.1 In term of the statistics the number of complaints has dropped back to 179 from last quarters 205. The decline in the percentage of cases being resolved within 6 months is of concern and the causes are being investigated.

4. RECOMMENDATION

- 4.1 It is recommended that Members note the report.

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**REPORT TO CITY CENTRE, SOUTH &
EAST PLANNING AND HIGHWAYS
COMMITTEE**

DATE 13 August 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

SUMMARY

LIST OF ALL NEWLY SUBMITTED PLANNING APPEALS AND DECISIONS RECEIVED, TOGETHER WITH BRIEF SUMMARY OF INSPECTOR'S REASONS FOR DECISION

RECOMMENDATIONS

TO NOTE

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

N/A

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS Sue McGrail

TEL NO: 0114 2734404

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
13 AUGUST 2012

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

No new appeals have been received

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal has been dismissed against the decision of the City Council to refuse an advertising hoarding application, under delegated powers, for the retention of 1 non-illuminated hoarding at land at Bramall Lane and Boston Street, St Mary's Gate (Case No 11/03310/HOARD).

Officer Comment: - The Inspector took the view that the main issues were the effect on the visual amenity of the area and the setting of St Marys church, which is Grade 2 Listed. She felt that, due to the height and scale of the hoarding and its very prominent location on the corner facing St Marys roundabout, it would have a negative impact on the setting of the Listed Building and the appearance of the area.

4.0 APPEALS DECISIONS - ALLOWED

(i) An appeal has been allowed against the decision of the City Council to grant conditionally an application for planning permission, at it's meeting held on 17 July, 2011 for the external remodelling and change of use to a casino, bar and restaurant (use classes A, A4 and sui generis) at the NUM Headquarters, Holly Building, Holly Street (Case No 11/01396/FUL). Specifically the appeal was against the imposition of Conditions 3, 4, 5 & 8, in respect of hours of use and external amplified music.

Officer Comment:- The appellant made an appeal against the following conditions:
3. The roof top bar shall only be used between 08:00 hours and 00:30 hours

(on the following day) on any day.

4. The ground floor restaurant units shall only be used between 08:00 hours and 01:00 hours (the following day) on any day.

5. The upper ground floor outdoor seating area shown on the drawings hereby approved shall be used only between 09:00 hours and 23:00 hours on any day.

8. No live or amplified music shall be played, nor shall loudspeakers be fixed at anytime, outside the building.

The Inspector considered that the main issue was whether the conditions were reasonable and necessary in order to protect the living conditions of local residents from noise and disturbance. From the characteristics of the area he felt that noise from the casino in the early hours would not add significantly to the noise experienced by the nearby residents although he was concerned that unlimited numbers of smokers using the outdoor areas at all hours could well lead to disturbance after the background noise levels drop.

In conclusion the Inspector felt it was reasonable to vary the terms of the conditions but also considered it necessary to add a management condition on the outdoor smoking areas.

The revised conditions can be summarised as follows:

3. Use of rooftop bar until 01:30 hours and then an outdoor smoking area limited to 30 people between 01:30 and 08:00 hours.

4. Use of ground floor restaurant allowed until 02:00 hours

5. Upper ground floor seating area allowed until 02:00 hours but between 00:00 hours and 02:00 hours the area shall be limited to 20 smokers.

8. No outside amplified music unless written approval is given in advance by the Local Planning Authority

New Condition: A management strategy for the external areas shall be submitted to and approved by the Local Planning Authority and then implemented.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

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