

City Centre, South and East Planning and Highways Committee

Monday 17 December 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, Diana Stimely and Vacancy

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
17 DECEMBER 2012**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting**
Minutes of the meeting of the Committee held on 26 November, 2012.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Proposed Closure of Two Public Footpath at Silkstone Road and Wickfield Grove, Frecheville**
Report of the Director of Development Services.
- 8. Applications Under Various Acts/Regulations**
Report of the Director of Development Services
- 9. Enforcement of Planning Control: Mylnhurst School, Button Hill**
Report of the Director of Development Services.
- 10. Enforcement of Planning Control: 137 to 139 Abbeydale Road**
Report of the Director of Development Services.
- 11. Enforcement of Planning Control: 79 Barber Road**
Report of the Director of Development Services.
- 12. Enforcement of Planning Control: Richardson Cutlery Works, Alma Street**
Report of the Director of Development Services.
- 13. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services.
- 14. Date of Next Meeting**
The next meeting of the Committee will be held on 14 January, 2013.

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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 DPs 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 26 November 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Diana Stimely, Andrew Sangar and Ian Saunders.

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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 Apologies for absence were received from Councillors Peter Price and Janice Sidebottom and Councillors Ian Saunders and Andrew Sangar attended the meeting as the duly appointed substitutes, respectively.

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 5th November, 2012 were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 23rd October, 2012.

6. SITE VISIT

6.1 RESOLVED: That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 13th December, 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 RESOLVED: That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 12/03171/FUL, 12/03074/FUL, 12/03005/FUL and 12/02716/CHU 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) having noted that an objection from the Yorkshire Water Authority had been withdrawn and that the applicant would be making a contribution to Public Art within the vicinity of the site, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of an industrial unit to house a steel forging press, erection of an adjoining pump room building and provision of parking accommodation at Firth Rixon Forgings Ltd, Meadowhall Road (Case No. 12/02670/FUL) be granted, conditionally, subject to (i) an amendment to Condition 2 by the substitution of Plan No. 1242/01/SK12Rev.B for Plan No.1242/01/SK12, (ii) additional conditions being attached in respect of (A) requiring details to be submitted of the proposals for the inclusion of the Public Art within the development and (B) a requirement for a reduction in the surface water drainage and (iii) additional directives being attached advising the applicant in respect of (A) making early contact with Network Rail, (B) making early contact with the Highways Agency and (C) the requirement for a Legal Agreement to secure the proposed Public Art Contribution, all as detailed in the aforementioned supplementary report; and

(c) having noted information reported orally by the officer, that the proposed development would be in accordance with Class C3 Use, applications for planning permission and listed building consent for alterations to a building to form two dwellinghouses, with associated car parking accommodation at the Anglican Chapel, Sheffield General Cemetery, Cemetery Road (Case Nos. 10/01385/FUL and 10/01393/LBC) be granted, conditionally.

8. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

- 8.1 The Committee received and noted a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team in the City Centre, South and East area.

9. QUARTERLY ENFORCEMENT UPDATE: CITY CENTRE AND EAST AREA

- 9.1 The Committee noted (a) a report of the Director of Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the City Centre and East area and (b) further information provided by the Director of Development Services to Members' questions in respect of enforcement matters.

10. QUARTERLY ENFORCEMENT UPDATE: SOUTH AREA

- 10.1 The Committee noted (a) a report of the Director of Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the South area and (b) further information provided by the Director of Development Services to Members' questions in respect of enforcement matters.

11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 11.1 The Committee received and noted a report of the Director of Development Services detailing the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

12. DATE OF NEXT MEETING

- 12.1 It was noted that the next meeting of the Committee will be held on Monday, 17th December, 2012 at 2.00pm at the Town Hall.

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SHEFFIELD CITY COUNCIL City Centre, South & East Planning & Highways Committee

Report of: Director of Development Services

Date: 17 December 2012

Subject: Closure of footpaths at Silkstone Road & Wickfield Grove

Author of Report: Richard Day (0114 2736301)

Summary: To seek authority to process the highway closure order required to close two sections of public footpath at Silkstone Road/Wickfield Grove in the Frecheville area of Sheffield

Reasons for Recommendations

Highways are unnecessary/closure is needed for new development

Recommendations:

1. Raise no objections to the proposed permanent closure of the sections of footpath at Silkstone Road and Wickfield Grove in the Frecheville area of Sheffield, as shown thick black-edged on the plan at Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
 2. Authorise the Director of Legal Services, to
 - a. take all necessary action to close the sections of footpath under the powers contained within Section 118 of the Highways Act 1980 or Section 257 of the Town & Country Planning Act 1990;
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.
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Background Papers:

Category of Report: OPEN

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PROPOSED CLOSURE OF TWO SECTIONS OF PUBLIC FOOTPATH AT
SILKSTONE ROAD AND WICKFIELD GROVE IN THE FRECHEVILLE AREA OF
SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Highway Closure Order required to close two sections of public footpath at Silkstone Road/Wickfield Grove in the Frecheville area of Sheffield, as shown thick black-edged on the plan at Appendix A.

2.0 BACKGROUND

- 2.1 The Council's Highway Maintenance Division has received an application from the Home Group housing association for permanent closure of two sections of public footpath at Silkstone Road and Wickfield Grove in the Frecheville area of Sheffield, as shown thick black-edged on the plan at Appendix A. (A wider location plan is included at Appendix B).
- 2.2 This site, known as 'Scowerdons Phase C2', is part of the Scowerdons, Weaklands and Newstead Housing Regeneration project ('SWaN'), which is a partnership between the Council, Home Group, and the Homes & Communities Agency.
- 2.3 The site is currently owned by Sheffield City Council, but Home Group Developments Limited (HGDL) have entered into a Development Agreement with the Council to develop the site, and once all the pre-conditions have been satisfied HGDL will enter a lease agreement for the development of the site.
- 2.4 The Council housing previously on this site was all demolished some time ago. The applicant therefore asserts that the subject paths are no longer necessary for public use, and has applied to the Council for them to be permanently closed using the powers in Section 118 of the Highways Act 1980.
- 2.5 Since making this application, Home Group have obtained Planning Consent for the proposed redevelopment of the site (12/02920/FUL). This opens up the alternative possibility of using the powers in Section 257 of the Town & Country Planning Act 1990 to close the paths. Therefore, whilst Home Group have asked the Council to continue with the process using Highways Act powers (because it is hoped that this will prove to be quicker in this particular

case), this report seeks authority to use either power to conclude the closure process depending on which is ultimately most appropriate.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (utility companies, etc.), the Emergency Services and other relevant bodies.
- 3.2 National Grid Gas objected, on the grounds that their underground equipment would be affected, but Home Group have since agreed to pay for the disconnection of this equipment and National Grid have withdrawn their objection.
- 3.3 Although not actually objecting, Northern Powergrid (formerly Yorkshire Electric) also have affected equipment but, again, Home Group have accepted their quotation for its disconnection and diversion.
- 3.4 No other respondents have reported any problems at the time of writing this report, but if any negative comments are received before the Committee meeting, they will be reported verbally at the meeting.
- 3.5 The submission of further objections, if not withdrawn, would remove the power to confirm the Order itself. To obtain confirmation the Order must be submitted to the Secretary of State.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal Services has been consulted and has advised that:
 - (a) assuming the sections of footpath shown thick black-edged are no longer necessary for public use, it would be appropriate to process the closure using the powers contained within Section 118 of the Highways Act 1980;

however
 - (b) in view of the Planning Consent, it would also be appropriate to use Section 257 of the Town & Country Planning Act, the decision on which powers to use being dependent on the applicant's timescale requirements.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject footpaths are adopted public highways and were originally built to serve the Council housing that occupied the site, but which has all now been demolished.
- 5.2 Silkstone Road itself is unaffected by these closure proposals, and adopted public footpaths linking it with both Wickfield Grove and Alport Place are to remain. Consequently, closure of the subject sections of footpath should not adversely affect the public's enjoyment of the area and will have no

detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

6.1 No equal opportunities implications arise from the highway closures proposed in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 No environmental implications arise from the highway closures proposed in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this proposed closure.

8.2 All costs associated with, and arising from, the application for the permanent highway closure and consequent works on site (including any costs which would normally accrue to Highways) will be met by the applicant.

9.0 CONCLUSION

9.1 Based on the above information, I have no objection to the proposed permanent closure of the sections of footpath shown thick black-edged on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed permanent closure of the sections of footpath at Silkstone Road and Wickfield Grove in the Frecheville area of Sheffield, as shown thick black-edged on the plan at Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

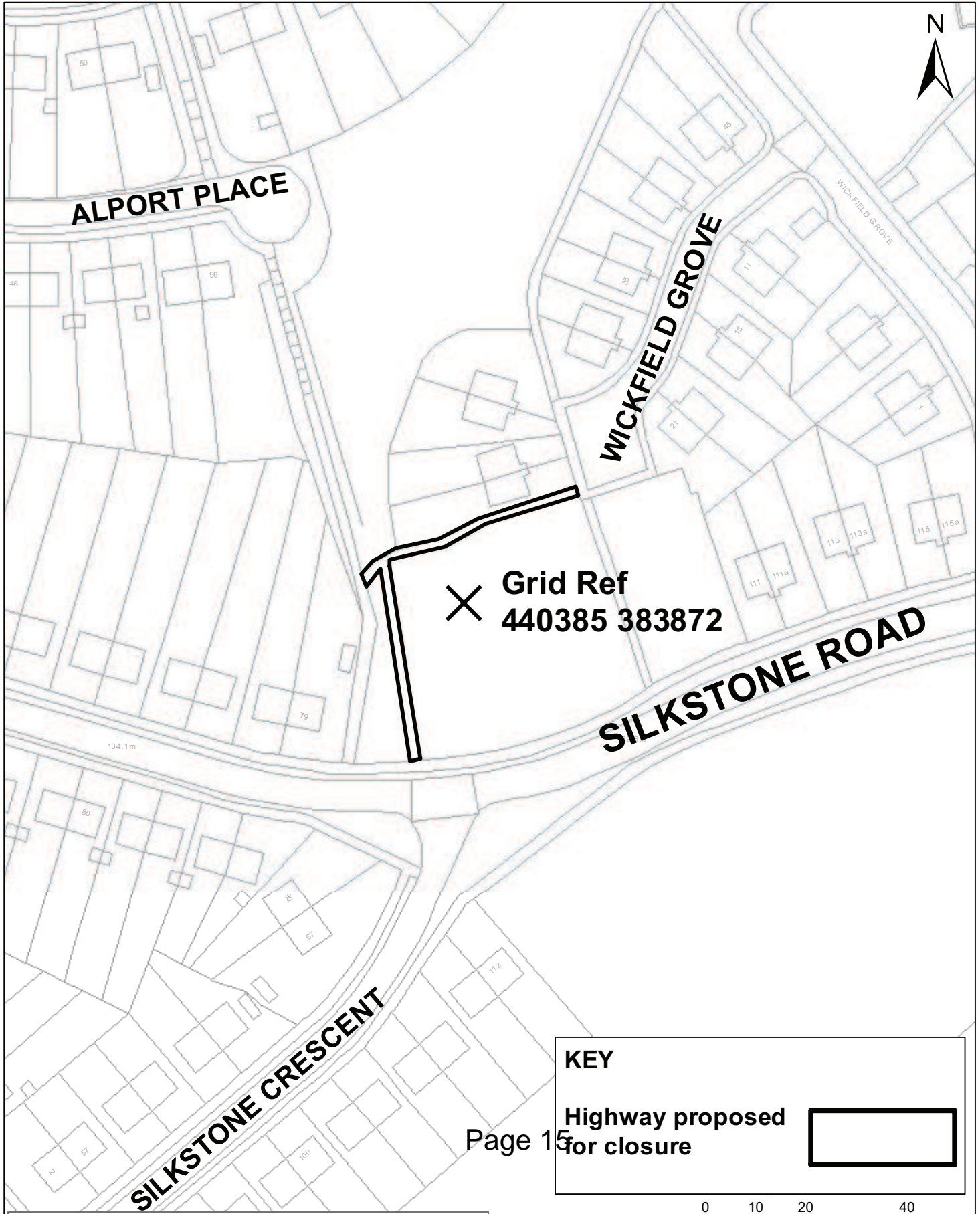
10.2 Authorise the Director of Legal Services, to

- a) take all necessary action to close the sections of footpath under the powers contained within Section 118 of the Highways Act 1980 or Section 257 of the Town & Country Planning Act 1990.
- b) confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

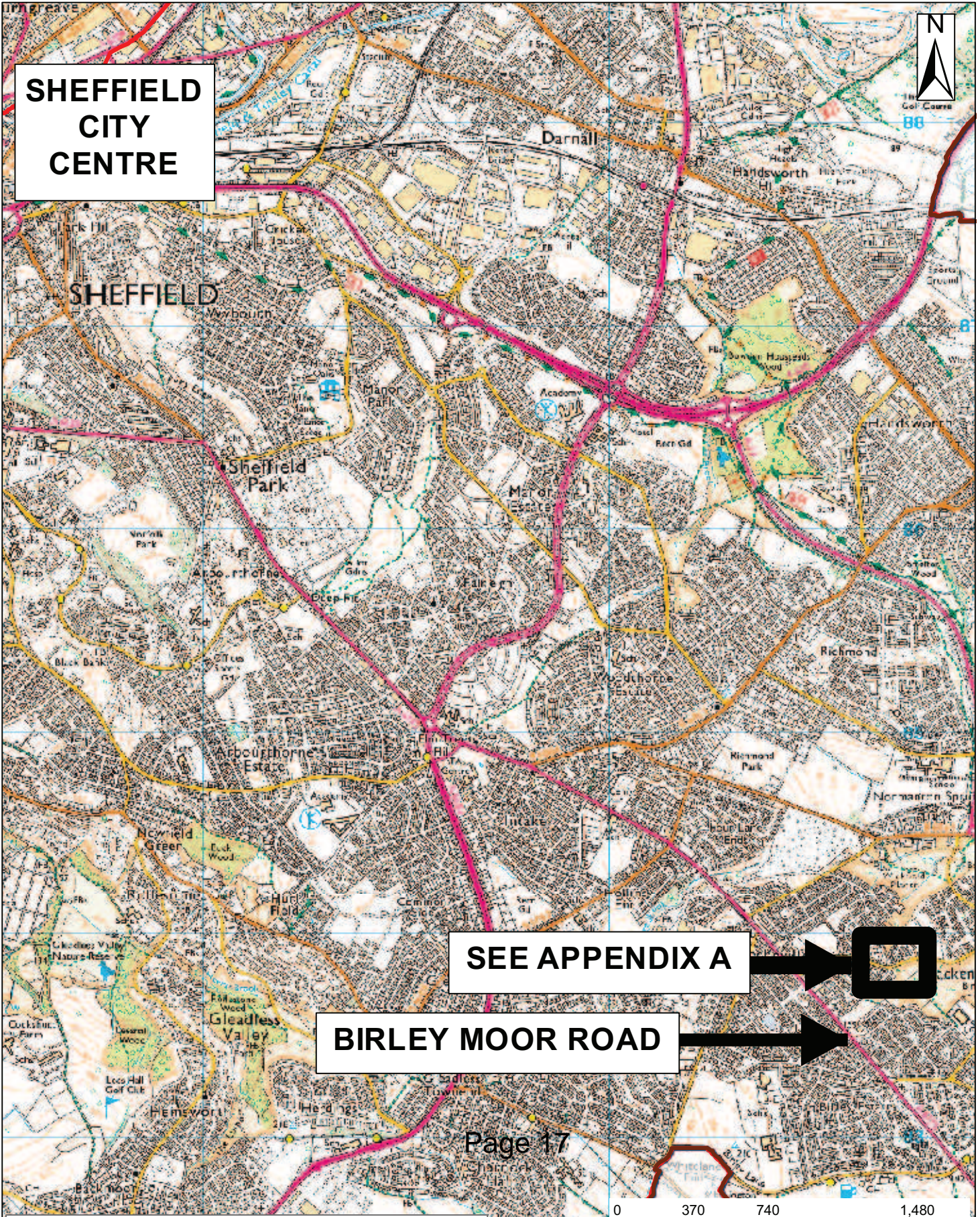
Steve Robinson
Head of Highway Maintenance

17th December 2012

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SHEFFIELD
CITY
CENTRE

SEE APPENDIX A

BIRLEY MOOR ROAD

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Development Services

Date: 17/12/2012

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond

Summary:

Reasons for Recommendations

(Reports should include a statement of the reasons for the decisions proposed)

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
12/03456/FUL (Formerly PP-02290941)	102 Harcourt Road Sheffield S10 1DJ	23
12/03326/FUL (Formerly PP-02255389)	29 Thornsett Road Sheffield S7 1NB	37
12/03306/FUL (Formerly PP-02224720)	161 Psalter Lane Sheffield S11 8UY	49
12/03177/FUL (Formerly PP-02219984)	Fern Glen Farm Hathersage Road Sheffield S17 3AB	55
12/02874/LBC (Formerly PP-02176802)	Site Of Jessops Hospital For Women Leavy Greave Road Sheffield	66
12/02873/FUL (Formerly PP-02176802)	Site Of Jessops Hospital For Women Leavy Greave Road Sheffield	69
12/02771/FUL (Formerly PP-02179684)	Unit 3 Europa Way Sheffield S9 1TQ	115
12/02245/FUL	Amberley 8 Thornsett Gardens Sheffield S17 3PP	139

12/02135/FUL	34 Tannery Street Sheffield S13 7JW	146
12/01891/FUL	Mylnhurst Preparatory School And Nursery Button Hill Sheffield S11 9HJ	152

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The SOUTH Planning And Highways Committee
Date Of Meeting: 17/12/2012

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	12/03456/FUL (Formerly PP-02290941)
Application Type	Full Planning Application
Proposal	Alterations to door and window openings and use of building as 6 flats (Class C3)
Location	102 Harcourt Road Sheffield S10 1DJ
Date Received	07/11/2012
Team	SOUTH
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing Title and Number:

-PLANS & ELEVATIONS- PROPOSED (05-0712-SK5.10A)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Before construction works commence full details of the proposed materials used in the construction of the front elevation to Unit 1 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 4 Prior to the occupation of the proposed residential units details of proposed noise insulation measures to protect adjoining occupiers shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the residential units and thereafter maintained permanently in that state.

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

- 5 Before any unit is occupied, or within an alternative timeframe to be agreed in writing by the Local Planning Authority a report should have been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:
 - a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 6 Prior to the occupation of the units of accommodation hereby approved details of the mirror panels, as shown on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the units of accommodation, and permanently retained in their approved form.

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

- 7 Notwithstanding the details shown in diagram 05-0712-SK5.10A, the window to the bedroom of Unit 4 shown on this plan to be bricked up, shall be retained.

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

- 8 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, only two parking permits shall be issued to occupants of the property relating to any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

H5 - Flats, Bed-sitters and Shared Housing
CS65 - Renewable Energy and Carbon Reduction

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

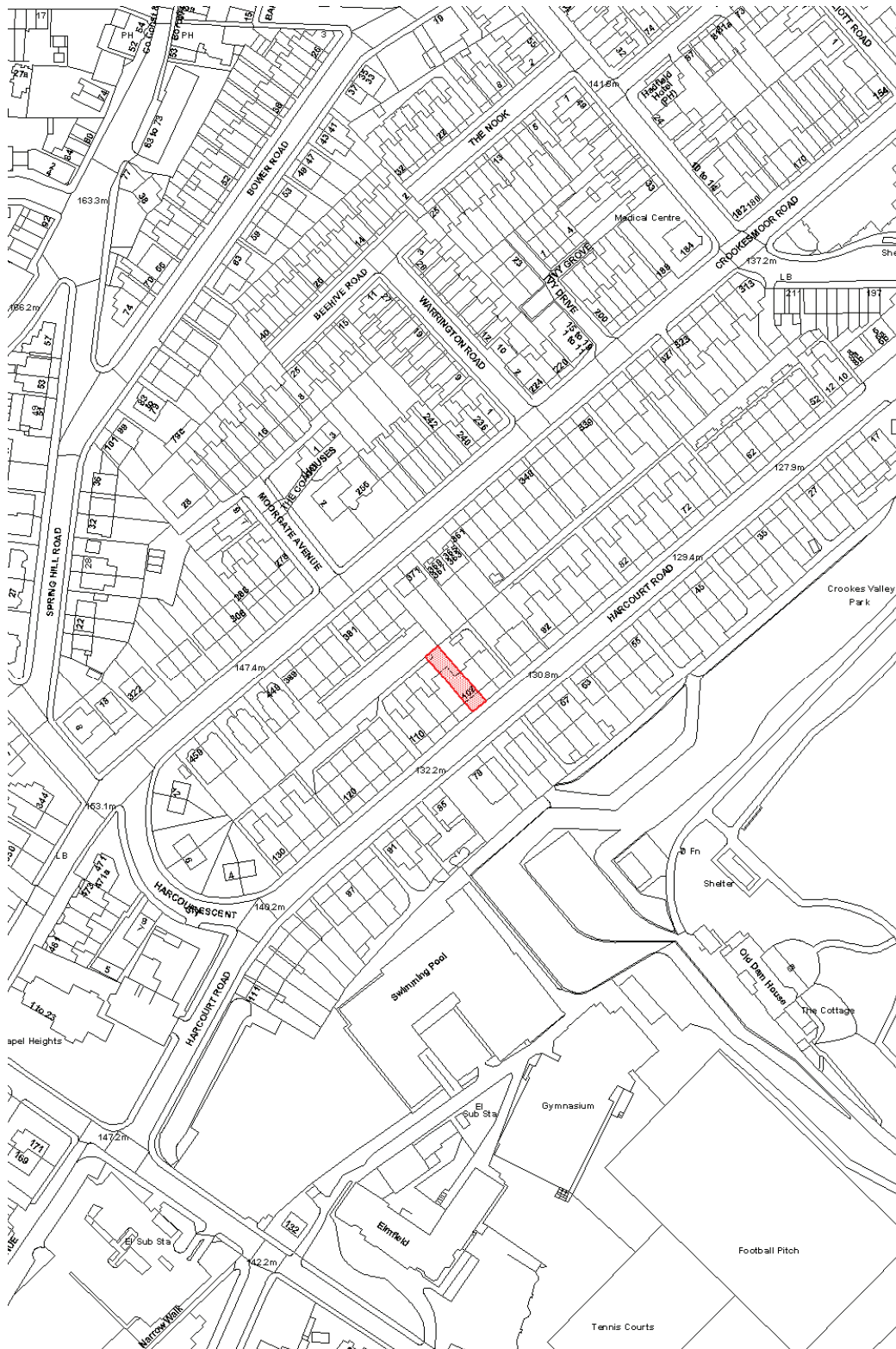
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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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 lower flat was 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 for alterations to the building, to allow it to be converted into 6 Class C3 flats. Three of the flats would be 1 bed, studio apartments. The 4th one bedroomed flat would be split over two levels, and two x 2 bedroomed flats would also be provided.

Members will recall that at the Planning Committee meeting dated 5th November an application seeking consent for the conversion of the 2 flats into a House in Multiple Occupation of 8 residents, plus a separate 1 bedroomed flat was refused planning permission. The reason for the refusal is outlined below. The current submission was submitted subsequently to the refusal of that application.

RELEVANT PLANNING HISTORY

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

12/02793/FUL; 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)

The application was refused for the following reason:

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.

SUMMARY OF REPRESENTATIONS

Following neighbour notification 8 written representations, from 7 separate addresses, have been received. The comments made are summarised as follows:

The previous application was rejected because of the impacts of another HMO upon the locality. This application should be rejected for the same reason, and previous objections still apply.

Application is an attempt to circumnavigate this previous decision. The Design and Access Statement refers to the intention to provide a HMO as adjacent properties to serve the student community.

The small flats will attract a transient community / students, rather than long term residents, and would be contrary to Policy CS41 and should be discouraged. Concentration of student housing is already well above the 20% level set out in policy CS41(d). Proposal does not really represent C3 houses.

The two bedroom flats would not attract families.

Whether the proposal is for a HMO or 6 independent flats the result would be a shift away from a mixed community, because one of the existing properties (or the conversion back to a single dwelling) would accommodate a large family.

Proposal would be contrary to H5 and H14 (e), given concentration of uses, harm to living conditions, lack of parking and noise/other nuisance impacts. Each flat room would include individual noise sources, leading to disturbance to neighbours. The location of the access will impact on occupant of the basement flat.

The plans do not show; separate gas/electricity meters for each property, space for washing machines in each property, spaces for 6 sets of refuse/recycling bins/boxes. No confirmation is given that each living area is >13 m² (as a legal requirement under the Housing Act 2004), or that each flat would be rented to separate individuals/pairs/couples rather than a group or consideration of parking issues. Many bedrooms have no natural light.

Flats fall below minimum area standards for social rented accommodation. Would not meet Draft City Policy C2 (b).

The existing high student population leads to anti-social behaviour, noise and rubbish. Recent sales of University owned homes to families have partly addressed these problems. However, the proposal represents an attempt to reverse this progress.

The previously existing 2 flats would appeal to professional renters/buyers, and potentially families. But the cramped nature of the proposed flats would not attract these type of occupants. The property has not been a HMO in the last 25 years. There have never been more than 4 people associated to the property, and one was occupied by a family for 9 years.

Applicant's statement that the existing bedrooms could be double rooms is not correct as they were not of that size. Whole property was previously occupied by a total of 5 persons.

Represents a totally unsympathetic development for a property of this nature.

Layout would represent over-development of the property. If this were to be repeated at other properties the street would be rendered unacceptably overcrowded.

6 independent flats could lead to 12 different applications for on-street parking permits.

Overcrowding of the dwelling will lead to drainage problems, contrary to Core Strategy policy CS74.

Proposal would be contrary to the provisions of Core Strategy policy CS74 (h), which seeks development which contributes towards creating attractive, sustainable and successful neighbourhoods.

Proposal would act to encourage other landlords to divide houses up to small units.

The Corporate Plan 2011-2014 refers to the need to provide a range of house types in local communities. One portion of the community should not be served above others, and elderly/family housing is instead required.

The small size of the flats would represent over-development and be contrary to UDP policy H14 (c), and Core Strategy policy CS26 requires the density of new development to be in keeping with locality.

Proposal would be contrary UDP policy H14 (e) and CS74 (e), as it would cause risk to health and safety, and would not contribute to a healthy environment. Corridor widths would not comply with fire regulations and building regulations.

Blocking up of window to Unit 4's bedroom would be unacceptable.

Absence of adequate bin store facilities.

Basement flat would fail to meet number of aspects of the Housing Act 2004 – Housing Health and Safety Rating System, in terms of area provision, access by intruders, internal lighting, poor outlook, noise from rest of proposed accommodation and poor hygiene.

Poor access to garden space, contrary to UDP policy H15 (b).

Proposal would be contrary to UDP policy H14(i), which seeks to avoid a concentration of non-housing uses in a Housing Area. The number of proposed flats potentially make it a commercial use.

Proposal does not meet the requirements of Core Strategy policy CS64, and should be required to meet Code for Sustainable Homes Level 3.

The scheme does not satisfy the requirements of CS65 adequately, which requires a minimum of 10% of energy needs to be met from renewable sources.

Proposal does not provide a proportion of mobility housing. The basement flat should be made an accessible flat.

Proposal should be assessed in relation to part UDP policy H16 and whether recreation space in the catchment area is below the minimum guideline, or in need of enhancement.

In addition Councillor Wattam has submitted comments, which can be summarised as follows:

- Amount of student accommodation is well over 20% of all residences in the area, as accepted in the relevant Council policy.
- Each property does not have separate gas and electricity meters, or space and plumbing for washing machines, toilets, showers etc.
- There is not space for 6 refuse and recycling bins and boxes which would be required for 6 separate flats.
- It has not been confirmed that each living area is over 13m², which is a legal requirement under the 2004 Housing Act.
- No confirmation has been provided that each flat would be rented to separate individuals/pairs/couples rather than to a group. Otherwise property would be understood to represent a HMO.
- The 6 independent flats could lead to 12 applications for on-street parking permits, where as each property currently is restricted to 2 permits per household.
- No Environmental Impact Assessment has been undertaken.
- No details of monies required under section 106 legal agreements or Community Infrastructure Levy legislation.

PLANNING ASSESSMENT

The application to change the use of the 2 existing Class C3 units to 6, self contained C3 units is required to be assessed against the provisions of Policies H5 of the Adopted Unitary Development Plan.

UDP policy H5 covers 'Flats, Bed-Sitters and Shared Housing', and states 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 has been mentioned in a number of neighbour representations. This policy states that mixed communities will be promoted by limiting conversions to hostels, purpose built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses. As the current application seeks the formation of 6 self-contained flats, it is not subject to the provisions of this policy.

CONCENTRATION ISSUES

Policy H5 (a) of the UDP states that flats, bed-sitters and shared housing will be allowed where a concentration of these uses would not cause serious nuisance to existing residents.

The property in its most recent form was occupied as two self-contained flats. Therefore, the application seeks consent to create an additional 4 flats (i.e. a total of 6 flats). These flats are explicitly referred to by the Agent as class C3 units of accommodation. This means that they would be occupied by individual, and separate households. The overall property would not be able to be let jointly to a single group, but instead each flat would be let independently to individuals. There is no communal area within the proposed internal layout, and only the hall area would be shared as is common within houses sub-divided to flats.

The vicinity surrounding the application site includes a significant number of addresses which are occupied as shared housing or flats. However, the nature of the proposed accommodation would not be expected to lead to anti-social behaviour in the same way as a House in Multiple Occupation (HMO) might. A HMO is inhabited by its residents jointly and provides communal facilities, allowing activities and gatherings within the premises. Additionally, a HMO would also generate movement to/from the property of large groups. Partly for these reasons HMOs are likely to lead to detrimental impacts upon existing residents. The particular impacts arising from a HMO justifies the 20% limitation placed upon this type of accommodation within 200metres of an application site, as specified within Core Strategy policy CS41.

However, the nature of the proposed accommodation is such that the intended occupants would be independent from each other. The proposed floor layouts do not provide any communal space, and would be primarily let to single person, separate households. Overall, the proposed flats would not be considered to lead to the potential for the proposal to result in serious nuisance to existing residents; in terms of noise, disturbance and anti-social behaviour.

It is also important to incorporate into the assessment that the previously existing flats would have been legitimately capable of more intensive occupation. Equally, they may also have not been managed in a structured way such as would have been the case previously given South Yorkshire Housing Association's ownership. The consequence of this would have been that activity levels at the address could have legitimately been substantially more significant, without the need for any further planning permission.

It is also of significance that the properties adjoining the application site are occupied in the following way; Num. 100 is divided into 2 flats and Num. 104 is occupied as a student dwelling / HMO. Each of these adjoining properties would not be as susceptible to detrimental impacts arising from the proposed scheme as a single, family dwellinghouse. This is because the bedrooms in the 2 flats will not be laid out conventionally across the upper floors, but will instead be dispersed through the unit.

The plans show a shared bin store area at the property frontage, which would be incorporated within a walled area and gated. The walling / gating of the bin store area would be considered to represent an improvement to the street scene as it is common for bins to be stored at the street frontage along the road, given restricted access to the rear of properties. This element of the proposal would be considered

to avoid detrimental visual impacts upon the visual amenities of neighbouring occupiers.

The proposal would not be considered to detract from the aims set out within a number of policies, which seek to create sustainable neighbourhoods, and would be considered to be in line with these policy objectives. Also, a number of policies aim to ensure that neighbourhoods are healthy and safe and the proposal would not be considered to be in conflict with these policies.

Overall, the proposed six units of accommodation would not be expected to generate outcomes which would constitute a demonstrable serious nuisance to existing residents. As a result the scheme is considered to satisfy the requirements of UDP policy H5 (a).

AMENITY ISSUES

As referred to above the immediately adjoining properties at Numbers 100 and 104 are occupied as 2 separate flats and a student house respectively. In order to prevent noise transmission through internal walls to these properties it is considered to be appropriate to impose a condition upon any consent granted which necessitates the agreement and installation of appropriate sound insulation treatments.

With the exception of the proposed unit at basement level, the scheme does not propose any other external alterations to the property. Some sideways overlooking from an existing window at first floor level of the off-shot may occur. However, the room in question previously served as a kitchen, and is proposed to become a bedroom. On this basis, the proposal would be considered to have an acceptable impact upon the occupiers of No.100.

Subject to the imposition of the suggested condition, it is considered that the proposal would have an acceptable impact upon the living conditions of the adjoining neighbours.

The 6 proposed units of accommodation are each considered to be acceptable in terms of their internal layout, providing what is considered to represent an adequate internal floor space. The windows to the respective flats are considered to provide an appropriate outlook, and to give opportunity for natural ventilation and lighting.

The proposed elevation drawing shows the bedroom window to Unit 4 as being blocked up. This would result in that room not having a window which would not be reasonable. A window in this location, as stated above, would not have a detrimental impact due to overlooking. It is therefore recommended that a condition is added requiring it to be retained.

Officers have discussed the matter raised in representations of compliance with the Housing Act and the proposed flats and separate rooms are arranged so to be satisfactory in regards to the requirements set out by the Council's Private Housing Standards Team in relation to such types of accommodation. Whilst the Private

Housing Standards input does not represent a determining factor in the assessment of this application it is considered to be noteworthy that they would consider the proposed arrangements to be acceptable.

Additionally, representations refer to Draft Policy C2 (b) of the City Policies and Sites Consultation Draft which advocates that converted residential accommodation should be well laid out internally, providing sufficient space to accommodate the size of household for which it is intended. This policy carries some weight, in accordance with the NPPF as it has not been objected to. Officers are satisfied that the accommodation proposed meets the requirements of this policy.

The proposed floor layout provides a link through to the rear at ground floor level. This will provide access to the existing rear garden area, and provide opportunity for some outdoor recreation space. In order to prevent overlooking by residents of other flats from the garden area back into rooms at the ground floor level, mirror panelling treatment to two windows is proposed. This would be considered as a satisfactory method of protecting the amenities of the occupants of the ground floor units.

Overall, the proposed units of accommodation are considered to be acceptable in relation to the impacts upon amenities of the neighbouring occupiers and potential future residents of the proposed units. On this basis the proposal would be considered to satisfy UDP policy H5 part (b) which covers these issues.

DESIGN ISSUES

As mentioned above the only proposed alteration to the property's external appearance is the replacement of the garage type door at the frontage to provide access to the basement flat.

This alteration was considered as part of the previously refused scheme and was considered to be acceptable. The frontage alterations would involve the use of coursed stone and the provision of a door / window frame arrangement. This would not be considered to be out of keeping with the appearance of the premises and would therefore be considered to have an acceptable impact upon the character of the street scene.

As such the proposal is considered to be acceptable in design terms.

SUSTAINABILITY ISSUES

The Agent confirms that Policy CS65 of the Core Strategy, which requires a minimum of 10% of predicted energy needs from decentralised and renewable or low carbon energy, will be met potentially by the placement of solar panels on top of the front dormer at the required pitch.

Subject to the resulting visual appearance of the angled solar panels, this would be considered to be an appropriate method of satisfying this policy. As such it is

recommended that a condition is added to any consent granted requiring the submission of further details relating to this matter.

The requirements of Policy CS64 of the Core Strategy to meet Level 3 of the Code for Sustainable Homes does not apply in this case, as the Code for Sustainable Homes system only applies to new construction. However, the generic aims of this policy are met by energy efficient utilities and equipment which minimises water consumption.

MOBILITY ISSUES

Policy H7 requires a proportion of new housing to be mobility housing. In this instance, given steps up to the entrance door, the only potential mobility housing unit would be the basement flat. However, given the confinements of the space available here it is not considered to be possible for it to meet the relevant requirements and it is therefore not considered to be appropriate to seek for this unit to be made mobility housing standards compliant.

HIGHWAYS ISSUES

The application site is in a sustainable location, being located near to local amenities and university facilities. It is also located within a permit parking area. The proposed layout includes a cycle store at the ground floor level, thereby encouraging alternative means of transport.

There is the scope to prevent any occupants of the proposed units of accommodation from gaining a residents parking permit, however, this would be considered to be unreasonable given that the previous occupation of the 2 flats would legitimately have been able to request permits. As a result, it is considered that it would be appropriate to impose a condition limiting the number of parking permits which could be sought so that on street parking generated by the scheme was equivalent to that which previously arose.

Based upon these observations the scheme is considered to be acceptable, and to satisfy the requirements of policy H5 (c), which requires there to be appropriate off-street parking for potential occupants.

RESPONSE TO REPRESENTATIONS

The comments raised as part of the representations have largely been addressed in the main body of the report. In relation to the remaining comments, the following points can be made:

The statement within the initially submitted Design and Access Statement regarding the intention of the application being to provide a HMO to serve the student community has been corrected. It is now clear from the statement that the proposal is not to provide a HMO.

The drawings do not show separate gas / electricity meters, however, drawings do not typically show such features. It would not be reasonable to conclude that the

intended occupants would therefore represent a single group, rather than occupants of separate C3 units of accommodation, on the basis of this information being absent.

A comment was made relating to the proposed units essentially representing a commercial use. This is not considered to be the case, and the proposed units are required to be assessed as C3 units of accommodation.

Concern is raised that other landlords will convert properties into small units to avoid the implications of policy CS41. Any such future applications would be assessed on their merits based on their individual circumstances.

Concerns is raised that the proposal would represent an over-development of the property, and involve excessive density levels being contrary to UDP policy H14(c) and Core Strategy policy CS26. The additional units would not be evident from street level, and overdevelopment impacts would not be considered to arise. The density of accommodation would potentially be greater than the surrounding density levels, but at this scale it is the implications of the proposal which are of significance. These are considered to be acceptable.

Issues of drainage and corridor widths would be covered under the Building Regulations, and would not form a material planning consideration in relation to a scheme of this magnitude.

The potential for the bedrooms within the flats to have been double bedrooms has been disputed due to their inadequate size. The rooms would have been capable of providing double rooms, but some would have been able to accommodate limited additional furniture.

An Environmental Impact Assessment would not be required in relation to an application of this nature.

A Legal/Section 106 agreement or a Community Infrastructure Levy would not be applicable in this instance, as such requirements for contributions to local open space only apply in instances where there are 5 or more additional units of accommodation created. In this case only 4 additional units are being created.

SUMMARY AND RECOMMENDATION

The application seeks planning permission to convert a property which was previously occupied as 2 self contained flats, to provide a total of six C3 type units. Three of these would be 1 bedroomed studio apartments, with the 4th one bedroomed flat being split over two levels. The two remaining flats would be 2 bedroomed units.

The proposed formation of 6 flats would be considered to avoid leading to serious nuisance upon existing neighbours within the vicinity of the site. Also, with noise insulating measures the amenities of the adjoining occupants would be protected. Also, the scheme would be considered to avoid having a detrimental impact upon highway safety, arising from detrimental levels of on-street parking, owing to the

presence of a permit parking scheme and a condition to limit the number of permits obtainable.

Therefore, the proposal would be considered to satisfy the requirements of UDP policy H5. Consequently, the scheme is recommended for conditional approval.

Case Number 12/03326/FUL (Formerly PP-02255389)

Application Type Full Planning Application

Proposal Change of use from C3 (Dwellinghouses) to C2 (Residential Institutions) (Additional information: details regarding sound insulation received on 04/12/2012; details regarding the provision of a downstairs mobility bathroom received on 04/12/2012 (including drawing reference: job no:84079, drawing no:200)

Location 29 Thornsett Road
Sheffield
S7 1NB

Date Received 25/10/2012

Team SOUTH

Applicant/Agent Mrs Diane Wingate - Rethink Mental Illness

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 and information received on 25/10/2012; details regarding sound insulation received on 04/12/2012; details regarding the provision of a downstairs mobility bathroom received on 04/12/2012 (including drawing reference: job no:84079, drawing no:200)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The residential institution use hereby permitted shall not be occupied unless sound insulation measures have been implemented between the rooms of the subject property and the attached neighbour as agreed in the additional information showing the specification of the works and location of installation

received on 04/12/2012. Thereafter the approved sound insulation measures shall be retained.

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

- 4 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient car parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the residential institution shall not be used unless such car parking accommodation for 2 vehicles to the front of the site has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

- 5 The maximum number of residents occupying the home hereby permitted shall not exceed 6 persons.

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

- 6 The planning permission hereby granted shall be exercised by and inure solely for the benefit of Rethink only

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

H10 - Development in Housing Areas

H11 - Development in Housing Areas in Nether Edge and Broomhall

H14 - Conditions on Development in Housing Areas

BE16 - Development in Conservation Areas

It is not considered that the proposal will have a significant effect on the balance between C3 use and non C3 use within the Housing Area (the use remains essentially that of residential accommodation) and neither will it prejudice the provision of housing land.

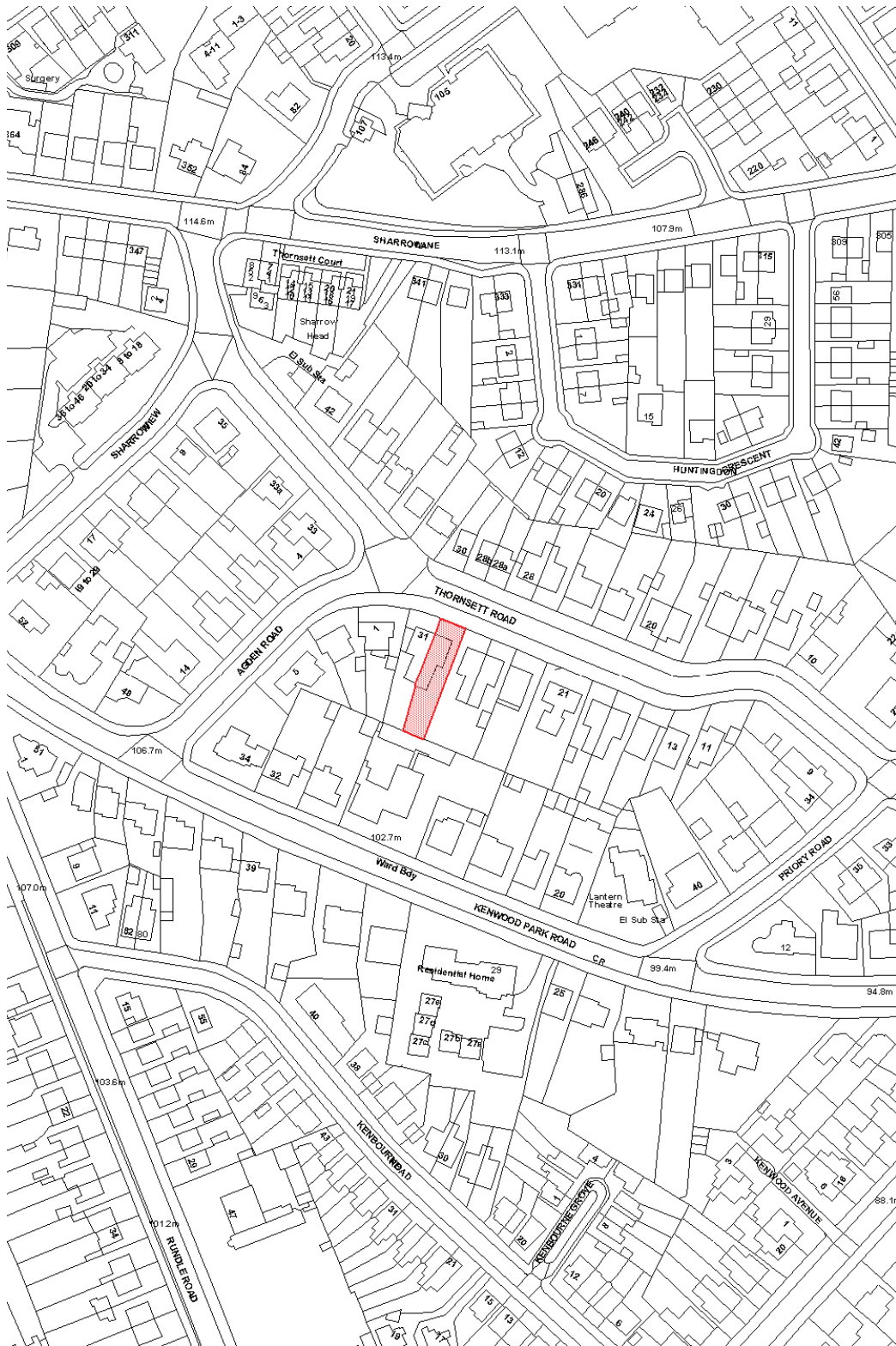
Since the proposal will retain its function as residential accommodation it is not considered that there will be any effect on the character of the locality. The level of use will not cause any significant noise greater than a standard residential house, given the nature of the proposed use with residents sleeping at night time.

On balance, the level of highway usage to and from the property should not cause any significant amenity problems to the locality, given the fact that visits and movements to and from the property will be spread out during the day, as opposed to concentrated at certain hours.

The scheme will comply with the requirements of policies H10, H11, H14 and BE16 from the Unitary Development Plan and is hereby recommended for approval.

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 proposal refers to a semi-detached dwellinghouse situated on Thornsett Road. The house is a large building, and consists of 7 bedrooms and two bathrooms. The building is within a row of similar properties within the Nether Edge Conservation Area. The building is of historic importance, and is subject to additional controls limiting the Permitted Development works that can take place upon the front elevation, such as the replacement of windows, barge boards or roof, as a result of the Article 4 Direction.

This application seeks planning consent to change the use of the building from a residential house into a C2 use residential institution. The proposed user is 'ReThink', a mental health charity who wish to use the building as a 'Crisis House' providing short term care to mental health patients.

RELEVANT PLANNING HISTORY

There is no relevant planning history for this property.

SUMMARY OF REPRESENTATIONS

The application was advertised in accordance with the Council's Statement of Community Involvement and Circular 15/92 by means of a site notice attached to the closest lamppost in front of the house, in addition to letters sent to the 12 closest neighbouring properties.

40 representations have been received in response to this application. A summary of the objections received are provided below:

Concerns have been raised that the proposal will provide a 24-hour a day service with noise caused by the internal use of the premises and people entering and leaving the premises at all times of day and night.

Objections have been made on the basis of additional traffic using the street and additional on-street parking congestion. Some comments have noted that they believe that the premises will attract visitors, health workers, staff and delivery vehicles.

The local area has several residential institutions nearby already, and the proposal will add to the concentration of these, which is not suitable for a residential area. Examples include Phoenix House Drug Rehab, The Children's' Home on Wostenholme Road, a care home on Kenwood Park Road and Grace Tebbut house, which is closed but may reopen in a similar role. This is in addition to hotels in the area that take in a multitude of users in need.

The 24 hour helpline operated would constitute a business use out of character with the residential area. Some examples of non residential uses have been cited as already tipping the balance away from residential use, and that any more conversions of houses would risk the loss of the residential character of the area.

The proposal would disrupt the residential character of the street.

The proposed use will cause disturbance to the adjoining residential property as the multiple occupation of the building will increase internal noise levels.

The use proposed would be more suitable for a busier location as opposed to a quiet residential street.

The proposal will add additional pressure upon local drains.

The nature of the care use would be frightening or disturbing to children that live nearby.

Several comments have been received with regards to the nature of the occupants. Concerns are that the nature of the residents may be a danger to the public or raise local anxiety, and some comments have raised concerns with regards to dangers to children.

In addition, several non planning related comments have been received with regards to the following matters:

Concerns that the Crisis House model is unsuitable for the proper care and supervision of patients.

Absence of a risk assessment and measures for fire escape etc. which are issues for licensing and building regulations as opposed to planning matters.

Judgements that there will be a lack of benefit for the users of the house to be in a residential area if they are limited to short stays of a few days or less and hence unlikely to make use of local facilities.

Concerns that one objector has not been directly contacted about the application by letter. In this case, direct notification has been in accordance with the councils policy. In addition, a site notice outside the house was placed 01/11/2012 to allow for the application to be publicised further. Unfortunately, the Council do not have the resources to directly notify a wider range of properties.

One representation is under the impression that the application relates to Grace Tebbutt House, which is not the case. General comments received from this representation are already covered in the list of representations above.

PLANNING ASSESSMENT

Policy

The Unitary Development Plan (UDP) locates this site within the Nether Edge and Broomhall Housing Area, where policy H11 applies. The policy recognises that the increase of hotels and offices in the area have previously undermined the residential character of the area, and requires that B1 (Business (including Offices)) and C1 (Hotel) uses be classed as 'unacceptable' uses for this area,

unlike the 'acceptable' classification given to standard Housing Areas. Residential Institutions (C2) uses are classed as 'acceptable', which is the same classification given to C2 uses within standard Housing Areas under UDP policy H10.

Policy H14 'Conditions on Development in Housing Areas' applies. This requires that, among other things:

- (c) development does not deprive residents of privacy or security.
- (d) development provides safe access to the highway network and appropriate off-street parking and does not endanger pedestrians

For non C3 uses:

- (i) occupies a small area and does not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area;
- (k) does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living by.
- (l) be on a scale consistent with the residential character of the Area [and] occupy an existing building set in its own grounds.

The site is within the Nether Edge Conservation Area. Policy BE16 'Development in Conservation Areas' applies, which requires development to preserve and/or enhance the character of appearance of the Conservation Area.

The National Planning Policy Framework does allow some weight to be given to emerging policies. To this extent, the draft City Policies and Sites document and associated proposals map approved for consultation by Cabinet in May 2010 has some weight. This classifies the site within a Housing Area, where emerging policies place C2 uses as 'Preferred' uses.

Need for Permission

Certain types of hostel use, such as 'half way houses', may not require planning permission at all, falling within the Use Class C3 Dwellinghouses where the use is by not more than 6 residents living together as a single household (including a household where care is provided for residents). Circular 03/2005 explains that small group homes play an important role in the Government's community care policy which is aimed at enabling disabled and mentally ill people to live as normal lives as possible in touch with the community.

In this case, research of case law decisions has led to a conclusion that this proposed use would fall under the C2 use class as opposed to C3. Generally, the transient nature of the proposed occupants, who will only stay for 4 nights on average, and the presence of staff members working on shift patterns materially alters the class of the house towards a C2 use class.

Nature of the Use

The proposed use of the building is as a 'Crisis House' for people experiencing mental illness as an alternative to hospital admission. The purpose is to provide

person-centred, intensive, short term treatment and support within a residential environment.

The house is proposed to provide short term, specialist mental health support to people who are assessed by the local Crisis Intervention and Home Treatment Teams as needing additional support to avoid hospital admission. The house is to be staffed by mental health support workers offering a support package that considers an individual's housing, employment, educational, physical and social and emotional needs. The use offers a holistic support structure, such as providing users support action plans, advocating the participation in care programmes etc.

Traffic

The proposed use will require several visits to the building. Presuming a worst case scenario, where 6 residents are in situ, one would expect approximately 9 visits per day from staff, NHS workers, the Crisis Resolution and Home Treatment team and family and friends of residents. Some residents may go out during their daily business, such as visiting shops or attending work in some cases. However, such residents will not normally have access to a car from the site.

The site is accessible, so it should not be presumed that all of these visits will involve car movements. However, a worst case scenario for car movements from visitors would be around 18 per day, the latest movement being at 10pm, given that this is the curfew for visits. These figures are based on the usage of homes in Rotherham and Doncaster and extrapolated to predict the usage for 6 residents as opposed to the 4 typically resident in these houses.

The proposed traffic movements will be in excess of a standard dwellinghouse. In terms of traffic movements, a standard house with two adults would have on average 4-6 car movements a day. Several larger houses in Sheffield, including the local area, include extended families, and in these cases, car movements of around 8-10 movements per day may be expected. The proposed use will therefore increase car movements beyond that of a large house, and a judgement needs to be made of the impact of this increase.

With regards to the issue of potential additional disturbance, a main issue to explore is that of whether the timings of the car movements and level of additional movements caused would be over and above what would be acceptable for a residential area. Unlike business uses such as offices, hotels, or nurseries the traffic movements to and from the site will be spread throughout the day, with no discernable peak travel time in the morning or early evening as common with these alternative uses. The staff movements will be at 9am and 9pm, with NHS staff likely to visit during the morning and afternoon, with visitors more likely outside work hours towards the evening.

Therefore, it is noted that the proposed use will undoubtedly increase traffic movements to and from the site to a greater extent than would be expected from a standard dwellinghouse. However, the timings of the movements are unlikely to result in intensive traffic that would harm the character of the residential area or the amenities of neighbouring properties as traffic movements will be mixed throughout

the day, with only 1 or 2 cars travelling to the site an hour, as opposed to all 18 traffic movements occurring at once. Such movements are highly unlikely to be noticeable. In addition, these movements are a worst case scenario. The house is unlikely to be fully occupied at all times, given the charity's aim to keep one room free at all times. In addition, the use of public transport or walking to local facilities will reduce traffic levels further still. As a result, on balance, it is the officer recommendation that the proposal will not conflict with the aims of UDP policy H14 (notably parts k and l) regarding causing excessive traffic levels to risk people living nearby and ensuring that the scale of the use is consistent with the residential character of the area.

There are no highway safety issues associated with or on street parking issues. There is accommodation on site for 2 parking spaces, which is within the guidelines set by the Unitary Development Plan (UDP), which asks for 1 space per every 5-10 residents and 1 space per every 3 non resident staff on duty at the busiest time. Significant mitigating factors are that visitor movements will be spread throughout the day, therefore not causing significant congestion at one time, and that the site is accessible, being within 600m walking distance of high frequency bus services on Abbeydale Road. On street parking does not raise any significant concerns, due again to the spread of time over which the car movements will occur. In addition, although on street parking can be problematic during football matches at Bramall Lane and events at a local Bridge club, visits of the street undertaken by officers indicate no significant on street parking problems during the day when the majority of visitors to the unit would arrive.

Noise of Users

In order to avoid disturbance to the local area and especially towards the immediate neighbouring properties, there is a need to ensure that the proposed use does not result in noise levels significantly greater than a standard residential house, which would cause disturbance to local residents.

Primarily, the unit will provide residential accommodation, and by its nature the users will make a similar level of noise as residents in residential premises common to the street. Noise from each of the bedrooms should be no greater than the noise from the bedrooms of standard residential accommodation. Visitors attending the premises are unlikely to cause noise disturbance, and consultations with patients will comprise of conversation level noise, not out of character with the residential premises. Residents will be asleep at night, and as such the noise levels at night time will be minimal.

It is however considered that there is an opportunity here to improve the sound insulation between the neighbouring properties to provide a degree of comfort and the applicant has agreed to utilise sound proofing compliant with building regulations part E for the separation of new living accommodation in residential conversions. The details provided stipulate a suitable plasterboard and mineral wool insulation with adequate density to significantly reduce any passage of sound between the property and the attached neighbour. The placement of this will be next to the upstairs living areas of the attached neighbour, and so should block any passage of sound to the bedroom accommodation of the neighbour.

It is noted that the application includes the use of a helpline. However, this is ancillary to the main use of the building, consisting of one phone manned by one person, and will not result in a business use within the premises that would otherwise disturb neighbouring property.

The overall impact of internal noise will be no greater than a house occupied by a large extended family, given the operations of the unit, where residents will expect to have night time sleep, which is also integral to the purpose of the unit to limit stress to the occupants as part of their care.

Nature of Users

Fears about the behaviour of residents and possible implications for crime or threatening behaviour have been noted in several representations. As a rule, such fear can be a material consideration. However, court judgements such as the judgment in *Smith v SoS* 21/07/05 confirms that for fear of crime to be material, there will need to be some reasonable evidential basis for that fear; certainly unjustified fear motivated by prejudice cannot be given significant material weight.

As a key example, an appeal case in Boston in 1986 against the refusal of a hostel for ex-psychiatric patients on the basis of local fears was overturned where the inspector states that the concern of local residents could be understood but was mostly based on not knowing what to expect. He viewed that overall experience showed that natural fears were not borne out and that residents of such homes could integrate well into the local community.

Research shows that the only cases which have been refused on the basis of fears of the behaviour of residents are usually supplied with evidence of these fears. For example, in an appeal case in Rochford in 2005, a rehabilitation centre for people with drug and alcohol problems was refused by an inspector who noted evidence that problematic drug users were prone to steal to fund their addiction and that the centre had not been endorsed by the NHS.

In the case of this application, there is no discernable evidence that users will cause any significant harm to the safety of the local area. The users in question will be people who live within their local community at home and, in the vast majority of cases, will return to their normal home life after receiving the holistic treatment within the 'Crisis Home'. Residents will be free to go to work and undertake the same day to day activities that would be common to residents in the houses nearby. The nature of their case does not involve any required supervision or detention, and the use does have full NHS support. The charity also have a history of successfully running 'Crisis Homes', examples include centres in Rotherham and Doncaster, of which the Rotherham centre has been running for over 10 years. As a result, there is no discernable evidence that the fears suggested within representations of the behaviour of residents will be borne out in reality and there is confidence in the charity to run the house competently to limit the risk of such behaviour.

Dominance of C3 uses

Representations have objected to the proposal citing that it will lead towards a concentration of non housing uses in the local Housing Area. Looking at the local area, however, this argument is difficult to substantiate. The vast majority of houses on Thornsett Road are in residential C3 use, either as separate dwellinghouses or apartments, with the closest non residential use forming a nursery behind the site. There are some C2 uses in the local area, of which some are noted by representations that include:

- Phoenix House on Priory Road
- Grace Tebbut House on Thornsett Road
- A Children's home on Wostenholme Road
- A care home on Kenwood Park Road.

These uses are residential in character, given that they provide living accommodation and, as such, are not explicitly rejected by policy H11. A concentration of these uses upon a local area may cause material harm. However, an assessment of the immediate site clearly indicates that residential housing uses predominate, with no threat to the balance of properties especially upon Thornsett Road itself.

It should be noted that Sheffield consists of many residential institutions dotted within residential areas throughout the City, most of which are not overly noticeable due to the outwardly residential character of the buildings viewed from the street.

Impact Upon the Conservation Area and the Character of the Residential Area

The assessment needs to cover the need to preserve the character of the Conservation Area in accordance with policy BE16 and the nature of the residential area. There is also a need to retain the residential character of the area under policy H14.

Physical changes to the externals of the building will be limited, with no changes shown in the plans. Although the building has some permitted development rights in its present C3 use, it is subject to article 4 controls restricting changes to the front elevation that can be carried out, which will ensure that the most significant historic features to the front, such as the windows, roof materials and barge boards, will not be altered without permission. Physically, the building will have the external appearance of a standard dwellinghouse, in line with its original built intention and its outward impact on the character of the Conservation Area.

As discussed above, the traffic movements to and from the site will be spread out throughout the day. As a result, the greater variety of visits made will not appear incongruous to the nature of the residential area given that the spread of these will make them unnoticeable.

Disabled Users

UDP policy BE7 'Design of Buildings Used by the Public' requires the provision of facilities for people with disabilities. In this case, fully accessible accommodation for workers is not possible, but this is mainly due to the residential nature of the premises where step free access to all floors would be unpractical. Disabled access for residents will be possible, however, with the provision of a suitable downstairs room and accessible bathroom, which will ensure that the proposal can provide suitable accommodation for any potentially disabled residents.

SUMMARY AND RECOMMENDATION

It is not considered that the proposal will have a significant effect on the balance between C3 use and non C3 use within the Housing Area and neither will it prejudice the provision of housing land.

Since the proposal will retain its function as residential accommodation it is not considered that there will be any effect on the character of the locality. The level of use will not cause any significant noise greater than a standard residential house, given the nature of the proposed use with residents sleeping at night time.

On balance, the level of highway usage to and from the property should not cause any significant amenity problems to the locality, given the fact that visits and movements to and from the property will be spread out during the day, as opposed to concentrated at certain hours.

The scheme will comply with the requirements of policies H10, H11, H14 and BE16 from the Unitary Development Plan. On balance, the provision of accommodation for disabled residents will meet the requirements of policy BE7. It is therefore recommended that planning permission is granted.

Case Number 12/03306/FUL (Formerly PP-02224720)

Application Type Full Planning Application

Proposal Retention of existing boundary fence (retrospective application)

Location 161 Psalter Lane
Sheffield
S11 8UY

Date Received 24/10/2012

Team SOUTH

Applicant/Agent DK Designs C/o Mr D Keeton

Recommendation Refuse with Enforcement Action

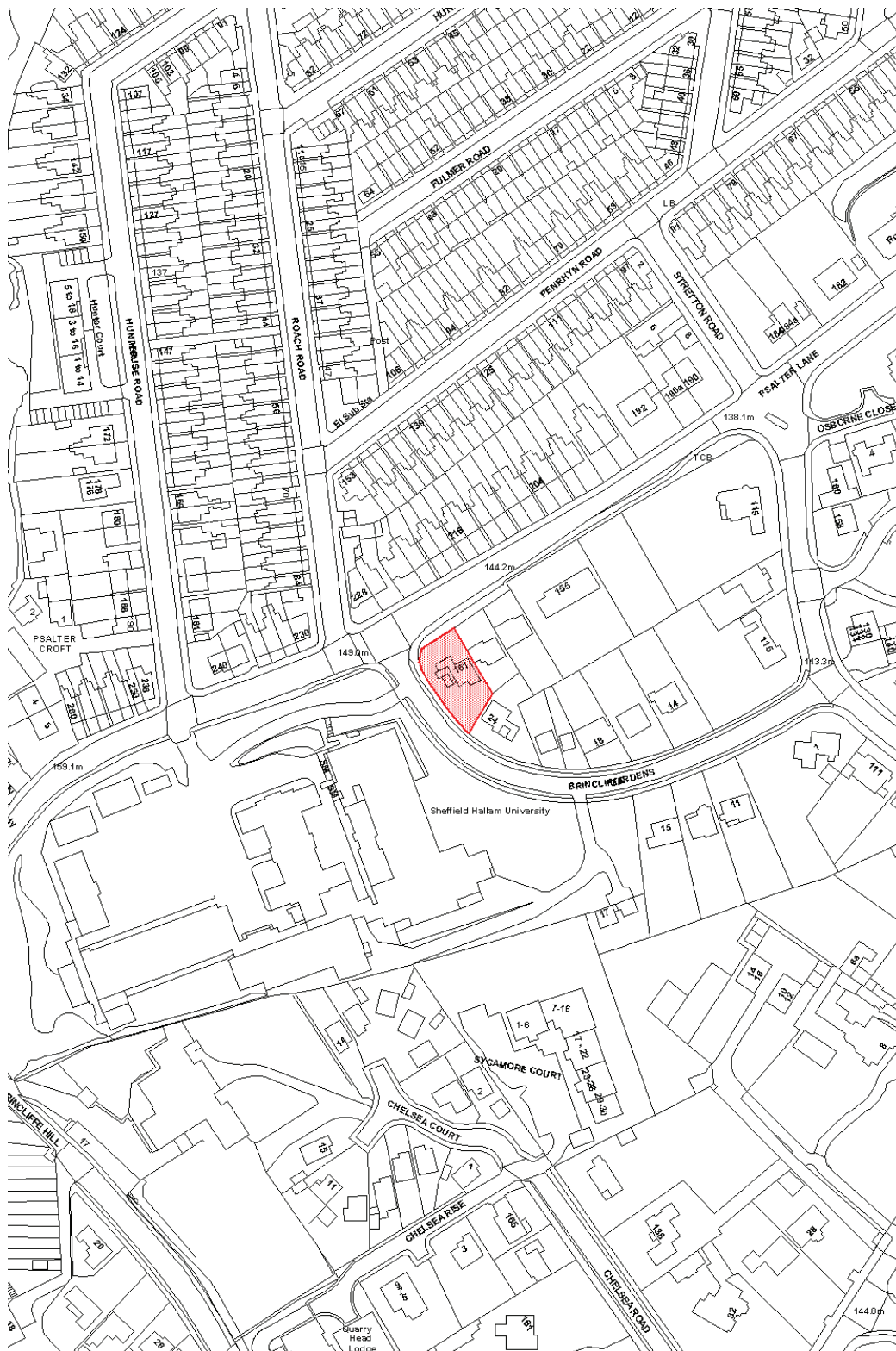
Subject to:

- 1 The Local Planning Authority consider that the boundary fencing is out of character with the predominant boundary treatments within the Nether Edge Conservation Area and is detrimental to the character of the Nether Edge Conservation Area and the appearance of the street scene at a prominent corner location. The boundary fencing is therefore contrary to Policies BE15 and BE16 of the adopted Unitary Development Plan, Policy CS74 of the adopted Sheffield Development Framework Core Strategy and Policy G5 of the Sheffield Development Framework Draft City Policies and Sites.

Attention is drawn to the following directives:

1. The Director of Development Services or the 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 fence. The Local Planning Authority will be writing separately on this matter.
2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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INTRODUCTION

This application is to regularise the unauthorised erection of a boundary fence and has been submitted following the Enforcement Team's involvement.

LOCATION AND PROPOSAL

No.161 Psalter Lane is a c1960s detached dwellinghouse at the junction of Psalter Lane with Brincliffe Gardens. It is one of three similar properties (Nos157-161). The boundaries to these dwellings are set back immediately behind an approximately 3 metres wide grassed verge. Nos 157 and 161 have approximately 1500mm screen fences to the front boundaries. The fence at No157 also extends forward to the side of the verge which adjoins the front garden area of No155. No155 is a much larger and older property which is well screened by mature boundary planting behind low on edge paving stones to the wide front boundary. There is no verge in front of 155 and the boundary directly abuts the footway.

The application is to regularise the unauthorised erection of an 1800mm high front boundary fence. The fence consists of untreated solid timber boarding with a 300mm trellis on top. There are 11 panels and an integrated pedestrian gate. The fence covers the entire length of the site frontage in Psalter Lane and wraps around the site into Brincliffe Gardens to meet the double width driveway access to the property. The fence directly abuts the footway in Brincliffe Gardens beyond which is a narrower grassed verge with two highway trees. Young climbing plants have been provided to the central section of the fence in Psalter Lane.

On the opposite side of the driveway to the dwelling (in Brincliffe Gardens) is an approximately 1500mm high dark stained vertically boarded fence. This fence is also unauthorised but is 'lawful' as it has been in place for more than 4 years. Behind the fence is a row of tall mature conifers. The fence/conifers screen the side boundary of the private rear garden to the dwelling.

Boundary treatments to dwellings in Brincliffe Gardens are mixed but are generally variations on natural stone walls and hedge treatments. At the opposite end of Brincliffe Gardens the large corner property at 115 Osborne Road has a stained vertically boarded approximately 1500mm high fence on top of a low plinth to the majority of the Brincliffe Gardens boundary and an approximately 800mm high matching fence on top of a similar height natural stone wall to the remainder of the boundary.

The former Hallam University 'Bluecoats' site lies on the opposite side of Brincliffe Gardens with 1200mm high black railings to the boundary. Boundary treatments on the opposite side of Psalter Lane are generally uniform approximately 1m high natural stone walls with triangular coping stones and traditional stone gate pillars.

RELEVANT PLANNING HISTORY

Planning permission for a two storey extension including a covered car standing was granted in 1979 (ref 79/00312/FUL). A kitchen extension was granted planning permission in 1991 (ref 91/02162/FUL).

There is no record of any planning permissions for the boundary fences at Nos157 and 159 Psalter Lane or at No115 Osborne Road referred to previously. These boundary treatments are unauthorised. However, the fences at Nos159 and 115 have been in place for more than 4 years and are therefore 'lawful'. The fence at No157 replaces an older fence and decorative solid screen panels. This fence is a recent addition and is not 'lawful'.

SUMMARY OF REPRESENTATIONS

None received.

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). It is also within the Nether Edge Conservation Area. There are no changes to these policy areas in the Sheffield Development Framework (SDF) Draft Proposals Map.

The most relevant UDP and SDF Core Strategy Policies are:

- BE15 (Areas and Buildings of Special Architectural or Historic Interest)
- BE16 (Development in Conservation Areas)
- H14 (Conditions on Development in Housing Areas)

CS74 (Design Principles)

Policy G5 (Development and Area Character) in the SDF Draft City Policies and Sites document is also relevant. Although the document has not yet been adopted, there are no objections to Policy G5 that would affect consideration of this particular proposal. Therefore significant weight can be given to the policy, albeit less than the adopted policies.

The adopted Nether Edge Conservation Area Appraisal is also relevant.

Conservation and Design

Policies BE15 and BE16 require new development to preserve or enhance the character or appearance of Conservation Areas. Policies CS74 and G5 require high quality development that would enhance the distinctive features and historic character of the surroundings in general. The National Planning Policy Framework (NPPF) (para.132) states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.” NPPF (para.137) states “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.”

The Nether Edge Conservation Area Appraisal notes (para.9) that “stone walls are a very significant feature within the area and are largely continuous”. It goes on to note that most are well constructed in rough sandstone or gritstone and that many are topped by native hedges. This is evident on the opposite side of Psalter Lane and outside the former Hallam University site on the same side as the application site, beyond the Brincliffe Gardens junction. By contrast, the section of Psalter Lane between Brincliffe Gardens and Osborne Road consists of generally poor quality fencing and slab treatments, together with extensive mature trees and vegetation which covers a small embankment.

The application site is particularly prominent in views travelling east along the upper section of Psalter Lane which is a busy classified route through the Nether Edge Conservation Area (C419). Prior to the erection of the unauthorised fence, the boundary had been defined by an approximately 600mm–700mm high wall with tree, hedge and shrub planting behind. The treatment was in character with the area as defined in the Appraisal document. The unauthorised fence is out of character with the Nether Edge Conservation Area and detracts from the quality of the wider street scene. Although some planting has been provided in an attempt to screen the fence, this will not enhance the character of the Nether Edge Conservation Area. The unauthorised boundary fence treatments at Nos157 and 159 do not set a precedent for unsympathetic development.

Overall, the new boundary fence treatment fails to preserve or enhance the character or appearance of the Nether Edge Conservation Area and is therefore contrary to Policies BE15, BE16, CS74 and G5.

Residential Amenity

It is acknowledged that the fence provides privacy for the occupiers of No161. However, there is no entitlement to privacy in the front garden area and windows in the front elevation of the dwelling are adequately separated from the highway. Adequate privacy for external amenity is available in the larger than average rear garden area. Notwithstanding these factors, a stone wall of comparable height to the fencing could be provided without harm to the Area character.

The fencing does not have any adverse impact on any other property and there is no conflict with relevant clauses to Policy H14.

Highway Safety

The fencing does not interfere with any visibility splays and there is no impact on highway safety.

ENFORCEMENT

It is requested that the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised boundary fencing and pedestrian gate.

SUMMARY AND RECOMMENDATION

The application is retrospective and relates to unauthorised 1800mm high boundary fencing with pedestrian gate to a dwelling on a prominent corner site within the Nether Edge Conservation Area.

The fencing replaces a former low boundary wall with planting behind which was in keeping with the general character of boundary treatments within the Conservation Area. The fencing is out of character and detracts from the street scene in Psalter Lane and the character of the Nether Edge Conservation Area, as defined in the adopted Nether Edge Conservation Area Appraisal. It is therefore contrary to policies BE15, BE16, CS74 and G5. Unauthorised fencing at Nos157 and 159 Psalter Lane does not set a precedent for poor quality boundary treatments.

It is recommended that planning permission is refused and that the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised boundary fencing and pedestrian gate.

Case Number	12/03177/FUL (Formerly PP-02219984)
Application Type	Full Planning Application
Proposal	Demolition of storage building and erection of two dwellinghouses including construction of temporary access road (As amended 23/11/12)
Location	Fern Glen Farm Hathersage Road Sheffield S17 3AB
Date Received	12/10/2012
Team	SOUTH
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

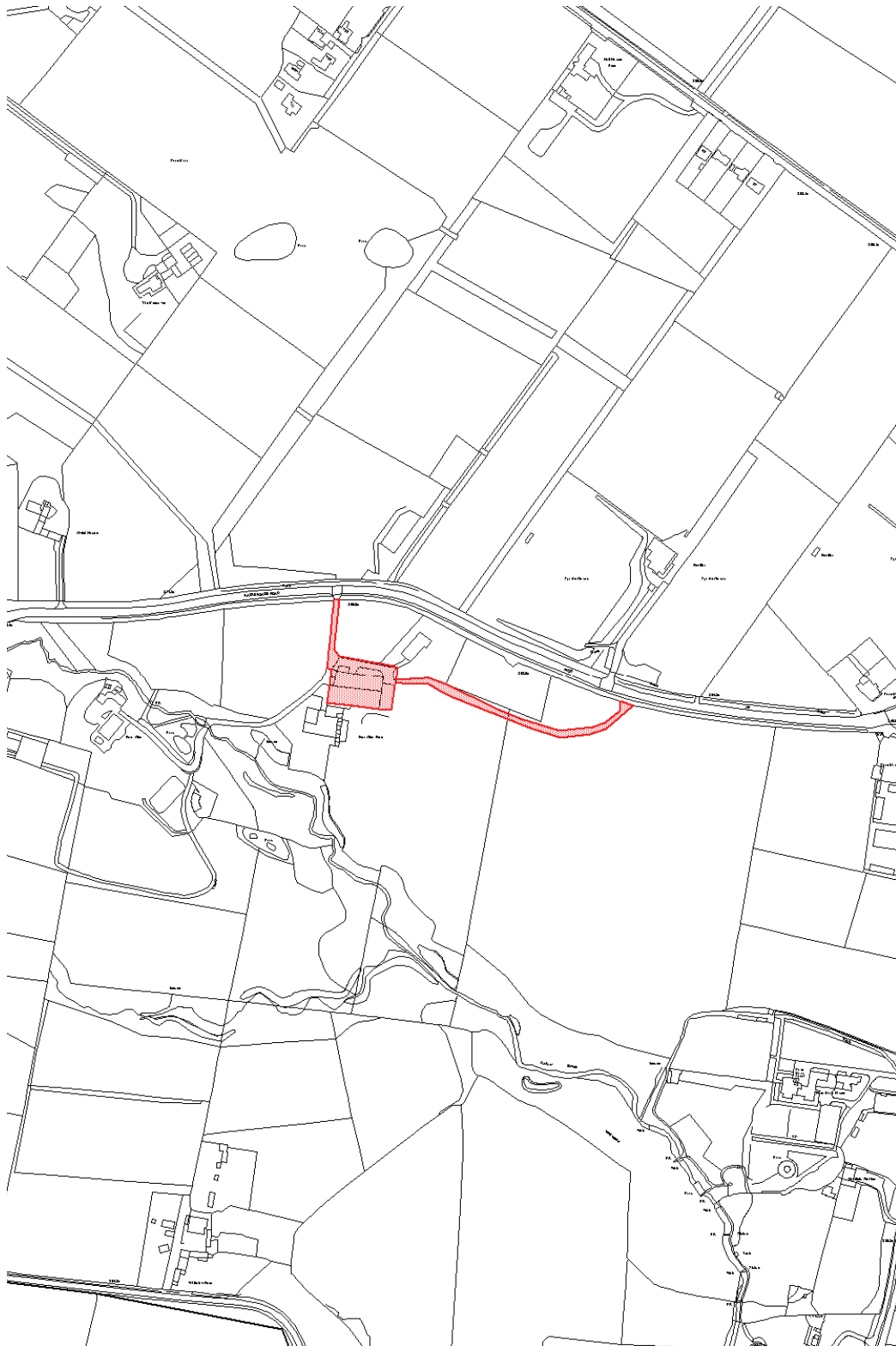
For the following reason(s):

- 1 The Local Planning Authority consider that the proposed development by reason of the scale, form, massing, siting and external layout of the two dwellinghouses is out of keeping with the farmstead character of the site and would be injurious to the visual amenities of the rural Green Belt and an Area of High Landscape Value. This would be contrary to Policies BE5(a), GE4 and GE8 of the adopted Unitary Development Plan and Policy CS74 of the Sheffield Development Framework Core Strategy.

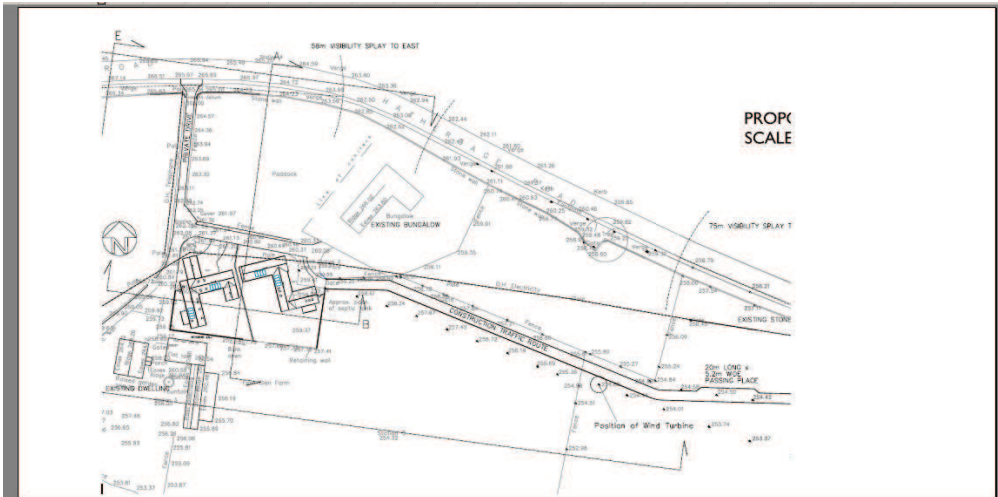
Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application relates to a larger former agricultural barn at Fern Glen Farm within the Green Belt. The site is less than 1km from the boundary with the Peak District National Park. Fern Glen Farm consists of a traditional stone farmhouse, stabling and various stores, together with the former barn and several fields. Access is taken from a shared driveway from Hathersage Road. The driveway is straight and approximately 60m long. It also serves Fern Glen Bungalow and Fern Glen House. Fern Glen Bungalow was built in the late 1970s for agricultural occupancy in connection with Fern Glen Farm. It is located close to the boundary with Hathersage Road and has a large garden with dense conifer hedge screening to

the north and west boundaries. Fern Glen House is an older and much larger property in a secluded wooded setting some 150m to the west of Fern Glen Farm.

The barn is set approximately 4.5m below the level of Hathersage Road and is approximately 45m x 31m with two modest lean-to stores. The overall footprint is 1375m². It has black painted corrugated walls, 3 pitched corrugated roofs and a blockwork plinth that varies in height to take account of the falling site levels. To the east side of the barn is a fenced hard surfaced external storage area. It is located between the bungalow and the farm house and is clearly visible from Hathersage Road. The driveway to the farm house runs directly past the west elevation of the barn. A further driveway runs past the north elevation to give access to the bungalow and to the adjoining field.

The application proposes the demolition of the barn and the erection of two large dwellinghouses. The dwellinghouses are two storeys high with additional accommodation at basement level and have a combined footprint of approximately 520m². They are individually designed and intended to appear as traditional rural buildings. A temporary access road for construction traffic is also proposed. The access road is proposed to cross the applicant's fields from Hathersage Road at a point approximately 270m east of the existing driveway. It will join the end of the driveway to the bungalow and will be approximately 220m long and 3.7m wide with a vehicle passing place. The construction access is required by the applicant to prevent disruption caused by contractors vehicles and plant using the existing driveway.

As a proposal for the erection of new dwellings in the Green Belt, the application represents a Departure from the provisions of the adopted Unitary Development Plan. The Departure has been advertised accordingly.

RELEVANT PLANNING HISTORY

Formal pre-application advice was given in respect of the development of this site (ref 12/01819/PREAPP). This is explained in the Assessment section below.

A Certificate of Lawful Use was granted for the use of the existing building for limited storage purposes in August 2011 (ref 11/01503/LU1). The building was originally erected for agricultural use. Evidence submitted with the application showed that the building had been used for various forms of non-agriculture storage for a period of at least 20 years. Insufficient evidence was provided to substantiate any lawful use as a builder's yard and the Certificate is therefore confined to the building only.

Fern Glen Bungalow was granted outline planning permission in 1977 (ref 77/5372P). The reserved matters were approved in 1978 (ref 78/3382P) and subsequently amended in 1980 (ref 80/1141P). The permissions were subject to the bungalow being occupied in connection with agriculture. An extension to the bungalow was granted planning permission in 1995 (ref 95/00098/FUL).

A Certificate of Lawful Use was granted for the use of Fern Glen Bungalow (formerly within the curtilage of Fern Glen Farm) as a dwelling with no restrictions on occupancy in 2003 (ref 03/03042/LU1).

Planning permissions were granted for works to the farm house in 1990 and 1991. These were stone cladding, a porch and conservatory (ref 90/02412/FUL) and two dormer windows (ref 91/00533/FUL).

Planning permission was granted for a 15m high wind turbine in 2007 (ref 06/00640/FUL). Re-siting of the turbine was granted in 2010 (08/02797/FUL). The permission has not yet been implemented and expires on 6 January 2013.

SUMMARY OF REPRESENTATIONS

Dore Village Society have objected to the proposals:

- inappropriate to build new dwellings in green belt with no 'very special circumstances' to justify development (refers to National Planning Policy Framework)
- green belt not subject to review in this location and current use is not an untenable anomaly where change would not undermine purpose or objectives of green belt (refers to Core Strategy Policy CS71)
- will not maintain openness, distinctive character and quality of the countryside and proposals are not infilling a substantially developed road frontage (refers to Draft City Policies and Sites Policy G6)

PLANNING ASSESSMENT

Policy

The site lies within the adopted Green Belt and an Area of High Landscape Value (AHLV) as defined in the Unitary Development Plan (UDP). The Green Belt designation is retained in the Sheffield Development Framework (SDF) Draft Proposals Map. There are no AHLV's in the Draft Proposals Map.

The most relevant UDP and SDF Core Strategy Policies are:

- BE5 (Building Design and Siting)
- GE1 (Development in the Green Belt)
- GE3 (New Building in the Green Belt)
- GE4 (Development and the Green Belt Environment)
- GE5 (Housing Development in the Green Belt)
- GE8 (Areas of High Landscape Value and the Peak National Park)
- H15 (Design of New Housing Developments)
- CS22 (Scale of the Requirement for New Housing)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)
- CS31 (Housing in the South West Area)
- CS63 (Responses to Climate Change)

CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS67 (Flood Risk Management)
CS74 (Design Principles)

Under the National Planning Policy Framework (NPPF) relevant policies in emerging plans may also be given weight, though the level of weight to be attached to the policies depends on the stage of preparation, the extent to which there are unresolved objections to the relevant policies and consistency of the relevant policies to the NPPF.

The SDF Draft City Policies and Sites document Policies G6 (Countryside Character) and G10 (Design Quality) are relevant to this proposal. However, several formal objections to elements of these policies have been received through the consultation process. These objections are not yet resolved and could have implications for the proposed development. Therefore only limited weight should be given to Policies G6 and G10 relative to these proposals at this stage of the adoption process.

Principle of Proposed Development

The NPPF sets out the purpose of Green Belts as being:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

UDP Policy GE1 remains broadly consistent with the NPPF policy.

Unless required to support agriculture or other acceptable uses, the erection of new dwellings in the Green Belt is contrary to Policies GE3 (New Building in the Green Belt) and GE5 (Housing Development in the Green Belt) of the UDP. It is also contrary to Policy G6 (Countryside Character) of the SDF Draft City Policies and Sites document.

Non-compliance with Policies GE3 and GE5 would previously have been sufficient to justify refusal of the application without any further consideration. However, the NPPF takes precedence over the earlier UDP policies and must be given significant weight. The NPPF reiterates previous national planning guidance in stating that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” It goes on to state that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

The final exception listed above is relevant to this proposal.

The existing storage building was originally built for agricultural purposes and was therefore consistent with all relevant green belt policies. The replacement of the agricultural building with new dwellings would be ‘inappropriate development.’ However, due to the unauthorised and undetected use of the building over some 20 years or so, the building now has a lawful use for specified commercial storage purposes (ref 11/01503/LU1). The lawful use has effectively taken the building out of agricultural use and consequently into the definition of ‘previously developed sites’.

It is doubtful that the Government intended the NPPF to permit the replacement of former agricultural buildings with otherwise ‘inappropriate’ buildings. However, the wording of the NPPF provides a technical loop-hole that potentially allows such development that would not previously have been permitted. It should be noted that the Glossary to the NPPF defines ‘previously developed land’ and the definition “...excludes land that is or has been occupied by agricultural or forestry buildings;...”. It may be possible to argue that the site is not ‘previously developed’ due to the fact that it has been occupied by agricultural buildings in the past. However, it is more likely that the definition is intended to relate to the current use of the site or the last use, if vacant.

Given the policy position in the NPPF there is a case, in principle, for the replacement of the existing building with a different form of development. The development is contrary to Policies GE3 and GE5 but the NPPF is up to date and must be given substantially more weight.

Housing Supply and Density

The proposals will make a small contribution to alleviating the current acknowledged shortfall in the 5 year requirement of deliverable housing sites as required by Policy CS22. The development would also make a small contribution to economic growth through investment in the construction of the dwellings. The addition of two dwellings to the overall quantum of need would be very small and the dwellings would be outside the preferred urban locations as specified in Policy CS23. However, the technically brownfield location is consistent with Policy CS24 which gives priority to previously developed sites for new housing development.

The density equates to approximately 10 units per hectare. This is well below the 30–40 dwellings per hectare required to make efficient use of land as specified in Policy CS26. However, the few dwellings in this part of the Green Belt (namely Fern Glen Farm, Fern Glen Bungalow and Fern Glen House) represent a very low density (less than 1.5 units per hectare). To develop at a greater density than proposed would be even more out of keeping with the rural environment in this location and would be contrary to Policy CS31 which seeks to safeguard and enhance the character of the south-west area of the City.

Design

UDP Policy GE4 requires the scale and character of any development in the green belt to be in keeping with the area and, wherever possible, to conserve and enhance the landscape and natural environment. Policy GE8 requires development to protect, and wherever appropriate, enhance, the appearance and character of the Area of High Landscape Value and Peak National Park. Core Strategy Policy CS74 requires high quality development that would respect and enhance the distinctive features and heritage of the City including the buildings and settlement forms associated with the City's rural setting. UDP Policy BE5 requires new buildings to be co-ordinated and to complement the scale, form and architectural style of surrounding buildings.

Pre-application advice was provided in respect of this site. Having acknowledged the loop-hole regarding this type of development in the NPPF, it was suggested that new development should be designed to give the impression of a single converted stone barn or range of buildings with a tightly drawn curtilage and served by the existing shared driveway.

The submitted Design and Access Statement shows that the proposals have considered a number of farmstead developments in the Dore area and in the Green Belt at Norton. The proposals include various features taken from the individual designs of these developments. The proposed dwellings also include a number of additional features including attached garages and accommodation at lower ground floor level with associated light wells. The result is two relatively complex individual buildings with irregular footprints and an array of different opening treatments and roof pitches. This is at odds with the simple form of traditional farm buildings within the area which almost exclusively comprise a single building, or range of attached buildings, in 'L' or 'U' shaped form with regular roof pitches and gable ends.

The site is in a very open and prominent location when viewed from Hathersage Road. The two attached double garages will be clearly visible and their built form and function will be at odds with the traditional farm buildings that the development is attempting to portray. The expanse of driveways in front of the garages adds to the domestic appearance of the development and the overall impression of suburbanisation. The two buildings will be close together but clearly separated which, again, is contrary to the character of local farmstead development.

The siting and orientation of the dwellings is such that the buildings have very little relationship with the original farm house. The majority of traditional barns are

either attached to the farm house or are grouped around the farmyard immediately adjacent the farm house. The proposed private garden areas and their boundary treatments create a sense of enclosure that, again, would be out of character with a traditional farmstead development.

The overall impression of the development will be more akin to a small village hamlet than a former farm complex. By contrast, the existing storage building does relate to the farm layout and gives the appearance of an agricultural unit. Whilst large and prominent, the storage building is of agricultural character and the overall appearance is more convincing in terms of defining the character of this part of the rural environment.

Positive points are the natural stone and slate construction and timber opening treatments (amended from upvc windows). The significant reduction in built form comparative to the existing building is given little weight given the agricultural character of the existing building which was not an 'inappropriate' form of development when in agricultural use. Regardless of this, the enclosed private rear garden areas, which will inevitably be laid to lawn/borders, will increase the impression of suburban/village hamlet development.

Overall, the buildings do not adequately respond to the farmstead character of the site or the scale and form of traditional rural farm buildings. The proposals fail to complement surrounding buildings and settlement forms and fail to preserve or enhance the character and appearance of the Green Belt and Area of High Landscape Value. The proposals are therefore contrary to Policies BE5(a), GE4, GE8 and CS74.

Sustainability

The site is not in a particularly sustainable location being outside the urban area and almost 1.5km from the nearest shops (Dore Local Centre). The existing driveway to the site is unlit and this section of Hathersage Road is also unlit. It can therefore be reasonably concluded that occupiers of the dwellings would be most likely to be reliant on the use of a car for most activities.

It is acknowledged that there is scope for the dwellings to be constructed using sustainable techniques and a high degree of energy efficiency could be achieved. Surface water run off would also be significantly reduced as a consequence of the smaller built footprint.

In view of the above, the proposals are capable of complying with Policies CS63, CS64 and CS67.

Residential Amenity

The proposals would undoubtedly provide a high level of residential amenity for the occupiers and there would be no adverse impact on the adjoining properties at the Bungalow and the Farm. The proposals therefore comply with Policy H15.

Highway Issues

The existing driveway currently serves 3 properties. It is hard surfaced and approximately 4m wide with good visibility. The drive widens considerably between the spur to the Bungalow and the spur to the Farm. It is suitable to serve the two additional properties and there is ample scope for widening over the initial approx 50m if required. At least 4 parking spaces will be provided to serve each dwelling.

Despite the suitability of the existing driveway, the applicant has included proposals for a separate construction access route in the application. This is said to be required in order to minimise disruption to the 3 existing dwellings during construction. The route is proposed to be constructed in crushed limestone with a width of 3.7m (amended from 5.5m) and a passing place. The access route is taken from an existing redundant vehicular crossing approximately 15m east of the access to the Sheffield Tigers rugby club on the opposite side of Hathersage Road. Behind the vehicular crossing is a footway and a wide natural verge. At the back of the verge is a dry stone wall which includes infilling of a former gateway. The proposal is to access the site through the former (walled) gateway. Minor widening of the original opening will be required. The route will cross two fields and will skirt around the edge of the southern boundary to the Bungalow. Stock fencing is proposed to the sides of the construction route to maintain enclosure to the fields which are currently used for grazing sheep. No grading works are proposed.

It is difficult to appreciate the need for the construction access given that the existing driveway is some 40-50m from the Bungalow and the Farm and some 180m from Fern Glen House. The existing driveway is a less circuitous route and fully hard surfaced. Nevertheless, the construction of a temporary means of access is difficult to resist. A condition requiring removal of the access and reinstatement of the land to grass is imperative if planning permission is granted. The agent has been made aware that any subsequent proposal to retain the access is not expected to be viewed favourably due to its impact on the green belt and AHLV.

Overall, the proposals are acceptable in terms of car parking provision and highway safety.

SUMMARY AND RECOMMENDATION

The application is to replace a large former agricultural barn complex with two large dwellinghouses in the Green Belt and an Area of High Landscape Value. The barn has been used for limited commercial storage purposes over the last 20 years or so and now has a 'lawful' use which effectively gives the site 'brownfield' (previously developed) status.

New dwellings are not normally permitted in green belt locations but the Government's NPPF permits the redevelopment of previously developed sites. Had the barn remained in agricultural use, the site would be regarded as 'greenfield' and not eligible for redevelopment.

The principle of some form of redevelopment is therefore acceptable in accordance with policy in the NPPF. The proposed development remains contrary to green belt policies in the UDP but the NPPF must take precedent.

Notwithstanding this, the siting and design of the buildings and the external layouts do not adequately respond to the traditional farmstead character of the site or the scale and form of traditional rural farm buildings. The proposals fail to complement surrounding buildings and settlement forms and fail to preserve or enhance the character and appearance of the Green Belt and Area of High Landscape Value. The proposals are therefore contrary to UDP Policies BE5(a), GE4 and GE8 and Core Strategy Policy CS74.

It is recommended that planning permission is refused.

Case Number	12/02874/LBC (Formerly PP-02176802)
Application Type	Listed Building Consent Application
Proposal	Demolition of the Edwardian Extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building to provide up to 19,725 sqm of educational floorspace, plus landscaping and servicing
Location	Site Of Jessops Hospital For Women Leavy Greave Road Sheffield
Date Received	17/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Montagu Evans
Recommendation	Grant Conditionally Subject to S of S

Subject to:

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

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

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

9192-Z(PL)-300; 9192-Z(PL)-301; 9192-Z(PL)-302; 9192-Z(PL)-303; 9192-Z(PL)-001; 9192-Z(PL)-090; 9192-Z(PL)-110; 9192-Z(PL)-120; 9192-Z(PL)-130; 9192-Z(PL)-140; 9192-Z(PL)-150; and 9192-Z(PL)-160 all received on 17/9/2012
and 9192-Z(PL)-100; 9192-Z(PL)-400; 9192-Z(PL)-401; 9192-Z(PL)-402; 9192-Z(PL)-403; and 9192-Z(PL)-404 all received on 13/11/2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has

been made and planning permission has been granted for the redevelopment for which the contract provides.

To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character 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. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

CF7 - Development in Institution: Education Areas

CF8 - Conditions on Development in Institution Areas

BE5 - Building Design and Siting

BE15 - Areas and Buildings of Special Architectural and Historic Interest

BE19 - Development affecting Listed Buildings

CS20 - The Universities

CS61 - Pedestrian Environment in the City Centre

CS63 - Responses to Climate Change

CS64 - Climate Change, Resources and Sustainable Design of Developments

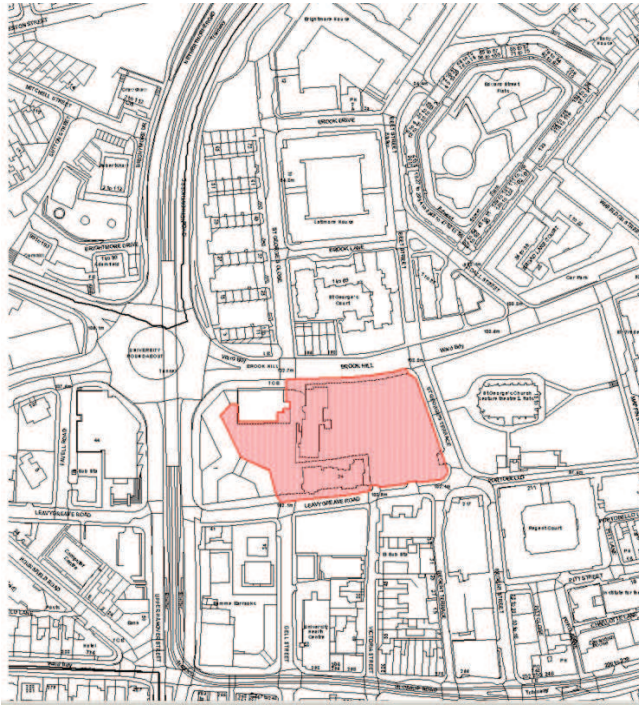
CS65 - Renewable Energy and Carbon Reduction

CS74 - Design Principles

In view of the Faculty of Engineering's position as a world leader and their ambitions to be the very best, the inadequacy of their existing accommodation and the need to make swift improvements in order to benefit from the current opportunities for growth. And in light of the importance of the advanced manufacturing and sustainable technology sectors to the economic transformation of Sheffield, it is considered that the New Engineering Building's role in supporting the growth of the Faculty of Engineering, which will support advanced manufacturing and knowledge-based industries in the local area and promote growth in the local economy, outweighs the substantial harm caused as a result of the demolition of the Edwardian wing and the impact of the demolition and erection of the NEB on the setting of the Victorian wing.

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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For Report please see application 12/02873/FUL

Case Number	12/02873/FUL (Formerly PP-02176802)
Application Type	Full Planning Application
Proposal	Demolition of the Edwardian extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building to provide up to 19,725 sqm of educational floorspace, plus landscaping and servicing
Location	Site Of Jessops Hospital For Women Leavy Greave Road Sheffield
Date Received	17/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Montagu Evans
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:

9192-Z(PL)-300; 9192-Z(PL)-301; 9192-Z(PL)-302; 9192-Z(PL)-303; 9192-Z(PL)-001; 9192-Z(PL)-090; 9192-Z(PL)-110; 9192-Z(PL)-120; 9192-Z(PL)-130; 9192-Z(PL)-140; 9192-Z(PL)-150; and 9192-Z(PL)-160 all received on 17/9/2012

and 9192-Z(PL)-100; 9192-Z(PL)-400; 9192-Z(PL)-401; 9192-Z(PL)-402; 9192-Z(PL)-403; and 9192-Z(PL)-404 all received on 13/11/2012

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
- a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

Upper Hanover Street (investigation and implementation of improved pedestrian crossing facilities).

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

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

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

- 5 No development shall commence until details of the means of ingress, egress and routeing of vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 6 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

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

In the interests of the safety of road users.

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

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

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

In order to ensure an appropriate quality of development.

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

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 12 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy as detailed in the ARUP Technical Note (ref. 215633-00; 23rd May 2012). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

- 13 In the event that the plans for the development should be revised to include any areas of soft landscaping, the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted prior to the instatement of any such landscaping. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

- 14 Prior to development commencing, the finalised gas protection measures (in line with the Gas Screening Value CS2) shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures will then become part of the approved Remediation Strategy.

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

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

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

- 16 Dust monitoring shall be undertaken at the site boundary proceed in accordance with the recommendations of the approved Remediation Strategy as detailed in the ARUP Technical Note (ref. 215633-00; 23rd May 2012), in order to prevent asbestos fibre dispersion. In the event of such monitoring indicating any adverse emissions beyond the site boundary, immediate actions shall be taken to minimise any further dispersion, and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately.

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

- 17 All externally mounted plant or equipment for heating, cooling or ventilation purposes, any grilles, ducts or vents for similar internal equipment, and any associated sound attenuation works shall be designed to achieve the Plant Noise Criteria detailed in the ARUP Environmental Noise Survey (Ref: 219654-JXC; 12th Sept 2012).

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

- 18 Before the use of the development is commenced, a Validation Report of all externally mounted plant or equipment for heating, cooling or ventilation purposes, any grilles, ducts or vents for similar internal equipment, and any associated sound attenuation works shall have been submitted to and approved by the Local Planning Authority. The Validation Report shall demonstrate that the specified Plant Noise Criteria have been achieved. In the event that the specified noise criteria have not been achieved then, notwithstanding any sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise criteria and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

- 19 Prior to the installation of any fume extraction equipment, details identifying any potential for odour nuisance, risk to human health or significant environmental impact shall first be submitted to the Local Planning Authority. Proposals for any abatement plant or design criteria intended to mitigate such risks shall first be submitted to and approved in writing by the Local Planning Authority. Prior to use commencing the approved mitigation measures shall be implemented in full and thereafter retained.

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

- 20 Construction and demolition works that are audible beyond the development site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays unless otherwise authorised in advance by the local planning authority.

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

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

In order to mitigate against the risk of flooding.

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

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

CF7 - Development in Institution: Education Areas
CF8 - Conditions on Development in Institution Areas
BE5 - Building Design and Siting
BE15 - Areas and Buildings of Special Architectural and Historic Interest
BE19 - Development affecting Listed Buildings
CS20 - The Universities
CS61- Pedestrian Environment in the City Centre
CS63 - Responses to Climate Change
CS64 - Climate Change, Resources and Sustainable Design of Developments
CS65 - Renewable Energy and Carbon Reduction
CS74 - Design Principles

In view of the Faculty of Engineering's position as a world leader and their ambitions to be the very best, the inadequacy of their existing accommodation and the need to make swift improvements in order to benefit from the current opportunities for growth. And in light of the importance of the advanced manufacturing and sustainable technology sectors to the economic transformation of Sheffield, it is considered that the New Engineering Building's role in supporting the growth of the Faculty of Engineering, which will support advanced manufacturing and knowledge-based industries in the local area and promote growth in the local economy, outweighs the substantial harm caused as a result of the demolition of the Edwardian wing and the impact of the demolition and erection of the NEB on the setting of the Victorian wing.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the

application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please

refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. Design considerations should include due consideration of current regulations and codes of practice regarding appropriate internal noise environments for the uses hereby permitted. In particular, reference should be made to Building Bulletin 93 in relation to appropriate noise levels in teaching and study spaces, and to BS8233 in relation to ambient indoor noise levels in spaces including offices and lecture theatres.
6. The lighting scheme for the development hereby permitted shall be designed in accordance with the recommendations of the Institution of Lighting Engineers' "Guidance Notes for the Reduction of Obtrusive Light" (ILE; 2005).

LOCATION AND PROPOSALS

The Application Site

The application site is bound by Brook Hill, St George's Terrace and Leavygreave Road. It comprises of the grade II listed Edwardian Wing of the former Jessop Hospital for Women, plus the cleared site to the east, which was formerly occupied by the 1940s St Georges Wing of the Hospital.

The hospital's earliest building, the grade II listed Victorian Wing, sits perpendicular to the Edwardian Wing fronting Leavygreave Road. It was restored in 2007/8 and is now occupied by the University's Department of Music. A new faculty building known as Jessop West, and a laboratory and office block called the Bio-Incubator Unit, have been built at the western end of the Hospital site adjacent Brook Hill roundabout.

On the south side of Leavygreave Road is a University owned surface level car park and the ICOSS building, an inter-departmental research facility dedicated to postgraduate research across the social sciences.

To the east of the application site is the grade II listed Church of St George. The stone built church (1821-25), now a lecture theatre and student accommodation, was built in the gothic revival style popular, throughout the nineteenth century, for ecclesiastical and university buildings. The boundary wall and gate piers to the Church of St George are also grade II listed structures. Beyond the church, on the eastern side of Mappin Street, is the University's Sir Frederick Mappin Building, a grade II listed building occupied by the Faculty of Engineering. The three to four storey red brick built Mappin Building, which has ashlar dressings and a slate roof, was built in three phases between 1902 and 1913 by Flockton and Gibbs in a Baroque Revival Style.

On the northern side of Brook Hill is a three storey brick built terrace with active uses at ground floor level and living accommodation over, plus a two to three storey brick built sheltered housing complex known as St George's Court.

Planning permission and listed building consent are being sought for the demolition of the Edwardian Wing of the former Jessop Hospital for Women and the construction of a five storey plus basement building to provide 19,725 square metres of educational floor space for the University of Sheffield's Faculty of Engineering.

The Jessop Hospital for Women

The Jessop Hospital for Women is considered to be the most prominent work of notable regional architect, John Dodsley Webster who was born in Sheffield in 1840. Known largely for his private homes and many church buildings until winning the commission for the Jessop Hospital in 1875, Webster went on to design a number of other medical buildings, including the Outpatient's Department of the General Royal Infirmary in Sheffield (1884), a Medical School on Leopold

Street (1888), the Children's Hospital on Western Bank (1896) and an Isolation Hospital in Swallownest (1904).

The Jessop Hospital for Women was initially housed in an 18th century building which still stands on Fig Tree Lane. In 1874, the hospital were gifted a building on the current site by local steelmaker Thomas Jessop, who held many important civic posts including Master Cutler (1863) and Mayor (1863-64). A competition was held to build a new hospital and the contract was awarded to JD Webster.

Webster's design was influenced by the 'pavilion' plan – the hospital design advocated by Florence Nightingale in the mid nineteenth century designed to achieve maximum segregation and ventilation in order to limit the spread of infection – though he adapted the conventional pavilion form in favour of a 'corridor' plan, possibly because the primary function of the hospital was dealing with women's health issues, including maternity care, rather than accommodating patients with fevers and other diseases. When it was opened in July 1878, the Jessop Hospital became one of the first purpose built women's' hospitals in the country, combining the distinct specialist roles of a maternity hospital with that of a hospital for the diseases of women.

By 1898 the existing hospital facilities were no longer adequate. The following year the hospital acquired the neighbouring site, facing Brook Hill, and Webster was asked to prepare plans for an extension. The Edwardian Wing of the Jessop Hospital was completed in 1902.

An historical report commissioned by the University of Sheffield reveals that the Edwardian Wing is in fact two buildings, with separate ground floor entrances, a maternity ward block at the northern end and a new outpatients and dispensary at the southern end adjacent the Victorian Wing. It was built in this way to minimise the spread of infection and, it being a constrained site, it made sense to create one continuous elevation. The distinct buildings also account for some of the other peculiarities of the Edwardian Wing such as the differences in internal levels and misaligned corridors, which were joined together at a later date.

The University of Sheffield acquired the hospital site in 2001 following the opening of the new Jessop Wing adjacent to the Hallamshire Hospital.

The University of Sheffield's Faculty of Engineering

In the academic year 2011/2012 the University of Sheffield's Faculty of Engineering comprised of 752 members of staff and 3,726 students. In terms of student numbers, it ranked third in the UK behind Imperial College and Manchester. Its growth plans could see it become the largest engineering faculty in the country.

The Faculty already has a strong reputation for applying its academic excellence to practical manufacturing problems, achieving a very high Manufacturing Readiness level (MRL), the index which calibrates the transfer of academic knowledge to practical application. Their Advanced Manufacturing Research Centre (AMRC) at

Catcliffe, in collaboration with Boeing, specialises in advanced machining and materials research for aerospace and other high-value manufacturing sectors.

In terms of research, the Faculty is ranked third in the UK by volume and is world leading according to independent assessments by the Higher Education Funding Council for England (HEFCE). In 2010/2011 its research income was £39.3 million.

The Faculty's vision is to be the best engineering faculty in the UK and among the best in the world. To do this, the Faculty believes it must double in size by the academic year 2025/26.

The Faculty of Engineering has already grown by 38% in the last four years (29% in terms of income). Given its reputation, and with some of the constraints relating to university growth having been loosened (the University of Sheffield is now able to take a bigger proportion of students with the highest grades), continued growth seems likely, despite increasing competition and the introduction of higher fees.

In a review of their accommodation, the University identified a need for a further 40,000 square metres of teaching, research and staff space by 2025 in order to facilitate its expansion plans and the first phase of their strategy is currently under construction following the granting of planning permission for a seven storey building at the junction of Broad Lane and Newcastle Street to provide over 5000 square metres of accommodation for undergraduate teaching, post graduate and inter-disciplinary research (application 11/02653/FUL refers).

The University also identified a need to upgrade much of the Faculty's existing accommodation, a high percentage of which is in a poor condition. An application for the refurbishment of part of the grade II listed Mappin Building (12/02924/LBC refers) has recently been approved, and an application for alterations to the Sir Robert Hadfield Building (12/02919/FUL refers) is currently being considered with further applications expected in the near future.

This application comprises the next phase of the Faculty's expansion strategy, a purpose built specialist teaching facility.

Site Selection

It is the intention of the Faculty to concentrate academic research in the Sir Frederick Mappin Building, as the internal spaces suit their research laboratory requirements but can not be easily adapted for the kind of inter-disciplinary teaching facilities the Faculty also needs, such as large lecture theatres. Understandably, the Faculty's two main functions – research and teaching – also need to be close enough to integrate efficiently. This limits the number of suitable sites for their new teaching accommodation, the New Engineering Building (NEB).

The Statement of Need identifies the sites considered by the University and explains why they were discounted. Some, such as the University owned site at the junction of Glossop Road and Clarkson Street (known as the Durham Road car park), are too distant from the Engineering Faculty and/or are committed to other

uses. In the case of Durham Road, it is remote from the Faculty and an application is expected in the near future for the erection of a multi-storey car park.

Of those sites in close proximity to the Engineering Faculty, the 1300 square metre car park and compound on Leavygreave Road, to the south of the Victorian Wing of the Jessop Hospital, was considered to be too small to be useful and is also committed for development of the Faculty of Arts and Humanities.

To the immediate east of the Mappin complex, located between Newcastle Street and Rockingham Street, is a currently vacant plot often referred to as the Grunweg site. Planning permission was recently granted at the southern end of this site for a seven storey development of offices and student accommodation, though the consent has not yet been implemented (11/03919/FUL refers). The 3,900 square metre site was discounted by the University as it is in mixed ownership and not available within the necessary time frame – in order for the University's growth predictions to work, they have planned for the NEB to be available for the 2016/17 academic year. They also claim it is not of sufficient size to provide the facilities required by the Engineering Faculty and that teaching accommodation would then have to be split between it and the Jessop site, reducing the operational, financial and practical efficiencies which, they say, are integral to meeting the University's identified needs.

North east of the Faculty, between Broad Lane and Garden Street, is a vacant plot with consent for 5433 square metres of office/teaching space, 3575 square metres of residential accommodation and associated car parking (08/05439/FUL refers). However, it is understood that the current owners of this site intend to develop it in the near future.

The Mappin courtyard, the space at the centre of the Mappin complex, was identified in a Development Framework produced by Bond Bryan Architects in 2010, as a potential expansion site. The University state that the fact that the courtyard is occupied by buildings at basement level, which extend across the whole courtyard, rules out its use for the NEB. Supplementary information submitted with the planning application also refers to the creation, in the future, of an 'Engineering Heartspace' in this location. But this is known to be going between the listed Mappin building and its immediate neighbour, known as the Central Wing, and will not occupy any part of the courtyard.

On the basis of the above, the University concluded that the Jessop East site was the only site that could accommodate the University's growth requirements. This issue will be considered further later on in this report.

The Brief

The project brief, the University's vision for the NEB as defined in their planning application, is:

- to create a new city landmark which reinforces both the University's and the Faculty's identity;

- to optimise development potential;
- to build a flexible, adaptable, sustainable and efficiently designed building; and
- to deliver an innovative and inspiring learning, teaching and research environment.

The Faculty's specific space requirements evolved significantly during pre-application discussions. However, they were informed by a number of academic and practical considerations:

- Engineering students have very high contact hours, typically 35 hours a week (Monday to Friday).
- As a result of the high contact hours, students need to move quickly and efficiently between venues. The venues, therefore, need to be close together.
- The optimal educational grouping, the number that can be taught or invigilated most efficiently, is 80 students.
- The Faculty, indeed the University, does not have the large lecture theatres that will be required to meet its growth requirements.
- The intensity of movement during turnover time means that intensively used spaces, such as the large lecture theatres and teaching labs, are better positioned on lower levels.

In response to the brief and Faculty's requirements, three options were developed:

- Option 1, a new building located at the eastern end of the cleared Jessop site, and the retention and refurbishment of the Edwardian wing.
- Option 2, a new building which integrates with the Edwardian wing by retaining its façade and roof.
- Option 3, the demolition of the Edwardian wing and erection of a stand alone new building.

Given its footprint, there are clearly limits to the size and type of accommodation that can be located within the Edwardian wing. Where required functions could be accommodated - for example staff offices, administration, a cafe and exhibition space - the desired adjacencies (the placing of functions side by side to maximise staff and timetabling efficiency) were considered to have been compromised. The building's floor to floor heights and window openings do not suit those spaces with high mechanical servicing requirements and retention of the Edwardian wing clearly limits the site available for new-build. The architects' studies indicated that, in order to achieve a gross floor area of 19,500 square metres, a ten storey building would be required. This was considered to be unsuitable, both in terms of

the character of the area and the functional complexities of moving high numbers of students vertically within a tall building. Reducing the height of the building to suit the context and functional restraints resulted in a significant loss of floor area, and so Option 1 was discounted by the applicant.

The applicant's design team concluded that, based on condition and character, the north, west and southern facades of the Edwardian wing warranted retention, along with the roofscape. To suit the new building's servicing requirements new floors would be needed, but it was felt that these would then clash with the fenestration of the Edwardian wing or result in a stepped floor arrangement with ramps to comply with building regulations and the Disability Discrimination Act (DDA), significantly reducing the efficiency of the design. As the ground floor of the Edwardian wing is elevated approximately 700mm above the external floor area, a ramped access would also be required to what would become a main entrance to the new building from the west, involving a modern insertion into the western facade. Furthermore, the retention of the roofscape restricts the mass of the new build as well as the location of cores, which limits the occupancy of the upper levels.

The applicant admits that these complexities are not individually insurmountable, but they result in a gross internal floor area of 17,300 square metres, 2,200 square metres short of the University's brief requirements. They therefore discounted Option 2.

Option 3 involves the demolition of the Edwardian wing and the erection of a stand alone new building providing 19,725 square metres of floor space. This is the only proposal that optimises development potential and fulfils the University's brief. Thus Option 3 forms the basis of this planning application.

The Proposal

The proposed New Engineering Building comprises of a five storey building, plus a basement, providing almost 20,000 square metres of floor space and has a maximum occupancy of 5500 people.

It comprises of two wings either side of an east west 'inhabited' atrium. The basement and ground floors provide large cellular, staff led teaching spaces including lecture theatres, teaching rooms and breakout/informal study spaces. The north and south wings, from the first to the third floor, are occupied by specialist engineering teaching laboratories. The fourth floor provides a variety of student led study environments, while the atrium comprises, at first floor level, of a study hall, with a range of enclosed teaching and study pods for between 6 and 160 students at second, third and fourth floor levels. The roof is largely occupied by plant.

The main entrance to the building is in the south east corner, from Leavygreave Road. Secondary entrances are located on the east and west facades at either end of the atrium. Access for servicing, deliveries and refuse management is from the area between the NEB and the Victorian Wing of the Jessop Hospital.

The facade of the NEB makes reference to the 'Cellular Automaton', a model studied in many fields of engineering that when represented graphically produces a series of cells of various sizes. Using a diamond shape, such a pattern has been incorporated into the facade, which comprises of a light bronze coloured anodised aluminium non-structural framework in-filled with glass panels of varying opacity from clear glass to solid panels. The historic context is referenced in the depth and layering of the facade while the framework was also considered to reflect the stone tracery of the windows of the Church of St. George (the use of a stone framework was ruled out on weight and cost grounds).

The facade of the building is lifted, or the diamonds within it are maximised and infilled with clear glass, in locations it was considered desirable to highlight, such as the building entrances or where it was felt internal activities should be on display.

The proposals include the formation of a plaza, or spill-out space adjacent the building's main entrance from Leavygreave Road, as well as improvements to the external space between Jessop West and the hospital site, including additional seating and the relocation of the existing bin, cycle and gas bottle stores.

RELEVANT PLANNING HISTORY

- | | |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/02382/FUL &
06/02383/LBC | Consent was granted in November 2006 for the partial demolition of and extensions to the Victorian Wing to bring it into educational use with associated landscaping. |
| 06/02383/LBC &
06/02577/LBC | Also in November 2006, listed building consent was granted for the demolition of the St George's Wing, the 'T' shaped block to the Victorian Wing and other 20th Century infill buildings and additions to the former Jessop Hospital. |
| 06/02523/FUL | Planning permission was granted for the erection of a new faculty building for the Schools of English and Law and for the Department of History (Jessop West), again in November 2006. |
| 06/04879/FUL &
06/04881/LBC | In September 2007, planning permission and listed building consent were granted for the provision of an access ramp and steps to the Leavygreave Road entrance of the Victorian Wing. |
| 09/01836/FUL &
09/01837/LBC | In September 2009, planning permission and listed building consent were granted for partial demolition, alterations and a 3 storey extension to the Edwardian Wing to bring it into educational use with associated landscaping. |
| 09/01928/FUL | In August 2009, planning permission was granted for the use of the site of the former St George's Wing of the Jessop Hospital as a car park for a temporary period of 18 months. |
| 10/03299/FUL & | Planning permission and listed building consent were |

10/03385/LBC granted in November 2010 for repairs and minor alterations to the roof of the Edwardian Wing, including the removal of dormer windows in the west elevation and a dormer window and door in the east elevation.

SUMMARY OF REPRESENTATIONS

English Heritage

In their consultation response, English Heritage note that the Jessop Hospital is significant as an example of a purpose built maternity hospital reflecting advances in women's healthcare provision in the late 19th and early 20th century. That the earliest building, dating to 1878, has been restored and refurbished for university use, and the later Edwardian extension, that is the subject of this application, dates to 1902.

English Heritage (EH) advise that government policy relating to development affecting heritage assets is set out in the National Planning Policy Framework, which states that great weight should be given to the conservation of heritage assets, that any harm or loss requires clear and convincing justification and that substantial harm to a grade II building should be wholly exceptional. EH state that, in their view, the demolition of the Edwardian extension amounts to substantial harm to the significance of the listed hospital complex and, as such, the local authority should refuse consent unless it can be demonstrated that this substantial harm is necessary to achieve substantial public benefits that outweigh this harm (NPPF para 133).

EH agree that there are clearly public benefits to be gained from the continued development of the engineering offer at the university, but that these need to be carefully balanced against the substantial harm to the significance of the Jessop Hospital that would result from the total demolition of the Edwardian Wing of the Hospital.

EH recommend that, unless the authority is satisfied that the case set out by the applicants delivers substantial public benefits that outweigh the harm to the significance of the Jessop Hospital which would result from the demolition of the Edwardian wing, this application should be refused on the grounds of non compliance with the requirements of the National Planning Policy Framework.

The Victorian Society

The proposals were considered by the Northern Buildings Committee of the Victorian Society at their October meeting. The Committee strongly object to the demolition of the 1902 block of the former Jessop Hospital which, they say, now comprises of two gothic revival wings of notable distinction. Constructed in red brick with stone dressings, the Committee state that the design of the 1902 block sympathetically takes its material and stylistic lead from the earlier entrance block. The use of stone mullioned windows, a double string course between first and second floors, incised lintels and machicolated eaves are attractive and some of the common features of both wings. They consider that the 1902 block does not

slavishly imitate its neighbour; rather it adopts a similar idiom resulting in a harmonious and unified architectural ensemble. The Edwardian structure is a thoughtfully crafted and handsome building in its own right making a positive contribution to the character of the area. It is prominently located and the design and detailing of the north-west corner facing Broad Lane has, by its buttressed corner turret, clearly been attentively composed to provide interesting views from a variety of angles.

While the Committee consider that the demolition of the Edwardian block would be a great loss in itself, they also think it would cause substantial harm to the significance and special architectural interest of the former hospital as a whole, with half the historical buildings and all evidence of any expansion post 1878 obliterated at a stroke. They state that the loss of a handsome heritage asset would undoubtedly harm the character of the area more generally.

In addition to the loss of a listed building, the Committee are resolutely opposed to its proposed replacement which, they say, fails so spectacularly to respond to its context. They query how the design has evolved of its place, stating that the submitted plans present not so much a thoughtfully designed building, rather a gross and arbitrary exercise in pattern-making which, as a result of its style, proportion and close proximity, would be extremely damaging to the setting of the remaining hospital building.

The Committee praise the University's aspiration to provide the world's finest engineering department, but are not convinced that the only way to achieve this goal is to demolish the former hospital's Edwardian block. They note that the options appraisal shows that the building could be retained, that the remaining site is large and could accommodate a sizeable department building without resorting to the demolition of the listed structure, and that further space could be created by excavating down and by reducing the copious amount of open space within the central tract of the proposed building.

The Committee feel that the case for the demolition of the Edwardian building is further weakened by the contrasting Jessop East and West sites, querying why it is that space on the Jessop East site is restricted to the point that valuable heritage assets are proposed for demolition while the recent Jessop West building occupies only a relatively small proportion of its site. They state that together, the two sites give no sense of an integrated plan involving the adjacent plots.

The Committee also point to the Victorian hospital's original wing as an excellent model for how to reuse the Edwardian block.

The Sheffield Sustainable Development and Design Panel

The Panel welcomed the opportunity to comment on these important proposals at their meeting on the 19th April 2012, and recognised the strategic importance of the scheme for the University and the city.

The extensive amount of work that had been undertaken to develop the two options was noted by the Panel, together with the numerous iterations as the design has progressed.

Notwithstanding this, the Panel was mindful of the rigorous requirements that need to be met to justify the demolition of the Edwardian Block, which it did not consider had been demonstrated. These are that the building is incapable of alternative use, not for this particular scheme but for any scheme, and even for an alternative owner after a period of marketing.

Whilst the Panel accepted the view expressed that the Edwardian block did not meet the requirements of the University this is not, however, sufficient in itself to justify the demolition and significant further analysis was necessary to respond to this issue.

There was a view expressed that a section of the building could be removed, which could be a viable compromise option.

The Panel acknowledged the demands of the brief, and how this had increased, but was similarly mindful of the comment that in any event even a building of this scale would not satisfy the long term requirements of the University.

There was a real concern expressed that the proposals were placing too great a demand on the site, suppressing the fine grain townscape of the area.

The Panel was not convinced about the approach to create one single volume, which it considered exaggerated the extreme scale of the building.

The atrium space had the potential to be a very exciting space running through the heart of the building, but the façade treatment suppressed the activity taking place within the building, and it was considered that some further design development was needed to express this internal animation.

The Panel noted the argument in relation to the introduction of a spill out space at the main entrance, located at the corner of Leavygreave Road and St George's Terrace, but was not convinced that this was necessary or appropriate in this location.

The Panel agreed with the assessment that the existing space between the historic buildings and Jessop West was in need of a greater focus and level of activity, and considered that this would form a more appropriate gathering and meeting space and resolve the lack of animation in the space. To this end there appeared to be a need for a clearer relationship between the atrium and this space.

The Panel largely welcomed the bold approach to the elevational treatment but this view was not unanimous. The mathematical approach to window dimensions linked to the needs of interior spaces has the potential to create a striking solution but, as stated above, the wrap approach exacerbates the massing by reinforcing the building as a single object. It was considered that greater articulation of the

elevations might help to break down the form, helping to create a more sympathetic response to the site.

The Panel commended the design team on the approach taken to create a sustainable building, and the ambitious targets being set by the University. The range of elements being considered, such as the investigation of a carbon optimised façade and the development of an 'app' that students could access, reflected the function of the building, and the Panel felt that these measures needed to be developed further as the design progressed.

In conclusion, the Panel appreciated the requirements of the University and welcomed the options as a positive starting point in the redevelopment of the site.

Whilst the need for this amount of floorspace was understood, more work was required to accommodate this scale of development working on this site, and the Panel was mindful that significant further work would need to be done to justify the demolition of the Edwardian block.

Whilst the ambitions of sustainability and the façade treatment were applauded, the Panel was not entirely convinced by the wrap approach, which both emphasised the scale of the building and obscured the internal activity.

Conservation Advisory Group

The Conservation Advisory Group (CAG) considered the proposals at their meeting of 23rd October 2012. The Group deplored the proposal to demolish the Edwardian Building, which was not simply an extension to the Victorian building, but had been a building in its own right with a distinct contribution to the Hospital. Apart from its contribution as part of the historic hospital, the Edwardian wing made an important impact on the townscape of Brook Hill, which was all the more important because of the demolition of the 1930s St George's Wing. The Group considered the proposed replacement building to be unsatisfactory in both massing and detail in its relation to the setting of the Victorian wing of the hospital, which it would overwhelm, and the Grade II* St George's Church. The Group did not think that all the options, either for locating the new Engineering Building on another site, or for developing the site while retaining the Edwardian wing, had been properly explored. There appeared to be some inefficiencies in the use of space in the proposed building, which, if eliminated, could ensure the retention of the Edwardian wing. The Group also noted that since the beginning of the century, very few listed buildings had been demolished and none as important as the Jessop Edwardian wing. The Group requested the Chair to write to the Head of Planning, stating the Group's objections to the scheme and to request a meeting with the Chief Executive and the Executive Director of Place and this will have taken place before the date of this Committee.

At the time of writing, 134 further representations have been received in connection with the proposed development. They comprise 72 letters of objection, including an objection from the Chairman of the Hallamshire Historic Building's Society, and 63 letters of support. Supporters of the scheme include Angela Smith MP,

Sheffield Chamber of Commerce and Industry, Members of the University and representatives of a number of Sheffield based businesses.

It is envisaged that further representations will need to be reported to Members in a supplementary report.

The objectors to the scheme raised the following concerns:

- The National Planning Policy Framework continues the presumption in favour of conserving heritage assets, stating that they are irreplaceable, any harm or loss requires clear and convincing justification and that substantial harm or loss of a grade II listed building should be exceptional. It also states that, where a development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- The Edwardian extension is a listed building and, though part of an entry which also includes the Victorian hospital, it is significant in itself, of architectural interest and historic importance.
- The Edwardian building makes a very positive contribution to the character of the local built environment and connects with nearby listed buildings and conservation areas to form a wider historic streetscape into which modern development has, for the most part, been sensitively introduced. Its loss would cause substantial harm to a heritage asset and have a significant negative impact on the historic environment.
- To justify demolition of the Edwardian Building, the University should not only demonstrate that their proposals produce substantial public benefit that outweighs the loss, but that their proposals are the only way to realise the benefits and can not, for example, be provided on another site or differently configured on this site. This they have entirely failed to do.
- The University's argument, that demolishing the Edwardian building does not amount to substantial harm, is nonsense. They base their case on the Victorian building being the only significant part of the former hospital. If this were so, the Edwardian wing would not have been listed. Including multiple buildings in a single listing does not somehow make them into a single building. Each building is an asset and the harm has to be assessed to that building individually, to the group value of the buildings and to the setting of the group.
- The University claim that, because the harm of demolishing the Edwardian Wing is less than substantial, it need only be weighed against the public benefits of the proposals. However, the harm is extremely substantial. But if the University were to accept that the harm is substantial, it could not be outweighed by public benefit.

- The University claim that other development options (the retention of the Edwardian Building or its facade) do not deliver their specific objectives. But it is not sufficient to show that they cannot meet the specific objectives they have defined for themselves. Any developer could justify any demolition on those grounds.
- The listed buildings process was created to safeguard the unique architectural and social heritage of the British Isles. On presenting a listing application, the Central Government Office acts on the advice and recommendations of English Heritage whose expertise and competence in its application will be seriously undermined in future cases if this planning application for demolition is approved.
- The two buildings that make up the site in question were born of a time when Sheffield was a major player in the world of industry due to the expertise of its entrepreneurs, and its multi-skilled workforce were second to none. Out of this history of success came names such as Brown, Mappin, Vickers, Groves and many more. Two in particular were: W. Jessop, benefactor of the Hospital for Women and M Firth, founder of Sheffield University. Surely with major advances in technology and engineering in the 21st Century, developers should have the ability to produce a design that could incorporate an example of the city's impressive heritage in a sensitive and respectful way.
- The University claim this is the only viable use for the site but they previously had another use for the building, which they considered to be viable. They have simply changed their minds about what they want to do. They may prefer to pursue that objective elsewhere, but it does not make it unviable on this site.
- It is inconceivable that, if this site were not available, the University would not find another site and propose a different scheme.
- Even given the value that we place on the University, they can not have free reign to do as they please. Heritage conservation is a public benefit too.
- The former hospital building is a fine example of Edwardian architecture, which is in short supply in Sheffield.
- Sheffield City Council has allowed far too many beautiful buildings to be demolished, often replaced by buildings of low aesthetic and architectural quality.
- Sheffield has relatively few listed buildings in comparison to other cities of similar size. To agree to the demolition of a building of such historical importance to the people of Sheffield seems unreasonable.
- The argument that the engineering complex needs to expand onto this specific site is nonsense. Other sites are available in the vicinity, on Broad Lane and down the hill towards Shalesmoor.

- The Jessop building could be refurbished for other uses and saved for future generations to enjoy.
- The Edwardian Wing is a good quality building that was made to last. It is not in danger of collapsing.
- The whole point of protecting heritage buildings is to stop large organisations with much sway and resources from riding roughshod over them.
- The opportunity to use some imagination to bring the Edwardian Wing back into proactive use seems to have been ignored in pursuit of what will be easier and cheaper.
- How future proof is the current proposal? Is it of sufficient size to meet anticipated demand 20 years from now?
- The design for the replacement building is ugly and unacceptable on a site where it will impact on at least three neighbouring listed buildings. The proposed metallic grid covering is especially egregious, having no relationship to any of the listed buildings affected.
- The proposed block will completely overshadow the Victorian Jessop building, which will be lost against its bulk. The back of the Victorian building will be obscured.
- The proposed building is squeezed onto every inch of the site and is arguably too big for it in footprint.
- The proposed building will contribute nothing positive to the cityscape and the loss of the existing building will mark a further loss of character and distinctiveness for the city as a whole.
- As a cultural and educational institution the University has a responsibility to the people of Sheffield that goes beyond simply following the cheapest and easiest path in its plans for expansion. It has a responsibility for setting standards that commercial developers should have to live up to.
- The Edwardian Wing was designed to complement its earlier sibling and the buildings share matching features such as the angled bays supported by elaborately carved stonework. The importance of both buildings is reflected in their shared grade II listed status.
- While the city has a dwindling stock of historic buildings, utilitarian boxes are in plentiful supply. The proposed engineering building is no exception.
- I was born at Jessops and so were my four children. I thought the building had been given to the people of Sheffield, as a hospital for women and now for students.

- There would be a considerable aesthetic loss if just one element of the Jessop building were left standing alone, isolated among modern efforts. It would be preferable to rehabilitate the building as originally planned, and with it the area facing St George's Church, to form a properly designed and architecturally coherent area that might act as a focus for what is now a densely populated and used part of the university campus.
- The University should lead by example, showing some of its architectural and engineering skills by creating a development that conserves this listed building.
- Jessop Hospital for Women is an important landmark. It should be protected for its national importance and because of the role it has played in the very life of the city. The new University building should be designed to respect and enhance the setting of the listed building, not destroy it. The aim of creating an internationally important faculty can readily be achieved while doing this.
- The area around Jessops used to be largely derelict but the University has since built extensively on the surrounding land. Passing by recently I saw little of any architectural merit in the new buildings and I believe that when their turn comes for demolition no one in this city will remember them at all. The Edwardian extension to the old Victorian Jessops building was built with the original in mind and their styles complement one another.
- Sadly Sheffield has a poor record of preserving its old buildings and every year we see more of the old city centre being lost, subsumed by yet another faceless modern monstrosity, designed without sensitivity for the area or any attempt to respect its surroundings. I urge the planners to keep this Edwardian building and for it to be preserved and put to use, not destroyed in the name of progress. Otherwise one day we will wake up and be shocked to see that we have a city centre which resembles nothing so much as a forest of variegated lego blocks.
- Sheffield is a city with great historic importance, and I encourage the Council to recognise that importance before it is too late.
- It is its heritage that gives the city its identity, its individual character and its pride as a community. The proposed replacement, conversely, will contribute to a homogenised and bleak skyline where all towns and cities look the same. It will destroy the essentially late Victorian and Edwardian character of the area.
- The Edwardian building adds real character to the campus and area. It is a testament to an important part of local history and is considered with fondness by local people.
- This is one of Sheffield's most beautiful buildings. I have lived here my whole life and have always admired it and have felt saddened to see it going

to ruin over the last few years. Decisions to demolish are made far too easily and with little regard to history and our city's culture.

- Sheffield University has been unduly negligent in allowing this building to dilapidate to its current state and it should be made incumbent on them to implement immediate measures to halt any further degradation and to implement a timely programme of restorative works.
- Time and time again, developers have used the argument that a new building is of such exceptional design that it warrants the demolition of a listed building. This new design is certainly not exceptional enough to warrant the demolition of this listed building.
- In nine years of working within Local Authority historic environment advice services I have never seen such a brazen attempt to ride roughshod over the policies and legislation in place to protect our common cultural inheritance. It does the University of Sheffield's otherwise proud architectural heritage no credit to try. These proposals are clearly contrary to the National Planning Policy Framework and do not constitute sustainable development as described by that document which requires as a Core Principle that heritage assets should be conserved in a manner appropriate to their significance. This building constitutes the younger of two remaining phases of the Jessop Hospital for Women built by regionally significant architect JD Webster. The building is specifically described in the Listing description (serving to identify the designated property not to define what is significant about it) as being 'in a sympathetic style' to the older Victorian block. The building shares architectural detail with its earlier counterpart and is no less architecturally significant than it.

Arguments made within the heritage statement stating that this building is of lesser 'communal significance' than its earlier counterpart both ascribe a somewhat spuriously lower status to the gynaecological medicine practiced here than that of midwifery and have no basis within policy. 'Communal significance' plays no part in the definition of significance given in the NPPF nor within the criteria used by English Heritage to designate listed buildings and its use here is at best diversionary.

- No application for delisting of the building (or of this part of it) has been made in the years before this application has been made. Presumably the applicant is not confident that this route would be successful.
- Artists impressions submitted with the application readily confirm that substantial harm will result from the impact the proposed development will have on the setting of any remaining part of the listed building by virtue of its scale and massing.
- The retention of the Edwardian wing of the Jessop building does not prevent 'all reasonable uses of the site' (para 133 NPPF) it merely slightly restricts the scale of development. Moreover a 'viable use of the heritage asset itself

can be found ... that will enable its conservation' by incorporating it into the NEB complex.

- Whilst the expansion of the University Engineering Department is important, it is not clear that the extra 5% of space generated by the demolition of this building is going to critically impact on that expansion, nor on the broader reputation of the University which this development is intended to enhance.
- The applicant's supporting Heritage Statement argues that the 'utilitarian' nature of the building makes it less significant than its Victorian counterpart (also a 'utilitarian' structure if the same criteria are applied). It also notes: 'The physical condition of the building overall is poor to very poor. It requires an entirely new roof covering (on our assessment) and reconstruction of timber elements in large measure'. Repeated references are made throughout the Heritage Statement to the poor condition of the building. However the same statement also notes that the University acquired the building from the NHS in 2001. At the time it was a fully-functional hospital, with essential features such as a roof and timber elements presumably intact. For the building to be in this condition eleven years later suggests that the University has neglected appropriate maintenance over that time.
- As a graduate of Sheffield University's Engineering Department I feel ashamed and disgusted that it is contemplating demolishing this building. I feel so strongly about it that I would consider handing back my degree in protest if that were possible.

Supporters of the scheme made the following points:

- It would be right to demolish the Edwardian building because we have already conserved what is important in terms of architecture and memory (i.e. the Victorian building). To do so again, at great cost, will not add significantly to conserving architectural form and memory. However, it would greatly diminish what can be achieved on the site.
- Keeping the Edwardian building would limit the ambitions of the engineering department, which is intimately related to Sheffield's economic future. The demolition of the Edwardian building is in the public interest because it is in the public interest for the University to invest in engineering in order to secure that part of Sheffield's future that depends on advanced manufacturing.
- This is the most exciting proposal, not only for the future development of the University, but for the city of Sheffield. It will enable the Engineering Faculty to compete at the very highest level and will have a significant impact on the regeneration of the city.
- The industrial heritage of Sheffield is recognised throughout the world. The vital element then, and now, is the ability to develop world class products. For this you need to produce world class engineers and to do this the

University must be able to attract the best candidates. This requires world class facilities.

- The demolition of the Edwardian extension, to facilitate the University's expansion plans, gives a historical completeness to the site. Thomas Jessop helped build a great hospital using wealth created by Sheffield's metal industry. Now that this use is redundant, the University has the vision to use the same site to help the City compete in the metal industries of the future.
- This proposal will help to ensure that the University remains a respected and world leading institution.
- The growth of the Engineering Faculty will bring many more students to the city, offering both the immediate benefit of their contribution to the local economy and the further benefit of a growing supply of highly skilled professionals to support the development of the engineering and associated sectors.
- I was born at Jessops and the restored Victorian building will remain a lasting legacy. However, the Edwardian building is not as architecturally or historically important and does not offer the University the accommodation it requires to grow and succeed. The proposed building will benefit both the University and the local economy.
- This project will strengthen the city's engineering heritage by attracting further investment from major companies, building on the success that Rolls Royce and Boeing have brought to Catcliffe.
- There are already several innovative buildings around the Brook Hill roundabout and so this is a suitable place for a modern innovative design.
- The area already contains a mix of historic buildings and high quality modern development. The proposal to demolish the Edwardian wing of the former hospital and build the new engineering school is equally acceptable as the blend of development already exists.
- The existing wing is an eyesore.
- The inside of the Edwardian wing has no artistic or architectural merit, it is purely utilitarian inside and, what with steps up to entrances etc, it is not very practical either.
- The proposed design is very 21st century and exciting. The idea of showcasing some of the engineering projects through the use of glass walls will bring engineering to a much wider audience.
- Trying to incorporate the facade of the Edwardian wing in the new building would create access issues and reduce floor space.

- The Faculty of Engineering and the University have a vital role to play in supporting economic development, not just in Sheffield but also in the wider City Region.
- The current facilities for engineering and teaching research at the University of Sheffield are in need of significant improvement. This new engineering building represents an opportunity to bring these facilities up to date.
- Naturally, many people feel a strong sense of attachment to the former Jessop Hospital, which has played such an important role in the city's health and heritage. The architecturally significant original Victorian building has already been sensitively restored as the new home for the University's music department. The demolition of the significantly less remarkable Edwardian extension is a price we should be prepared to pay for this vital development.
- Land adjacent to the St Georges site is at a premium, and this site really represents the best solution to present day requirements.
- This development will create many jobs, both during construction and when it is finished.
- While the proposed building is very large, the height is appropriate relative to surrounding buildings.
- As a general principle, the loss of a listed building is regrettable, but the National Planning Policy Framework does not preclude it. It states that where a proposed development will lead to substantial harm to or loss of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of its 4 stated considerations apply. In this instance, the public benefits that outweigh the loss are: the creation of a well designed replacement building by a well regarded firm of architects which would complement and enhance its surroundings; the better use of the site, providing much better teaching and research facilities than could be achieved as a result of refurbishment of the existing building or façadism; the greater attractiveness of the University to prospective students, from home and abroad, for both engineering and other courses; the benefits accruing to the local economy, especially from foreign students; the generation of employment; the greater prestige of Sheffield as a University city and as one of the Russell Group of leading research Universities; and the knock on effect of the redevelopment as a catalyst for further regeneration of this part of the city.

With regard to the 4 considerations: the nature of the heritage asset, with its lay-out and general configuration, prevents all reasonable uses of the site by a progressive University seeking 21st century teaching and research facilities; it is doubtful a viable use could be found in the medium term consistent with the University's ambitions; it is highly likely that conservation by grant funding, charitable or public ownership is demonstrably not

possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

The Framework considers the economic role of sustainable development, which should be to contribute to the building of a strong, responsive, competitive economy. Sufficient land of the right type should be available in the right places and at the right times to support growth and innovation. The University's proposals meet these objectives.

The Framework also urges local planning authorities to plan positively for the location, promotion and expansion of clusters or networks of knowledge-driven, creative or high technology industries, and the teaching and research in a new engineering building with its state of the art learning space will complement the University's Advanced Manufacturing Research Centre (AMRC).

- The University takes its heritage responsibilities very seriously having more than 30 listed buildings within its trust, and has, in the past few years, invested millions in refurbishing several of them.
- Despite being born (at the Jessop hospital) I have no affinity with this building at all, and doubt whether many born and bred Sheffielders actually do.
- The University is a world ranking university and its continued success is vital to the economy of the city. The Engineering Faculty is in need of considerable investment to meet the challenge of delivering world class teaching and research.
- Careful evaluation has demonstrated that Jessop East is the only site capable of accommodating a significant building that meets the needs of the Faculty. It represents an investment in the city of £81 million.
- English Heritage has declined to call in the application for demolition, regarding this as a local decision to be taken by the City Council. If English Heritage had over riding concerns about the demolition it would have called in the application for its own decision. This is clear-cut case whereby the considerable benefits to Sheffield far outweigh the dis-benefits of losing the Jessop building. There is an overwhelming and over-riding case for granting planning permission and listed building consent to allow the new engineering building to proceed.
- The Royal Academy of Engineering recently found that the UK needs to increase the number of science, technology, engineering and maths graduates by 50% to maintain the country's engineering capability. In my own company the age profile of our engineering staff is biased significantly towards the upper end and we will need an influx of new engineering talent in the years ahead. There is a real and exciting opportunity to provide new engineers for the UK in which the city of Sheffield can play a significant part if the University's application is supported.

- The words 'Made in Sheffield' are recognised worldwide and are synonymous with quality in manufacturing and engineering. That is what the University are trying to achieve with this new building.
- Sheffield's companies have a long history of innovation from working with the University and benefitting from working with its graduates. We would like to see the excellence continue with development of the advanced manufacturing aspect of the University and the new engineering building represents an opportunity to bring the facilities up to date.

PLANNING ASSESSMENT

Land Use

The site lies within a designated Institution: Education Area in which education uses, as well as community facilities and institutions, are defined as the preferred use of land in Policy CF7 of the Unitary Development Plan (UDP). A wide range of other uses, including housing, offices, hotels and recreation facilities are also considered to be acceptable.

The Core Strategy acknowledges that the University plays a crucial role in the economic, cultural and social life of the city and the wider region, and that the siting of the University's campus on the edge of the city centre contributes to the centre's vitality. In order to maximise these benefits, Policy CS 20 of the Core Strategy (The Universities) states that provision will be made for the consolidation and expansion of their teaching and research operations within and adjacent to their existing campus.

The use of the application site for the provision of the NEB is therefore considered to be acceptable in principle.

Conservation Issues and the Demolition of the Edwardian Wing

The proposals for the NEB involve the demolition of the grade II listed Edwardian wing of the former Jessop Hospital for Women. Policy BE15 of the UDP (Areas and Buildings of Special Architectural or Historic Interest) states that buildings of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced and that development which would harm the character or appearance of listed buildings will not be permitted.

Similarly, Policy BE19 of the UDP (Development Affecting Listed Buildings) states that the demolition of listed buildings will not be permitted and advises that proposals for demolition are only likely to be approved in exceptional circumstances, where the Council is satisfied that it is fully justified, and necessary, and that there are no practicable alternatives.

The Core Strategy also reflects on the importance of the city's distinctive heritage and, in Policy CS 74 (Design Principles), states that high quality development will be expected to enhance historic buildings in the city centre.

Until 2010, Ministerial guidance for the protection of historic buildings was contained in PPG15: Planning and the Historic Environment (1994). In 2010, PPG15 was replaced by PPS5: Planning for the Historic Environment, and then this was replaced by the National Planning Policy Framework (NPPF) in March 2012.

The NPPF advises that, as heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The Edwardian Wing is a heritage asset as defined in the NPPF. It, together with its Victorian predecessor, benefits from grade II listed status and both wings are described in the list description. The applicant asserts that the Edwardian wing is not the 'principal listed building', but a later extension to it and thus concludes that the harm caused to the heritage asset by the demolition of the Edwardian wing would be less than substantial.

The NPPF advises that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm need only be weighed against the public benefits of the proposal.

However, Members are advised that the Edwardian wing is not considered to be an extension, but a principle building in its own right, which was built to complement, not replicate, the Victorian wing. It stood visually separate from the Victorian wing, has an important plan form and provided additional functions. The list description describes the 1902 building as an addition not an extension, and refers to the Edwardian wing as the 'west front'. Its loss would result in substantial harm to the heritage asset in so far as half the listed building would be lost and its loss would detract from the setting of the remaining wing.

The NPPF states that substantial harm to or loss of a grade II listed building should be 'exceptional' and advises that, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

If the applicant can meet the first of the tests (that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss) then the subsequent four tests do not need to be applied. However, for completeness, we have given a brief overview on the viability of retaining the listed building for other uses below.

Following the refurbishment of the Victorian wing and a successful application for alterations and a 3 storey extension to the Edwardian Wing to bring it into educational use (now expired), we know the Edwardian wing is structurally sound (though its general condition has suffered due to a lack of maintenance and weather protection) and can be brought back into use, and that the cleared site to the east is developable, just not to an extent that fulfils the University's brief.

The applicant submitted a Valuation Report in support of their planning application which concludes that any form of development involving the retention of the Edwardian wing is not viable, and it is difficult to see how, in the current market, a residual development appraisal would produce a positive land value for the Edwardian wing in isolation. It may also be difficult for developers to secure finance for acquisition and refurbishment. However, that does not mean that the building has no commercial value and that, theoretically, a buyer could not be found who would buy it now on the basis of potential uplift in the future.

Of course, the ambitions of the University in relation to this site are well known. It is therefore questionable whether it would be worth going through a market testing exercise. What's more, the references in the Valuation Report to a restrictive covenant – preventing anything other than educational use – may be factually correct, but the point of a marketing exercise would be to determine whether there is a viable use for the property as an alternative to demolition.

The appraisal in the valuation report based on academic and office space, that includes the adjoining land, makes a minor loss of £16,375. It is considered that minor changes to some of the cost and value assumptions would result in a viable development option. It is also queried why the student housing appraisal does not include the adjoining vacant land. If it did, it is suggested that this option would also produce a viable development.

Conservation of the Edwardian wing through alternative grant funding, charitable or public ownership does not appear to have been considered and demolition is not considered necessary in order to bring the site back into use.

While PPS 5 has been superseded by the NPPF, the companion guide to PPS5, PPS5: Planning for the Historic Environment Practice Guide (2010) remains relevant and is also a material consideration when making planning and heritage consent decisions.

The Practice Guide notes that the difference between a heritage asset and other components of the environment is that a heritage asset holds meaning for society over and above its functional utility. It is this heritage significance that justifies a degree of protection in planning decisions.

Where substantial harm to, or total loss of, the asset's significance is proposed, a case can be made on the grounds that it is necessary to allow a proposal that offers substantial public benefits. However, for that loss to be necessary, there should be no other reasonable means of delivering similar public benefits, for example through a different design or the development of an appropriate alternative site.

A range of options have been explored with the University to see if the requirements of the brief could be met on the Jessop East site by either:

- full listed building retention;
- retention of the façade of the Edwardian wing; or
- full demolition.

It was made it clear that the Council would only consider full demolition if the University could demonstrate that the first two options were not feasible. The University have a very clear brief that requires 19,500 square metres of new space by the 2016/17 academic year or it will significantly impact on its growth potential and delivery of the most efficient functioning of the Faculty. This is a significant driver in considering whether alternative options on the site would be acceptable.

Clearly, retention of the Edwardian wing limits the amount of development achievable on the application site. Discounted option 2, a new building which integrates with the Edwardian wing by retaining its façade and roof, resulted in a shortfall in gross internal floor area (GIFA) of 1,729 square metres. This equates to a loss of approximately 600 student study spaces through the loss of group study rooms and a reduction in lecture theatres and associated break out spaces of 9 to 5 and 10 to 7 respectively, and would have a significant impact on capacity and therefore the efficiency of operation of the Faculty which requires space for larger student groups across disciplines.

It could be argued that a slightly smaller building and more phased expansion of the Engineering Faculty, along with the planned improvements to its existing accommodation would also offer substantial benefits. However, significant weight must be given to the operational needs of the Faculty if it is to fulfil its vision and potential to be a world class engineering faculty as set out earlier in this report.

It is accepted that the new building needs to be in close proximity to the Engineering Faculty, as a result of the high contact hours, and that the University owned Jessop East is the largest vacant site in the vicinity. However, the University needed to make it clear that there were no other suitable sites that could meet their specific growth and locational requirements. They looked at a number of potential sites within their core campus and in adjoining areas. From the comprehensive analysis carried out by the University it is clear that the Jessop East site is the only one that is available, suitably located and of the right size to meet the requirements of their brief for the reasons set out below.

Sites at Durham Road and in Hounsfild Quarter to the west of the ring road were discounted because they were either required/committed or too distant from the Mappin building.

The 'Grunwerg' site, to the immediate east of the Mappin complex, is currently vacant but in mixed ownership. The 3,900 square metre site was discounted by the University due to its ownership complexities, their programme (they have planned for the NEB to be available for the 2016/17 academic year) and its size, claiming that if it could be acquired, they would have to split teaching accommodation between it and Jessop East. The Grunwerg site is ideally located

adjacent to the Engineering Faculty but is not owned by the University and it is accepted that it is not available within the time frame required. To our knowledge no alternative means of acquiring the site were pursued (compulsory purchase for example for which a strong case could have been made and which could have been completed within an 18 month time frame) but it is acknowledged that it would have been very difficult to deliver an operational new faculty building by 2016/17 and that the risks inherent in negotiating purchase through multiple owners or obtaining the site through CPO would be too great given the demanding space pressures the University faces and the need to move their expansion plans forward quickly.

The development potential of the Mappin courtyard, the space at the centre of the Mappin complex, was considered. Having been identified in a University commissioned Development Framework as a potential expansion site, it has been discounted because it is occupied by buildings at basement level.

It is clear that the University campus is already intensively developed with many existing buildings already earmarked for refurbishment or redevelopment to enhance the overall teaching and research environment and to help to meet the engineering faculty's requirements for up to 40,000 square metres of new space by 2026. It is worth noting that the New Engineering Building is part of a more complex puzzle and unlocks opportunities for the University to enhance other parts of its estate, which has too high a percentage of buildings in poor condition.

It is therefore concluded that:

- There is not scope within the Jessop East site to meet the full needs of the University's brief to deliver 19,500 square metres of new faculty space by 2016/17, if the Edwardian extension or even just its façade is retained.
- There are no other alternative sites suitably located, available in the required timeframes and of sufficient size to meet the University's specific requirements.

Even though these tests have been passed it still needs to be demonstrated that the demolition of the Edwardian wing is necessary to achieve substantial public benefits that outweigh that harm or loss.

Impact of Demolition and New Build on the Setting of the Victorian Wing and Other Listed Buildings.

The NPPF states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Similarly, the Practice Guide points out that a heritage asset may be affected by direct physical change or by a change to its setting.

The applicant admits that there will be harm to the setting and significance of the Victorian wing as a result of the removal of the 'later extension', whose details and materials reinforce and complement those of the Victorian building.

Setting is the surroundings in which an asset is experienced. The Victorian and Edwardian wings of the former Jessop hospital have an historic and aesthetic connection that amplifies the experience of the significance of each. They are within one another's setting. Demolition of the Edwardian wing would therefore cause considerable harm to the setting of the Victorian wing.

The applicant states that, despite the increased scale of development, the design of the new building successfully mitigates its impact on the setting of the Victorian wing, and that the detailed design has been developed to specifically respond to the style, appearance and colour of the Victorian range, adding interest to its setting, and that no material harm is caused as a result of the design of the new building.

The colour of the cladding was indeed chosen with regard to the hue of adjacent buildings, its neutral tone should sit comfortably beside its historic and contemporary neighbours, but the building's style and appearance are not a response to the character of the Victorian wing. In order to meet the specific requirements of the University brief the NEB entirely fills the application site, terminating at the height of the Bio-Incubator building to the west. The resultant mass has then been wrapped in a sophisticated cladding system which, whilst appealing in its own right and deliberately designed to reflect its engineering function by reference to the Cellular Automaton, does not relate physically to the solidity, variation in form, scale or mass of the Victorian wing. Rather, it manages to make the Victorian building appear out of place. It is concluded, therefore, that the setting of the Victorian wing would be harmed as a result of the scale, mass and design of the proposed NEB. This will therefore need to be weighed in the final assessment against the wider public benefits of the proposals.

The applicant claims that the setting of the grade II listed Church of St George is at least preserved and that the NEB is lower than the St George's wing of the hospital before it was demolished. It is questionable whether an assessment should be made against a building that is no longer there and instead should be made in the current context. The applicant, in their Design and Access Statement, note that the scale of the surrounding area is diverse but that there is a common band of height of between 15m and 25m surrounding St. George's church. Whilst we accept that the scale of surrounding buildings is significant and that the NEB will be lower than the demolished St. Georges wing, it could be argued that the setting and significance of the church would be harmed as a result of the scale and appearance of the new building, particularly in views from Broad Lane and Bolsover Street. Conversely, the new building could be considered to improve the setting of the Church by enclosing St. George's square, which is currently bound by a vacant site and hoardings.

It could also be argued that the proposals will have an adverse impact on some views of the grade II listed Church of the Nazarene, the spire of which will be read against the backdrop of the NEB.

Other Design Considerations

Policy CF8 of the UDP (Conditions on Development in Institution Areas) requires new development in Institution Areas to be well designed, of a scale and nature appropriate to the site, while Policy BE5 (Building Design and Siting), states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy CS 74 of the Core Strategy (Design Principles) states that high quality design will be expected to take advantage of and enhance the distinctive features of the city and that good design should support economic and physical regeneration and should not be traded off against economic benefits.

The University's brief refers to their desire to create a landmark building and this they have achieved. The New Engineering Building is a statement of the scale and significance of the Engineering Faculty within the University and it will form a new focal point within the campus. However, while delivering a building that provides visual interest and responds positively to key views is highly desirable, the need for a new landmark building was questioned from the start. It is appreciated, however, that there are a number of landmark buildings across the campus that make a strong contribution to the city's townscape and that the University has a specific driver in their brief to "create a city landmark and strengthened University and Faculty identity." The submission documents make it clear that architecturally the University intend the faculty to be highly visible, memorable and distinctive, celebrating the importance of engineering in the history of the city and within the university. When you put that within the context of their vision to be the best engineering faculty in the UK and among the best in the world, the desire to have a landmark building to reflect this aspiration can be understood.

Nevertheless, the Church of St George is a landmark structure set in space and should arguably remain dominant in townscape terms. The new building should enclose the space around the church and provide definition to the adjoining circulation routes, which it does to some extent, but it should not compete for attention.

With the exception of the historic buildings and road pattern, the range of architectural styles, forms and layouts in the area surrounding the application site has created an incoherent townscape. In early pre-application negotiations, the need to bring an element of cohesion to the area was discussed and, rather than set out to add to the eclectic nature of the townscape, the new development had the potential to create a sense of unity, forming tangible links with the other faculty buildings. However, the reasons why the applicant wants such a striking building are acknowledged.

In their Design and Access Statement, the applicant explains how the NEB responds to the urban and contextual constraints of the site and draws inspiration from the wide palette of styles and materials prevalent in the area. However, it is difficult to discern the influence of the context on the form or appearance of the proposed building. The tracery of the windows in St George's Church may have inspired the pattern, but that is not apparent, nor does it connect the building to its environs. Utilising styles, forms and materials from the surrounding townscape would have helped to develop a degree of coherence, although we do accept that

new forms can make a positive addition to the townscape and that the applicant was keen to develop a striking and distinctive modern addition to the townscape. We therefore need to judge how well this specific design has been articulated.

The adopted design approach has produced a large, simple form of uniform height that relies upon variations within the outer skin to create visual interest. As previously described, the facade has visual merit in its own right and the 'cellular automaton' inspired repeating pattern gives it a flexibility that allows it to respond to the building's internal and external activities as well as the environmental requirements of maximum daylight penetration, shading and resistance to thermal gain. What's more, the Council has worked closely with the applicant to ensure that the scale and pattern of the openings, and nature of the infills, introduces variety and responds to the particular context on each side. For example, ground level glazing at the junction of St George's Terrace and Broad Lane forms a shop window, a space that will enable the Faculty to assert its presence by displaying objects associated with engineering. However, the result is a building that is broadly similar in all elevations.

The scale of development is generally considered to provide an appropriate, civic-scale level of enclosure to Broad Lane, a major vehicular route, and the new building will help to enclose St George's square to the east, simply through its presence. However it does not follow that it forms an entirely fitting side to the square. The NEB does not share a common architectural vocabulary with the cluster of engineering buildings on the opposite side of the square in terms of form, materials, detailing, articulation, relationship with the public realm, sense of solidity or appearance. As such, there will be little to connect the new and existing family of buildings within the new engineering faculty or to reinforce its identity, which was also a requirement of the brief. However, the desire of the University to have a building that is new, distinctive and different – a landmark building to represent engineering in the 21st century – is acknowledged.

The intensity of the proposed development is likely to reinforce the role of Leavygreave Road as a major pedestrian route and, with a new entrance from the west, the NEB will increase use of the existing space between it and Jessop West. New interventions in the landscape and the removal of the existing bin, bike and gas bottle stores will enhance the quality and feel of this space while the lifting of the façade of the building to reveal the teaching space within will bring some much needed life to the square. However, the scale of the new building is considerable relative to the space it is enclosing and, unless the external space is carefully designed, it feel oppressive.

There will always be an element of subjectivity when assessing compliance with design policies CF8 and BE5 of the UDP and policy CS 74 of the Core Strategy. It is clear that the specific space requirements of the University's brief have tested the capacity of the site to its full extent. Officers have worked with the applicant in the full knowledge of these constraints and have sought amendments to the design to achieve an acceptable solution, such as how the building touches the ground or lifts in specific locations, the scale and pattern of the openings and the detailed choice of materials and finishes. The solution provides for the accommodation needs of the Engineering Faculty whilst seeking to mitigate the subsequent

demands it places on the site. The massing and wrap approach has unfortunately remained fixed and there is no doubt that these elements combined create an imposing building. However, it is acknowledged that result is subjective, perhaps best illustrated by the comments of the Sheffield Sustainable Development and Design Panel, who largely welcomed the bold approach to elevational treatment, but who also recognised that this view was not unanimous.

Economic Impact and Public Benefit

One of the key challenges facing Sheffield, as identified in the Core Strategy, is the economic transformation of the city through the growth of sectors such as advanced manufacturing and sustainable technologies. Sheffield's ambition is to have an economy that matches the best cities in Europe. To do so it aims, amongst other things, to:

- create the conditions for a balanced, diverse and sustainable high growth economy;
- provide for modern and high technology manufacturing and knowledge based services, including links with the universities and opportunities for the creation of dynamic business clusters;
- create environments that will attract business investment; and provide land for education and training facilities for developing a skilled workforce.

The Core Strategy acknowledges the important role that the University plays in the economic life of the city and the role it will play in achieving economic transformation by helping people fulfil their potential through learning and enterprise, enabling them to take jobs in the new economy, and as a result of its close links with innovative businesses.

In March 2011, the government published 'Planning for Growth' a ministerial statement setting out the Government's commitment to reforming the planning system to promote sustainable growth and jobs.

It directs local planning authorities to consider fully the importance of national planning policies aimed at fostering economic growth and employment, as well as the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as more robust local economies.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery and treat applications that secure sustainable growth favorably.

The NPPF reinforces the planning systems role in building a strong, responsive and competitive economy, stating that significant weight should be placed on the need to encourage economic growth.

In support of their planning application, the applicant submitted a report on the Economic Impact of the Development of the Jessop East Site by Oxford Economics, which quantifies the economic impact of the NEB on Sheffield and the

wider region (Yorkshire and the Humber). The report indicates that the bulk of the direct economic benefits of the development will accrue within Sheffield's administrative border through two channels, a one-off boost from the construction of the project, followed by the benefits from its permanent operational effects (largely generated through the revenue from tuition fees and the subsistence spending of students), and estimates that:

- The activity associated with the construction of the project will generate a total of £23.9 million for the Sheffield economy and create 449 jobs.
- The operational effects of the scheme will contribute £20.6 million to Sheffield's economy and create 623 jobs.
- In total, therefore, the project will contribute a total of £44.5 million to Sheffield's Gross Domestic Product (GDP) and create 1072 jobs. This figure rises to £46.6 million and 1128 jobs at the regional level.
- When you include the indirect benefits to local businesses through associated supply chain purchases, and the induced effects of the project as a result of the increased spending of the additional employees, the project is expected to generate £55.2 million for Sheffield's GDP and support 1335 jobs. These figures rise to £66.0 million and 1556 jobs at the regional level.

In addition to these economic benefits, the project will generate less quantifiable effects including the training of approximately 1559 additional engineers a year, many of whom will enter into full time employment in the local area, and the research conducted by the academics employed as a result of the expansion of the Engineering Faculty. This research will, in many cases, support the work of the Advanced Manufacturing Research Centre at Catcliffe, which specialises in translating research into practical application.

Significant weight must therefore be placed on the NEB's role in supporting the growth of advanced manufacturing and knowledge-based industries in the local area and promoting growth in the local economy, as required by the NPPF. However, it must be weighed against NPPF advice that substantial harm to or loss of a grade II listed building should be 'exceptional' and that local planning authorities should refuse consent where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Planning for Growth refers to 'sustainable growth' as a requirement of a favourable determination, reinforcing the need to consider the combined economic, social and environmental dimensions of a development, rather than each in isolation.

It is clear from the detailed evidence submitted by the University and the range of responses in support of this application that the University will play a critical role in the future economic success of Sheffield and the city region. The expansion of the Engineering Faculty, in many ways the flagship faculty of the University, will bring

significant wider benefits in terms of the educational offer and attractiveness of the city. These must be given substantial weight in determining this application.

Sustainability

Policies CS 63 (Responses to Climate Change), CS 64 (Climate Change, Resources and Sustainable Design of Developments) and CS 65 (Renewable Energy and Carbon Reduction) of the Core Strategy set out the Councils' objectives for reducing the impact of climate change.

Policy CS 63 provides an overall statement of actions proposed including giving priority to development in the City Centre and other areas that are well served by sustainable forms of transport, promoting high density development in locations that are well served by sustainable forms of transport, designing development to increase energy efficiency and reduce energy consumption and carbon emissions, generating renewable energy, reducing flood risk and encouraging biodiversity.

Policy CS 64 requires all new buildings to achieve a high standard of energy efficiency, to make the best use of the natural features of a site by exploiting solar energy, natural light, and ventilation, to use resources sustainably by minimising water consumption and maximising water re-cycling, to re-use existing buildings where possible and use sustainable materials. It also requires new developments to achieve a minimum BREEAM (BRE Environmental Assessment Method) rating of Very Good.

In addition, policy CS 65 requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The application site is located on the edge of the city centre and is well served by public transport. The NEB will be a very high occupancy building and will be open 24 hours a day, thus it uses land efficiently. However, the net energy demands will also be higher than a typical university building and so its design incorporates many energy saving and generating features.

A low or zero carbon energy strategy was developed which includes connection to the city's district heating network, a gas-fired combined heat and power plant (CHP) to generate electricity and heat, plus the installation of free cooling chillers. It is expected that these three technologies combined will provide for the majority of the building's energy consumption.

The façade of the building will achieve very low U-values as approximately 40% of the façade will be triple glazed and the remaining 60% will be single glazed with a sealed insulated panel behind. Each façade has a different glazing ratio as a function of its relationship with the sun path, so the south facing façade has the least amount of glazing, followed by the east and west elevations and then the north, which has the most. The triple glazing has a solar reduction coating to reduce glare, helped by internal roller blinds of varying density.

The building's floor plates are deep plan in places to support their academic functions, though the highly glazed façade, central atrium and 3 to 3.8 metre floor

to ceiling heights facilitate generally good daylighting. Nevertheless, lighting energy will form a significant proportion of the building's energy consumption. Where required, localised, efficient, artificial task lighting will be used in study spaces to reduce background lighting to a minimum, in addition to low energy LED lamps and automatic lighting controls.

The building will be largely mechanically ventilated as a result of its high density loads and proximity to main roads. However, the atrium will be naturally ventilated, and where possible, energy efficient mechanical systems will be used to minimize fan powers or recover waste heat. As the nature of the building use also generates large heat gains, laboratory spaces will be cooled through the use of chilled beams, assisted by the free-cooling chillers.

Low water consumption fittings will be installed into the building to reduce the capacity for wasting water and approximately 50% of rain water collected from the roof will be re-used (to flush toilets).

The building design is adaptable to accommodate changes in user requirements through raised access floors (in specific areas), flexible data and power distribution, light weight partitions and moveable furniture.

The building specification proposes the use of robust materials to avoid frequent replacement and efficient detailing to reduce the extent of material or energy heavy elements, for example a concrete frame which has voids within it to reduce the amount of concrete, and a taped and jointed partition system to avoid full plaster skimming.

A BREEAM assessor has been involved in the design of the building from early stages and a pre-assessment indicates that the development can achieve a Very Good rating.

The design team set themselves the target of designing for a 2050 climate and breaking new ground in how occupants learn from their building. A Smart Building network will be used to communicate how the building is working and allows occupants and the public to access data about how the building is coping with its environment. The University aspires to use the smart technology to allow the building to respond intelligently to how it is being used.

Despite its high energy demands, the proposed engineering building responds positively to the Councils' objectives for reducing the impact of climate change and is considered to comply with policies CS 63, 64 and 65 of the Core Strategy.

Landscape

The landscape proposals focus on improvements to the space between the application site and Jessop West, and on the formation of a plaza on Leavygreave Road, in front of the new building's main entrance.

The decision to re-design the external environment between the proposed development and the Jessop West building in an attempt to create a more

enjoyable and better-used space is welcomed. The removal of inappropriate structures, such as the gas and bin stores, and the relocation of the cycle parking facilities, will open up the space and while the loss of trees is usually resisted, in this instance the existing specimens have very low crowns which interrupt views across the space and undermine any sense of unity.

The proposal, as amended, to create raised planters that can be used to provide informal seating, in the same manner as they do in the Peace Gardens and Tudor Square is also welcome, as is the decision to use a form that echoes the pattern of the lattice. A further advantage of the planters is the breaking-up the existing paving pattern, which is overpowering.

Further work is required, however, to the main space in order to resolve detailed elements, such as the profile of the raised beds, plant species, materials and the integration of public art. It is, for example, considered that this space would benefit from the incorporation of some vertical elements, be it trees, shrub planting or art work.

To provide spill out space to what is the main 24 hour entrance to the building, the NEB has been set back from the back edge of the footway along Leavygreave Road. The intention is to create a pleasant outdoor space, and to accommodate changes in level, by creating an amphitheatre style sunken seating area to the west of the plaza. However, it is understood that the proposals are not yet resolved and, in terms of priority, this is secondary to the resolution of the square adjacent to Jessop West.

Access

Level access is provided at each entrance point to the building, which has been designed with equal access in mind.

Five existing accessible parking spaces are situated within the square to the west of the application site. They are intended to serve the New Engineering Building in addition to the Jessop West Building, the Victorian Wing and Bio-Incubator Unit. While the level of provisions falls slightly below the Council's guidelines, it is considered to be acceptable given the restrictions of the site and its proximity to a University owned surface level car park on the south side of Leavygreave Road.

In addition, 50 cycle hoops will be provided in close proximity to the building.

It is concluded that the proposals are acceptable in access terms.

Residential Amenity

Policy CF8 (Conditions on Development in Institution Areas) requires new development in Institution Areas to protect residential amenity.

The NEB is located approximately 20 metres from the nearest residential accommodation on the northern side of Broad Lane. While the dominant noise source affecting these properties during the daytime is road traffic, the substantial

plant provision on the roof of the new engineering building has the potential to impact upon the amenities of residents and established uses in the vicinity, particularly at night. As such, the design of the building has been developed to achieve plant noise criteria recommended by the Environmental Protection Service which, in this instance, is a limit of at least 5dB below existing background noise levels at any nearby noise sensitive receiver.

Highways

Policy CF8 (Conditions on Development in Institution Areas) requires new development in Institution Areas to provide safe access to the highway network, while Policy CS 61 of the Core Strategy (Pedestrian Environment in the City Centre) seeks to establish a Pedestrian Priority Zone, a high quality environment which prioritises the safe, convenient and comfortable movement of pedestrians, along Portobello to serve the University Campus.

The University's Estates Strategy 2010-2015 also refers to making improvements to the public realm along the central spine of the campus.

In addition, the application site lies adjacent a Signed Cycle Route which runs along Leavygreave Road, Portobello and Victoria Street and forms part of a strategic east-west route around the north of the city centre. This links to an Advisory Cycle Route which continues west, along Leavygreave Road, across Upper Hanover Way and onto Hounsfild Road.

Given the focus for pedestrian and cycling improvements along the centre of the University campus, and the predicted increase in student number using this route as a result of the proposed development, it is considered that further assessment of the existing pedestrian and cycle facilities is required, with particular emphasis on the crossings to Upper Hanover Way.

RESPONSE TO REPRESENTATIONS

English Heritage have expressed the view that the demolition of the Edwardian extension amounts to substantial harm to the significance of the listed hospital complex and, as such, the local authority should refuse consent unless it can be demonstrated that this substantial harm is necessary to achieve substantial public benefits that outweigh this harm.

They have subsequently confirmed that, as the demolition of the Edwardian wing, with its imposing frontage, constitutes the demolition of a principal wall and a substantial part of the interior, it will require referral as set out in Circular 08/2009, Arrangements for Handling Heritage Applications - Notification to the Secretary of State (England) Direction 2009, if the Council are minded to grant the listed building application.

SUMMARY AND RECOMMENDATION

Planning law requires that applications for planning permission and listed building consent must be determined in accordance with the local development plan, unless

material considerations indicate otherwise. The site is identified in both the UDP and the Core Strategy for education use and so the proposed development is considered to be acceptable from a land use perspective.

The proposals involve the demolition of a listed building, and the demolition of the listed building has to be fully justified. The NPPF is clear that heritage assets are irreplaceable and that any harm or loss should require clear and convincing justification. It goes on to say that substantial harm or loss of a grade II listed building should be exceptional. Officers worked with the applicant to assess whether options to retain the Edwardian extension, or as a minimum its façade, were at all possible. It was made clear that demolition of the listed building would only be accepted if:

- There is not scope within the Jessop East site to meet the full needs of the University's brief to deliver 19,500 square metres of new faculty space by 2016/17, if the Edwardian extension or even just its façade is retained.
- There are no other alternative sites suitably located, available in the required timeframes and of sufficient size to meet the University's specific requirements.

Officers are satisfied that the only way to deliver the specific requirements of the University's brief is by demolishing the listed Edwardian building and that no alternative sites were available in the necessary timescales and of the right size and location to meet the Faculties needs.

The Edwardian wing is structurally sound and can be brought back into use, and the cleared site to the east is developable in isolation. The site has not been marketed, though the value of such an exercise is questionable, and some of the appraisals in the Valuation Report may produce viable development options subject to minor changes to some of the cost and value assumptions or, in the case of the student housing appraisal, the inclusion of the adjoining vacant land. Moreover, the development will result in substantial harm to the significance of a designated heritage asset. The University must therefore demonstrate that the harm, in this instance the demolition of the Edwardian wing and impact on the setting of the Victorian wing, is necessary to achieve substantial public benefits that outweigh that harm.

The design of the new building is a striking and has a number of positive features including:

- the level of enclosure it provides to Broad Lane and, less successfully, to St George's Square, which gives definition to the road and strengthens the urban fabric;
- its distinctive façade, which is interesting in its own right and contributes to the building's ecological credentials but arguably lacks empathy with its environs;
- its positive response to the Council's objectives for reducing the impact of climate change;
- the reinforcement of Leavygreave Road as a pedestrian route;

- and the boost of activity it will bring to the existing space between it and Jessop West.

However, it is considered that the proposed building does not respond successfully to the nature of the site and the scale, form and architectural style of surrounding buildings, in particular the Victorian wing of the Jessop Hospital. Furthermore, the requirements of the brief have resulted in a simple form of uniform height that relies upon variations within the outer skin to create visual interest. Yet the building is broadly similar in all elevations.

Conversely, the economic benefits of the proposed development are undoubtedly substantial. The project will contribute a total of £44.5 million to Sheffield's Gross Domestic Product (GDP) and create 1072 jobs. This figure rises to £46.6 million and 1128 jobs at the regional level. And when you include the indirect benefits to local businesses and the induced effects of the project as a result of the increased spending, the project is expected to generate £55.2 million for Sheffield's GDP and support 1335 jobs, rising to £66.0 million and 1556 jobs at the regional level.

In addition, the project will train approximately 1559 additional engineers a year, while the research conducted by the academics employed as a result of the expansion of the Engineering Faculty will support the work of the Advanced Manufacturing Research Centre at Catcliffe, which specialises in translating research into practical application.

Economic transformation is one of the key challenges facing Sheffield, as identified in the Core Strategy, which also acknowledges the important role that the University plays in the economic life of the city and in helping people to fulfil their potential through learning and enterprise.

The Ministerial Statement 'Planning for Growth' directs local planning authorities to consider in full the importance of national planning policies aimed at fostering economic growth and employment, and the Council are obliged to give appropriate weight to the need to support economic recovery and treat applications that secure sustainable growth favorably. The NPPF also reinforces the planning system's role in building a strong, responsive and competitive economy, stating that significant weight should be placed on the need to encourage economic growth.

The key issue is whether the NEB's role in supporting the growth of the Faculty of Engineering, which will support advanced manufacturing and knowledge-based industries in the local area and promote growth in the local economy, outweighs the substantial harm caused as a result of the demolition of the Edwardian wing, a grade II listed building with a particular significance to the people of Sheffield, and the impact of the demolition and erection of the NEB on the setting of the Victorian wing.

In view of the Faculty of Engineering's position as a world leader and their ambitions to be the very best, the inadequacy of their existing accommodation and the need to make swift improvements in order to benefit from the current opportunities for growth. And in light of the impact of the development on the local economy, in particular on the growth of the advanced manufacturing and

sustainable technology sectors which are key to the economic transformation of Sheffield, it is therefore recommended, on balance, that Members grant planning permission for the New Engineering Building subject to the proposed conditions. It is stressed that this decision has not been taken lightly, and that the loss of the grade II listed building is very much being treated as exceptional because of the significant public benefits that the NEB will bring to the University, the Faculty of Engineering, the city and economy of the wider city region.

It is also recommended that Members grant listed building consent for the demolition of the grade II listed Edwardian wing of the former Jessop Hospital for Women, subject to referral to the Secretary of State as set out in Circular 08/2009, Arrangements for Handling Heritage Applications - Notification to the Secretary of State (England) Direction 2009.

Case Number	12/02771/FUL (Formerly PP-02179684)
Application Type	Full Planning Application
Proposal	Erection of rail connected aggregates depot with coated roadstone plant, ready-mixed concrete plant and aggregate recycling facility (Additional information received comprising of Air Quality Assessment)
Location	Unit 3 Europa Way Sheffield S9 1TQ
Date Received	07/09/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Aggregate Industries UK Limited
Recommendation	Grant Conditionally

Subject to:

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

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

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

HPL/01, 02, T6A_LAN_021 Rev B, 022 Rev B, 2600/05 Rev C, 06 Rev B, 07 Rev A, 08 Rev A,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the installation of oil and petrol interceptors and measures to treat and remove suspended solids from surface waters. The scheme shall be implemented and maintained as approved and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other

period as may subsequently be agreed, in writing, by the local planning authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of pollution to the water environment to an acceptable level.

- 4 No development shall commence until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

To reduce the risk of pollution to the water environment to an acceptable level.

- 5 No development shall commence until the proposed means of disposal foul water drainage, including details of any balancing and off-site works, have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

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

To ensure satisfactory drainage arrangements.

- 7 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

To ensure satisfactory drainage arrangements.

- 8 Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure satisfactory drainage arrangements.

- 9 Prior to the use of the rail connected aggregates depot commencing, all works detailed in the Noise Impact Assessment (ref: ae/ai/tinsley/enia/v5, prepared by Advance Environmental, dated 7/9/12), which form part of a scheme to protect the occupiers of the dwellings at Brinsworth Road, Century View, Bawtry Road and the Park House School from noise, shall have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

In the interests of protecting the amenity of residents due to noise impact.

- 10 Night-time noise from the development shall not exceed the noise levels set out in section 9 of the Noise Impact Assessment (ref: ae/ai/tinsley/enia/v5,

prepared by Advance Environmental, dated 7/9/12), when measured at the nearest dwellings.

In the interests of protecting the amenity of residents due to noise impact.

- 11 A Validation Test of the noise mitigation measures shall have been carried out within 2 months of the use commencing and within 2 months of all the plant identified in noise assessment being brought into use (if some of the plant is developed at a later point), in accordance with the Noise Impact Assessment (ref: ae/ai/tinsley/enia/v5, prepared by Advance Environmental, dated 7/9/12) and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:
- a) Be carried out in accordance with an approved method statement,
 - b) Demonstrate that the specified nighttime background noise levels have been achieved at the dwellings. In the event that the specified noise levels have not been achieved, then notwithstanding the noise mitigation measures thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority and shall thereafter be retained.

In the interests of protecting the amenity of residents due to noise impact.

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

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

- 13 Imported subsoil and/ or topsoils for use in soft landscaped areas, must be proven chemically suitable prior to importation. Sampling and analysis should be carried out in accordance with YAHPAC Guidance – Verification Requirements for Cover Systems to Remediate Contaminated Land. Risk assessment on chemical suitability shall be undertaken by appropriate competent persons. Details shall be submitted to and approved in writing by the Local Planning Authority prior to importation.

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

- 14 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently

discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 15 The proposed mitigations detailed in section 7.1.6 “Construction Phase” of the AQIA, or the mitigation measures in the London Councils’ Best Practice Guidance, November 2006, “The Control of Dust and Emissions from Construction and Demolition”, shall be implemented during the construction phase of the development.

In order to minimise the escape of dust as the site lies within an Air Quality Management Area.

- 16 Prior to the coated roadstone plant or concrete plant commencing operation and prior to road planings being recycled on site, the railway sidings shall be provided and shall be operational. Thereafter the railway sidings and associated unloading plant shall be retained whilst the use continues, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of minimising the environmental and highway impacts of the proposal and ensuring the impact is in accordance with that assessed as part of the Environmental Impact Assessment and transport statement. Also to ensure the benefits of rail transport are delivered as these are important in weighing up the planning merits of the proposal, particularly given that it is not in compliance with the target sectors for an Enterprise Zone site.

- 17 The asphalt plant, concrete plant, aggregate bay covers, bottom discharge loading shed, office, laboratory, welfare & stores shall be clad in slate grey RAL 7015 sinusoidal cladding, unless otherwise agreed in writing by the local planning authority, and details of the elevations of the offices, laboratory and welfare & stores buildings shall be submitted to and approved by the Local Planning Authority before these buildings are erected.

In the interests of ensuring the buildings are of a coherent appearance, in order to distinguish them from the mass of the adjacent warehouses, and because they will mainly be viewed against a dark background as opposed to the lighter sky.

- 18 The landscape area identified on the General Arrangement Plan 2600/05 Rev C, along the southern boundary of the recycling area and the landscaping area along the eastern boundary, shall be protected from encroachment by vehicles/storage of materials and details of protective fencing shall be submitted to and approved by the local planning authority before the use commences. Thereafter the protective fencing shall be permanently retained. The landscaping area adjacent to the southern boundary of the recycling area shall be left to regenerate naturally.

In the interests of assimilating the development in the landscape and enhancing the bio-diversity of the site.

- 19 The development shall be carried out in accordance with mitigation recommendations in table 6 of the Ecological Assessment.

In the interests of minimising the impact on the wildlife.

- 20 The aggregate storage in the stockbays shall not exceed 4m in height and the storage of material on the recycling area shall not exceed 6m in height. The crushing and recycling of aggregates shall only take place between the hours of 7am to 7pm Monday to Friday.

In the interests of amenities of the area and ensuring the noise impact does not exceed that which has been assessed in the noise survey.

- 21 Prior to external lighting being erected on site details of its design including proposals to minimise light spill outside of the site and minimise the risk of dazzle to train drivers shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented and permanently retained.

In order to minimise the light pollution and minimise the risk to the safe operation of the adjacent railway.

- 22 The roadstone plant low nitrogen dioxide burners shall only be fuelled by natural gas.

In order to minimise the impact of the development on ground level concentrations of nitrogen dioxide in Brinsworth.

- 23 Within 4 years from the date of this permission all site based 'Aggregate Industries' liveried HGVs will be EURO V compliant or similar unless otherwise approved in writing with the Local Planning Authority.

In the interests of securing reductions in emissions of Nitrogen Dioxide, given that proposal will involve a large number of HGV movements within an air quality management area.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

IB5 - Development in General Industry Areas

CS5 - Locations for Manufacturing, Distribution/Warehousing and other
Non-office Businesses
CS8 - Tinsley Park
CS58 - Freight
CS66 - Air Quality
CS74 - Design Principles

This proposal is supported by development plan land use policy and transport policy which seeks to encourage the use of sustainable methods of transport. The benefits of this rail connected site are a significant reduction in HGV movements and associated reductions in congestion, noise and carbon emissions from road traffic. The proposed development which is part of the Highways PFI project will deliver significant business and economic benefits to the city. Whilst the project does not fall within one of the sectors targeted for development within the Enterprise Zone, given that the benefits of the proposal and the suitability of the proposed site this is not considered to be sufficient reason for opposing this proposal.

Due to the nature of the operation it will not deliver a high quality design. However this site is not particularly prominent and is located in an area dominated by larger scale industrial development. In this context and given the screening to the site it will have a limited harmful visual impact.

The highway impact is less than that of the permitted development and traffic will be concentrated on roads designed to accommodate industrial traffic. The nearest sensitive uses are on the opposite side of the motorway and the controls under the Environmental Permit regime and the planning conditions proposed should be sufficient to ensure that there is no significant amenity impact resulting from dust and noise. These same controls should also prevent the development being a significant constraint to future development on adjacent sites within the target sectors of the Enterprise Zone.

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

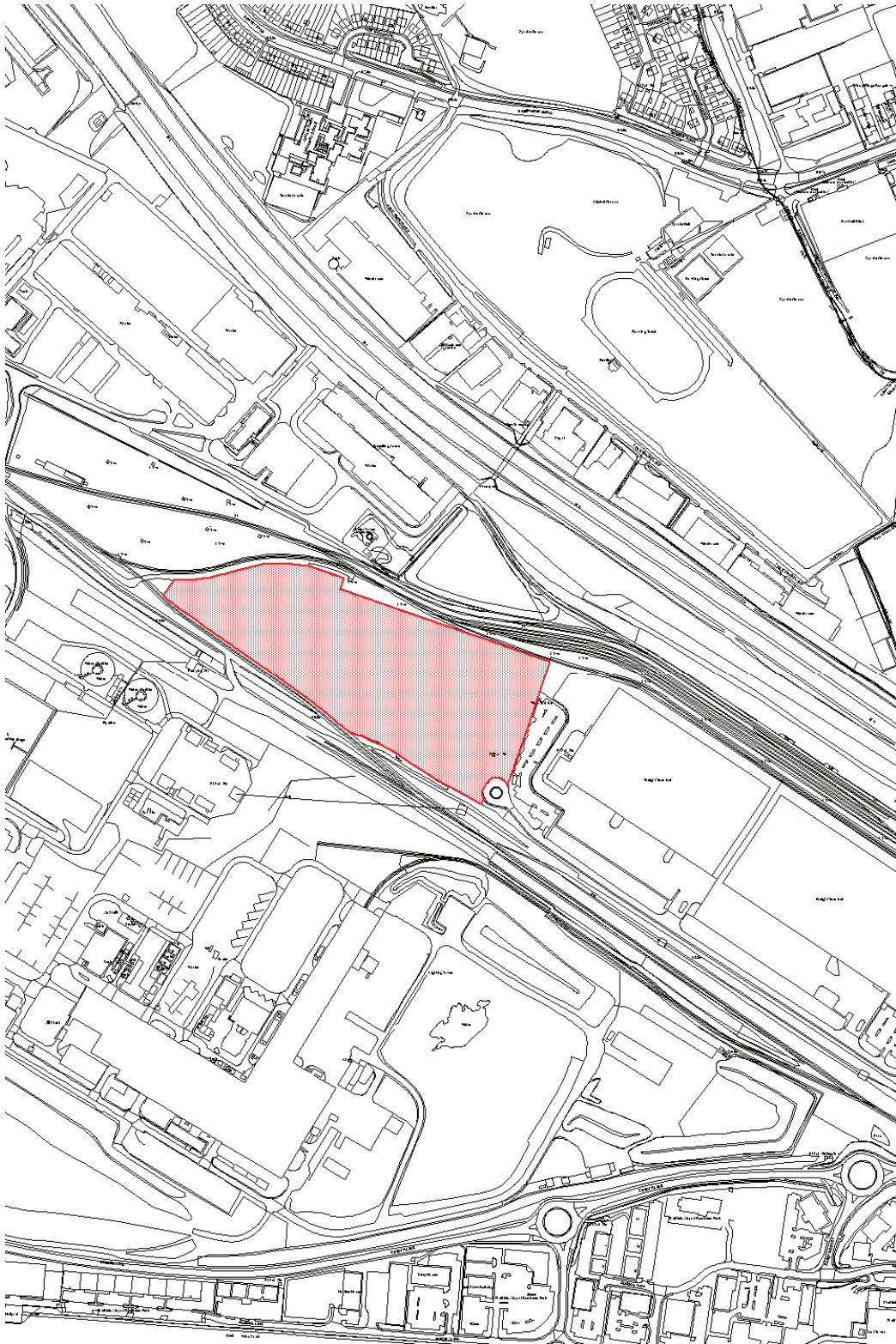
Attention is drawn to the following directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
2. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority

has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.

3. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
4. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.

Site Location



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LOCATION AND PROPOSAL

The application site occupies approximately 6 acres and is located in Tinsley Park. It is positioned between the Outo Kumpu site and the M1 motorway. To the south and south-west the site adjoins the Outo Kumpu Stainless Steel melting shop. To the east, north and north-west there are vacant sidings, Outo Kumpu premises and the motorway. To the east and south-east the site adjoins two very large vacant warehouses/industrial units.

The nearest sensitive uses are to the north-east of the motorway beyond the Park House Lane industrial estate. There is housing at Century View, Brinsworth, approx 450m away and Brinsworth School, approx 600m away.

The site is bordered on the north by railway lines and is at a lower level than the M1 which is on a raised embankment where it adjoins the site. It has been levelled ready for development and is accessed from a mini roundabout at its south-east corner. This is connected to Europa Link by a 600m long private access road.

The site is well screened from Europa Link but will be visible to the south in medium distance views from the upper floors of business units on the Airport Business Park and from Tinsley Hill. There will be fleeting glimpses of the site from traffic using the M1 motorway. Given the site is tucked away behind the Outo Kumpu melting shop it is not easily seen locally except where referred to above.

The applicant is seeking to construct an aggregate rail freight depot including aggregate recycling facility, coated roadstone plant, ready mixed concrete plant, site office and car parking. The site is intended to service the Private Finance Initiative (PFI) contract for resurfacing and maintaining Sheffield Council's highway network and also to serve general market requirements.

It is estimated that for the first 5 years of intensive road and footpath resurfacing, 1.8 million tonnes of asphalt will be needed and for the next 20 years approximately 950,000 tonnes will be required for maintenance. The site will generate 30 jobs and an estimated 130-140 jobs as part of the wider PFI contract.

For the first 5 years 80% of all aggregate will be delivered to the site by rail primarily from the applicant's quarry in Leicestershire. For the next 20 years 50,000 tonnes per annum will be imported for the PFI contract and between 100,000- 150,000 tonnes for general market coated roadstone products. Trains will deliver 2000 tonnes of aggregate up to 4 times a week. The aggregate will be unloaded within an acoustically clad enclosed rail discharge building into an underground hopper and then transferred via conveyor into the aggregate storage area. The discharge conveyors will be fully enclosed and feed a tipper container that runs on an elevated conveyor and discharges into a series of storage bays from a height of 5m. The finer aggregates will be stored in bays covered on 3 sides. The rail discharge building will be 20m long by 8m wide by 4.5m high. The tipper conveyor is approximately 170m long and 7m high, the storage bays are approximately 150m long and 17m wide. Wheel based loaders will move the aggregate to the different plant facilities.

The coated roadstone plant will produce 300,000 tonnes per annum for the first five years and 50,000 tonnes per annum for the next 20 years for the PFI contract, with 100,000 to 150,000 tonnes for general market needs. The bitumen will be delivered by road which will mean 15/20 loads per week during the first 5 years. The roadstone plant will be in an L shaped steel framed building, 30m by 17m and 21m by 9m, being 23m high with the stack being 30m high. 6 hoppers will hold aggregate prior to transfer by conveyers to the plant, these will be 28m long by 3m wide by 9.5m high. Material is dried and heated in the plant and the exhaust gases are passed through a bag filter plant and then through the stack.

The concrete plant will have a maximum output of 100,000 tonnes per year and will demand the import of 100,000 tonnes of aggregate and 25,000 tonnes of cement powders, which will be imported by road. The plant will be housed in a building 25m long by 10m wide and approximately 16m high. Aggregate will be fed into the plant by conveyor and cement from silos.

The aggregate recycling facility will reprocess material removed from the existing road network, it will create secondary aggregates to be used in the coated roadstone plant, create secondary aggregates to be used for concrete, and produce sub-base for road and footpath construction. For the first 5 years 320,000 tonnes of road planings are expected to be brought to the site each year. These will be stored on site until sufficient quantities are available, at which point a mobile crusher and screening plant will be brought on site. The crushed material will be stored on site with 30,000 tonnes going back into footpath and highway sub-base, 70,000 tonnes will be re-introduced back into the roadstone plant, and 220,000 tonnes will be exported by rail to the applicant's quarries in Leicestershire to be recycled in other plant. Recycling activity will take place between 7am and 7pm Monday to Friday.

The office building is a single storey structure located next to the site entrance. It has a footprint of 180 sqm and will be 24m long by 7.5m wide by 3.5m high. A 42 space car park is proposed next to the offices, 2 of the spaces are suitable for disabled people. 10 additional car parking spaces are also to be provided within the operational area of the site.

RELEVANT PLANNING HISTORY

Outline planning permission was granted in 2001 for use of the land as a railfreight distribution centre and intermodal facility with warehouses/ancillary offices (planning permission 01/05082/OUT).

Reserved matters permission was granted in 2006 for the erection of a rail connected distribution centre with office, car parking, service yards and access road (planning permission 06/02641/REM).

SUMMARY OF REPRESENTATIONS

24 objections have been received from residents of Brinsworth in Rotherham, including one from Brinsworth Parish Council. The grounds of objection are as follows.

Pollution

Residents of Brinsworth are already affected by pollution from the Parkway and M1 motorway along with noise and dust from Outokumpu, and have had to put up with pollution from the Orgreave coking plant and open casting mining in the past. Air and noise pollution is already above Government guidelines. The increased road (500 HGV movements per day) and rail traffic will create noise and pollution 24/7 and adversely affect the quality of life of residents. Residents and children already suffer from respiratory problems due to previous industrial operations in the area and there are several schools within a mile of the site. The increased dust will adversely affect public health and the prevailing winds will blow the emissions from the stack towards Brinsworth.

Traffic

There will be large numbers of HGV's using highways in Brinsworth/ Catcliffe and there are junior and senior schools along the route that it will take. The additional traffic will create traffic safety problems, will increase traffic congestion, which is already a problem in the area, and will impact on public transport using Europa Way. The HGV's will damage roads. If permission is allowed, vehicles should be prohibited from passing through Brinsworth and Catcliffe.

Environmental/Visual Impact

The proposal will spoil the attractive landscaped environment along Europa Way which is enjoyed by joggers/walkers. The 80m high stack will have a harmful visual impact.

Other Issues

There are better sites adjoining the Meadowhall to Barnsley train line.

House values will be reduced – non planning issue.

After initially objecting to the scheme the Sheffield City Region Local Enterprise Partnership (SCR LEP) has withdrawn its objection. They have changed their view on the basis of further information from the applicant that; non Enterprise Zone sites do not provide a viable alternative for the proposal; the development supports the highways PFI project; the use of rail transport reduces HGV movements; the low carbon nature of the project due to the recycling of materials; the employment and training delivered by the project; and the applicant's confirmation that they will not seek Enhanced Capital Allowance funding. Given that there are other Enterprise Zone sites near to the site SCR LEP has requested that the planning process ensures as far as possible that the negative impact on surrounding sites is mitigated.

Rotherham Council has no objections but have recommend that an assessment of the impact on the Europa Way/Parkway junction is carried out and a travel plan

conditioned. They would also like an assessment of the impact of transport movements on Nitrogen Dioxide annual mean to be carried out.

Outo Kumpu have no objections but point out that gas pipelines pass under the site and that the risks of developing in proximity to these pipelines need to be assessed. They also say that if the pipelines need diverting that there is a long lead in period in order to avoid lost production at Outo Kumpu and Forgemasters.

Clive Betts MP, Freight on Rail, the Rail Freight Group and the site owners are in support of the proposal for the following reasons;

- The Enterprise zone objectives are an aspiration and the owners of the site do not agree that development should be restricted to the target sectors.
- The scale of development expected on this site would be unlikely to benefit from Enterprise Zone financial incentives.
- The proposal will help regenerate the Enterprise Zone by delivering the materials to surface the city's roads without increasing congestion, pollution, damage to roads/bridges and accidents, it will also minimise CO2 production
- The renewal of Sheffield's roads and footpaths will bring significant business benefits to the city including direct and indirect employment benefits. Warehousing and logistics can provide as many jobs as manufacturing.
- Rail Freight is supported by the Development Plan, Core Strategy policy CS58 and is in line with Government Policy.
- The proposal will result in most of the materials being delivered to the city by rail, the site is located in an industrial area and unlikely to cause inconvenience to others.
- There is a scarcity of rail connected sites with good road access.

The Highways Agency has raised no objections to the scheme.

PLANNING ASSESSMENT

Policy

The proposal is considered to be a general industrial use as the site is being used for manufacturing concrete and asphalt and material is being recycled for re-use in footways and roads.

The application site lies within a general industrial area on the Unitary Development Plan proposals map. Preferred uses are general industry and warehousing (Policy IB5).

Core strategy Policy CS 5 states that manufacturing, distribution/warehousing and non-office businesses will be located in the Lower Don Valley.

Core Strategy Policy CS 8 relates to Tinsley Park and states that the major land uses will be industry and warehousing/distribution, making particular use of rail freight facilities.

The site lies in an industrial area on The Sheffield Development Framework Draft Proposals Map. Within industrial areas industry is a preferred use.

The proposed use is clearly supported by the relevant Development Plan policies.

Enterprise Zone

The site lies within The Sheffield City Region Enterprise Zone. To promote growth the United Kingdom needs to invest in sectors and areas with real economic opportunities and export led growth. The vision for The Sheffield City Region Enterprise Zone is “to build on the Sheffield City Region’s significant credentials and strengths in advanced manufacturing and materials to develop a modern manufacturing and technology growth area”.

The Enterprise Zone Vision and Target Sectors Document identifies the business sectors which the Local Enterprise Partnership is seeking to promote. These are modern manufacturing, creative and digital industries, healthcare, technologies, low carbon and environmental goods and services. It also lists sectors which do not directly support the vision of the Enterprise Zone. These include the wholesale and retail trade, repair of motor vehicles, public administration and service sector activities. The document says that these sectors will not be actively encouraged to operate from the Enterprise Zone and in the majority of cases will not be acceptable in planning terms. The Local Enterprise Partnership will not support such activities and may withhold Enterprise Zone incentives.

The council authorities which cover the Enterprise Zone have signed up to a memorandum of understanding which says that they will take a united approach to planning and focus on attracting, securing and accelerating investment in the key target sectors.

There are two types of site in the Enterprise Zone. Enhanced Capital Allowance sites have been identified as being sites most suitable for major capital investment where the normal planning regime applies. Business Rate Relief sites have Local Development Orders which grant planning permission for development in the key target sectors, subject to certain safeguards.

The application site is an Enhanced Capital Allowance site. The proposed use does not fall within the target sectors of modern manufacturing that the Enterprise Zone is seeking to promote. However it also does not fall within the sectors identified in the Target Document as not supporting the vision for the Enterprise Zone.

The applicant has considered two alternative sites for the proposal close to the application site, both of which can be rail connected. One is outside the Enterprise Zone, approximately 600m to the south east of the site and undeveloped. It is considered to be less preferable by the applicant because of the increased cost of reclaiming the site, the reduced development area and the increased risk of impacting on local residents, as it is closer to housing. The other alternative site considered is immediately to the south east and occupied by vacant warehouses.

This has been dismissed by the applicant as the rent and rate liability costs would make the scheme unviable.

Policy Summary

The application is clearly in accordance with development plan policy but does not meet with the Enterprise Zone vision, which is also a material planning consideration.

There are few sites suitable for a use such as this given the space demands, the need for good road connections, the need for separation from sensitive uses and huge environmental benefits that come from a rail connected site. Given the benefits of the proposal to the city, the strong support from Development Plan policies, and as there does not appear to be a preferable site outside the Enterprise Zone, it is judged that the proposal is acceptable on policy grounds.

Design and Landscaping

The application site was a former railway marshalling yard, part of which has been reclaimed for large scale warehouse/industrial units. The area is industrial in character dominated by large scale industrial buildings associated with the Outokumpu Steel Works and the rail connected warehouses to the south east of the site. Modern office buildings and smaller scale industrial units have developed to the south of the site on land adjoining the former Sheffield Airport. The site is sunken due to its position in the railway cutting and the elevated embankment to the motorway. There is a developing green infra-structure due to planting adjoining the motorway and airport link road corridor, and naturally regenerating sites within the former railway sidings. The landscape and visual assessment submitted by the applicant rates the overall landscape sensitivity as low, which is accepted.

The large warehouses to the south east of the site are 19m high, there is a line of electricity pylons to the south of the site approximately 40m high and the large Outokumpu Stainless Steel melting shop which is approximately 30m high.

The tallest structures on the site are the coated roadstone plant and the concrete plant. Most of the other structures are fairly low level. The roadstone plant will be 23m high with a 30m high stack and the concrete plant will be up to 16m high. External lighting will be required to allow for 24 hour operations. The new buildings are a similar height to the adjacent warehouses but much smaller in terms of footprint and massing. Whilst the stack will be significantly higher, it is a slim element and significantly less visually intrusive than the taller and more substantial electricity pylons to the south and the Stainless Steel melting shop also to the south.

The application site is cleared and prepared for industrial development. It is located in an area of large scale industrial developments. The existing landscaping, such as that associated with the airport business park and highway infrastructure, has yet to fully mature and as it does so the impact of the proposal on the landscape will reduce slightly, although the overall visual impact is judged to be 'slightly adverse' in the Landscape and Visual Assessment.

Due to the sunken nature of the site, and screening by landscaping and buildings, the development will not be prominent from most locations. The visual impact will be greatest from the private access road serving the warehouses to the south east of the site and from the associated offices along with the upper floors of Outo Kumpu offices to the north-west. The Landscape and Visual Assessment rates these locations to be of medium sensitivity and the impact to be substantially adverse from these points. Because these viewpoints are close to the site the potential for mitigation is limited. Woodland planting is proposed along the northern and southern boundaries of the site with part of the northern and southern boundaries left to regenerate naturally, as recommended by the City Ecologist, in order to enhance the bio-diversity of the site. Additional tree planting along the boundary with the nearest warehouse and around the site entrance has been introduced in order to improve the appearance of the site from the access road and the parking area associated with the adjacent warehouse. Whilst these landscape improvements will help to reduce the visual impact over time, given the close proximity of these sites and the scale of development, the visual impact will still be significant. The site will also be visible from the footpath routes on Tinsley Hill to the south of the site and from the upper floors of offices on the airport business park. The impact is judged to be moderately adverse in the visual assessment. However views from these points are still dominated by the stainless steel melting shop and the warehousing buildings adjoining the site. The impact from all other views is rated as slightly adverse to negligible.

Due to the site being in a cutting and adjacent the raised wooded embankment to the motorway, the site is likely to be obscured in most views from the Brinsworth residential area some 500m to the north. The upper part of the tallest structures may be visible from some upper floor windows.

The new buildings on the site mainly accommodate items of plant and there is limited need for office and welfare facilities. The majority of the site will be open in character with stock bays, vehicle and plant parking and storage of recycled materials. The building design is utilitarian and there is little flexibility to secure visual enhancements. They will all be clad in slate grey sinusoidal cladding which will visually tie the different buildings together and distinguish them from the larger mass of the adjacent light coloured warehouses. Given the utilitarian nature of the buildings and large areas of open storage, the standard of development on this site will not be equivalent to the recent developments such the adjacent warehouse site and airport Business Park. However given the lack of prominence of this site the standard of development is considered to be acceptable.

Noise

The National Planning Policy Framework states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

A noise assessment has been submitted with the application. The coated roadstone plant, concrete plant and delivery of material by rail will need to take place at any time. It is expected that one third of the output of the coated

roadstone plant will be produced overnight and on Saturday afternoons and Sundays, the movement of freight trains will need to take place anytime to avoid the main time periods for passenger trains. The importation of road aggregates, sand, limestone dust and bitumen along with the recycling operations will take place during normal working hours.

A background noise assessment has been undertaken for a site to the east of the application site but the information is considered to be applicable for this proposal.

The nearest noise sensitive properties are in Rotherham, these being dwellings near the junction of Brinsworth Road and Brinsworth Hall Crescent, dwellings at Century View and dwellings on the north side of Bawtry Road.

The predicted noise levels at the nearest noise sensitive properties are between 3 and 5 dB(A) below the average background noise levels for dwellings for the daytime. This suggests that the resultant noise levels are less than marginal significance and complaints are unlikely at the residential properties. The predicted noise levels are between 1 and 3 dB(A) above the lowest background noise level at night-time which suggest the resultant noise levels are below marginal significance.

The applicant's consultants have recommended that noise limits are set during the night times at the lowest night-time background noise levels and that noise monitoring is undertaken as a check.

The Council's Environmental Protection Service is satisfied with the findings of the noise report and the mitigation proposed. Conditions are proposed to secure the noise mitigation. Rotherham Council's observations on this scheme were reported to their committee. The committee report advises that their Environmental Health department has considered the noise assessment and subject to the noise conditions, they consider the development will not have a detrimental impact on the amenity of Rotherham's residents living close to the site.

The site is accessed predominantly on roads within industrial/commercial areas. Where the surfacing of roads requires work to be carried out during the night, there will clearly be some disturbance to residential properties close to the roads that HGVs will use. This would be the case wherever the roadstone plant were located and is not specific to this site. The noise impact will be most concentrated around the roadstone plant depot, in this case as the plant is located in an industrial area and as most of the aggregate will be imported by rail the noise impact will be minimised.

Air Quality

The National Planning Policy Framework states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Core Strategy policy CS66 states that action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken particularly

where residential areas in road corridors with high traffic levels are exposed to pollution above national targets.

The site is located in the Sheffield Air Quality Management Area and is close to the Rotherham M1 Air Quality Management Area that includes the residential areas of Brinsworth.

The background air quality monitoring from the DEFRA monitor at Tinsley and Sheffield, and Rotherham's automatic monitoring station, generally indicates that ground level concentrations of Nitrogen Dioxide (NO₂) and small particulates are in accordance with the Air Quality Objectives. Passive diffusion tube monitoring in Sheffield and Rotherham generally indicates that in close proximity to the M1 or busy or congested roads the Air Quality Objective for NO₂ is most likely to be exceeded.

The roadstone coating plant, concrete batching plant and mobile crushing and screening plants will require Environmental Permits. Operators have to demonstrate that they are using Best Available Techniques and that no significant pollution will be caused.

Transport Emissions

The impact of rail transport on NO₂ is not likely to be significant given that there are likely to be only 4 train deliveries per week.

The application site already has permission for a 26,291 sqm warehouse, which can be implemented. As explained below in the Access section the trips generated by the permitted development would be likely to be significantly less than those generated by the proposal, although the number of HGV movements is likely to be slightly more, 259 per day as opposed to 231 in the permitted scheme. It is not possible to accurately assign the traffic distribution from the development and therefore not possible to quantify the impact on air quality in specific locations. However, as the vast majority of the traffic will be heading towards Sheffield City Centre by the Parkway or Shepcote Lane, depending on the location of the resurfacing works being undertaken, it means that the impact on residential receptors in Tinsley and Brinsworth is likely to be less than the permitted scheme.

An assessment of annual NO₂ is based on the impacts at set distances from roads carrying 25% of traffic from the development. Such flows from the development are only likely to occur along the road links in close proximity to the site, which are not close to residential receptors where the annual NO₂ limit applies. Where the Annual Average Daily Trips (AADT) are less than 200 HDV movements, the impact of exhaust emissions can be classified as neutral. It is considered highly unlikely that higher AADT would occur in close proximity to any residential property.

However a hypothetical scenario has been assessed with 25% of the generated traffic passing within 20m of a receptor for various scenarios, including comparing the proposed development against the permitted development. This highly unlikely scenario indicates that the impact of the proposal on annual average NO₂ levels would be 0.46 micro grams per cubic metre for the permitted development

and 0.47 micro grams per cubic metre for the proposed development. The difference between the permitted scheme and proposed development is an increase of 0.01 micro grams per cubic metre or a 0.02% increase which is categorised as insignificant or imperceptible. Therefore the significance of the impact is classified as negligible.

The Council's Air Quality Officer has assessed the submissions and advised that the methods of assessing emissions are known and acceptable. He does not disagree with the conclusions reached by the applicant's consultant that the impact of transport emissions will not be significant.

The applicant is proposing some mitigation in that the vehicle fleet will all be a minimum of Euro IV standard compliant vehicles and less than 7 years old. A condition is proposed which will secure a minimum of Euro V standard compliant vehicles by the end of 2016. As a result the impact will be less than that assessed in the application as the assessment methodology used includes a proportion of older vehicles. The applicant has been encouraged to switch delivery vehicles fuel from diesel to other low emissions fuels such as liquefied petroleum gas (LPG) or compressed natural gas (CNG) at the earliest opportunity. Whilst the applicant is not willing to commit to this at this stage, they have indicated a willingness to explore these options. Given that the costs of this change are not known, the infrastructure is not in place for alternative fuels such as CNG, and delivering the majority of aggregates to the site by rail significantly reduces nitrogen dioxide emissions, it is unreasonable to make this a requirement.

Coated Roadstone Stack Emissions

The emissions have been calculated on the basis of a throughput of approximately 500,000 tonnes, which significantly exceeds the likely throughput of 300,000 tonnes. The plant is to be operated with a low nitrogen dioxide burner.

The emissions from the plant have been predicted at 44 receptor locations including residential areas in Tinsley and Brinsworth. The maximum short term impact at receptor locations of small particulates and NO₂ are predicted to be 0.61ug/m³ and 62.15 ug/m³ respectively, and these impacts are judged to be negligible and small. The maximum annual average impacts at receptor locations for small particulates and NO₂ are predicted to be 0.06ug/m³ and 1.38ug/m³ respectively, and these impacts are judged to be negligible and small or slightly adverse in areas where the background concentration already exceeds the Air Quality Objective.

Given that the throughput of the roadstone plant is expected to be up to 300,000 tonnes as opposed to 500,000 tonnes, the emissions are likely to be less than those predicted in the application. In addition the predictions in the air quality assessment are based on the plant being fuelled by a mixture of oil and gas. However the applicant has committed to using natural gas which produces significantly lower emissions of Nitrogen Dioxide. This is secured by a planning condition.

The effect of the above is that in practice the maximum predicted concentrations of Nitrogen Dioxide from the plant would be approximately 0.69ug/m³. The average annual concentration is expected to be in the range of 0.4-0.69ug/m³. In this area the Nitrogen Dioxide levels are below the EU limit and therefore the proposal will not cause a breach of the air quality limits. Therefore there is no reason for resisting this proposal on air quality grounds.

Coarse Dust Particles

The applicant's consultant considers the site to be a medium risk site for dust emissions during construction. They are proposing the following mitigation measures.

- Damping down site work during dry periods.
- Sheeting of vehicles.
- Storage locations to be positioned away from site boundaries, minimising stockpiles, screening and damping down of stockpiles.
- Dust deposits on roads to be removed.
- Use of water as a dust suppressant.
- Trained site manager to be responsible for dust mitigation.
- Waste materials not to be burned on site.
- Avoid prolonged storage of materials on site.

With the above measures in place the potential impacts from dust during construction is considered to be negligible. A condition is proposed to ensure that this mitigation is carried out.

The operational phase includes the raw material import and storage, material processing, transfer of potentially dusty materials, transfer of finished material into HGV's and use of haulage roads. These processes have the potential to produce dust impacts. The majority of the dust producing activities will be controlled under an Environmental Permit which will include conditions covering the performance of abatement plant, emission limits, monitoring, training, maintenance and complaint procedures/processes.

The potential impact of dust from point sources is considered to be negligible when the dust mitigation measures are taken into account. Dust generated from aggregate recycling and loading etc can be minimised by applying dust mitigation measures. Some dust is likely to be produced in dry and windy conditions but given the distance to sensitive receptors the applicant considers the impact risk to be low.

The Environment Agency has advised that an Environmental Permit will be required for the aggregate recycling facility. The permit will control emissions to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration and monitoring. Conditions will be set in the permit to manage environmental risk to an acceptable level reflecting current statutory requirements. They have advised that if the applicant does not demonstrate an ability to comply with such conditions, the permit will be refused. It is therefore considered that the environmental controls over the aggregate recycling element of the scheme can be

left to the Environment Agency. It would be inappropriate for the planning authority to duplicate these controls.

The concrete and roadstone plants will also require Environmental Permits from the Council. Odours and dust will be controlled under the permit. In terms of the concrete plant, the main areas in which dust can be released, on a daily basis, are from the aggregate stock piles / stock bays and during the dispatch of materials. The finer material aggregate bays are to be completely covered on three sides with a canopy over head. This will minimise the potential for dust emissions. The batching of materials is also to be fully enclosed. The Council's Environmental Protection Service has advised that as the dusty activities are to be controlled under the permit, they do not have any concerns over general dust emissions from the cement batching works. Given the controls under the Environmental Permit and the distance to sensitive receptors, it is unlikely that dust will be a significant issue for the nearest residents in Brinsworth.

Coated roadstone plants can produce odours. Given the controls under the Environmental Permit, that odours should not extend beyond the site boundary, there should not be a problem with odours. If they do occur then they can be dealt with under the Environmental Permit.

Rotherham Council's Environmental Health Department has assessed the Air Quality report submitted with the application and concludes that the process itself will not have a detrimental impact on Nitrogen Dioxide Emissions and therefore will not have a detrimental impact on Rotherham's Air Quality Management Area.

Carbon Emissions

Given that the Council has committed to improving the city's highway network the depot will need accommodating somewhere in the city. Transporting the aggregate to the city by rail produces less carbon emissions than by road. The applicant has estimated that for the first 5 years this will result in Co₂ emissions of 736 tonnes per annum as opposed to 1,541 tonnes if the material were brought in by road, which is a reduction of 805 tonnes, (over 50%).

Access Issues

The National Planning Policy Framework seeks to promote sustainable transport. It states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should be located and designed, where practical, to accommodate the efficient delivery of goods and supplies. Decisions should take account of whether safe and suitable access to the site can be achieved by all people.

Core Strategy policy CS58 states that the movement of freight by sustainable modes will be encouraged, primarily rail, through promoting the use of Tinsley Rail Freight Terminal.

Core Strategy Policy CS8 states that public transport links to Tinsley Park will be improved to enable sustainable forms of transport to be used, including direct links to the rail network for freight.

Outline planning permission was granted for use of the land as a railfreight distribution centre and intermodal facility with warehouses/ancillary offices, permission 01/05082/OUT. Three warehouses were granted detailed permission and two have been built but not occupied. Detailed permission exists for a third warehouse of up to 283 000 sq ft or 26,291 sqm on the application site, which can still be implemented as the site has been reclaimed and levelled.

The trip generation associated with the third undeveloped warehouse is 315 arrivals and 344 departures, giving a total daily trip generation figure of 659. The trip generation associated with the application proposal is 401 daily movements, which is 258 daily movements less than could be generated if the fall back development were to be implemented. The benefit of importing and exporting material by rail produces a reduction of 98 HGV movements daily.

The nearest bus service is the A1 service which has a half hour frequency and serves Europa Link. The nearest stop is approximately 900m from the site. Route 31 serves Brinsworth Road, with the nearest stop approximately 1.2km from the site. The Trans Pennine Trail and National Cycle Network runs along Europa Link. Whilst the site is not ideally located in terms of public transport access, the low number of employees (30) means that the development will not generate a high number of employee trips.

In conclusion, the proposed development will generate fewer trips on the local highway network than the warehouse development that can be implemented. A higher number of trips associated with the warehouse scheme have already been judged to be acceptable. Given this, it is concluded that the traffic generated by the development can be adequately accommodated on the network.

The access road that serves the site and junctions with Europa Link have been recently constructed and are designed to accommodate HGV movements. Traffic accessing the site will use Europa Link and then either Shepcote Lane or Sheffield Parkway to access the wider road network being upgraded in Sheffield. These roads are suitable for use by HGV traffic and, as Europa Link passes through an industrial and commercial area, it is well located in terms of minimising the amenity impact of HGV movements.

The benefits of the rail connection for importing aggregate are significant as this will result in a reduction of 98 HGV movements on Sheffield's highway network and a saving of around 270 HGV movements on the national highway per day, when compared with an alternative site that is not rail connected.

A number of residents have objected on the basis that the HGVs will use highways in Brinsworth and Catcliffe and that this will create traffic safety problems, add to congestion and create noise. The primary purpose of this facility is to service the 'Streets Ahead' project within Sheffield and there is no reason why HGVs would utilise roads within Catcliffe and Brinsworth other than the junction of Europa Link

with Sheffield Parkway, which does not adjoin any sensitive uses. As the number of movements is less than the permitted warehouse development the impact on congestion is likely to be less than the permitted scheme.

The main transport issue is the movement of the materials to and from the site. The proposal is supported by transport policy in that it utilises the rail network and promotes sustainable transport in accordance with the NPPF and Core Strategy Policies. The traffic generated will be lower than that already granted permission for an alternative development and it can be accommodated on the highway network without significant detriment. The site is well located in terms minimising the amenity impact of HGV movements and proximity to the strategic road network.

Ecology

The applicant has submitted an ecological assessment. The site has recently been disturbed when the works to reclaim and level the site were carried out. The site is described as comprising of ephemeral/short perennial vegetation, intermittent scrub, occasional trees and a small area of neutral grassland. This is comparable to the UK BAP Priority Habitat 'Open Mosaic Habitat on Previously Developed Land' and Sheffield LBAP Priority 'Urban Common'. The site has the potential for reptiles and invertebrates due to the varied habitat. No protected species were identified on the site or in the small pond adjoining the site.

The ecological assessment recommends that landscaping utilises native species; avoids impacting on nearby water bodies due to pollution run-off or dust; that vegetation is removed outside the bird breeding season and that lighting is directed away from the site boundaries.

The initial ecological assessment recommended further invertebrate and reptile surveys be carried out. The invertebrate survey identified common and widespread species expected on urban brownfield sites. The applicant's ecological consultant has concluded that the invertebrate fauna within the site is only important at the local scale. It concludes that, at worst, the impact would be significant locally and is not sufficient to warrant constraints on development or mitigation measures. The recommendations for the site are to maintain areas of naturally vegetated land within the scheme to enhance the biodiversity of the site. This will be secured by allowing the south facing embankment to regenerate naturally. The reptile survey did not find any reptiles, although a number of common toads, smooth newts and common frogs were found. As the common toad is listed as a priority species on the UK Biodiversity Action Plan it is recommended that site workers are instructed to relocate any species found to the nearby ponds.

The city ecologist has assessed the proposals and is satisfied with the scheme.

Flood Risk

The application site is located in flood zone 1 which is at the lowest risk of flooding. The applicant's flood risk assessment concludes that there is a low risk of river, groundwater and surface water flooding.

Surface water discharge from the site will be limited to a 1 in 2 year storm Greenfield run-off rate of some 16.7 l/s. This would be at least 30% better than the existing run-off rates. Surface water from roofs will be directed to the site attenuation, whilst surface water from hard standing areas will be passed through silt/debris traps and oil/petrol interceptors. An above ground level storage tank will be provided to store run-off and release it at the above rate to the existing drains to the south of the site which ultimately discharge to the River Don.

The Environment Agency has not objected to the flood risk assessment but they are seeking conditions which require details to be submitted for approval of the surface water system, along with petrol/oil interceptors, and measures to remove suspended solids from the run-off. They are also seeking a condition that will require details of suspended solids to be removed from surface water run-off during construction. They have advised that the effluent from the ready mixed concrete plant should not discharge to the surface water system.

Hazardous Substance Zone

A small part of the site falls within a hazardous substance consultation zone. The Health and Safety Executive software tool has been interrogated and this concludes that there is no reason to resist the proposal on safety grounds.

RESPONSE TO REPRESENTATIONS

In response to Rotherham Council comments, the transport assessment shows that the proposed traffic generation associated with this development is lower than that already approved for the site, as such it would not be reasonable to request any junction analysis work as in reality traffic flows are reduced.

In real terms the situation is even better as without this facility all the deliveries would come from the Bardon quarries which are south of the city and would mean they would travel along the M1 with most exiting at junction 33 and travelling along the Parkway. So, apart from the reduction associated with the change from permitted scheme for the site, there is a further potential saving of around 200hgv movements a day along the Parkway. Further demonstrating that there is no requirement to undertake any traffic impact assessments on this route.

Given the low number of employee numbers, a travel plan is not considered to be necessary in this instance.

SUMMARY AND RECOMMENDATION

This proposal is supported by development plan land use policy and transport policy which seeks to encourage the use of sustainable methods of transport. The benefits of this rail connected site are a significant reduction in HGV movements and associated reductions in congestion, noise and carbon emissions from road traffic. The proposed development, which is part of the Highways PFI project, will deliver significant business and economic benefits to the city. Whilst the project does not fall within one of the sectors targeted for development within the

Enterprise Zone, given the benefits of the proposal and the suitability of the proposed site, this is not considered to be sufficient reason for opposing this development.

Due to the nature of the operation it will not deliver a high quality design. However this site is not particularly prominent and is located in an area dominated by larger scale industrial development. In this context, and given the screening to the site, it will have a limited harmful visual impact.

The highway impact is less than that of the permitted development and traffic will be concentrated on roads designed to accommodate industrial traffic. The nearest sensitive uses are on the opposite side of the motorway and the controls under the Environmental Permit regime and the planning conditions proposed should be sufficient to ensure that there is no significant amenity impact resulting from dust and noise. These same controls should also prevent the development being a significant constraint to future development on adjacent sites within the target sectors of the Enterprise Zone. The air quality assessment over-estimates the impact of the development on Nitrogen Dioxide levels. Taking this into account, it is concluded that there is no reason to resist the application on this basis. Furthermore, as most of the aggregates are to be moved from the quarries to Sheffield by rail, there is a significant saving in Nitrogen Dioxide emissions which would be produced by HGV's if the site were not rail connected.

Given the above it is recommended that planning permission be granted subject to the proposed conditions.

Case Number 12/02245/FUL

Application Type Full Planning Application

Proposal Lowering of dry stone wall and erection of 1.4 metres fencing panels on top

Location Amberley
8 Thornsett Gardens
Sheffield
S17 3PP

Date Received 12/07/2012

Team SOUTH

Applicant/Agent Mr J Baker

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the fence is out of scale and character with the street scene and surrounding area, and represents an uncoordinated appearance relative to neighbours boundary treatments detracting from the visual appearance of the locality and therefore contrary to policy H14 of the Unitary Development Plan and policy CS74 of the Core Strategy.

Attention is drawn to the following directives:

1. The Director of Development Services or the 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 fence. The Local Planning Authority will be writing separately on this matter.
2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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INTRODUCTION

Members may recall that this application was first presented to the City Centre, South and East Planning Committee on 15 October 2012 with a recommendation for refusal which the Committee supported. However, the formal Decision Notice has not been issued because before the notice could be sent, the applicant said that his case was not fully set out in the report.

National planning guidance is clear in that even if the Committee has made a decision, the actual formal decision is not in place until the notice has been despatched.

During this intervening period, the applicant contacted officers and said that the reasons for him putting the fence in place had not been set out in the report and this is correct. The applicant set out on the application forms that the fence was required for reasons of privacy, security and mitigation against noise but this was not included in the report.

Consequently, the report has been amended to include the applicant's full case which includes all other comments submitted relating to the application since 16 October.

Members should also be aware that during this time, officers have been exploring various alternatives with the applicant including reducing the height of the fencing that is in place and seeing what can be achieved by way of permitted development.

LOCATION AND PROPOSAL

8, Thornsett Gardens is a large detached house that is located in the established suburb of Dore. It is located at the end of a short cul-de-sac and the large rear garden backs on to a new residential development known as Dore Lodge Gardens. There are five detached houses that are sited in the former rear garden of Dore Lodge and access is gained to these houses by way of a private access road that runs close to the rear gardens of 4, 6 and 8 Thornsett Gardens and 69, Dore Road.

The subject of this application is the boundary between 8, Thornsett Gardens and the side of the access road serving the new development. Along the west side of the access road, the boundary is marked by a stone wall with flag stone caps with mature garden edges and trees behind. The wall runs for about 90 metres along the access. The rear garden of 8, Thornsett Gardens comprises a 40 metre length of this wall and the applicant seeks planning approval for the erection of a wooden panelled fence which would be placed on top of this wall, supported by posts set into the garden of 8, Thornsett Gardens. The height of the fence would be 1.4 metres on top of the wall and the total height from the ground level of the applicant's garden would be about 2.3 metres and on the other side it is about 2.2 metres.

Members should be aware that this application is part retrospective because a section of the fence has already been put in place. About 20 metres of fencing has

been erected above the stone wall. Along the remainder of the boundary, trees and mature planting already provides a screen.

The applicant has specified a number of reasons why the fencing is required and why it should remain as built. This includes reasons set out on the application form and also in correspondence while the application has been lodged with the Council.

The fence will provide security, privacy and noise insulation from ongoing housing development on the adjoining site.

The fence will mitigate against discomfort and inconvenience suffered from building works, which will continue with work on the remaining houses at the front part of the site.

There has been flooding from the adjacent site and light from street lights shining into the applicant's rear garden.

The access road serving the new development results in noise and disturbance.

The fence has only been erected where the mature garden edge and trees do not exist.

The fence prevents overlooking from the new three storey houses.

The stone wall along the applicant's boundary has been reduced in height, capped with stone flags and is not an attractive feature.

The statement in the original Committee report about the fence having a detrimental impact is a subjective statement.

There is no mention in the original report about what permitted development limits might be.

SUMMARY OF REPRESENTATIONS

Three neighbours have objected to the erection of the fence, on the following grounds:-

It is unacceptable because at 2 – 2.4m high it is visually intrusive and has an adverse impact on the houses at Dore Lodge Gardens.

It is a breach of planning control because it has been built without planning approval.

One letter of support has been received, which states that the fence is a small but sensible step to ensure privacy for the applicant.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is within a housing policy area which, as set out in policy H10, is the preferred use in such areas. There would be no change in this respect.

It is considered that the most important issue with this application is the visual impact of the fence on the character of the area.

Visual Impact of the Fence.

UDP policy H14 says that new development should be in scale and character with neighbouring buildings and Core Strategy policy CS74 says that high quality development is expected which contributes to successful and attractive neighbourhoods.

The fence that has already been constructed has posts sunk into the ground directly behind the wall and vertical wooden boards have been attached to the posts to create a screen between the garden and the new development. The remainder of the wall along the boundary has mature planting in place that provides a screen between the two sites.

The fence is in contrast to the stone wall which creates an attractive and uniform boundary along the edge of other gardens adjacent to the access road. The erection of the fence has, by way of its construction and height, introduced an unacceptably intrusive feature into the immediate environs creating a noticeable imbalance.

It is accepted that the fence is only fully visible from within the Dore Lodge Gardens development which is accessed via a private drive and is about 50 metres away from Dore Road where only glimpses are available from the road. Nevertheless, it is next to an area of significant activity and circulation and does have a detrimental impact. It is viewed by all occupants of the five properties on Dore Lodge Gardens, and by visitors to those properties.

The fence faces the sides of two of the new houses at Dore Lodge Gardens and forms an oppressive feature close to both properties.

The fence is contrary to the provisions of policies H14 and CS74.

Members should be aware that since the previous Committee of 15 October, officers have been in contact with the applicant suggesting alternatives that would result in a changed recommendation. This has included reducing the height of the fence and treatment of the fence that will reduce its prominence. There has also been discussion on what permitted development limits would allow.

The fence is about 2.3 metres high when measured from the ground level of the applicant's garden and if this was reduced by 30 cms to 2 metres high then this

would accord with permitted development guidelines and this planning application would not be necessary.

At the time of preparing this amended report, the applicant has not confirmed a willingness to amend the scheme, so it remains contrary to policies H14 and CS74.

It is noted that a fence currently exists along the full length of the access road to the Dore Lodge Gardens development, which is seen in context with the fence subject of this application. However, members should be aware that this fence does not have planning permission, and is the subject of a separate enforcement investigation.

Impact on Neighbours' Amenities.

UDP policy H14 says that new development should not harm the amenities of neighbours and Core Strategy policy CS74 says that new development should contribute to sustainable neighbourhoods.

The fencing provides an effective screen between 8, Thornsett Gardens blocking views of Dore Lodge Gardens and the applicant benefit from this in line with his comments set out earlier in this report. The fence, although a visually intrusive feature does not adjoin other private gardens and only affects joint circulation space at the entrance to the new development. Consequently, it is considered that there would be no harm to neighbours' amenities.

RESPONSE TO APPLICANT'S SUPPORTING CASE.

The matters of flooding and street lights are separate from this application and are being dealt with as such.

With respect to the loss of privacy from the five houses, this was assessed as part of the applications for these houses and it was concluded that because of layout and orientation of the existing and proposed houses, there would not be a significant loss of privacy.

Similarly, the impact of the access road along the boundary of Thornsett Gardens was assessed during the applications and it was considered that the low levels of traffic would not have a significant impact.

Your officers stand by their view that the stone wall is an attractive feature.

It is acknowledged that the fence does provide effective screening between the two sites in line with the original case put forward when this application was submitted. However, it is pointed out in this report that a modest reduction of 30 cms would render the fence permitted development which would be outside planning control. Officers are of the opinion that this slightly lower level of screening would have a similar level of effectiveness in terms of retaining privacy and security and limiting noise from building works as the fencing as built. It is noted that although the fence runs for about half the length of the garden wall, the remainder of the screening in the form of trees and mature landscaping would not alter.

Having re-assessed the application, officers remain of the opinion that the single most important issue is the height of the fence and consider that, given there is no revised proposal to reduce the height, it is still unacceptable.

ENFORCEMENT

The fence has been constructed without the benefit of planning consent and is considered to be unacceptable. Consequently, it will be necessary for Members to authorise officers to take appropriate action including, if necessary, enforcement action to secure the removal of the fence.

SUMMARY AND RECOMMENDATION

The retrospective planning application for the wooden fence along the top of the stone wall for a length of 40 metres is considered to be unacceptable because of its visually intrusive appearance and contrary to the provisions of policy H14 of the adopted Unitary Development Plan and policy CS74 of the adopted Core Strategy.

The application has been re-assessed taking full account of all reasons set out by the applicant as to why the fence should be approved. The applicant has not shown a willingness to reduce the height which may well result in a revised recommendation or render the fence permitted development. There has been no material change to the fence so the recommendation to refuse remains unaltered from the previous report.

The fence has been put in place without planning approval and is unauthorised. It is, therefore, recommended that the Director of Development Services or Head of Planning be authorised to take all necessary steps, including if needed, enforcement action and the institution of legal proceedings to secure the removal of the fence.

Case Number 12/02135/FUL

Application Type Full Planning Application

Proposal Retention of external flue and incinerator (Revised location and height)

Location 34 Tannery Street
Sheffield
S13 7JW

Date Received 29/06/2012

Team CITY CENTRE AND EAST

Applicant/Agent Mr F Collumbine

Recommendation Grant Conditionally

Subject to:

- 1 The existing incinerator and flue shall be removed from its current position and resited and installed in accordance with the approved plans within 28 days of the date of this notice and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

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

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

plan reference number HED / 0246 / 12 dated Amy 2012,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Notwithstanding the submitted plans the flue shall be fitted with a non restrictive cowl and be painted black within 28 days of the date of this notice unless otherwise agreed with the Local Planning Authority.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield

Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

H14 - Conditions on Development in Housing Areas

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

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

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a two storey semi detached dwelling house, there are also a number of out buildings located to the rear of the site which have been used as a bakery for a number of years.

The application site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan.

This application seeks retrospective planning consent to retain an incinerator and associated flue, which are located to the rear of the dwelling house.

RELEVANT PLANNING HISTORY

No relevant planning history

SUMMARY OF REPRESENTATIONS

8 letters of representation have been received, 3 letters have been sent by one objector and a further three letters from another objector one of which claims to be submitted on behalf of a neighbour, the issues raised are summarised as follows:

- Incinerator is a major health risk.
- Fire hazard due to proximity of incinerator to waste, existing structures and stored flour.
- Burning of materials takes place at night.
- Development will affect property values.
- When the wind blows in certain directions odours from the incinerator are evident.
- How would burning of approved material be policed.
- Contaminated waste products including packaging and bakery by products are being burnt in the incinerator.
- The incinerator has capacity to burn 20 tonnes of waste a week.
- Due to location of property and tree cover smoke is unable to dissipate adequately.
- Atmospheric conditions affect dissipation of smoke from incinerator.
- Councillors have witnessed smoke from the incinerator.
- Health and safety issues due from fuel deliveries to the site.
- The flue has a detrimental Impact on the visual amenities of the locality and painting of the flue would not improve its appearance.

PLANNING ASSESSMENT

Design Issues

Policy H14 'Conditions on development in Housing Areas' part (a) seeks to ensure that new development is well designed and in scale and character with neighbouring dwellings. The existing dwelling is a two storey stone built property, which although elevated above the level of the adjoining highway (Tannery Street) is set back from the road with some mature tree planting to the site frontage. The

incinerator is relatively small approximately 2 metres high, 1 metre wide and 1 metre deep and as such is not considered out of scale with the existing dwelling and the established commercial bakery operations on site.

The existing flue is located to the rear of the building and during the course of the application it has been agreed that the position of both the flue and incinerator should be amended. This will result in the incinerator and flue being moved from behind an existing single storey garage to a position within the rear yard area of the property adjacent to the rear elevation of the two storey element of the dwelling. The amended position of the incinerator enables the required flue pipe to be taken up the rear elevation of the dwelling across part of the roof and up the side of an existing stone built chimney to terminate at a height of 8.5 metres above ground.

The flue pipe at its base is approximately 300mm in diameter narrowing to a width of 200 mm. Due to the amended position of the incinerator and flue pipe the existing dwelling and chimney largely screen it from street views. In addition a flue pipe is not considered an uncommon feature on a dwelling house where service, ventilation and drainage pipes often project above eaves level. However in order to mitigate any perceived visual impact the flue pipe will be conditioned to be painted black, which will help the pipe to blend with the dark slate roof and with the existing rainwater goods on the dwelling house. In light of the above the proposal is not considered to detrimentally affect the appearance of the dwelling house or have any harmful impact on the appearance of the street scene and therefore complies with Policy H14.

Amenity and Pollutions Issues

Policy H14 part (k) seeks to ensure that new development would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to Health and safety for people living nearby. The application site has an established commercial bakery located within its grounds. A number of concerns have been raised about smoke and pollution generated from the incinerator in its current position. Following discussion with the Councils Environmental Protection Services (EPS) the position of the incinerator has been amended and the flue increased in height to 8.5 metres to ensure it terminates at a similar height to the existing chimney of the property, which will aid the dispersal of any odours or smoke generated by the device. EPS are satisfied with the flue termination point; however it is also considered that a non restricted cowl should be fitted to the flue pipe to further aid odour and smoke dispersal, which will be secured by planning condition.

Sheffield is a designated smoke control area under the Clean Air Act 1993. The applicant has submitted detailed specifications of the incinerator which confirms that it is an exempt appliance under the Clean Air Order 1999. Exempt appliances are appliances such as ovens, wood burners, stoves and incinerators, such as the applicants that have been passed tests to confirm that they are capable of burning an unauthorised or inherently smokey solid fuel without emitting smoke. There are however restrictions on what can be burnt within the incinerator to ensure compliance with The Smoke Control Areas (Exempted Fireplaces) Order 1999 and to secure an exemption from section 20 of the Clean Air Act 1993, in this case no

fuel other than paper, card, untreated dry wood and cotton waste can be burnt in the incinerator. If other unauthorised fuel is being burnt and/or smoke is emitting to atmosphere and causing a nuisance, then enforcement action can be taken against the applicant under the Clean Air Act 1993 and or The Environmental Protection Act. Objections to the application have alleged that unauthorised materials are being burnt in the device, however despite several visits by EPS no evidence of the burning of unauthorised material has been witnessed or evidenced.

In light of the fact that the incinerator is an exempt device in accordance with Clean Air Order, and taking account of the amendments to the position and increase in the height of the termination point of the flue, the proposal is acceptable to EPS and is not considered to give rise to unacceptable air pollution, smell or risk to health and safety and therefore accords with Policy H14 (k). Notwithstanding this, should unauthorised waste be burned in the incinerator, as alleged by objectors, which gives rise to smoke emitting to atmosphere and causes a smoke nuisance, the matter will be investigated and the relevant enforcement action taken by the Councils Environmental Protection Service.

RESPONSE TO REPRESENTATIONS

Affect on property prices is not a planning matter. Concerns raised regarding fire safety have been referred to the South Yorkshire Fire Service who have raised no objection to the proposal. All other issues are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

This application seeks retrospective planning permission to retain an incinerator. The position of the incinerator has been amended and the flue height increased during the course of the application to assist in the dispersion of smoke and odours. The flue and incinerator are located to the rear of the premises and subject to a condition requiring the flue pipe to be painted black, it is not considered to detrimentally affect the visual amenities of the locality.

The incinerator is an exempt device as specified in the Clean Air Order 1999 and should any unauthorised materials be burnt which cause smoke nuisance EPS can take necessary enforcement action.

In light of the above the proposed development is considered to comply with Policy H14 part (a) and (K) and therefore it is recommended that planning permission is granted conditionally.

Case Number	12/01891/FUL
Application Type	Full Planning Application
Proposal	Application under Sec 73 to remove/alter condition 8. (No amplified music) imposed by 04/04689/FUL (Erection of swimming pool and multi purpose gymnasium with changing rooms) to allow amplified music within the building subject to the findings of an acoustic report
Location	Mylnhurst Preparatory School And Nursery Button Hill Sheffield S11 9HJ
Date Received	15/06/2012
Team	SOUTH
Applicant/Agent	Cordonier Architects
Recommendation	Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of five years from the date of 20.06.2006.

In order to comply with the requirements of the Town and Country Planning Act.
- 2 Before the development is commenced, full details of the proposed materials, including samples, shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.
- 3 Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details within 1 month of the occupation of the development or within an alternative timescale to be first agreed in writing with the Local Planning Authority. When the above-mentioned landscaping has been carried out, thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced in accordance with the approved details unless otherwise authorised in writing.

In the interests of the amenities of the locality.

- 4 Before the development is commenced full details of the siting of compounds, storage of materials and access of site traffic shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of the amenities of the locality.

- 5 The existing trees, shrubs or hedges within the site of the development, other than those indicated for removal on drawing 027 Rev P2, shall not be destroyed or otherwise removed and no trees shall be lopped or topped, without the prior written agreement of the Local Planning Authority, but if notwithstanding this condition any tree, hedge, part of a hedge or shrub other than those indicated for removal is removed or destroyed or damaged to such a degree that in the opinion of the Local Planning Authority its removal is necessary, then a replacement shall be planted of a species and size to be approved by the Local Planning Authority prior to planting. Any such replacement shall be cultivated and maintained for 5 years and any failure within that 5 year period shall be replaced with like species unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the locality.

- 6 Before any work on site is commenced full details of the measures to be taken to protect the existing trees, shrubs and hedges within and/or adjoining the site of the development during demolition and construction phases shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include means of preventing the ground beneath the canopy of such trees and/or hedges from being disturbed or used for storing materials of any kind.

In the interests of the amenities of the locality.

- 7 Before the development is commenced, full details of all proposed external lighting to the building and other external areas around the building, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 8 Amplified sound within the building shall only be permitted:
1. Between 0800 - 2130 hours and;
 2. When all external openings including emergency doors and windows are fully closed,

and so that noise breakout from the building when measured at the site boundary does not exceed the ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq

excepting one event per calendar year when amplified sound shall only permitted;

1. Between 1700 - 2400 hours
2. When all external openings including vents, emergency doors and windows are fully closed,

and the Music Noise Level shall not exceed 55Db when measured as a 15 minute LAeq at the site boundary.

In the interests of the amenity of the locality and occupiers of neighbouring property.

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

To ensure satisfactory drainage arrangements.
- 10 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

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

To ensure satisfactory drainage arrangements.
- 12 The development shall not be brought into use until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, the details of which shall have been previously submitted to and approved in writing by the Local Planning Authority.

To ensure that the development can be properly drained without damage to the local water environment.
- 13 Before the development is commenced, details of the means of ingress and egress for vehicles engaged in the construction of the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 14 At all times that construction works are being carried out equipment shall be provided to the satisfaction of the Local Planning Authority for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway but before the development is commenced full details of such equipment shall have been submitted to and approved by the Local Planning Authority. When the above-mentioned equipment has been provided thereafter such equipment shall be used for the sole purpose intended in all instances and be properly maintained.

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

Attention is drawn to the following justifications:

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

BE5 - Building Design and Siting

BE6 - Landscape design

BE15 - Areas and Buildings of Special Architectural or Historic Character

BE19 - Development affecting Listed Buildings

BE21 - Historic Parks and Gardens

GE11 - Nature Conservation and Development

GE15 - Trees and Woodland

H10 - Development in Housing Areas

H14 - Conditions on development in Housing Areas

LR4 - Open Space

LR5 - Development in Open Space Areas

LR6 - Development of recreation space for indoor recreation facilities

The recommended replacement condition does not seek to control sound at source and does not rely on management of limiter apparatus within the hall. Importantly, the recommended condition does allow independent monitoring of noise levels at the boundary of the site in terms of responding to any complaints, and identifying and quantifying any future breaches of control.

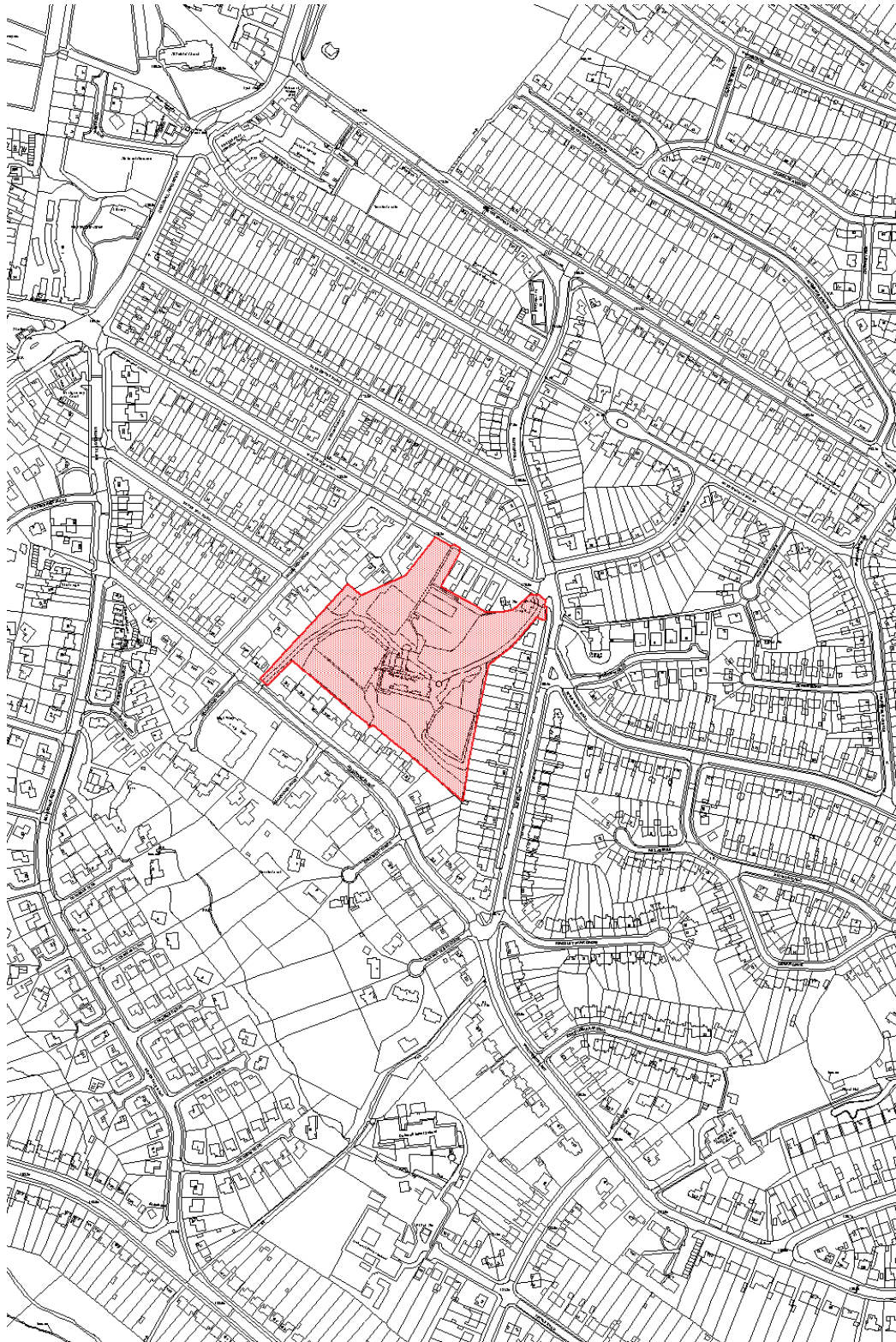
The replacement condition has been so worded in order to achieve the same outcome at boundary as the approved condition from 04/04689/FUL in terms of noise levels achievable at boundary.

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

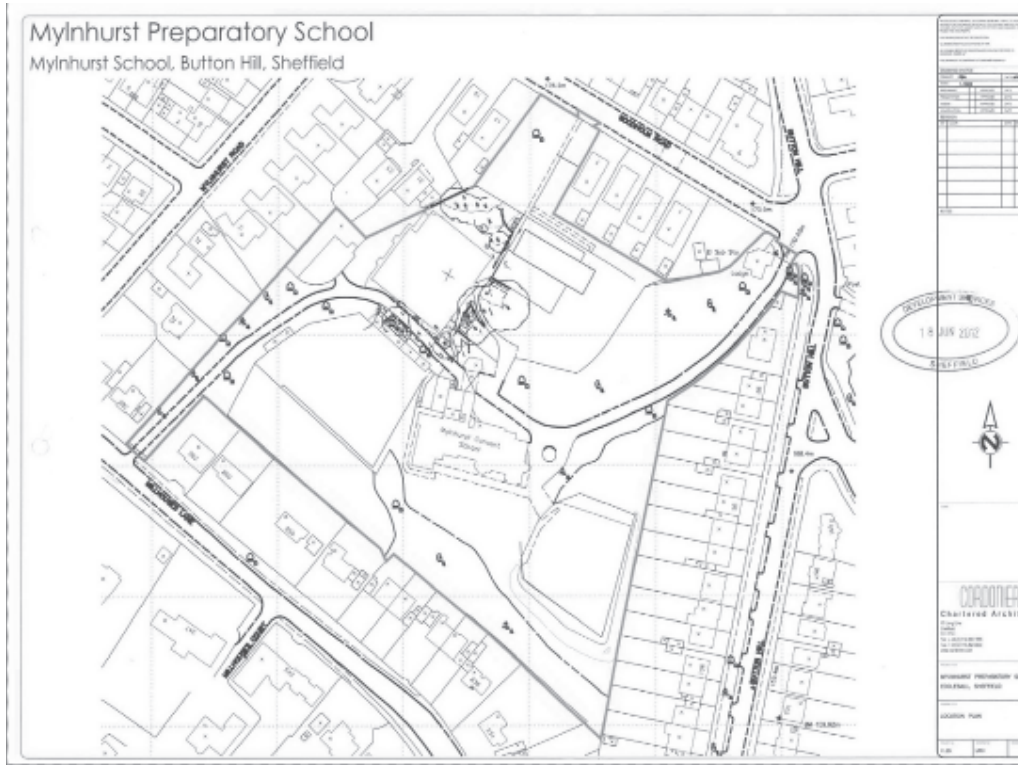
Attention is drawn to the following directives:

1. The applicant is advised that condition No(s) 1-7 and 9-14 were imposed by planning permission No. 04/04689/FUL and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Site Location



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LOCATION

Mylnhurst School curtilage occupies an area bordered by residential properties fronting Button Hill to the east, Woodholm Road to the north, Millhouses Lane to the south and Mylnhurst Road.

The school consists of four principal buildings varying in architectural style and use of external materials.

The sole structure with relevance to this application is the gymnasium/pool building located on the north west boundary of the school curtilage.

This building is two domestic storeys in height, is faced in artificial stone and cedar cladding and has a standing seam roof.

The building contains three main elements within the double ridged design with the ridges running north west to south east. The northern 'third' of the building is occupied by the swimming pool hall, the southern 'third' by the gymnasium and the middle 'third' by the changing rooms and other ancillary spaces.

PLANNING HISTORY

A variety of permissions have been granted in the period 1983-2012 but a substantial number were for tree works and not significant in terms of assessing this proposal. Those of significance include:

Permission was granted in 1983 (83/00944/FUL) for replacement of the roof structure above the swimming pool. (the former gym/swimming pool building occupying a similar footprint to the new facility)

Permission was granted in 2005 (04/04689/FUL) for the replacement gymnasium and swimming pool.

Condition 8 of permission 04/04689/FUL was as follows:

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

PROPOSAL

This application has arisen in response to an enforcement enquiry regarding alleged noise and disturbance resulting from the use of amplified sound at the Mylnhurst School pool and gymnasium.

In the light of a substantive body of evidence submitted by local residents and based on an interview with representatives from the school it has been concluded that Condition 8 of planning permission 04/04689/FUL is being breached by the school.

It has become apparent that the breach has two differing elements these being:

1. The use of background music within the pool area and the dance studio taking place during swimming/dancing sessions.
2. The use of the gym area for the staging of extra curricular events including:
 - a. The Summer Ball charity fund raising event.
 - b. Annual Prize giving event
 - c. Celebrating the Arts event

Feeling that they are unable to comply with the condition, as drafted and approved, the school are therefore seeking to vary the wording of the condition so as to permit the use of amplified sound without the use of a limiter and subject to the findings of their noise report.

SUMMARY OF REPRESENTATIONS

A significant public consultation exercise was undertaken for this application with every house within a 200 metre radius of the gym/pool notified, a total of 229 dwellings.

46 letters of objection have been received

Summary of points raised (Objections)

The building was not designed for amplified sound.

There has been blaring music into the early hours of the morning.
Disturbance during school hours is understandable but in evenings and at weekends it is not.

The gym should not become a dance hall.

To allow amplified music without a sound limiter would be a criminal activity.

What next, a miniature Glastonbury?

What would stop MSEL having gigs at the weekends?

If new limits are set how would these be monitored.

Matters raised that fall within the province of a separate enforcement report to be presented to Committee, are set out below:

The use would result in greater traffic and road noise.

The increased to-ings and fro-ings would cause noise and disturbance.

Residents were led to believe that the pool/gym was solely for school use.

Why doesn't the school use the Millhouses Lane entrance to alleviate traffic difficulties on Woodholm Road?

The school is also in breach of Condition 3 regarding the landscaping scheme.

The facility is becoming a commercial venture.

The use of the building will result in air pollution.

The Planning Committee should impose additional limits on activity

Any replacement condition should set a maximum noise breakout level of 45dB at the site boundary and restrict use of amplified sound to a 9 p.m. curfew.

As Mylnhurst are hiring the facility to 'commercial users' then a sound limiter set to appropriate setting would surely be the easiest way to control sound without constant monitoring of outside users by the school.

A statement in support of the revised condition allowing greater latitude of operation has been received from the school.

Summary of points raised (support)

The school feel that the number of exceptional events per year in the recommended replacement condition, should be increased to two and that the 1 a.m. finishing time that has been established at previous Summer Ball's should be retained.

The school feels that further measures could be taken to improve the sound efficiency of the building so as to facilitate the increased number of events and later finishing of the Summer Ball. No specifics are given in this respect.

Meetings have taken place with community groups and a community spokesperson has stated that they have no concerns with regard to the Ball, but rather the on street car parking and evening traffic.

The school Directors therefore feel that the recommended replacement condition is overly restrictive and urge that any replacement condition should allow the continuance of the Summer Ball in its established format

PLANNING ASSESSMENT

Policy Context

The site lies within an allocated Housing Area and as such the key policy is H14 from the Unitary Development Plan.

The relevant part of Policy H14 'Conditions on development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted...for non-housing (C3) uses, provided that it would also:

(k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The application relates to a school sports/recreation facility which also caters for extra curricular activities as encouraged by central government policy. The facility itself forms part of the school as a whole and as such the use is established.

It is therefore accepted that some form of noise generation is inevitable, whether this be the shouting of children while swimming or their teachers coaching them or the typical sounds of court based sports activities such as badminton/tennis/indoor cricket etc.

These activities are part and parcel of school and extra curricular sport and recreation that are replicated in schools city wide.

Many schools have little or no restriction on such activities. This is sometimes because the use is historically established (as indeed was the case at the former gym and pool at Mylnhurst) or the location of such facilities well away from the site boundaries.

In the case of this facility granted by 04/004689/FUL it was considered prudent to limit the degree to which amplified sound could be employed.

For the sake of clarity, the condition does not preclude the employment of amplified sound within the building. It does however preclude such use without any sound source being first passed through a limiter, the settings of which would need to be pre-approved by the Local Planning Authority.

Such settings would be approved in consultation with the Environmental Protection Service (EPS). It would be standard practice in such a scenario for the settings of the apparatus to be adjusted in order that specific maximum sound pressure levels were achieved at the boundary of the site.

It is clear that a variation of the condition whereby the condition was removed completely is not viable given the levels of local concern relating to noise.

Given this, there arises a requirement to establish an alternative condition that specifies appropriate measurable sound levels for different operating conditions that can be applied without the use of a sound limiter at source.

Establishing noise level principles

For general everyday operational noise sources located in residential areas it is longstanding practice in Sheffield to require a maximum sound level of 3 decibels above background noise level to be achieved, in order to avoid disturbance.

For music events (such as music festivals in Graves Park, The Botanical Gardens and Devonshire Green) Environmental Protection Service uses the Code of Practice on Environmental Noise Control at Concerts to inform its advice with regard to appropriate sound levels.

This document advises a standard of 65 decibels at the boundary of the site for a concert at an urban venue. However this level is tailored to events that are subject to a 23:00 curfew.

Given the above and the schools desire for the Summer Ball to continue past 23:00 it is considered that a lower threshold of 55 decibels at boundary is more appropriate. Should a 55 decibel at boundary level be achieved then this would result in sound levels within nearby houses of around 35 decibels which is generally considered acceptable by EPS in these circumstances.

A compliance with the original condition would therefore have required EPS to set a limiter in such a way so as to achieve 55 decibels at site boundary.

Findings of submitted Noise Report

The submitted noise report addresses only general day to day operational noise and excludes any analysis of the Summer Ball.

It identifies the current music source within the hall as a small portable sound system through which a laptop computer is used to provide background music.

The report concludes that a maximum sound level of 3dB above background can be achieved at boundary under normal operating conditions with an internal sound level of 75 dB within the hall. This is reliant on all external doors being shut.

It does not however offer an alternative internal control method other than 'by ear' (i.e. a teacher or the Headmaster 'guesstimating' an appropriate level) or through use of a sound level meter to be purchased and operated by school staff.

These methods are considered somewhat ad hoc and would present difficulties in terms of management and verification.

Therefore, in seeking to find an appropriate mechanism whereby a variation can occur, whilst addressing concerns raised by the local community, it is recommended that the following alternative wording of Condition 8 be considered:

Amplified sound within the building shall only be permitted:

1. Between 0800 - 2130 hours and;
2. When all external openings including emergency doors and windows are fully closed,

and so that noise breakout from the building when measured at the site boundary does not exceed the ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq

excepting one event per calendar year when amplified sound shall only permitted;

1. Between 1700 - 2400 hours
2. When all external openings including vents, emergency doors and windows are fully closed,

and the Music Noise Level shall not exceed 55Db when measured as a 15 minute LAeq at the site boundary.

Applying Principles To The Case at Mylnhurst

The revised condition has been drafted on the basis of established practice applied by the Environmental Protection Service across the city.

The first part would address the noise levels arising from day to day activities within the building but additionally limit all and any amplified noise sources to within specified hours.

The second part of the condition would allow a single annual exception to the constraints of the first part of the condition. This would enable the school to continue in its practice of holding a Summer Ball fund raising event.

Monitoring of the 2012 Summer Ball suggested that a 55 at boundary was only exceeded on one occasion, when an external door was left open by catering staff.

The condition should therefore allow the school to continue with the Ball along established lines in terms of format with one exception, that being the time of curfew.

In this respect it is considered that, given the close proximity to residential property, a midnight curfew is appropriate.

The condition would enable Officers to make independent readings at the school boundary in terms of verifying compliance, and in response to any complaints.

RESPONSE TO REPRESENTATIONS

Matters raised in the representations have been dealt with in the main body of this report. Matters raised in relation to the intensification of community use of the building will be addressed in the separate enforcement report.

SUMMARY AND RECOMMENDATION

This is an application seeking to vary Condition 8 of permission 04/04689/FUL) which limited the use of amplified sound within the building to only being via an in house system with Council approved limiter.

The removal of the condition entirely is not considered acceptable.

The recommended replacement condition does not seek to control sound at source and does not rely on management of limiter apparatus within the hall. Importantly, the recommended condition does allow independent monitoring of noise levels at the boundary of the site in terms of responding to any complaints, and identifying and quantifying any future breaches of control.

The replacement condition has been so worded in order to achieve the same outcome at boundary as the approved condition from 04/04689/FUL in terms of noise levels achievable at boundary.

The replacement condition is therefore recommended for approval.



SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee

Report of: Director of Development Services

Date: 17th December, 2012.

Subject: Enforcement Report – Mylnhurst School

Author of Report: Chris Heeley

Summary: ALLEGATIONS OF BREACHES OF PLANNING CONTROL RELATING TO THE USE AND CONSTRUCTION OF THE SCHOOL SPORTS HALL/SWIMMING POOL, GRANTED PLANNING PERMISSION UNDER REF:04/04689/FUL, AND TO NON-COMPLIANCE WITH CONDITIONS 3 AND 8 ATTACHED THERETO.

Recommendations:

8.1 That:

- a) in respect of the use of the swimming pool/gymnasium building, Members note that no material change of use has occurred, and resolve to take no further action in this regard; and
- b) in respect of the breach of condition 8 (amplified sound) Members note that the school has submitted an application (ref:12/01891/FUL) to vary the terms of condition 8, and subject to this application being approved resolve to take no further action on this matter. In the event of that application being refused, Members authorise the Director of Development Services and Head of Planning to take any appropriate action, including if necessary the service of enforcement notices and the instigation of legal proceedings to secure compliance with the condition; and
- c) in respect of condition 3 (landscaping) Members note that the school is actively working towards the implementation of a

revised landscape scheme, and resolve to take no further action at this stage, but in the event that the Head of Planning is not satisfied sufficient progress is being made towards this implementation, authorise the Director of Development Services and Head of Planning to take any appropriate action, including if necessary the service of enforcement notices and the instigation of legal proceedings to secure compliance with the condition; and

- d) in respect of the omission of solar panels from the roof of the swimming pool/gymnasium building Members note that this does not constitute a breach of planning control and resolve to take no further action on this matter.

8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

MYLNHURST SCHOOL – ALLEGATIONS OF BREACHES OF PLANNING CONTROL RELATING TO THE USE AND CONSTRUCTION OF THE SCHOOL SPORTS HALL/SWIMMING POOL, GRANTED PLANNING PERMISSION UNDER REF:04/04689/FUL, AND TO NON-COMPLIANCE WITH CONDITIONS 3 AND 8 ATTACHED THERETO.

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to bring to Members attention allegations of breaches of planning control, and non-compliance with planning conditions at Mylnhurst School, Button Hill, and to make recommendations on any further action required.

2.0 BACKGROUND

- 2.1 Mylnhurst School occupies an area bordered by the rear gardens of residential property that fronts Button Hill, Mylnhurst Road, and Woodholm Road. A Grade 2 Listed former villa, is the main school building located in the centre of the site, which has substantial grounds. Within the school grounds is a swimming pool and gymnasium building constructed following the grant of planning permission in June 2006 (ref:04/04689/FUL).
- 2.2 This permission has over the last 12 months been the subject of several complaints from local residents. The complaints are set out below, and are:-
1. that the current use of the swimming pool/gymnasium within the grounds of the school represents a change of use from the facility that was granted planning permission. The permission granted was for the 'Erection of swimming pool and multi purpose gymnasium with changing rooms'; and
 2. that the school is breaching planning condition 8 imposed on the planning permission by playing amplified music without an approved sound limiter; and

3. that the school is breaching planning condition 3 imposed on the planning permission by not implementing the approved landscaping scheme; and
 4. that the building has not been completed in accordance with the approved plans owing to the omission of solar panels from the roof slope of the building.
- 2.3 Officers have corresponded with complainants on all matters, including stating that in respect of 1. above, that no change of use had occurred. However this view has been repeatedly challenged, and officers decided to reconsider that judgement, and in doing so report the matter to Members with a recommendation on any future action.

3.0 REPRESENTATIONS

- 3.1 Prior to the preparation of this report, a letter was sent to 236 neighbouring properties on Woodholm Road, Button Hill, Millhouses Lane, Banner Cross Road, Springfield Road, Silver Hill Road, Ranelagh Drive, Mylnhurst Road, Millhouses Court, and Springfield Glen. This represented properties within a 200m radius of the swimming pool/gymnasium building. The letter set out the alleged breaches of planning control and sought resident's comments on the issues raised by the complaints.

A letter was also sent to the school, advising of the intention to report the matters to the Committee and inviting comment.

- 3.2 Following this notification exercise, 27 responses have been received. 25 of these raise concerns about the breaches, and feel action should be taken, whilst 2 of the responses raise no concerns, and feel no action should be taken. The comments are summarised below, under each topic heading:-

3.3 OBJECTION/COMPLAINT (25)

3.3.1 Use of Swimming Pool/Gymnasium

- Officer's original report stated 'small hall and swimming pool' and 'no increase in staff or community usage';
- Conclusions in officer's report have proved to be wrong in relation to a) safe access to public highway; b) appropriate off street parking; c) not endangering pedestrians; d) on a scale consistent with residential character; e) not overdevelopment; and f) not increasing staff or community usage;
- Original statements made by the school were inaccurate;
- Original submission gave misleading, duplicitous information, and Council naively failed to fully investigate;

- Original notification process for the 2004 application was flawed and only immediate neighbours were notified, denying many residents opportunity to raise obvious concerns regarding noise and parking;
- Absence of conditions to prevent intensification or unsociable hours/days of use in original consent;
- Other recent approvals (including St Wilfrid's Gymnasium) have included hours restrictions – why didn't this one?;
- there is an intensification of use as the use has changed 'beyond what may be considered acceptable';
- facilities are hired out of hours, evenings, weekends, and holidays;
- Mylnhurst Sports Education & Leisure (MSEL) set up as a separate company to run the facility;
- Recent advertisement for a school facilities/marketing manager with duty to increase revenue points to change of use;
- Facility is marketed and advertised for private events e.g. weddings, parties, functions;
- Adverts for the premises offer 'an adaptive venue', 'large professional stage and lighting system', and 'full audiovisual facilities';
- Standalone commercial company now operates the facility;
- Chairman of MSEL has publically stated they have deliberately tried to open the school facilities for wider use;
- Over 200 local residents felt sufficiently moved by this to sign a petition;
- A change of use application would provide the Council and local residents the opportunity to look again at the problems that have arisen;
- Difficult to argue that sports facility is not what was approved (i.e. swimming pool and multi purpose gymnasium) but level of activity is questionable;
- Not suitable facility for a residential area;
- Facility is unsustainably overused, with no increase in support infrastructure, meaning traffic congestion, parking pressure and noise pollution;
- School says parking problems are nothing to do with them, as sports centre is separate;
- Accept that living near a school will entail traffic issues at school start and finish times, but now subjected to traffic problems in the evenings, at weekends, and during school holidays;
- Until recently, nothing happened in the pool on Sundays. It does now.
- There is an increase in staff numbers, and in non-school user groups as a result of the development;
- Mylnhurst is a large house in moderate grounds and an inappropriate property for such a leisure complex – purpose built schools can absorb such things more easily;
- Monday to Friday 7.00 am to 7.30 pm and Saturdays to 12.30pm in term time would be acceptable for children's activities;

- A school is entitled to a modest gym and pool but this is out of proportion;
- The proposed change is a shock and would have an adverse effect on traffic congestion, noise and hazards;
- I have noticed a change in the last few weeks, is the school allowing facilities to be used out of hours? If so this will add to general disruption for residents;
- Prospect of more traffic movements – adding to existing air pollution problems;

3.3.2 Breach of Condition 8 (Amplified Sound)

- Condition 8 breached on a number of occasions;
- Enforcement officers accept the condition has been breached;
- Rightly imposed by Committee to protect residents;
- No sound insulation in building;
- Annual summer ball with live band and disco is a clear breach;
- This years Summer Ball continued to 1.00am and was deafening;
- Why should this be allowed to continue? What has changed from original decision to impose condition?
- Noise from most recent event was harassing and intrusive and a Statutory Nuisance;
- Causes noise nuisance to neighbours during the many times amplified sound is played – summer ball is particular example;
- Attitude of school is aggressive, and Council should enforce;
- Playing of amplified music has been in evidence for a few years – is it possible to limit the number of occasions this happens?
- Failure to comply with this condition should be enforced against;
- Residents and school are aware of breach – residents met and agreed to give school a chance to behave reasonably, but his failed miserably, and Council failed to act;
- Walking past the school music played during swimming lessons can be heard blaring out;
- We can cope with individual events such as the summer ball (with reasonable sound limits);
- There should be no relaxation of condition 8;

3.3.3 Breach of Condition 3 (Landscape Scheme)

- Enforcement officers accept the condition has been breached;
- Promises made to comply by May 2012;
- School continues to prevaricate;
- Complete disregard for rules, and failure of relevant department (Planning) to enforce is inexcusable;
- Immediate action should be taken to comply;
- Landscape works definitely not completed;
- Instead of planting 20 trees as required, only 7 fruit trees planted, plus 1 small sapling – this doesn't redress the loss of large mature trees lost to the building of the sports hall;

- If landscape works haven't been completed, then I object;
- School admits they have not planted the trees;
- Existing school planting is not being trimmed;
- Aware from neighbours that landscaping has not been implemented;

3.3.4 Omission of Solar Panels

- If the school is in breach regarding the solar panels, then I object;
- Solar panels have not been completed and neither has the green roof;
- Lack of solar panels affects environment and local residents as another example of the school ignoring requests/orders;
- Plans show a bank of 12 solar panels and these were 'welcomed' by the officer's report as complying with policy;
- The installation of solar panels could substantially reduce the noise generated by the plant room close to 21 Woodholm Road;

3.3.5 General

- Non-compliance is disappointing;
- Transgressions amount to wilful disregard for regulations and for local residents
- School often complies with Planning requests for a few weeks then ignores again;
- School has a track record for not complying and should be monitored closely;
- No objection to sound of school children but the booming voice of 'organiser' in school holidays (almost every day for some hours) is very disturbing;

3.4 SUPPORT/UNCONCERNED (2)

3.4.1 General

- The school's activities cause little or no convenience to local residents;
- Never disturbed by noise or other school activities;
- School is well shielded from houses and behaves in a proper manner;
- Only problem is parking, which is inevitable, and double yellow lines on corners/Button Hill would improve safety;
- Comments regarding alleged breaches are trivial, and only people pointing out minor technical breaches;
- Playing of amplified music is almost exclusively during school hours, and within the building – not major nuisance;
- School should be allowed to get on with educating children, which requires use of the sports hall/swimming pool, and playing of music, without continued hassle from local residents;

- Majority of local residents are happy with the school and its activities;
- Our house on Millhouses Lane backs directly onto Mylnhurst's grounds, and we have not been troubled by excessive noise in 20 years;
- There is one evening event per year (Summer Ball) that might potentially cause noise and we receive advance notification from the school;
- We do not understand the fuss – the school have always been courteous neighbours;

4.0 ASSESSMENT OF BREACHES OF CONTROL

4.1 Use of Swimming Pool/Gymnasium

4.1.1 The planning permission granted for the swimming pool/gymnasium was based upon the information submitted with the application at the time. The building was described as a replacement for the existing outdated structure on the site, and supporting submissions did not anticipate an increase in the numbers of staff or non-school groups using the premises. At the time the application estimated the original facility was used by between 500 and 600 non-school users each week for various activities, including swimming clubs, singing, karate, and Irish dancing.

4.1.2 No use class was specified within the planning permission. The building is however, a school building that has been constructed within the school grounds. The school grounds form the 'planning unit', and the established use of the site is for the purposes of education, falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987. The buildings within the grounds therefore also take this use as part of the wider planning unit.

4.1.3 The dual use of school sports facilities is a common occurrence across the city where the public's use and the activities that take place are deemed to be ancillary to the primary education use. Indeed many permissions that have been granted recently for new school buildings have been subject to Community Use Agreements, to actively pursue and ensure that the school's facilities are made available for use by the general public.

4.1.4 Following the receipt of the information contained within enforcement complaints officers have served Planning Contravention Notices, to gather information about the current activity, and have interviewed representatives of the school, and the organisation which manages the facility (Mylnhurst Sports Education & Leisure (MSEL)).

4.1.5 Despite the different sources of the information, there is a strong correlation within the information provided, so officers are satisfied that

it represents the correct position. The range of uses is very similar to that originally envisaged, but there is an increased level of usage by non-school users. Information from August 2011 indicates that the weekly usage was in the order of 700-800 non-school users per week.

- 4.1.6 This does lead to an increase in activity in and around the school, as users arrive and depart, and also puts additional pressure on available parking spaces within the school, and upon surrounding streets. However, an increase in this activity does not mean that a material change of use has occurred. It may be a consequence of the change, but it is not a determining factor in the judgement on the actual use of the building.
- 4.1.7 Whilst the information obtained does identify that specific hours of use of the facility by the school is of a lower proportion than by external users, this is due to periods of nil use during parts of the school day, where the facility is clearly open to use by the school if it so desired.
- 4.1.8 It is important to note that MSEL, whilst set up as a separate 'arms length' organisation, does operate within the umbrella of the school. Its registered address is within the school grounds, and approximately 50% of the directors of MSEL are also directors of Mylnhurst School, so there is a clear correlation between the two companies. This is relevant, as case law indicates that connection of the sports facilities' operator with the school is an important consideration when assessing whether the use is ancillary to the main education function.
- 4.1.9 Therefore, although the level of use of the facility does appear to be greater than originally envisaged, the actual use remains the same. Its original purpose was to provide swimming and leisure opportunities both connected, and unconnected with the education of children and adults either associated or not associated with the school. This has not changed. Although there is an acknowledged increase in the level of activity, intensification of the use does not however amount to a material change of use, in a case where the use itself is the same.
- 4.1.10 In this context officers considered that a material change of use had not occurred, and determined under delegated powers to take no further action. As stated in para 2.3 above, after the receipt of several letters querying that view, it was considered appropriate to review that decision and bring the matter before Committee.
- 4.1.11 In preparation of this report, officers have reconsidered all the available evidence, and further reviewed case law on the subject. The nature of the use has not changed in the intervening period. Whilst there are cases where dual use of school facilities have been held to amount to a change of use, these have not been in cases where there is a strong connection between the school and the operator of the facility, and as explained in para 4.1.8 above that connection does exist here, which is considered critical to this case.

4.1.12 It is worth also noting that in the period following officer original delegated decision to take no further action, complaints were submitted by neighbouring residents to the Local Government Ombudsman (LGO). Although this deals principally with the matter of maladministration, in considering the question of whether the Council had properly considered whether it was possible to take 'enforcement action against the school for its increased use of the pool and gym', the LGO determined that the Council's view that the increase does not require a new planning application was 'supported by law'. The LGO found no case for maladministration.

4.1.13 In summary on this point therefore, whilst there has been an increase in the level of activity over and above what was originally envisaged, the use remains ancillary to the primary education use of the site, is operated by a company that has direct linkages with the school, and it is therefore considered that a material change of use has not occurred.

4.2 Breach of Condition 8 (Amplified Sound)

4.2.1 Condition 8 states that 'No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority'.

4.2.2 It is important to note at this point that the condition was never intended to prevent the playing of amplified music within the building, but was intended to ensure appropriate control over the level of noise permitted.

4.2.3 No sound limiter is fitted within the building and amplified sound has been played within it for some time. This ranges from a small in house public address system, and small portable stereo for such as dance classes, to a full sound system for events such as the Summer Ball, where a live band and a disco form part of the event. There is therefore a clear breach of condition 8.

4.2.4 The majority of the initial enforcement complaints received relate to the Summer Ball, and this is further repeated in the representations received as set out above, though some of the representations also refer to regular events such as swimming lessons, where the address system is used.

4.2.5 During this year's Summer Ball, generally acknowledged as the noisiest event that takes place in the building, with specific measures put in place by the school to attempt to minimise disturbance to residents, noise monitoring was undertaken at the site boundary (the boundary between the school and neighbour's gardens). This identified that it was possible for the event to take place, with amplified music,

and for the sound levels not to exceed 55dB at the site boundary. The exception to this coincided with doors to the building being left open, allowing greater noise levels to escape.

- 4.2.6 55dB is the World Health Organisation (WHO) recommended day time (0700 – 2300hrs) level for noise to be experienced before generating community annoyance.
- 4.2.7 Nonetheless the current operations are clearly of concern to local residents, and if unrestricted, noise from such events is capable of causing significant disturbance. The level of impact from the most recent Summer Ball followed a significant level of officer involvement to ensure measures were put in place for the event to prevent, or at least minimise disturbance. It is not therefore considered reasonable to continue in this manner without the requirements of the condition being addressed through appropriate enforcement action.
- 4.2.8 However, in June 2012, the school submitted an application to vary condition 8, in order to allow amplified sound to be played, without the use of a sound limiter, but subject to other restrictions.
- 4.2.9 The application (ref:12/01891/FUL) appears elsewhere on this agenda, and is recommended for approval with an alternative wording for a replacement condition 8 as follows:

Amplified sound within the building shall only be permitted:

- 1. Between 0800 - 2130 hours; and
- 2. When all external openings including emergency doors and windows are fully closed,

and so that noise breakout from the building when measured at the site boundary does not exceed the ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq

Excepting one event per calendar year when amplified sound shall only permitted;

- 1. Between 1700 - 2400 hours; and
- 2. When all external openings including vents, emergency doors and windows are fully closed, and the Music Noise Level shall not exceed 55Db when measured as a 15 minute LAeq at the site boundary.

- 4.2.10 If the recommendation to approve this application is agreed by Members, then this would allow the school to play amplified music, but should also provide appropriate protection to residents. Monitoring of the noise levels would be necessary to ensure compliance.

4.2.11 If the recommendation to approve the application is not agreed, then the original condition 8 would remain, and it would be appropriate to enforce against the non-compliance with the condition, on any future occasions when the terms of the condition are breached.

4.3 Breach of Condition 3 (Landscape Scheme)

4.3.1 Condition 3 states that 'Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details within 1 month of the occupation of the development or within an alternative timescale to be first agreed in writing with the Local Planning Authority. When the above-mentioned landscaping has been carried out, thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced in accordance with the approved details unless otherwise authorised in writing'.

4.3.2 In accordance with this condition, a landscape scheme was submitted and approved, in February 2009. The reference in the representations to 20 new trees is understood to be a comment based upon the indicative drawings submitted with the original planning application. This was not however reflected in the scheme that was formally submitted and approved to discharge the condition in 2009.

4.3.3 In any event, the landscaping works carried out on the site do not reflect the approved planting scheme. Some planting has occurred but officers consider that this falls considerably short of the approved scheme.

4.3.4 Since this matter was brought to officers' attention discussions have taken place with the school, who have explained the approved scheme could not be implemented due to the proximity of tree positions to new drainage runs associated with the building, and an alternative landscape scheme is being proposed.

4.3.5 A revised application to discharge the landscape condition is imminent, and officers are confident that once implemented the revised planting scheme will be an acceptable solution to the current breach.

4.3.6 Given the current level of co-operation on this point, it is not considered appropriate to take formal enforcement action at this stage. However, in the event of unsatisfactory progress towards resolving the breach, a further report would be brought before Members with a recommendation on any future action.

4.4 Omission of Solar Panels

- 4.4.1 The approved application drawings included an array of solar panels proposed to be placed on the roof of the premises. The solar panels were referred to in the report to Committee that considered the application, and were welcomed as a measure that would improve the sustainability credentials of the development, by providing an element of renewable energy. It is clear that the solar panels have not been erected.
- 4.4.2 There were no conditions attached to the permission that specifically required the installation and retention of the panels, and neither was there a condition requiring the development to be built in full accordance with the approved plans. The latter is standard practice since October 2009, but was not at the time of this decision. A specific condition was not considered appropriate at the time due to the absence of policy support for their requirement. The Core Strategy policies that now require such features on large scale development were not adopted until March 2009.
- 4.4.3 The absence of the panels has minimal impact upon the external appearance of the building such that it could not reasonably be argued that the building as constructed differs substantially from the building that was granted planning permission.
- 4.4.4 In these circumstances it is not considered that the absence of the solar panels represents a breach of planning control, and no further action can therefore be taken to require their installation.

5.0 ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Planning Contravention Notice

- 5.1.1 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, Planning Contravention Notices were served and responded to within the course of the information gathering stage of this exercise and there is no benefit in serving further PCN's at this stage.

5.2 Breach of Conditions Notices

- 5.2.1 Section 187A of the Town and Country Planning Act 1990 allows for the service of Breach of Condition Notices (BCN) on persons who have not fully complied with the conditions attached to their planning approvals. These notices can be served to cover any number of

breaches and would give the school 28 days to comply with the outstanding issues. Failure to comply could lead to prosecution through the Magistrate's Court.

5.2.2 BCN's could therefore be served to cover conditions 3 & 8 - however as the school has responded positively to discussions about the breaches of the two conditions, such formal action is considered inappropriate at this stage.

5.3 Enforcement Notice

5.3.1 Section 172 of the Act provides for the service of an Enforcement Notice to remedy a breach of planning control. This form of action would be appropriate if it were determined that a material change of use of the swimming pool/gymnasium had occurred. There is a 10 year time limit for such action to be taken, and there is no question of that period having been exceeded in this case.

5.3.2 This report concludes that no material change of use has taken place, so in this context an enforcement notice is not appropriate, however, if a change of use had taken place, an enforcement notice could be used to require the unauthorised use to cease.

5.4 Temporary Stop Notice

5.4.1 Section 171E of the Act provides for the service of a Temporary Stop Notice (TSN) if it is expedient to require a breach of planning control to be stopped immediately. The temporary stop period lasts for 28 days to allow the Council time to decide / implement further enforcement action, if necessary. There is no right of appeal against a TSN. This option has been discounted at this time because as previously stated it was officer opinion that no change of use had taken place.

5.5 Stop Notice

5.5.1 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice (S172). A stop notice is not recommended in this case at this time because there is not considered to be a material change of use of the premises, or a development progressing on the site that is unauthorised.

6.0 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.
- 8.0 RECOMMENDATION
- 8.1 That:
- a) in respect of the use of the swimming pool/gymnasium building, Members note that no material change of use has occurred, and resolve to take no further action in this regard; and
 - b) in respect of the breach of condition 8 (amplified sound) Members note that the school has submitted an application (ref:12/01891/FUL) to vary the terms of condition 8, and subject to this application being approved resolve to take no further action on this matter. In the event of that application being refused, Members authorise the Director of Development Services and Head of Planning to take any appropriate action, including if necessary the service of enforcement notices and the instigation of legal proceedings to secure compliance with the condition; and
 - c) in respect of condition 3 (landscaping) Members note that the school is actively working towards the implementation of a revised landscape scheme, and resolve to take no further action at this stage, but in the event that the Head of Planning is not satisfied sufficient progress is being made towards this implementation, authorise the Director of Development Services and Head of Planning to take any appropriate action, including if necessary the service of enforcement notices and the instigation of legal proceedings to secure compliance with the condition; and
 - d) in respect of the omission of solar panels from the roof of the swimming pool/gymnasium building Members note that this does not constitute a breach of planning control and resolve to take no further action on this matter.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.



David Caulfield
Head of Planning

5/12/12



SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee

Report of: Director of Development Services

Date: 17 December 2012

Subject: Enforcement Report
137-139 Abbeydale Road

Author of Report: Fiona Sinclair

Summary: To inform members of a breach of Planning Control and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised single storey extension at 137-139 Abbeydale Road.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

CITY CENTRE, SOUTH &
EAST PLANNING AND
HIGHWAYS COMMITTEE
17 DECEMBER 2012

ENFORCEMENT REPORT

UNAUTHORISED EXTENSION TO THE REAR OF THE CASPIAN RESTAURANT 137-139 ABBEYDALE ROAD

1. PURPOSE OF THE REPORT

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

- 2.1 137-139 Abbeydale Road forms part of a terrace of brick built, slate roofed, two storey mixed use commercial/residential properties;(built approx 1870 – 1880); 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, on 29 August 2012, concerning a large rear extension to numbers 137-139. Investigations revealed that it is single storey; timber built with a felt covered mono-pitched roof; and built to create a waiting area for the restaurant to which it is attached. It also immediately abuts the predominately residential street scene of Wolsey Road (Photographs 1&2).
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size and location it is unlikely that planning permission would be recommended for approval, for the reasons set out later in this report at section 3.
- 2.4 The owner was further advised to speak with a Planning Officer to discuss the type and size of extension that would be considered as being acceptable.
- 2.5 In spite of this, the owners have not applied for planning permission for a revised extension.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The extension is built of poor quality materials is, therefore, not in character with both the building to which it is attached and that of neighbouring properties; and therefore is considered to be contrary to UDP policies BE5 (c) and H14 (a) (See photographs 2 and 3).
- 3.2 The extension, as built, is faced with plywood sheets, which appear to have been painted brown, and does not, therefore, reflect the dominant material in the street scene. It also incorporates a shallow pitch roof which is at odds with the steeper pitches of adjacent residential property.
- 3.3 In addition the extension projects significantly beyond the front wall of adjacent Wolsey Road dwellings, which increases its prominence in the street scene; and renders the quality of materials and design more significant.
- 3.4 It is acknowledged that the extension provides a form of screen to a collection of unsightly fire escape stair cases, to the rear of the properties, when viewed from Wolsey Road. Therefore, some form of extension here, to provide the facilities the business requires, maybe acceptable. However in its current form the extension detracts from the appearance of the street scene, to a degree that cannot be supported.
- 3.5 The extension's appearance is, therefore, considered to cause visual harm to the amenities of the residential properties in Wolsey Road; and to be contrary to UDP Policy 14.

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.

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. RECOMMENDATIONS

- 7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised rear extension at 137-139 Abbeydale Road.
- 7.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Photograph 1
Residential Properties (Wolsey Road) immediately opposite the extension



Photograph 2
Extension viewed from Wolsey Road.



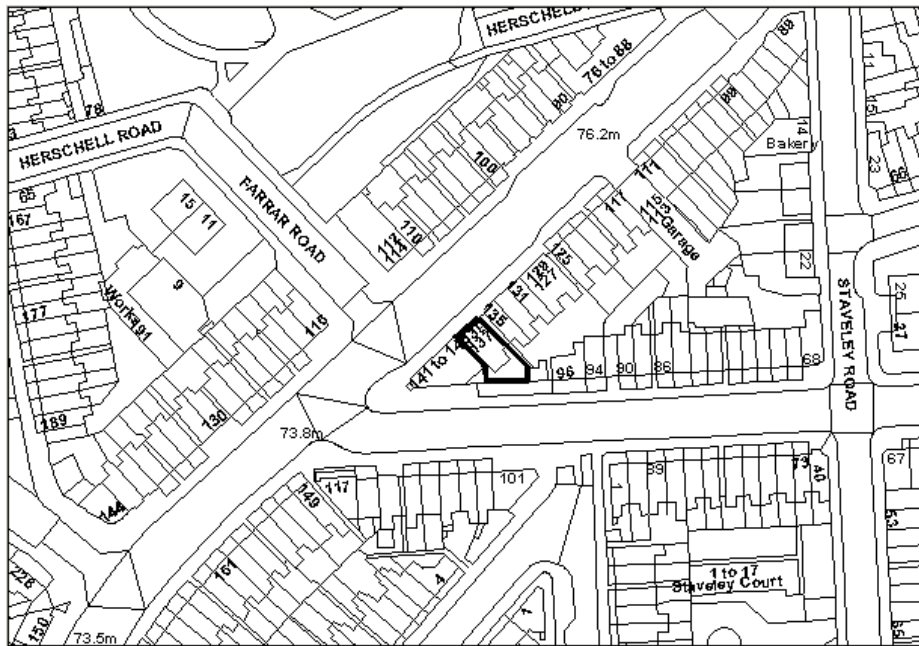
Photograph 3
Extension as viewed from Abbeydale Road



Photograph 4
Rear aspect to the property prior to the building of the extension



Site Plan



D Caulfield
Head of Planning

Date: 3 December 2012



SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee

Report of: Director of Development Services

Date: 17 December 2012

Subject: Enforcement Report
79 Barber Road

Author of Report: Fiona Sinclair

Summary: To inform members of a breach of Planning Control and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised dormer window at 79 Barber Road.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

CITY CENTRE, SOUTH &
EAST PLANNING AND
HIGHWAYS COMMITTEE
17 December 2012

ENFORCEMENT REPORT

UNAUTHORISED FRONT DORMER WINDOW AT 79 BARBER ROAD

1. PURPOSE OF THE REPORT

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 79 Barber Road forms part of a terrace of brick built, slate roofed, two storey dwelling houses (built approx 1890 – 1910), with a variety of roof lights and dormer windows having been added to their front roof slopes at various times in the past (See photograph 1).
- 2.2 A complaint was received, on 7 September 2012, concerning a large, white PVC clad flat roofed, dormer window that has been added to the property's front roof slope.
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size and appearance it is unlikely that planning permission would be recommended for approval, for the reasons set out later in this report at section 3.
- 2.4 The owner was further advised to speak with a Planning Officer to discuss the type and size of dormer window that would be considered as being acceptable.
- 2.5 In spite of this, the owner has not applied for planning permission for a revised dormer window.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The dormer window, which covers a significant proportion of the property's front roof slope, is not in scale and character with both the building to which it belongs and that of neighbouring properties; and, therefore, is considered to be contrary to UDP policies BE5 (c), H14 (a) and SPD Guideline DHE5.(See photograph 1).

- 3.2 The dormer, as constructed, is excessively large, dominates both the roof slope and street scene, and, due to its design and materials, is entirely out of character with the property on which it is displayed.
- 3.3 Although other dormer windows exist within the street scene, this particular dormer is considerably larger, is not set back from the eaves of the main property, and as such is much more prominent and harmful to the street scene. The large dormer to the right hand side of photograph 1 is unfortunately more than four years old, so immune from enforcement action. However, the smaller dormer, lower down the hill has planning permission but has been constructed in the wrong materials. Officers are pursuing this matter with the owner to ensure the dormer is clad in tiles to match those of the main roof, which will significantly improve its appearance.
- 3.4 The dormer window's appearance is, therefore, considered to cause visual harm to the amenities of the residential properties in Barber Road; and 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 dormer window to make good the harm caused by the unauthorised development.

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 the removal of the unauthorised front dormer window at 79 Barber Road.
- 7.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

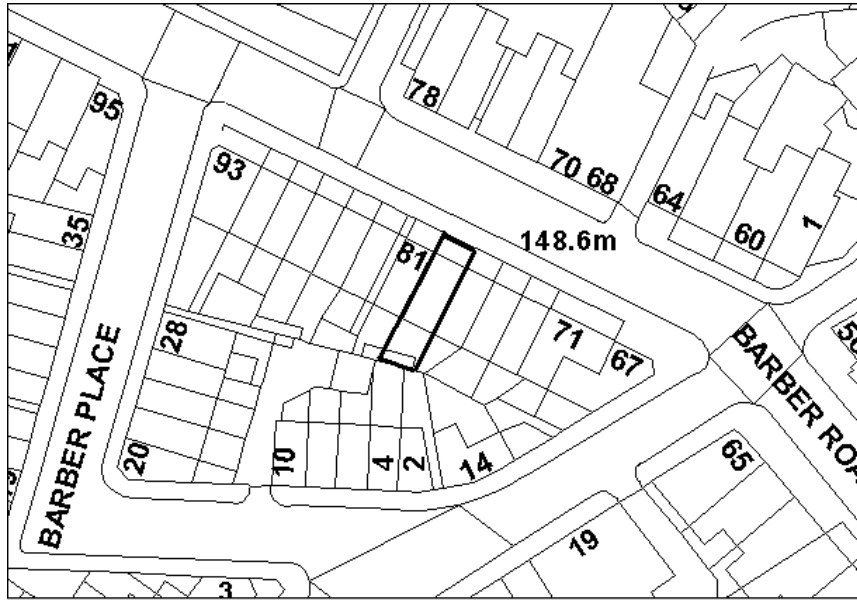
Photograph 1
67-85 Barber Road



Photograph 2



Site Plan



D Caulfield
Head of Planning

Date: 3 December 2012

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SHEFFIELD CITY COUNCIL City Centre South and East Planning & Highways Committee

Report of: Director of Development Services

Date: 17 December, 2012

Subject: Enforcement Report
Richardsons Cutlery Works, Alma Street

Author of Report: Abby Wilson

Summary: Use of land as Car Park was Granted 30 March 2010 subject to the use ceasing on or before the 20th October 2011. The use has continued and the area of land used for car parking expanded. An application was submitted in August 2012 following requests from planning enforcement. The application was refused on the 5th October 2012.

Reasons for Recommendations

The car park is detrimental to the Council's aim to limit long stay commuter parking and to promote sustainable transport methods and therefore contrary to Policy T23 of the Unitary Development Plan and Policy CS53, CS57 and CS60 of the Sheffield Development Framework Core Strategy Document.

The ingress/egress point leading on to Cotton Street provides unacceptable access to the highway network to the detriment of highway safety. It is therefore contrary to Policy BE9, T21 and IB9 of the Unitary Development Plan.

The application fails to demonstrate safe, efficient and environmentally acceptable facilities which would be of sufficient quality to promote aspects of personal safety and security and therefore contrary to Policy, BE9, IB9, T21 and T23 OF THE Unitary Development Plan. The car park is also detrimental to the character of the conservation area.

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the car park.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO CITY CENTRE & EAST
PLANNING AND HIGHWAYS
AREA BOARD
17.12.2012

ENFORCEMENT REPORT

REPORT ON THE UNAUTHORISED USE OF A CAR PARK AT SITE OF
RICHARDSONS CUTLERY WORKS, ALMA STREET, SHEFFIELD, S3 8SA

1. PURPOSE OF THE REPORT

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

2. BACKGROUND / LOCATION

- 2.1 The site is located within the Kelham Island Industrial Conservation Area.
- 2.2 Richardsons Cutlery Works was demolished following application 04/04634/FUL granted in 2006.
- 2.3 The current owners purchased the site in 2007. No development has taken place but application 11/02904/FULR was granted to keep the 2006 permission alive.
- 2.4 In the interim, permission was granted to use part of the land as a temporary car park 09/03422/CHU. The application originally sought permission to include the whole site however permission was restricted to the western portion of the site and granted for a temporary period until October 20th 2011 (see part A on the attached plan). The Planning Officer has made repeated requests for a planning application for the continued use of the car park but to no avail.
- 2.5 In March 2012, a complaint raised with planning enforcement, drew attention to the demolition of a boundary wall at Cotton Street which forms the Eastern Boundary of the Richardsons Site. This demolition created an ingress/egress to the eastern portion of land (Part B on the attached plans) which was at this time being levelled to provide further car parking spaces. Later that month, the entire site was in use as an unauthorised car park, providing more than twice as many car parking car spaces as the original car park.
- 2.6 No highways permission has been requested for the highway crossing at Cotton Street.

- 2.7 A letter to the owners, Bowesfield Investments Limited, sent March 2012 by planning enforcement, requested the restoration of the wall and the cessation of the use as a car park, or the submission of a planning application for the original car park. The letter advised that the extended area of car park would not be viewed favourably, case reference 12/00104/ENUD. No reply was received and a Conservation Area Enforcement Notice was served to require the reinstatement of the wall. This notice is currently the subject of an appeal.
- 2.8 In July 2012, a further letter requesting a planning application for the car park (12/00444/ENUD) was sent and the owners complied, submitting application 12/02490/CHU.
- 2.9 The application was refused on the 05th October 2012 as it was found to be contrary to UDP policies BE5, BE9, IB9, T21 and T23 as well as Core Strategy Policies CS 53, 57 and 60. It is considered that the proposal would encourage long-stay commuter car parking and failed to demonstrate that the proposal will be able to provide a safe, efficient and environmentally acceptable car park facility. It is also considered that there is an unacceptable access proposed onto Cotton Street.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 Following the refusal of application 12/02490/CHU, the car park remains in operation. This action is part of the Council's continued efforts to maintain control over unauthorised city centre car parks. The application for the car park was refused based on the following policy issues
- 3.2 **It is the case that the principle of a car park (a sui-generic use) does not strictly accord with Policy IB5 of the UDP and must therefore be considered on its merits.**
- 3.3 The site is designated for General Industry within the Sheffield Adopted Unitary Development Plan (UDP). Policy IB5 of the UDP relates to development in General Industry Areas and advises that General Industry (Use Class B2) and Warehousing (Class B8) are the preferred uses. A number of other uses are also deemed acceptable, including small shops (Use Class A1), business (Use Class B1) uses, lorry parks and open space. Any other proposals must be considered on their merits. Furthermore, in considering the policy context for the site, it is relevant to take more recent policy work that has been undertaken, namely the St. Vincent's Action Plan and the Core Strategy document.
- 3.4 The St. Vincent's Action Plan provides a planning framework for the area and forms a material consideration in the determination of planning applications. The Action Plan identifies the site as forming part of a New Housing Opportunity Area, where housing uses are acceptable and can become the dominant use. Under this designation a temporary car park would be an acceptable use in a Housing Opportunity Area.

- 3.5 Officers recognise that the car park provides valuable income generation whilst the conditions for redevelopment of the site improve. In full consideration of the difficult economic climate, the problems identified with the application, on balance, outweighed the economic benefits of the car park.
- 3.6 **Long stay car parking provision is contrary to policies T21, T23 and Core Strategy policies CS 53, CS 57 and CS 60.**
- 3.7 Given the proposed size and the provision of long stay car parking it is considered that the car park cannot be supported on policy grounds. In essence, the use encourages long-stay commuter parking (over 6 hours) and encourages more car miles and potential traffic congestion at peak times. Therefore, the proposal is detrimental to the Council's aims to manage car parking in a manner to reduce long stay car parking and promote the use of sustainable transport methods such as public transport and park-and-ride facilities.
- 3.8 The following planning policies relate to parking and seek to reduce and/or not renew proposals for long stay car parking in the City Centre:
- Unitary Development Plan Policies: T21 (Car Parking) and T23 (Public Long-Stay Car Parking).
- 3.9 Policy T21, in summary, states that provision will be made for car parking where it would (a) meet the operational needs of businesses. In this case no evidence has been provided to demonstrate an operational; or(d) improve the environment or safety of streets, and; (e) meet the needs of people with disabilities. It also advises that levels of parking will be regulated to prevent excessive peak-hour congestion.
- 3.10 Policy T23, in summary, states that good quality, permanent long-stay car parking will be permitted in certain locations. It also states that no further temporary public long-stay parking will be permitted in the City Centre and temporary permissions will not be renewed. Finally, it states that a transfer of long-stay spaces to short-stay use will be promoted in the City Centre following the successful provision of good public transport initiatives.
- 3.11 - Core Strategy Policies: CS53 (Management of Demand for Travel), CS57 (Park-and-Ride and Car Parking in the City Centre), and CS60 (Transport in the City Centre).
- 3.12 These policies seek to reduce long stay parking in the City Centre and provide for 9,500 public short-stay parking spaces. They seek to encourage that additional long-stay parking to serve the City Centre will be provided through park and ride facilities outside the City Centre on strategic transport corridors, thus improving access for public transport.
- 3.13 **The Car park is contrary to Unitary Development Plan Policies; BE9 (Design for Vehicles), IB9 (Conditions on Development in Industry and**

Business Areas), T21 (Car Parking) and T23 (Public Long-Stay Car Parking). -:

- 3.14 In summary, these policies include requirements for development that is designed to an acceptable quality to ensure that it is safe, efficient and environmentally acceptable for the nature of use proposed. The car park fails to meet these policies based on issues relating to;
- 3.15 *Access Points* - The site uses access/egress points which lead onto Alma Street, Russell Street and Cotton Street. Of these access points only the Alma Street entrance has previously been deemed acceptable by the Council and this was previously granted under proposal 09/03422/CHU.
- 3.16 The Cotton Street access point offers particular concern to officers given that it is an unauthorised access that leads onto a very narrow one-way street. It is a historic street that forms part of the character of Kelham Island. It is considered that the creation of the access encourages difficult vehicle manoeuvres due to the restricted dimensions. For these reasons the access is considered unacceptable and detrimental to highway safety.
- 3.17 Finally, the creation of the access has been the result of the removal of the boundary wall along Cotton Street. This issue is currently the subject of enforcement action because of concerns about the impact of such removal on the historic character and appearance of the Conservation Area. Should the appeal under case 12/00104/ENUD be dismissed by the Planning Inspector then the boundary wall will have to be rebuilt and, therefore, the access would have to be removed.
- 3.18 *Quality of Development* - The existing facility comprises of an uneven and loose surfaced car park (predominantly crushed brick and rubble) with no marked out spaces or disabled car parking provision and only post and rail fencing. There is no landscaping to the site or night-time lighting which is necessary for safety/security reasons. Overall, the quality of car park accommodation is deemed to be unacceptable and detrimental to the character of the Conservation Area.
- 3.19 In addition to the above, it is advised that the previous application approved on part of the car park site in 2010 (Ref. 09/03422/CHU) was subject to a number of planning conditions, which required the provision of facilities to improve it. Although the Applicant agreed to such measures, including a disabled car parking, landscaping, lighting, and a management strategy, these have never been submitted to the Council for approval. Also, items identified on the approved plans such as the provision of only one site entrance (via Alma Street) were never complied with.

4 REPRESENTATIONS

- 4.1 There are no representations

5 ASSESSMENT OF ENFORCEMENT OPTIONS

Section 172 of the Town and Country Planning Act, 1990 enables the Local Planning Authority to issue enforcement notices where there has been a breach of planning control. In this case the notice would require the cessation of the unauthorised use of land as a car park.

- 5.1 The provision of section 183 of the Town and Country Planning Act enables the Planning Authority to serve a stop notice, when serving a copy of an enforcement notice or afterwards. In this case we do not feel it appropriate to serve a Stop Notice as the site has been in use for a length of time without causing excessive harm to the public and no further developments are underway on the site that may exacerbate the situation.

6 EQUAL OPPORTUNITIES

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

7 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from the recommendations contained in this report.

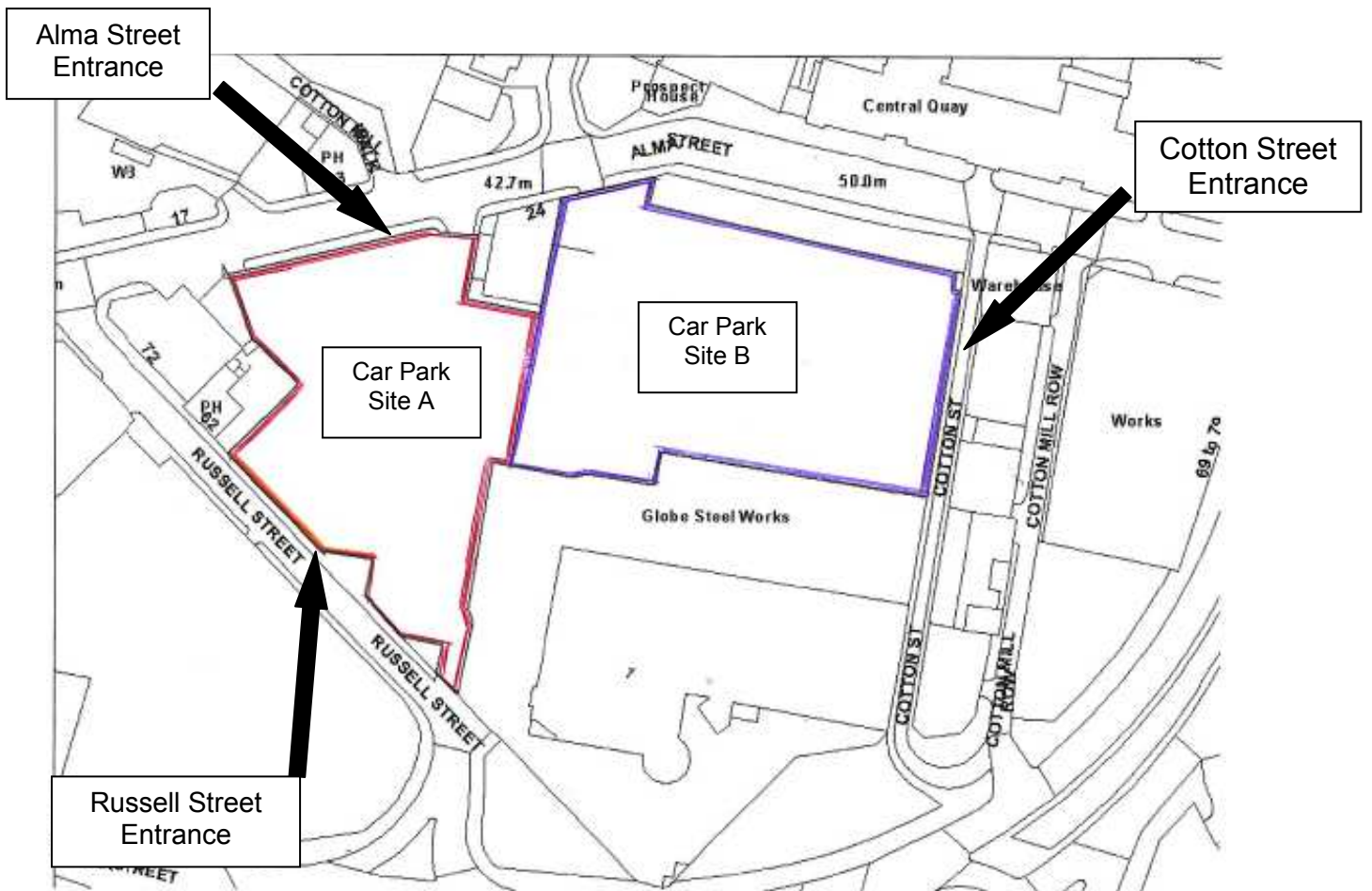
8 RECOMMENDATION

- 8.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure The cessation of the unauthorised use of land for car parking. Land at Site of Richardsons Cutlery Works, Alma Street, Sheffield S3 8SA

Les Sturch
Head of Planning

Date: 29 November 2012

Site Location Plan



Site Photos

Russell Street



Alma Street



Cotton Street



Car Park Conditions



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SHEFFIELD CITY COUNCIL City Centre, South & East Planning & Highways

Report of: Director of Development Services

Date: 17 December 2012

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Sue McGrail 0114 2734404

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO CITY CENTRE,
SOUTH & EAST PLANNING &
HIGHWAYS COMMITTEE
17 DECEMBER 2012

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the retention of an existing telecommunication installation and the removal of an existing generator at the site of Tempered Spring Co. Ltd, Waverley House, Effingham Street (Case No 12/01093/TEL).

(ii) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, for the re-signage of a building, including internally illuminated fascia sign, internally illuminated projecting sign and non-illuminated signage to ATM at the site at Swank Hayden Connell, Clan House, Turners Lane (Case No 12/02714/ADV).

(iii) An appeal has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission and serve an Enforcement Notice in respect of an unauthorised House in Multiple Occupation at 21 Fieldhead Road.

3.0 APPEALS DECISIONS - DISMISSED

To note that an appeal against an Enforcement Notice served by the City Council relating to the use of ancillary living accommodation as a separate dwelling to the main house at 10 Birkendale has been dismissed and an application for costs refused.

Officer Comment:-

A planning condition required the use of the outbuilding to no 10 Birkendale as living accommodation to be incidental to the main dwelling (no 10).

An enforcement notice had been served following complaints that the

accommodation was being let as separate living accommodation, and following protracted investigation, the service of Breach of Condition Notices (BCN), and court action after non-compliance with the BCN's. The Enforcement Notice required the unauthorised use to cease.

The appellant appealed on ground (b) – that the breach has not occurred. The basis of this appeal was that the occupier of the outbuilding was the appellant's mother, and the use was therefore incidental.

The Inspector considered the validity of the condition in the first instance and concluded that it met the six tests of a valid condition, as set out in Circular 11/95.

He noted that the outbuilding was currently occupied by the appellant's mother, and the Council did not dispute this. However, he commented that it is often the case that there is a gap between the contravening use being detected and the service of the notice, and this was not a reason to dismiss the appeal.

He also agreed with the Council that that had been a clear breach between at least 2009 and 2011 when the property was let to a third party as a separate dwelling. This was confirmed by evidence gathered by the Council, and by the appellant himself. On this basis he dismissed the ground (b) appeal and the notice was upheld.

Officers are however satisfied that the notice has been complied with.

The Inspector also dismissed a claim for an award of costs. The appellant claimed the Council had acted unreasonably in serving the notice and had caused him unnecessary expense. The Inspector concluded that the Council had acted reasonably in that there was a clear breach of planning control and adequate investigations had been carried out before serving the notice, and submitted substantial evidence in response to the appeal.

The application for an award of costs was therefore refused.

4.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

17 December 2012