

City Centre, South and East Planning and Highways Committee

Monday 5 November 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 (Deputy Chair), Peter Price, Janice Sidebottom and Diana Stimely

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
5 NOVEMBER 2012**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 3. Apologies for Absence**
- 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 15th October, 2012.
- 6. Sheffield Conservation Advisory Group**
Minutes of the meeting of the Committee held on 18th September, 2012.
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 8. Applications Under Various Acts/Regulations**
Report of the Director of Development Services.
- 9. Enforcement Of Planning Control: 29 Ratcliffe Road**
Report of the Director of Development Services.
- 10. Enforcement Of Planning Control: 64 to 68 Wicker**
Report of the Director of Development Services.
- 11. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services.
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 26th November, 2012.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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

You have a personal interest where –

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

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

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

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

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

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

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City Centre, South and East Planning and Highways Committee

Meeting held 15 October 2012

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

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1. EXCLUSION OF PUBLIC AND PRESS

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

2. APOLOGIES FOR ABSENCE

2.1 There were no apologies for absence.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 24th September 2012 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 1st November 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee

6. ARTICLE 4 (1) DIRECTION, 20 NEWFIELD LANE, DORE

6.1 The Committee received a report of the Director of Development Services providing details of a decision taken under delegated powers to serve an Article 4(1) Direction upon the owner of land at 20 Newfield Lane, and of its implications

6.2 It was noted that 20 Newfield Lane was a modest isolated dwelling on a large and generally open plot within the adopted Green Belt, classed as an Area of High Landscape Value, as identified by the Unitary Development Plan. The dwelling, on the edge of Dore, had previously been significantly extended over and above its original footprint. Views across the plot are prevalent to open countryside beyond.

6.3 It was further noted that the owner of 20 Newfield Lane was seeking to erect a substantial outbuilding within the extensive garden area to the side of the dwelling. Plans have been formally submitted (ref: 12/00610/LD2) to seek to establish that

the proposed building falls within Class E to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The application was due to be considered by Members at the City Centre, South & East Planning and Highways Committee on 23 July 2012, but it was withdrawn from the agenda by officers to allow for further examination of the legal interpretation of the case, and to allow the applicant to submit further evidence. It was noted that there was significant local opposition to the proposal.

- 6.4 The erection of any detached outbuildings within the curtilage of the dwelling or further extension of the dwelling was capable of having a significant and damaging impact on the open character of the Green Belt adjacent open countryside and fronting the west side of Newfield Lane, which is not substantially developed. Consequently, such developments are potentially damaging to the public interest.
- 6.5 There was therefore evidence of a significant threat to the open character of the Green Belt, and the Area of High Landscape Value in this location. In recognition of this, and of the significant level of public opposition to the proposed outbuilding, officers considered that in order to ensure all forms of future development in this prominent location would be subject to an application for planning permission, it would be appropriate to exercise powers set out within the Town and Country Planning (General Permitted Development Order) 1995 (as amended) to remove permitted development rights from the property.
- 6.6 **RESOLVED:** That Members note the imposition of an Article 4(1) Direction at 20 Newfield Lane, Dore removing permitted development rights from the property.

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 2007, be decided, granted or refused as stated in the report submitted to this Committee for this date in respect of Case Nos. 12/02481/FUL, 12/02245/FUL, 12/02161/CAC, 12/02160/FUL, 12/01976/FUL and 12/01916/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) subject to the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of two dwellinghouses for use as houses in multiple occupation (class C4) at 6 Wilkinson Street (Case No. 12/02443/FUL (formerly PP-02126343)) be granted, conditionally;

(c) subject to an amendment to condition 2 and the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, and the strengthening of the wording to condition 8 to ensure the continued retention

of the 2 metre high brick wall between the application site and the Foxwood Public House, an application for planning permission for the erection of two dwellinghouses at the car park adjoining the Embassy Ballroom and Foxwood Public House, 57 Mansfield Road (Case No. 12/02287/FUL) be granted, conditionally;

(d) subject to the deletion of condition 15, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with class A1/A3/A5 and B1 units on ground floor at the Yorkshire Co Op Society Car Park, Beeley Street (Case No. 12/02078/FUL) be granted, conditionally, subject to legal agreement;

(e) subject to an amendment to condition 13 that the reference to '240' car parking spaces should now read '247, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the reorganisation of depot site including demolition of buildings and provision of new salt barn, modular two storey mess building, new green waste bays and alterations to side entrance gate and walls, alteration to existing building to create offices and additional parking (amended scheme) at Sheffield City Council Olive Grove Depot, Olive Grove Road (Case No. 12/01933/FUL) be granted, conditionally; and

(f) notwithstanding a request for a deferral of the application by the applicant, as outlined in a supplementary report circulated at the meeting, an application for certificate of lawful use development for the erection of building for use as quadruple garage, workshop, home office, indoor golf practice area, tennis pavilion, music room and gymnasium, all incidental to the use of No. 20 Newfield Lane as a dwelling (application under Section 192 of the Town and Country Planning Act 1990) at Newfield Farm, 20 Newfield Lane (Case No. 12/00610/LD2) be refused as the Committee considered that (i) the application site was the subject of a Direction under Article 4(1), the effect of which was to remove deemed planning permission under Class E of the Town and Country Planning (General Permitted Development) Order 1995 (and any amendments) in respect of the provision of buildings within the curtilage of a dwellinghouse, (ii) the proposed building included two floor levels and was therefore contrary to Class E.1(c) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008 and (iii) the scale of the proposed workshop, music room, tennis pavilion and gymnasium were excessive in relation to the reasonable enjoyment of the domestic activities associated with the dwelling and the office was not associated with the dwelling and the office was not associated with the domestic enjoyment of the dwellinghouse.

(Note. The application for planning permission for the erection of 5 x 8 m high floodlights to provide additional floodlighting for 2 tennis courts at Brentwood Lawn Tennis Club, Brentwood Road (Case No. 12/01943/FUL) was withdrawn from consideration from the meeting).

8. ENFORCEMENT OF PLANNING CONTROL: 2 ALBANY ROAD

8.1 The Committee received a report of the Director of Development Services providing

details of a breach of planning control with regard to the unauthorised replacement of windows to the front and side of 2 Albany Road, Sheffield, S7, facing Albany Road and Chippinghouse Road.

- 8.2 **RESOLVED:** That authority be given to the Director of Development Services, or the 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 at 2 Albany Road.

9. RECORD OF PLANNING APPEAL 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

10. DATE OF NEXT MEETING

- 10.1 It was noted that the next meeting of the Committee would be held on Monday 5th November 2012 at 2.00 pm in the Town Hall.

Agenda Item 6

SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 18th September, 2012

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Mrs. Christine Ball	Civic Trust/South Yorkshire Industrial History Society
	Prof. Clyde Binfield	20th Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Rod Flint	Georgian Group
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Mr. Philip Moore	Sheffield Society of Architects
	Dr. Malcolm Tait	University of Sheffield
	Dr. Alan Watson	Institution of Civil Engineers

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Dr. Philip Booth (Co-opted Member), Mr. Stanley Jones (Hunter Archaeological Society), Mr. Bob Marshall (Royal Town Planning Institute) and Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings).

2. **MINUTES,**

The minutes of the meeting held on 21st August, 2012 were approved as a correct record, subject to the deletion in item 2(A)(1), of the words "by 5%"; and

arising therefrom, the Group (a) noted that:-

- (i) the Head of Planning would investigate whether consent had been granted for the demolition of St John's Methodist Church, Sharrow Lane and report back;
- (ii) a planning application for the University of Sheffield's Jessop West site, which involved some demolition, would be submitted to the next meeting of the Group;
- (iii) there had not been a resubmission of a planning application for the development at the former Carsick Service Underground Reservoir, Carsick Hill Road; and
- (iv) the planning application for the development at 328 Fulwood Road, which would be resubmitted to the Group, contained amendments involving moving houses back from the access road within the site and the use of natural stone and natural slate; and

(b) congratulated the Chair (Dr. Booth) and expressed its support, for the response to the consultation document 'Improving Listed Building Consent' which he had submitted to the Department for Culture, Media and Sport on behalf of the Group.

3. **CHAIR'S REPORT**

The Group noted that there was nothing to report under this item of business.

4. **HEAD OF PLANNING'S REPORT**

The Head of Planning reported that on 12th October next, English Heritage would launch a Heritage at Risk Initiative regarding metal trades heritage assets which were at risk, within Sheffield. The Initiative would be considered as an item of business, at the next meeting of the Group.

Mr. Hawkins added that the Initiative followed on from English Heritage's Industrial Heritage at Risk Initiative.

The Group noted the information.

5. **SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL**

The Group noted that the next meeting of the Sheffield Sustainable Development and Design Panel on 11th October, 2012, would probably be cancelled, due to a lack of business.

6. **HERITAGE ASSETS**

The Group considered the following applications for planning permission for development affecting Heritage Assets and made the observations stated:-

- (a) **Demolition of existing building and erection of 6 storey mixed use development comprising ground floor convenience (food) retail unit with 5 floors of student accommodation (52 Beds) located at the upper floors (the student accommodation comprises 8 student clusters including 6 x 6 bed clusters and 2 x 8 bed clusters), on site of Pearl Works, 17 - 21 Eyre Lane (Case Number: 12/02160/FUL)**

The Group affirmed its previous decision of 13th March, 2007. The Group considered that there would be poor amenity value for the occupiers of the property, which was close to the Stoddart Building. The Group felt that the development did not take cognisance, of the fact that the adjoining area consisted of low rise buildings. The Group also considered that its design was banal, featureless and dull and it gave no consideration to sustainability issues, or to the preservation and enhancement of the conservation area.

- (b) **Construction of 2 mezzanine floor levels to South half of building facing Rutland Road including use of ground floor as warehouse, distribution centre and cafe for staff with factory shop, Level 1 to be**

used as offices and Level 2 earmarked for future development, at Insignia Works (Samuel Osborn building), Rutland Way (Case Number: 12/02704/LBC)

The Group welcomed the proposal to bring the building back into use and considered that the intended use was suitable, as it preserved the conservation area and the character of the building. The Group recommended that the existing signage be preserved.

7. MISCELLANEOUS ITEMS

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) the Head of Planning would investigate (a) whether (i) the organ at the City Hall was a heritage asset,(ii) its present condition and (iii) whether it had been restored within the programme of restoration of the City Hall and (b) whether enforcement action would be taken regarding the unauthorised advertising hoardings at the TESCO site, facing the Wicker Arches;
- (b) The auction of the Abbeydale Picture House had been postponed to investigate the possibility that the property could be purchased by one or more charitable or community organisations; and
- (c) Mr. Hawkins would report, at the next meeting, on the significant changes which had been made to the roofs of crucible furnaces within the City, including the ones at Effingham Road and St. Philip's Road.

(NOTE: The above minutes are subject to amendment at a future meeting)

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REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 05/11/2012
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
0114 2734556

AREA(S) AFFECTED

CATEGORY OF
REPORT

OPEN

Application No.	Location	Page No.
12/02949/FUL (Formerly PP-02213068)	21 Twitchill Drive Sheffield S13 7EY	5
12/02941/LBC	Viper Rooms 35 Carver Street Sheffield S1 4FS	11
12/02884/FUL (Formerly PP-02193950)	Viper Rooms 35 Carver Street Sheffield S1 4FS	15
12/02793/FUL (Formerly PP-02189527)	102 Harcourt Road Sheffield S10 1DJ	22
12/02617/CHU	101 Testing Station 101 Valley Road Meersbrook Sheffield S8 9FX	30
12/01017/FUL	Land And Buildings At Meadowhall Way, Meadowhall Drive, Vulcan Road And Weedon Street Sheffield S9 2FU	39
12/00392/FUL	Land Adjacent The Old Dairy 8 White Lane Gleadless Sheffield S12 3GB	75

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The SOUTH Planning And Highways Committee
Date Of Meeting: 05/11/2012

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	12/02949/FUL (Formerly PP-02213068)
Application Type	Full Planning Application
Proposal	Single-storey rear extension and first-floor rear extension to dwellinghouse (As amended by plans received by email 18.10.12)
Location	21 Twitchill Drive Sheffield S13 7EY
Date Received	24/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Plans For Extensions Ltd - Mr N Fieldhouse
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:

Plans showing proposed rear and side elevation (from 19 Twitchill Drive) received 26.09.12 and amended plans showing side elevation (from No. 23 Twitchill Drive) and plan view received 18.10.12

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 The proposed roofing materials shall match the roofing materials to the existing building.

In the interests of the visual 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:

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

The proposal is considered to be acceptable in terms of scale, siting, design and materials and complies with Policy H14 of the Unitary Development Plan and Supplementary Planning Guidance on Designing House Extensions.

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 site relates to a two storey, semi-detached dwelling which is located within a primarily residential area on a cul-de-sac.

The street scene consists of similar style semi-detached dwellings.

The application seeks permission to erect a first floor rear extension above an existing flat-roofed single storey kitchen extension and a further single storey extension attached to this, which includes a conservatory and would abut the boundary with the neighbouring semi-detached dwelling.

RELEVANT PLANNING HISTORY

75/02695/FUL – Garage and kitchen extension – Granted – 13.08.75.

SUMMARY OF REPRESENTATIONS

One letter with accompanying photographs and ‘superimposed’ positioning of the proposals has been received from the occupiers of the neighbouring semi (No. 23) raising concerns on the following grounds:-

1. With reference to Guideline 5 of the SPG – (a single storey extension may not extend more than 3m beyond the neighbouring dwelling) the proposed single storey extension is only 32cm from the boundary and will extend 5.7 metres and as such will create overshadowing and be overbearing.
2. The existing kitchen extension projects more than 3 metres
3. There appear to be discrepancies on the architectural plans between the side elevation and rear elevation which doesn't show the full impact on the property.
4. Photos showing potential overshadowing from the proposal – the north facing dwellings already have limited sunlight and this proposal would make this worse.
5. The objector's conservatory was constructed with added insulation and to maximise passive solar gain and the proposal would cut out sunlight for this purpose.
6. Reference to the boundary hedge and fence - the amended plans show part of the hedge requiring removal for construction of the extension. The neighbours have indicated that this boundary hedge is not within the boundary of the application site within the curtilage of No. 23 and that they do not give their approval for its removal.
7. Issues relating to water run-off and guttering - concern regarding possible overflowing of water onto neighbouring property due to the design of a right angled turn going right around the outside of the proposed first floor extension.

The same neighbours have subsequently written to confirm that they have viewed the revised plans and note that the discrepancies in the plans have now been rectified but they are still concerned to ensure that the correct and legal boundary line is used.

PLANNING ASSESSMENT

The application property is sited within a Housing Policy Area as defined by the Unitary Development Plan (UDP). The most relevant planning considerations in determining this application are outlined in Policy H14 'Conditions on development in Housing Areas'. Weight must also be given to guidelines contained within the adopted Supplementary Planning Guidance (SPG) – 'Designing House Extensions'.

Single storey rear extension

The proposed single storey extension will be located between the boundary with the neighbouring semi, No. 23 and the existing kitchen extension and as such is 2.2 metres wide. The extension is proposed to project approximately 5.7 metres from the original rear wall of the dwelling to form a conservatory style extension to the side of the existing kitchen extension. Although the projection of 5.7 metres is contrary to the 3 metres recommended within Guideline 5 of the SPG, the neighbouring dwelling has a conservatory largely screened by a boundary fence and hedge between the two properties. It is located close to the boundary with the application site and projects approximately 3 metres. This being the case the total projection beyond the neighbouring conservatory is 2.7 metres and this is considered to be acceptable and in accordance with the guideline. It is not considered that any unacceptable overshadowing will occur as a result of this extension. There are no windows proposed in the side elevation of the extension and as such overlooking issues will not occur. There are 2 velux windows proposed in the mono-pitch roof but given these will be higher than 1.7 metres from finished floor levels, these are not considered to be of detriment and are to provide additional light into the extension rather than an outlook from it.

First floor extension above existing extension

This is proposed to span the width of the existing flat roofed extension (3.5m) and project 2 metres from the original rear wall of the dwelling before splaying at an angle of 45 degrees to reach a total projection to the rear wall of the extension of 3.7 metres.

During the assessment of the proposals, it was suggested to the applicants that if the upper floor was reduced to a maximum projection of 2 metres, this would alleviate any concerns the neighbours may have in addition to creating a less complicated and more attractive roof style than the current proposal. The applicants are reluctant to alter the plans to accommodate these suggestions and wish for the assessment to be based upon the current submission because there are certain internal storage and space requirements that they are wishing to accommodate.

In order to assess this aspect of the proposal it must be judged against Guideline 5 of the SPG which seeks to protect neighbouring dwellings from overshadowing and

overbearing from two-storey rear extensions by avoiding any part of an extension encroaching within a line of 45 degrees. The plans show that this has technically been addressed and there will be no part of the extension within that 45 degree line (this line has been taken from the existing nearest rear ground floor window to the original house No. 23 and not the rear of the conservatory).

Although it is acknowledged that there may be some loss of sunlight through shadows that are cast towards late afternoon/early evening because of the orientation of the property, it is not considered that this is so detrimental to justify a refusal in this instance, bearing in mind that the guidelines have not been breached.

This aspect of the proposal has also been assessed in relation to the other neighbouring property (No. 19). Due to the presence of driveways between the two properties the extension is at a distance which will not adversely affect this neighbour.

RESPONSE TO REPRESENTATIONS

Points 1, 4 and 5 have been addressed within the main body of the report.

Point 2 – The existing kitchen extension projects more than 3 metres. This is some distance from the boundary and as such is not relevant to the intentions of Guideline 5 which refers to extensions built close to the boundary. In addition, this extension was approved in 1975 when planning laws were different to the current laws.

Point 3 – There appear to be discrepancies on the architectural plans between the side elevation and rear elevation which doesn't show the full impact on the property. The architect has addressed this discrepancy which is now shown as correct in plans received by email 18.10.12.

Points 6 and 7 relate to the boundary hedge and guttering and as such are not planning considerations. These are matters which are private and therefore need to be addressed between the neighbours themselves, although the applicants must be certain that their proposed extension is fully constructed within their own legal boundary.

SUMMARY & RECOMMENDATION

Whilst it is acknowledged that there will be some impact on the neighbouring property (No. 23), particularly because of the orientation of the properties, the proposed extension is in compliance with Unitary Development Plan Policy H14 and the Supplementary Planning Guidance on Designing Household Extensions in terms of its scale, form, details and materials and as such, on balance, the proposal is recommended for conditional approval.

Case Number	12/02941/LBC
Application Type	Listed Building Consent Application
Proposal	Retention of existing wall and associated railings and gates (retrospective application)
Location	Viper Rooms 35 Carver Street Sheffield S1 4FS
Date Received	19/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	JWPC Limited
Recommendation	Refuse with Enforcement Action

Subject to:

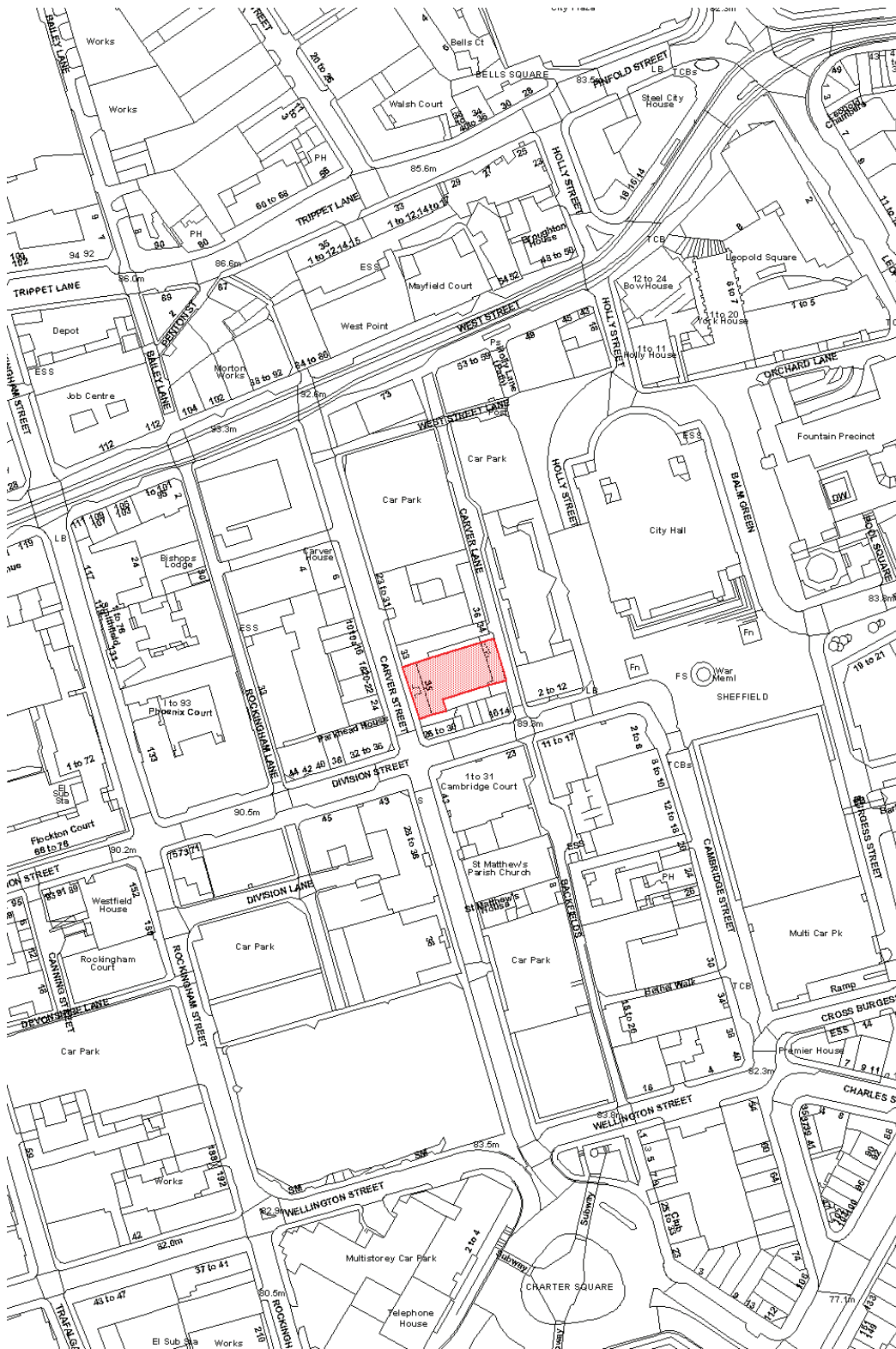
- 1 The Local Planning Authority consider that the existing wall with associated railings and gates by virtue of its height, design and overall appearance detracts from the special architectural and historic interest of the host Grade II Listed Building as well as being detrimental the building's relationship with Carver Street and the City Centre Conservation Area. In this respect the proposal is contrary to policies BE5, BE15, BE16, BE17, and BE19 of the Unitary Development Plan and Core Strategy Policy CS 74 of the Sheffield Development Framework Core Strategy.

Attention is drawn to the following directives:

1. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised wall, stone cappings, railings and gates and its reinstatement to either its previous state or the design approved under applications 11/02536/FUL and 11/02538/LBC using materials and a mortar finish that match the retained elements of the wall and elevations of the host building. Both of these designs and heights are specified on approved Drawing No. 1107. 200 Rev. C of these approvals.
2. The Applicant is advised that the design of the boundary shown on Drawing No. 1107. 200 Rev. C which was approved as part of applications

11/02536/FUL and 11/02538/LBC is the maximum height that is considered to be acceptable at this sensitive and historic location.

Site Location



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For Report please see application No. 12/02884/FUL.

Case Number	12/02884/FUL (Formerly PP-02193950)
Application Type	Full Planning Application
Proposal	Retention of existing wall and associated railings and gates (retrospective application)
Location	Viper Rooms 35 Carver Street Sheffield S1 4FS
Date Received	18/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	JWPC Limited
Recommendation	Refuse with Enforcement Action

Subject to:

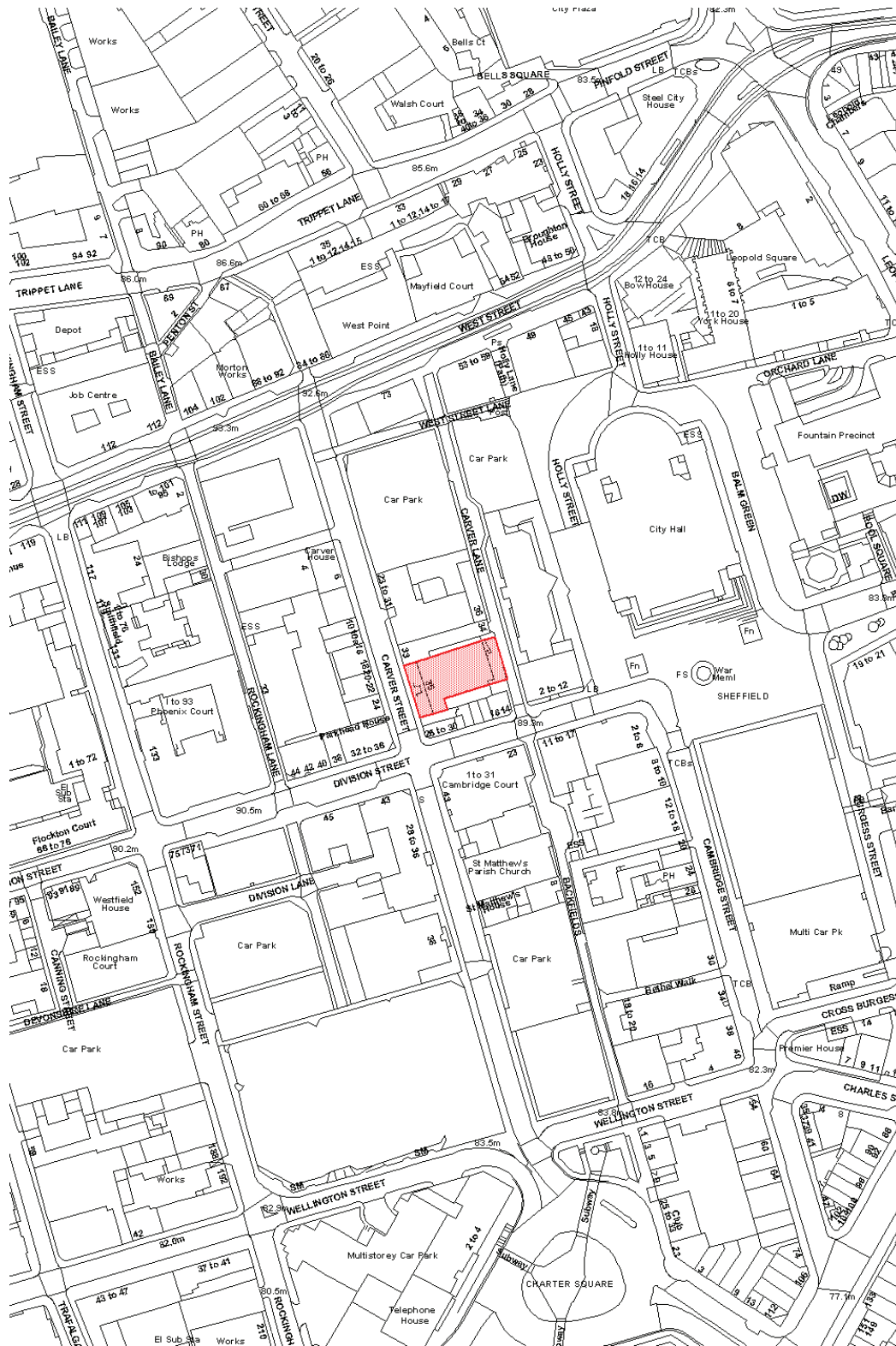
- 1 The Local Planning Authority consider that the existing wall with associated railings and gates by virtue of its height, design and overall appearance detracts from the special architectural and historic interest of the host Grade II Listed Building as well as being detrimental to the building's relationship with Carver Street and the City Centre Conservation Area. In this respect the proposal is contrary to policies BE5, BE15, BE16, BE17, and BE19 of the Unitary Development Plan and Core Strategy Policy CS 74 of the Sheffield Development Framework Core Strategy.

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2. The Applicant is advised that the design of the boundary shown on Drawing No. 1107. 200 Rev. C which was approved as part of applications

11/02536/FUL and 11/02538/LBC is the maximum height that is considered to be acceptable at this sensitive and historic location.

Site Location



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INTRODUCTION

This report relates to planning application 12/02941/LBC and associated Listed Building Consent application 12/02884/FUL.

LOCATION AND PROPOSAL

The application site comprises the Grade II Listed Building at 35 Carver Street, which was originally constructed as the “National School” and demonstrates a Georgian architectural style. The building is two-storeys high with a basement area. The building is constructed from red brick with stone dressings and it is characterised by hipped and gabled slate roofs and sash windows.

The building is located on the western side of Carver Street, adjacent to other commercial uses which include La Gondola Pizzeria and the Chicken Stop takeaway. It was previously operated as the Ruby Lounge (ground floor) and Cellar 35 (basement) late night bars. In September 2011, the property was subject to a change of occupier, at both the ground floor and basement level, and it is now operated as the Viper Rooms.

The building is set back from the Carver Street footway. At the front of the property there is a small forecourt area which extends the entire width of the building (20m) and is approximately 5m deep. This area is paved and is used as the entrance approach to the basement and groundfloor elements of the building, and the outdoor smoking area. At the forecourt’s boundary with Carver Street there is the boundary wall and railings that are the subjects of this application. Carver Street

slopes gradually downwards to Division Street so at its southern end the forecourt area and boundary wall is at a higher level than its northern end.

This application seeks retrospective permission for planning permission and listed building consent to retain the boundary wall at its existing height. This varies between approximately 2m at the northern end and 2.5m at the southern end. It is advised that if these permissions were to be granted then the applicant is prepared to rebuild the wall in a brick that better matches the building and is acceptable to the Council.

RELEVANT PLANNING HISTORY

There is extensive planning history relating to this site due to its various uses over time. The most relevant, relating to the use of the site as the Viper Rooms, is listed below:

11/02536/FUL: Rear extension to building to contain internal staircase and fire exits, replacement front entrance doors, alterations to the front boundary wall, and provision of new gates. Granted Conditionally 07.10.2011.

11/02538/LBC: Rear extension to building to contain internal staircase and fire exits, replacement front entrance doors, alterations to the front boundary wall, provision of gates, and internal alterations. Granted Conditionally 07.10.2011.

12/02085/FUL: Provision of Jumbrella to forecourt of building (retrospective application). Granted Conditionally 23.08.2012.

12/01964/ADV: Retention of 2 illuminated freestanding name signs (retrospective consent). Granted Conditionally 14.08.2012.

SUMMARY OF REPRESENTATIONS

The application has been advertised by press advert, site notice and postal letter.

No representations have been received.

PLANNING ASSESSMENT

Historic Character and Design Issues

The main consideration here is the impact of the wall at its existing height on the character and appearance of the host Grade II Listed Building and the Carver Street streetscene which is within Sheffield's City Centre Conservation Area.

In terms of the impact listed building/conservation area issues, relevant adopted Unitary Development Plan policies (UDP) include Policy BE15 (Areas and Buildings of Special Architectural or Historic Interest) which advises that development that would harm their character or appearance will not be permitted. Policy BE16 (Development in Conservation Areas) also encourages development

which makes a positive contribution to the character or appearance of the area. Policy BE17 (Design and Materials in Areas of Special Architectural or Historic Interest) states that in Conservation Areas using traditional materials will be expected for new buildings, walls, roads and footpaths as well as encouraged for repair work. Policy BE19 (Development Affecting Listed Buildings) and advises that external alterations will be expected to preserve the character and appearance of the building and, where appropriate, preserve or repair original details or features of interest.

In general design terms, Policy BE5 (Building Design and Siting) expects good design and the use of good quality materials in all new and refurbished buildings and extensions. Original architecture is encouraged and all extensions should respect the scale, form, detail and materials of the original building. Core Strategy Policy CS 74 (Design Principles) also expects high-quality development and design. It is an overarching policy that seeks to ensure development with good principles in terms of design, heritage, and safe access are achieved.

The alterations to the existing wall occurred without planning permission or listed building consent prior to the opening of the Viper Rooms. The height of the wall was extended to its current height which equates to 11 additional brick courses with railings and stone capping repositioned on top. Planning and listed building consents were granted to allow the wall to be increased by an additional 6 courses under 11/02536/FUL and 11/02538/LBC and, therefore, this application is required to assess the harm of the additional 5 courses and its effect on the setting and character of the listed building and conservation area. The 5 additional courses equates to approximately 400mm.

Overall, it is considered that raising the wall harms the setting of the building as it means that its classical façade cannot be fully appreciated from the street without interference and clutter. This was not the case when the original low wall/railings existed and the approved plans indicate that this would not have occurred an additional 6 courses were proposed. However, the current wall and gates that exist on site clearly cut across architectural features of the building (in particular the sash windows) and this is considered to be detrimental to the building's character and appearance when viewed from the opposite side of Carver Street.

Furthermore, the height of the wall overall – at between 2m and 2.5m high – has a significant negative impact on the building's relationship with Carver Street. Whilst the increased height creates clear defensive space for the occupying bar use it is considered that this in turn generates a fortress feel externally whereby the forecourt's interaction with the adjacent street is limited and a positive relationship significantly deterred by the height of the wall and its additions. This site is located within the City Centre and on a street whereby there is a mixture of retail and leisure uses, thus generating high levels of footfall and surveillance during the day and evening. It is not considered that this is a remote location requiring such defence. This design is considered to be detrimental to the character and appearance of the streetscene as well the Grade II host building.

Finally, the existing bricks used to build the wall are considered to unacceptable because they do not match the existing wall or the existing host building. However,

the statement in support of this application states that the Applicant is prepared to rebuild the wall in a brick that is acceptable to the Council if the existing height can be agreed.

In light of the above, it is considered that the proposal is unacceptable and contrary to UDP policies BE5, BE15, BE16, BE17, BE19 and Core Strategy Policy CS 74.

ENFORCEMENT

In light of the above, it is recommended that enforcement action is authorised to seek the removal of 11 new brick courses on the wall, stone cappings, railings and gates, and reinstate of the wall to either its previous state or the design approved under applications 11/02536/FUL and 11/02538/LBC using materials and a mortar finish that match the retained elements of the wall and elevations of the host building. Both of these designs and heights are specified on approved Drawing No. 1107.200 Rev. C of these approvals

It is recommend that authority be given to the Director of Development Services or the 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 wall, stone cappings, railings and gates and its reinstatement to the height specified on drawing number 1107.200 Rev C using materials that closely match the host building.

SUMMARY AND RECOMMENDATION

It is concluded that the alterations and additions to the original wall which have been carried out with planning permission or listed building consent are unacceptable at this sensitive and historic location. The raising of the wall beyond the height previously agreed is harmful to the appearance and setting of the host Grade II Listed Building as it means that its fine classical façade cannot be fully appreciated from the street. Furthermore, the additional height is considered to create a strong division between the buildings and the street, which is equally detrimental to the character and appearance of the streetscene and the Conservation Area in which it sits. It is considered that the height of the boundary approved under 11/02536/FUL and 11/02538/LBC is the maximum height that should be allowed at this location.

It is concluded that the proposal is contrary to UDP policies BE5, BE15, BE16, BE17, BE19 and Core Strategy Policy CS 74.

It is recommended that both planning permission and listed building consent be refused and the enforcement action described above authorised.

Case Number	12/02793/FUL (Formerly PP-02189527)
Application Type	Full Planning Application
Proposal	Use of building as House in Multiple Occupation for 8 occupants, and replacement of basement level door with fire escape window on front elevation to provide a 1-person studio unit (Use Class C3) (in accordance with amended drawings received 17.10.2012)
Location	102 Harcourt Road Sheffield S10 1DJ
Date Received	11/09/2012
Team	SOUTH
Applicant/Agent	Cero Architecture
Recommendation	Refuse

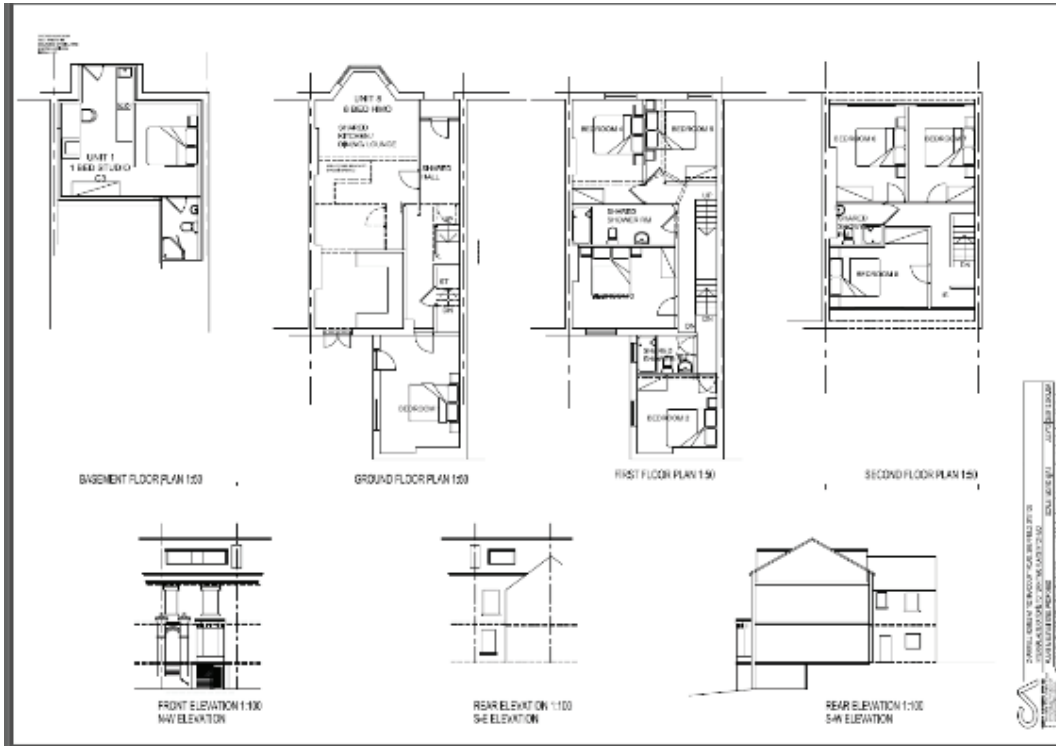
For the following reason(s):

- 1 The Local Planning Authority consider that the proposed development would be detrimental to the aim of creating a mixed community within the vicinity of the application site, further undermining its character as a C3 residential area owing to the increased proportion of shared housing within the area, and to the amenities of the locality and to the living conditions of adjoining residents owing to the noise and general disturbance which would be generated. The proposal is therefore contrary to Policies H5(a) of the Adopted Unitary Development Plan and Policy CS41 of the Sheffield Development Framework Core Strategy.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the north of Harcourt Road, and is allocated within a Housing Area under the Adopted Unitary Development Plan. It is a terraced property.

The premises previously accommodated two self contained flats. The ground floor flat is understood to have most recently included 2 bedrooms accommodating a total of 2 occupants, and the upper flat included 3 bedrooms and is understood to have been occupied by a family.

The application seeks consent to allow the property to be used as a House in Multiple Occupation for 8 persons, and for the formation of a 1 person studio flat at basement level involving a number of front elevation alterations. The formation of a basement flat involves removal of the garage type doors and replacement by a door and window. No other external alterations are proposed.

Modification works to the internal of the premises have recently commenced.

RELEVANT PLANNING HISTORY

Planning permission was granted for 2 self contained flats in 1976.

SUMMARY OF REPRESENTATIONS

Following neighbour notification relating to the initially proposed 9 bedroom house in multiple occupation, a total of 16 written representations have been received. The comments made can be summarised as follows:

- Proposal conflicts with aim of maintaining a mixed neighbourhood.
 - Recent decision to grant consent for conversion of Crookes Valley Methodist Church to accommodation for 90 students introduces extra students into the area. Other recent increases in numbers of students have also occurred at two other identified houses on Harcourt Crescent and Harcourt Road.
 - Since the University sold 15 houses a strong community has developed, and the number of children has increased from 4 to 27. Allowing proposed conversion would be contrary to this progress.
 - The proposal would create a HMO from small flats which are under represented in the street. They should be retained to encourage a mixed community, and to prevent further density increases.
 - There is a need for different kinds of housing, smaller more affordable units.
 - The proposal would reduce the number of housing units from 2 to 1, and move from C3 to Sui Generis use classification.
- 60% of Harcourt Road is made up of students/HMO accommodation leading to problems with noise, rubbish, late night parties, brawls, drunken behaviour, drug dealing and anti-social behaviour.
- Possible that occupants of proposed HMO would be joined by boy/girlfriends, potentially resulting in 18 persons in the property. This number of people would not be able to be accommodated in the property given the drainage system, the single parking space, small garden, single kitchen and refuse facilities.
 - Proposal would have impacts on immediate neighbours which are primarily single family households.
- When owned by South Yorkshire Housing Association, no more than 4 people seen entering/leaving property.
- The property has not been used as a HMO for the last 10 years.
 - Would be contrary to housing policy in Sheffield of increasing the number of units, particularly the number of housing units. The previously existing flats are suitable for families.
 - The submitted Design and Access statement says the existing flats have a total of 5 double bedrooms which could equate to 10 persons, which is an admission that there only 5 bedrooms.
 - Applicant's claim that there were 2 flats with 3 bedrooms in each is incorrect, given comments made by South Yorkshire Housing Association.
 - There was never a high turnover of residents at the property.
- Proposal would be in violation of Core Strategy Policy CS41, which seeks to strike a balance amongst housing/accommodation types. If the policy is not applied, the decision will act as a precedent for similar decisions.
- Proposal would conflict with the implications of the Article 4 designation, which prevents conversion from C3 dwellinghouses to HMOs.

-Parking is currently an issue due to too many cars, and would be exacerbated by proposal.

-Substantial work has commenced, causing disturbance.

-Query whether two x four bedroomed flats would require HMO authorisation, and suggestion that this is a way of forming an 8 bedroomed HMO.

A further item of correspondence has been received from a representative of South Yorkshire Housing Association, and the comments made can be summarised as follows:

-Concern that the proposed student housing would be to the detriment of a mix of tenancy types and to the wider Harcourt Road community.

-During SYHA's ownership of the property Num. 102B was let to a family for 9 years, and 102A was let to up to 2 people. The proposal would represent a significant increase on previous use.

Further neighbour notification has been carried out in relation to the amended proposal. 3 responses had been received prior to the completion of this report, and any received subsequently will be summarised for Committee Members in the supplementary report. The comments can be summarised as follows:

-Balance of population has changed, although families are still in the minority.

Proposal will work against this. Any grant here would be contrary to Policy CS41.

-HMOs generate nuisance.

-Consent at Crookes Valley Methodist Church referred to.

-Previous occupation of premises referred to. Flats and single dwellings are under-represented, so application site should remain as two flats.

PLANNING ASSESSMENT

The application site is located in an area covered by an Article 4 Direction. The main objective of this is to ensure that where opportunities arise, development can be prevented (through control of planning permissions), which might contribute to communities becoming unsustainable as a result of a concentration of shared housing. This is achieved by preventing a C3 dwellinghouse (i.e. a single family dwelling, or occupation by 2 unrelated individuals) being converted to a C4 House in Multiple Occupation (i.e. 3 to 6 unrelated individuals) without the need for planning permission.

As discussed above the current proposal requires planning permission as a change of use from 2num. self-contained C3 units to a Sui Generis HMO with a self-contained basement flat, and requires consent regardless of the Article 4 Designation.

The Council's Corporate Plan, 'A City of Opportunity', makes it clear that the Council prioritises stronger communities, which means cohesive communities where people from different backgrounds and of different generations get on well together, feel valued and feel they have a voice. This means that there should be a good mix of housing available, and high concentrations of shared housing which often results in a transitory population, should be discouraged.

Department for Communities and Local Government Circular 08/2010 highlights that “a high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short term tenants with little stake in the local community”. This is why legislation has been put in place to allow local authorities to control high concentrations where there is a problem.

The application to change the use of the 2num. Class C3 units to a Sui Generis House in Multiple Occupation is required to be assessed against the provisions of Policies H5 of the Adopted Unitary Development Plan and Policy CS41 of the Sheffield Development Framework Core Strategy.

UDP policy H5 ‘Flats, Bed-Sitters and Shared Housing’, states amongst other things that planning permission will be granted for the multiple sharing of houses if a concentration of these uses would not cause serious nuisance to existing residents, living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours and there would be appropriate off-street car parking for the needs of the people living there.

Core Strategy Policy CS41 states that mixed communities will be promoted by limiting Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses. The supporting text specifies that the objectives of this policy will partly be achieved by limiting HMOs, purpose built student accommodation and hostels where more than 20% of residences within 200metres of the application site are already shared housing.

CONCENTRATION OF SHARED HOUSING

An assessment of the amount of shared housing within the vicinity of the application site has been carried out. This reveals that the proposed conversion to a HMO and a C3 flat at basement level would result in 43% of residential dwellings within 200metres of the application site being shared housing.

In some areas of Sheffield, private rented shared housing makes up a significant proportion of the housing stock, which has led to the argument that communities are no longer mixed, and therefore not sustainable. Such housing is characterised by a younger, more transient population and this affects community stability. Core Strategy policy CS41 seeks to restrain further shared housing where there are already high concentrations in a community. As a result, this application is contrary to the aims of this policy. The proposal to add an additional shared housing unit in the local area would further unbalance the existing concentration of C3 units, reducing community cohesion further.

UDP Policy H5 (part a) states that shared housing should only be allowed where a concentration of these uses would not cause serious nuisance to existing residents. There is the potential that additional comings and goings to/from the premises may increase ambient noise in the local area, and would add to the nuisance experienced by existing, local residents. On balance it is considered that the proposal would not accord UDP policy H5(a).

It should also be noted that the existing flats would be capable of accommodating significantly greater numbers of occupants than appear to have lived there, leading to increased impacts within the area. Equally, it is possible the flats would not be operated in a managed form, as appears to have been the case in regards to one of the flats previously. As such, without the need for planning permission the activity levels arising from the premises in terms of the comings and goings, vehicular activity and refuse bin issues for example, could potentially greatly increase. Any such implications would not be subject to planning control.

As a result there is the potential that the implications of the proposal, when compared to the potential outcomes arising from the authorised occupation of the premises, would not be significant.

It is considered, however, that multi occupancy of a single residential unit tends to lead to patterns of behaviour that differ from other forms of residential occupancy and on balance the proposal would be likely to lead to sufficient detrimental impacts upon amenities of the locality in excess of the potential outcomes arising from the previous occupation of the premises, to lead to the conclusion that the UDP and Core Strategy policies referred to above would not be satisfied. Consequently, it is recommended that the scheme should be resisted for these reasons.

AMENITIES FOR POTENTIAL OCCUPANTS

The proposed layout drawing shows that the bedrooms and basement flat would be of an adequate size. The proposed bedrooms are all provided with adequate ventilation, natural light and outlook opportunities. With the exception of the works to provide the basement flat, no external amendments are proposed as part of the scheme.

The HMO unit would include a shared kitchen/dining/lounge space at ground floor level. There would be three shared shower rooms. The basement level C3 flat unit would have an open plan layout, with kitchen/study/sitting/bed space and a separate shower room facility.

The proposed layout would be considered to provide an acceptable level of amenity for the eight potential residents of the proposed HIMO, and the occupant of the basement level C3 unit. As such the proposal is considered to satisfy the UDP policy H5 (part b).

HIGHWAYS ISSUES

In highways terms the proposed change of use would be considered to be acceptable, subject to the provision that it would be designated as car free.

The site is located within easy walking distance of the University and local amenities. The locality is controlled by residents only parking arrangements, and any approval should stipulate that potential residents of the premises would not be entitled to residents parking permits.

On this basis the proposal is considered to meet the requirements of UDP policy H5 part (c).

RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed above. In regards to the remaining comments, the following point can be made:

-Any approval would place a limit on the numbers of occupants within the building, preventing an occurrence of the suggested increase in numbers.

SUMMARY AND RECOMMENDATION

The application seeks planning permission to change the use of two existing class C3 units of accommodation to a Sui Generis house in multiple occupation, for 8 persons and a 1 bedroomed C3 basement flat.

As a result of the proposal, within a 200m distance of the application site 43% of residences would be occupied as shared housing. The reduction in the mix of the local community would therefore be contrary to the provisions of Core Strategy policy CS41. The proposal would also be expected to lead to impacts on amenities of neighbouring residents which would be contrary to Unitary Development Plan policy H5(a).

In conclusion the scheme is considered to be contrary to the provisions of UDP policies H5 (part a) and Core Strategy policy CS41.

On this basis the proposed change of use is considered to be unacceptable, and refusal of the application is therefore recommended.

Case Number	12/02617/CHU
Application Type	Planning Application for Change of Use
Proposal	Use of MOT Testing Station for car repairs and servicing (Resubmission of 12/00455/CHU)
Location	101 Testing Station 101 Valley Road Meersbrook Sheffield S8 9FX
Date Received	13/08/2012
Team	SOUTH
Applicant/Agent	Mr M Ludlam
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 dated 13 August 2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 The building shall not be used on Sundays and Bank Holidays and shall be used only between 0830 and 1800 hours Mondays to Fridays and 0830 and 1600 hours on Saturdays.

In the interests of the amenities of the locality and occupiers of adjoining property.
- 4 No vehicle repairs shall be carried out on the land outside the building.

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

- 5 The number of vehicle repair bays within the building shall be limited to two.

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

Attention is drawn to the following justifications:

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

BE7 - Design of Buildings Used by the Public
H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
CS51 -Transport Priorities
CS53 - Management of Demand for Travel
CS74 - Design Principles

Overall it is considered that the development complies with the relevant policies and proposals, 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

Valley Road is predominantly residential in character but there are a number of commercial and business users amongst the houses. 101, Valley Road is such an example, which has been in use as an MOT testing centre since 2009 when planning consent was granted for this use.

The building is set back from the road and the back edge of the footpath, which allows for an area of parking in front of the building. On one side, to the north and west, is terraced housing which directly adjoins the application site. To the east is an access track leading to a motor repair garage behind housing that fronts Valley Road. At the rear and opposite is further housing.

The existing MOT centre is a single storey brick building with a shallow pitched roof. At the front is the main entrance and access into the building and this is made secure by a roller shutter door. Apart from a window either side of the entrance, this elevation is blank. In the side elevation facing the access track, there are windows and a door with a roller shutter.

This application seeks to change the use of the building to include vehicle repairs and servicing, which is a resubmission of the previous application which was refused earlier this year. The reasons for refusal are set out in the next section of this report. A number of neighbours have said that the repair and servicing has already started and your officers have confirmed that this is the case and there is a sign above the entrance advertising repairs and servicing. This is, therefore, a retrospective application.

The supporting information shows that five parking spaces are allocated, three within the building and two on the forecourt at the front. The existing hours of operation for the MOT centre are 08.30 to 18.00 hours Mondays to Saturdays with no opening on Sundays or Bank Holidays but there would be a slight reduction in these as part of this application. The use would be open during the same hours during weekdays but close earlier on Saturdays at 16.00 hours.

The building has a level entrance threshold and a disabled toilet and these would remain.

RELEVANT PLANNING HISTORY

09/00224/CHU. Use of warehouse as MOT testing station approved on 17 March 2009.

12/00455/CHU. Use to include car repairs and servicing refused on 5 April 2012. The reasons for refusal were:

The Local Planning Authority consider that the car repair garage would result in an unacceptable degree of noise and general disturbance to occupiers of neighbouring residential property. In these respects the proposal is contrary to policies H10 and H14 of the Unitary Development Plan and policy CS74 of the Core Strategy.

The proposed development does not include sufficient car parking accommodation within the site and the Local Planning Authority consider that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan policy H14 and policies CS51 and CS53 of the Core Strategy.

SUMMARY OF REPRESENTATIONS

In support of this application, the applicant submitted 19 letters from residents and users of the garage who all support this application. Of these, 13 live on Valley Road and 6 live opposite the site.

In response to the neighbour notification procedure, 5 letters have been received. One letter expresses support for the proposal, saying that the use of car repairs and servicing has already started and this has not contributed to additional parking on Valley Road.

There have been 4 letters of objection from people living either to one side or opposite the site, the grounds being:

The garage is already carrying out repairs and servicing which is in breach of the terms of the existing planning consent for an MOT test centre only.

There will be an increase in noise and activity over and above that which is already associated with the MOT centre.

Detrimental impact on street parking and it is not always possible to park outside one's own house

Overdevelopment of the site.

The area is already well served for garages.

The site is very close to residential properties.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is part of a wider designation for housing and policy H10 says that housing is the preferred use. MOT centres do not appear on the lists of acceptable or unacceptable uses in housing areas as set out in policy H10 but a car repair element would be classed as a General Industry B2 use, which are listed as unacceptable in housing areas. This application seeks to establish a combined MOT centre and repair and servicing facility so this would be classed as a mixed 'sui generis' use, being outside those classes set out in the Use Classes Order.

The two main issues with this application are the same as with the previous refusal, namely the potential for noise and disturbance and the likely impact on parking and the free flow of traffic on Valley Road.

Noise and Disturbance.

UDP policy H14 says that new development in housing areas should not result in noise or any other nuisance that would harm the amenities of people living nearby.

Core Strategy policy CS74 says that development should contribute to attractive, sustainable and successful neighbourhoods.

The MOT centre was considered to be acceptable because it runs on an appointment only system which limits the number of cars in attendance at any one time and work is only carried out on one vehicle at a time. Also, the MOT use does not include repairs which would possibly involve the use of power tools. Due to the limited scope of operation and limit on hours, it was considered that this would not result in significant harm to residents.

As Members are aware, the previous application to extend the use to include repairs and servicing was refused earlier this year so for this new application to be supported, it must be demonstrated that the anticipated harm to residents' amenities would not now occur.

As part of the previous application, the applicant said that he would control operations so that there would be no disturbance to neighbours. However, a critical issue was that parking for 18 vehicles was shown on this earlier application and if this occurred, then the numerous vehicle movements involved in garage operations would result in noise and disruption to neighbours. In addition, there were also concerns that if the business took off then it may well be the case that as well as mechanics working on vehicles within the building, some work would be done outside and power tools might be used.

It was considered that this potential would have resulted in an unacceptable Impact on residents.

The plans in support of this new application show the MOT and repair bays and parking for 5 cars and the application forms state that there would be only two employees working at the site, a tester and a mechanic. It is accepted that the same argument could be applied to this application as with the previous one whereby the business could expand and cause noise and disturbance. However, it is the case that the applicant has been doing repairs and servicing since the application was submitted in mid-August and it is alleged by one objector that this has been happening for a considerable period of time prior to this. The significant point here is that there have been no complaints about noise and disturbance received by the Environmental Protection Service.

During the time that the application has been lodged, your officers have monitored the site on a regular basis and on each occasion work has been carried out within the building and, even with the entrance shutter open, at no time has there been

any unacceptable noise or disturbance which would be to the detriment of neighbours. It was also noted that all work was being carried out within the building with no activity outside. Both repair bays were in use and there was little scope for additional work being done inside the building. In the event of work spilling on to the forecourt area then it is very likely that this would cause noticeable noise so a condition would need to be attached that prevented this from happening.

In addition, there have been 20 letters of support with 14 of these being from people who live on Valley Road and 6 opposite the site. These have been written during the time that repairs and servicing have been done, so it is considered that some weight should be attached to these.

The key issue in assessing this aspect of the application is that the use has continued for at least 2 months and there have been no complaints about noise and disturbance. Also, there have been no instances of this when officers have inspected the site.

There was concern with the previous application about noise and disturbance but these have been resolved by way of the revised submission, support from local residents, monitoring of the use which commenced in mid August or even earlier and control which could be exerted by conditions relating to work practises. It is considered that significant noise would not result and the amenities of neighbours would not be harmed.

Highways, Access and Parking.

UDP policy H14 says that there should be adequate off street parking available and a safe access to and from the site.

Core Strategy policies CS51 and CS53 deal with transport priorities and managing the demand for travel, respectively and both seek to improve road safety and limit increases in travel demand.

The MOT centre was considered to be acceptable in terms of parking and access because of the limited scale of its operation, the need for an appointment system to comply with MOT Regulations and because all parking was comfortably accommodated inside.

The earlier application was refused on highways grounds because 18 parking spaces were shown and in the event of all these being used then numerous vehicle movements would be required to allow the garage to function which may well have caused disruption on Valley Road and would have placed pressure on parking on the street.

The current parking guidelines for car repair uses indicate that for two service bays, between 2 and 6 on site spaces plus staff provision of one space for up to 3 employees are required. This would mean that 7 spaces would be needed. The plans show that 5 spaces can be accommodated on site with the additional 2, if required, being on the street.

As with the noise and disturbance issue, an important aspect is that the use has been in place for some time with no complaints about parking and the site has been monitored on a frequent and regular basis. During the times when the garage is open, there has been no evidence of pressure on street parking or any adverse impact on the free flow of traffic on Valley Road. Indeed, it is noticeable that during the daytime when officers have visited the site, there have been numerous spaces available on the street close to the garage. A condition limiting the vehicle repair/service/MOT bays to their current number would ensure vehicle movements and parking levels are contained at current levels.

Consequently, it is considered that the concerns about parking levels and potential for disrupting traffic flow on Valley Road have been resolved and the revised application is acceptable in this respect.

Disabled Access.

UDP policy BE7 says that all buildings open to the public should be accessible to people with disabilities.

Core Strategy policy CS74 says that development should meet the needs of disabled people.

The main customer entrance has a level threshold so a ramp would not be needed. The customer waiting area is the same level as the access and a disabled toilet is already in place. A ramp provides access to the office.

RESPONSE TO REPRESENTATIONS

The representations relating to noise, disturbance and parking have been answered earlier in this report.

The proposal would not constitute over development.

SUMMARY AND RECOMMENDATION

This application seeks to use the existing MOT station for car repair and servicing as well during 08.30 to 18.00 hours weekdays and 08.30 to 16.00 hours on Saturdays. The existing MOT use has a limited impact on the neighbours and parking on Valley Road but an earlier application to expand operations to include repairs and servicing was refused because of likely noise and disturbance because of activities on site and vehicle movements, unacceptable pressure on street parking and the detrimental impact on the free flow of traffic on Valley Road.

It is considered that this revised proposal has resolved all the issues relating to the earlier refusal. The applicant has demonstrated that activities would be much reduced from what was perceived to be the case with the refused application which would result in less than the originally anticipated level of noise and impact on parking. Also important in reaching this conclusion is the fact that the use started in mid August or earlier, which has allowed the site to be monitored by officers. During this period, the impact of the use has been considered to be acceptable and

there have been no complaints on planning grounds or to the Environmental Protection Service about activities associated with the site.

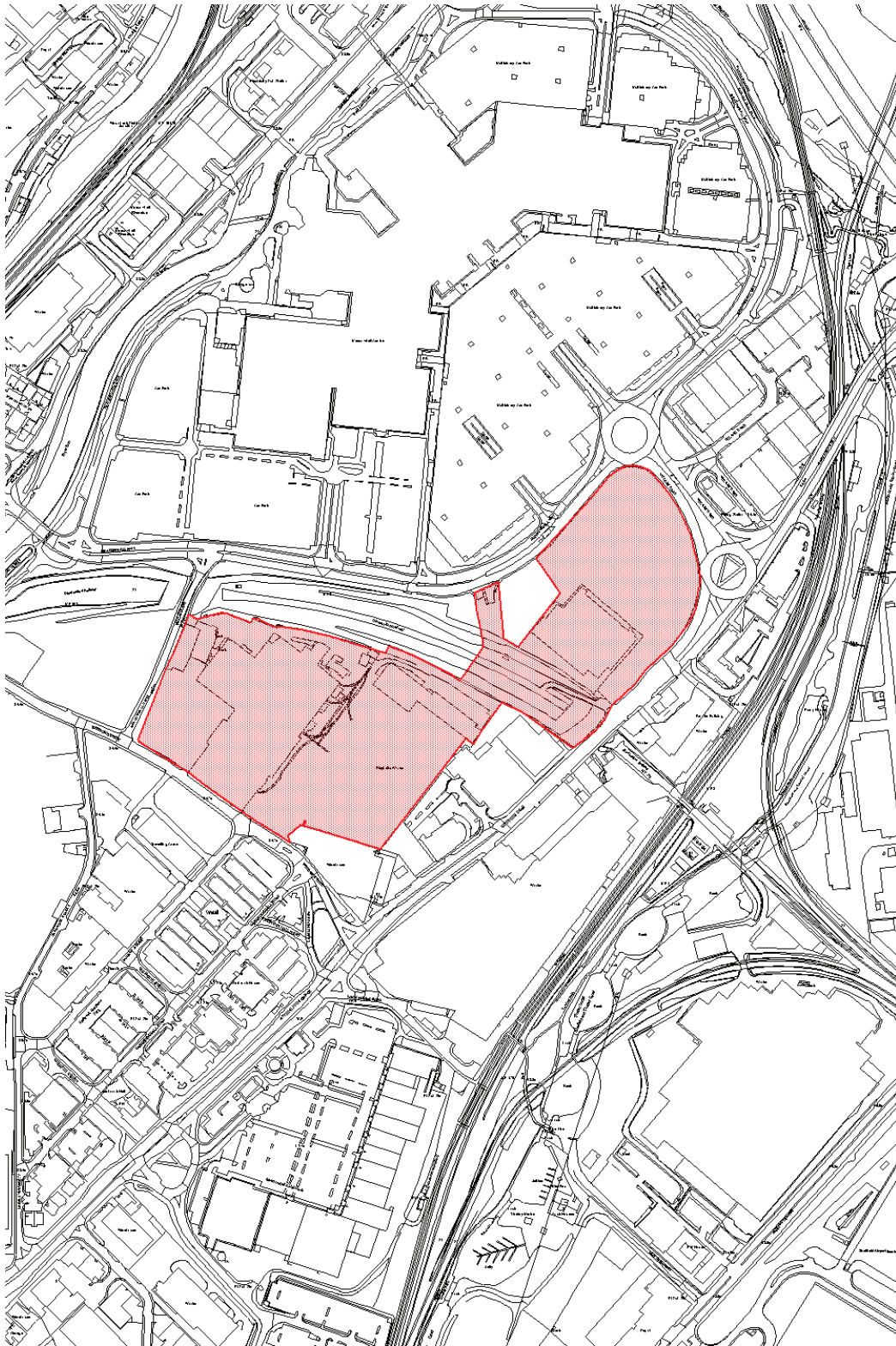
The application is considered to be acceptable, in line with policy criteria and is, therefore, recommended for conditional approval.

Case Number	12/01017/FUL
Application Type	Full Planning Application
Proposal	Demolition of buildings on Plots 3 and 4, erection of a retail unit including garden centre, car dealership and drive-through coffee shop and provision of associated car parking accommodation on Plot 5 and partial removal of embankment and stockpiling of soil of plots 3 and 4.
Location	Land And Buildings At Meadowhall Way, Meadowhall Drive, Vulcan Road And Weedon Street Sheffield S9 2FU
Date Received	05/04/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Drivers Jonas Deloitte
Recommendation	Refuse

For the following reason(s):

- 1 The proposal fails the sequential approach since there is a sequentially preferable site available at Moorfoot/St.Mary's Gate on the edge of the City Centre, and it is therefore contrary to paragraphs 24 and 27 of the National Planning Policy Framework.
- 2 Sheffield City Centre is in a uniquely vulnerable position being in a fragile state with two major retail-led regeneration schemes at a critical stage in their planned development and delivery. Given this context it is considered that the proposal will have a harmful impact on investor and retailer confidence in planned investment in Sheffield City Centre which could undermine the delivery of these schemes which are critical to ensuring the future vitality and viability of the city centre (and identified as key regeneration schemes in Core Strategy Policy CS14). The proposal is therefore contrary to paragraph 26 of the National Planning Policy Framework.
- 3 The proposal will result in major non-food retail development in an out-of-centre location and result in the significant expansion of Meadowhall which is contrary to Core Strategy Policies CS7 and CS14, and Unitary Development Plan Policy S8.

Site Location



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LOCATION AND PROPOSAL

The application site is located on the south and east side of the Meadowhall Shopping Centre and has an area of approximately 11 hectares. It is divided by a disused railway embankment.

The land to the east side of the embankment which is bounded by Sheffield Road, Meadowhall Way and Vulcan Road is cleared and used intermittently for overspill parking for the Meadowhall Centre, this is referred to as plot 5, it has an area of approximately 4 hectares. The application is seeking permission to construct a Next Home retail unit, a BMW and Mini car dealership and a Costa Coffee drive through café. The Next home store would be approximately 5,700 sqm, the combined car dealerships have a floor area of approximately 15,700 sqm and the Costa Coffee unit is approximately 200 sqm. The site layout positions the buildings close to the Sheffield Road and Vulcan Road frontages. Parking is located to the rear and is to be accessed from a new signal controlled junction off Meadowhall Way. A section of the railway embankment is lowered to accommodate the service yard to a car dealership and a new footpath cycle link between Sheffield Road and Meadowhall Way. Two portions of the site adjoining Meadowhall Way are excluded from the application site but could be accessed from the proposed new road layout within the site.

The site to the west of the embankment comprises of derelict industrial buildings and hard surfacing previously occupied by cleared buildings, it is referred to as plots 3 and 4. It is bounded by Meadowhall Drive, Weedon Street, car dealerships, the redundant railway embankment and the listed former Tinsley Tram Depot. The application proposes demolishing the standing buildings and using part of the site for temporary storing spoil from the development referred to above. The spoil is to

be stored in the centre of the site and adjacent to the retained area of railway embankment at a height of approximately 4.5m.

RELEVANT PLANNING HISTORY

Planning permission was granted for the erection of 4 units for use as car dealerships, provision of car parking accommodation and associated enabling works in August 2008, planning permission 07/02074/FUL. This permission included the whole of plot 5, the lower in part of the railway embankment and the storage of spoil on part of plots 3 and 4. This permission was implemented in 2011 when a small part of the access road was constructed. At the same time planning permission was granted to extend the permission for a further 3 years, in August 2010, planning permission 10/01792/FULR.

Plots 3 and 4 and part of plot 5 are included within the site boundary of an outline planning permission for the River Don District, 08/02594/OUT. This is a mixed development of offices, flats hotel and local centre. Although the current application overlaps the River Don District site it does not prejudice the implementation of that scheme.

SUMMARY OF REPRESENTATIONS

Scottish Widows Investment Partnership (SWIP) who are behind the redevelopment schemes for the Moor have objected on the following grounds.

- The proposals could undermine investor confidence as there is no absolute commitment to the city centre by Next. Although they have submitted a letter of intent to invest in the Retail Quarter scheme this is not a specific commitment and can be given very little weight. Investor confidence in the City Centre is already weak as evidenced by the declining health of the City Centre, increasing vacancy rates and the downsizing of the Retail Quarter Scheme. Scottish Windows own investment in the City Centre assumes a constant application of the Council's policies on out of centre shopping development.
- Given the health of the City Centre the Council's retail consultants should have been more cautious in reaching conclusions about the impact of the proposal on City Centre retailers and investor confidence.
- Next are showing no flexibility over retail format, there is no evidence to substantiate the necessity for homeware and garden goods to be sold together. A number of sites have been rejected as part of the sequential assessment as they cannot accommodate an outdoor garden centre or do not have dedicated parking. They are unconvinced that external garden centre is necessary and point out that the Council's retail consultants agree that it would be reasonable for customers to walk 100m to a public car park. They point to other retailers who sell garden products indoors, such as IKEA and that there is no analysis of why this cannot be achieved. They consider the applicant has failed to justify their business model and show sufficient flexibility and therefore the sequential assessment does not meet national planning policy guidance.

- The Mothercare/Staples unit at St Mary's Gate is available and the site is sequentially preferable. The Council's retail consultants concluded that if the Council were to support the Moorfoot site for retail development and the whole of the Mothercare/Staples site were available it would be a sequentially preferable alternative.
- It is not clear why the applicant considers certain sites on the Moor and Moorfoot as out of centre.
- Due to the proximity of the site to Meadowhall the scheme will trade well and will also enhance the trade of Meadowhall. The cumulative impact due to its connection to Meadowhall should be considered. The application site is used as overflow parking which implies a connection to Meadowhall and an extension of the shopping centre offer. This is supported the applicants assertion that there will be linked trips between the site and Meadowhall. Therefore the proposal should be seen as part of the shopping centre and is contrary to policy CS7 which seeks to maintain the shopping centre at around its current size.
- If the scheme is permitted it has the potential for undermining Development Plan policy and paving the way to further retail schemes being proposed around Meadowhall. The vacant part of the site raises the prospect of the cumulative impact of future stores. Scottish Widows state that they are aware that IKEA are looking at a site in close proximity to Meadowhall and strongly recommend that Council give consideration to this potential additional impact before concluding on the current application.
- The Core Strategy says the preferred use around Meadowhall is employment, which is reinforced by the emerging City Sites and Development Plan document. The existing permission for non-retail uses is irrelevant and the proposal still falls to be considered under these policies. There will be a loss of B1 office space and the development would undermine the employment potential of the site.
- The proposals will be damaging to the two retail schemes which the city centre badly needs. It does not bring any positive benefits for the city centre given that promoting the vitality and viability of existing centres is a core objective of the NPPF and Core Strategy. It will set a precedent for future applications.
- The applicant can only dismiss Barnsley's objection that sites with the Borough should be assessed along with the impact on the town centre if they have sufficient evidence from a household survey to suggest that Meadowhall does not draw trade from Barnsley.

SWIP have made it clear in their representations that their investment confidence to date in promoting development is based on directing retailers in to the city centre and resisting retail schemes outside the centre which could be detrimental to this objective. They conclude that their ongoing investment in the city centre would be potentially undermined through further retail development coming forward around Meadowhall.

Rotherham Council have concluded that the impact on Rotherham will be minimal and they have no objections to the proposal.

Barnsley Council has objected on the basis that the catchment area of the proposal has not been defined widely enough. They consider that it should include Barnsley town centre and consequently the applicant should consider sites on the edge of Barnsley town centre in the sequential approach and also consider the impact on the town centre and Barnsley Market Place Scheme. They consider the development could add to the attractiveness of Meadowhall and the operator should not disregard sequentially preferable sites just because it does not suit their business model.

Doncaster Council has no comments to make on the application.

Sheffield Sustainable Development and Design Panel considered the proposal in Feb 2012. The panel strongly supported the design development which they considered would deliver a quality addition to the Meadowhall campus. The suggested some further design refinement on the following lines.

- The landscape framework is important to a site such as this to provide structure and unify the various elements of the scheme.
- The provision of a strong building line to Sheffield Road is supported but provision should be made for a line of trees along this edge as a component of the landscape setting. The panel supported the approach to pedestrian circulation.
- The aspirations to realise a high standard of sustainability are welcomed although not fully developed as the time the scheme was considered by the panel. They support the introduction of green roofs and suggested that there is potential to link these to a wider Sustainable Urban Drainage Scheme. They consider improving the energy efficiency is a more effective approach than targeting renewable energy resources.

The applicant has submitted a Statement of Community Involvement explaining that they held meetings with the East Community Assembly and Tinsley Forum, East Community Assembly – Partner Panel, North East Community Assembly and Darnall Forum, Don Valley Strategy Group and South Yorkshire Trust Tinsley Tram Shed. Discussions were held with Sheffield Chamber of Commerce, adjoining land owners and Handsworth Forum were contacted.

The main issues raised were employment opportunities for local residents and pedestrian links. There were comments in support of the job and training elements of the scheme and the design quality.

A representation was received from Hammer son's UK planning representatives soon after receipt of the application, and subsequently withdrawn and so is not a material consideration.

PLANNING ASSESSMENT

Details of the retail proposal

The proposed Next Home and Garden unit will have 5,678 sqm Gross External Area (3,489 sqm net sales) and operate over three storeys with a part open and

part enclosed garden centre on the ground floor. It will sell home and home furnishing products including garden and outdoor living products. The applicants' planning consultants, DJD, state that the products are displayed in room and garden sets so significant showroom space is needed. Significant storage space is also required for the bulky items.

The applicant has specified in the Planning and Retail Statement it is seeking to sell the following goods (rounded to the nearest 5% of floor area):

- Bedroom 15% (beds, linen, bedside furniture)
- Living and Dining 15% (sofas, armchairs, tables, chairs, shelving, storage and curtains)
- Bathrooms 5% (showers, toilets, furniture, lighting, towels and bathroom fittings)
- Electricals 5% (televisions, portable entertainment systems, irons and vacuum cleaners)
- Kitchenware 5% (crocery, cutlery, tableware, kitchen electricals and accessories)
- DIY 10%(paints, wallpaper, tiles and tools)
- Soft Furnishings and Textiles 20% (lighting, frames, cushions, vases, plants, textiles and upholstery)
- Flooring 5% (carpets, rugs and wooden floors)
- Baby 10% (cots, nursery bedding and pushchairs)
- Outdoors 20% (garden furniture, barbecues, planters, beach towels and garden lighting)
- Other 10% (seasonal items, batteries, brochures and gifts).

Policy Issues

The policy background consists of the Unitary Development Plan (UDP), Sheffield Development Framework Core Strategy (CS), the draft Sheffield Development Framework City Policies and Sites document (CPSD) and the National Planning Policy Framework (NPPF). The Practice Guidance, 'Planning for town Centres' (DCLG Dec 2009), whilst not policy, can be material to planning decisions and has not been superseded by the NPPF.

The NPPF sets out the Government's planning policy. It reaffirms that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It also introduces a presumption in favour of sustainable development. Sustainable development is defined as having economic, social and environmental dimensions that must be considered together rather than in isolation. It is also committed to ensuring the vitality of town centres saying that local planning authorities should set out policies for the management and growth of centres over the plan period and in drawing up plans should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Sheffield's local plan policies, in both the UDP and Sheffield Development Framework, have over many years sought to ensure that the city centre is vital, viable and is the main focus for retailing. This section and the following sections of the report assess whether the development complies with the development plan and the presumption in favour of sustainable

development. Considering the policy background in chronological order of publication:

UDP 1998

Although the UDP has been largely superseded by the Core Strategy and NPPF, some policies that are broadly consistent with the Core Strategy have been retained in the Core Strategy until the City Policies document is adopted, so they can continue to guide decisions about planning applications. They are therefore part of the Development Plan and have the weight accorded to a fully adopted plan.

The UDP Proposals Map shows plot 5 as part of the Regional Shopping Centre Policy Area to which S8 applies. S8 is retained in the Core Strategy. Within this area Policy S8 lists shops, offices, food and drink outlets, business, hotels, community facilities and institutions and leisure and recreation facilities as acceptable, while car showrooms are unacceptable. The listings of acceptability are however 'in principle' and applications must still be considered on their merits. Car showrooms were listed as unacceptable because they would be unlikely to be of high enough environmental quality for this key gateway site. An exception to the policy was made for the car showroom proposal already permitted (07/02074/FUL) because of its high quality design. The permission has been partly implemented.

Although S8 lists shops as acceptable, its criterion c does not permit proposals for non-food retail development with more than 2500 sqm of floorspace, such as the proposed Next, if it would 'significantly and harmfully' expand 'forms of retailing fundamental to the continuing vitality and viability of existing Centres'. Criterion (c) is however no stricter than the NPPF criteria against which the proposal's impact is to be considered so the issue is considered below. The GVA study (Sheffield Homewares Retail Study commissioned by the Council) identified that homewares retailing was currently one of the few strengths of Sheffield city centre. Ensuring the future role of homewares retailing in the city centre is therefore an important issue for us to consider in ensuring that the city centre has a varied retail offer.

Plots 3 and 4 are within a Fringe Industry and Business Area on the UDP Proposals Map. As the only development proposed within this area is demolition and temporary stock piling of spoil, the application proposals will not prejudice the implementation of this policy.

In summary, the UDP imposes no further policy considerations on the proposal that are not specified in the Core Strategy and NPPF

The Regional Spatial Strategy is still technically in force and was also quite explicit that "no further development of new, or large-scale expansion of existing, out-of-centre regional or sub-regional shopping centres should be permitted" (see policy E2c). These centres specifically included Meadowhall (paragraph 11.11).

Core Strategy – policies for the area

Core Strategy policy CS3 identifies locations for office development, one of which is around Meadowhall. Meadowhall is a suitable location for offices as it is well served by public transport. The commentary on the policy says it should not be large scale. The suitability of Meadowhall for offices is also subject to the policy requirement that seeks to maintain a balance between city centre office development and out of centre office development, with at least 65% being in the city centre or at its edge.

Policy CS7 requires the predominant land uses around the Meadowhall Centre to be for employment, including office development and non-office business uses. This policy approach is reflected in the Draft CPSD, which proposes to designate plot 5 as a Business Area where a proportion of offices uses is required. The proposal does not provide office or non-office business uses so does not conform with adopted policy CS7 and is therefore not in accordance with this aspect of this part of the development plan.

However, even if the proposal were implemented there is still scope for delivering offices in the area around Meadowhall. Given other extant consents for out of centre offices, were offices to be permitted on this site, these would in any case be likely to conflict with the requirement under policy CS3 for 65% of office development to be in the City Centre or on its edge. Taking these issues into account it is considered that there is insufficient justification for resisting this application on loss of employment land grounds under policy CS7.

Core Strategy - Retail Policy

Policy CS7 'Meadowhall' states that the shopping centre will remain at around its present size and that all new development around the Meadowhall Centre should be integrated with the existing development. The policy of restricting the size of Meadowhall was first adopted in the Regional Spatial Strategy in 2008 and subsequently included in the Core Strategy.

Policy CS14 states that Meadowhall Shopping Centre will remain at around its present size and major non-food retail (gross floor space of more than 2500 sqm) will not be permitted outside the City Centre's Primary Shopping Area and District Centres and their edges. The supporting text says that non-food development outside centres or their edges, where appropriate, will be considered in the light of current national retail policy, which includes the impact and sequential tests.

For the reasons below, the Next Home and Garden proposal is contrary to the requirements of policies CS7 and 14 that Meadowhall remains at around its current size, since the proposal will result in a significant expansion in floorspace.

The boundary of Meadowhall is drawn more tightly in the emerging Sheffield Development Framework (SDF) Proposals Map than in the UDP Proposals Map, to limit its expansion. The application site is outside the SDF-specified area and separated from the centre by Meadowhall Way. The SDF Map defines Meadowhall as the shops and car parks contained within the Meadowhall Way ring road while the UDP Map shows the site as within the Meadowhall boundary. The draft SDF boundary may be given some weight, (NPPF Para 216) because there

have been no objections to it but the UDP Proposals Map has the full weight of an adopted Development Plan until the City Policies document and Proposals Map are adopted.

The site may also be considered as a functional part of Meadowhall. It is used occasionally as an overspill car park, suggesting that it is near enough to function as part of the centre. However the use is for less than the 28 days per year

The GVA report (Para 4.36) considers that the site would constitute an expansion of Meadowhall shopping centre if it were either 'within' Meadowhall or a 'seamless extension' to it. The site is not a seamless extension to the shopping centre itself. Next's and Meadowhall's main entrances would be 500m apart and the walk between the two would be through Next's car parking, across the dualled Meadowhall Way and through Meadowhall's own car parking. GVA concludes that since the proposal is not a seamless extension of Meadowhall it does not fall within the CS7 / CS14 requirement to maintain Meadowhall at its present size.

Nevertheless, although not a 'seamless' extension, the site is adjacent to the Meadowhall boundary and there are links that could reinforce the attraction of Meadowhall and compound any impact on the City Centre. The applicant's Retail Assessment acknowledges there may be linked trips (para 5.44) and says that 'although a standalone store is proposed for Next Home and Garden, the retail facility needs to be within close proximity to other retail facilities that operate in a similar market. Next Home and Garden will not operate from a store that is isolated from other retail facilities.' (para 5.25)

More important than its exact location is the perception of prospective shoppers and investors that the proposal is linked to Meadowhall. The 'Next at Home' is likely to be advertised as being at Meadowhall just as the Next at Home and other homeware stores at Barton Square are advertised as being part of the Trafford centre. Barton Square is a similar distance from the Trafford centre as the proposed Next at Home is from Meadowhall. Newspaper reports recognise that even though not seamless, retail development proposals on adjacent land surrounding Meadowhall are seen as an expansion of Meadowhall's retail offer .

It is considered that the development will be perceived by investors, retailers, and shoppers as being 'at Meadowhall' and constituting an expansion of it. It would therefore be contrary to the CS7/14 requirement for Meadowhall shopping centre to remain 'around its present size'. This has been a clear and consistent council policy since the UDP was adopted in 1998. It is part of a clear spatial strategy to ensure the city centre remains the heart of the city and the clear focus for major non food retail investment. The intention of that policy approach should be given significant weight in determining this application.

In any case the proposed Next exceeds 2500 sqm and is outside and not on the edge of any town centres. Therefore the proposal is contrary to policy CS14's proscription of major non-food retail (gross floor space of more than 2500 sqm) outside the City Centre's Primary Shopping Area and District Centres and their edges.

In summary, the proposal is contrary to policies CS7 and CS14. The statutory duty is to decide each application in accordance with the development plan unless material considerations indicate otherwise.

However, the justification for policy CS14 states that out of centre development will be considered in the light of current national retail policy (now the NPPF). GVA's view is that the Core Strategy's 'spatial dimension and overall objectives' need to be considered alongside development management policies that reflect the NPPF (GVA paragraph 4.18). This suggests that proposals should be considered against NPPF criteria. The Council's view is that this includes ensuring development does not undermine the vital role of city centres as the heart of their community and the primary focus for new retail development. This is particularly important given the key role of Sheffield city centre as the heart of England's 4th biggest city and its wider economic role in the Sheffield city region. GVA have concluded that currently the city centre is vulnerable and is not vital or viable in retail planning terms. This is a serious issue that needs to be addressed. This means that any assessment of the current proposals needs to be to a more exacting degree than would be the case if the City Centre were less strategically important and vulnerable. Anything that undermines confidence in the vitality or viability of the city centre should not be approved. The proposal is assessed against the NPPF in the appropriate section below.

Draft City Policies and Sites Document – Retail policy

The adopted Core Strategy gives a broad outline of spatial policy whereas the role of the CPSD is to show how the Core Strategy can be implemented in development management.

Policy C5 deals with shopping development outside existing centres. It sets out accessibility criteria to which such development should conform. The proposal is well served by public transport and close to Meadowhall so is consistent with these elements of the policy. The Policy also says that within any 5 year period retail development at Meadowhall should not exceed 2,500 sq. m gross floor space. However Policy C5 can be given limited weight since there are unresolved objections to it.

NPPF - Assessment of Retail Issues.

The NPPF requires all retail proposals outside town centres that are not in accordance with a development plan to comply with the sequential approach and, if greater than 2,500 sqm, to be assessed for their impact on existing centres. The proposal is out-of-centre, does not conform to Core Strategy policies CS7 or CS14 and is over 2,500 sqm so should be considered against these tests. The NPPF directs Local Planning Authorities to refuse planning permission where an application fails to satisfy the sequential test or is likely to have significant adverse impact.

The Council commissioned independent retail planning consultants GVA to review and help assess the application proposals and provide guidance on retail planning policy. They produced a report entitled "Independent Assessment of the Retail

Strategy for Homeware Retailing in Sheffield – Stage 1 Report” dated July 2012. This considers the Homeware retail sector, reviews the health of the city centre and reviews the Council’s retail planning policies. It also provides a critique of this planning application. The following sections on retail issues draw on this report.

Sequential Approach.

The NPPF describes the sequential approach. Main town centre uses such as retailing should be located preferably in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Within the ‘out of centre’ category, ‘preference should be given to accessible sites that are well connected to the town centre’. Alternative preferred sites must be in the proposal’s catchment area, suitable, available and viable but applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. (NPPF Para 24).

Consideration of sites

The applicant considers the proposed store has a minimum floorspace requirement of 3500 sqm gross but in carrying out the sequential assessment DJD claim to have been flexible by considering sites that can provide only 2500 sqm. They consider that any site should be accessible by a choice of means of transport as required by planning policy and should be available within 12-18 months as Next have an immediate requirement.

They have considered 12 alternative more central sites in and adjoining the City Centre and Rotherham to establish if there was a suitable sequentially preferable site available to accommodate this development. We agreed with DJD that sites in Barnsley were not central to the catchment area that the proposal is intended to serve so need not be considered.

DJD argued that all sites are unsuitable to accommodate the proposals due to the specific space requirements of the Next Home and Garden business model. They argue that Next Home and Garden cannot operate in an in-centre location and require a large store displaying their full product range. They have provided a list of 560 bulky goods to be sold from the site, including flat pack furniture, tiles, laminates, TV stands, mirrors, pictures, sink units, chairs, table nests, shelves, lawnmowers, wheel barrows, large plants and shrubs, plant pots, planters, BBQs, screening / fencing. They say that the bulky goods require a significant amount of floorspace for storage, display and sale, as well as good vehicular access for servicing and convenient parking for customers to collect goods.

GVA and SCC have assessed DJD’s rejection of sites taking account of the applicant’s business model. It is considered valid to take account of Next’s need to sell bulky goods, which requires convenient customer parking nearby.

The applicant has provided an indicative floorplan which shows a significant proportion of floorspace allocated to room sets to display items. It is accepted that the Applicant has adequately demonstrated that due to the product range and store layout the scale of floorspace is appropriate. The applicant is willing to accept a

condition that restricts the range of goods that can be sold from the unit, in particular clothing and footwear.

The garden centre element is shown as occupying an area approx 400 square metres. It is likely to be occupied predominantly by outdoor plants which require and outdoor location for natural sunlight and watering. Other goods may include compost, pots, fencing, sheds and paving. It is accepted that the applicant has demonstrated a genuine requirement for outdoor space: other recent and proposed stores in the Next Home and Garden format have uncovered garden centres and it is described as part of the format in the Next Annual Report (2012)

Next also says that Next Home and Garden needs to locate in a clustering of retail units to be successful. In the Council's view this is added evidence that it will operate as part of the wider Meadowhall retail centre. They argue that there is a requirement for an outdoor display area, good vehicular access for servicing and convenient parking for customers to take away goods. However the applicant also argues that the Next Home and Business model cannot operate in an in-centre location. They say the bulky goods element of Next's product range does not work in City Centres as they have tried this unsuccessfully in the Arndale store in Manchester. This argument is not accepted. An in centre store selling the homeware range might be less profitable but because of the range of bulky and softer items proposed it is considered that the store could operate effectively within an in centre location provided that there is a suitable and available site which can accommodate the proposals and provide outdoor garden centre space and parking in the town centre.

It is accepted that sites at Chatham Street, Spital Hill, Doncasters, Remploy Site and the Former Co-op in Sheffield are either unsuitable or unavailable in terms of scale or location to accommodate the proposed development, which requires a site with sufficient car parking and outdoor garden space to provide a garden centre. A site at Hanover way is not considered to be available and three sites in Rotherham are not considered to be suitable as Rotherham Council would prefer them to be developed for non-bulky retail uses.

The New Retail Quarter (NRQ) site is considered to be unsuitable as it is focused on fashion retailers and not primarily bulky goods. The applicant has also argued that it is not available in the short term as the scheme is likely to be amended. They point out that Next are likely to take space within the new retail quarter scheme for a fashion store with a homeware element and therefore the City Centre and Meadowhall sites will be complementary. Officers agree that the NRQ scheme is not envisaged to accommodate bulky retail units and the focus is for high/mid end fashion retailing and restaurant and café uses. It is therefore accepted that the site is not suitable to accommodate the proposed development.

The applicant states that 3 permitted retail schemes on The Moor are not suitable as the units are either too small or cannot accommodate a garden centre and do not have immediately available parking. They say it is not commercially viable for Next to bring forward a bulky good store on The Moor. The applicant's rejection of the above site due to the units being too small and lack of immediately available parking is not accepted. Units could be amalgamated to provide a sufficiently large

unit and existing car parking is available close to the sites. However it is accepted that they could not easily accommodate an outdoor garden centre although this is not accepted by the developer SWIP.

However a site at Moorfoot /St Mary's Gate is suitable, available and viable. It is currently occupied by Mothercare and Staples but one retailer is seeking to vacate the site in the short term. A site should be considered available for development where the owner of the site appears willing to bring forward the site for development within a reasonable timescale. SWIP, the owners, have assured GVA that the site will become available. GVA has accepted their assurances and conclude that the site as a whole would be large enough to provide on site car parking and an outside garden centre.

Although SWIP have not provided specific timescales or evidence of the availability of the whole site, GVA consider that even though the units are currently trading, there is no reason to dispute SWIPs assertion that the site could be brought forward for redevelopment in a reasonable period of time.

The site would be sequentially preferable. Although it is 420 m from the Primary Shopping Area, it is well linked to shops on the Moor, designated mostly as the Secondary Shopping Area, and is capable of forming pedestrian links with the Centre. As the site has onsite parking, is accessible on foot, and well served by buses it is considered to be easily accessible by shoppers. GVA concluded that in practical terms, taking into consideration the proximity of the site to existing retail uses on the Moor, the site is essentially an edge of centre site and therefore, in principle, sequentially preferable subject to considering its suitability and availability.

The Mothercare and Staples units currently have an open A1 retail consent. It has been argued that it would be unusual for a landlord to secure future bulky goods retail tenants within an open A1 unit as the retailers usually pay higher rents for more flexible planning consents. SWIP state that due to the current economic climate, they would be willing to pursue several retailers for the site to ensure it is occupied and have expressed interest in accommodating bulky goods retail on this site.

The Practice Guidance states that policy restrictions, including designations, are relevant when assessing whether an alternative site is suitable (paragraph 6.43). The UDP Proposals Map allocates the site as a 'business area' and the draft SDF proposals map allocates the site as a 'priority office area'. However the Council as part of its city centre masterplan review have been considering the future of the Moorfoot area and its environs. The GVA study also strongly recommended that the Council allocates city centre or edge of centre sites for bulky goods retailing and we are actively considering the Moorfoot area and its environs for this. This has included initial dialogue with SWIP who have confirmed their interest in accommodating bulky good retailing as part of a refreshed vision for the Moorfoot area. It is therefore clear that the Council are reconsidering the policy position in relation to Moorfoot and consider it suitable for bulky goods retail development. In any case retail development would not be precluded by its designation proposed in the draft Proposals Map. Draft policy H1, which would apply to the area, lists shop

development as to be considered on its merits. In this case the merits of development at the Moorfoot/ St Marys Gate site are its suitability for bulky goods retailing and its proximity to the Moor.

To conclude, (whilst the applicant disagrees) the Moorfoot site is sequentially preferable to the Vulcan Road site, is suitable, viable and available and can be brought forward in a reasonable timescale for development. It is large enough to accommodate the proposed uses with space for car parking and an outdoor garden centre. The NPPF is clear that if an application fails the sequential test it should be refused.

Sequential Approach and Costa Coffee

Drive through restaurants are main town centre uses to which the sequential approach applies. The Costa Coffee unit is only small with a gross external floor area of 217 sqm. The applicant's argument that it will not be a destination in its own right and is likely to be ancillary to the other uses on the site is accepted. As there is a site specific need for the cafe proposal in this location it is considered to pass the sequential test.

Retail Impact.

The NPPF requires an impact assessment for retail developments of more than 2,500 sq m if they are out of centre, and not in accordance with an up-to-date Local Plan. The Next proposal conforms to these criteria. The NPPF requires an assessment of:

- impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made
- impact on investment in centres in the catchment area.

Where an application is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Impact on Town Centre Vitality and Viability.

The Applicant has tested an opening year of 2013, a design year at 2015 and tested the impact of the development five years from this mature trading pattern (at 2018). The applicant estimates that the proposed comparison goods floorspace would turnover be £11.4 million at 2013, £11.7 million at 2015 and £12.3 million at 2018. However using more realistic turnover per square metre figures this would increase the store turnover to £13.6 million at 2013, to £14.0 million at 2015 and to £14.7 million at 2018.

Based on the higher turnover figures this results in the predicted impact as set out below.

Centre	Impact 2013	Impact 2015	Impact 2018
Sheffield	0.4%	0.4%	0.3%
Rotherham	1.0%	1.0%	1.0%
Crystal Peaks	0.8%	0.8%	0.8%
Hillsborough	1.2%	1.2%	1.2%

The impact on the centres is minimal in numerical terms but it is necessary to consider the health of the individual centres to assess the significance of the impact.

Both Sheffield City Centre and Rotherham are vulnerable and at risk from significant out of centre retail development but the applicant argues that the development will serve a different market from the fashion led town centres and will largely compete with out of centre bulky goods retailers. The trade draw is likely to be dispersed so unlikely to have a significant trade draw on the City Centre. They say that people travelling to the Next Home and Garden store are likely to be making a special trip for that specific purpose and would be primarily travelling to out-of-centre locations. They consider that it is only the smaller homeware items that will overlap with the town centre offer and that given the convenience of shopping trips linked with work that shoppers are unlikely to change their shopping patterns for these items. The applicant acknowledges that the loss of a key town centre user or the demand for a user needed to reinforce the existing town centre offer can be an indicator of impact on the vitality or viability of a town centre. However they say that Next will continue to maintain their presence in all the existing centres within the Primary Catchment Area of Sheffield and Rotherham and continue to invest in the NRQ scheme.

Although the applicant argues that the development will serve a different market from fashion-led town centres and will largely compete with out of centre bulky goods retailers this is open to question. As previously stated, GVA concluded that one of the few strengths of the current Sheffield city centre retail offer is its diverse homewares retailing. Concerns have been raised that strengthening the homewares offer of Meadowhall will only serve to strengthen its overall attraction, in direct competition with the city centre, and could help to undermine one of the key elements of the city' centre's current offer. We have identified a sequentially preferable site on the edge of the city centre which could meet the needs for this type of use and which would strengthen the overall offer of the city centre.

Rotherham.

The two development sites in Rotherham Town Centre have already been developed so they consider there would no impact on in centre investment.

Cumulative Impact.

A significant amount of out of centre comparison goods retail floorspace has already been permitted and will come forward during the timescale for the development. Given the fragile nature of the City Centre the applicant has been asked to assess the cumulative impact of the proposal and this development on the City Centre. The results are in the table below.

	2013	2015	2018
Turnover of Sheffield City Centre prior to proposal (£m)	791.3	816.9	1269.8
Commitments (£m)	22.6	23.4	24.6
Impact	2.9%	2.9%	1.9%

This table above shows the cumulative impact of the proposal including the higher turnover figures referred to above and committed development on Sheffield City Centre. The impact is lower in 2018 as it assumes the NRQ scheme will come forward in 2016. The cumulative impact is a concern however given the scale and nature of the proposals there is considered to be insufficient basis for resisting this proposal on the basis of its cumulative impact. There have however been serious concerns raised by SWIP that, combined with other mooted retail development in the vicinity of Meadowhall, that it could have a significant impact and that approval of this scheme would weaken the case for refusing other similar proposals. Even if future schemes could be controlled, of more importance is perceptions that the Council is loosening its policy on out of centre retailing, to the detriment of investor confidence in the city centre.

Impact on investment in existing centres.

The proposal's impact on investor confidence can be assessed against the criteria given in the Practice Guidance (bulleted below).

- What stage have the planned developments reached?

Planning consents exist for proposals for The Moor and construction has been started on the Markets site. SWIP are planning future phases of investment in the Moor, which are not yet committed. They have made it very clear that their investment confidence to date in promoting further development of the Moor is based on directing retailers to the city centre and resisting schemes which are detrimental to this objective. The CPO for the New Retail Quarter has been confirmed but the economic downturn has delayed the development. It is therefore in a vulnerable position. Delivery of the NRQ is at the heart of the Council's plan to make Sheffield city centre a vital and viable centre with a strong retail heart. Anything that undermined confidence to deliver this scheme, or undermined retailers confidence to take up space in the scheme, would be a real concern.

- The policy 'weight' attached to them e.g. are they a key provision of the development plan?

Development of the New Retail Quarter is a key priority which underpins Core Strategy Policies CS14. The Moor is a City Centre development supported by

CS17 and CS18 which encourage retail development on the Moor. Adverse impact on investor confidence in either scheme would be a cause for concern.

- Whether there is sufficient 'need' for the New Retail Quarter and the Next Home and Garden Proposals?

There is a qualitative need for new comparison goods retail floorspace in the New Retail Quarter and GVA expect that there will be demand from homeware retailers for a range of retail formats that will not be catered for by the New Retail Quarter or The Moor. However the 2010 Sheffield Retail Study has shown there is no quantitative need for homeware retail floorspace.

- Whether they are competing for the same market opportunity, or key retailers/occupiers?

The New Retail Quarter development will be a fashion led scheme while the Next Home and Garden store will sell primarily retail bulky homeware, DIY, garden goods. A letter from the Chief Executive of Next says that they are committed to occupying a fashion led store as part of the New Retail Quarter in addition to the Home and Garden store so the two developments are not competing for the same market. The letter confirms that Next have an active requirement for a large fashion store in Sheffield City Centre, and that they are currently in discussion with Hammerson to occupy a unit in the Sevenstone scheme. While there is no reason to dispute the validity of the claims relating to this commitment the Next letter cannot give any binding commitment to taking additional floorspace in the city centre for a fashion led store. GVA reports that the Sevenstone scheme continues to face severe delays so little weight can be attached to the stated 'intent' in the letter from Next.

We have already covered earlier in the report concerns that strengthening the homewares offer of Meadowhall will only serve to strengthen its overall attraction, in direct competition with the city centre, and could help to undermine one of the key elements of the city' centre's current offer. The availability of a sequentially preferable site for bulky good retailing in the city centre clearly indicates that there is competition between the city centre and out of centre in this case. NPPF policy is clear that city centre should come first.

- Whether there is evidence that retailers/investors/developers are concerned

SWIP have set out in detail their strong concerns that continued expansion of retailing in and around Meadowhall could increase its attraction as a retail destination and impact on the City Centre. They have formally objected to the application and stated that their ongoing investment in the city centre could be undermined by further retail coming forward in this location. The Good Practice Guide Is clear that like many aspects of impact, the effect of a proposal on planned investment is a subjective matter. However you cannot question that SWIP, as a major investor in Sheffield city centre, are seriously concerned and have clearly stated that it could influence their future investment decisions. This is a critical issue given the early stage that their major proposals for regenerating the Moor are at in terms of planned investment and delivery. It is worth noting that some of the

key 'homeware' offer of the city centre is located on the Moor and anything that undermined its future could have wider implications for full delivery of the regeneration vision for the Moor.

GVA's view was that the proposal was not of a scale to increase the attraction of Meadowhall significantly. City Centre investment plans would not be significantly affected by the proposal since they were not underpinned by homeware retailing. GVA consider that the estimated 0.35% impact on the JL store would be insignificant and that Sevenstone can be developed alongside Next Home and Garden as they will provide different retail offers and serve different markets. However the existing John Lewis store allocates 45% of its sales space to homeware goods and a competing out of centre store could have an impact on the refurbishment of the store. As an anchor store its refurbishment will be a key element of the New Retail Quarter. The store suffered a decline in sales over the last year and is vulnerable to out of centre development.

- Whether the cumulative impact of both schemes would be a cause for concern.

The applicant's cumulative impact assessment shows that the cumulative impact of the proposed store with other existing out of centre commitments is not a significant cause for concern. However it is future expansion which is the concern of investors in the New Retail Quarter, and which the restrictive Core Strategy policies CS7 and CS14 were designed to control. GVA note that investor confidence in the city centre would be harmed if significant expansion of retail units in the Meadowhall area took place before the New Retail Quarter was developed. The issue is examined below.

Precedent and Cumulative Impact

Legal cases and appeal decisions show that precedent is a proper material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm to planning principles or policies would result. The force of the "precedent" argument is reduced where the planning circumstances are unlikely to be replicated.

GVA do not consider the current Next Home and Garden proposal would create a precedent for additional development because future applicants would have to show compliance with the sequential and impact tests. However, given the recent Dundee decision, other schemes could come forward requiring a format that could not be accommodated in sequentially preferable locations. The plan submitted with the application shows at least two sites near the proposal left vacant for future unspecified development. These are large enough to contain two retail warehouses of the same size as the proposed Next. Granting consent to this scheme would deliver a message that further development at Meadowhall is permissible.

Sustainability Issues.

The sustainability of the development needs to be looked at on two levels. This section addresses the sustainability of the development on the proposed site. However, we also need to keep in mind the wider national and local policy on the

most sustainable locations for development. The NPPF identifies ensuring the vitality of town centres as a key element of delivering sustainable development. For Sheffield we have a clear Core Strategy spatial strategy which states that the city centre will be the focus for most new retail, office, leisure and cultural development, as the most sustainable location for these types of development. This is then translated into the key policies on retailing as set out earlier in this report.

The application will secure the development of a brownfield urban development site that is well served by public transport. A travel plan is submitted with the intention of maximising access by means other than the private car. The scheme has also been designed with good pedestrian links which will facilitate pedestrian movement and linked trips on foot. A new pedestrian/cycle connection is being created across the site and a segregated cycle link is being provided around the edge of the site. As is discussed in more detail below the buildings have been designed to be energy efficient, incorporate green roofs and generate a proportion of their energy from renewable sources. The site is not vulnerable to flooding and measures are proposed to minimise the surface water run-off. The landscape proposals have been designed to mitigate against the habitat loss from the partial removal of the former railway embankment. Whilst outside of planning control the applicant has also said they will adopt sustainable waste and materials management policies such as seeking to minimise the amount of waste disposed of to landfill. It is concluded in terms of this site, that in broad terms the development can be considered to be sustainable.

In terms of the detailed sustainable planning policies;

Core Strategy policy CS63 is concerned with reducing the city's impact on climate change. It encourages developers to follow the Energy Hierarchy and give priority to reducing the need for energy consumption. All three buildings have been designed with partial green roofs these reduce the need for air conditioning during summer and increase the roof insulation properties during winter. The glazed areas will reduce the need for artificial light and the thermal fabric of the buildings will generally be designed to be 30-40% better than is required under the building regulations. Active management of services such as heating, lighting etc will be provided and improved beyond what is required under the current building regulations.

Core Strategy Policy CS64 seeks to encourage sustainable design. In order to satisfy the policy it states that new developments of over 500 sqm gross internal floorspace should achieve a BREEAM rating of Very Good as a minimum. The applicant has carried out a BREEAM pre-assessment which indicates that all three buildings can achieve a Very Good rating and are at the upper end of the range close to the BREEAM Excellent rating. Therefore the scheme complies with this policy and a condition is proposed to secure its implementation.

Core Strategy policy CS 65 requires all significant developments, unless this can be shown not to be feasible and viable, to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The applicant has assessed the alternative renewable energy options for the site and concluded that Air Source Heat Pumps are the most appropriate technology for this site. They have predicted that Air Source Heat Pumps could generate 4%, 10% and 9% of Costa's, Sytner's and Next's predicted energy needs. This is slightly below the policy requirement. However the Council's Supplementary Planning Document 'Climate Change and Design' states that where it is not feasible to achieve this requirement additional carbon reductions will be required instead. In the case the applicant has argued that air source heat pumps are the most appropriate renewable energy technology and that it is not feasible to generate more than the above percentages for this proposal. They have also demonstrated that their energy efficiency measures over and above what is required under the building regulations will achieve reductions in Carbon Dioxide of 16%, 7% and 8% respectively over the current building regulations. These efficiency measures will secure more carbon savings that would be have been achieved by generating additional renewable energy up to the 10% level required by the policy. Therefore the proposals are considered to meet the terms of policy CS 65. Next Home and Garden current have a contract to secure 100% of the electricity from renewable sources, although this could change.

Guideline 1 of the Supplementary Planning Document 'Climate Change and Design' states that provided they are compatible with other design and conservation considerations, and where viable, green roofs will be required on all larger developments, and encouraged on all other developments. The green roof should cover at least 80% of the total roof area. In this case the applicant is proposing green roofs on all three buildings. The green roof covers 100% of the Costa building, approximately 70% of the Next building and approximately 25% of the car dealership building. The proposals Costa and Next either exceed or are close to the policy target. The car dealership building is significantly below 80% target; however the area where a green roof is not being provided is being used for car storage. It is accepted that there are operational/design reasons for not meeting the target for this building and therefore it is concluded that the proposal is acceptable in terms of this policy.

Design Issues.

Core Strategy policy CS 74 that high quality development will be expected to respect the townscape and landscape character of the city's districts, contribute to place making and help to transform the character of the physical environments that have become run down and are lacking distinctiveness.

Core Strategy policy CS 75 seeks to improve gateway routes into and through the city and identifies the routes most significant in terms of the wider transformation of the city. These include the Lower Don Valley routes.

Site Layout

Plot 5 of the application site is a very prominent area of land south west of junction 34S of the M1 motorway and adjoining main roads which provide access to Meadowall and link the city with the motorway. As a strategic gateway site into the city and Meadowhall design quality is of high importance.

The design approach has been to create a perimeter block development with a hard urban edge to the road frontages. This has resulted in buildings positioned fairly close to the back edge of footpath with parking contained in the middle of the site. This design creates a strong frontage reinforcing the existing street pattern and screening the car parking within the site.

The main retail and car showroom buildings are 12-15m high which is a similar scale to the industrial buildings that dominate the area. As a result the buildings will have sufficient scale and presence for this large site.

The Next home building has been positioned to respond to the key corner and focal point of the site which is located at the roundabout junction of Sheffield Road/Vulcan Road. The large area of glazing in the roadside elevation will help to activate the frontage.

The Sheffield road frontage of the car dealership also incorporates substantial glazed elements which will create visual interest and contribute activity. The mass of the car dealership building is relieved by articulating the frontage and by the use of different materials and architectural variation.

The Costa building has been positioned to mark the vehicular entrance to the site on the Meadowhall Way frontage. Following discussions the drive through lane has been relocated to the rear of the building so that the building responds better to the road frontage and accommodates a more attractive outdoor seating space.

An indicative layout has been submitted which shows how the vacant plot at the corner of Meadowhall Way/Vulcan Road could be developed with another building which responds to the street frontage and shares the Next home service yard.

Building Design.

All the buildings are of a contemporary design which is appropriate for this large freestanding site.

The car dealership building contains three levels and is faced in metal cladding, Kalwall translucent cladding, render and glazing. The BMW unit is largely faced in white render with a double height glazed showroom facing Sheffield Road. The Mini unit is largely faced in black sinusoidal horizontal cladding with a two storey glazed showroom facing Sheffield Road. The servicing reception is sandwiched between the two showrooms and incorporates a two storey glazed area to the Sheffield Road frontage. The used Mini showroom is faced in silver flat panel cladding and adjoins the pedestrian link from Sheffield Road. It steps down in scale adjacent to the walkway and incorporates glazed openings facing onto the walkway. All the buildings have flat roofs which are used for either car storage or green roofs.

The provision of large areas of glazing to the Sheffield Road frontage helps to create a welcoming and visually interesting frontage. The stepped building line to Sheffield Road, projecting portals to that mark the glazed openings and use of

different materials helps to break up the façade and create visual interest. The proposed materials are considered to be in keeping with the industrial character of the valley.

The Next unit is the most prominent building on the site as it faces onto the Sheffield Road roundabout. It is three storeys high on the road frontage and two storeys high facing the car park, with a single storey covered and open garden centre adjoining the Sheffield Road pedestrian link. The massing of the building is concentrated on the site frontage where it is most needed to provide sufficient presence and enclosure to the large space adjacent to the roundabout.

The building is mainly faced in composite cladding with a grey through coloured render portal around the glazed entrance and natural dark grey stone cladding to the stair towers at the corners of the building. The substantial two storey glazed openings to both the street and car park elevations and the openings to the garden centre will be formed in high quality frameless glazing. The garden centre wall is to be faced in grey brickwork. The roof is flat and mainly surfaced in a green roof system.

The building design is simple and the bold shapes and blocks of material with deep reveals to window openings will create a strong visual statement. The design quality and materials are generally of a good standard and the large glazed opening to the street frontage will provide an active and welcoming frontage to the street.

The garden centre plants, pots and outdoor furniture and equipment will be contained within a covered building and walled outdoor area and therefore will not detract from the street scene. The glazing in the covered garden centre and screen wall will provide some overlooking and security for users of the footpath connection from Sheffield Road. The service yard is screened from the main road by a 4.5m high staggered and overlapping wall and 2m high landscaped embankment.

The Costa building is a single storey pavillion approximately 5m high. The elevations facing Meadowhall Way and the site access are largely faced in curtain wall glazing with feature coloured Kingspan panels to the entrance portal. The other elevations are largely faced in vertical zinc cladding. The roof is mono pitched with a zinc fascia accommodating a green roof.

Overall the design quality is good and the highly glazed roadside and entrance elevations will be attractive and active. The parking and drive through lane is located to the rear so that the building and outdoor seating area dominates the site frontage. There is direct access to the seating area and building from the footpath adjacent to the pedestrian crossing of Meadowhall Way.

Pedestrian Links.

The scheme improves pedestrian permeability through the site by providing a footpath/cycle link between Sheffield Road and Meadowhall Way along the south

west boundary of plot 5. This will facilitate improved connections to the Lower High Street entrance to the Meadowhall Centre and wider connections through the area.

An attractive pedestrian link into the site is to be created from the Sheffield Road/Vulcan Road roundabout which will link with the entrances to the individual units and connect to the signal controlled site access across Meadowhall Way and allow for pedestrian to walk to the shopping centre.

The above pedestrian connections and the perimeter footpath around the site which is to be widened to accommodate a shared footpath/cycle route will provide good links from the surrounding area and the bus stops and Tinsley Supertram stop.

It is concluded that the development has been designed to integrate with existing development.

Public Art.

Unitary Development Plan policy BE12 states that works of public art in places which can be readily seen will be encouraged as an integral part of the design of major developments.

The M1 Gateway master plan is proposing two sites for an iconic art work installation either side of the M1 motorway viaduct. Given that this will be close to the site and will need to secure a significant level of private sector funding, it was considered more appropriate to secure a contribution the gateway artwork rather than to promote separate art work installations on the site. The applicant has agreed to a £35,000 contribution which is to be secured by a legal agreement.

Landscaping.

The landscaping proposals have been designed to integrate the development with its surroundings, relieve and soften the built and hard surfacing areas, reinforce and pedestrian and vehicular routes and encourage bio-diversity.

Larger trees within ground cover are proposed along the Sheffield Road and Vulcan Road frontage to soften the hard urban edge to the site and as recommended by the Sustainable Development and Design Panel. Large trees will also be planted adjacent to the pedestrian route into the site from Sheffield Road and adjoining the vehicular entrance from Meadowhall Way. Hedge plants, smaller trees and ground cover are proposed within the parking and areas to create a green edge to the highways and car parks and to help soften their impact. Native planting is proposed next to the footpath/cycle route along the section of lowered embankment and a wildflower seed mix for the bio-diverse green roofs. The future development site at the corner of Meadowhall Way and Vulcan Road is to be landscaped in the interim with a wildflower seed mix. Pedestrian areas within the site are to be surfaced in sliver/grey paving slabs or blocks, access roads are to be surfaced in tarmac and parking bays in permeable block paving.

Overall it is concluded that the hard and soft landscaping scheme is of a high standard and will deliver a good quality public realm. The landscaping proposals will soften the development and provide a satisfactory setting for the new buildings whilst encouraging bio-diversity.

Access Issues

Traffic Impact

A detailed Transport Assessment has been produced in support of this application, which considers the impact of the traffic generated by the development on the surrounding network and junctions and also the adequacy of the proposed site access. The assessment compares the impact of these new proposals with the previous approved scheme for the site, and also looks at the potential impact in 2021 to give a robust future year prediction.

To establish the traffic that would be generated by the proposed development the TRICS database has been interrogated for traffic information on comparable proposals and sites. The initial assessment showed that during the peak hour in the week there would be a potential slight reduction in traffic from this site when compared to the previous approval, and on a Saturday peak hour there would be a slight increase of just 4 vehicles.

The above assessment was based on a slightly optimistic assumption that the first floor area of the retail until should be treated as a mezzanine floor. Mezzanine floor extensions have been shown to have greatly reduced traffic generation values.

A far more conservative assessment was requested where all the floor areas were treated at the higher values of traffic generation and this still resulted in no increase in the weekday morning peak, an increase of 85 trips in the weekday evening peak, the Saturday peak hour would see an increase of 188 trips.

These higher values of traffic generation have been used to test the effectiveness of the operation of the new junction proposed, and this has been shown that the junction will operate within its effective capacity.

A further sensitivity test was also undertaken based on potential development proposals for the vacant plots, and again the new junction will continue to operate within its theoretical capacity, both in the weekday and Saturday peak periods.

It must be borne in mind that this assessment is based on virtually a “worst case” scenario, but still shows that the proposals and especially the new junction will not have a detrimental impact on the operation of the adjacent highway network.

A further absolute worst case scenario was also undertaken to assess the impact traffic generation might have on air quality, and this is reported on further elsewhere in this report.

Site Accessibility

This site is in an accessible position, with high frequency bus routes already existing adjacent to the site which will be shortly supplemented by the bus rapid transit route that will run next to the site. There are also stops for both Supertram and heavy rail connections within walking distances.

The site is also close to good existing walking and cycle routes, and improved connections to these facilities including a new toucan crossing to Vulcan Road and a new footpath cycle route created along the western edge of site are proposed by the developer, and will be secured by condition.

Parking Provision

The developer is proposing 234 car parking spaces split appropriately between the three site uses, and this is within the maximum parking numbers that could be permitted under the Council's parking guidelines.

24 cycle parking spaces for staff and 26 visitor spaces are proposed which is slightly higher than the Council's minimum provision requirements.

The existing site has at times been used for overspill parking for Meadowhall Shopping Centre at peak times, in recent years this use has been very limited, and the developer has confirmed that sufficient capacity exists within remaining overspill areas.

Travel Planning

The site will be covered by a Travel Plan that will need to be submitted and agreed prior to the occupation of any of the proposed units.

The submitted Transport Assessments has provided a framework on which the Travel Plan will be based and includes for the setting of targets, the introduction of measures to change travel behaviour and also the appointment of a Travel Plan Co-ordinator.

Highway Improvements

The development proposes a series of highway improvements including a new signalised access junction from Meadowhall Way onto the site; widening of the existing footway to Sheffield Road, Vulcan Road and Meadowhall Way where it abuts the site to provide a segregated cycle route; a new toucan crossing to Vulcan Road; a new footway/cycle link along the western boundary of the site to provide an off road link from Sheffield Road to Meadowhall Way, and the removal of the existing overflow car park access from Meadowhall Way once construction of these units is complete.

Apart from the above works which will be covered by an appropriate condition, the developer has also agreed to pay a Section 106 contribution of £172,500 towards

the cost of construction of the Tinsley Link Road, which will release highway capacity at junction 34S.

Highway Conclusions

The Transport Assessment that has been produced in support of this application concludes that the local highway network will continue to operate satisfactorily with the new development, and the new junction has sufficient capacity to deal with both these development proposals and those that come forward for the two remaining vacant plots.

This assessment has been challenged and reviewed in detail and the conclusion reached is that the revised traffic generation figures do represent a fair and very robust assessment of the impact this development may have.

A number of highway improvements are proposed which will ensure vehicular access is adequately catered for, help to promote more sustainable means of access into and around the site, and are commensurate with the scale of the proposals.

The Highways Agency have been consulted and have no objections subject to a condition to secure the implementation of an effective travel plan. This is one of the recommended conditions.

Disabled Access.

Level access is provided to each of the units and provision is made for disabled parking in accordance with the Council's guidelines. Dropped kerbs will be provided throughout the development to allow wheelchair users easy access around the site.

It is concluded that subject to the appropriate conditions and Section 106 contribution to the Tinsley Link Road, that these proposals are acceptable in access terms.

Air Quality.

Core Strategy policy CS66 states that action to protect air quality will be taken in all areas of the city, particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets. The commentary on the policy states that protection and improvement of air quality will be achieved particularly through decisions about planning applications that give rise to significant amounts of traffic, through the Air Quality Plan and through successive Local Transport Plans.

The applicant has submitted an air quality assessment in support of the planning application. This has been assessed by the Council's Air Quality officer who has advised that the air quality assessment (AQA) method used by the applicant is known and acceptable.

Background monitoring shows that in parts of Tinsley Nitrogen Dioxide concentration (NO₂) exceeds the annual mean air quality objective. Whilst on the application site the NO₂ objectives are likely to be met. The baseline modelling also confirms that annual mean concentrations exceed the objective at sensitive receptors in Tinsley. For particulate matter the monitoring and baseline modelling shows that annual mean concentrations are below the objective and will also remain below the objective with the development in place.

A sensitivity test has been carried out given that the mix of development is relatively unique, the site location is relatively unique being very close to a motorway junction and it is located within a very sensitive area as regards air quality. Higher rates of traffic generation have been applied to the retail element of the scheme. The modelling shows that with or without the development in place the background concentrations of NO₂ remain above the annual mean objectives for most sensitive receptors. The contribution of the development to background concentrations indicates that the impact of the scheme would be imperceptible at all receptors, this is defined as adding less than 0.4 ug/m³ to the annual mean concentration of NO₂ which has an annual mean objective of 40ug/m³. The development would not give rise to additional exceedances of the National Air Quality Objectives and is unlikely to compromise their achievement.

There is reason to be concerned about the predicted impact of the proposed development with respect to NO₂ concentration. The predicted impact falls at receptor locations where 'without development' NO₂ concentration is already measured to be over 25% higher than the health-based national objective and EU Limit value of 40µg.m⁻³ annually. It is therefore concluded that adequate mitigation measures would be put forward to reduce the predicted impacts. Whilst it is anticipated that developments in motor vehicle and fuel technology would deliver reductions in air pollution and greenhouse gas emissions, the added forecast growth in background traffic volume from the assessment report could hinder the realisation of any such benefits.

In order to mitigate the impact of the development the applicant has agreed that during the construction phase, the London Councils' Best Practice Guidance, November 2006, "The Control of Dust and Emissions from Construction and Demolition", will be adopted. This is a condition of a planning permission in order to minimise dust emissions during this phase.

Other mitigation measures that have agreed include:

- Vehicles delivering to the Next site will be Euro V standard. Delivery vehicles for the car dealership come from various third parties and therefore it is not possible to enforce delivery vehicle standards.
- The travel plan will promote public transport usage and establish low emission travel incentives.
- The site layout and pedestrian and cycle improvements promotes the use of public transport and efficient public transport links.

- The employment and training strategy promotes local employment and support for the local supply chain.
- The applicant has also agreed to provide a contribution of £15,000 for monitoring air quality in the Tinsley area.

As the site is unused any development is likely to worsen local air quality. Given the imperceptible impact on air quality and the mitigation proposed it is concluded that there is no significant case for resisting this proposal on air quality grounds.

Flood Risk

Core Strategy policy CS67 is concerned with flood risk management. It states that the impact of flooding will be reduced by requiring new developments to limit the surface water run-off and not locating development in areas that are at high risk of flooding.

The Environment Agency Flood maps indicate that the whole site falls within flood zone 2. The Council's Strategic flood Risk Assessment shows most of plot 5 in flood zone 1 and plots 3 and 4 in flood zone 3 and a small amount in flood zone 2.

More recent flood modelling carried out by the applicant's consultants suggests that plot 5 is in flood zone 1 and plots 3 and 4 in flood zone 2.

During the 2007 floods which were estimated to be a greater than 1 in 200 year flood plot 5 did not flood but plots 3 and 4 did.

The applicant's flood risk assessment shows that plot 5 which is where the built development is proposed does not flood in a 1 in 1000 year flood event. New development has only to be protected against a 1 in 100 year flood plus climate change with a freeboard allowance of 300mm. The floor levels for plot 5 are to be set no lower than 35.5 AOD which is no lower than the recorded 2007 flood event. Therefore it can be concluded that the development on plot 5 will adequately be protected against flooding. The site access off Meadowhall Way is also defended against flooding.

It is only necessary to consider the impact of development on flood storage and flood flow routes in a 1 in 100 year flood event. As plot 5 is not affected by such an event the development will not have an adverse impact on these issues.

The temporary stock piles of spoil on plots 3 and 4 will also not be affected by a 1 in 100 year flood event. They are located on the footprints of buildings that are to be demolished and are therefore discounted from the flood storage area. Therefore these will not have an adverse impact on flood storage capacity.

The railway embankment between plots 3 and 4 protects Meadowhall and plot 5 against flooding. Although it is proposed to lower part of the railway embankment in this application, an embankment will be retained at no lower than 36.6 above Ordnance Datum which will give protection of more than 1m above the 1 in 100 year flood level plus climate change.

Although the site is identified as flood zone 2 on the Environment Agency Maps this has been challenged by the applicant. Following discussion with the Environment Agency it also appears that the flood zone 2 designation was based on inaccurate information as to whether the site flooded in 2007. Given the above it is likely that the Environment Agency will re-designate the site as flood zone one in the next mapping update. It is therefore concluded that for planning purposes the site should be treated as flood zone 1 in which case it is located in the lowest flood risk zone, and therefore passes the sequential approach. In flood risk terms the proposed development is classified as 'Less Vulnerable' development which is appropriate in all flood risk zones and the exception test does not have to be considered.

The additional impermeable surfacing proposed as part of the development could increase run-off and potentially worsen flooding elsewhere. To combat this Greenfield run-off for a 1 in 100 year storm has been agreed with the discharge rate of 27 litres per second. The surface water will discharge to the culverted water course (then ultimately to the River Don) but with a flow control device limiting the run-off to this rate. Sustainable Urban Drainage techniques consisting of permeable paving, brown roofs and oversized pipes will be used within the site to attenuate the run-off. In excess of a 1 in 30 year storm the water will pond on the external parking areas up to a depth of 200mm.

Ecology Issues.

The railway embankment part of the site is identified as an Other Local Nature Site and Green Link in the Sheffield Development Framework Draft Proposals Map. City Policies and Sites policy G2 states that any development within the Green Network will be expected to maintain or increase its continuity and not damage its value for wildlife and where possible increase it. Policy G1 states that Other Local Nature Sites will be protected and enhanced. Development that would damage their wildlife value will not be permitted other than in exceptional circumstances when the developer will be required to ensure the loss is kept to a minimum; compensate for any loss by enhancing habitats elsewhere; carry out compensatory measures before the accepted damage takes place.

Habitat and protected species surveys were carried out in 2011/12 and specialist surveys were also carried out in 2006.

The main issues of concern are the impact of the proposed development on the disused railway embankment which is which is a non statutory biological SINC and a green link and also on a small Pipistrelle bat roost in a derelict building that is to be demolished.

The disused railway embankment is identified as a Site of Importance for Nature Conservation (SINC) as it supports a mosaic of ruderal, grassland, tall herb, scrub and immature woodland with a mix of native and non-native species, which in turn provide habitats for invertebrates, and in turn food for bats and birds and other animals.

The proposed development will reduce the width and height of the railway embankment. Over a length of approximately 150m the width will be reduced from approximately 60m to 15m.

To mitigate the above impacts the western slope of the lower part of the railway embankment will be retained and a corridor approximately 15m wide will be retained where the trackbed habitat of the railway embankment will be recreated and there will be new native tree and shrub planting. The track bed habitat will be allowed to colonise naturally from the seed source in the trackbed material and will be managed to maintain a mosaic of Nest boxes will be provided in the trees along this corridor. Bat boxes will be provided on the more mature trees on the railway embankment. Extensive bio diverse brown roofs will be created on 3 of the new buildings totalling approximately 2800 sqm. Removal of potential bird nesting sites and demolition of buildings will be timed to avoid the bird breeding season or the works will be undertaken with supervision to avoid the nesting birds. The building containing the possible bat roost will be demolished under a Natural England Licence which will include a method statement and mitigation.

The application proposals maintain part of the conservation interest of the site through the retention of part of the embankment. The embankment area to be removed is compensated to a degree by the construction of green roofs and the creation of a temporary wildflower meadow and stockpiling of the removed soil to retain the soil type and buried seed bank on the site.

It is considered that the overall impact on the conservation value of the embankment will be neutral. There will however be an interim negative impact as the scheme cannot address as there will be a delay following the removal of the embankment before the compensatory measures are in place.

The green link will be reduced in size but will maintain its integrity by the additional planting proposed for the embankment. Initially there will be an interim negative impact while work takes place and before planting can be done and become established. However in the long term the impact on the green link is considered to be neutral.

It is therefore concluded that the proposal reasonably meets the policy requirements of G1 and G2.

It should be noted that the 2007 permission for a car showroom development, which has been enacted by constructing part of an access road, also affects the railway embankment to similar extent to the current proposal. In fact the current scheme affects a shorter length of embankment and incorporates a larger proportion of intensive green roofs.

Archaeological Issues.

A desk top based archaeological assessment has been undertaken. The archaeological interest of the site is largely stems from its association with the Staybrite and Imperial Steel works as innovators in steel production. Evidence of structures and industrial processes relating to these sites survive to a good level of

preservation within the site. The site is considered to have a high level of local archaeological interest.

On plots 3 and 4 it is proposed to demolish what remains of the derelict former Staybrite Works. This has been mitigated by the historic recording of these buildings carried out in 2010. No below ground demolition works will be carried out in order to avoid impacts on below ground archaeology.

Much of the works on plot 5 are likely to take place above the level where the archaeological remains are situated or in areas which are of little archaeological interest and consequently they will cause no harm. If the Costa Coffee unit is constructed on piled foundations an archaeological investigation will be required as this would be likely to cause damage to the below ground interest. A watching brief will be undertaken during the reduction in the railway embankment to provide information on the construction of the embankment and the former station buildings. Details of the road, drainage and foundation designs will be submitted for approval to ensure that if any works are proposed below the levels where there is archaeological interest that this is properly mitigated.

Planning conditions are proposed that will ensure that the development will have limited impact on the sites archaeological interest and that any harm caused by the works is mitigated with an appropriate scheme of archaeological investigation being undertaken.

Employment Issues.

It is estimated that the development would generate 72-90 construction jobs over a 9-12 month period. Next and Costa Coffee would open new units and Sytner would consolidate operations away from two central Sheffield sites. It is estimated that by the applicant 116 full time equivalent jobs would be created on the site and a further 24 indirect jobs at the local sub-regional level. There are also likely to be some seasonable jobs around the Christmas period and some local businesses will benefit from spending by construction workers. Clearly as some retail spending is likely to be transferred from other locations with the local area there may be some employment reductions in other retail operators over the medium to longer term.

The applicant has appointed the Source Academy to prepare an Employment and Training Strategy to maximise the potential of local people benefiting from the employment opportunities. As a condition of the tender contractors would commit to seek to employ local people and use local suppliers where possible. The Source Academy would work with the main contractors to maximise the construction employees sourced from the local area, and try to ensure local businesses are able to supply the construction phase.

Next Home will offer 4 apprenticeships and 2 internships per year, Sytner would offer up to 4 apprenticeships annually and Costa have said the local management roles will be filled by internal local transfer and back-filled by internal promotion. The retail operators have agreed all jobs will be advertised with prior notice to local communities, they will use reasonable endeavours to place 30% of jobs with local

people, local people will be given support and training to make them job-ready, local businesses can access the supply chains of the occupiers.

We also need to consider the impact that allowing this scheme could have on delivery of the wider investment and regeneration in the city centre in the light of the concerns that have been raised. Whilst it is very hard to be categorical about impact it should be noted we have identified serious 'investor confidence concerns that could play out in withdrawn investment. Further, there is a sequentially preferable site on the edge of the city centre which could accommodate the investment and jobs that the retail element of this application is proposing. The car showroom element would be acceptable in policy terms on this site and could be delivered in isolation of the retail proposal and therefore deliver the same economic benefit and number of jobs.

RESPONSE TO REPRESENTATIONS

In terms of Barnsley's representation about the size of the catchment area, this is based on the distribution of existing Next stores and where shoppers in the surrounding area are most likely to travel to shop. It is considered that the assumptions adopted by the applicant are reasonable. In terms of the impact the percentage of trade drawn from outside the primary catchment area is 15% this indicates that the impact Barnsley and all other centres outside the catchment area is likely to be small.

SUMMARY AND RECOMMENDATION

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. There is also a general presumption in favour of sustainable development.

The proposal is considered to be contrary to the adopted development plan in Sheffield. In particular it is contrary to Core Strategy policies CS7 and CS 14 in that it will result in significant non-food retail development in an out-of-centre location and that it constitutes a significant expansion of Meadowhall. Development Plan policy in Sheffield has been clear on this issue for years – the need to control the retail draw of Meadowhall and to focus major new retail development to the city centre.

Whilst the scheme will not deliver the development plan objectives of Core Strategy policies CS3 and CS7 for office and non-business uses, these objectives can be met within the wider Meadowhall area. It should also be noted that the approved and implementable scheme for car showrooms also does not deliver the objectives of these policies and therefore the proposal is no worse in this respect than the fallback scheme.

As required by the NPPF the proposal must be judged against the sequential test and its impact on existing centres. It is concluded that the proposal can be accommodated on the Moorfoot/St.Mary's Gate site and that this site is suitable and available and a sequentially preferable alternative site. Therefore the proposal

fails the sequential test. NPPF is clear that where an application fails the sequential test it should be refused.

The trade draw of the proposal is relatively small and spread across a large number of stores. As a result the quantitative impact even when considered cumulatively with other out of centre retail developments is not significant enough to justify opposing this application on impact grounds.

Impact on investor confidence is a critical issue. The recent GVA study has underlined that the health of the city centre is fragile, is not currently vital and viable in retail terms, and that it is vulnerable to significant out of centre retail development. The current retail led regeneration schemes for the city centre, particularly the NRQ and the regeneration of the Moor, are critical to the future prospects of creating a vibrant city centre and a retail offer appropriate to the size of the city. We must not undermine either investor or retailer confidence in them. The Good Practice Guide sets out a checklist of relevant considerations but concludes that the effect of a proposal on planned investment is a subjective matter. Although the impact of a proposal on investor confidence is difficult to judge what is very clear is that SWIP, as a major city centre investor have expressed significant concerns which could have a potential impact on their investment in the city centre.

We accept that the proposed Next store is intended to provide a bulky goods offer and this type of retailing does not underpin the development proposals for the NRQ. Next are also willing to take a city centre store as well as this out-of-centre scheme.

Although the applicant argues that the development will serve a different market from fashion-led town centres and will largely compete with out of centre bulky goods retailers this impacts on the City Centres homeware offer. As previously stated, GVA concluded that one of the few strengths of the current Sheffield city centre retail offer is its diverse homewares retailing. Concerns have been raised that strengthening the homewares offer of Meadowhall will only serve to strengthen its overall attraction, in direct competition with the city centre, and could help to undermine one of the key elements of the city' centre's current offer. We have identified a sequentially preferable site on the edge of the city centre which could meet the needs for this type of use and which would strengthen the overall offer of the city centre.

We are also concerned that allowing the proposal would create a precedent so that it would be difficult to refuse further proposals and would send a signal that in Sheffield Meadowhall was the place for retail expansion.

We do acknowledge that the proposal will provide benefits to the city's consumers by allowing Next to provide their full homeware range in the city which will enhance consumer choice. However we have identified an edge of city centre site at Moorfoot/St.Mary's Gate that could fulfil this need.

This scheme will partially regenerate an important previously developed gateway site to the city which has been vacant for some 25 years. The design quality and

landscaping proposals are of a good standard and it will transform this gateway into the city.

Taking into account the fact that new retail schemes often result in job losses in existing retail operations over the medium term the scheme is likely to create a limited number of new jobs and investment which is welcome in this difficult economic climate. The employment strategy will facilitate access to these jobs, particularly for local people in the adjacent deprived communities of Tinsley and Darnall. The scheme will also facilitate the more efficient operation of the existing car dealerships that intend to relocate to the site. However, we have identified concerns that allowing this scheme could undermine investor confidence to implement planned investment in the city centre's retail offer. The retail element could go on the sequentially preferable site we have identified delivering the same number of jobs. The car showroom element would be policy compliant and would be allowed in this location therefore delivering the same number of jobs. The previous approval for car showroom development establishes that the principle of this use is acceptable.

The highway network can accommodate the traffic generated by the proposal without significant detriment to safety and congestion. The site is in a highly sustainable location that is well served by public transport. The building design is sustainable as it will deliver energy efficient buildings which generate a proportion of their energy from renewable sources on site. The development will be resilient to climate change and will not worsen flooding elsewhere, with a sustainable urban drainage system being developed on site. The travel plan will encourage access by means other than the private car and the scheme will provide improved pedestrian and cycle connections and has been designed to integrate with surrounding development.

The development will have an imperceptible impact on air quality although any increased impact is a concern in an area where there are exceedances of the air quality objectives. However as this site is vacant any development is likely to worsen air quality to some extent. Given the size of the impact and measures in place to mitigate the impact it is concluded that there is insufficient basis for resisting the application on this basis.

The ecological impact of the proposal is judged to be neutral.

We recognise the level of investment that these proposals would bring and acknowledge the wider employment and regeneration benefits behind the proposals. However we believe that this investment could take place in the city centre/edge of centre (the bulky goods retailing) or is allowable in policy terms anyway should a separate application be submitted (the car showroom). We also need to keep a firm eye on potential impact on loss of investor confidence in the city centre which could have an impact on new jobs, investment and the future economic role of the city centre.

Sheffield City Centre is currently in a uniquely vulnerable position. Regeneration of the City Centre and delivery of a step change in its retail offer is a key element of the city and city regions economic and planning strategies.

In the current national climate investor confidence is limited and this is compounded in Sheffield by the very fragile state of the City Centre. We are at a unique moment where two major regeneration schemes are on the cusp of being delivered. We cannot afford to undermine investor confidence at this critical stage in the City Centres retail fortunes. In these circumstances it is considered that the proposals before you will further contribute to weakening investor confidence.

We must judge these proposals in the light of current national and local planning policy. We have identified three major reasons why we cannot recommend support for this application:

1. It does not accord with key policies in our development plan which seek to restrict Meadowhall to around its present size and focus major new non-food retail development on the city centre. NPPF is clear that we have a plan-led system and that applications should be determined in accordance with the development plan unless material considerations indicate otherwise
2. There is a sequentially preferable site that is suitable, available and viable for the bulky good element of the scheme. NPPF is clear that where an application fails the sequential test it should be refused.
3. Impact on investor confidence – the impact that these proposals could have on existing, committed and planned investment in the city centre is a key consideration. Sheffield city centre is currently massively under-performing for a city of its size and the recent GVA study concluded that the state of the city centre was fragile and that it was not currently vital and viable in retail terms. The Council is committed to transforming these fortunes through major new retail-led regeneration of the Moor and the proposed New Retail Quarter. SWIP, who are leading the regeneration of the Moor have submitted detailed representations expressing concerns that could impact on their investor confidence. They conclude that their future investment in the city centre could be undermined. The Moor is in its early stages of regeneration with future phases of investment not yet committed so we do need to take this concern very seriously.

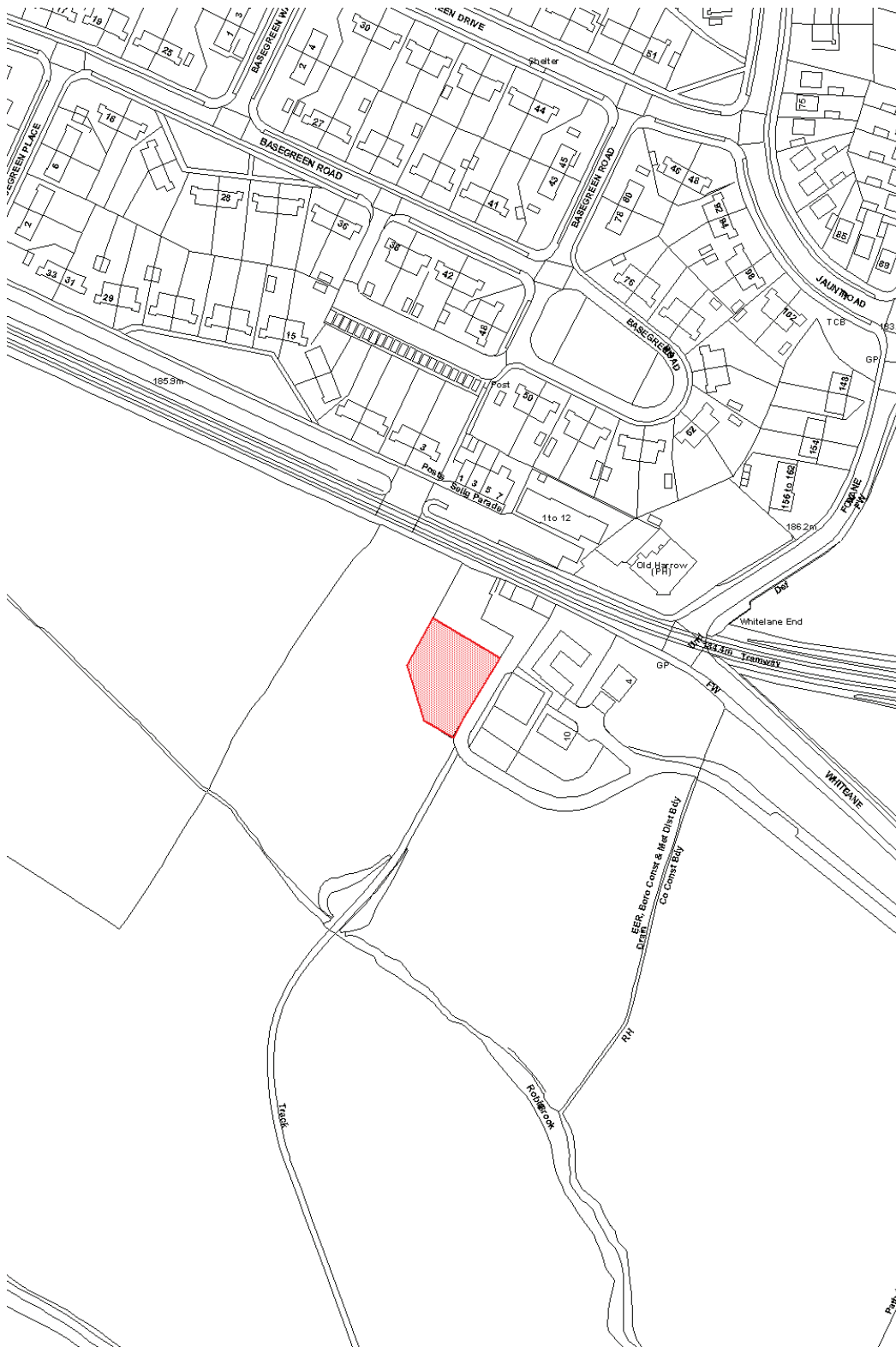
It is therefore recommended that planning permission be refused.

Case Number	12/00392/FUL
Application Type	Full Planning Application
Proposal	Retention of summerhouse, raised decking and climbing frame and use of land as domestic garden area (retrospective application)
Location	Land Adjacent The Old Dairy 8 White Lane Gleadless Sheffield S12 3GB
Date Received	06/02/2012
Team	SOUTH
Applicant/Agent	Paul Goudge Design
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that use of land as an extension of the domestic curtilage/garden area of the Old dairy is inappropriate development that leads to the encroachment of urban development into the Green Belt which detrimentally affects the open character and appearance of the Green Belt. It is therefore contrary to Unitary Development Plan Policies GE1 and GE4 of the UDP, Policy CS71 of the Core Strategy and the National Planning Policy Framework.
- 2 The Local Planning Authority consider that the summer house, decking area and climbing frame are inappropriate development, and by virtue of their size, siting, design and appearance the structures are considered to detract from the open character and appearance of the Green Belt and lead to the encroachment of urban development into the Green Belt. The proposal is therefore contrary to Unitary Development Plan Policies GE1, GE3 and GE4 of the Unitary Development Plan, Policy CS71 of the Core Strategy and the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

This application seeks retrospective planning permission to retain a timber summer house, a raised decking area and a climbing frame located on a raised parcel of land currently covered in grass and enclosed with a post and rail fence, stone walling and hedging. The site, buildings and structures are located to the west of a collection of former farm buildings that have been previously been converted to residential accommodation.

The site is accessed via a private drive leading from White Lane, which also serves the converted farm buildings. The adjacent redeveloped farm buildings comprise of 5 dwellings and associated garage blocks. The application site is located in the Green Belt as defined in the adopted Sheffield Unitary Development Plan.

The application site is being used as a garden area in conjunction with the 'Old Dairy' which forms part of the converted farm buildings. The site is located close to the junction of Fox lane and White Lane to the north of the site. White Lane forms the boundary between the Unitary Development Plan (UDP) designated Green Belt and the Housing Areas. The land to the south, east and west comprises of open countryside and the City's administrative boundary with North east Derbyshire lies to the south and east of the site.

RELEVANT PLANNING HISTORY

There is a complex planning history to the application site and the adjoining farm/barn conversion, some of which is relevant to the determination of this application as set out below:

Planning permission was refused for the conversion of a former barn building located on the application site to a dwelling and later for the erection of a dwelling on the application site.

99/01297/FUL – Alterations to barn to form dwelling house – refused

02/03755/FUL - Conversion of barn to form a dwellinghouse – Refused

08/00453/OUT - Erection of detached dwelling – refused

Planning consent was granted for the conversion of the farm buildings to the east of the application site which also required the reinstatement of the application site (condition 6) to pasture land.

98/01442/FUL – Alterations to farm buildings for use as 4 dwelling houses and garages and refurbishment of existing farmhouse – Granted Conditionally.

SUMMARY OF REPRESENTATIONS

No letters of representation have been received.

PLANNING ASSESSMENT

The main issue for assessment within this application is the impact the climbing frame, decking and summer house and the use of land as domestic curtilage will have on the open character of the Green Belt.

The National Planning Policy Framework (NPPF) part 9 'Protecting Green Belt Land' is to prevent urban sprawl, by retaining the openness of the Green Belt. Specifically one of the five purposes of including land in the Green Belt is to safeguard the countryside from encroachment. There is a presumption against inappropriate development in the Green Belt. Inappropriate development is by definition considered harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations.

The NPPF identifies that the construction of new buildings in the Green Belt is inappropriate development, exceptions to this are agricultural buildings, forestry, essential facilities for outdoor sport and recreation and cemeteries and extension or alterations of a building provided it does not result in disproportionate additions over and above the size of the original dwelling house. This approach is also reflected in policy GE3 of the UDP.

The proposed use of land as a domestic curtilage and the erection of a summer house, raised decking and a climbing frame are considered inappropriate development in accordance with the NPPF, and leads to encroachment of urban development into the Green Belt which affects the open character of the Green Belt. Unitary Development Plan Policy GE1 (c) states that new development will not be acceptable, except in very special circumstances where it would lead to an encroachment of urban development in the countryside.

Policy GE4 of the UDP requires the scale and character of any development permitted in the Green Belt or conspicuous from it to be in keeping with the area and wherever possible conserve and enhance the landscape and natural environment. The application site comprises of a raised area of land located to the west of the Old Dairy. The land falls gradually away from the White Lane towards the south. The proposed summer house and decking area is located on the western boundary of the site. The summer house is a timber clad pitched roof building approximately 11.2 metres long, 3.7 metres wide and 3 metres tall to the apex of the pitched roof. The attached raised decking covers an area of approximately 39 sq metres. The floor level of the summer house and part of the decking is elevated approximately 1.9 metres above ground level at the southern end of the building due to the sloping gradient; this has enabled a storage area to be formed under the structure.

The climbing frame is approximately 4 metres high and 7.8 metres at its widest. The structure is located centrally within the site and is a two storey timber pitched roof construction comprising of a climbing frame, swings and a slide. The summer house, decking and climbing frame, due to their height, size and position are visible from the wider Green Belt area and from view points along White Lane to the north. The structures are considered incongruous features in the Green Belt which detract from the character and appearance of the Green Belt and detrimentally affect its open character. The proposals are inappropriate development in accordance with the NPPF and lead to an encroachment of urban development into the Green Belt and to an expansion of this small isolated cluster of converted farm buildings into the wider open countryside and Green Belt area. The proposals are therefore contrary to the aims of policies GE1 and GE4 of the UDP and the NPPF.

The application site itself on which the climbing frame, decking and summer house stand, was required by condition 6 of the original consent (98/01442/FUL) for conversion of the farm buildings, to be landscaped and returned to its natural appearance following the demolition of a barn building from the site. However the land is clearly being used as an extension of the domestic garden area/curtilage associated with the old dairy. The land is a well maintained grass lawn, which along with the structures identified above also includes a large flatter lawned area.

The use of the land as an extension of the domestic curtilage/garden area associated with the Old Dairy is considered to lead to an expansion of the original farm building complex onto a piece of land that was clearly intended to be reinstated to its natural appearance as part of mitigating the impact of the original conversion of the farm buildings. The extended garden area is considered to be

inappropriate development and leads to an encroachment of urban development into the Green Belt contrary to policy GE1 of the UDP.

ENFORCEMENT

It is recommended that enforcement action is authorised to seek the removal of the summer house, decking and climbing frame and cessation of the use of the application site and adjoining parcel of land, which is understood to be in different ownership, as domestic curtilage and the land returned to pasture land as required by planning condition 6 of 98/01442/FUL.

It is recommended that authority be given to the Director of Development Services or the 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 structures, discontinuance of the use of the land as domestic garden area and reinstatement to a natural appearance.

SUMMARY AND RECOMMENDATION

This application seeks permission to retain a summer house, decking area and climbing frame. It has also come to light during the consideration of this application that the land on which the structures are located has never received planning permission to be used as an extension of the domestic curtilage/garden area associated with the Old Dairy or any other of the properties which form part of the adjoining farm building conversion. In fact condition 6 of 98/01442/FUL required the former barn buildings to be removed from the application site and the land reinstated as a landscaped area as part of the conversion of the complex of farm buildings. The application site and the adjoining land are being used as domestic curtilage (garden land) which is considered to lead to an expansion of this small isolated farm conversion scheme and lead to an encroachment of urban development into the Green Belt which harms the open character and appearance of the Green Belt

The climbing frame, outbuilding and decking area owing to their size, position and appearance are also considered to detrimentally affect the character and appearance of the Green Belt. The buildings are visible from the wider Green Belt and from vantage points along White Lane. The structures are large domestic type buildings and they are considered to be inappropriate development in accordance with the definition contained in the NPPF and lead to an encroachment of the urban development into the Green Belt. In light of the above the proposals are considered contrary to UDP policies GE1, GE3 and GE4 of the UDP, Policy CS71 of the Core Strategy and national planning policy contained in the NPPF.

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DEVELOPMENT SERVICES

CITY CENTRE, SOUTH &
EAST PLANNING AND
HIGHWAYS COMMITTEE
5 NOVEMBER 2012

ENFORCEMENT REPORT

BREACH OF CONDITION 2 OF PLANNING PERMISSION 07/02026/FUL AND THE UNAUTHORISED ERECTION OF A SINGLE STOREY EXTENSION TO THE REAR OF 29 RATCLIFFE ROAD

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

- 2.1 29 Radcliffe Road forms part of a terrace of brick built, slate roofed, three storey properties (built approx 1890 – 1910), with a variety of single/two storey offshot extensions having been added to their rear elevations at various times in the past.
- 2.2 A complaint was received concerning a rear extension to number 29 and investigations revealed that it is single storey; brick built with a slate covered mono-pitched roof, and has been added to an existing offshot.
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size (5.65 x 3.1m), the extension exceeded, by 2.65m, permitted development limits set out in the General Permitted Development Order, relating to house extensions and therefore planning permission is required.
- 2.4 The owner was also advised that it was unlikely that planning permission would be recommended for approval, for the reasons set out later in this report at paragraph 3.
- 2.5 The owner was further advised that the extension could be reduced in size, by 2.65m to comply with permitted development limits; so as not to require an application.
- 2.6 The owner responded, by stating that because the extension did not project 3m beyond the original single storey offshot it was permitted development however, further investigation proved this to be incorrect because the extension is more than half the width of the original

property, and extends beyond the rear elevation; therefore, permitted development rights do not apply to the development.

- 2.7 This was originally explained in an email, in October 2010 (prior to the extension being built), following a request for pre-application advice by an agent acting on the owner's behalf.
- 2.8 Responding to a second complaint, regarding the erection of a front dormer window, it was discovered to have been built in breach of Condition 2 of planning permission 07/02026/FUL; in that the material used to clad the dormer front, and side cheeks, does not match the existing roof covering.
- 2.9 In spite of further correspondence, reminding the owners of the two breaches of control identified, they have not applied for retrospective planning permission for the extension; nor have they taken any steps to comply with the condition requiring front dormer to be finished in materials which are in keeping with the existing roof.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The extension is more than half the width of the original property and extends beyond the rear wall causing overshadowing of the single storey extension to number 31. This is considered to be contrary to the UDP Policies H5 (b) and H15 (c); and Supplementary Planning Guidance 'Designing House Extensions – Guideline 5' (See photographs 1 – 2).
- 3.2 The extension has a side window that directly overlooks the immediate rear of number 27 resulting in a loss of privacy; and, therefore, considered to be contrary to UDP Policies H5 (b) and H14 (c); and SPG Guideline 6 (See Photograph 3).
- 3.3 The front dormer window has been finished in white PVC shiplap boarding that breaches Condition 2 of the planning permission (granted in 2007) which required the front and cheeks to be clad in materials that match the existing roof covering (See photograph 5).
- 3.4 The extension's stark appearance is considered as causing visual harm to the amenities of the street and to be contrary to UDP Policy H14.

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 control and property ownership. It also gives an opportunity for the developer to meet with officers to make representations. In this case it is clear that the extension and dormer window are in breach of planning control and as

such it is not considered that the serving of a PCN would be of any value.

4.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the extension to make good the harm caused by the unauthorised development.

4.3 Section 187A of the Act provides for the service of a breach of conditions notice. In this case such a notice would require that condition 2, of planning permission ref.07/02026/FUL, is complied with by having the cladding darkened so that it is more in keeping with the existing slate roof.

5. EQUAL OPPORTUNITIES

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

6. FINANCIAL IMPLICATIONS

6.1 There are no financial or equal opportunity implications arising from the recommendations contained 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 compliance with Condition 2 of planning permission 07/02026/FUL; and to secure the removal of the unauthorised rear extension at 29 Ratcliffe Road.

Photograph 1
Extension viewed from the rear yard of No31.



Photograph 2
Extension viewed from the rear garden of No. 27



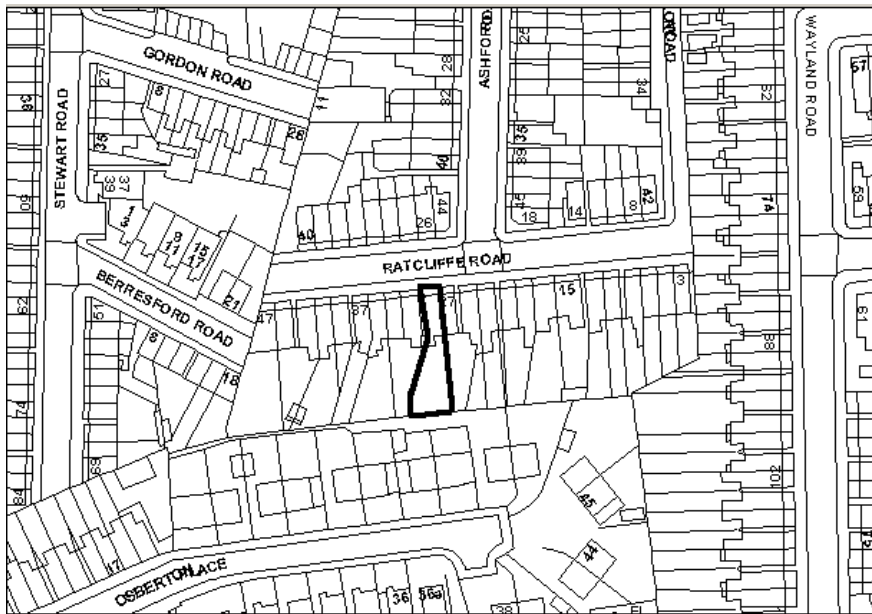
Photograph 3
Clear glazed window overlooking the rear of No 27



Photograph 4
Front dormer window



Site Plan



D Caulfield
Head of Planning

16 October 2012

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

DATE 5 NOVEMBER 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

**SUBJECT
ENFORCEMENT REPORT**

UNAUTHORISED ERECTION OF FLUES AT THE REAR OF 64 AND 66 WICKER, THE UNAUTHORISED ERECTION OF FIRST FLOOR REAR EXTENSION AND RAILINGS AT 66 WICKER AND THE UNAUTHORISED ERECTION OF REAR EXTENSION, STEPS, RAILINGS AND THE CREATION OF AN ENTRANCE DOOR AT THE SIDE OF 68 WICKER, S3, AND UNTIDY APPEARANCE OF SIDE ELEVATION OF 68 WICKER, S3

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 THE HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS:

(A) INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED FLUES AT 64 - 66 WICKER, THE REAR FIRST AND GROUND FLOOR EXTENSIONS AND THE RAILINGS AT 66 AND 68 WICKER AND THE UNAUTHORISED STEPS AND DOOR AT THE SIDE AT 68 WICKER.

(B) INCLUDING THE SERVICE OF A BREACH OF CONDITION NOTICE AND THE INSTITUTION OF LEGAL PROCEEDINGS TO COMPLY WITH THE BREACH OF CONDITION NOTICE AND THEREAFTER TAKE ALL NECESSARY ACTION REQUIRED TO ENSURE COMPLIANCE WITH THE CONDITIONS OF THE PLANNING APPROVAL 11/00222/FUL DATED 17 JUNE 2011 FOR 68 WICKER.

(C) INCLUDING THE SERVICE OF A S215 NOTICE AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, SECURE THE REMOVAL OF THE BOARDS AND REPLACE THEM WITH GLAZING, RENDER THE AREA OF EXPOSED BRICK WORK AT THE SIDE OF THE BUILDING AT GROUND FLOOR LEVEL WITH CREAM RENDER, AND PEBBLEDASH THE EXPOSED BRICK WORK AT FIRST FLOOR LEVEL AREA TO MATCH THE EXISTING PEBBLEDASH AS APPROVED BY PLANNING PERMISSION 11/00222/FUL, AND GENERALLY TIDY THE GROUND AT THE SIDE OF NO. 68 WICKER BY CREATING PERMEABLE PAVING.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

KHALID MAHMOOD

TEL NO: 0114 203 7758

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

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DEVELOPMENT SERVICES

REPORT TO CITY CENTRE
SOUTH & EAST PLANNING AND
HIGHWAYS COMMITTEE
5 NOVEMBER 2012

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF FLUES AT THE REAR OF 64 AND 66 WICKER, THE UNAUTHORISED ERECTION OF FIRST FLOOR REAR EXTENSION AND RAILINGS AT 66 WICKER AND THE UNAUTHORISED ERECTION OF REAR EXTENSION, STEPS, RAILINGS AND THE CREATION OF AN ENTRANCE DOOR AT THE SIDE OF 68 WICKER, S3, AND UNTIDY APPEARANCE OF THE SIDE ELEVATION OF 68 WICKER, S3

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 representations on any further action required.

2. BACKGROUND

- 2.1 64 - 68 Wicker are three to four storey properties set within a small block of five properties. They are located adjacent to the new inner relief road and as such are particularly prominent in public views. The site lies within the Central Shopping Area as defined in the Unitary Development Plan (UDP).
- 2.2 The ground floor of number 64 is currently occupied as a takeaway with seating area upstairs and number 66 and 68 are currently unoccupied, with residential use upstairs.
- 2.3 A number of planning applications have been submitted for these properties in the past and a number of formal enforcement issues have previously been investigated.
- 2.4 A written enquiry was received regarding an extension at the rear of 68 Wicker, when Officers investigated this they found that the extension had planning consent (11/00222/FUL), however, none of the planning conditions attached to the planning permission had been discharged and Officers also noticed a number of other planning breaches at the rear of these properties.
- 2.5 64 and 66 Wicker – Two flues have been erected at the rear of the property to the side of No. 64 adjacent to No.66. Enforcement action was taken against one of the flues in 2008 and this was

subsequently removed. However, since then the flue that was removed has been re-erected together with another unauthorised flue.

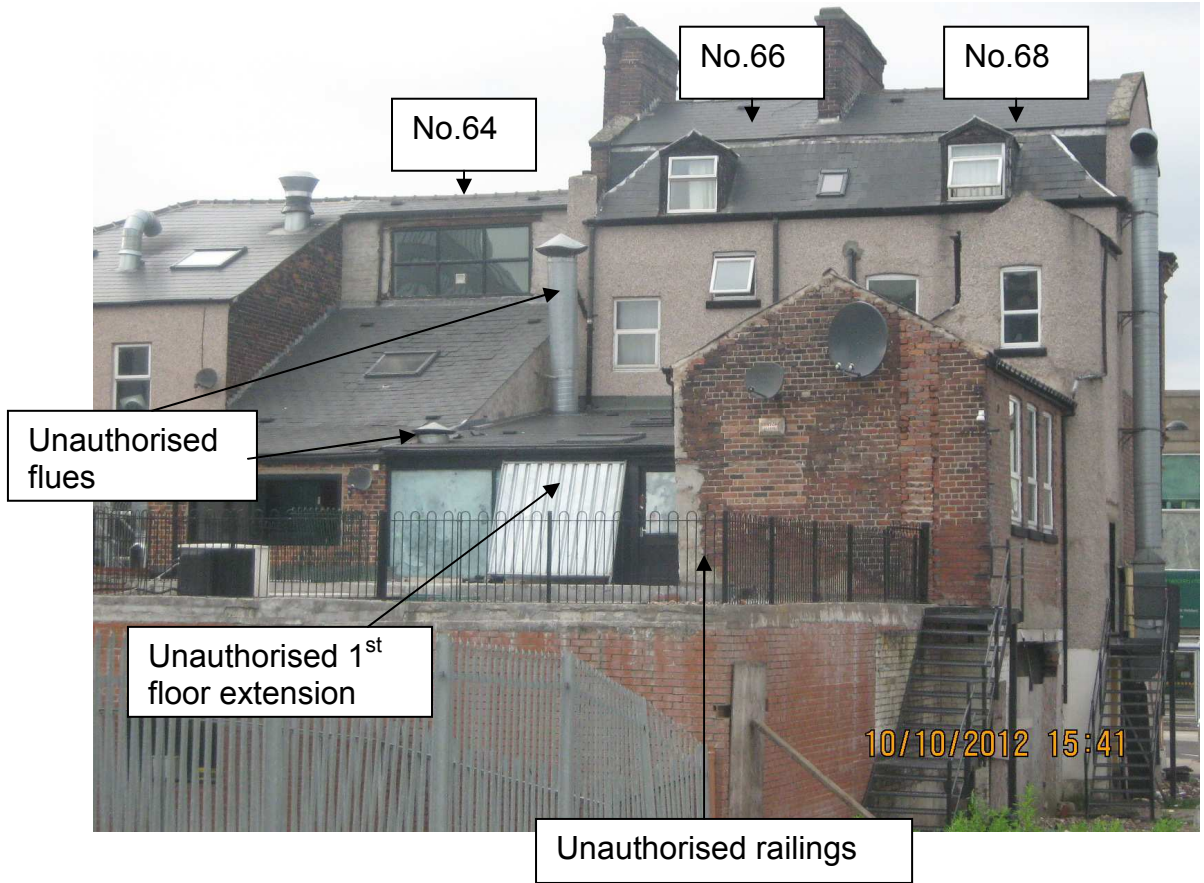
- 2.6 66 Wicker – A rear first floor extension has been erected without planning consent.
- 2.7 68 Wicker – An unauthorised rear ground floor extension has been erected. A stop notice was served in April 2010. A subsequent planning permission (11/00222/FUL) was obtained on 17 June 2011 for the single storey rear extension and alterations to shop front of No. 68, increased height to rear extension at No. 66, external stair way to side of No. 68 and over the single storey rear extension of No. 66. This planning consent required the unauthorised extension to be removed and rebuilt in accordance with the approved plans. This has not happened and furthermore none of the planning conditions have been complied with yet. A second external staircase has also been erected at the side of the property leading to an unauthorised entrance that has been created at first floor level.
- 2.8 Metal railings have been erected around the flat roof of the ground floor rear extensions at 66 and 68 Wicker creating an enclosed area.
- 2.9 It is considered expedient that these matters are reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner has been un-cooperative in the past with these and other properties within Sheffield and in many cases the Council has had to take legal action against the owner to resolve the issues and ensure that they comply with the Notices.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The properties are located within the Central Shopping Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.
- 3.3 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 and all extensions should respect the scale, form, detail and materials of the original building.
- 3.4 Wicker is referred to in the Urban Design Compendium as part of the Riverside Quarter and states that it is, 'an ancient route into Sheffield and much of its significant 19th Century architecture remains in tact'.

The buildings are identified as 'unlisted significant buildings (contributing to the character of the area)'.

- 3.5 In addition the Wicker and the inner relief road has been the subject of recent major highways and public realm improvements which have lead to significant improvement in the quality of the general appearance and visual amenities of the area.
- 3.6 Given the history of this area and the recent environmental improvements and the prominence of the site, it is considered necessary that any development in this area should be of a high standard.
- 3.7 64 and 66 Wicker - The positioning of the fume extraction units at the rear of the building are considered to be harmful to the amenities of the locality and the occupiers of the adjoining properties. The Council would require the discharge point of the flue to be positioned so as not to cause nuisance to neighbouring residents. Ideally the flues would run internally and then exit through the main roof.
- 3.8 66 Wicker – The rear first floor extension at 66 is considered unacceptable due to its poor design and materials used and planning permission would be resisted in its current form.
- 3.9 68 Wicker – As part of planning permission (11/00222/FUL) the rear extension was considered to be poorly constructed and it should have been replaced with the approved details which were of a higher standard. A new unauthorised staircase has also been erected leading to an unauthorised exit/entrance at the side of 68 Wicker this is considered unacceptable due to the poor visual impact and prominent location.
- 3.10 66 – 68 Wicker – The metal railings that have been erected around the flat roof of the ground floor extension of 66 and 68 Wicker to create an outside area are considered unacceptable due to their visual impact.
- 3.11 The photo images below show the properties in question, and clearly demonstrate that the visual harm is unacceptable in this area. The flues, the rear first floor extension, the ground floor extension, the railings and the creation of entrance door and staircase are all visually obtrusive and out of character within this area, particularly bearing in mind the public realm improvements that have taken place here and the prominence of the site from the inner relief road.



4. REPRESENTATIONS

- 4.1 A written representation was received concerning the state of the extension at the rear of 68 Wicker.

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 the removal of the flues, the rear first floor extension and rear ground floor extension, the railings, the steps and the entrance door at the side of 68 Wicker. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal.
- 5.2 The service of a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue a Breach of Condition Notice where planning permission has been granted and the conditions have not been complied with. It is an offence to contravene the requirements of a Breach of Condition Notice served under 187A of The Town and Country planning Act 1990. A person found guilty of an offence through the magistrate's court shall be liable of a fine of up to £1,000 for the first offence and subsequent offence. If the owner/occupier fails to comply with the notice then an offence will have been committed and legal action would be seen as the best option for ensuring full compliance with the conditions of the planning approval 11/00222/FUL dated 17 June 2011.
- 5.3 The service of a Section 215 Notice of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue a Section 215 Notice where the Council believe that the site has an adverse effect on the amenity of the neighbourhood. In this case the notice would require the removal of the boards at the side of No. 68 and replace them with glazing as approved by planning permission 11/00222/FUL, render the area of exposed brick work at the side of the building with cream render to match the existing render and generally tidy the ground at the side of the property by creating permeable paving to enhance the appearance of the poorly surfaced ground. There is a right of appeal to the Magistrates Court against the service of a Section 215 Notice. However it is considered that the Council would be able to defend any such appeal.
- 5.4 If the owner or occupier of the land, on whom the notice is served, fails to take the steps required by the notice within the period specified in it for compliance, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. The Council may also enter the land and take those steps and may recover

from the then owner of the land any expenses reasonably incurred by the Council in doing so.

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

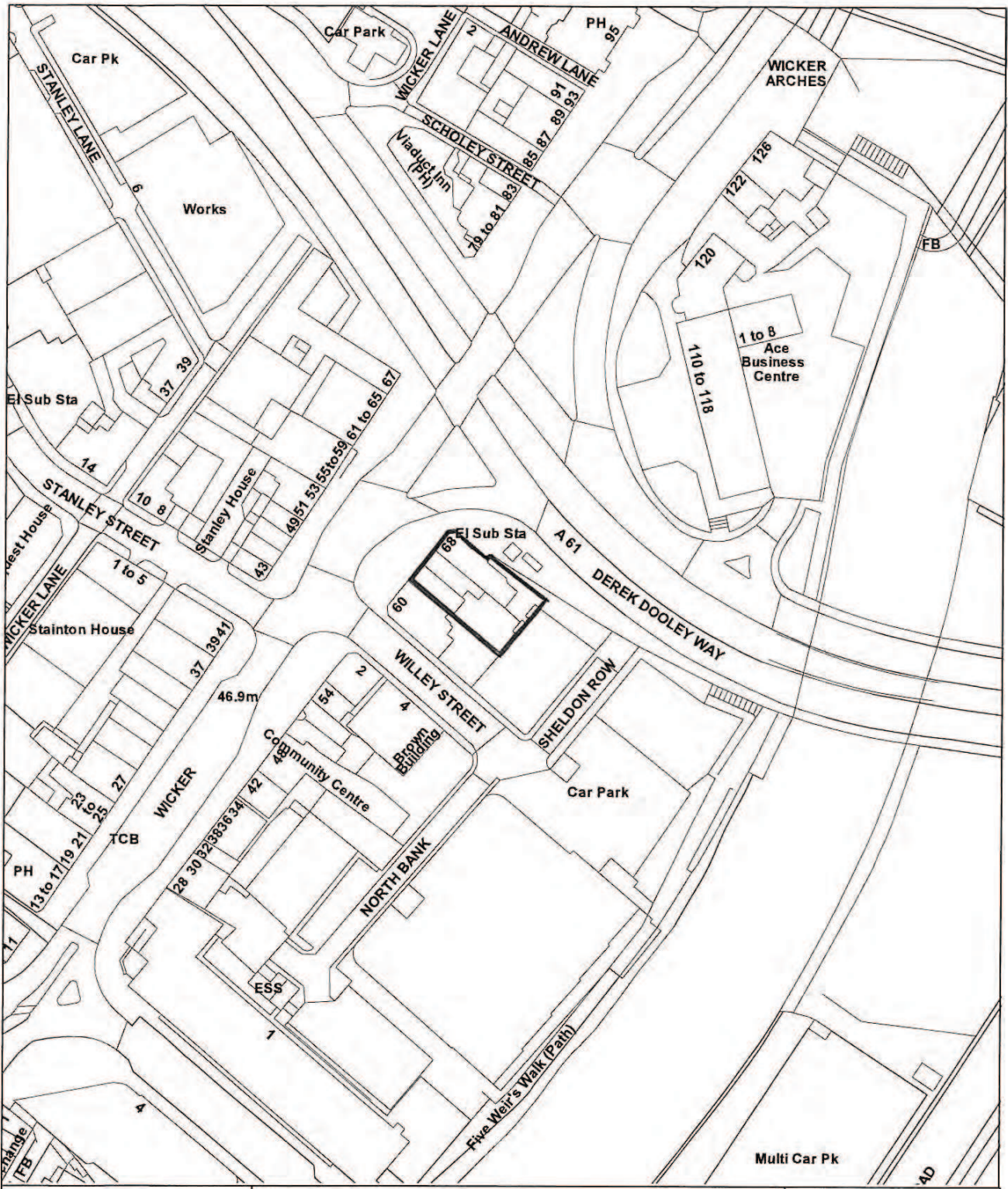
8. RECOMMENDATIONS

8.1 That authority be given to the Director of Development Services or the Head of Planning to take all necessary steps:

- a) including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised flues at 64 - 66 Wicker, the rear first and ground floor extensions and the railings at 66 and 68 Wicker and the unauthorised steps and door at the side at 68 Wicker.
- b) including the service of a Breach of Condition Notice and the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval 11/00222/FUL dated 17 June 2011 for 68 Wicker.
- c) including the service of a S215 Notice and the institution of legal proceedings, if necessary, secure the removal of the boards and replace them with glazing, render the area of exposed brick work at the side of the building at ground floor level with cream render, and pebbledash the exposed brick work at first floor level area to match the existing pebbledash as approved by planning permission 11/00222/FUL, and generally tidy the ground at the side of No. 68 Wicker by creating permeable paving.

Dave Caulfield
Head of Planning

24 October 2012





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Date: 23 October 2012

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SHEFFIELD CITY COUNCIL PLACE

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

DATE 5 NOVEMBER 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

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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

(i) An appeal has been submitted to the Secretary of State against an Enforcement Notice served by the City Council in respect of unauthorised windows and boundary wall to the front of the property at 20 Albany Road.

(ii) An appeal has been submitted against the Delegated decision for alterations and extension to a detached garage/store and the erection of a boundary wall/gate at 37 Crescent Road (Case No 12/01808/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) an appeal against the decision of the City Council to refuse an application for planning permission, under delegated powers, for the erection of two dwellinghouses at the site of Norton Oakes Park Cottages, Oakes Park (Case No 11/03313/FUL) has been dismissed.

Officer Comment:-

This referred to a site within the Green Belt, and within Oakes Park, listed Grade 2 within English Heritage's Register of Parks and Gardens of Special Historic Interest, and within Oakes Park Conservation Area.

The Inspector considered the key issues to be:

- whether the proposal was inappropriate development in the Green Belt, and if so, whether the harm by inappropriateness, and any other harm, is outweighed by other considerations so as to amount to very special circumstances to justify the development;
- the impact of the scheme on the appearance and character of the registered Oakes Park, and on the Conservation Area; and
- whether the proposal would provide adequate access for service and emergency vehicles.

The NPPF states development in the Green Belt is inappropriate unless it is within a category of specified exception. One such exception is a replacement building of the same use, and not substantially larger than its predecessor. The appellant argued this was the case here, and that the development was therefore 'appropriate'.

This was based on the historical presence of two cottages on the site, demolished some time between 1970 and 1984. There are very minor remnants of the cottages on site, and the appellant claimed the buildings could be rebuilt under the terms of the Planning Act, and that this was a material consideration of some weight.

The Inspector accepted the proposed dwellings were on a similar footprint to the originals but considered the NPPF could not be interpreted to allow rebuilding of properties demolished between 28 and 42 years ago. He therefore concluded the development was 'inappropriate', and by definition harmful to the Green Belt, and should not be approved unless very special circumstances exist to justify such approval.

He gave considerable weight to UDP Policy GE5 which provides for exceptional cases where new dwellings in the Green Belt are accepted, but noted conflict with this policy.

He also attached some weight to Policy G6 of the Sheffield Development Framework City Policies and Sites document, which although in draft form has been through several rounds of consultation, expands upon GE5 and reflects the aims of the NPPF. He noted conflict with this policy also.

He felt the two dwellings would clearly reduce the openness of the green belt through the built form, creation of enclosed gardens, footpaths and parking areas.

He disagreed with the appellant that the proposal would restore a heritage asset, and afforded this argument little weight. Equally he did not agree with the Council that the dwellings would create a suburban form, as control over their design and materials could be exercised through the use of conditions. On balance therefore, he concluded the impact upon the conservation area would be neutral, and there would be no conflict with UDP Policies BE15 and BE16. Nor did he consider there to be any material conflict with Policy BE21 that seeks to protect historic parks and gardens.

In terms of the service access, whilst the proposal did not allow for turning of a vehicle of 8.2m in length, bin collection/storage could be provided and collected en route to other properties within Oakes Park, and emergency vehicles could serve the site. As a result the Inspector concluded no material conflict with Policy BE9.

The Inspector noted the small contribution the development would make to housing supply, and the short fall in the five year requirement for deliverable housing sites. He attached some weight to this but felt their contribution would be very small. He concluded similarly on the benefits of economic activity associated with the construction of the dwellings.

Other claimed benefits that he gave little weight to were the deterrent of fly posting activity, and prospects of better woodland management within the wider site.

The Inspector agreed with both the Council and the appellant that the

dwellings could be constructed sustainably but disagreed with the appellant that the location was 'reasonable to good', preferring the Council's view that the dwellings would be some distance to all facilities including public transport and would therefore encourage car travel. He described the location as 'reasonably sustainable' at best.

Overall he concluded that the development was inappropriate in the Green Belt, and in conflict with the NPPF by definition, and would also be harmful to its open character, in conflict with UDP Policy GE5 and emerging CPS Policy G6.

He concluded the development had a benign impact on the appearance and character of the historic garden and the conservation area, and service/emergency access was acceptable. However these factors and the contributions of the development to housing supply, local economy, deterrent of fly tipping and woodland management did not outweigh the identified harm to the green belt.

He therefore dismissed the appeal.

(iv) an appeal against the decision of the City Council to refuse an application for advertisement consent, under delegated powers, for an illuminated fascia sign at 50 Upper Hanover Street (Case No 11/03929/ADV) has been dismissed.

Officer comments:-

The Inspector agreed that the appeal site lies in a prominent position at the junction of Upper Hanover Street, Glossop Road and Hounsfield Road. She noted that the Council had already granted consent for a number of signs to be displayed at the premises. She agreed that this additional sign would be significantly larger than those typical of the area and would create a dominant feature to the detriment of the appearance of the building and would be out of character with the locality being visible from the Hanover Conservation Area, particularly when considered cumulatively with the other signs on the building. For these reasons she dismissed the appeal.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

5th November 2012

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