

Planning and Highways Committee

Tuesday 24 September 2013 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), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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 Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

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.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
24 SEPTEMBER 2013**

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** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 12)
Minutes of the meeting of the Committee held on 3 September 2013
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 13 - 168)
Report of the Director of Regeneration & Development Services
- 8. Enforcement of Planning Control: 73 Sandford Grove Road** (Pages 169 - 172)
Report of the Director of Regeneration & Development Services
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 173 - 180)
Report of the Director of Regeneration & Development Services
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 15 October 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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

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

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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Planning and Highways Committee

Meeting held 3 September 2013

PRESENT: Councillors Alan Law (Chair), Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Trevor Bagshaw and David Baker but no substitutes were appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 13 August 2013 were approved as a correct record, subject to the addition of a record of thanks in paragraph 9.1 to officers involved in the Gleasons Planning Appeal for all their hard work.

5. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 23 July 2013.

6. SITE VISIT

6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 19 September 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH LANE, FULWOOD

- 7.1 The Director of Regeneration and Development Services submitted a report seeking authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane, Fulwood) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of two objections having been received.
- 7.2 The report stated that, following authority obtained along with planning consent 12/02429/FUL at the West and North Planning and Highways Committee on 4th December 2012, the City Council made an Order on 18th June 2013, under Section 257 of the Town and Country Planning Act 1990, for diversion of part of the public footpath which runs between Chorley Drive and Slayleigh Lane, Fulwood.
- 7.3 This superseded an Order made on 19th March 2013 for which, unfortunately, omissions were made in the public advertising process, in terms of display on the Council website and deposit for public viewing at the Town Hall Reception as at the stated publication date. Consequently, given the potential defect in the process, and in view of the recently reported 'Tinseltown' court case in London, it was decided for the avoidance of doubt that the order should be re-served.
- 7.4 The justification for the proposed diversion was that it was necessary in order to enable the development to be carried out in accordance with the planning permission.
- 7.5 Following the publication of the Order, the Director of Legal and Governance had received two objections, one from a resident of one of the houses adjoining the development site, and one from the residents of another house on Chorley Drive.
- 7.6 It was reported at the meeting that officers had written to the objectors informing them that this meeting was taking place and offering to meet with them to attempt to resolve any issues. This was not taken up and a letter had been received stating that one of the objections remained.
- 7.7 A representative of the applicant granted the original planning permission attended the meeting to make representations. He stated that the diversion was a requirement to meet the planning permission conditions and the footpath would remain.
- 7.8 **RESOLVED:** That the Director of Legal and Governance be authorised to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane, Fulwood) Diversion Order 2013 to the Secretary of State for confirmation.
- 8. PLANNING APPLICATION CONSULTATION FROM BARNSELY COUNCIL ABOUT A PROPOSED WIND TURBINE AT SHEEPHOUSE FARM, CUBLEY**
- 8.1 The Director of Regeneration and Development Services submitted a report in respect of the proposed development of a wind turbine at Sheepphouse Farm, Mortimer Road, Cubley and request from Barnsley M.B.C for comments from Sheffield City Council upon the application.

- 8.2 The report stated that a planning application, including an Environmental Statement, had been submitted to Barnsley M.B.C for the erection of a 900kW wind turbine, with a height to hub of 52 metres and with a 27 metre rotor radius giving a height to blade tip of 79 metres.
- 8.3 The application also included a proposal for a 60 metre high meteorological mast to be erected for 2 years prior to the construction of the wind turbine in order to obtain detailed wind data from the site.
- 8.4 The turbine was required to power a dairy unit at the farm, replacing a generator, and any surplus energy generated would be fed back into the National Grid.
- 8.5 The turbine was to be located at Sheephouse Farm, approximately 1 kilometre north of the nearest built up area of Stocksbridge and about the same distance from Midhopestones. The turbine was close to and would be visible from Stocksbridge and its surrounds within the City Council area and, accordingly, Barnsley M.B.C had notified the City Council of the receipt of the application and requested comments.
- 8.6 Representations were made by two local residents and a local ward Councillor, opposing the application and requesting that the City Council write to Barnsley MBC to object to the development. They commented that the consultation process had been flawed, taking place during the Summer holidays and not consulting with all those affected. The size and scale would be overly dominant in the landscape and would set a precedent.
- 8.7 **RESOLVED:** That the Committee:-
- (a) notes the officer's comments within the report submitted; and
 - (b) requests that Barnsley MBC be informed that the Local Planning Authority had no objection to the proposal to erect a wind turbine at Sheephouse Farm, Mortimer Road, Cubley subject to a condition requesting an alternative TV service to be provided where the wind turbine affects TV reception, but that the City Council had concerns that residents within Sheffield had not been consulted properly in respect of the application.
9. **TREE PRESERVATION ORDER 390: THOMAS CHAMBERS NEWTON MEMORIAL HALL, COWLEY LANE, CHAPELTOWN**
- 9.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order made on 9th April 2013, in respect of trees on land at Thomas Chambers Newton Memorial Hall, Chapeltown be confirmed as an unopposed Order.
10. **TREE PRESERVATION ORDER 808/389: SITE OF PSALTER LANE CAMPUS, PSALTER LANE**
- 10.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order made on 9th April 2013, in respect of trees on land at the site of Psalter Lane Campus, Psalter Lane, be confirmed as an unopposed Order.

11. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

11.1 **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 No. 13/00838/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having considered representations objecting to the application from a resident of a neighbouring property, and in support of the application from the applicant's agent, and, notwithstanding the officer's recommendation, consideration of an application for planning permission for a two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels at 13 College Street (Case No. 13/02220/FUL) be deferred pending a visit to the site;

(c) having considered representations from a local Ward Councillor and two local residents opposing the application, and two representations in support, and, subject to the inclusion of an additional condition that details of external lighting at the building and car park are to be approved by the Local Planning Authority, an application for planning permission for the demolition of existing single storey garages and erection of a 2/2.5 storey split level residential/supported housing development comprising 20 one bed supported flats with ancillary accommodation and associated car parking (amended as per plans received on 20/08/13) at the garage site at rear of 33 to 35 Daisy Walk, adjoining 49-65 Lilac Road and Sevenairs Road, Beighton (Case No. 13/02050/FUL) be granted, conditionally;

(d) having considered representations from the applicants, an application for planning permission for change of use of public house for uses as a dwellinghouse at Crossfield Tavern, 201 Mortomley Lane (Case No. 13/01810/CHU) be granted, conditionally; and

(e) following consideration of two additional letters of representation, as contained within a supplementary report circulated at the meeting, and having considered representations from two members of the Friends of Handsworth opposing the application, an application for planning permission for change of use from B2 bakery to sauna/massage parlour (sui generis) (retrospective application) at Pastry Plus, 8 Finchwell Close (Case No. 13/01764/FUL) be granted, conditionally.

12. ENFORCEMENT OF PLANNING CONTROL: 36 STANWOOD CRESCENT

12.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in respect of an unauthorised conservatory at 36 Stanwood Crescent, Stannington.

- 12.2 The report stated that a complaint was received about a large conservatory, which was already completed (after 30th May 2013). A visit from officers confirmed that the conservatory projected from the rear of the house by 5.7m and that it was erected without planning permission and in contravention of the new prior notification procedure contained in the new - Town and Country Planning (General Permitted Development) (Amendment) Order 2013 – ‘GPDO’ - as it related to household development.
- 12.3 The original GPDO had been amended for a temporary period of 3 years (from 30/5/13 to 30/5/16) to allow larger rear extensions than would otherwise be allowed under the household ‘permitted development’ (PD) that was brought into force in 2008. In the case of a semi-detached house, under the new permitted development rights, a single storey extension at the rear of the house could project up to 6m without the need to apply for planning permission provided certain conditions in the GPDO were complied with. Previously, the maximum allowed was a 3m projection under Class A.1 (e). The GPDO was amended as of 30/5/13 by the insertion of a new line which described the circumstances and conditions of when larger extensions were allowed.
- 12.4 One of the conditions under the new PD was that a prior notification process should be followed whereby the developer must send details of the proposal to the Local Planning Authority (LPA). The LPA then would notify immediate neighbours about the proposal and if no representations were made in response the development can proceed as permitted development.
- 12.5 If an objection was received then the ‘prior approval’ of the Local Planning Authority was required for the development. At this point, the Local Planning Authority must consider the impact of the proposal on the amenity of all adjoining premises.
- 12.6 In this case, the extension (conservatory) was begun and completed without the Local Planning Authority being notified. This extension fell within the 6m limit set out in the new household PD, however because the Local Planning Authority was not notified it did not benefit from the PD conditions and it was therefore unauthorised. In addition, an objection had already been received from a neighbour, so the approach taken by officers in this matter was to assess any harm caused by the impact of the conservatory on the amenity of all the occupiers of a neighbouring property.
- 12.7 **RESOLVED:** That:-
- (a) the Director of Regeneration and 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 36 Stanwood Crescent; and
 - (b) delegates authority to the Head of Planning, in consultation with the Chair of the Committee, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches

of planning control.

13. ENFORCEMENT OF PLANNING CONTROL: 17 FIELDER MEWS

- 13.1 The Director of Regeneration and Development Services submitted a report updating Members about a breach of planning control in respect of the erection of a rear extension at 17 Fielder Mews and making recommendations on any further action required in light of Government changes to household permitted development and following a Committee resolution dated 8th April 2013 to take enforcement action.
- 13.2 The report stated that a 6m projecting single storey extension attached to the rear of the house was substantially completed around October 2012 without planning permission. It was built in two stages, the first being a 3m projection within the permitted development (PD) limits of the time. The builder incorrectly advised the owner that the household PD allowance had been relaxed to allow 6m projecting extensions without the need for planning permission. The temporary relaxation of PD was to become law later and was in force by 30th May 2013.
- 13.3 Following the builder's advice the extension was lengthened to the 6m projection. A complaint was received alleging that a separate self-contained two storey living accommodation was being constructed. The complainant was not a neighbour of 17 Fielder Mews and he was motivated by concerns that a new dwelling was being created. The extension remained one storey when completed.
- 13.4 A retrospective application was refused on 8th April 2013 at the former City Centre, South and East Planning and Highways Committee with authority for enforcement action, taking into account the relevant Unitary Development Plan policy and Supplementary Policy Guidance for house extensions.
- 13.5 Having regard to the recent changes in legislation it was proposed that no further action be taken in respect of the extension for the following reasons:-
- (a) after the Committee decision was made and following the introduction of the new temporary PD limits (three weeks later), letters were sent to the neighbouring properties explaining that enforcement action was authorised to remove the extension and further letters were sent explaining the changes to PD. The letter asked if there were any objections to the 6m extension. This extra consultation letter was similar to that required under the new PD conditions, which were in force by then.
 - (b) it was 7 weeks since the extra consultation letter was sent and no objections had been received;
 - (c) if the extension was wholly taken down or part taken down (to the usual 3m projection), it could be immediately rebuilt to the new 6m PD limit, provided no objections were received from neighbours, following a prior notification process; and
 - (d) the 6m PD limit and any absence of neighbour representation could be taken

into account by any Planning Inspector at appeal.

- 13.6 **RESOLVED:** That in light of the Government's changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions, and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the Committee resolution of 8th April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.

14. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

15. The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

15. DATE OF NEXT MEETING

- 15.1 It was noted that the next meeting of the Committee will be held on Tuesday 24th September 2013 at 2.00 pm at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 24/09/2013

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond, John Williamson and Chris Heeley 2734218

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.
13/02539/FUL (Formerly PP-02791501)	Land At Charles Street Arundel Gate And Norfolk Street (Office 3) Sheffield S1 2JU	19
13/02220/FUL	13 College Street Sheffield S10 2PH	34
13/02171/CHU (Formerly PP-02740890)	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR	43
13/02168/FUL (Formerly PP-02733638)	Site Of Norton Church Hall Norton Lane Sheffield S8 8GZ	52
13/01699/FUL (Formerly PP-02656584)	Car Park Adjacent 388 Glossop Road Durham Road Sheffield S10 2JA	64
13/01689/FUL	Site Of Electricity Substation Adjacent 47 Roach Road Sheffield S11 8AU	87
13/00891/FUL (Formerly PP-02464370)	Urban Theology Unit 208 - 210 Abbeyfield Road Sheffield S4 7AZ	102
13/00771/LBC (Formerly PP-02066015)	Former Head Post Office Fitzalan Square Sheffield S1 1AB	115

13/00770/FUL (Formerly PP-02066015)	Former Head Post Office Fitzalan Square Sheffield S1 1AB	121
13/00337/HOARD	Curtilage Of 79 Dore Road Sheffield S17 3ND	150
13/00307/FUL	Curtilage Of 119 Osborne Road Sheffield S11 9BB	155

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 24/09/2013

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	13/02539/FUL (Formerly PP-02791501)
Application Type	Full Planning Application
Proposal	Ten storey office block (Use Class B1) with two ground floor retail or office units (Use Class A1/A2/A3/A4/B1) basement car park and screened roof top plant room (amended as per plans received on 11/09/2013)
Location	Land At Charles Street Arundel Gate And Norfolk Street (Office 3) Sheffield S1 2JU
Date Received	26/07/2013
Team	City Centre and East
Applicant/Agent	Hodder+Partners
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:

L(20)011 (Proposed site plan);
L(20)001 (Proposed levels 01-09); and
L(20)010 (Proposed roof plan); received on 29/7/2013

And

L(20)B00 (Proposed basement plan);
L(20)000 (Proposed ground floor plan);
L(20)050 (Proposed north elevation);
L(20)051 (Proposed east elevation);
L(20)052 (Proposed south elevation);
L(20)053 (Proposed west elevation);
L(20)081 (Proposed section BB); and
L(20)082 (Proposed section CC); received on 11/9/2013

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 4 No development shall commence until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) colonnaded area to Norfolk Street, including the steps to Norfolk Street and Charles Street;
 - b) steps between St Paul's Place and Charles Street;
 - c) retail unit frontages; and
 - d) street lighting to Norfolk Street and Charles Street.

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

In order to ensure an appropriate quality of development.

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

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is

occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 The building shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the car park entrance such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

In the interests of the safety of road users.

- 7 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 is/are brought into use.

Highway Improvements:

Works to the Norfolk Street carriageway in line with the principles followed on previous phases of the Heart of the City development in relation to layout, materials and access controls.

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.

- 8 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.

- 9 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.

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

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

- 11 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 highway safety and the amenities of the locality.

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

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

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

The Travel Plan(s) shall include:

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

4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

- 14 The development shall not be occupied until a scheme (as detailed below) to promote a car club as part of the development shall either
 - (a) have 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 ensure the Car Club Scheme is carried out before the development is occupied

The Car Club scheme shall include:

- i) the provision of a publicly accessible parking bay retained solely for the use of car club vehicles, either as part of the development; or at a suitable alternative location within the vicinity of potential users (no more than 10 minutes walk). In the event that it is impractical to provide such a car club parking bay, alternative arrangements to secure an equivalent contribution would be appropriate
- ii) the provision of measures to ensure all eligible site users are encouraged to become members of the car club scheme
- iii) arrangements to ensure ongoing marketing of the benefits of a car club service to site users.

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).

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

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

- 16 The retail units hereby approved shall not be used for any Class A3/A4 purpose unless suitable apparatus for the arrestment and discharge of

fumes or gases has been installed. Before such equipment is installed details thereof shall have been submitted to and approved by the Local Planning Authority. After installation such equipment shall be retained and operated for the purpose for which it was installed.

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

- 17 Unless otherwise agreed in writing by the local planning authority, no Class A3 or A4 use within the building shall be open to the public between 0000 and 0730 hours on any day except for restaurant uses which may open to the public between 0730 hours and 0100 hours on the following day.

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

- 18 No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of restricting noise breakout from the building to the street to levels not exceeding:
 - (i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
 - (ii) any octave band centre frequency by more than 3 Db when measured as a 15 minute linear Leq.

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

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

- 19 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 20 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 directives:

1. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

3. 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:-

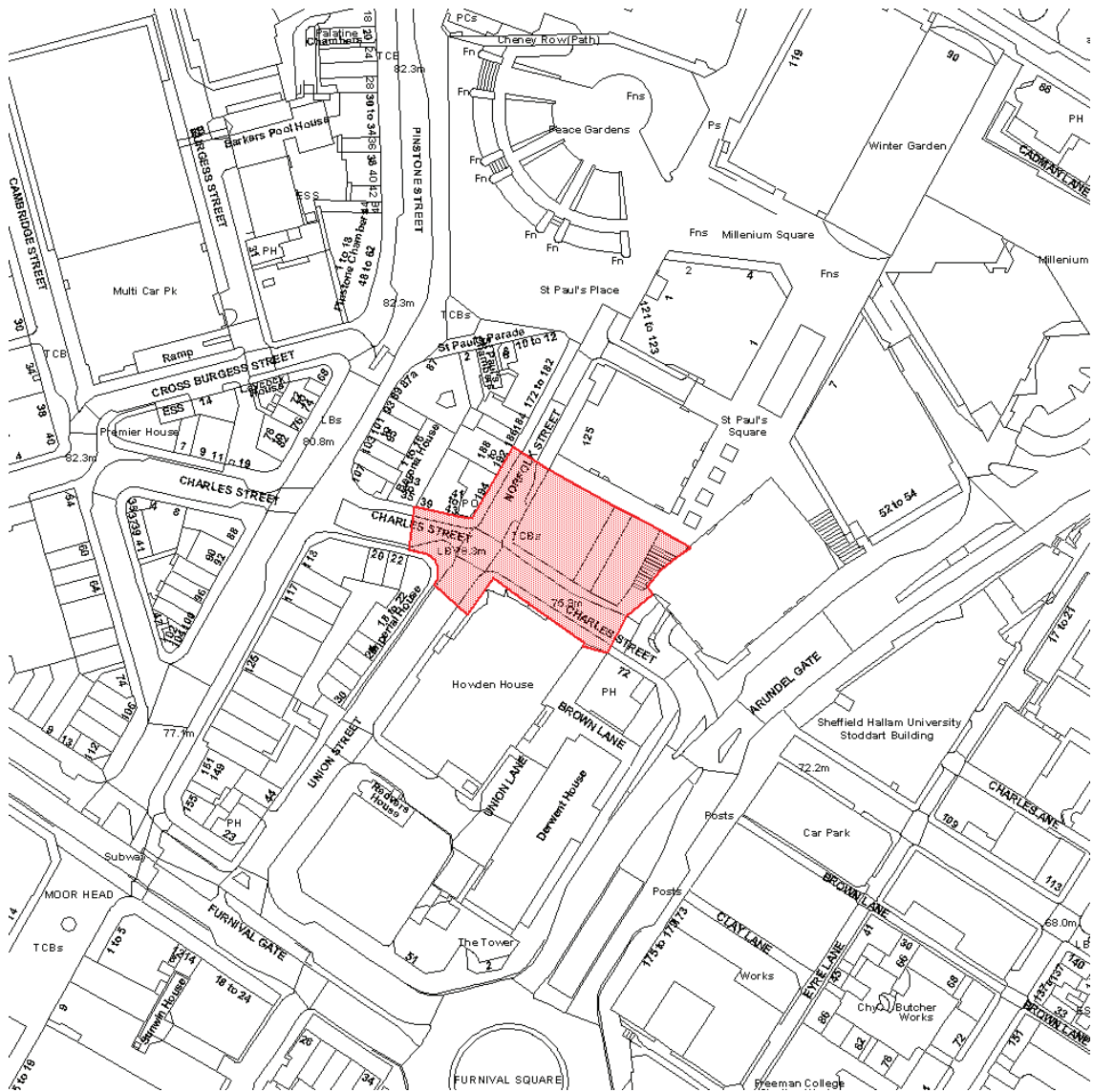
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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.

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. 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.
6. The applicant is advised that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact the Developer Services Team (tel 0845 120 84 82, Fax 01274303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.
7. The Local Planning Authority has 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.

Site Location



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LOCATION AND PROPOSAL

Planning permission is sought for the final building (Office 3) in the 'Heart of the City' development. Offices 1 and 2 lie to the immediate north. The area in between the office blocks provides pedestrian access from Norfolk Street to St. Paul's Place, the open space created to the east of all three office buildings which can also be accessed via a flight of steps to the east of Office 3. The site on the opposite side of the steps is occupied by a multi-storey car park with retail uses and a casino in the lower two floors.

Howden House and the entrance to the City Council's First Point Reception are on the opposite side of Charles Street, while on the opposite side of Norfolk Street are office and surgery buildings which are 3 storeys high.

The application site is currently vacant, save for some preliminary basement works carried out as part of the adjoining developments. The proposed building now reaches 12 storeys in height, including the partially exposed basement and the roof level plant room.

At basement level, accessed from Charles Street due to the falling ground level from west to east, there is vehicular entrance to a 15 space car park with secure cycle parking and changing rooms.

The entrance to the offices is at ground level on the corner of the site closest to the Peace Gardens, on Norfolk Street. The remainder of this floor is taken up by two retail units (A1/A2/A3/A4) that could also be used as additional office accommodation. This floor is recessed on Norfolk Street creating a colonnade within which level access is provided to one of the retail units, a flight of steps then descends to Charles Street.

Above the ground floor there are 9 office floors. A plant room is located on part of the roof above the offices.

RELEVANT PLANNING HISTORY

The Heart of the City project was conceived around 1995 to help kick-start the economic and physical regeneration of the City Centre. In 1996 a Masterplan was prepared for the Council by Terry Farrell and Partners which formed the basis of a bid for public money to the Millennium Commission.

In November 1996 outline planning permission was granted for the Heart of the City development (96/0836P). The following estimates of floor space for the various uses granted permission were given:

Offices	- 33,000m ²
Museum	- 5,000m
Hotel	- 11,000m ² (about 200 bedrooms)
Retail	- 2,400m ²
Winter Garden	- 2,500m ²

In October 2000 this planning permission was renewed. However, the permission varied from the original in two respects. Firstly, housing was included as a proposed use and secondly the extension of the underpass, which exited at Furnival Square, to provide vehicular access to the site, was dropped.

In 1998 full planning permission was granted for the Millennium Gallery and Winter Garden (98/010P).

The planning application for the 156 bedroom hotel between the Town Hall and Winter Garden was granted in February 2003 (02/04021/FUL).

A further outline planning permission was granted in October 2003 (03/02057/OUT) for the southern part of the Heart of the City which did not already benefit from full planning permission. The outline application was based upon a new Masterplan prepared by Allies and Morrison, and included 2 office blocks, 1 apartment block and a multi-storey car park.

Approval was granted for the City Lofts residential scheme in October 2005. Subsequently, details of Office 2 were approved and permission granted for a multi-storey car park, retail and casino building at the corner of Arundel Gate and Charles Street.

The detailed design of Office 3 was first approved in 2006 (05/04819/REM) when it comprised of a 14 storey office building with retail on the ground and mezzanine floors and basement car parking.

SUMMARY OF REPRESENTATIONS

One representation from a member of the public was received in relation to the proposed development. They felt that the proposed office building lacked imagination and that it should incorporate more traditional materials.

In their consultation response, English Heritage note that the height of the office block has been reduced by around 10m, however they still have concerns regarding the present scheme and would like to reiterate their previous position.

The proposed office block sits just outside the City Centre conservation area, and will be visible in views from within the conservation area, in particular across the Peace Gardens from the Grade I listed Town Hall and in views towards the Town Hall from Leopold Street. They are comfortable with the principle of a contemporary office block on this site, which will complete the group of three buildings along Norfolk Street as part of the masterplan for the area. The composition of the facades reflects those of the other two blocks, with a grid of windows on the main office floors culminating in a double-height glazed upper storey. The proposed office block is four storeys higher than its neighbour (Office 2), and they consider that this will increase the visual impact on the setting of the Town Hall and Peace Gardens. They are concerned that the height of the proposed building does not relate successfully to the buildings in the vicinity, including St Paul's Parade, and feel that an eight storey building would provide a more harmonious roofline and perspective along Norfolk Street. They consider that the combination of the additional height and the choice of materials makes the building more dominant than its neighbours and in views from the Town Hall.

English Heritage appreciate the potential economic benefits attached to the development, however they note that sustainable development as defined by the National Planning Policy Framework requires a balance of economic, social and environmental gains. They also recommend that the choice of materials be revised to better complement the surrounding palette of local sandstone, red brick and glass, with a more limited use of anodised aluminium.

The South Yorkshire Passenger Transport Executive (SYPTTE) confirmed that the site has access to a good range of public transport services and complies with the relevant policies set out in the Sheffield City Region Transport Strategy.

PLANNING ASSESSMENT

Policy Context

Outline planning permission has already been granted for the erection of an office block in this location. The currently proposed building is very similar to the approved scheme, but is 2 storeys lower.

The site lies within the Central Shopping Area as defined in the Unitary Development Plan (UDP) and is identified as a City Centre Development Site in Policy S1 (The City Centre and the Location of Major Shop Developments). Furthermore, the proposed uses are either preferred or acceptable uses as described in Policy S3 (Development in the Central Shopping Area).

Policy CS4 of the Core Strategy (Offices in the City Centre) promotes this location as a Priority Office Area for high density and large-scale office development.

The Heart of the City project was endorsed as one of the seven strategic regeneration projects for the City Centre arising out of the City Centre Masterplan and was also an important component of delivering the 'Sheffield City Strategy and Vision;' of the Sheffield First Partnership which sought to secure a strong economy and a vibrant City Centre.

The north eastern edge of the application site lies just within the boundary of the City Centre Conservation Area. Policy BE16 of the UDP (Development in Conservation Areas) advises that developments affecting the setting of a conservation area shouldn't detract from its character and appearance.

The Urban Design Compendium for the City Centre establishes principles for the Heart of the City including the creation of active frontages to all major pedestrian routes.

It also says that "there may be scope for taller buildings to the south of the Conservation Area, providing it can be demonstrated that there will be no visual or amenity impact on the streetscape and views to important landmarks are not impeded".

Design and Conservation

Policy BE5 of the UDP (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 while policy S10 (Conditions on Development in Shopping Areas) expects new buildings to be well designed, and of a scale and nature appropriate to the site.

The proposed building is between 2 and 3 storeys higher than Offices 1 and 2 and 5 storeys taller than Howden House. It also rises substantially above the buildings on the opposite side of Norfolk Street, which are only 3 storeys in height – the latter are low even in comparison to the group of buildings in the city block in which they stand, they are suburban in scale and do not provide a benchmark for the Heart of the City. Nevertheless, at 2 storeys below the previously approved scheme, the scale of Office 3 is now considered to relate more successfully to the varied heights of neighbouring buildings, yet has enough presence to reinforce the cohesive quality of the eastern side of Norfolk Street and mark the corner of Norfolk Street and Charles Street.

The upper floors of the building comprise of vertical glazing and anodised aluminium spandrel panels within an expressed anodised aluminium frame. The proportions of the cladding system tie in with the proportions of the cladding on Offices 1 and 2, and the extensive use of metal on the upper floors is considered to provide an appropriate transition between the generously applied stone on the adjoining offices and the sculptural metal cladding of the adjacent multi-storey car park.

The building sits on a basement level stone podium, most visible along Charles Street and at the southern end of the site along Norfolk Street, which is separated from the metal framed upper floors by the largely glazed ground floor retail units. A series of slim, wedge shaped pre-cast concrete columns take the weight of the overhanging upper floors along the east south and west facing elevations.

The overall concept and detailing of Office 3 is considered to be of a very high quality. However there were areas of concern. For example, the slightly elongated top floor, which incorporates a parapet wall to partially screen the roof top plant room, is an elegant finish to the building but was considered to be a little too heavy. This has been overcome by slimming down the frame in all four corners of the building at this upper level, giving it a slightly lighter appearance. The use of diminishing steps at ground level was also considered to raise access issues and so it is agreed that they will be omitted in favour of a straight flight of steps.

One design detail continues to be of concern. It is considered that the use of concrete columns at ground level is potentially too stark a contrast to the honey coloured stone characteristic of the Heart of the City. There are a number of other options in relation to the finish of the columns, the use of a stone aggregate within the concrete for example of a darker coloured concrete. The finish of the columns is therefore reserved by condition.

The north eastern edge of the application site lies just within the boundary of the City Centre Conservation Area. Policy BE16 of the UDP (Development in Conservation Areas) advises that developments affecting the setting of a conservation area shouldn't detract from its character and appearance.

Although the conservation area boundary extends as far as this site, the nearest buildings of any age are those at the corner of Norfolk Street and the Peace Gardens. However, it is considered that Office 3 would be seen very much as part

of the group of new buildings on the east side of Norfolk Street rather than having a visual influence on the historic part of the conservation area. The building has no effect on the setting of the Town Hall or the townscape quality of the Peace Gardens.

Sustainable Design

Policies 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 64 requires all new buildings to achieve a high standard of energy efficiency, including a BREEAM rating of very good, while 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.

A BREEAM Pre-Assessment Report was submitted with the application. The agent has confirmed that the developer intends the building to achieve a BREEAM very good rating and the pre-assessment report indicates that this is achievable. The requirement to provide 10% of predicted energy needs from low carbon sources will be achieved by linking in to the district heating system.

Highways and Transport

These matters have already been addressed in the outline application.

Vehicular access to the site comes off Charles Street, the preferred option as it avoids further traffic on Norfolk Street. The same access will serve Office 2 as well as service vehicles, who will use this access unless they are too large and must use the Arundel Gate basement access.

The footways along Norfolk street and Charles Street will be re-surfaced in the Heart of the City palette of materials.

The 15 parking spaces in the basement are in line with the outline permission and with UDP parking guidelines.

Disabled Access and Facilities

The building will provide level accesses, lifts and facilities for those with a disability, as would be expected in a new office development. Disabled parking spaces will be provided in the basement.

SUMMARY AND RECOMMENDATION

The siting and footprint of the proposed building accords with that indicated in the Masterplan and the previously approved Office 3 consent while the height of the building, now 2 storeys lower, is considered to sit comfortably with the wider group of buildings between Arundel Gate, Norfolk Street. This harmonious relationship continues through to the appearance and proportions of the cladding, which is considered to respond positively to neighbouring buildings. Therefore, subject to

further discussion in relation to the finish of the ground floor columns, officers consider that the proposed building will be a suitable addition to the Heart of the City.

The proposals are considered to comply with all relevant policies in the UDP and Core Strategy, and Members are therefore recommended to grant planning permission subject to the proposed conditions.

Members are also requested to confirm that they:

a. Raise no objection to the proposed stopping-up of the areas of highway shown on the plan which is displayed at the meeting, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected. Any unresolved objections will be the subject of a later, separate report.

b. Authorise Legal Services, to take all necessary action on the matter under the relevant powers contained within either:

i The Highways Act 1980, or

ii The Town and Country Planning Act 1990,

dependent upon which statute is appropriate at the time of processing the stopping-up Order.

Case Number	13/02220/FUL
Application Type	Full Planning Application
Proposal	Two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels
Location	13 College Street Sheffield S10 2PH
Date Received	18/06/2013
Team	South
Applicant/Agent	Chris Gothard Associates
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 / Reference:

-PROPOSED PLANS & ELEVATIONS
(2104 Drawing Number 02 Revision A),

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 5 Within one calendar month of the installation of the external steps / staircase the fence / wall as shown on the approved drawings shall be constructed, and permanently retained thereafter.

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

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

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

- 7 The steel grid at the front elevation lightwell shall be painted black prior to the occupation of the basement / ground level flat, and shall be permanently retained as such.

In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

1. The Local Planning Authority has 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.

Site Location



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INTRODUCTION

Members will recall that this application was deferred from consideration at the Committee meeting of 3rd September, to allow for a Member's site visit.

LOCATION AND PROPOSAL

The application property is an end-of-terrace property, which is located to the south of College Street. It falls within Broomhill Conservation Area, and also falls under its Article 4 Direction.

The property is currently divided into 3 flats, and it is intended to make changes to the property to create 2 flats in total by converting the ground floor and basement flats into a single flat, with a first floor flat remaining as the second flat (13A College Street). The applicant's agent has confirmed that the resulting flat would fall within the C3 use class, as opposed to being a C4 house in multiple occupation.

The application proposes the formation of a lightwell at the front elevation, the replacement of external stairs up to the first floor level at the rear elevation and the construction of a two storey rear extension at lower ground and ground floor levels.

RELEVANT PLANNING HISTORY

There is no record of planning history relating to the application site.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a site notice and the publication of a press advertisement; 3 objection representations have been received from 2 addresses.

The comments made can be summarised as follows:

- Extension out of keeping with character of houses on that side of College Street
- Overshadowing and over-domination of No.11, involving loss of light. Appears to breach 45 degree line.
- Extension occupies an excessive amount of the garden space
- Property at No.11 has lost a significant amount of daylight and privacy at rear due to Sports Hall, and Swimming Pool Air Handling Unit.
- Illegal works have been carried out at the site, without Ground Landlord permission, including wooden stairway.
- Was originally converted to 2 flats. The 3rd flat was created without ground landlord permission.
- 455a was converted without consent, and originally connected to land at Num.13 for escape purposes.
- Clearly property is to be converted to a larger multi-occupancy dwelling. Area should not be able to become dominated by students, properties should remain as family houses.
- Inadequate neighbour notification.

In regards to amended drawings the adjoining neighbour at No.11 has provided a further representation, and the comments made can be summarised as follows:

- Amendments do not address concerns, will still cause overshadowing and overbearing impacts.
- Plans don't take account of '45 degree rule'. Intend to convert the space used as a utility area in No.11 to a study space.
- The planning committee should be made aware of the cumulative impact caused by other approvals within immediate vicinity.

- Supplementary Planning Guidance does not take account of the size of neighbouring garden. Extension represents an overdevelopment of the plot.

A 4th representation has been received, which raises no objection to the scheme, but points out the presence of a further nearby, residential property which does not feature within the submitted site location plan.

Non-Material Planning Considerations

- Other works have affected the value of the house, and the proposed extension would further decrease attractiveness of the property.
- Unclear how excavation will be carried out. No Party Wall notice received.
- Ground landlord's permission not sought, and it will not be granted.
- Obstruction of communal drain and land at end of garden.
- It is intended to contact Ombudsman regarding reduction in house value. Approval of current application will worsen this.

PLANNING ASSESSMENT

The application property is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. As a result the proposal is required to be assessed against the provisions of UDP policy H14.

- H14 'Conditions on Development in Housing Areas; states amongst other things that extensions are required to be (a) well designed and in scale and character with neighbouring buildings, (c) not result in over-development of the site or deprive residents of light, privacy or security and (d) provide safe access to the highway network and appropriate off-street parking .

Additionally, the site is located in Broomhill Conservation Area and consequently the proposal is required to be assessed against the provisions of the following policies:

- BE5 'Building Design and Siting', states in part (c) that all extensions should respect the scale, form, detail and materials of the original building
- BE16 'Development in Conservation Areas', states that only development which would preserve or enhance the character or appearance of the Conservation Area will be permitted.
- BE17 covers 'Design and Materials in Areas of Special Architectural or Historic Interest' requires a high standard of design using traditional materials.

In addition the provisions of the 'Designing House Extensions - Supplementary Planning Guidance' includes a number of relevant guidelines. These can be summarised as follows:

- Guideline 1; Extensions should be compatible with the character and built form of the area
- Guideline 2; Extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality

- Guideline 5; Unreasonable overshadowing and overdominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended
- Guideline 6; Extensions should protect and maintain minimum levels of privacy

Impact Upon Character of Conservation Area

The proposal incorporates the formation of a lightwell at the property's front elevation. The frontage of the property contains a small garden with a low brick wall to the back edge of footway and as such the garden and proposed light well will be clearly visible to passing pedestrians. In its initial form the light well included railings, approximately 1.0metre in height, around its perimeter. This element of the proposal was considered to be unacceptable, having a detrimental impact on the character of the Conservation Area.

As a result of these concerns, amendments to the light well have been secured. The amended details retain the light well feature, but incorporate a metal grill and brick upstand of 0.4metres in height. The amended light well detail is considered to be acceptable, and to appropriately respect the appearance of the property's frontage and character of the wider street scene.

Some concerns have been expressed in representations about the impact of the two storey rear extension upon the character of the Conservation Area. The location at the rear of the property means that from public vantage points the extension is not visible. As a result it does not impact upon the public amenity of the Conservation Area.

On this basis the proposal is considered to satisfy the relevant requirements of UDP policies H14, BE5, BE16 and BE17.

Impact Upon Neighbouring Occupiers' Amenity

The proposed staircase would replace an existing and somewhat dilapidated staircase structure which leads up towards the first floor flat entrance door at the rear. The proposed steps would follow a similar route to the existing steps, but rise at a steeper angle to meet the house at its 1st floor level rather than at the slightly lower level. At each side of the steps there is proposed to be a wall and a fence to prevent sideward overlooking onto neighbouring gardens. The fence facing towards No.15 would replace an existing brick wall. The proposed fence would be approximately 1metre higher than the wall, and would avoid having an overbearing impact upon No.15 which is already affected in this way by its own boundary wall. The wall facing towards No.11 would run along the portion of the steps beyond the extension. This would prevent sideward views onto the garden of this neighbouring occupier. It is considered to be set sufficiently far away from the boundary and at a reasonably low level to prevent it from having a detrimental impact.

The two storey rear extension would project by 3.0metres beyond the existing off-shot at lower ground level, and by approximately 2.0metres beyond the off-shot at ground floor level. The dwelling at No.15 is elevated above the level of the

application site and is also separated by the access walkway. As a result the proposal is not considered to have an impact on this neighbouring occupier.

The adjoining terrace at No.11 is set on an equivalent level to the application site. Currently the lower ground floor level of the neighbouring dwelling includes a utility room window in closest proximity to the application site and a set of folding doors which serve a lounge area further away from the application site.

The occupant of No.11 has confirmed as part of a representation relating to the application, that they intend to convert the space used as a utility area to a study space. Despite the stated intention to undertake these internal alterations within the neighbouring property, it is considered that it would be unreasonable to base an assessment of the proposed extension upon these details, and instead it is considered appropriate to assess the impact on existing layouts at No.11.

The proposed extension in its revised form would fall within a line drawn at 45 degrees from the folding/patio doors to the lounge, but would breach this line when taken from the utility room window. Consideration of overbearing impact in such matters is concerned with the impact upon main windows, serving such rooms as living/dining rooms, bedrooms or other rooms where occupants can be expected to spend a large amount of time. Therefore, the proposal would satisfy Guideline 5 of the Supplementary Planning Guidance - 'Designing House Extensions' used to measure whether extensions would lead to overshadowing or overdominance of neighbouring occupiers.

Further to this it is worth noting that the application site is located north-west of No. 11 and would not be likely to lead to loss of direct sunlight to this property. Therefore, the proposal is considered to have an acceptable impact in this regard, and it is considered that it would be unreasonable to resist the application for reasons relating to these issues.

The ground floor level element of the extension is proposed to include a Juliette Balcony in its rear facing elevation. This would incorporate glass up to a conventional sill level with double doors behind. The balustrade would ensure that views from the balcony would not be any more detrimental than a conventionally designed window. As a result, the Juliette balcony element of the proposal is considered to be acceptable. On this basis the proposed extension would be considered to meet Guideline 6 of the SPG which requires minimum levels of privacy to be protected.

The attached neighbouring occupier at No.11 has raised concerns about the proposal in combination with previously granted Sports Hall and Air Handling Unit at the adjoining site/s, and their cumulative harmful impact combined with the current proposal. Each planning application is required to be assessed upon its own merits although the cumulative impact of other developments or developments with planning permission but not yet built, may also be considered. The sports hall and air handling unit have been constructed, albeit the latter not in accordance with the approved plans - which is being investigated. The proposed extensions are somewhat separated from the other elements referred to and in addition there is an element of openness to the south east of No. 11. As such it is considered that the cumulative impact of these works would not be detrimental to the amenities of neighbouring occupiers.

Overall, the proposal is considered to meet the requirements of UDP policy H14 and the relevant guidelines in the SPG.

Amenities of Potential Occupiers

The proposed lower flat would incorporate two bedrooms, a kitchen, a lounge area and bathroom and shower spaces. Partly due to the proposed front light well, the rooms would be considered to be provided with adequate ventilation and natural lighting.

The light well would be considered to provide suitable lighting and outlook, without taking up an excessive amount of the front garden space.

The extension would leave approximately 7.0metres depth of garden, and provide approximately 35sq metres in area terms. Both flat's occupants would have direct access to the shared amenity space. The South Yorkshire Residential Design Guide states that flats should be provided with a minimum of 50 square metres shared private space, plus an additional 10 square metres per unit. This document has been adopted as best practice in Sheffield, though is not adopted by the Council as policy. This external amenity space requirement is more directly applicable to larger, purpose built apartment blocks and it is therefore considered that it would be unreasonable to seek to apply it to circumstances such as these. On this basis it is considered that the 35 square metre provision would not be considered to be inadequate, and it would be considered unreasonable to resist granting consent based upon this guidance. Overall, the proposed amenity space would be considered to be adequate to serve the two flats, and it would not be considered to represent an overdevelopment of the plot.

Based upon these conclusions it is considered that the scheme would satisfy the requirements of UDP policy H5, which requires flats to be provided with suitable living conditions.

Highways Issues

As the proposal involves a reduction from 3 flats at the site to 2 flats, it is considered that the proposal would not be likely to lead to additional on-street parking within the vicinity of the application site.

Therefore, the proposal would satisfy part (d) Of UDP policy H14 which requires schemes to have an acceptable impact upon highway safety.

RESPONSE TO REPRESENTATIONS

A substantial number of the issues raised within neighbours' representations have been covered in the above assessment.

In relation to the outstanding material planning considerations, the following comments can be made:

- The property at No. 455A Glossop Road benefits from consent, and it does not require an escape route through the application site.

- The neighbour notification undertaken is fully in compliance with the Statement of Community Involvement, with 9 individual letters distributed to neighbouring occupants, supplemented by a site notice and press advert.
- The proposed flat has been confirmed to be a C3 use, rather than a C4 House in Multiple Occupation. As such it would not be possible for the property to become multi-occupation accommodation.
- It has been confirmed that the proposal would not impact upon a shared right of access which neighbouring occupiers have along the rear boundaries of their properties to access their gardens.

SUMMARY AND RECOMMENDATION

The application relates to a terrace property within Broomhill Conservation Area. It seeks consent to form a front elevation light well, a two storey rear extension and a rear access staircase, to enable the conversion of the two existing flats at ground and lower ground to a single flat, whilst retaining the first floor flat at No. 13A College Street.

The proposal would have an acceptable impact upon the character of the Conservation Area, avoid having a detrimental impact upon the amenities of neighbouring occupiers, provide an appropriate amenity for occupants of the flat and have no significant impact upon local highway safety circumstances.

On this basis the proposal is considered to meet the requirements of the relevant UDP and Core Strategy policies, along with the relevant parts of the Supplementary Planning Guidance.

Therefore, the scheme is considered to be acceptable and conditional approval is recommended.

Case Number	13/02171/CHU (Formerly PP-02740890)
Application Type	Planning Application for Change of Use
Proposal	Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13)
Location	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR
Date Received	02/07/2013
Team	West and North
Applicant/Agent	MBAS Architecting
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: P13:033:01, P13:033:03 Rev A, P13:033:04
Design and access statement 1/07/13

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The cafe shall be used for the above-mentioned purpose only between 08.45 hours and 18:00 hours on Monday to Fridays and between 09:00 hours and 16:00 hours on Saturdays and shall not be used on any Sunday or any Public Holiday.

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

- 4 No deliveries to the café shall take place outside of the opening times as detailed in the preceding condition.

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

- 5 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) on Sundays or Public Holidays and between 19:00 hours and 08.30 hours on Monday to Saturday.

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

- 6 Prior to the commencement of development details of cooking equipment shall be submitted to and approved in writing. Such equipment shall be limited to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Thereafter the development shall be carried out in accordance with the approved details and any proposed alterations to the cooking equipment used shall be approved in writing by the Local Planning Authority.

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

- 7 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building without the prior written agreement of the Local Planning Authority.

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

- 8 The garden area to the rear of No.176 shall be used only as an amenity area for the first floor flat above No.176 and 178.

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

- 9 No external seating or tables shall be placed to the front of the café.

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

- 10 Prior to the commencement of development full details showing a level access into No.178 shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

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

- 11 Access to the cafe hereby approved shall only be via No. 178 as indicated in drawing P13:033:03 Rev A.

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

Attention is drawn to the following directives:

1. The proposed change of use from a residential dwellinghouse to a café at ground floor with a flat above is deemed to be acceptable. The change of use will not have a detrimental impact on the visual amenity of the Grenoside Conservation Area and will not be harmful to the amenities of surrounding residential properties. Furthermore the development will not lead to a significant increase in on-street parking and will not have an adverse impact on highway or pedestrian safety.
2. The applicant is advised that no external changes to the building have been agreed as part of this application.
3. The Local Planning Authority has 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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a mid-terraced property which forms one of three traditional stone cottages located within the Grenoside Conservation Area. The property is currently in use as a residential dwellinghouse and is within the same ownership as the adjoining unit No.178 which is in use as a newsagents/local shop at ground floor.

The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as allocated in the adopted Sheffield Unitary Development Plan.

A change of use is proposed to the ground floor of No.176 from residential to a café which will be accessed solely via No.178. The upper floors of No.176 and No.178 will be combined to form a two-bed flat.

RELEVANT PLANNING HISTORY

11/03753/FUL retention of solar PV panels - Granted

07/02518/FUL erection of detached dwellinghouse - refused

03/04087/FUL single-storey rear extension to shop - granted conditionally

SUMMARY OF REPRESENTATIONS

A petition with 141 signatures in support of the development has been received.

Eleven letters of representation have been received, of these two support the scheme and nine object. The letters of support raise the following points:

Lived opposite the site for 79 years and have no reservations about proposal
Numerous walkers, cyclists and pedestrians go through the village and would benefit from café

There is an existing café at the top of Norfolk Hill but it is quite small and other food establishments don't open until later in the day

The letters of objection raise the following points:

- Disappointed that not directly notified about the proposal
- Numerous other establishments in the locality serve food, as such there is no need for another restaurant/café in this area
- Parking on this stretch of Main Street is problematic and many motorists fail to observe legal requirements
- People often park on double yellow lines to go into the shop
- People park outside residential dwellings for long periods of time and the proposal will only make this worse
- At present there are approximately 3 spaces but these are in use by customers of the newsagent, shop, butchers, fish and chip shop and pubs
- It is often impossible to find a parking space
- Area is very congested, particularly around school opening and closing times, proposal will increase danger, particularly to young children
- Several dwellings in the locality do not benefit from off-road parking and so parking is at a premium
- Understand the applicant was proposing to open a garden centre on this site approximately 1 year ago, is this still the case?
- A recent application to the council for development of 174 as a nursery/garden centre caused considerable upset and disruption in clearing the land which has now been left and is overgrown. Is this to go ahead as planned or are the plans

- now revised? A concern is that this is now a new and different venture. Will this also be subject to change and revision in the future?
- Will the café be confined to the building or will the entire garden have A3 consent
 - If external use is proposed this will not comply with UDP policy H14 as it would deprive local residents of privacy, security and will create unacceptable noise pollution
 - The application form states that there will be no storage area for bins
 - There is no space to the front of the property to accommodate bins and it is questioned where these will go
 - The owner of the Village News has used the space between the shop and No.180 for commercial bins
 - The use of this common land has escalated and there has been a skip on the land for the last year. This has resulted in the deterioration of the environment
 - The applicant only has right of access across this land, plans should be amended to show the correct site boundary to exclude this driveway
 - It is expected that the owner will also use this space for the new commercial bin and possibly other waste for the café. This is unsightly for all who walk by and particularly those who live nearby
 - Commercial usage will mean increased noise levels which will be audible both inside and outside the neighbouring property as a result of extra visitors to No.176 along with highway noise
 - The café is likely to result in smells from food cooking, these would permeate to the exterior of neighbouring property and also the interior in finer weather when windows are left open
 - Do not share the assumption that that visitors to the premises would only be local visitors
 - The business would generate the need for deliveries of food and drink for sale on the premises and this involve commercial vehicles attending the site for such purposes
 - For any café to be viable there would need to be a substantial uplift in customers
 - Existing car parking facilities would not accommodate any expanded usage
 - No need for a café. Believe the long term plan is to set up a full commercial restaurant and not merely a café
 - Unnecessary commercial premises in a Conservation Area should not be permitted
 - If the application is granted the following conditions should be added: no access except through No.178; no outside seating for customers; hours of use restricted to 10am - 5pm Monday to Friday and 10am to 4pm on Saturday with no opening on Sundays; restriction of no delivery to be by commercial vehicle; suitable fume extraction system; any variation of any of these conditions should be decided by full planning committee
 - Development will not enhance or preserve the character or appearance of the Conservation Area

PLANNING ASSESSMENT

Policy

Policy H10 "Development in Housing Areas" sets out the preferred, acceptable and unacceptable uses in these areas. Housing is the preferred use whilst a café is an acceptable use.

Policy H14 "Conditions on Development in Housing Areas" sets out criteria which development must comply with in order to be deemed acceptable. The points relevant to the current application are listed below:

- (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians
- (i) occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area
- (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby
- (l) be on a scale consistent with the residential character of the Area or meet primarily local needs

As the site falls within a Conservation Area Policy BE16 "Development in Conservation Areas" is also relevant. This requires any development to preserve or enhance the character or appearance of the Conservation Area.

Principle of Development

The change of use is acceptable in principle in accordance with policy H10 provided that the criteria in Policy H14 are met. It is noted that there are a range of other non-housing uses within the immediate locality, however the predominant use will still remain as housing with well over 50% of properties in the immediate locality in use as residential accommodation, as such the alteration is in line with H14 (i).

Design

The development does not propose any external alterations and therefore there will be no impact on the appearance of the Conservation Area.

Impact on neighbouring residents

The introduction of a commercial premises in close proximity to residential dwellings has the potential to cause noise and odour issues and so these issues need to be carefully considered.

In this instance there is an adjoining residential property at No.174, residential accommodation directly above the unit and many dwellings in the immediate locality.

The proposed hours of use are 8.45 am to 6 pm Monday to Saturday and 9am to 4pm on Saturdays with no opening on Sundays. These hours of use are

considered to be reasonable and are such that the café will not be open during the evening or early morning time when residential areas tend to be quieter. A condition can be attached to restrict the hours of use and similar restrictions can also be put on servicing to ensure that deliveries are made during normal day time hours.

Furthermore the agent has indicated that sound attenuation measures will be installed to the ceiling between the café and the upstairs flat, this will reduce any potential noise transference to acceptable levels. Similar attenuation measures are also required to the wall adjacent to No.174 to protect the amenities of adjacent residents.

The Design and Access Statement states "The café is to serve drinks and light refreshments and, as such, will not include for large deep frying or cooking equipment requiring large extract systems." This is considered to be acceptable and will reduce any potential impact on neighbours in terms of odour transfer. However, further details, including a sample menu are required in order to validate this statement and as such details of an extraction system remain to be confirmed. Careful assessment of this will be carried out to ensure that the development does not result in odour transfer to neighbouring residents.

Discussions with the agent have indicated that it is not proposed to use the outside area as a seating area and it is considered necessary to condition this to be the case. The garden should be used only as amenity space for residents of the upstairs flat in order to ensure residents have satisfactory amenity levels.

Access to the café will be via the adjoining shop unit at 178, this will ensure that patrons are kept away from the front elevation of the nearest residential property at No.174. Although the number of visitors is likely to increase the shop entrance is separated from the property to the north No.184 by approximately 3 metres and is screened by landscaping on the boundary.

Details of a bin store to the rear of the property have been provided. The provision of such a store will prevent bins being stored to the front of the property where they may be unsightly. Access to the store can be gained externally around the side of No.176.

Access

Access to the café will be via the existing shop unit. It is considered that a small ramp may be necessary to improve access into the shop which has a very small step to the entrance. Further details of access improvements will be secured by condition.

Highways

The development will not benefit from any off-street parking provision. The highway appears to have a relatively high level of on-street parking although this is restricted to the west side of Main Street by double yellow lines. On-street parking

is available directly to the front of the site and to the north, although residents suggest the demand for this is high.

The proposal will result in an increase in the number of people visiting the store. However it is considered that given the small scale nature of the café coupled with the fact that there is a large residential population within walking distance that the increase in on-street parking and the resultant impact on the highway will be minimal. It is noted that servicing will need to take place from the highway however this is no different to the existing arrangements for the adjacent newsagents.

RESPONSE TO REPRESENTATIONS

Several letters of representation question the need for the development. It is highlighted that it is not the role of the planning system to determine the need for particular uses or to determine if there is a sufficient demand/market for the development.

A suggestion has been made that delivery vehicles should be restricted to non-commercial only. Such a condition would be particularly hard to enforce and seems excessive given that the scale of the café is unlikely to result in high levels of deliveries being made. A condition restricting the hours of servicing is considered sufficient to ensure that any noise from delivery vehicles is not unacceptably disruptive to nearby residents.

A planning application for the use of the garden area as a garden centre/nursery has never been received. However as noted above a condition will be attached to the approval restricting the garden area to be used as amenity space for the residents of the first floor flat.

SUMMARY AND RECOMMENDATION

The proposed change of use from a residential dwellinghouse to a café at ground floor with a flat above is deemed to be acceptable. The change of use will not have a detrimental impact on the visual amenity of the Grenoside Conservation Area and will not be harmful to the amenities of surrounding residential properties. Furthermore the development will not lead to a significant increase in on-street parking and will not have an adverse impact on highway or pedestrian safety. As such the scheme is recommended for approval.

Case Number	13/02168/FUL (Formerly PP-02733638)
Application Type	Full Planning Application
Proposal	Erection of a 2 storey building to provide 6 apartments (amended drawings)
Location	Site Of Norton Church Hall Norton Lane Sheffield S8 8GZ
Date Received	01/07/2013
Team	South
Applicant/Agent	Mrs Christine Finnegan - FJF Construction Ltd
Recommendation	Refuse

For the following reason(s):

- 1 The proposed development does not include sufficient car parking accommodation within the site and the Local Planning Authority consider that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14.
- 2 An assessment of open space provision within the locality has identified a shortfall of informal and formal open space, and the applicant has not provided a completed S106 Planning Obligation, securing a financial contribution to allow for enhancement of existing off site open space. As such the proposal fails to comply with the requirements of Policy H16 of the Unitary Development Plan for Sheffield.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the north of Norton Lane, and previously accommodated 2 Church Halls. It is located within a Housing Area under the provisions of the Adopted Unitary Development Plan, and is also within the Norton Conservation Area. The site adjoins the Old Rectorry building which is Grade II listed. Also adjacent to the site is a modern housing development, and in close proximity is St. James's Church which is a Grade II* listed building.

Planning permission was granted in August 2012 for demolition of the 2 church halls and the erection of 3 detached houses and construction of 4 flats.

Subsequent to this, an application to vary those approved drawings was granted consent. This involved:

- Rear extension to Plots 1 and 2
- Deletion of two external doors to the front elevation of the ground floor apartments
- A further application seeking a number of alterations to the approved drawings and the amendment/variation of certain conditions was submitted more recently under reference number 13/01891/FUL . Most notably the proposed amendments included:
 - Widening of the apartment block's footprint to enable the provision of a study in the ground floor apartments
 - Provision of an extra level of accommodation in the existing apartment block roof space to provide 3 bedrooms in the resulting first/second floor apartments
 - The use of an artificial stone product for heads, cills, jambs and verge stoolings on the rear and less prominent elevations of the buildings.
 - The use of timber casement windows instead of sliding sash windows.

The current application seeks full planning permission for a block including six apartments, in place of the currently approved apartment block which includes 4 apartments, thereby increasing the number of apartments by 2. The proposed block would form a 'T-shape' and include proposed parking for 4 cars at a lower ground level below the 'stem' of the T. Four of the apartments would include 2 bedrooms, and two would include 3 bedrooms.

It is understood that the developer cannot source funding for the development in its originally approved form, and therefore the proposal seeks additional profit margins to facilitate this.

This application was originally submitted as a proposal for an additional storey of accommodation across the whole of the front range of accommodation within the scheme, however following officer advice that this would not be supported the applicant has responded with this revised submission.

The 3 detached houses which were approved as part of the earlier scheme are not included within the current application and would remain as per previously approved.

RELEVANT PLANNING HISTORY

10/03469/FUL; Demolition of 2 church halls and erection of 13 dwelling units associated car parking - Approved 18/1/11

12/01165/FUL; Demolition of 2 church halls and erection of 3 detached houses and 4 flats with associated car parking - Approved 1/8/12

12/03651/FUL; Amendment of Drawings Approved under 12/01165/FUL - Approved 8/5/13.

These alterations included incorporation of a small utility porch at the rear elevation/s, and the deletion of two external doors to the front elevation of the apartment building.

13/01891/FUL; Amendment involving widening of apartment building and accommodation within roof space, and to allow use of some non-natural stone products and timber casement windows. - Approved 28/8/13

SUMMARY OF REPRESENTATIONS

ORIGINAL PROPOSAL

Following the notification, the placement of a site notice and the publication of a press advertisement, 28 representations have been received from 26 addresses. These include a representation from Cllr Auckland.

The comments made can be summarised as follows:

- Proposal out of keeping with the conservation area and over-dominant, including impacts on listed buildings. Will damage their setting. Over-development of small site.
- Scope for more apartments to be built out.
- Open area will be used for parking and bin stores. Excessive bins out on street harming visual amenity and safety.
- Overcrowding within the development.
- Inadequate car parking. Increased vehicular movements, creating issues on Norton Lane
- Loss of privacy and light to occupants of 250-262 Norton Lane, and also Norton Church Glebe (Num's 10, 17 and 21).
- Harm outlook from Norton Church Glebe
- Loss of further trees
- Flooding concerns and increased pressure on utilities. Local school is currently over-subscribed.
- Gradual alterations made to approved drawings.
- Internal consultees appear to not have been consulted.
- Scheme disregards the earlier approval
- Previous scheme was refused due to lack of affordable housing.
- Church would have generated more profit if consent had been sought for a scheme similar to current proposal. Previous schemes for buildings over 2 storeys have been rejected.
- Changes aren't clear in plans. Consultation should be widespread and matter should be dealt with at Committee.
- Application appears financially motivated. Commercial considerations should not govern decision.
- Church previously liaised with community in preparing their application.

Cllr Auckland commented as follows:

- Application should be dealt with at Committee.
- Application conflicts with character of Conservation Area due to its scale, massing and bulk. At other locations in Conservation Area, only bungalows or 2 storey developments have been permitted.
- Will affect views in the Conservation Area, and will dominate the listed buildings.

AMENDED PROPOSAL

In response to neighbouring notification upon the amended drawings¹³ representations have been received from 12 addresses. The comments made are as follows:

- Revised drawings represent a new application, and not an amendment. Difficult to ascertain details of latest proposal.
- Out of keeping with the character of the conservation area and listed buildings.
- Over-development of the site.
- Widening of block increases impacts on street scene.
- Development is actually 3 storey, with lower floor being car parking.
- Plot remains overcrowded
- Widening of block differs from original proposal.
- Will cause overlooking to properties on Norton Church Glebe and affect their outlook.
- Insufficient parking spaces. Difficult delivery arrangements.
- Gating will lead to additional traffic concerns.
- Objection to reduction of material quality. Due to impact on conservation area.
- Any deep excavation to create parking should be subject to archaeological survey.
- Inadequate bin store space. Excessive bins will be left on the street.
- Plans show removal of the hedgerow and trees on the eastern boundary. No reason for this change. Will lead to loss of privacy for neighbours of development.
- Community should be involved in decision, which should be at a Committee meeting.
- Decision should not be directed by financial issues of developer or viability of the scheme.
- Impacts on local schools.
- Wide re-consultation should be undertaken.

Cllr Auckland's comments can be summarised as follows:

- Matter should be dealt with by Committee.
- Impacts on Conservation Area and listed buildings.
- Apartment block represents over-development of the site.
- Significant departure from the scheme agreed by the Church.
- Concerned about height issue, and potential for use of the proposed roof space in the future. Therefore, permitted development rights should be removed.

- Gating does not generate an inclusive community.
- Officers aims to provide a viable scheme are noted, but justifications should be rigorously examined.
- No reason for additional trees to be lost.

Two representations have been submitted supporting the scheme, which comment that each version of the scheme is considered to be acceptable, with the amendment representing positive changes to the initial version.

PLANNING ASSESSMENT

Land Use Issues

The site is allocated within the Unitary Development Plan as being in a Housing Area. According to the provisions of UDP policy H10, housing is the preferable use in such an area and therefore the principle of the residential nature of the proposal is acceptable.

Policy CS24 of the Core Strategy covers 'Maximising the use of previously developed land for new housing'. As the site is previously developed, the development will contribute to this policy objective, and the target of delivering at least 88% of new housing on previously developed land.

Policy CS26 covers the efficient use of housing land, and gives density ranges for developments. This proposal equates to a density of 34 dwellings per hectare, which is within the respective density range applying to this type of area (30 to 50 dwellings per hectare) as set out in the policy. The policy further states that such density ranges can be varied where dictated by good design reflecting the character of an area.

Sustainability

The Sheffield Development Framework - Core Strategy includes Policies CS64 and CS65. Policy CS64 requires residential buildings to achieve Code for Sustainable Homes Level 3. Additionally, CS65 requires development to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, and (b) generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. Part (b) of this policy is not currently being pursued as Building Regulations requirements have been enhanced so that it would be considered to be unreasonable to pursue additional reductions over those requirements.

The Applicant became aware of these policies through the course of the previous applications. Documents were submitted confirming that the development should achieve a CSH Level 3 rating, thereby satisfying the provisions of Policy CS64.

The requirements of CS65 would be met by the use of PV panels, according to the package of condition details submitted in pursuit of the previous approval. It can

be assumed that a similar detail would be proposed in relation discharging any conditions imposed on the current scheme were approval to be granted.

Overall, these policy requirements would be capable of being satisfied, and therefore the scheme is considered to be acceptable in relation to these issues.

Conservation and Design Issues

The site lies within the Norton Conservation Area and a Housing Area within the Unitary Development Plan (UDP). As such the following policies are relevant:

BE5 'Building Design and Siting' states that:

Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles, amongst others, will apply:

Physical Design

- a) Original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.
- d) In all new developments, design should be on a human scale wherever possible, and, particularly in large-scale development, the materials should be varied and the overall mass of buildings broken down
- f) Designs should take full advantage of the site's natural and built features

BE15 'Areas and Buildings of Special Architectural or Historic Interest' states: Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

BE16 'Development in Conservation Areas' states permission will only be given for proposals which preserve or enhance the character or appearance of the Conservation Area.

BE17 'Design & Materials in Areas of Special Character or Historic Interest' states that in Conservation Areas and Areas of Special Character a high standard of design using traditional materials and a sensitive and flexible approach to layouts of buildings and roads will be expected for new buildings and walls.

BE19 'Development affecting Listed Buildings' states that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

H14 covers 'Conditions on Development in Housing Areas', and amongst other things requires new buildings and extensions to be well designed and in scale and character with neighbouring buildings.

The Sheffield Development Framework - Core Strategy includes policy CS74, which requires high-quality development to respect the townscape and landscape character of the city's districts.

Norton Conservation Area retains much of its rural, back water character, and the immediate vicinity includes the Church of St James and Norton Rectory (Grade II* and II respectively) and Norton House (which is defined as a building of townscape merit within the draft Conservation Area appraisal).

The originally submitted 3 storey block fronting onto Norton Lane was considered to be excessive in bulk and scale, and out of keeping with the character and the locality. This concern was raised with the applicant, and the amended scheme was submitted.

When viewed from Norton Lane the apartment building fronting towards Norton Lane would match the approved 4 apartment version of the building in this location. The gable to the stem portion of the proposed T-shape arrangement would potentially be visible from the first floor of dwellings on the opposite side of Norton Lane and certain other positions. However, the frontage of the apartment building would match sufficiently closely with the approved scheme and would therefore be considered to remain in keeping with the character of the area and to have an acceptable impact upon the character of the locality and the conservation area.

The stem of the T shaped arrangement would not be visible through the drive/access approach to the development, being concealed from passing public views by the presence of the front facing range of the development. It therefore is concluded that the proposed 6 apartment arrangement would not have a harmful impact upon the character of the conservation area or the setting of surrounding listed buildings from vantage points on or along Norton Lane.

The stem of the proposed T shape arrangement would be potentially visible from Norton Church Glebe. However, it is considered that the impacts upon views of the conservation area from Norton Church Glebe would not be harmed by this part of the proposal given the presence of the approved detached dwellinghouse at Plot 3. This approved dwelling would be closer to the site's eastern boundary and be more prominent in this regard than the proposed portion of the apartment block.

Overall, the proposed apartment block would be acceptable in conservation and design terms, and to meet the requirements of the above summarised policies.

Highways Issues

The proposal would be required to meet the requirements of part (d) of UDP policy H14, which requires developments to provide safe access to the highway network and appropriate off-street parking.

The proposed apartments would include provision for a total of 10 off-street parking places. However, it is important to note that two of these spaces (7 and 8 on the layout drawing) would not be usable by cars due to the tightness of angles and their proximity to walling. Also four of the spaces would be associated with just two apartments due to their 'in-line' format, where vehicles belonging to the same property will be blocked in by one another. These arrangements act as a significant limitation upon the proposed parking layout in its submitted format.

The Council's parking guidelines would require there to be 13 to 14 spaces provided for the 6 apartments. Therefore, the proposed layout would represent a shortfall of 4 to 6 spaces below this requirement. It should also be noted that the houses within the development would have access to the visitor space provision within the layout, further reducing the available spaces. Additionally, the site's confined layout would give only very limited opportunity for on-street parking within the development. Based upon these concerns it is concluded that the proposed arrangements would lead to parking on street at/near to the site frontage.

The site access is on a considerable bend in Norton Lane, and as a result full use of the access and good visibility is critical. Vehicles parked in and around the site entrance would give rise to the likelihood of the access being restricted, such that vehicles would for example have to wait in Norton Lane for access, causing safety concerns, and vehicles parked on Norton Lane in the vicinity of the access would have a significant impact upon visibility. Equally vehicles parked on Norton Lane are likely to restrict the free and safe flow of traffic here, and if in proximity to the access this is likely to lead to vehicle conflicts. It is not considered that Norton Lane would be capable of accommodating on-street parking without having a detrimental impact upon the free-flow of traffic and highway safety in the site's vicinity.

On this basis the proposal would be considered to conflict with part (d) of UDP policy H14. It is therefore considered that the application would be unacceptable in highway safety terms to an extent that would warrant refusal of planning permission.

Amenity of Neighbouring Residents

UDP policy H14 states that proposals in Housing Areas will be considered to be acceptable subject to the site not being over-developed or depriving residents of light, privacy or security.

The neighbouring property most sensitive to the proposal is Num.21 Norton Church Glebe, which is the detached dwelling to the east of the proposed apartment building.

The respective side elevation of this neighbouring dwelling includes windows which do not serve habitable rooms. Therefore, no direct overlooking toward the neighbouring dwelling would result. The east facing windows in the proposed stem of the T shaped apartment block would include Juliette balcony and/or windows to the Dining-Kitchen-Lounge spaces, at the ground and first floor levels. From the first floor level it would be expected that views onto the side and rear garden area of Num.21 Norton Church Glebe would be achievable. This view would be from a reasonable distance and would not be considered to be any more invasive than views which would have been achieved from the first floor level of the apartments approved as part of permission 10/03469/FUL which are located in a similar position to the windows being proposed in this case.

The properties on the opposite side of Norton Lane would not be subject to any impacts which differed from those which were considered to be acceptable as part of the previous approvals.

Overall, the proposal would be considered to have an acceptable impact upon the amenities of neighbouring occupiers, and the relevant elements of UDP policy H14 would therefore be satisfied.

Amenity Provision for Potential Occupants

The proposed apartments would be considered to provide appropriate provision for natural daylighting and ventilation.

The external amenity provisions for the residents of the apartments include patios, balconies and an external amenity space. The amenity space now measures approximately 30 sq metres in area. This is considered to represent a proportionate increase above the external amenity space approved as part of the previous scheme. In addition to the non-communal patio and balcony areas the proposed external amenity provision would be considered to be acceptable.

The proposed bin store would be located adjacent to this communal amenity area, and would be capable of screening to prevent refuse bins from having a detrimental visual impact. The indicated measurements of the screened area would be considered to be capable of accommodating refuse facilities for the prospective occupants of the apartment units.

The separation distance between the west facing windows of the stem of the apartment building and the front of Plot 1 would exceed 21metres, and would therefore be considered to be acceptable.

Overall, the scheme is considered to be acceptable in relation to the amenities which would be afforded to amenities of its potential occupants.

Landscaping Issues

The proposed scheme proposes the removal of the same trees as were agreed to be removed as part of the previous approval. The previous approval required removed trees to be replaced by high quality trees which give a relatively prompt impact, in order to ensure that the amenity value of the local area was not compromised.

It would therefore not be considered reasonable to seek to resist the granting of consent due to the proposal's impacts in landscaping terms.

Some queries have been raised about the status of two particular trees, and whether they were agreed to be removed as part of the previous approval. The trees do not provide a significant public amenity value, and they were not required to be retained as part of the previous approval. Notwithstanding this, discussions are underway with the developer regarding the retention of these trees and/or the replacement within the required landscaping scheme submission.

Overall, the proposed scheme would be considered to be acceptable in landscaping terms thereby meeting the requirements of UDP policy GE15 which

requires developers to retain trees and hedgerows and replace them where necessary.

Open Space

Policy H16 of the UDP requires the developer to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site where assessment of existing provision demonstrates this is necessary. Existing provisions of both formal and informal recreation space are above minimum guidelines within the site's catchment area though a contribution is considered necessary to facilitate improvement of recreation space locally.

A financial contribution would therefore be required for £1,328.70, which would be the difference between the commuted sum committed to as part of application 13/01891/FUL and the sum which would be required in relation to the current scheme. This would need to be secured through a legal agreement that also reflected the presence of an agreement relating to the rest of the site.

Given the concerns outlined above a draft legal agreement has not been requested. However, in the absence of such an agreement there is no demonstration that the applicant is complying with the aims of policy H16 and any refusal of planning permission should reflect this.

Scheme Viability

The applicant has stated that the reason for the need for extra accommodation is to secure funding for an otherwise unviable scheme. Officers are sensitive to the difficult economic climate in which developers are currently operating, and where practical to do so will work with the developer to ensure schemes that bring much needed development come to fruition. The amendments to the scheme that have been previously secured have reflected this approach. However in this case, it is considered that the highway safety concerns outweigh the benefits to the scheme that might accrue from the additional two apartments.

RESPONSE TO REPRESENTATIONS

The majority of items raised have been covered in the above assessment. In regards to the other issues the following comments can be made:

- The inclusion of gates across the access is not considered to be problematic, due to their setback from the carriageway edge, thereby avoiding the need for vehicles to wait on the carriageway itself.
- The Applicant is entitled to submit a series of applications seeking approval of amended versions of an approved scheme, and the series of applications are therefore legitimate.
- The proposed development would not include sufficient numbers of proposed residential units to generate impacts upon local schools being an issue.
- The financial viability issues would form a planning argument amongst a series of other planning factors, however, they do not over-ride other issues.

- The proposed scheme does not include sufficient residential units to trigger a requirement for affordable housing.
- Any approval of this scheme would be required to evidence its acceptability in relation to utility supplies such as drainage facilities.
- Similarly, any approval would be required to reduce the amount of discharge to surface water drainage facilities, helping to alleviate flooding concerns.
- Given the previously existing development and activities on the site, there are not considered to be any impacts on archaeological issues at the site.

SUMMARY AND RECOMMENDATION

The application seeks full planning permission for six apartments. These would replace the 4 apartments which have previously been granted consent.

The proposed apartment block, in its amended form, would be considered to avoid having a detrimental impact upon the character of the Norton Conservation Area, the amenities of surrounding occupiers and residents within the locality, and to provide a reasonable level of amenity for the occupants of the proposed apartments and the other dwellings within the site.

However, the proposal would be considered to fail to provide adequate off-street parking facilities, representing a shortfall below required provisions. The consequential parking on-street and in and around the site access would have a detrimental impact upon local highway safety. It is therefore concluded that the application should be refused, for its failure to comply with part (d) of Policy H14 of the Unitary Development Plan.

Due to the absence of a completed legal agreement relating to the provision of a commuted sum towards local play/recreation provisions, it is also recommended that the application should be refused for this reason.

Case Number 13/01699/FUL (Formerly PP-02656584)

Application Type Full Planning Application

Proposal Erection of multi-storey car park (to provide 530 spaces) and retail unit (amended as per plans received on 6/9/2013)

Location Car Park Adjacent 388 Glossop Road
Durham Road
Sheffield
S10 2JA

Date Received 22/05/2013

Team City Centre and East

Applicant/Agent Space 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 refs:

A(00)GAP001 Rev 4;
A(00)GAP002 Rev 6;
A(00)GAP003 Rev 6;
A(00)GAP004 Rev 7;
A(00)GAP005 Rev 5;
A(00)GAP006 Rev 5;
A(00)GAP007 Rev 5;
A(00)GAP008 Rev 5;
A(00)GAP009 Rev 5; and
A(00)GAE002 Rev 4 received on 6/9/2013

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 4 The approved shop front shall be installed within 3 months of the car park being brought into use or within an alternative timescale to be first agreed in writing with the Local Planning Authority. Thereafter the approved shop fronts shall be retained unless otherwise authorised in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 5 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 (variable) is/are brought into use.

Highway Improvements:

Controlled pedestrian crossing facilities at the Glossop Road / Clarkson Street

Alterations to the Durham Road TROs as required to facilitate the car park access /egress

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.

- 6 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.

- 7 No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Means of ingress and egress for vehicles engaged in the construction of the development. 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.

b) Haulage routes for vehicles involved in construction.

c) Details of parking facilities for contractors. and

d) On site parking and turning areas for construction vehicles.

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

- 8 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.

- 9 The car park shall include a maximum of 100 spaces which are available for use by the University of Sheffield permit holders. Any proposed increase in the number of spaces available shall be subject to a further Transport Assessment to be submitted to and approved in writing by the Local Planning Authority.

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

- 10 Prior to the car park being brought into use a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

a) The measures to restrict the number of spaces occupied by The University of Sheffield permit holders to 100;

b) Details of the allocation and management of the spaces available for use by The Sheffield Children's Hospital;

c) Details of the proposed pricing strategy for the publicly available short stay parking spaces. Short stay being defined as spaces available at a tariff set by the car park operator for any period of stay between 0 and 6 hours. The short stay parking spaces shall be available Monday to Friday, between 0800 hours and 1830 hours.

Thereafter the multi storey car park shall be managed in accordance with the approved Management Plan unless otherwise agreed in writing by the Local Planning Authority.

To ensure compliance with the relevant transport policies in the Unitary Development Plan.

- 11 Construction of the development shall not commence until a scheme for the provision of Variable Message Signing (VMS) to the public car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timescale for the implementation of the VMS, details of the location of the proposed VMS signing in relation to the car park and details of all necessary on site measures to link the car park to the VMS control room. The VMS shall then be implemented in accordance with the approved details and thereafter retained.

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

- 12 No development shall commence 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 installation of 5 electric charging points for electric vehicles within the University of Sheffield's central campus.

In the interests of mitigating the effects of climate change.

- 13 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).

- 14 Prior to any works commencing on site, a dilapidation survey of the adjoining highways shall be jointly undertaken with the Council and the results shall be agreed in writing by the Local Planning Authority.

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

- 15 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.

- 16 No development shall commence until a site specific Construction Environmental Management Plan is submitted to and approved in writing by the local planning authority. The plan shall be based upon the Greater London Councils' Best Practice Guidance, November 2006, 'The Control of Dust and Emissions from Construction and Demolition' and will identify potential dust generating activities. Where appropriate, dust generating activities should be undertaken off-site or located away from sensitive receptors.

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

- 17 No development shall commence until details of the internal lighting strategy, which shall be designed to prevent obtrusive light causing disamenity to neighbours, has first been submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved lighting strategy.

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

- 18 The ground floor retail unit hereby approved shall only be used between the hours of 0800 and 2330 Monday to Saturday and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

- 19 All servicing associated with the retail unit shall be carried out by vehicles not exceeding 8 metres in length.

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

- 20 Prior to the car park being brought into use, details of a management strategy for the cleaning of the interior of the car park, and for the storage and servicing of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved management strategy.

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

- 21 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts or vents for similar internal equipment shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the local planning authority. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels and do not exceed 10 dBA in each frequency of the octave band spectrum when measured at the nearest noise

sensitive façade. Once installed such plant and equipment should not be altered without the prior written approval of the Local Planning Authority.

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

- 22 No deliveries to the building shall be carried out between the hours of 2300 to 0700 (on the following day) Sundays to Fridays and 2300 hours to 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 23 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

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

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

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

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

- 26 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

- 28 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.

- 29 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 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:-

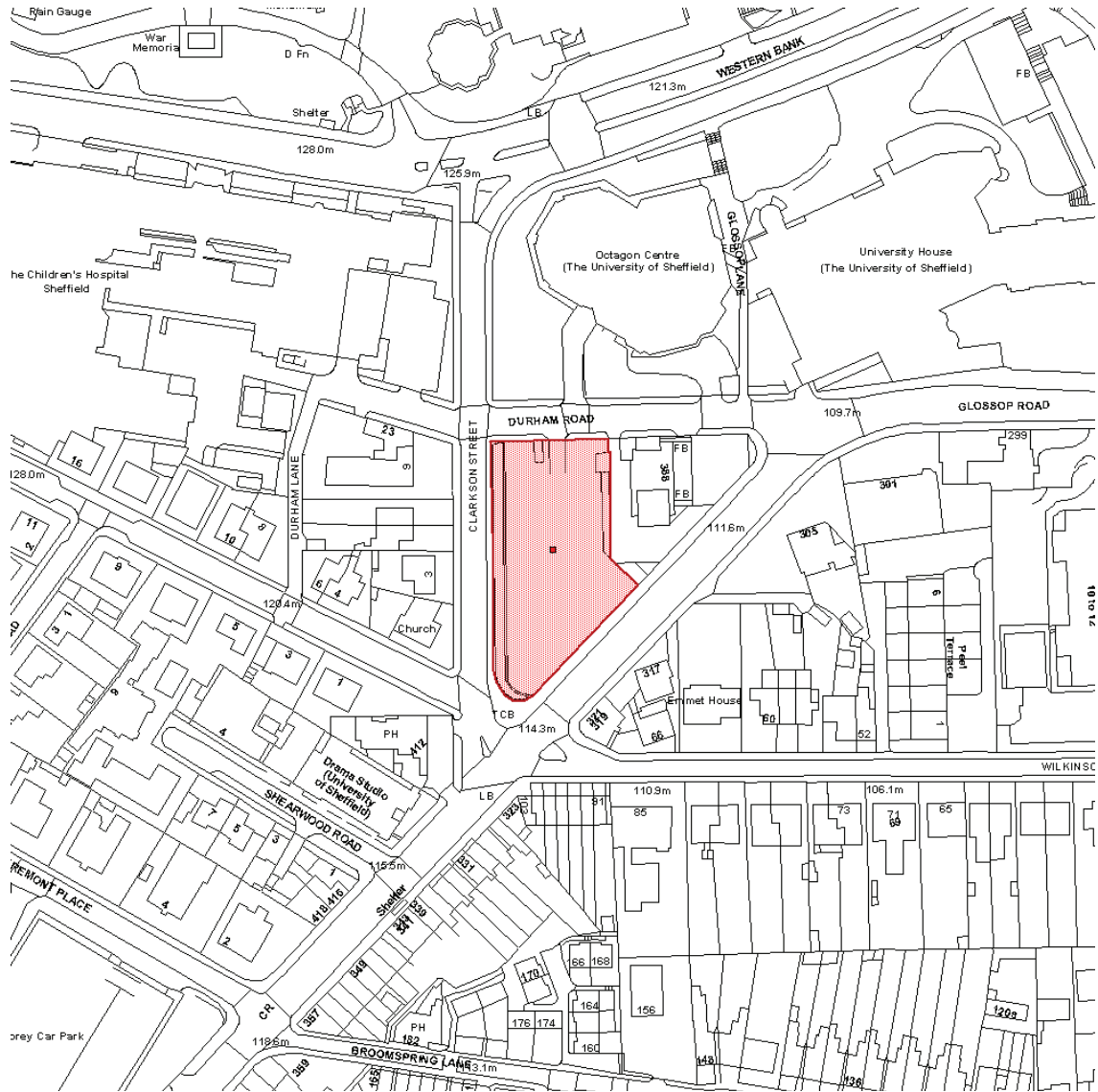
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

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. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.

Site Location



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LOCATION AND PROPOSAL

The application site, which is bound by Durham Road to the north Clarkson Street to the west and Glossop Road to the south east, is located at the south western extremity of the University of Sheffield's central campus in a designated Mixed Use Area as defined in the Unitary Development Plan (UDP). The site slopes down from the north to the south and is currently in use as a surface level car park. An avenue of trees comprising mainly of early mature deciduous varieties runs along the western site boundary.

To the east the site is bound by the University's Husband Building, an eight storey concrete and brick clad tower with an undercroft car park, which houses the School of Education.

To the south and west the site is bound by the Hanover and Northumberland Road Conservation Areas, both good examples of 19th Century middle class suburban housing areas, as well as a number of listed buildings including:

319-321 Glossop Road A grade II listed house and shop (c.1850). Red brick with stone dressings and a hipped slate roof.

1 Clarkson Street A grade II listed former house (c.1840) located at the junction of Clarkson Street and Northumberland Road. Red brick with ashlar dressings. Currently in use as student accommodation.

3 Clarkson Street Known as Beulah Kop, a grade II listed former house (c.1845). Red brick with ashlar dressings.

91-101 Wilkinson Street Three pairs of houses (c.1840). Red brick with stone dressings and slate roofs.

Glossop Road Former Baptist Church and attached Sunday (North West side) school (1869-71). Coursed square stone with ashlar dressings and slate roofs. Currently in use as the University Drama Studio.

These buildings are listed for their individual merit, as well as for their Group Value, i.e their collective contribution to the character of the area.

There are other unlisted character buildings in the vicinity of the application site, identified in the Hanover and Northumberland Road Conservation Area Appraisals, including the Edwardian West End public house, a former hotel (c. 1903) located on the south-western side of the Glossop Road and Clarkson Street junction.

Sheffield's Children's Hospital lies at the northern end of Clarkson Street. Consent was recently granted for a large extension in the south eastern corner of the hospital site (12/03393/FUL refers), opposite the northern end of the proposed car park. The three to four storey extension, which will front onto Clarkson Street, will provide a new main entrance, outpatient department and ward block.

On the northern side of Durham Road is the distinctive form of the Octagon Centre, the University's multi-purpose conference and music venue.

Planning permission is sought for the erection of a 527 space multi-storey car park and a ground floor retail unit.

RELEVANT PLANNING HISTORY

99/01488/FUL Planning permission was granted in April 2000 for the erection of a hotel and conference centre with associated car parking.

92/00646/FUL Planning permission was granted in May 1992 for the continued use of the land as a car park.

86/01584/FUL In September 1986 consent was granted for the continued use of the land as a car park.

SUMMARY OF REPRESENTATIONS

14 representations were received in relation to the proposed development, including 11 objections, 2 in support and 2 neutral comments.

The 11 objectors, which included representations from Sheffield Green Party, raised the following concerns:

- The proposed building is very large, at odds to the scale of neighbouring buildings in the conservation area.
- The car park will block views of Firth Court, the Children’s Hospital and Weston Park from Glossop Road.
- It is difficult to imagine how the development uses sympathetic materials given the large masses of colour and gross detailing.
- The specified materials are cheap and nasty.
- The proposed cladding actually emphasises the large block nature of the building.
- (The cladding) is not an uplifting colour. Paired with this is an awkward transition to dark grey on a blue brick plinth.
- The proposed Clarkson Street elevation has no active frontage and is effectively a blank brick wall with no relief to the back edge of the narrow pavement.
- We are already overlooked by the Husband Building, which would clearly not get planning permission today, so to match its bulk and height with the proposed unnecessary and very ugly car park is quite preposterous.
- We have concerns regarding the 24 hour use of the building and the noise from cars driving up and down the ramps.
- The existing car park and row of trees provide ‘space to breathe’ so vital in city areas.
- The loss of the existing trees along Clarkson Street can only help raise levels of pollution.
- The existing trees provide colour and visual amenity to the conservation area. Their removal is significant and there is no attempt to mitigate their loss (i.e a green roof, wall, or vines on a wire trellis).
- The proposals make no reference to the character of the conservation area.
- The car park will block westerly sun from properties on Peel Terrace.
- Parking is a problem in the area but the University is very well served by public transport and close to the city centre.
- Currently it isn’t practical for students to commute by car to lectures, this facility makes bringing a car simple and easy – additional vehicles that would not otherwise be coming to the area.
- There are unoccupied retail units on the opposite side of Glossop Road, there is no justified need for more shop space.

- We already have a supermarket at the junction of Glossop Road and Upper Hanover Street.
- Local shops will be adversely affected by the proposed retail unit.
- The shop exits onto a narrow pavement by a busy junction.
- The junction of Glossop Road and Clarkson Street is very busy, with tail backs in all directions at all times of the day, especially at rush hour.
- The proposed increase in parking will have a significant detrimental impact on the area with increased traffic flow, blocking of traffic by waste and delivery vehicles and slowing of traffic on a major bus route due to vehicles turning into Durham Road.

- With no crossings, this junction is already dangerous for pedestrians and cyclists to use. This should be addressed as a scheme this size will make matters worse.
- The development will reduce air quality in an area already known to be problematic.
- The University uses spurious aesthetic and pragmatic arguments to justify the proposal whilst being mainly a way generating revenue.
- Car based commuting to the University area needs to be reduced rather than increased.
- Promoting sustainable ways of travel should be high on the agenda for the University of Sheffield.
- The scheme does not incorporate any environmentally sound features, such as a green roof.
- The development creates a blind corner for pedestrians crossing Glossop Road at Scott's Pantry.
- When we corresponded with the Council to raise concerns for the safety of our children and other pedestrians at the junction of Wilkinson Street and Glossop Road we were advised that the junction was already at capacity so installation of a pedestrian crossing would not be feasible.
- The proposed car park exceeds the 3 storey limit on Glossop road (set by planners) and does not respect the scale of the Hanover Conservation Area.
- Any increase in dedicated University parking in the car park must be tied in to an equal reduction in parking elsewhere on the campus.
- Increased traffic flow in the surrounding streets will lead to a decrease in overall road safety, especially for pedestrians and cyclists.
- Patients and relatives need to be able to travel to hospital but more staff and patients would be able to make use of public transport if better provision was available.

Those in support of the proposals or who raised no objection commented:

- Overall the plans would seem to be an improvement on the existing site and would benefit the area, however crossing the road on foot is already dangerous. The proposals would benefit from the installation of a pedestrian crossing.
- I support the scale and shape of the development, but I am concerned about the cladding.
- I liked the curved end at the Glossop road junction.

- I suspect this car park could make for quieter streets as many people currently circle round looking for parking spaces or park on double yellow lines.

The Sheffield Conservation Advisory Group (SCAG) considered the proposals at their meeting on 18 June 2013. They felt that the development was generally acceptable in terms of its setting and position in relation to nearby listed buildings and welcomed the restoration of the corner of the site facing Glossop Road. The Group felt that the architectural detail was coarse and massive and that insufficient thought had been given to the detailed form of the scheme, which has insufficient horizontal elements. They also felt that the materials used should reflect those of nearby heritage assets, that there should be a signage strategy for the building and that it should incorporate a green roof.

The Chief Executive of Sheffield Children's Hospital wrote that the proposed car park forms part of their strategy for addressing parking difficulties for patients and their families. In their most recent satisfaction survey, parking was recorded as the most significant cause of concern with 78.7% (of 220 respondents) saying they were unable to find a parking space. 100 spaces in the proposed car park will be dedicated for patients attending outpatient and day case facilities. There will be no dedicated spaces for staff as the Trust remain committed to encouraging staff to come to work on public transport, by bike or on foot. The Trust is also concerned that provision is made to enable patients and their relatives to cross Clarkson Street safely.

In addition, following consultation with local transport operators, the South Yorkshire Passenger Transport Executive (SYPTTE) consider that the development will promote car trips, increase congestion and air pollution and be detrimental to the operation of public transport services in the local area. As a HUMUS Partner, they recognise the wider need for increased off-street parking provision – particularly as piecemeal development on car parking land and restrictions on on-street parking has reduced car parking in the area, but fear that the car park will impact upon the reliability of public transport, add delay to existing car trips and make the transport system less efficient.

The SYPTTE note that the site is in an AQMA (Air Quality Management Area) and that a number of public transport initiatives have been set up to improve local air quality, for example the vehicles used on the 52 bus route which serves S10 have been upgraded to new low emission engines. An increase in vehicle movements could negate these improvements. They also refer to policies CS51 and CS52 of the Core Strategy which seek to control and contain congestion at the current level and the efficient operation of the Sheffield Key Routes Programme, which includes the A57 City Centre to Manchester Road route.

The SYPTTE consider that the development could exacerbate problems on the Brook Hill roundabout and may impact on the objectives of the Sheffield Bus Partnership (SBP), a partnership committed to improving bus services in the city. They also queried the timing of traffic data collection (during school holidays), some of the figures used, and the lack of correlation in the Transport Assessment between trip generation and visiting times in the nearby hospitals.

Finally, the SYPTTE consider that the car park will impact on the viability of the park and ride scheme designed to reduce car trips between the university, hospital and museum area from Tesco on Abbeydale Road.

PLANNING ASSESSMENT

Land Use and Strategic Need

The site lies in the Hanover Mixed Use Area as defined in the Unitary Development Plan (UDP). Policy MU6 of the UDP (Hanover Mixed Use Area) lists a number of uses considered to be acceptable in the area, including small shops, but notes that unlisted uses will be decided on their individual merits.

Policy MU11 (Conditions on Development in Mixed Use Areas) (a) requires new development to preserve or create variety in the character of the neighbourhood and not result in any one use dominating and leading to the loss of the areas character.

In September 2003, Cabinet approved a Partnership Agreement with the University of Sheffield, The Children's Hospital and Teaching Hospitals NHS Trusts, and the Sheffield Galleries and Museums Trust, as a way forward to solving known parking problems in the local area. The Partnership, known as HUMUS, agreed a 10 year Action Plan to tackle access and parking issues. The Action Plan included the following key actions:

- the appointment of Travel Plan and Car Parking Co-ordinators to encourage appropriate alternatives to car use for staff, visitors and students and to make more efficient use of existing off-street parking provided by the Partners;
- the introduction of a residents parking scheme in Broomhall and Broomhill, reducing the amount of on-street parking available to the staff and visitors of the Partners; and
- the creation of additional off-street parking, to address the agreed shortfall of approximately 600 parking spaces.

HUMUS quickly achieved many of its objectives, including improved links with each of the Partners to promote alternatives to car use, the introduction of the residents parking scheme and highway improvements to the S10 corridor (involving, amongst other things, the introduction of bus priority lanes). Having done so, the Partners considered it was no longer necessary to formally preserve the Partnership Agreement. However, aspects of the Action Plan are still on-going within the Council and colleagues in Transport Planning meet regularly with both the hospitals and the University with regard to the encouragement of sustainable transport options.

One aspect of the Action Plan which was not realised was the creation of much needed additional off-street car parking spaces. The lack of off-street parking results in on-street queuing at existing car parks as well as large numbers of cars circling the area trying to find a parking space. In May 2006, planning permission was granted for a 374 space multi storey car park on the site of the existing surface

level car park at Weston Park Hospital, but the consent was never implemented. Other sites have been considered, on Northumberland Road and adjacent to the Hallamshire Hospital, but they raised significant planning issues.

The Durham Road surface level car park has now been brought forward by the University of Sheffield, who propose the erection of a 527 space multi-storey car park. The University will retain 100 car parking spaces to replace the existing provision on Durham Road (93 spaces) and those lost to service access for the retail unit in the adjacent Husband Building (7 spaces). There is also a mid to long term intention to improve the public realm and pedestrian areas around Tower Court (adjacent to the 2* listed Arts Tower) and Hounsfield Road areas. In the future, the University hope to relocate existing parking provision from these areas to the new multi storey car park, however this will be subject to local authority approval and further assessment of traffic flows. Of the remaining spaces, the University is currently in dialogue with Sheffield Children's Hospital to agree a contract for rental of up to 100 parking spaces for use by their patients, with the remainder made available for short stay (up to 6 hours) open access on a pay on exit basis. It is planned that the car park will operate 24 hours a day.

Along with additional parking in the basement of the new extension to the Children's Hospital (approximately 60 spaces), it is considered that the proposed car park will address the acknowledged shortfall in off-street parking needed to serve visitors to the university, hospitals and Weston Park Museum and put a stop to traffic circling the area looking for a parking space. In doing so the multi-storey car park is considered to protect the mixed character of the area by fulfilling this strategic need and supporting the varied institutions which contribute to the character of the area. The proposals are therefore considered to comply with policy MU11 (a).

Traffic and Highways

Public transport is key to the city's strategy for making Sheffield more accessible. However, there is an increasing demand generally to travel by car and private transport will continue to have a role in making trips in the city, particularly in relation to large institutions such as the hospitals neighbouring the application site. Policy T20 of the UDP (Car Travel to the City Centre) seeks to restrain car commuting into the city centre but encourages improved car access for shoppers, visitors and people with disabilities while policy T21 (Car Parking) states that car parking will be provided where it would (a) meet the operational needs of business, (b) be essential for the viability of new development, (c) enable ready access to the city centre outside peak hours, (d) improve the environment or safety of streets, and (e) meet the needs of people with disabilities. In addition, policy T23 (Public Long-Stay Car Parking) advises that good quality, permanent public long-stay car parking will be permitted only outside designated High Amenity Zones where there is good access from the Strategic Road Network, provided that it would not lead to excessive peak hour congestion, while policy T24 (Public Short Stay Car Parking) encourages public short stay car parking provision in the city centre and other appropriate locations.

As previously discussed, there are well established problems relating to the lack of off-street parking in the area surrounding the application site. Indeed, the need for off-street parking has probably intensified over the last 10 years as land previously used for parking has been engulfed by small scale, piecemeal developments at the Hospitals and University. Not only does the lack of parking lead to problems for the HUMUS Partners, it can also lead to tension with local residents.

The lack of off-street parking has a considerable impact on the surrounding highway as circling vehicles impact on the operation and safety of the highway. It is also particularly stressful for people who are attending one of the nearby hospitals but cannot find a parking space.

It is acknowledged that the highway network around this area is traffic sensitive and as such it is important to consider in full the implications of the proposed multi storey car park. A Transport Assessment (TA) has therefore been prepared by independent Highway Consultants AECOM. The assessment considers in detail the impact of the proposal on the operation of the highway network along with the implications for pedestrians and cyclists.

The TA is based on a proposed 530 space car park of which 100 spaces will be allocated to the University of Sheffield and a further 100 spaces made available for the use of the Children's Hospital. The remaining spaces will be publicly available on a short stay basis and it is considered that in reality there is a significant likelihood that a proportion of the 330 public spaces will be utilised by visitors and patients of the nearby hospitals and by visitors to the University, who have little or no visitor parking.

The publicly available spaces will be provided on a short stay basis to ensure that the facility does not become a commuter car park. This is important in order to provide parking for existing excess demand rather than create additional demand. It is also advantageous from the point of view of the operation of the highway as there is less likely to be a significant concentration of traffic movements in the AM and PM peak periods with a short stay facility as compared to a long stay, commuter facility.

The prevailing conditions in respect of the proposed multi-storey car park are specific in that there is a considerable amount of existing excess parking demand and a significant number of the proposed parking spaces will be allocated to uses which already create traffic movements on the adjacent highway network.

Therefore, for the purposes of assessment, it was agreed that 20% of the estimated traffic generation would be considered entirely new to the area, with the remaining 80% of the trips coming from reassigned trips, though the reassignment of trips would obviously result in changing traffic patterns and increases in traffic flows at certain junctions.

The impact of the additional and reassigned trips was investigated using the AIMSUN traffic simulation model (AIMSUN are market leaders in transport simulation software), with further investigation of the Durham Road / Glossop Road junction and the Durham Road / Clarkson Street junction being carried out using

the PICADY model (which specialises in predicting capacities, queues, delays and accident risk at priority intersections).

The following table indicates the expected number of arrivals and departures associated with the car park during the AM and PM peak periods.

	AM Peak		PM Peak	
	Arrivals	Departures	Arrivals	Departures
University	93	0	0	93
Hospital	68	19	37	63
Public	40	7	64	118
TOTAL	201	26	101	274

AIMSUN Model

The validated AIMSUN model of the existing S10 Sheffield network, with updates to ensure that it replicates as closely as possible the current conditions, was amended to include the additional and reassigned traffic flows resulting from the proposed development. The results indicate that there is only a relatively small change in the operation of the overall network, with no major changes to the link delays on the surrounding highway network, including the Brook Hill roundabout.

PICADY Model

This model is used to demonstrate the impact of changing traffic flows at specific junctions. It provides a Ratio of Flow to Capacity (RFC) of the various movements at a junction. If the RFC is below 0.85 it is considered that the junction will continue to operate satisfactorily.

The model shows, as expected, that there would be some increase in the RFCs as a result of the proposed development. However, at no point is the 0.85 threshold exceeded. Indeed the PICADY model results indicate that the RFCs of all traffic junction movements remain well below this threshold.

Therefore, while it is acknowledged that there will be a slight increase in journey times through the network, as well as a slight increase in queuing at the Durham Road junctions, the increase is not of a magnitude that would be considered detrimental to the operation of the highway network. Critically, it is considered that any queuing to access the proposed car park will be contained on Durham Road, and will not impact on traffic flow on Glossop Road and Clarkson Street.

In addition to its impact on traffic movement, the proposed car park will result in an increase in the number of pedestrian movements. Of particular concern are the additional pedestrian movements across Clarkson Street to access the neighbouring hospitals. Currently, Clarkson Street has only one controlled pedestrian crossing at its northern end. It is therefore considered that pedestrian facilities will need to be improved.

Consideration was given to the provision of a pedestrian crossing roughly at the mid-point of Clarkson Street. However, it was concluded that such a facility would have a significant detrimental effect on the operation of the highway due to its

proximity to existing junctions. It has therefore been agreed that a crossing will be provided at the southern end of Clarkson Street, close to the junction with Glossop Road, where it will also benefit pedestrian flows in and out of the city centre. The precise details of the improvement are reserved by condition.

As previously indicated, it is considered that reducing the number of drivers circulating around the area searching for parking spaces will be of benefit to the highway network. In order to further reduce the number of extraneous journeys it is considered appropriate that the car park be linked to the city's existing Variable Message Signage (VMS) system, which will advise drivers whether spaces are available within the proposed car park.

It is considered that the proposed car park is generally in compliance with the Council's Transport policies, providing additional car parking to serve the known operational needs of the HUMUS Partners, in particular the Children's Hospital which is about to undergo considerable expansion designed to secure its position as one of only a small number of specialist children's' hospitals in the UK. Moreover, as a largely short stay operation, the car park will not have a significant impact on peak hour traffic, but should improve general highway operation and pedestrian safety by removing circling traffic and providing new pedestrian crossing facilities.

Design and Conservation

Policy MU11 of the UDP (Conditions on Development in Mixed Use Areas) (d) requires new development 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) expects high quality design that takes advantage of and enhances the distinctive features of the city, including its topography and local heritage.

The application site does not lie in a conservation area, but it is bound by the Hanover Conservation Area to the south and the Northumberland Road Conservation Area to the west, as well as a number of listed and character buildings (previously described).

Policy BE16 (Development in Conservation Areas) states that, when considering proposals which affect the setting of a conservation area, preserving or enhancing the character and appearance of the conservation area is a material consideration. Similarly, policy BE19 (Development Affecting Listed Buildings) expects development which affects the setting of a listed building to preserve the character and appearance of the building and its setting.

The proposed car park provides 527 parking spaces over 9 floors. However, in order to reduce the mass of the building, reflect the scale of neighbouring buildings and exploit the sloping nature of the site, the lower levels of the car park are below ground level while, above ground, the building steps up from four storeys at the

southern end of the site adjacent the Glossop Road and Clarkson Street junction, to 5 and then 6 storeys at the northern end of Clarkson Street. An additional half level has then been incorporated adjacent the north eastern boundary, next to the larger mass of the Husband Building.

It is notoriously difficult to disguise the mass of multi-storey car parks, a building type which requires large floor plates and generous circulation. However, by digging into the ground and stepping up Clarkson Street, at its southern end it is considered that the proposed car park successfully responds to the scale of properties in the adjoining conservation areas. This prominent corner frontage, which faces onto a main route into the city centre, is given greater presence and enlivened with the addition of a glass fronted retail unit. At its northern end, adjacent Clarkson Street, the car park reflects the height of the approved Children's Hospital extension. Therefore, although remaining large, the overall impact of the development on the wider streetscene and setting of nearby listed buildings and conservation areas has been minimised.

Interestingly, prior to its current use as a surface level car park, the application site was in housing use. Clarkson Street was occupied by a series of generously proportioned three storey tenement blocks which stepped up the hill and incorporated a curved corner to address the junction with Glossop Road.

The nineteenth century buildings to the south and west are characterised by their use of red brick – the dominant building material in the local area - with stone and ashlar detailing and slate roofs. Development to the east comprises of the post-war expansion of the University campus. The University's Husband Building, which adjoins the site, is a modernist style building with a horizontal podium that relates to the adjacent streetscape and a tower with expressed vertical detailing. The main structure is concrete with a mixture of red brick cladding and glazed curtain walling.

Though the Husband Building is considered to be an anomaly in terms of the local context, development on the application site still has to reconcile these disparate styles. The result is a modern building of varying height which uses materials to reference local character and break down its scale.

Much of the building, particularly at lower levels, is clad in red brick to reflect the dominant character of the area and to ground the building. Lattice detailing within the brickwork provides visual relief and allows natural ventilation of the interior.

The upper levels of the car park are clad in a visually lightweight metal rain screen cladding system with ventilated mesh openings. The western elevations will be finished in a bronze coloured panel to complement the use of red brick and again reflect the local context. Cladding on the eastern edge of the site, adjacent the Husband Building, has an anthracite finish to echo the more modern and varied character of the University campus. The large vertical ventilated mesh openings are set to varying angles to create a sense of rhythm and visual interest, while the use of vertical glazing at the junction of Clarkson Street and Durham Road marks the corner and identifies the main pedestrian entrance to the car park.

The proposals are therefore considered to comply with the relevant extracts of policies MU11, BE5, BE16 and BE19 of the UDP and of policy CS 74 of the Core Strategy.

Residential Amenity

Policy MU11 of the UDP (Conditions on Development in Mixed Use Areas) (b) requires new development to protect the amenities of residents living in close proximity to the application site.

The majority of buildings surrounding the application site are in non-residential uses – many are owned and occupied by the University of Sheffield and the Children’s Hospital. However, there are a small number of residential properties in the immediate vicinity, including number 1 Clarkson Street which has been converted into a house in multiple occupation (HMO) (09/01406/FUL) and the first floor of 391-321 Glossop Road where former office accommodation has been converted into two one-bedroom flats (11/00552/FUL). The ground floor of this building is in use as a sandwich shop and a property letting agent. In addition, properties on Wilkinson Street, on the south side of the Glossop Road junction, are largely in residential use.

The four storey element of the proposed car park sits approximately 16 metres to the east of the above mentioned HMO, across a busy highway. While the car park will result in some reduction in direct sunlight reaching the HMO in the morning - in comparison to the currently undeveloped site - late morning to evening sun remains unaffected and it is considered that this relationship will not cause significant harm to the amenities of the occupants of the HMO. A very similar relationship in terms of scale and distance exists between the car park and the first floor flats on the south side of Glossop Road. Here though the impact of the car park is reduced still further as the residential accommodation is at first floor level and situated to its south east. It is considered that residential accommodation situated further away from the car park will not experience any loss of light or overbearing impact as a result of the development.

Multi-storey car parks generally do not generate a lot of noise, on-street traffic is the dominant noise source in the area. But they have the potential to harm residential amenity through noise from vehicles entering and exiting the car park, noise from cleaning operations (especially if they take place at night), noise from externally mounted plant and equipment, and light pollution from internal and external lighting.

The entrance to the proposed car park is situated on Durham Road, opposite the Octagon Centre. Neighbours will be shielded from noise from queuing traffic and vehicles going up and down the internal ramps, which are located centrally within the car park, by the external cladding, which will also prevent glare from internal lighting. The applicant has also confirmed that roof top lighting will be installed on the inside face of the parapet wall so as to prevent light spillage causing disamenity at night. Hours of cleaning, plant noise output and the detailed lighting scheme will be reserved by condition.

Air Quality

The National Planning Policy Framework (NPPF) sets out national policies and principles on land use planning. It states that ‘the planning system should contribute and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or adversely effected by unacceptable levels of soil, air, water or noise pollution’ (para 109). It also advises that ‘planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan’ (para 124). The application site lies within a city wide Air Quality Management Area (AQMA).

An air quality impact assessment was submitted in support of the proposed multi storey car park. The assessment focuses on concentrations of nitrogen dioxide (NO₂) and particle matter (PM₁₀) less than 10 microns in size, which are largely produced from internal combustion systems, such as motor vehicle engines, and construction dust and which the Government has identified for control in order to protect health, as detailed in the Air Quality (England) Standard Regulations 2010. The air quality assessment predicts a less than 1µg.m⁻³ increase in NO₂ and PM₁₀ respectively, a negligible rise based on the Environmental Protection UK’s (EPUK) Assessment Criteria.

However, as acknowledged in the report, roadside concentrations of NO₂ have not been falling, or have been increasing in recent years, despite emissions of NO_x (NO₂ and nitric oxide) falling. This calls for caution and the need for mitigation measures to be considered, particularly during the construction phase of a development. EPUK suggests that ‘even where pollutant concentrations are predicted to be below objective / limit values, it remains important that appropriate mitigation is included in the scheme design and that, as far as is practicable, developments should be “air quality neutral”’.

In order to mitigate the forecast slight deterioration in air quality, reduce vehicle exhaust emissions and encourage the use of sustainable transport modes as required by the NPPF, the applicant was asked to install 5 electric charging points for electric vehicles and cycle parking racks within the multi-storey car park. Though reluctant to provide the electric charging points within the car park – which will result in a loss of revenue – the University has agreed to provide them within their Central Campus, in an accessible position to be agreed with the local planning authority. This is considered to be an acceptable compromise and so the provision of the electric charging points, along with the required cycle parking facilities, is reserved by condition.

The submitted air quality assessment recommends that, in order to reduce the production and dispersal of dust during construction, the applicant should produce a site specific Construction Environmental Management Plan based upon the Greater London Councils’ Best Practice Guidance, November 2006, “The Control of Dust and Emissions from Construction and Demolition”. Identifying potential

dust generating activities and good site planning is essential to prevent unnecessary dust production and should be done prior to commencing work. Where appropriate, dust generating activities should be undertaken off-site. Where this is not possible these activities should be located away from sensitive receptors, such as nearby residential properties or the Children's Hospital. The submission of the Construction Environmental Management Plan is also reserved by condition. On this basis it is considered that the development will not have an adverse impact on local air quality.

Sustainability

Policies 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 64 requires all new buildings to achieve a high standard of energy efficiency while 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 proposed multi-storey car park is a low energy use building and has been designed to minimise mechanical ventilation and artificial lighting, the latter being controlled by a management system to further reduce energy use.

More widely, the University of Sheffield recently adopted its first Energy Strategy concerned with delivering step change in the University's carbon footprint by investing in infrastructure projects which will deliver environmental improvements for the whole of the University campus.

It is intended that the proposed multi storey car park will connect to the University's High Voltage (HV) electricity network. The HV network is currently supplied by grid based electricity which provides energy with the highest carbon content for electricity supplies. However, the University is currently working with consulting engineers to develop a combined heat and power system (CHP) which will supply energy with a much reduced carbon index – the CHP engine's carbon footprint will reduce by around 4,500 tonnes per annum – which will be distributed in proportion across the rest of the University campus.

On this basis, it is felt that the proposals comply with the ambitions of the Core Strategy's objective to reduce the impact of climate change.

Landscape

An avenue of mainly early mature deciduous trees currently runs along the western site boundary. These trees do contribute to the character and amenities of the local area but are not protected. Retention of the existing trees is not possible as the proposed car park necessarily extends to the full extent of the application site. Opportunities for 'greening' the building were explored but features such as a green roof would have added unwanted height to the development. The University have indicated, however, that they are committed, as part of their developing Masterplan, to provide more green space within the adjoining campus. On this basis it is considered that the loss of the existing trees is acceptable.

SUMMARY AND RECOMMENDATION

As discussed, the proposed multi-storey car park will address the acknowledged shortfall in off-street parking identified by the HUMUS Partnership while modelling carried out as part of the Transport Assessment has shown that the car park will not have a significant impact on peak hour traffic, but should improve general highway operation and pedestrian safety by removing circling traffic and providing new pedestrian crossing facilities.

The application site is located next to two designated conservation areas. However, the proposed car park is considered to respond to both the generous proportions and materiality of the domestic scale properties to the south and west as well as the mass of the institutional buildings characteristic of the University campus to the north and east to the extent that it will not cause harm to the character and appearance of the local area.

The proposed car park is considered to comply with all relevant policies in the UDP and Core Strategy, and Members are therefore recommended to grant planning permission subject to the proposed conditions.

Case Number	13/01689/FUL
Application Type	Full Planning Application
Proposal	Demolition of existing disused electrical substation and erection of 2 terraced dwellinghouses with associated landscaping and car parking provision
Location	Site Of Electricity Substation Adjacent 47 Roach Road Sheffield S11 8AU
Date Received	05/05/2013
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawings numbered:

26607(00)10 Rev.B
26607(02)10 Rev.B
26607(02)12 Rev.B
26607(02)11 Rev.B
26607(04)13 Rev.B
26607(04)11 Rev.A
26607(04)10 Rev.A
26607(04)12 Rev.A
26697(02)00
26607_P(00)01
26607_P(02)01 Rev.C

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 4 The dwellings shall not be used unless the car parking accommodation for 1 car for house 1 and 2 cars for house 2, as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

In the interests of the safety of road users.

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

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

- 7 The windows listed below shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part at any time shall be glazed with clear glass without prior approval of the Local Planning Authority.

House 1 first floor bedroom facing east.
House 1 first floor bedroom facing south
House 1 first floor bathroom facing east.
House 1 second floor bathroom facing east
House 2 first floor bedroom facing east
House 2 first floor bathroom facing east
House 2 second floor bathroom facing east

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

- 8 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment has been provided in

accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 9 Before development is commenced, full details of proposed measures to ensure a sustainable building design, including measures to reduce energy consumption, shall have been submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with such approved details.

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.

Attention is drawn to the following directives:

1. The Local Planning Authority has 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.

Site Location



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LOCATION AND PROPOSAL

The site is located at the corner of Roach Road and Penrhyn Road in Hunters Bar, which is a predominantly residential area of two storey, red brick terraced houses. Roach Road falls towards the north which means that terraces of houses have a varied roof line which step down the slope. Penrhyn Road is even steeper with the road sloping down to the northeast and the application site is on higher ground than the houses immediately to the north east.

The site lies adjacent to 47, Roach Road and the land within the site falls gently from west to east. A single storey, red brick disused electricity sub station is

located in the centre of the site. There is a level parking area in front of this which is accessed from Roach Road and there is further open land within the site to the rear. In the south corner of the site, a much smaller sub station has been built which is excluded from the development site.

Around the site is a red brick wall and a mature hedge and at the back, between the site and the nearest house on Penrhyn Road is a public footpath, set below the rear wall of the application site which links Penrhyn Road with Fulmer Road to the north.

An earlier application for two houses on the site was refused for the reasons set out below in February 2013 and the applicant has sought to address the reasons for refusal by way of this revised submission. This new application, as amended, seeks detailed planning permission for two houses, each with 3 bedrooms, off street parking and rear gardens.

RELEVANT PLANNING HISTORY

Demolition of existing disused electrical substation and erection of two terraced dwellinghouses with associated landscaping and car parking refused on 5 February 2013 for the following four reasons.

1. The Local Planning Authority consider that owing to the restricted dimensions of the site and extent of the proposed development, the proposal would result in insufficient separation distances between the existing and proposed windows on the proposed development and neighbouring properties, such that there would be a loss of privacy, due to overlooking for existing occupants of neighbouring properties. As such, the proposal is contrary to the aims of policy H14 of the Unitary Development Plan for Sheffield and Guideline 6 of the Supplementary Planning Guidance 'Designing House Extensions.'
2. The Local Planning Authority consider that owing to the increase in garden levels and associated boundary treatments for house 1, the proposal would result in overbearing features that reduce light to neighbouring properties. As such, the proposal is contrary to the aims of policy H14 of the Unitary Development Plan for Sheffield and Guideline 5 of the Supplementary Planning Guidance 'Designing House Extensions.'
3. The proposed development does not include sufficient car parking accommodation within the site and the Local Planning Authority considers that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14.
4. The Local Planning Authority consider that owing to the use of contemporary design elements including prominent metal clad window features, the development would be out of character with the distinctive traditional character of the surrounding area, to the detriment of the visual character of the street scene. As

such, the proposal is contrary to the aims of Policies BE5 and H14 of the Unitary Development Plan for Sheffield , Policy CS31 of the Sheffield Development Framework Core Strategy and paragraph 60 of the National Planning Policy Framework.

SUMMARY OF REPRESENTATIONS

12 letters of objection have been received from local residents, 2 being from the same person. The reasons for the objections are:-

- The interests of local residents are ignored.
- The proposal would be out of character with the area and would not blend in with the street scene.
- The revised proposal has only made a few cosmetic changes to the original refusal.
- It does not conform to the distinct pattern of the street.
- It would harm the long standing open nature of the area.
- The site is too small for two houses and the proposal is overdevelopment.
- The corner site is a welcome break in the urban grain which is worthy of retention.
- The proposal has a much larger footprint than existing houses.
- There would be a loss of light and overshadowing, with imposing buildings causing a loss of privacy.
- The character of Nether Edge Conservation Area should be respected.
- It is too high in relation to houses on Penrhyn Road.
- It is unacceptable to restrict proposed bedroom windows using obscure glass to overcome overlooking issues.

The retention of the existing building on site would be preferable.

Loss of a useable window in an adjoining property.

The response in supporting information to the impact on the flank window facing the site is inadequate. This existing window will lose all light to the detriment of the occupants. Closing this window off is a material consideration and it would be contrary to UDP policy H14, Core Strategy policy CS74 and para. 17 of the NPPF.

The proposal would increase on street parking demand, be dangerous at a sharp corner and increase the risks to road safety.

The parking provision for 3 cars is completely inadequate and will impinge on the very limited space on adjoining roads.

The houses will attract people with multiple car ownership.

Each house will have at least 2 cars which is in excess of the Council parking guidelines which say that 3 spaces for the two houses is acceptable.

The first parking space at the top entrance is very awkward and difficult to access and 2 spaces are too close to the road junction.

There is concern about the impact of heavy vehicles on poor road surfaces.

There would be a detrimental impact on wildlife.

The application is contrary to UDP policies H14, BE18 and BE5 and section 7 and paragraph 39 of the NPPF.

Councillor Nikki Bond objects to the scheme on the following grounds:-

It is out of keeping with the character of the area.

It would have a detrimental impact on the amenities of a number of residents.

Most of the houses in the area have 2/3 bedrooms so the 4 bedrooms proposed in the application for each house is out of character.

Loss of light and privacy.

Detrimental impact on parking on street and wildlife.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is part of a designation for housing and policy H10 confirms that housing is the preferred use in such areas.

Core Strategy policy CS22 states that a 5 year supply of deliverable housing sites will be maintained at all times. At present this target is not being met, with approximately two and a half years available at present.

Core strategy policies CS24 and CS26 relate to Housing delivery and density. CS24 seeks to maximise the use of previously developed land for housing with a target of 88% of housing development steered towards such sites. The application

site is previously developed and therefore complies with the aims of this policy, and would contribute to the target.

CS26 requires housing development to be undertaken in a manner that makes efficient use of land, whilst maintaining the character of local areas. The policy promotes a density range of 50 to 80 dwellings per hectare for developments that are near to a district shopping centre. The site is approximately 400m from the Ecclesall Road District Shopping Centre at Hunters Bar and the 50 to 80 density range is therefore applicable. The application proposes a density of 66 dwellings per hectare, within the range promoted by the policy, and also comparable to the density of the local area which is typically around 70 dwellings per hectare.

Core Strategy policy CS74 says that new development should contribute to place making and the creation of sustainable neighbourhoods.

The National Planning Policy Framework (NPPF), in paragraphs 48 and 49 says that Local Planning Authorities may make an allowance for windfall sites when considering the delivery of new homes and when determining applications, they should be considered in the context of a presumption in favour of sustainable development. NPPF para. 60 makes reference to the need to reinforce local distinctiveness in the design of new development.

Layout, Design and External Appearance.

UDP policy BE5 deals with building design and siting and says that good quality design and materials are expected in new development. The design and layout should take advantage of the site's features.

UDP policy H14 says that new buildings in housing areas should be well designed and in scale and character with neighbouring buildings.

Core Strategy policy CS31 says that, in the south west area of Sheffield , priority will be given to safeguarding and enhancing its areas of character.

Core Strategy policy CS74 deals with design principles and expects a high quality of design in new development.

The application, as amended, proposes two houses which would be built next to 47, Roach Road. The existing front and rear building lines would be respected and the ground floor front facing bay windows would also respect the line of existing bays. The proposed houses are at a slightly higher level than those to the north and the pair step up slightly being 500mm higher than no 47. The houses tend to step up in pairs so the proposal is consistent in this respect. Existing terraced houses on Roach Road have chimneys located centrally between the pairs of houses and the proposal follows this pattern.

At the rear, both properties have two storey offshoot extensions, in line with existing houses but these are set back from the building line of existing extensions by 800mm.

The two proposed houses would be two storeys high and the eaves height would be slightly higher than no. 47 at 500mm to match the ridge heights. This allows the roof plane to match existing houses.

In common with neighbouring properties, the proposed houses have a small forecourt to the front bounded by the existing brick wall which is to be retained and repaired.

The earlier, refused scheme proposed a pair of houses, predominantly of red brick but also with a number of contemporary features such as metal clad windows and a raised, bold timber clad feature that wrapped around the corner facing Penrhyn Road at first floor level. These contemporary features were considered to be unacceptable and contrary to policy as set out in reason number 4 of the decision notice for the earlier scheme.

The design and external appearance of the houses has addressed these concerns and those features have been omitted in this new scheme in favour of a much more traditional approach which closely reflects the design of existing houses close to the site.

The exterior of the houses would be red brick with natural slate pitched roofs which would match houses around the site. The bay windows at ground floor would be very similar in scale, dimensions and design to those in existing houses. There are bay windows at first floor on adjoining houses but the proposal shows a single window at smaller dimensions above each of the bays which is in keeping with the design of many terraced houses in the area. Two modest velux windows would be inserted into the front facing roof plane which, again, would be in keeping with other nearby houses, including next door at 47, Roach Road.

The side facing flank elevation would have three windows at ground, first floor levels and in the roof space. This, once again, reflects the treatment of houses in the area.

The adjoining houses on the same side as Roach Road have two storey rear offshoot extensions with flat roofs and similar extensions are included within this proposal. However, the proposed extensions would be set back from existing ones by 800mm and have pitched roofs, the eaves of these being 1.2 metres lower than the adjoining flat roof.

A dormer window is proposed in the rear facing roof plane which would serve both properties. This would be a metre lower than the ridge line and at a lower level than the rear dormer in 47, Roach Road.

At the rear of each house, there would be a paved terrace that would extend to the rear building line of the adjoining offshoot extension and both houses would have a garden 900mm lower than the terrace. There would be off street parking for both houses and the existing boundary walls would remain unaltered apart from repairs although new accesses would be formed to allow cars to access parking spaces and at the rear next to the footpath between the site and 106, Penrhyn Road, close boarded fencing would be introduced to complement the wall and retain privacy for

future occupants. The parking space at the rear of the site would be a metre lower than the gardens and steps would allow access to the garden from this.

The external amenity spaces for both dwellings fall short of the recommended 50 square metres, at approximately 35 square metres each. However this level of provision is comparable to many of the neighbouring gardens in the locality, and on this basis the level of provision is reflective of local character. The space is of reasonable quality and is level, usable space, and in this context the level of provision for future occupants is considered acceptable.

Bin storage areas would be located behind boundary walls to avoid visible clutter.

The earlier scheme adopted a much more contemporary design approach, proposing a scheme that would be prominent and noticeable in the street scene, which was considered to be unacceptable. This revised scheme is more subdued and traditional in its approach, more closely following the design and appearance of existing houses. The unacceptable elements of the previous scheme have been removed.

The layout, design, scale and appearance is considered to be of good quality and in keeping with the character of the area. The revised scheme has satisfied the design issues set out in the reason for refusal, satisfies all relevant planning policy and is considered to be acceptable.

Sustainability.

Core Strategy policy CS64 requires new development to be designed to reduce emissions of greenhouse gases, achieve a high standard of energy efficiency and use sustainable resources such as solar panels and water recycling.

The applicant has confirmed that the houses would be constructed to a high specification in terms of energy consumption using low and zero carbon and renewable technologies where possible creating energy efficient homes.

A number of options have been considered by the applicant, including solar heating panels for domestic water, air or ground source heat pumps, wood burning stoves, rainwater harvesting and low energy internal and external lighting. A condition would control the implementation of sustainable features.

Impact on Neighbours' Amenities.

UDP policy H14 says that new development in housing areas should not result in overdevelopment, deprive residents of light, privacy or security or harm their amenities.

Core Strategy policy CS74 says that new development should contribute towards the creation of sustainable neighbourhoods.

Local residents have expressed concern that the proposal would impact on privacy and light and have said that the scheme is overdevelopment of a restricted site.

Reasons for refusal numbered 1 and 2 (above) set out the reasons why the earlier scheme had an unacceptable impact on privacy and overlooking and reduced light caused by overbearing features to neighbours. The applicant has sought to address these issues in this resubmission.

The first reason for refusal said that the original scheme proposed insufficient separation between existing and proposed windows which would cause a loss of privacy due to overlooking.

There is a window on the side elevation of 47, Roach Road which faces directly into the site. The proposal would block off all light to this window but the amended scheme has not address the loss of light for the same reasons as set out in the report for the earlier refusal.

The window in the side of 47, Roach Road was not inserted when the house was built and has only recently been added. This provides light to the hall and secondary light to other rooms and the proposal would mean this light would be lost. The applicant has said that the new window is on a party boundary, is not legal and the owners of the application site are within their rights to ask that the window is removed. More relevant is that, in planning terms, the window is borrowing light and amenity from neighbouring land and cannot, therefore, be reasonably protected. Consequently, no weight can be attached to the impact of the proposal on this window.

The wording of the first reason for refusal is clear in that it specifically refers to loss of privacy due to overlooking which would exclude the window in 47, Roach Road where light would be blocked off. The overlooking and loss of privacy issue relates to the windows in the side elevation of 106, Penrhyn Road which lies to the east at a lower level than the proposed development.

The flank wall of 106, Penrhyn Road faces the application site and there are windows in this wall at first and second floor levels. There are also two skylights on the roof of this house, one on each of the roof planes.

The second floor window is close to the ridge line and serves an attic room. In the rear elevation of the proposal, there are windows associated with the kitchen diner at ground floor level and bedrooms at first and second floors. There would be a clear view between the existing and proposed windows.

With respect to the first floor window at 106, Penrhyn Road, this would be completely screened from the ground floor of the development by boundary treatments and the retention of trees at the rear of the site. It is noted that due to differences in levels, the first floor window would be at the same level as those in the ground floor of the proposal.

With respect to the roof lights, these are at such an oblique angle to the dormer windows of the proposal that overlooking would not be possible.

Returning to the issue with the second floor window, the original refused scheme considered that the facing windows from the proposal would be unacceptable. The

distances between the proposed windows and the existing one would have been as follows.

Opaque glazed offshoot end elevation in house 1 - 11.5 metres.
Window at end of offshoot in house 2 at 45 degree angle - 15 metres.
First floor bedroom windows - 14 and 14 metres.
Dormer bedroom windows - 14 and 15 metres.

The applicant has carried out a detailed analysis of the distances between the proposal and 106, Penrhyn Road, which can be summarised as follows.

Proposed Ground Floor.

House 1 kitchen 12.7 metres - screened behind trees.
House 1 dining room 15 metres - screened behind trees.
House 2 dining room 15.9 metres - screened behind trees.
House 2 kitchen 16.3 metres - screened behind trees.

Proposed First Floor.

House 1 bedroom 12.8 metres - obscure glass.
House 1 bathroom 15 metres - obscure glass.
House 2 bathroom 15.9 metres - obscure glass.
House 2 bedroom 16.7 metres - obscure glass.

Dormer Window Second Floor.

House 1 bathroom 15.5 metres - obscure glass.
House 2 bathroom 16.5 metres - obscure glass.

The Supplementary Planning Guidance (SPG) on Designing House Extensions sets out the minimum distance to retain privacy between dwellings and this is set out at 21 metres. However, although the distances set out in the three tables are less than this, where necessary, obscure glass has been used which would prevent any overlooking which is the reason for the loss of privacy as set out in the Decision Notice.

Some weight should be also given to the characteristics of the immediate locality and, in this instance, there is a public footpath between the application site and 106, Penrhyn Road so the space is not completely private. Also, existing houses at 45 and 47, Roach Road have windows at their first floor level which face the 2nd floor side window on 106, Penrhyn Road. The window on the end of the offshoot of 47 is 11.6 metres away and the two windows in the main elevation of the two houses are 15.1 and 16.2 metres away, respectively. The dormer window in 47 is 16.5 metres away. These distances are comparable with the proposal.

There is an issue regarding outlook from the two rear facing bedroom windows as obscure glass would prevent this. House 1, next to 47, Roach Road, would need obscure glass on both panes of the corner window because the side facing one

would allow direct views into the garden of house 2. In house 2, the side facing corner window could be of clear glass because it faces the public domain.

The bedroom in house 1 is one of three such rooms and there would be an additional skylight that would have clear glass. Although, this is not ideal, it is considered to be acceptable in these circumstances.

It is considered that the applicant has resolved the issue of overlooking causing a loss of privacy as set out in the reason for refusal.

Refusal reason 2 says that the increase in garden levels in the previous scheme would result in overbearing features that would reduce light to neighbouring properties. The main issue here was the proposal in the earlier scheme to raise the height of the land next to the garden of 47, Roach Road to allow for a garage to be built there.

This revised scheme shows that garden levels have been substantially reduced in height and the garage at the rear is replaced by a hardstanding parking space.

The height of the existing boundary wall and fence with 47, Roach Road would stay the same as it is now and there would be no increase in height with any of the other boundaries. Consequently, the issue set out in the second reason for refusal is resolved because there would be no increase in garden levels.

With respect to the impact on neighbours' amenities, the application has resolved the issues set out in the previous refusal, the proposal satisfies all relevant policy criteria and the application is acceptable in this respect.

Highways, Access, Parking and Transportation.

UDP policy H14 says that new development should provide safe access to the highway, provide adequate off street parking and not endanger pedestrians.

Core Strategy policies CS51 and CS53 seek to prioritise transport and manage the demand for travel, respectively.

The third reason for refusal for the previous scheme says that there would be insufficient on site parking because the two proposed spaces were not adequate and would lead to an increase in parking on the street to the detriment of road safety.

The site is in a sustainable location close to a wide variety of facilities on Ecclesall Road and at Hunters Bar, where there are shops and good bus services. There are also buses that run along Psalter Lane, close by.

The Council's Car Parking Guidelines say that for 3 bedroomed houses, 2 off street spaces should be provided. House 2, closest to the corner shows that two spaces are provided from a single access. The original submission showed a restricted layout that made it difficult for a car to manoeuvre into the space next to Roach

Road but the amended layout has improved this to an acceptable level. Consequently, at two spaces, house 2 satisfied the Council's parking guidelines.

House 1 is providing only one off street space. However, in this instance, the blocking off of the existing access into the site from Roach Road creates another on street parking space and a second car at house 1 could be placed at the end of the drive as there would be no requirement to leave this open for access.

Local residents have made the case that on street parking is at a premium in this area which is accepted but house 2 complies with guidelines and house 1 is one space short. It is considered that this improvement in parking provision is sufficiently significant to resolve the reason for refusal.

The parking and access arrangements are therefore considered to be acceptable.

RESPONSE TO REPRESENTATIONS

Many of the representations have already received a response in this report particularly those concerned with design, appearance and parking but some concerns need comments.

With respect to the proposal being too small for the site, the applicant has demonstrated that the scheme is acceptable and is appropriate for the site.

It has been asserted that the proposed houses are a much larger footprint than existing houses. The average plot size for the for houses adjoining on Roach Road is 116.3 square metres, for 100 to 106, Penrhyn Road it is 96.2 and for 145 to 151, Penrhyn Road the figure is 109.1. The average plot size for the proposal is 145.1 square metres, which is larger but the proposal includes 3 off street parking spaces which the other houses do not. The actual footprint of the buildings is very similar to existing dwellings.

The site is not within the Nether Edge Conservation Area so there would be no impact here.

The existing building on site does not have enough architectural or visual merit to warrant its retention.

Concern has been expressed that 4 bedroomed houses would be out of character with the area. The proposed houses have 3 bedrooms each.

SUMMARY AND RECOMMENDATION

This application, as amended, seeks approval for the demolition of a former electricity sub station and the construction of two new houses with off street car parking and private gardens.

This is a re submission of an earlier refused scheme for a similar development and in this new submission , the applicant has sought to address all four reasons for refusal.

The scale, design and external appearance are acceptable and the applicant has successfully addressed the unacceptable features of the previous scheme. The houses are much less contemporary in their appearance and now closely reflect the traditional red brick terraced houses that are predominant in this area.

The height, dimensions and massing are very similar to the existing terraced houses and the red brick and natural slate exterior would match neighbouring buildings. The scheme will deliver two housing units on previously developed land, in support of the aims of Core Strategy policies CS22, and CS24 and at an appropriate density both in terms of local character, and the range set out in policy CS26.

There would be no harm to the amenities of neighbours. The previous issues relating to overlooking and loss of privacy have been resolved by way of increasing distances between proposed and existing windows and the use of opaque glass where necessary. Also, the overdominance resulting from increased garden levels has been resolved as boundary levels and wall and fence heights would remain unaltered.

The site is in a sustainable location close to bus services and shops and the off street parking has been increased along with a reduction in bedrooms from 3 to 4. The parking provision is now considered to be acceptable.

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

Case Number 13/00891/FUL (Formerly PP-02464370)

Application Type Full Planning Application

Proposal Use of building as a Residential Hostel for 16 adults
(Sui-generis Use)

Location Urban Theology Unit
208 - 210 Abbeyfield Road
Sheffield
S4 7AZ

Date Received 19/03/2013

Team West and North

Applicant/Agent D Garbett

Recommendation Grant Conditionally

Subject to:

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

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

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

Plans and drawings received on the 16th May 2013 and, the applicant's written statement dated the 12th of March 2013 and, the additional correspondence sent by the applicant on the 10th and 22nd of May 2013.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The hostel shall not be used unless the car parking accommodation for 2 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 4 Prior to the hostel use commencing, details of privacy screen fencing along both the side party boundaries of the site shall have been submitted to and approved by the Local Planning Authority, and thereafter the approved privacy screen fencing shall be installed to the satisfaction of the Local Planning Authority. The hostel use shall not be brought into use until the approved privacy screen fencing has been installed.

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

- 5 Prior to the hostel use commencing, details of the new externally-mounted CCTV equipment within the site shall have been submitted to and approved by the Local Planning Authority, and thereafter the approved CCTV equipment shall be installed to the satisfaction of the Local Planning Authority. The hostel use shall not be brought into use until the approved CCTV equipment has been installed.

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

- 6 Notwithstanding, the submitted details shown in the applicant's written statement dated the 12th of March 2013, details of a management plan of how the hostel is intended to be managed shall have been submitted to and approved by the Local Planning Authority, the management plan shall include details such as contact names and numbers for local residents to contact in case of any noise or disturbance from the residents or visitors to the hostel; full details of agreed curfew times for residents to be in the hostel; details of catering arrangements for the residents; and details of policies and procedures for any visitors to the hostel and, details of the telephone call-forwarding process at night time.

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

Attention is drawn to the following directives:

1. The Local Planning Authority has 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.

Site Location



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LOCATION AND PROPOSAL

This is an application in a housing policy area within the Burngreave district of Sheffield for change of use of a building (208 - 210 Abbeyfield Road) to form a managed hostel for a maximum of 16 people. The proposal does not involve any external alterations being carried out to the building.

The hostel is for residents that have found themselves homeless and in need of hostel accommodation. They are likely to have come from a broad spectrum of backgrounds and might also include residents that have previously had social, physical or mental health problems and issues that have needed to be overcome.

(hence the need to live within a managed home where care, advice and support is provided). Likewise, the accommodation could also be occupied by 'ordinary' adults that may never have experienced any social, physical or mental health problems. The proposed accommodation will be aimed at supporting the needs of its future occupants (many of which will be aged over 25) from whatever background they may be coming from. The applicant (Lighthouse Homes) is a Christian-faith based charitable organisation but the hostel will be available for people of any faith/religious background.

The application site itself comprises of a pair of two-storey brick-built semi-detached properties that are set back in an elevated position. The properties have the appearance of being a pair of semi-detached dwellings on a road that is predominantly residential in character and appearance. The principle elevation of the site fronts Abbeyfield Road whereas the rear of the site (accommodating two detached garage buildings) fronts onto Scott Road. The two properties have at some point in the past been amalgamated internally and the building as a whole is now operating as one planning unit.

RELEVANT PLANNING HISTORY

Although there are no records of any planning applications for the site, the property has a long established use as an "Urban Theology Unit" - a Christian-faith based learning resource and training centre where participants are also able to participate in residential training courses.

SUMMARY OF REPRESENTATIONS

The application has resulted in 6 representations being received in objection to the proposal (1 from a local resident, 2 from an adjacent residential care home for vulnerable young people, 1 from the Interim Director of the Council's Children, Young People and Family Service and, 2 from local Councillors - Cllrs Jackie Drayton and Ibrar Hussain).

The proposal has also resulted in a representation being received from a local resident in support of the proposal and, a neutral representation/consultation response from the South Yorkshire Police.

The objections raised have been summarised and are listed below:-

The neighbouring care home objections:-

- There are already a high number of group residential units on Abbeyfield Road and that any further increase in these types of units would lead to a significant number of additional vehicles in the area, resulting in further disruption and traffic congestion problems for local residents;
- The site is immediately adjacent to a residential unit (204 Abbeyfield Road) which is home to a group of vulnerable people (children aged between 8 and 17). All of the children in the care home are from a crisis background, as a result of which there is, naturally, concern that they be easily targeted if

there is an accumulation of uses that will include equally vulnerable adult members of the community living alongside them. The proposed development would therefore compromise the safety, well-being and security of those vulnerable people.

- Paragraph 69 of the National Planning Policy Framework (March 2012) requires that Local Planning Authorities should aim to involve all sections of the community in planning decisions and that neighbourhood planning should be facilitated with the aim to achieve places which promote, amongst other things, safe and accessible environments where crime and disorder, and a fear of crime, do not undermine quality of life or community cohesion. This principle is clearly extremely important in this case because of the potential for adverse interaction between problem adults and highly vulnerable, but accessible young persons.
- We are dealing here with existing and proposed uses of buildings that can potentially create a conflict because of the very nature of the vulnerable individuals who are involved. Not only will the potential interaction between existing and proposed uses be likely to cause a problem but the very concentration of similar uses in an area will not, it is considered, contribute towards an appropriate level of community cohesion, as is required by the National Planning Policy Framework.
- Whilst the "saved" policies of the Sheffield Unitary Development Plan contain no specific policy that is directly applicable in this case, it is considered important that policies CF1 - CF3 each seek to provide for the effective integration of community facilities into their respective neighbourhoods. By encouraging an accumulation of such uses here, there will be a significant disadvantage, particularly to the vulnerable children in respect of which this application causes considerable concern.

The local neighbour in objection:-

- There are 2 similar hostel uses on Abbeyfield Road and that one of them (located at 204 Abbeyfield Rd) often results in nuisance being caused by its residents. Police cars attend on a daily basis and there are regular instances of anti-social behaviour and general disturbance.
- The area is predominantly residential and therefore to allow a further hostel-type use will lead to a further increase in nuisance and anti-social behaviour, thereby driving existing residents away from the area.
- There is a good community in the area and one of the contributing factors for this is that the majority of residents are established and therefore easily identifiable whereas, this proposal will create living accommodation for transient residents.

The Interim Director of the Children, Young People & Family Service has raised the following concerns:-

- There is concern that the proposed hostel will be immediately adjacent to a residential children's home for 9 young people aged 12 - 16 (i.e. at 204 -206 Abbeyfield Road) and therefore both the hostel residents and the young children will be in an exceptionally vulnerable position.
- The regulations and expectations imposed on residents within the hostel would not negate the potential for residents to break the rules which could lead to conflict and/or risk.
- There is also the potential for associates and friends of residents coming to the hostel/locality and this could add further additional risks to a child/young person living next door. Whilst it is recognised that the child/young person may be vulnerable to external influences whether the hostel was there or not, it would not be good practice to increase the potential risk.
- "All children's homes are inspected by Ofsted and one of their considerations is the local community. To now have such a hostel located next door would be a risk factor. Both buildings are homes, and as such, the residents are free to come and go whenever they please (within a limited framework). It would therefore not be possible to prevent residents of both homes from meeting and, this could add to the potential risk."
- "The city are corporate parents for all our looked after children, and as such, we have duties and responsibilities to ensure their safety and maximise their outcomes. It would be a breach of these duties to knowingly allow this type of hostel and a children's home to be located next to each other or within a reasonable distance."
- "The children and young people in our care are vulnerable and can be targeted by inappropriate adults. We need to minimise the opportunities for them to be victims of this targeting to prevent them becoming involved in inappropriate activities. I am not stating that the adults in this hostel will necessarily be a direct risk, however, they may revert to substance abuse and this may attract the people who would target our young people."
- Whilst there may be a genuine need for a hostel such as this, it is felt inappropriate for it to be located immediately next door to a children's home. The objection is therefore in the interests of safeguarding young vulnerable children. The City has a corporate responsibility to protect the needs of young vulnerable people.

Cllr Ibrar Hussain has raised the following concerns:-

- That there are too many hostels in both this area and within the Burngreave ward and, that he would wish to see the application reported to the planning board.

Cllr Jackie Drayton has raised the following comments:-

- That she was under the impression that any new proposals for HMO's in the area would automatically have been refused because of the new Sheffield Development Framework policies which aim to create mixed communities and, because of the existing saturation levels of HMO's already in the area. Cllr Drayton has also requested that the application should be reported to the Planning Board and determined by Members.

The local neighbour in support:-

- "As a neighbour, I fully support this project and hope to be involved with it in a voluntary capacity (as I am with the current project occupying this building)".

South Yorkshire Police:-

- South Yorkshire Police have researched the "Lighthouse Project" and fully support such attempts to rehabilitate the more unfortunate members of our society. South Yorkshire Police do, however, wish to raise a cautionary note about the number of hostels in the immediate vicinity. There are generally no problems with any of the hostels individually, but there is a concern that as a whole, they may cause a considerable drain on police resources.

PLANNING ASSESSMENT

Policy Issues

Officers consider that the relevant development plan policies are:-

Policy H6 'Short-term Accommodation for Homeless People' which stipulates that the development of good quality short-term accommodation for homeless people will be permitted where it would generally be within close or easy reach (by foot or bus) of shops and services; as well as being within easy/close proximity of existing or proposed housing.

Policy H8 'Housing for people in need of care' states that supportive forms of housing should be within easy reach of shopping centres and public transport, suitable for people with disabilities, provide a reasonable and attractive area of amenity space and not involve extensions that would remove open space.

Policy H10 'Development in housing areas' identifies preferred, acceptable and unacceptable uses within the policy area and states that for development proposals not listed within the policy will be decided on the individual merits.

Policy H14 'Conditions on Development in Housing Areas' sets out 13 separate criteria which development should comply. Theses include issues such as design; amenity, parking and highways issues, environmental impact and the development would also need comply with policies for the built and green environment. In addition to this, non-housing (C3) uses should also not prejudice the dominance of the preferred use of land, not lead to air pollution, smell, excessive traffic levels or

nuisance, or risk to health and safety of people living nearby and be on a scale consistent with the residential character of the area.

Policy CF1 'Provision Of Community Facilities' states that the provision of community facilities which are readily available to all Sheffield people will be promoted, particularly where they would be for disadvantaged people, be located where there is a shortage and would be easily accessible by public transport, located within the community they are intended to serve.

Policy CS41 'Creating Mixed Communities' states that mixed communities will be promoted by encouraging development of housing to meet a range of housing needs, including a mix of prices, sizes, types and tenures. This policy goes on to stipulate that it may be necessary to limit the number of new conversions to create hostels, purpose-built student accommodation and Houses in Multiple Occupation (HMO's) where the community is already imbalanced by a concentration of such uses or where the development would create such an imbalance. An example of this policy in operation is the limitation of HMO's and other types of shared housing to no more than 20% of residences within a 200 metre radius of the application site. This includes properties which are not classed as Houses in Multiple Occupation for the purposes of the planning system, so it would include a hostel property such as this one currently being proposed.

This application is for a change of use of an existing building where the existing use has some very similar characteristics to the use being proposed i.e. a similar number of potential occupants and residents that are predominantly transient in nature. The only notable difference being that one set of residents are being taught or are using the learning facilities, and the other set of residents are being housed and cared for in a managed way. With regard to planning policy, the property is located within a housing area where housing is the preferred use in accordance with Policy H10 but other uses not listed within the policy will be decided on the individual merits. In this case, it is determined that the proposed use has residential characteristics that would not be inappropriate in principle within a housing area subject to a full assessment of the impacts, as considered in the report below.

The change of use does not involve the erection of any new buildings and no alterations are proposed that would affect its external appearance of the building.

Officers therefore, consider that the key issue within this application is whether or not the use being proposed is an acceptable use for such an area and, whether or not the proposed use will harm (or create a perception of harm to) the living conditions or amenities of local residents.

Nature of the use.

The proposed hostel will have accommodation spread over 4 different levels; this will include library/storage rooms at basement level, a kitchen, meeting room, study and office accommodation at ground floor level, 4 single bedrooms, 2 twin bedrooms, 2 bathrooms, 2 storage rooms and a kitchen/lounge all at first-floor level and, 4 twin bedrooms, a bathroom and a kitchen on the second floor level. Overall,

therefore, the building will have 4 single bedrooms and 6 twin bedrooms resulting in accommodation being provided for up to 16 people.

The nature of the use being proposed as stipulated by the applicant in the submitted correspondence is that the building will be a managed aftercare supported living programme/home for up to 16 adult men (mainly over the age of 25) that have been made homeless.

As mentioned above, the future occupants of the property are likely to have come from a broad spectrum of backgrounds and this might also include residents that have previously experienced social, physical or mental health problems and issues, but equally some of the future occupants might never have had or experienced any such problems or issues and merely find themselves in the unfortunate position of being homeless.

The hostel will be managed and operated on a 24-hour basis 7 days a week. The hostel will be a dry-house which means that residents staying at the premises are not allowed to drink alcohol whatsoever. The residents are made fully aware that they could be breathalysed at any time. Any medication that needs to be administered to residents is carried out under strict guidelines and under supervision by staff.

On average, residents are likely to reside at the hostel for a minimum period of 6 months but there are no strict guidelines on the length of time that residents can stay, the intention is to help the residents prepare for full independent living.

The hostel will be managed on a 24-hour basis, 7 days a week. During the day (8am to 5pm), the hostel will be staffed by a manager, 2 support workers, an administrator and maybe one or two volunteers. From 5pm onwards and throughout the night, the hostel will be managed by a full-time staff member and volunteers.

Prior to being accepted as a resident in the hostel, each potential resident will have an interview to assess suitability. The interview will examine the individual's reasons for homelessness and offending behaviour, addiction problems, health (including psychological problems) issues and motivation for change. References are always sought as are the views of the agencies that are connected to the individual such as probation and drug and alcohol workers. There are some offences that would preclude an individual for admission to the hostel, these include those individuals with convictions for arson with intent to endanger life or, racially motivated offences, those with persistent patterns of serious violence, violent sexual offenders, those on the sex offenders register or subject to Risk to Children Prevention Act, those requiring intervention of a Mental Health Team, or those subject to long term prescription treatment with psychotic medicine.

The hostel will take people directly from prison but they will be individuals that are deemed low/medium risk and they will have been assessed over a period of time and also be identified as someone that wants to change.

Once accepted into the hostel, new residents will have to sign a number of agreements such as adhering to various policies and procedures such as random drug and breath testing.

The hostel will establish firm boundaries and structures but will also empower individuals to make positive decisions for themselves. In the property, residents will be supervised 24/7 and have access to different training and recreational facilities, however, the hostel is not intended to be a rehabilitation centre and residents can come and go as they please. None of the residents will be allowed to stop out overnight (unless by prior consent) and everybody has to be in the hostel by 11pm. Where residents fail to comply with the stringent rules and guidelines, they face the risk of being evicted.

Based on the above information (much of which are extracts from the applicant's submitted statement), officers have taken the view that the use being proposed is not a HMO and does not readily fit in as a conventional residential care home (Use Class C2). Officers feel that a hostel use of this nature would be a sui-generis use and therefore, the proposal is being assessed on this basis and on the merits of the particular proposal itself.

Although not designated an HMO, given that it represents a form of shared housing, the application must be considered in the context of Policy CS41, which seeks to restrict shared housing to no more than 20% of residences within a 200 metre radius of the application site. An assessment has been carried out of the tenure mix in the area (i.e. a 200 metre circumference from the application site). The assessment has revealed that there are 347 residential properties within 200 metres of the site, of which 19 (5%) are in use as shared housing (i.e. a HMO). There is no recorded data to indicate how many Class D1 Uses (non-residential institutions) there are in the area, but officers believe (based on visual observations of the area) that the majority of properties in the area appear to be in residential use. Overall therefore, officers do not consider that the use being proposed will adversely affect the tenure mix of properties in the area, and as such, officers feel that area will still maintain a balanced community. Officers are therefore satisfied that Core Strategy Policy CS41 'Creating Mixed Communities' will be complied with.

Highways Issues.

The site is located within close walking distance to high frequency bus services along Barnsley Road and Scott Road and, given the nature of the future residents, officers do not consider that the proposed use is likely to generate any greater demand for on-street car parking than the existing Urban Theology Unit. There are also two existing detached single garages (accessible from Scott Road) which are to be made available for off-street parking for the development. In this regard therefore, officers do not feel that the proposal will generate a significantly high level of traffic movements that would be detrimental to highway safety.

Amenity/Noise/intensity of use.

No external alterations to the property are being proposed. The internal layout of the building will remain much the same as existing. The site currently has a pleasant rear garden/amenity space which incorporates grassed/landscaped areas and outdoor seating. The rear garden also incorporates two small brick-built outbuildings. The brick-built outbuildings are currently used as a laundry/utility room and as a storage room with attached toilet. The applicant has indicated that one of the outbuildings will continue to be used as a laundry/utility room and that the other outbuilding will be used as a prayer room. In order to fully enclose the rear garden area and to protect the amenities of neighbouring properties, officers do feel that there is a need for some additional privacy screen fencing along part of the party boundaries. In this regard therefore, the applicant has agreed for some additional privacy screens to be erected along part of the side party boundaries (to be conditioned accordingly).

Although the property as a whole would potentially be occupied by 16 residents and staff, officers do not feel that this intensity of people is likely to give rise to any amenity or noise issues, due in part to the fact that the hostel is a detached building with an enclosed rear garden area and due to the fact that it will be managed on a 24-hour basis whereby if any noise related issues do occur, then there will be staff on hand to manage that situation.

Whilst general pedestrian movements to and from the building might be slightly more than if the property were in use as two dwellings, these are not considered to be so significant or, materially different in character to when the property was being used as the Urban Theology Unit. The hostel will provide overnight accommodation with people able to sleep and reside in the property on a short to medium term basis. However, putting aside the background nature of the residents (which should not be a planning issue), the residential function and character of the building is typically appropriate for a residential area.

It is therefore considered that the proposed change of use is on a scale consistent with the residential character of the area and will not be detrimental to the amenity of adjoining occupiers by virtue of noise or disturbance or loss of privacy and therefore accords with Policy H14 of the UDP.

RESPONSE TO REPRESENTATIONS

As mentioned above, the site is located within close walking distance of regular public transport links and, due to the nature of the future occupants of the hostel, officers feel that actual car ownership of the residents will be low. Officers do not feel that the proposal will raise any highway safety issues.

Whilst it may be a matter of genuine concern that the proposed use could compromise the safety of existing residents, particularly those vulnerable residents living in the supported children's home immediately next door, officers feel that only limited weight can be given to this planning consideration because this concern makes assumptions that the residents of the hostel are likely to behave in a certain manner and, that the occupants of the children's home will be more at risk than

other children living in a typical family home. Planning case law does recognise that public safety and its perception can be material considerations but it is for the decision maker to assess the weight to be applied. The case law would suggest that fears and concerns by members of the public may constitute a material consideration if they relate to a matter that, in itself, is material, or they are objectively justified. In this case, it is not considered that the fears about the future occupants have been objectively justified such that a refusal could be sustained;.

The fact that there are already similar types of uses nearby clearly indicates that such uses have previously been considered to be compatible in a Housing Policy Area. Furthermore, the available data confirms that the predominant use in the area is still residential in nature and therefore, officers feel that this hostel use will not adversely affect the tenure or community mix of the area.

Officers feel that the concerns raised that the proposal will lead to more transient residents does not carry significant weight on the basis that the current use regularly runs residential training courses (of even shorter durations) which means that there is an even more intensive turnaround of residents staying at the property.

The NPPF has been taken into consideration as part of the overall assessment process and officers would re-iterate one of the key strands in promoting healthy communities - that the planning system can play an important role in creating 'inclusive communities' and this does not necessarily mean isolating certain types of uses away from residential areas because of the perceived fear towards the future occupants. A key to being inclusive is the need to fully integrate uses such as a residential hostel (that might otherwise be considered in another residential area as being acceptable) into such an area.

SUMMARY AND RECOMMENDATION

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

Since the proposal will retain the buildings function as residential accommodation (albeit in the form of a hostel) it is not considered that there will be any physical impact or harm on the character of the locality, although officers do recognise that there may be a sensitivity and emotional concern raised by existing local residents in having a hostel use immediately next door to a care home occupied by young vulnerable people. However, Members should note that planning case law that relates specifically to public concerns suggests that public concerns can be regarded as a material consideration but a key issue is how much weight should be given to the public concerns and, can such weight be justified. In this instance, making assumptions that have not been substantiated in this case about the potential behaviour and actions of future occupants would (despite being a significant concern shared by many) not hold sufficient weight as a material planning consideration in this case to the extent that a refusal is justified.

The site is within close walking distance of public transport links and, the level of traffic generated by the development is unlikely to be any higher than the existing use. For this reason, officers do not feel that the proposal will raise any highway safety issues.

Drawing together all of the above mentioned considerations, officers consider that the proposed use of the property as a residential hostel for 16 people (as described by the applicant) is unlikely to be detrimental to the character of the area or amenities of adjoining properties and therefore complies with the relevant provisions of the Unitary Development Plan and Sheffield Core Strategy as set out in the report above.

On balance therefore, taking into account relevant planning policies and assessing the weight of all material considerations it is determined that a refusal could not be reasonably justified based on the planning merits of the proposal. Therefore, for all of the reasons outlined above, it is recommended that this application be conditionally approved.

Case Number	13/00771/LBC (Formerly PP-02066015)
Application Type	Listed Building Consent Application
Proposal	Alteration and conversion to form Educational Facility (Class D1), Business Use (Class B1), Shops (Class A1), Restaurants and Cafes (Class A3), Drinking Establishments Class A4), Non-Residential Institutions (Class D1), and Assembly and Leisure (Class D2) including ancillary student common room areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and a commercial unit for Class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes, as amended 31.7.13, 9.8.13, 27.8.13, 29.8.13 and 9.9.13
Location	Former Head Post Office Fitzalan Square Sheffield S1 1AB
Date Received	08/03/2013
Team	City Centre and East
Applicant/Agent	Axis 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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

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

Drawings by Axis Architecture No's 26483:

(02)30 Rev B Demolition Extent Plan Rec'd 8.3.13
(02)31 Rev B Demolition Extent Plan Rec'd 8.3.13
(02)32 Rev B Demolition Extent Plan Rec'd 8.3.13

(02)33 Rev B Demolition Extent Plan Rec'd 8.3.13
(02)34 Rev B Demolition Extent Plan Rec'd 8.3.13
(02)35 Rev B Demolition Extent Plan Rec'd 8.3.13
(02)36 Rev B Demolition Extent Plan Rec'd 8.3.13
(04)00 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)01 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)02 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)03 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)04 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)05 Rev D Demolition Existing Elevations Rec'd 8.3.13
(04)06 Rev D Demolition Existing Elevations Rec'd 8.3.13
(04)07 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)08 Rev C Demolition Existing Elevations Rec'd 8.3.13
(04)09 Rev C Demolition Existing Elevations Rec'd 8.3.13
(01)02 Rev B Location Plan Received 8.3.13
(01)09 Rev A Site Plan Received 8.3.13
(00)00 Rev R Masterplan Lower Levels Rec'd 9.8.13
(00)01 Rev N Masterplan Middle Levels Rec'd 27.8.13
(00)02 Rev N Masterplan Lower Levels Rec'd 27.8.13
(00)03 Rev J Masterplan Middle Levels Rec'd 27.8.13
(00)04 Rev F Masterplan Middle Levels Rec'd 8.3.13
(00)05 Rev G Masterplan Upper Levels Rec'd 8.3.13
(00)06 Rev G Masterplan Upper Levels Rec'd 9.8.13
(00)06.1 Rev A Masterplan Upper Levels Rec'd 9.8.13
(02)10 Rev H Education Space Rec'd 27.8.13
(02)11 Rev K Education Space Rec'd 27.8.13
(02)12 Rev F Education Space Rec'd 29.8.13
(02)13 Rev H Education Space Rec'd 29.8.13
(02)14 Rev G Education Space Rec'd 8.3.13
(02)15 Rev G Education Space Rec'd 8.3.13
(02)20 Rev F Student Accom Plans Rec'd 27.8.13
(02)21 Rev F Student Accom Plans Rec'd 27.8.13
(02)22 Rev D Student Accom Plans Rec'd 8.3.13
(02)25 Rev D Student Accom Plans Rec'd 8.3.13
(02)26 Rev A Student Accom Plans Rec'd 9.8.13
(04)20 Rev C Elevations Small Scale Rec'd 27.8.13
(04)21 Rev D Elevations Small Scale Rec'd 31.7.13
(04)22 Rev D Elevations Small Scale Rec'd 31.7.13
(04)23 Rev D Elevations Small Scale Rec'd 29.8.13
(04)24 Rev D Elevations Small Scale Rec'd 31.7.13
(04)25 Rev A Elevations Small Scale Rec'd 29.8.13
(04)40 Rev D Elevations Details Rec'd 9.9.13
(04)41 Rev D Elevations Details Rec'd 9.9.13
(04)12 Rev E Elevations Details Rec'd 9.9.13
(04)43 Rev D Elevations Details Rec'd 9.9.13
(04)14 Rev E Elevations Details Rec'd 9.9.13
(04)45 Rev D Elevations Details Rec'd 9.9.13
(04)46 Rev D Elevations Details Rec'd 9.9.13
(04)47 Rev D Elevations Details Rec'd 9.9.13
(04)18 Rev D Elevations Details Rec'd 9.9.13

(04)49 Rev D Elevations Details Rec'd 9.9.13
(04)51 Rev A Elevations Tower Detail Rec'd 31.7.13
(04)52 Rev A Elevations Tower Detail Rec'd 31.7.13
(04)54 Rev A Elevations Tower Detail Rec'd 31.7.13
(05)50 Rev A Tower Cladding Visual Rec'd 31.7.13
(05)51 Rev A Tower Cladding Visual Rec'd 31.7.13

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

Windows
Louvres
Doors and Door Surrounds - Internal and External
Infill panels to arched openings to Pond Street
Eaves and Verges
Brickwork Detailing
Entrance Canopies
Roofs
External Rear Walkway
All street doorway alterations to listed buildings
Refurbishment of First Floor Manager's Office and Spiral Staircase and
Tower to Fitzalan Square corner.
External Lighting

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 6 Details of paint colours for windows and railings, including samples on site, shall have been 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.

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

In order to ensure an appropriate quality of development.

- 8 Details of the proposed method and location of repointing works shall have been 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.

- 9 Details of the proposed location and type of pigeon-deterrent fixtures shall have been 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 All the rainwater gutters, downpipes and external plumbing shall be of lead and cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority

In order to ensure an appropriate quality of development.

- 11 No windows shall be blocked up, filmed over or otherwise made non transparent without the prior written approval of the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 12 The listed building shall have been made safe, secure and weatherproof before new buildings hereby permitted are occupied.

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

- 13 Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh

and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

In order to protect the character of the original building.

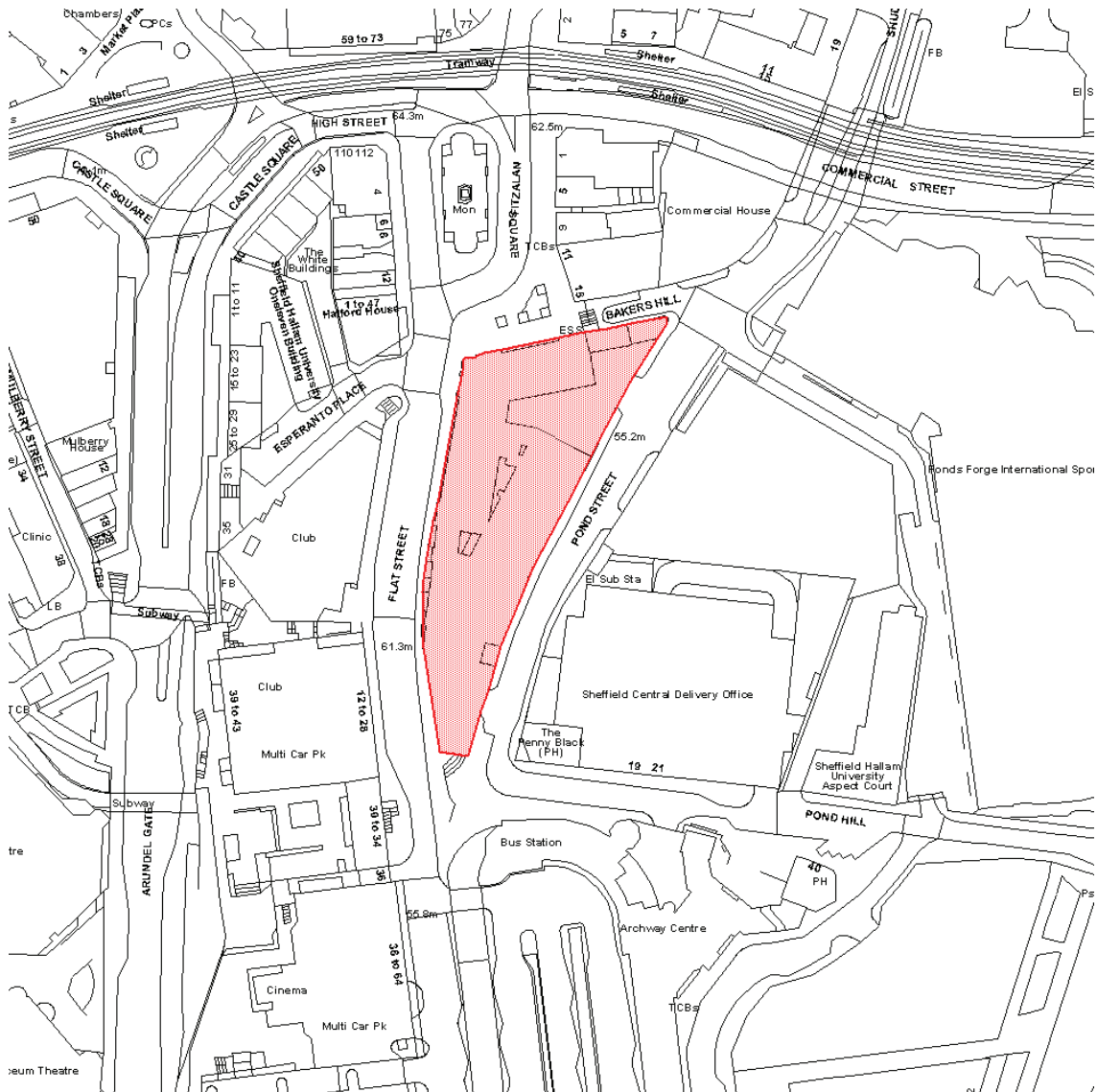
- 14 Details of proposals for the repair, alteration or concealment of existing signs and display of new signs internally and externally shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved details.

In order to protect the character of the original building.

Attention is drawn to the following directives:

1. The Local Planning Authority has 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.
2. You are advised that all signs affecting the character of the listed building will require listed building consent.
3. You are advised that all works of internal fit-out to the commercial units in the development that affect the character of the listed building will require listed building consent.

Site Location



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For main report see 13/00770/FUL

Case Number 13/00770/FUL (Formerly PP-02066015)

Application Type Full Planning Application

Proposal Alteration and conversion to form Educational Facility (Class D1), Business Use (Class B1), Shops (Class A1), Restaurants and Cafes (Class A3), Drinking Establishments Class A4), Non-Residential Institutions (Class D1), and Assembly and Leisure (Class D2) including ancillary student common room areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and a commercial unit for Class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes, as amended 31.7.13, 9.8.13, 27.8.13, 29.8.13 and 9.9.13

Location Former Head Post Office
Fitzalan Square
Sheffield
S1 1AB

Date Received 08/03/2013

Team City Centre and East

Applicant/Agent Axis Architecture

Recommendation Grant Conditionally Legal Agreement

Subject to:

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

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

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

Drawings by Axis Architecture No's 26483:

(01)02 Rev B Location Plan Received 8.3.13
(01)09 Rev A Site Plan Received 8.3.13
(00)00 Rev R Masterplan Lower Levels Rec'd 9.8.13

(00)01 Rev N Masterplan Middle Levels Rec'd 27.8.13
 (00)02 Rev N Masterplan Lower Levels Rec'd 27.8.13
 (00)03 Rev J Masterplan Middle Levels Rec'd 27.8.13
 (00)04 Rev F Masterplan Middle Levels Rec'd 8.3.13
 (00)05 Rev G Masterplan Upper Levels Rec'd 8.3.13
 (00)06 Rev G Masterplan Upper Levels Rec'd 9.8.13
 (00)06.1 Rev A Masterplan Upper Levels Rec'd 9.8.13
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 (02)12 Rev F Education Space Rec'd 29.8.13
 (02)13 Rev H Education Space Rec'd 29.8.13
 (02)14 Rev G Education Space Rec'd 8.3.13
 (02)15 Rev G Education Space Rec'd 8.3.13
 (02)20 Rev F Student Accom Plans Rec'd 27.8.13
 (02)21 Rev F Student Accom Plans Rec'd 27.8.13
 (02)22 Rev D Student Accom Plans Rec'd 8.3.13
 (02)25 Rev D Student Accom Plans Rec'd 8.3.13
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 (04)22 Rev D Elevations Small Scale Rec'd 31.7.13
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 (04)25 Rev A Elevations Small Scale Rec'd 29.8.13
 (04)40 Rev D Elevations Details Rec'd 9.9.13
 (04)41 Rev D Elevations Details Rec'd 9.9.13
 (04)12 Rev E Elevations Details Rec'd 9.9.13
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 (04)14 Rev E Elevations Details Rec'd 9.9.13
 (04)45 Rev D Elevations Details Rec'd 9.9.13
 (04)46 Rev D Elevations Details Rec'd 9.9.13
 (04)47 Rev D Elevations Details Rec'd 9.9.13
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 (04)51 Rev A Elevations Tower Detail Rec'd 31.7.13
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 (05)50 Rev A Tower Cladding Visual Rec'd 31.7.13
 (05)51 Rev A Tower Cladding Visual Rec'd 31.7.13

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

Windows
Louvres
Doors and Door Surrounds - External
Infill panels to arched openings to Pond Street
Eaves and Verges
Brickwork Detailing
Entrance Canopies
Roofs
External Rear Walkway
All street doorway alterations to listed buildings
External Lighting
Bay Detail to Façade of Student Tower
Roof Detail to Façade of Student Tower

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 6 Details of paint colours for windows and railings, including samples on site, shall have been 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.

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

In order to ensure an appropriate quality of development.

- 8 Details of the proposed method and location of repointing works shall have been 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.

- 9 Details of the proposed location and type of pigeon-deterrent fixtures shall have been 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 All the rainwater gutters, downpipes and external plumbing shall be of lead and cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 11 No windows shall be blocked up, filmed over or otherwise made non transparent without the prior written approval of the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 12 Notwithstanding the drawings hereby approved, the following Mobility Housing features shall be provided to the minimum sizes described in at least 5% of the student rooms:

- (a) 1500 mm manoeuvring space in lift lobbies.
- (b) 1200 mm wide corridors with 300 mm wide panels at the side of corridor doors.
- (c) double doors to be 1600 mm wide set within an 1800 mm structural opening.
- (d) single doors to be 800 mm wide set within a 900 mm wide structural opening.
- (e) 1500 mm wheelchair turning circles in bathrooms.
- (f) Accessible toilet and showers.

Before the development is commenced detailed drawings at a scale of 1:50 confirming the above minimum provision shall have been submitted to and approved by the Local Planning Authority.

In order to provide Mobility Housing accommodation in accordance with the Council's Supplementary Planning Guidance.

- 13 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s)

and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

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

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

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

- 15 No development shall commence until a report has 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;

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.

- 16 Before the development is commenced full details of proposed new street trees, including species, planting specification and tree grilles, to Pond Street and Flat Street shall have been submitted to and approved by the Local Planning Authority. The approved street trees 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 street trees shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 17 Before the development is commenced, full details of new planting to the retained planting beds in Fitzalan Square in front of the listed building shall have been submitted to and approved by the Local Planning Authority. The approved planting 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 planting 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 five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 18 Unless otherwise approved in writing by the Local Planning Authority, no construction of buildings or other structures shall take place unless measures to divert or otherwise formally close the sewer that is laid within the site have been implemented in accordance with details that shall have been submitted to and approved by the Local Planning Authority.

In the interests of satisfactory and sustainable drainage.

- 19 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

In the interests of satisfactory and sustainable drainage.

- 20 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.

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

The Travel Plan shall include:

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

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

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

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

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

- 23 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development

being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

- 24 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

- 27 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.

- 28 Before the development is commenced, a scheme detailing surface water drainage arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a 30% reduction in peak discharge from the site when compared with existing and be designed to store the calculated flows for a 1 in 100 year return period with an allowance of 30% for climate change without causing flooding to property or adjacent land. The scheme shall be fully implemented and thereafter maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may be approved in writing by the Local Planning Authority.

In order to control surface water run off from the site and mitigate against the risk of flooding.

- 29 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:

- (i) New cycle route on Pond Street adjacent to the development connecting with existing cycle routes on Pond Street and Broad Street West;
- (ii) New on-street parking layout on Pond Street and Pond Hill;
- (iii) Provision of a service bay on Flat Street and drop off bay on Pond Street;
- (iv) Footway improvements to the highway in Fitzalan Square and Flat Street adjacent to the listed building in Urban Design Compendium Primary Palette;
- (v) Footway improvements to the highway on Pond Street and the remaining part of Flat Street to Urban Design Compendium secondary palette;
- (vi) New street lighting to Bakers' Hill and Steps and associated minor footway works required for safety reasons;
- (vii) Changes to the area of footway at the junction of Pond Hill, Pond Street and Flat Street to improve intervisibility and reduce conflict where the cycle route and the pedestrian desire lines cross;
- (viii) Relocation of the pedestrian crossing on Flat Street to a position to be approved by the Local Planning Authority.

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.

- 30 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.
- 31 Before the building is first occupied the 4 existing trees in front of the building in Fitzalan Square shall have been removed and any damage to the stone planters repaired and made good.
- In order to ensure an appropriate quality of development.
- 32 There shall be no gates or barriers erected at the means of access to the site unless otherwise approved in writing by the Local Planning Authority.
- To ensure access is available at all times.
- 33 The development shall not be used unless the cycle parking accommodation for 26 long stay and 14 short stay cycle parking spaces, as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.
- In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).
- 34 The development shall not be used unless additional secure under cover long stay cycle parking spaces have been provided in accordance with details that shall first have been submitted to and approved by the Local Planning Authority, and such cycle parking spaces shall thereafter 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).
- 35 The residential accommodation hereby permitted shall not be occupied unless the approved scheme of sound attenuation works has been installed in full. Such scheme of works shall:
- a) Be based on the findings of ARUP Acoustic Assessment (Ref: AAc/217919-00/RO1, Dated: 20/02/13);
 - b) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - c) The scheme shall include:
 - i) glazing of a minimum acoustic performance RTRA 34dB for all habitable rooms on Pond Street and Baker Hill, and RTRA 39dB for all habitable rooms on Flat Street;

- ii) a system of alternatively acoustically treated ventilation at residential units facing Pond Street and Baker Hill, as detailed in the ARUP Acoustic Assessment (Ref: AAc/217919-00/RO1, Dated: 20/02/13);
- iii) an acoustically treated mechanical ventilation system at residential units facing Flat Street, as detailed in the ARUP Acoustic Assessment (Ref: AAc/217919-00/RO1, Dated: 20/02/13), to allow the façade to be sealed;

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

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

- 36 Before the use of any part of the buildings for Shop (Class A1), Restaurant/Café (Class A3) and Drinking Establishment (Class A4) use is commenced, a scheme of sound attenuation works shall have been installed in that part of the building and thereafter retained. Such a scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey;
- b) Be capable of restricting noise breakout from the Class A1/A3/A4 unit to the street to levels not exceeding:
 - i) the background (LA90) noise levels by more than 3 dB(A) when measured as a 15 minute Laeq;
 - ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq;
 - iii) Be capable of restricting noise breakout from the Class A1/A3/A4 unit to adjoining residential flats to levels complying with the following:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Be capable of restricting noise breakout from the Class A1/A3/A4 unit to any adjoining Business Use unit (Class B1) to levels complying with the following:
Offices: Noise Rating Curve NR45 (07:00 to 23:00);

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

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

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

- 37 Before the use of any part of the buildings for Business (Class B1) use is commenced, a scheme of sound attenuation works shall have been installed in that part of the building and thereafter retained. Such a scheme of works shall be capable of achieving the following noise levels:

Offices - Noise Rating Curve NR45 (07:00 to 23:00)

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8kHz).

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

- 38 Before the use of any part of the development for any of the following uses is commenced:

Residential Accommodation
Shop (Class A1)
Café/Restaurant (Class A3)
Drinking Establishment (Class A4)
Business (Class B1),

a Validation Test of the sound attenuation works to that part of the development for the relevant proposed use shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

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

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

- 39 No amplified sound shall be played within any part of the building used as a Café/Restaurant (Class A3) or Drinking Establishment (Class A4) except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

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

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

- 41 No loudspeakers shall be fixed or used outside the building at any time
- In the interests of the amenities of the locality and occupiers of adjoining property.
- 42 The development shall not be used for Use Class A3 purposes, unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. The use shall not be commenced until the approved equipment has been installed and is fully operational.
- In the interests of the amenities of the locality and occupiers of adjoining property.
- 43 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.
- In the interests of the amenities of the locality and occupiers of adjoining property.
- 44 No customer shall be permitted to be in any Café, Restaurant or Drinking Establishment in any part of the building outside the following times:
- 08:00 to 24:00 hours Monday to Saturday
and 09:00 to 23:30 hours Sundays and Public Holidays.
- In the interests of the amenities of the locality and occupiers of adjoining property.
- 45 No deliveries to the building shall be carried out between the hours of 21:00 to 08:00 hours Monday to Saturday and 20:00 to 09:00 hours Sundays and Public Holidays.
- In the interests of the amenities of the locality and occupiers of adjoining property.
- 46 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 22:00 hours and 08:00 hours Monday to Saturday and between 21:00 hours and 09:00 hours on Sundays and Public Holidays.
- In the interests of the amenities of the locality and occupiers of adjoining property.

- 47 No part of the building shall be used for Café, Restaurant or Drinking Establishment purposes unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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.

2. The Local Planning Authority has 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.
3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received

a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

6. You are required as part of this development to implement the introduction of a Traffic Regulation Order to amend the legal use of the highway adjacent to the site under the provisions of the Road Traffic Regulation Act 1984.

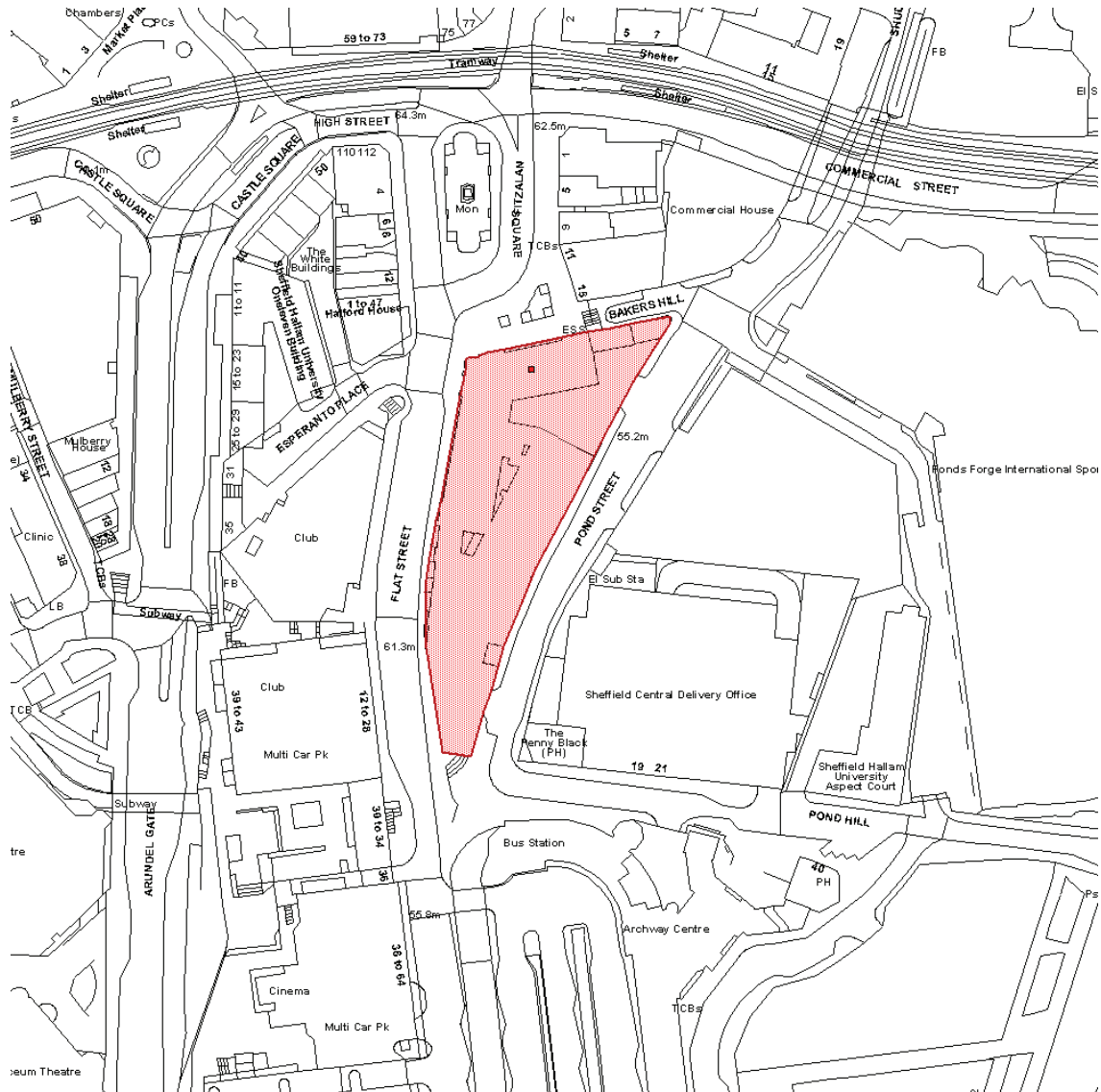
To progress this TRO you should contact:-

Sheffield City Council
Traffic Regulation Team
2 to 10 Carbrook Hall Road
Carbrook
Sheffield
S9 2DB

For the attention of Mr Brian Hey.

7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
8. You are advised that any external lighting to the site should be installed so as 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.
9. 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.
10. 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.
11. 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.
12. You are advised that Inclusive Access details required by Condition 13 above should satisfactorily address the issues raised in the Access Officer's e-mail of 17 April 2013.
13. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.

Site Location



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LOCATION AND PROPOSAL

The main building finished in stone (Building A) faces Fitzalan Square with a return along Flat Street, the corner feature containing a circular stair tower. Building B faced in brick with stone dressings extends down Flat Street to the proposed site of new Building C on the Pond Street corner, where a 3 storey 1960's building was demolished a few years ago, adjacent to a flight of steps in the adopted highway footpath.

Building D is a 2 storey brick building on Pond Street next to the vacant site. Building E is the brick structure with slate roof on the Pond Street boundary partly

covering the former service yard, and forming a 2 storey building next to the service yard entrance. Building F is single storey, having a prominent curved brick corner to Bakers' Hill. A flight of steps connects Fitzalan Square with Pond Street via Bakers' Hill.

All the buildings are grade 2 listed buildings except the storage buildings adjoining Bakers' Hill.

The proposal is to convert the main stone Building A into educational accommodation except for (i) the ground floor to Fitzalan Square (the former post office hall) which is to be a shop, café and/or bar, and the ground floor to Flat Street which is to be a shop. An existing 2 storey offshot to the Flat Street block is to be extended vertically to form a new 5 storey toilet block extension for the educational accommodation. A new mansard roof to the south end of the stone Flat Street block will provide an extension to the 5th floor.

The lower floor and part of the ground floor of Building B are to be used as plant room, laundry and cinema serving the adjacent new Building C. In the revised proposal the rest of the ground and upper floors of Building B are to be used by commercial tenants as a Restaurant/Café, Drinking Establishment, and/or Business, or as more Educational Accommodation depending upon need. Separate applications will be made for alteration and extension as required.

At lower ground level a new rear walkway and canopy at the rear of Building B will connect the rear of the Flat Street block of Building A with the Pond Street level entrance to the student accommodation in Building C and to the lobby above via a stair and lifts.

In the revised proposal, the new Building C will provide 52 cluster flats for 279 students in a tower with part 22 and part 14 storeys. The main entrance will face a new forecourt set back from Pond Street, and will have common areas on 2 floors, with a Shop/Café/Bar unit also on 2 floors.

In the revised proposal, Buildings D and E will be used as Restaurant/Café, Drinking Establishment, Business or Educational Accommodation depending upon need. A separate application will be made for alterations and extensions as required.

Building F next to Bakers' Hill will be used for storage, plant, meters and refuse.

The total shopping floorspace applied for is 687 sq m.

HISTORY

The building was erected in the late 19th century, and vacated by the Post Office around 2001.

App No 00/01079/FUL: Planning permission granted 21.8.01 for use of part of ground floor as office accommodation within Class B1. This was implemented, and

an office firm occupied the main post office hall for a time, with the rest of the building unoccupied.

App No 05/02562/FUL & 05/02561/LBC: Planning permission and listed building consent granted 14.3.06 for partial demolition, alteration, conversion and erection of buildings to form 41 apartments, offices (Class B1), restaurant (Class A3) and mixed commercial space (Classes A3/A2/A1/B1) with 44 parking spaces and landscaped gardens and erection of 9 storey hotel.

The 1960's extension at the Pond Street corner opposite the bus station was demolished around 2008 by the new owner, prior to submission of a new scheme then being discussed. Demolition also took with it against officer advice a small 19th century link block on Flat Street, to be demolished as part of 2006 scheme, but unauthorised separately. Work then ceased.

App No 12/02757/LBC: Listed Building Consent granted 29.10.12 to the present owner for internal alterations including removal of internal walls and external repairs including the formation of 2 new entrances (as amended 25.10.2012).

App No 12/03175/FUL: Planning permission granted to the present owner for use as Educational Establishment as amended 6.11.12.

The building has deteriorated, and has been subject to damage, theft of materials and water penetration, but the main fabric is otherwise intact. The applicant's building contractors are on site carrying out essential repairs, and stripping out works which do not affect the character of the listed building. The Conservation Officer has been fully involved in this process.

Pre-Application Discussion

The scheme has been discussed informally with the architects at intervals since April 2011, covering mainly Flood Risk, Archaeology, Demolitions and Repairs to the Listed Building, and Scale and Massing of the New Build.

The Sustainable Development and Design Panel considered an early version of the scheme on 28 July 2011 and commented as follows:

"Welcome repair and conversion of listed building; some concern over fitting a retail frontage into Flat St elevation, and further consideration needed; Prefer refurbishment of existing steps to Bakers' Hill (earlier scheme proposed replacement); Tall building could succeed provided slab-like form avoided; facades depend upon high quality detailed design, otherwise would appear unsatisfactory; welcome new public realm opposite Transport Interchange, but design development needed; Welcome retention of range of buildings along Pond Street, but concerned about additional mass at higher level; design development necessary (this element since omitted); concern over scale and massing of new build to Block F (this element since omitted); Appreciate limitations on Sustainability inherent in scheme, but encourage achievement of highest BREEAM rating possible."

REPRESENTATIONS

3 comments received, 1 giving no comment and 2 in support, but with reservations:

- Concern over asbestos within building;
- Object to tall tower which is out of keeping with historic building - height should be reduced.

Sheffield Conservation Advisory Group (21 May 2013 - on initial proposal)

"The Group felt that the height of the development was unacceptable, the design made no acknowledgment of the colour, scale, form and materials of the heritage assets and the huge tower looked incongruous and would severely damage the setting of the nearby heritage assets and the streetscape. The Group considered that, in view of the planning permission which had been granted, a nine storey building could be acceptable, but the present scheme had no character and its impact on the area and the listed buildings was totally unacceptable. The Group felt that the site was very prominent, poor justification for its use had been made and a full development appraisal of the site should be made. The Group affirmed its previous decision regarding the development and observed that the development of what was a public building would have no public benefit unless it was also open to the public in some way."

ASSESSMENT

Land Use

The site is within the Sheaf Valley Quarter on the Core Strategy Key Diagram. Policy CS17 identifies the Sheaf Valley as an important gateway and academic focus for Sheffield Hallam University. Policy CS20 provides for the two universities to consolidate and expand their teaching and research operations within and adjacent to existing campuses.

The site is not one of the housing locations identified by Policy CS27 on Housing in the City Centre. However, this policy provides for limited housing in other parts of the City Centre where needed as part of mixed schemes to achieve a viable balance of uses.

Policy CS41 on Creating Mixed Communities encourages housing development to meet a range of housing needs including a mix of prices, sizes, types and tenures. The City Centre will provide for a broad range of smaller households where no more than half the new homes in larger developments should consist of single house type. On larger sites purpose-built student accommodation will form part of a mix of housing development, but will also be limited to no more than 20% of residences within 200m of the site.

At present the density of shared housing within 200m is 27%, and with the proposed student accommodation will be 52%. However these densities are artificially high owing to the low number of residential properties in the vicinity; a "normal" residential area would have 4 times as many. The Strategic Housing Land

Assessment provides for 388 dwellings within 200m; if these were realised the student density would be reduced to 34%. Lastly there is little scope for residential development to the east of the site because of the Royal Mail depot, Ponds Forge, Hallam University and the bus interchange. For these reasons, and due to the specialist nature of the proposed facility (essentially a residential college) no objection is raised to the proposed student accommodation on land use ground despite not strictly complying with Policy CS41.

The site is within the Central Shopping Area in the Unitary Development Plan. Policy S3 lists Shops (Class A1), Food and Drink outlets (former Class A3) and Housing (C3) as Preferred; Business (B1), Residential Institutions (C2), Community Facilities and Institutions (D1), and Assembly and Leisure (D2) as Acceptable.

All the proposed land uses comply with policy, except Policy CS41 as described above. The proposed mix is considered suitable giving a welcome variety of activities, with sufficient flexibility to allow the scheme to evolve with market conditions in line with planning objectives.

Affordable Housing

Policy CS40 on Affordable Housing requires housing developers in all parts of the City to contribute to affordable housing where this is practical and financially viable. However, the District Valuation Office (DVO) has examined the proposal and concludes that the scheme is unable to provide an Affordable Housing contribution. There is thus no conflict with policy CS40.

Listed Building Considerations

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

The future of the listed building rests upon conversion to educational accommodation and the erection of a large amount of student accommodation for those who will be studying in the building. The commercial units will provide appropriate supporting activity. All of this meets the requirements of Policy BE19.

The proposal repeats the listed building alterations granted consent previously under App No 12/02757/LBC, and the same conditions are repeated covering large scale details of new features proposed, paint colour to windows and railings, details of brick/stone repair, repointing, pigeon deterrence, rainwater goods, and limiting blocking and filming over of windows.

An additional condition covers repair and refurbishment of the first floor manager's office and the spiral stair tower to the Fitzalan Square corner. These are the only internal features worthy of conservation and enhancement. Fit-out details of the commercial units will require listed building consent and are also conditioned.

Design and Materials

Policy CS74 on Design Principles expects high quality development that will enhance the distinctive heritage of the City Centre, contribute to place-making and promote the city's transformation, improving physical environments that have become rundown and lacking in distinctiveness.

Policy CS76 on Tall Buildings in the City Centre states, amongst other things, that tall buildings are appropriate in the City Centre where they (a) help to define gateway sites, (b) mark an area of civic importance, (c) mark a principal activity node or key route, (f) support the vision for city centre quarters, and (g) reflect the strategic economic vision for the city.

The Urban Design Compendium also gives general rather than policy guidance on tall buildings, but does state that they should "be slender in form and proportion having a vertical emphasis to overall mass. Tall buildings which are slab-like in form and proportion will not be acceptable." The design of tall buildings should be "striking and distinctive so that they become identifiable landmarks on the skyline.

It also states that tall buildings should be "clustered in higher parts of the city centre above the 75m contour level, and should be located at a limited number of strategic sites in lower lying areas such as Sheaf Square or Park Hill roundabout."

Policy BE5 on Building Design and Siting expects good design and good quality materials, encouraging original architecture with new buildings complementing the scale, form and style of surrounding buildings. Overall mass should be broken down with special treatment for corner sites and varied use of materials.

The initial proposal included an outline application for a later phase of commercial development at upper levels along Pond Street and Bakers' Hill and in part of Building B. This has since been deleted from the scheme. The proposed tower initially took the form of a large slab 18 storeys high that would have had an oppressive and disruptive presence in key views around the city centre. Especially sensitive was its impact upon Tudor Square and the lower part of Norfolk Street, close to listed buildings in the City Centre Conservation Area. It would also have been overbearing from Park Hill and the middle of Park Square roundabout.

In the revised scheme the 18 storey slab has been replaced on officer advice with a twin tower of 22/14 storeys. Whilst the slender part of the building is higher, the scale and massing now meets the criteria in the Urban Design Compendium and policy on Tall Buildings.

The initial proposal was vague in its treatment of the facades to the tall student block. The revised proposal solves this difficulty using 4 different finishes to each student room defined by vertical 300mm fins the full height of the building. Each

room will have different coloured or clear glass with a louvred panel with door behind for ventilation. The colour palette is various muted shades of green in a subtle pattern. This is considered acceptable, and is confirmed by condition.

The lower level of the tower façade is to be in black brickwork with recessed joints and matching mortar. This is acceptable subject to sample panels on site which are conditioned.

The arched windows to the Pond Street elevation are to be removed along with the sills and brickwork beneath to create commercial units of varying sizes. Floors will be levelled to the footway, and new fronts provided in glazing with oak plank doors, giving a revitalised appearance. The tall new glazed fronts will allow daylighting to the rear of the units. Greater activity and footfall to the street is likely to follow and this is welcome. Details are conditioned.

No enhancement of the external works to the rear yard is required, as this is a utility area and a basic surface will suffice.

Details of External Lighting, such as to Fitzalan Square, are required by condition.

Flood Risk

Policy CS67 on Flood Risk Management requires the extent and impact of flooding to be reduced.

The service yard entrance and part of Bakers' Hill are partly within Flood Zone 2 (Medium Probability). Flood Zone 3a is confined to Pond Street itself.

The submitted Flood Risk Assessment states that the proposal is considered to pass the Sequential Test in the National Planning Policy Framework by steering development to Flood Zone 1, with only less vulnerable car parking positioned in the small area of Flood Zone 2 at the north east corner of the site. No Exception Test is required.

This assessment is considered acceptable, and conditions are recommended covering surface water run-off reduction of 30% as advised by the Environment Agency.

Drainage

Yorkshire Water have stated that an existing public sewer crosses the site of the proposed student tower and should be diverted or closed to their satisfaction before development is commenced. This is required by condition.

Inclusive Access

Policy CS74 on Design Principles expects high quality developments that enable all people to gain access safely and conveniently providing in particular for the needs of families, children, disabled and older people.

Policy BE7 on Design of Buildings Used by the Public expects safe, easy and equal access to all buildings used by the public.

The proposal is to make the development accessible, but further details are required by condition of some aspects to ensure a good standard, including automatic sliding doors, platform lifts rather than stairlifts, sufficient disabled WC's, lowered counters and wheelchair seating to the 60 person lecture theatre.

Mobility Housing

Policy H7 encourages a proportion of mobility housing to meet local need except where physical limitations make it impracticable.

One Mobility unit is proposed for each floor of the tower, giving 7% provision compared with the Council's requirement of 5%. This is welcome. The intention is to provide accessible toilet and showers to these units, but this is unconfirmed at present and is required by condition along with wheelchair turning circles. Minimum dimensions of lift lobbies, single and double doors, and corridor widths are also required by condition.

Noise

Policy S10(b) permits residential use in shopping areas provided that residents are not caused to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

The City Centre Living Strategy was approved by Cabinet on 28 April 2004. Guidelines 8 and 9 of the Strategy require sound attenuation to safeguard the living conditions of residents for proposals for residential and potentially noisy uses.

The submitted noise report satisfactorily addresses the risk of noise. The dominant measured noise source is from road traffic, which includes buses creating low frequency noise. Attenuation is also required to minimise the risk of noise from the proposed commercial units, including customers leaving the building at closing time.

The recommended conditions cover protection of the amenity of the proposed residential occupiers, creation of a tolerable acoustic environment in the proposed business accommodation, the limitation of noise breakout from the proposed restaurant/café units and units for use as drinking establishments, and limits upon hours for servicing and deliveries.

Hours of Use

Interim Guidelines on Night Time Uses were adopted 26 October 2005. These guidelines defined two city centre zones where late opening after 0030 hours would not be permitted. The site lies outside both of these zones. However it is intended to limit opening hours because of the mixed use character of the proposal.

Use of the Cafes, Restaurants and Drinking Establishments within the buildings is limited by condition to 08:00 to 24:00 hours Monday to Saturday and 09:00 to 23:30 hours Sundays and Public Holidays

Land Contamination

Policy GE25 on Contaminated Land requires any contamination to be effectively treated in order to remove any threats to human health or the environment.

The submitted geotechnical desk-based study predicts a potential risk of elevated levels of contaminants across the site associated with former uses. The report identifies made ground and a significant risk of ground gases associated with former worked coal seams and/or made ground. There is insufficient detail of any chemical testing required to determine the current level of contamination.

The desk study recommends further investigation to determine whether remediation is required and gas monitoring to determine whether protective measures are required against ground gases. These requirements are covered by condition.

Refuse and Recycling

The proposal includes separate refuse stores for the student accommodation, the education space (in car park level of main listed building), for the food and drink units (in Bakers' Hill buildings) and commercial units (potentially in the southernmost unit of Pond Street accommodation). Some of this is still under discussion as the different uses have different requirements.

Provision of adequate space and details thereof are required by condition.

Archaeology

Policy BE22 on Archaeological Sites and Monuments only permits disturbance of an archaeological site if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original condition.

There may be buried remains at the Pond Street level in the area of buildings D, E and F and the surrounding yard. Such remains may relate to settlement dating back to the medieval period and to more recent industrial activity, particularly the former Queen's Cutlery Works. The proposed development will have an impact here and appropriate mitigation measures are required. Trial trenching was recommended in the case of the 2006 scheme, and this is still to be done. This is covered by condition.

Sustainability

Policy CS64 on Climate Change, Resources and Sustainable Design requires developments to have a high standard of energy efficiency and make best use of

solar energy, natural light and natural ventilation. All new buildings and conversions must be designed to use resources sustainably.

Policy CS65 on Renewable Energy and Carbon Reduction requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The submitted Sustainability Statement emphasises energy efficiency to reduce emissions, and passive design elements to reduce demand. Water consumption will be reduced and the impact of materials used during construction and operation considered. The student tower (46% of the development) will be naturally ventilated, with solar gain from the east and west facing rooms providing useful benefit. Natural light will be optimised, balancing the reduction of heat loss and avoiding overheating. A BREEAM assessment will be undertaken for the new build element.

Re-use of the existing building equates to significant reduction in operational emissions, which is welcome.

To achieve a 10% reduction in predicted energy needs, either gas Combined Heat and Power or the Sheffield District Heating, which passes the site, are likely to be adopted. Further work is taking place on this matter.

Provision, retention and validation of 10% reduction is required by condition.

Green roofs would be desirable but there is no real opportunity on the listed building, and the flat roof space on the twin tower is taken up with plant and equipment.

Public Art

Policy BE12 encourages public art in places open to public view as an integral part of the design of major developments.

No details of public art are available, and the requirement is covered by condition.

New Cycle Route on Pond Street

Policy CS55 on Cycling Routes gives priority to creating strategic links around the north side of the City Centre from Hanover Way to Exchange Street and Pond Street.

On officer advice the revised proposal includes a contraflow on-carriageway cycle route along Pond Street. This will link the existing cycle crossing at the foot of Flat Street with Shudehill under the Commercial Street bridge, and join the existing off-carriageway cycle ring route at Broad Street West. Cyclists already use this route informally and illegally against the one way flow. The new provision will not only fill a gap and help complete the ring route in this area, but provide a planned improvement in safety.

The new cycle route will entail a reduction in on-street parking provision as the 27 existing spaces on Pond Street will be relocated to make way for it. 13 new on-street spaces can be provided on the other side of Pond Street, and about 5 new spaces on Pond Hill in place of the former coach parking space which is no longer required. Subject to detailed design a net loss of 9 spaces is expected.

The cycle route is required by condition.

Cycle Parking

The proposal includes an undercover cycle store with 26 spaces for the students and staff in the new tower. This is considered acceptable. 14 spaces in Sheffield stands in the open yard are provided next to the service entrance to Pond Street. This is acceptable for visitors but not for commuters. To meet standards there is a need for 22 secure under cover spaces, and these can be provided beneath the walkway at the rear of the Flat Street buildings in place of the car parking spaces shown and this is required by condition.

Financial Contribution

Policy H16 of the Unitary Development Plan on Open Space in New Housing Developments requires developments of less than 1 hectare to contribute as appropriate towards the enhancement of recreation space needing improvement in the catchment area of the site.

The City Centre Living Strategy Update of 2012 (in place at the time of this submission) recommends a contribution of £740 per bedspace for student housing in the City Centre, which would amount to £210,460 including a 3% administration charge. This sum is still under consideration in view of some unusual costs in the scheme to be taken into account in negotiating an appropriate figure. These costs include the refurbishment of the listed building, public realm enhancements around the site (see below for details), lengthy realigned kerb lines to Flat Street and Pond Street and the provision of a cycle route to the latter, and lighting to Bakers' Hill. The outcome will be reported in a supplementary report to Committee.

A signed Unilateral Planning Obligation under Section 106 for the negotiated sum will accompany the application.

Fitzalan Square and Public Realm

Fitzalan Square and Pond Street adjacent to Hallam University campus are identified as priorities for enhancement in the City Centre Master Plan 2013, presently out to consultation.

The financial contribution towards open space is to be spent within the City Centre. The present intention is to use it to help with the enhancement of Fitzalan Square and Bakers' Hill and the steps between in the medium term. This will require a study to examine the enhancement options including the handling of bus and traffic movement. The small cost of the study will be paid for out of the financial contribution.

In the short term on completion of the development, part of Fitzalan Square up to the front edge of the existing tree planters will be repaved by the developer in Primary Palette as will the rebuilt footway and realigned kerblines to Flat Street outside the listed building.

The remainder of the surrounding footways to Flat Street and Pond Street will be relaid in Secondary Palette. This will give a substantial and welcome improvement to the public realm around the building. These matters are required by condition.

The proposal includes the removal of existing trees in Fitzalan Square to provide more light and enhance amenity. This is welcome as they have become too large for the space and completely screen the ornate façade of the former Head Post Office building and make the space dark and unappealing. Any damage to the stone planters will need to be made good, and this is covered by condition. New planting to the retained stone planters is also required by condition.

The provision and design of new more appropriate street trees to Pond Street and Flat Street is required by condition, subject to the location of existing services.

Servicing

The former service yard used by the post office is to be mainly a small car park. Despite the size of the proposed development the complex will have a smaller servicing requirement than before, catered for with a new service bay at the top of Flat Street and another drop-off/service bay at Pond Street opposite the bus station. These are required by condition.

The new small commercial units on Pond Street will be serviced directly from the street via the new front doors.

These arrangements are considered sufficient and acceptable. If a later phase of commercial development is applied for at upper level on Pond Street, then there is the option for a third service bay on Pond Street close to Bakers' Hill should this be necessary.

RESPONSE TO REPRESENTATIONS

The applicant has confirmed that a small amount of asbestos was found in the building and was removed earlier this year by reputable contractors in accordance with the required legal procedures. All other matters are covered in the report above.

CONCLUSION

The re-use of this important listed building is long overdue, and the proposed conversion to educational use is considered a most suitable option, particularly given the proximity to the Sheffield Hallam University campus. The commercial units in the scheme provide a welcome opportunity to introduce more supporting

activity on Fitzalan Square, Flat Street and Pond Street, all of which deserve the greater attractions offered by the mixture of land uses proposed.

The initial difficulties over the tall tower have been imaginatively resolved, and the student accommodation can be confidently recommended for approval on the basis of the information submitted.

The public realm enhancements surrounding the site, including a new cycle route on Pond Street and a contribution to the future enhancement of Fitzalan Square in the medium term, will help revitalise the area at a time when improvements to the Castlegate area are envisaged due to the imminent relocation of the market.

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

Core Strategy Policies: CS17, CS27, CS41, CS55, CS64, CS65, CS67, CS74, CS76;

Unitary Development Plan Policies: BE5, BE7, BE12, BE19, BE22, GE25, H7, H16, S3, S10;

In reaching this recommendation considerable weight has been given to satisfying a wide range of planning policies, achieving a good balance between conservation of the listed building and new development, and regenerating the site and surrounding area on sustainable principles.

RECOMMENDATION

Grant subject to a legal agreement, the final Heads of Terms of which will be provided in a supplementary report to committee.

Case Number	13/00337/HOARD
Application Type	Advertisement Hoarding Application
Proposal	Retention of 1 non-illuminated free-standing V shaped sign
Location	Curtilage Of 79 Dore Road Sheffield S17 3ND
Date Received	31/01/2013
Team	South
Applicant/Agent	Brooklands Developments Limited
Recommendation	Refuse with Enforcement Action

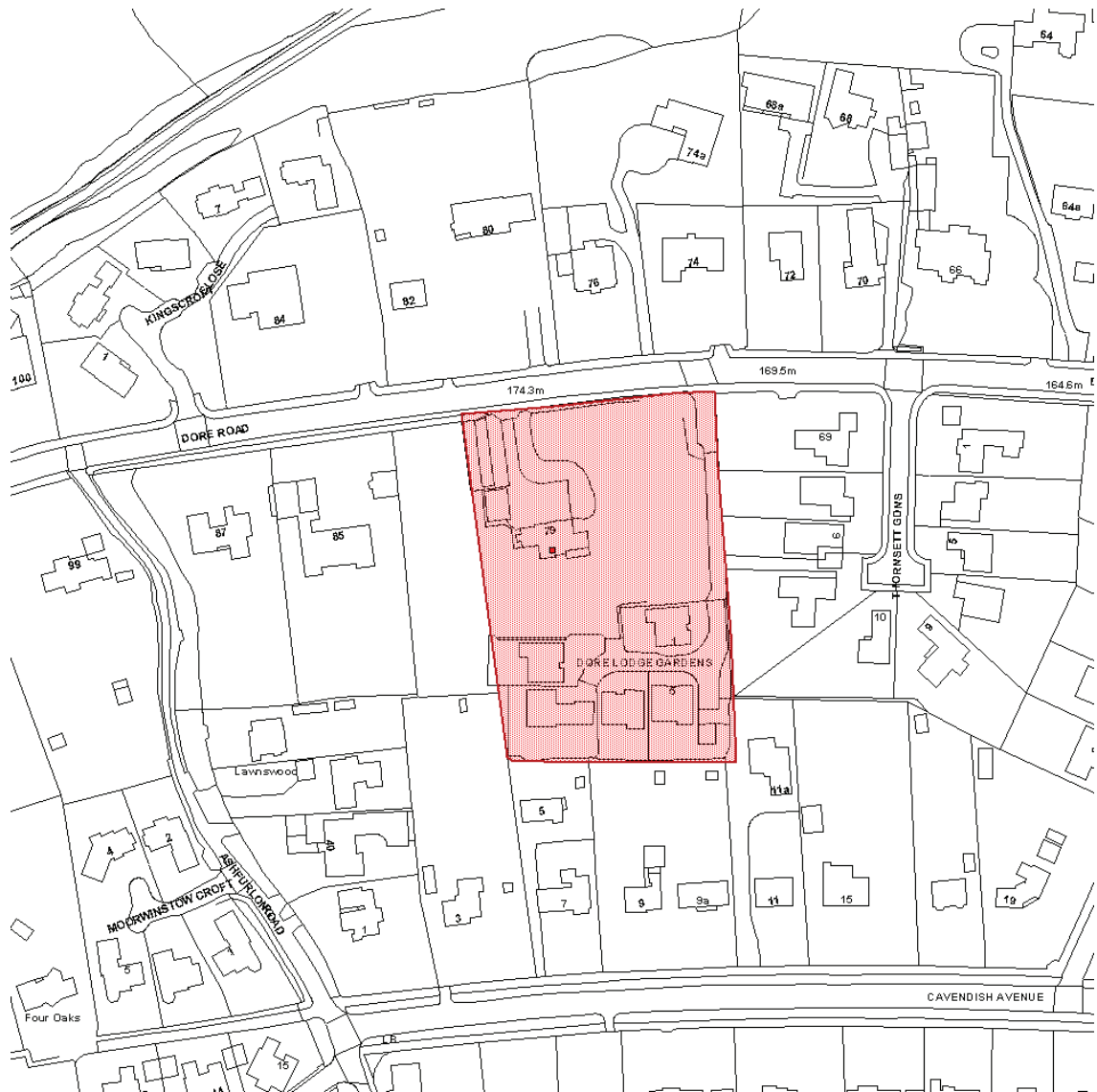
Subject to:

- 1 The Local Planning Authority consider that the display of the hoarding is detrimental to the visual amenities of the locality in that it constitutes an excessive, intrusive and unduly prominent display of advertising material and is, therefore, contrary to policy BE13 of the Unitary Development Plan.

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 sign. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application site comprises the front garden of 'Dore Lodge', 79, Dore Road which is an attractive property with an extensive garden fronting on to Dore Road. At the rear, behind Dore Lodge, part of the garden has been developed, five detached houses having been built there. The remainder of the site, including the house and garden has planning permission (08/04870/FUL) for 13 houses and this consent has been started by way of one house at the north east corner of the site, close to the frontage, being part constructed. Work has stopped and the plot has security fencing around it.

This application seeks retrospective consent to display a V shaped hoarding comprising two panels, each measuring 1.8 x 5 metres mounted on wooden posts such that the maximum height above ground level is 2 metres which advertise the sale of houses at the rear of Dore Lodge.

SUMMARY OF REPRESENTATIONS

Four letters have been received from local residents and one from Dore Village Society.

- The sign should be refused as a matter of principle.
- It is too large for this sensitive location and has a detrimental impact on the amenities of the area.
- It is a distraction for passing motorists.
- It detracts from the pleasant suburban character of the area and is out of scale and character with the street scene.
- It should be scaled down in size or removed altogether.
- It is contrary to Unitary Development Plan and Core Strategy planning policy.

PLANNING ASSESSMENT

Land Use Policy.

Policy BE13 of the adopted Unitary Development Plan (UDP) deals with advertisements and this says that large poster advertisements will be permitted only if they would:

- (i) not be a traffic hazard; and
- (ii) not harm the character or appearance of the area or be the only practical means of screening an unsightly building or area of land; and
- (iv) be well designed with landscaping, fencing and screening on associated land, where possible; and
- (v) relate in scale and design to their surroundings; and
- (vii) not be within a housing area.

The UDP confirms that the site is designated as part of a housing policy area so in policy terms, the retrospective proposal is unacceptable.

Impact on the Character of the area.

UDP policy BE13 is clear in that hoardings should be in scale and character with the immediate locality and be well designed.

The signs measure 10 metres in length and have been sited on a rising land at the front of the garden, which is open at this point. It is the case that the sign screens part of the security fencing around the part developed plot but the remainder of the plot is screened by planting.

The signs are too large and are, therefore out of scale and character in the street scene rendering them unduly unsightly and prominent to the detriment of the area's character and contrary to policy BE13. In addition, the sign is supported by crude wooden posts which are noticeable. The fact that they do screen part of the plot to the rear does not mitigate against this.

The signs are unacceptably large and prominent but would not constitute a traffic hazard.

ENFORCEMENT

The signs were first erected in September 2012 and the applicant has been made aware that the signs are considered to be unacceptable. Officers have attempted to negotiate the removal with a much smaller replacement at a more suitable location but despite assurances from the applicant, an amended proposal has not been submitted.

Members are, therefore, requested to give authority to the Director of Regeneration and Development Services or Head of Planning to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised hoardings.

SUMMARY AND RECOMMENDATION

The retrospective application for advertisement consent is considered to be unduly prominent and unsightly in the street scene, out of keeping with the character of the area and inappropriate in a residential area.

The application is contrary to the provisions of UDP policy BE13 and is, therefore, recommended for refusal.

The signs are already in place and Members are requested to give authority to the Director of Regeneration and Development Services or Head of Planning to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised hoardings.

The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number 13/00307/FUL

Application Type Full Planning Application

Proposal Erection of dwellinghouse with double garage
(amended drawings received 29/7/13)

Location Curtilage Of 119 Osborne Road
Sheffield
S11 9BB

Date Received 28/01/2013

Team South

Applicant/Agent Chris Gothard Associates

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 / Reference Number:

-SITE PLAN AS PROPOSED (2016/02/Rev D)
-PLAN AS PROPOSED (2016/03/Rev C)
-ELEVATIONS AS PROPOSED (2016/04/Rev C)
-STREET ELEVATIONS (2016/07)
-SITE SECTIONS - EXISTING AND PROPOSED (2016/06)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

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

Windows
Window reveals
Doors
Eaves and verges
External wall construction
Roof
Ridge & valleys
Rainwater goods

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 8 Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

In order to protect the character of the original building.

- 9 The dwellinghouse shall not be used unless the car parking accommodation for three cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

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

- 11 The dwelling shall not be used unless the 2.4m x 45m visibility splays, as indicated on the approved plans, have been provided. When such visibility splays have been provided, thereafter the visibility splays shall be retained and no obstruction to the visibility splays shall be allowed within the visibility splays above a height of 1 metre.

In the interests of the safety of road users.

- 12 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.

- 13 The dwelling shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the dwelling commencing, and shall thereafter be retained.

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

- 14 Notwithstanding the details shown in the approved drawings there shall be no gates or barriers erected at the means of access to the site unless otherwise approved in writing by the Local Planning Authority.

To ensure access is available at all times.

- 15 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.

- 16 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.

- 17 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

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

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

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

In the interests of the visual amenities of the locality.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings in addition to those shown on the approved drawings shall be formed in the side elevations of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

- 21 The windows on the side elevations of the dwellinghouse facing North-East and South-West shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

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

- 22 The rooflight window(s) serving the playroom at second floor level shall have sill levels at no lower than 1.7metres above the floor of the room where they are installed. The sill levels shall be permanently retained in that condition thereafter.

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

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

In order to control surface water run off from the site and mitigate against the risk of flooding.

Attention is drawn to the following directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

2. 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.

3. The Local Planning Authority has 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.

Site Location



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LOCATION AND PROPOSAL

The application site is the curtilage of a residential property which is located at the junction of Osborne Road and Psalter Lane.

The site's front perimeter abuts directly onto Psalter Lane, approximately 50metres to the west of the junction to Osborne Road.

The site is located within the Nether Edge Conservation Area, and the host dwelling is covered by the Article 4 Direction applying through the area.

The application seeks full planning permission for the erection of a detached dwelling house, which would involve the formation of a new access onto Psalter Lane.

RELEVANT PLANNING HISTORY

There is no record of any previous planning history relating to the application site, or to the host dwelling itself.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a site notice and the publication of a press advertisement, sixteen written representations have been received, including a representation from the Nether Edge Neighbourhood Group. The comments which have been raised can be summarised as follows:

- Traffic safety concern relating to additional access. Due to narrowness of road at this point, parked cars and existing traffic density this stretch of Psalter Lane is dangerous.
- Change in levels would prevent formation of an access at a suitable gradient.
- Extensive excavation and construction operations will add to the traffic hazard/s and cause disruption.
- Dwelling inappropriate in Conservation Area, to character of this particular house and its plot. Poor design quality.
- Setting of precedent for similar proposals
- 'Infilling' will harm area

Portion of land at property frontage thought to be owned by Highways Department.

- Loss of trees (including 'street trees'), which are valuable due to their quantity, variety and ecological value.
- Agree with intention to replace those trees to be removed.
- Impact on privacy of detached building in grounds of Num. 115 Osborne Road and overlooking of this garden.
- Over-population of the Conservation Area.
- Existing site plan misleading, questioning of the ownership status of the site. Details about age of properties in Design and Access Statement are queried.
- Consultation carried out in August during holiday periods.

Nether Edge Neighbourhood Group are not opposed to the proposed building, removal of trees and elevations; but to the lack of democratic process involved in Sheffield's in-fill sites.

PLANNING ASSESSMENT

The application site is located in a Housing Area under the provisions of the Adopted Unitary Development Plan, and therefore the proposed dwelling is a preferred use. The development proposes the use of private garden space, which does not qualify as previously developed land, and therefore the proposal would represent greenfield development. Policy CS24 of the Core Strategy states that no more than 12% of dwelling completions will be in greenfield sites between 2004/5 and 2025/26. The level of development of greenfield sites is some way below 12%, and the policy goes on to list a number of circumstances where greenfield development is acceptable, this includes development on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds'. This site is within the urban area in a relatively sustainable location and would fit the criteria within the policy.

The density of the scheme would be 14.95 dwellings per hectare (dph), with the density of the block which the application site sits in being 10.5dph. The proposal would therefore be considered to be appropriately in line with the surrounding density. It would however, fall below the density range of 30 to 50 dph set out in Core Strategy policy CS26. However, this policy does allow for exceptions to the density ranges in the policy - 'where they achieve good design, reflect the character of an area or protect a sensitive area'. This would be considered to apply in this case and the proposed density is therefore considered to be acceptable.

In addition the proposal would be required to be assessed against the more specific policies, which are as follows:

The application site is located in a Housing Area and the Nether Edge Conservation Area. The proposal is therefore subject to the following policies: BE5 'Building Design and Siting', requires in (a) new buildings to complement the scale, form and architectural style of surrounding buildings.

BE16 deals with Development in Conservation Areas, and states that development will be required to preserve or enhance the character and appearance of the Conservation Area.

BE17 covers Design and Materials, and states that in Conservation Areas a high standard of design will be required using traditional materials for alterations and extensions to existing buildings.

H14 covers Conditions on Development in Housing Areas, and requires new buildings to be well designed and in scale and character with neighbouring buildings.

In addition the Sheffield Development Framework Core Strategy includes policy CS31, which covers housing in south-west Sheffield and states that priority will be given to safeguarding and enhancing the areas of character in SW Sheffield, and

the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites, district centres and other locations well served by public transport. Also, CS74 covers Design Principles and states that the townscape and landscape character of the city's districts, neighbourhoods and quarters with their associated scale, layout and built form should be respected and taken advantage of.

The National Planning Policy Framework states in para 53, that LPAs should consider setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area.

Design and Conservation Area Issues

The plot associated to the existing dwellinghouse at Num.119 Osborne Road is approximately 41metres in width and 55metres in depth. The plot included within the application would measure approximately 18metres by 42metres. This would leave a site associated to the existing dwelling which measured approximately 37metres in depth.

The existing plot is considered to be substantial in size, and to be capable of subdivision, without leaving the existing dwelling within a constrained plot and continuing to respect the character of the surrounding locality and the conservation area.

The proposed dwelling would utilise a similar proportion of its plot as those neighbouring dwellings further to the west on Psalter Lane. This is the portion of the surrounding street scene which the proposed dwelling would be most readily required to co-ordinate with. In this respect it is considered that the erection of a dwelling on the site would in principle have an acceptable impact on the character of the Conservation Area.

The proposed dwelling would be separated by a distance of approximately 16.5metres from the host dwelling. This separation distance would be adequate to avoid the proposal being perceived as leading to a cramped form of development, providing appropriate gaps and resulting in suitably sized plots both for itself and the dwelling at Num.119.

The proposed dwelling would respect the building line broadly set by the existing dwellings at Num.155 Psalter Lane, and the existing dwelling at Num.119. The initially proposed forward projecting garage element has been eliminated. Overall, the proposed dwelling would be considered to be acceptable in this regard.

The existing neighbouring dwellings further to the west are also served by their own accesses. It is therefore considered that the formation of a new access in the proposed location would be in keeping with the character of the immediate vicinity.

The appearance of the amended dwelling, would be considered to be in keeping with the character of the area. It is considered to display sensitivity towards the existing site and to provide an area at its frontage which wasn't excessively dominated by hardsurfacing, but which provided turning capability for vehicles.

The proposed materials would include natural sandstone and plain clay roof tiles. These are considered to be acceptable and reflect the character of the locality.

It is considered that the proposed dwelling would have an acceptable impact within the street scene and to respect the existing character of the locality. As such, it would be considered to meet the relevant requirements of UDP policies BE5, BE16, BE17 and H14, and also policies CS31 and CS74 of the Core Strategy.

Impact on Neighbour's Amenities

The application site is allocated as being in a Housing Area in the Adopted Unitary Development Plan, and therefore the proposal is required to be assessed against the following policies when considering the impacts upon amenities of neighbouring occupiers.

Policy H14 deals with 'Conditions on Development in Housing Areas', and amongst other things states that neighbouring residents should not be deprived of light, privacy or security.

The site to the west of the application site does not include a dwelling currently, and its ownership appears to be unclear. The proposed elevation facing to the west includes secondary windows, which would be obscurely glazed. The rooflights in this elevation can be required to have sills set sufficiently high above floor levels to prevent overlooking. This arrangement is considered to avoid having a restrictive impact upon any future development within this neighbouring site.

The occupier of the dwelling at Num.115 Osborne Road has raised concern about overlooking and privacy impacts upon their garden area, swimming pool and detached outbuilding. The rear elevation of the proposed dwelling would be separated by the length of its rear garden (approximately 18metres) from the garden to Num.115. This separation distance is significant, and in combination with existing planting along this particular boundary would prevent detrimental overlooking onto the neighbouring garden space. The garden would appear to currently be overlooked by existing neighbours to a certain extent. The pool and detached outbuilding are separated away from the boundary to the application site by distances exceeding 20metres. Given these separation distances it is considered that the proposed dwelling would avoid having a detrimental impact upon the residential amenities of occupants at Num.115 Osborne Road.

The dwelling at Num. 117 Osborne Road includes a single storey extension abutting the boundary shared with the application site. This single storey extension does not include any windows facing towards the application site. Any views onto the garden of Num.117 Osborne Road would be from at least 18metres, which would be considered to avoid having a detrimental impact upon occupants of this neighbouring dwelling and their use of the garden space.

The proposed side elevation facing the existing dwelling at Num.119 would include a window to a staircase. Given the separation distance to Num.119 is 16.5metres,

it is considered to be appropriate to require the stairway window to be obscurely glazed in order to prevent overlooking implications.

Overall, the proposed dwelling would be considered to have an acceptable impact upon the amenities of surrounding occupiers. As such it is considered that the relevant part of UDP policy H14 would be satisfied by the proposal.

Highways Issues

The proposed dwelling would involve the formation of a new access onto Psalter Lane. A number of representations have been made expressing concerns about the highway safety aspects of this part of the proposal.

The proposed access point would be separated by approximately 40metres from the Osborne Road/Psalter Lane junction. The 'Manual for Streets' document recommends that junctions are spaced a minimum of 40 metres apart when on the same side of the road. As such the proposal would be considered to meet the relevant requirement for junction separation set out within this document. Notwithstanding this the document also states that private accesses are not considered as junctions, and are therefore not required to comply with this separation requirement. On this basis the proposed access drive is considered to be acceptable in highway safety terms.

The proposed layout drawing shows 2.4 x 45metre visibility splays. These would meet the requirements for an access onto a road such as Psalter Lane. It is considered appropriate to impose a condition on any approval requiring the provision of these splays. This would involve the removal of some trees which are within the highway verge. These trees are not considered to make a significant contribution to the street scene due to their relatively poor form and low amenity value. As such it is considered that they would be able to be removed without harming the character of the Conservation Area or the locality's landscaping amenity value.

In response to concerns about the safety of the access, officers have appraised the accident data along Psalter lane and in the vicinity of the site only 3 slight injury accidents have occurred in the last five years, all involving cyclists. This information leads to the conclusion that there is not a serious accident record at this location. It is not considered to be likely that the road layout and the addition of the single proposed access would have any detrimental impact upon this.

The site level is elevated above the carriageway and therefore excavation would be necessary to enable the formation of a driveway. Despite this excavation the gradient would not quite meet the recommended 1:12. Despite this marginal shortfall it is not considered that this would have the potential to compromise highway safety and it would therefore not be reasonable to resist the granting of consent based upon the issue.

The excavation and construction process would need to be managed appropriately to avoid any detrimental impacts upon highway safety. These issues can be dealt with by condition.

The submitted drawing shows gates across the proposed access. It is considered that a condition should be added to any consent granted to prevent vehicles waiting on the highway that this would otherwise generate. The proposed dwelling contains a double garage and additional drive space for the parking of vehicles off the highway.

Overall, the proposal would be considered to be acceptable and to meet the relevant requirements of UDP policy H14.

Landscaping Issues

Policy GE15 of the UDP requires developers to retain mature trees, copses and hedgerows where possible and to replace any trees which are lost.

A Tree Survey has been submitted as part of the application. The proposed site layout drawing shows that a number of trees along the site frontage are proposed to be removed. In addition, trees within the main body of the site are also proposed to be removed. Further to this the proposed visibility splays would also involve the need to remove trees located within the public footpath running along Psalter Lane.

Whilst the better trees along the site's frontage are located in a position coinciding with the position of the proposed access, they are considered to be of limited merit and of low quality. This is due to poor management and their close proximity to one another which has impaired their growth. As a result it is considered that it would not be reasonable to resist the granting of consent in this instance due to the proposed removal of trees.

Instead it is considered that it would be appropriate to require suitable replacement trees as part of a planting scheme. Similarly, it is advised that tree protection measures would be required to be agreed though the course of any construction activities.

Overall, the proposal is considered to be acceptable and to satisfy the requirements of UDP policy GE15.

RESPONSE TO REPRESENTATIONS

Most of the comments made within representations have been summarised in the main portion of the report. In regards to the remaining aspects the following comments can be made:

- Comments made about the accuracy of certain points raised within the submitted Design and Access statement are noted, however, these aspects of the statement are not fundamental to the assessment and have not influenced the assessment of the proposal.
- Consultation on the amended drawings was carried out upon their receipt, and for a period of 14 days, and is in line with the requirements of the Statement of Community Involvement.

- The ownership status of the application site was questioned, however, the applicant's ownership of the site has been verified through the course of the assessment of the application.

SUMMARY AND RECOMMENDATION

The application seeks consent to erect a detached dwellinghouse in part of the garden of Num.119 Osborne Road. The site is located in Nether Edge Conservation Area, and access would be provided from Psalter Lane.

It is considered that the proposed dwelling would not have a detrimental impact upon the character of the conservation area, or the locality, and that it could be accommodated without detrimental impact upon the amenities of neighbouring occupiers.

The proposed dwelling would be considered to have an acceptable impact upon local highway safety circumstances, and in regards to the trees and landscaping elements of the proposal.

Overall, the proposal is considered to satisfy the provisions of the relevant UDP and Core Strategy policies.

On this basis the proposal is considered to be acceptable and conditional approval is recommended.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 September 2013

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Update on enforcement action against 73 Sandford Grove Road, Sheffield, S7

Reasons for Recommendations:

The purpose of this report is to update Committee Members on enforcement actions taken since it was discussed at Committee on the 23 July 2013 and the current enforcement position.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

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24 SEPTEMBER 2013

ENFORCEMENT REPORT

UPDATE ON ENFORCEMENT ACTION AGAINST 73 SANDFORD GROVE ROAD, SHEFFIELD, S7.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Committee Members on enforcement actions taken since it was discussed at Committee on the 23 July 2013 and the current enforcement position.

2. BACKGROUND

- 2.1 This report relates to the breach of planning control that was reported to the Planning and Highways Committee on the 23 July 2013 for the unauthorised excavation works to the front of the garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road. Members in the meeting requested an update report to a Planning and Highway Committee meeting in September 2013 on enforcement actions taken.
- 2.2 In the meeting on the 23 July Committee Members authorised all necessary steps, including enforcement action, service of a temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove Road.

3. ACTION TAKEN

- 3.1 Officers have written and spoken with the owner requesting that the excavation works stop, the ground level is reinstated and the fences are either removed or reduced in height to make them permitted development.
- 3.2 A Temporary Stop Notice was served on the 6 August 2013 and it required the excavation works at the front of the property to cease until the 4 September 2013. The owner has stopped further excavation of the front garden area.
- 3.3 An Enforcement Notice was also served on the 10 September 2013 and if it is not appealed against it will come into effect on 15 October 2013. The Enforcement Notice requires the owner to remove the

unauthorised fences at the front of the property within 2 months from when the Notice comes into effect.

- 3.4 Further excavation works have stopped, but no progress has been made to reinstate the ground level or to remove the unauthorised fences.
- 3.5 With regards to the injunctive relief, the Council have now complied with the pre-litigation requirements of the Pre-action Protocol, evidence is in the final stages of being gathered and Counsel have been identified and should be briefed by the date of the Committee. Counsel is expected to draft the injunction application and attend at the County Court for the hearing of this matter.
- 3.6 The Temporary Stop Notice has expired, but before it did the Letter Before Claim on the injunction was served specifying the requirement of no further excavation works. Should attempts at further excavation occur, Counsel will include in the proceedings an application for an interim injunction to prevent further excavating pending final hearing.

4. CONCLUSION

- 4.1 Several site visits have been carried out since the service of the Temporary Stop Notice and no further excavation has taken place at the front of the property and consequently the Temporary Stop Notice has been complied with.
- 4.2 An enforcement Notice regarding the fences has been served and the injunction has passed its pre-litigation stages and should be with Counsel for drafting of proceedings for issue.

5.0 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

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

6.0 RECOMMENDATIONS

- 6.1 That members note the current progress on actions



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 September 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

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 PLANNING &
HIGHWAYS COMMITTEE
24 September 2013

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 delegated decision of the City Council to refuse planning permission for alterations to the existing raised decking and erection of a rear conservatory at 51 Mawfa Crescent Sheffield S14 1AS (Case No 13/00395/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council on 10 June 2013 to refuse planning consent side extension to dwellinghouse with storage area under at 11 Chestnut Drive, Sheffield, South Yorkshire, S35 1YZ has been dismissed (Case No 13/00828/FUL)

Officer Comment:-

The appeal related to an application for a side extension to a corner property. Due to changes in land levels within the site, the extension proposed was one and a half storeys at the front and one storey to the rear. The application was refused by the Council on the grounds that its design would be out of proportion with the existing house by virtue of its scale and siting and would be injurious to the generally open character of the street scene, contrary to Policy H14 of the UDP and guidance within the Supplementary Planning Guidance on Designing House Extensions.

The Inspector considered that the main issue was the effect of the development on the character and appearance of the area. Acknowledging the prominent position of the property, the Inspector agreed that the proposal would be significantly harmful to the character and appearance of the area and agreed that the proposal would conflict with policy H14(a) of UDP and Guidelines 1 and 2 of the Council's Supplementary Planning Guidance on Designing Housing Extensions.

4.0 APPEAL – ENFORCEMENT NOTICE

(i) To report that an appeal against the service of an Enforcement Notice relating to the unauthorised replacement of windows to the front and side of no. 2 Albany Road has been allowed.

Officer Comment:-

The Enforcement Notice required removal of all existing ground and first floor windows on the Albany Road and Chippinghouse Road elevations, within 12 months.

The appellant appealed under:-

- i) ground a) that planning permission should be granted; and
- ii) ground e) that the notice was not correctly served (as required by s172 of the 1990 Act).

On ground a) the Inspector considered the main issue to be whether the UPVC windows preserved or enhanced the character of the Nether Edge Conservation Area.

He noted Council policies in the Unitary Development Plan and Core Strategy promoted a high standard of design and were consistent with policies in the National Planning Policy Framework (NPPF). He also noted the Nether Edge Conservation Area Appraisal referred to the loss of original architectural features and poor quality replacements eroding the character of the Conservation Area. He also acknowledged the existence and aim of the Article 4 Direction was to prevent further erosion of character and promote gradual restoration.

However, he considered that the windows replaced by the appellant were not original sliding sash windows, and although they were timber, they were similar in their proportions and top hung opening to the replacement UPVC windows subject of the notice.

He did acknowledge that the replacement windows were out of character in terms of design and materials but felt they were similar to those they had replaced. He also gave weight to the poor condition of the previous windows, and that they were subject to extensive rot and although stating this was not sufficient justification for UPVC replacement he felt it resulted in the character and appearance of the Nether Edge Conservation Area being preserved.

He concluded that having regard to the poor condition of the previous windows, the quality and design of the UPVC replacements was 'sufficiently high' to avoid material conflict with UDP Policies BE5, BE15, BE16, and BE17, CS policy CS74, and the NPPF.

He therefore allowed the appeal stating that it cannot serve as a precedent for the replacement of timber sliding sash windows with uncharacteristic UPVC windows.

On ground e) the appeal failed.

The Enforcement Notice was therefore quashed and planning permission granted.

This is the second of two recently allowed enforcement appeals in the nether Edge Conservation Area, and there is fundamental disagreement with the Inspector's judgement on the contribution the UPVC windows make to the character of the Conservation Area. Officers are therefore currently in dialogue with the Planning Inspectorate over the potential for challenging the decision, and will update Members on this in due course.

ii) To report that an appeal against the service of an Enforcement Notice relating to the unauthorised material change of use of a dwellinghouse from a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO) within the Article 4 Direction boundary at 21 Fieldhead Road, Sheffield, S8 0ZX has been dismissed.

Officer Comment:-

The Enforcement Notice required the unauthorised use to cease and the dwellinghouse use to be reinstated within 16 weeks. Planning Permission for the change of use had been refused in July 2012.

The appellant appealed under:-

- i) Ground a) that planning permission should be granted; and
 - ii) ground b) that the breach of planning control has not occurred as a matter of fact; and
 - iii) ground c) that there has not been a breach of planning control; and
 - iv) ground d) that at the time of the service of the notice, it was too late to take action as the use had been in place for more than 10 years; and
 - v) ground f) that the requirements of the notice exceed what is necessary to remedy the breach; and
 - vi) ground g) that the period for compliance is too short.
- i) on ground a) the Inspector considered the main issue to be whether the use complied with the aims of planning policy promoting mixed communities. Core Strategy Policy CS41 identifies 20% of dwellings in a 200m radius in shared ownership as a concentration that threatens the balance of mixed communities. The concentration level is currently around 22.5% including the appeal property. He concluded that this level of shared housing had altered the character of the residential area and undermined the aims to promote mixed communities such that there would have to be significant material considerations to allow the appeal on this ground. He gave little weight to the appellants offer of a legal agreement or planning condition to ensure the property was only let to professionals as

this would be unreasonable curtailing of the ability to let the property. The appellant also offered to reduce the number of occupants to five, however the Inspector noted this would not change the status of the property.

This ground also involved consideration of living conditions but the Inspector did not agree that noise and disturbance would occur as a result of the use, particularly as the Council's assertion on this point was not supported by evidence of harm from this particular use, or cumulatively.

On the basis of the impact on mixed communities objectives, the Inspector concluded the ground a) appeal should fail, and the deemed planning application be dismissed.

- ii) On ground b) the appellant claimed the use had come into effect before the Article 4 Direction came into effect. The Inspector noted this did not confirm the use had not occurred, but by contrast confirmed the opposite. As such the ground b) appeal failed.
- iii) On ground c) the appellant contended that the use had been in operation since December 2010, approximately one year before the need for permission arose through the Article 4 Direction. The Inspector noted such claims were not evidenced by lease/purchase documents or tenancy agreements. The onus of proof in such cases lies with the appellant and the Inspector was satisfied that on the balance of probabilities the appellant had not demonstrated that the use had commenced before December 2011, and a breach had therefore occurred. The ground c) appeal therefore failed.
- iv) On ground d) the Inspector noted no dispute that the alleged change occurred less than 10 years ago, and ground d) therefore failed.
- v) On ground f) the appellant argued that reducing the number of occupants to five would reduce the harm to satisfactory levels, however the Inspector had already considered this under ground a) and concluded it would not remedy the breach. This ground therefore failed.
- vi) On ground g) the appellant claims the period for compliance is unreasonable and suggests 12 or 24 months would be more so. He included reference to the need for eviction, and human rights. The Inspector noted the property was uninhabited at the time of inspection, and considered 12 months more than adequate to search for new accommodation. He therefore confirmed that the ground g) appeal succeeds and amended the notice compliance period to 12 months (from 16 weeks).

Subject to the variation in vi) above, the appeal was dismissed, the enforcement notice upheld, and planning permission refused on the deemed application.

5.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

24 September 2013

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