

Planning and Highways Committee

Tuesday 17 December 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
17 DECEMBER 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 - 8)
Minutes of the meeting of the Committee held on 26 November, 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. Proposed Closure of a Public Footpath Linking Wybourn House Road and Maltravers Place** (Pages 9 - 18)
Report of the Director of Regeneration and Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 19 - 134)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 41 Park Grange Mount** (Pages 135 - 140)
Report of the Director of Regeneration and Development Services
- 10. Record of Judicial Review Case Outcomes 2013** (Pages 141 - 146)
Report of the Director Of Regeneration and Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 147 - 150)
Report of the Director of Regeneration and Development Services

12. Date of Next Meeting

The next meeting of the Committee will be held on 7 January 2014

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

This page is intentionally left blank

Planning and Highways Committee

Meeting held 26 November 2013

PRESENT: Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Peter Price, Peter Rippon, Garry Weatherall, Joyce Wright and Tony Damms (Substitute Member)

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jayne Dunn and Councillor Tony Damms attended the meeting as the duly appointed substitute. An apology was also received from Councillor Bob McCann but no substitute was provided.

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 Alan Law declared an interest in respect of an application for planning permission for the siting of two wind turbines with a tip height of 34.5 metres at Hollin Edge Farm, Common Lane, Deepcar (Case No. 13/02433/FUL) as he resided near to the development site and had objected to other proposed turbines sites in the area as a former Stocksbridge Town Councillor and he vacated the Chair which was occupied by Councillor Tony Downing during consideration of this item and left the room prior to the Committee considering the item.

3.2 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.

3.3 Councillor Trevor Bagshaw declared a personal interest respect of an application for planning permission for the siting of two wind turbines with a tip height of 34.5 metres at Hollin Edge Farm, Common Lane, Deepcar (Case No. 13/02433/FUL) as a former Member of the Peak District National Park Planning Authority.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 5 November 2013 were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 22 October 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 Monday 16th December 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date and 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 (i) 23 additional representations, as outlined in a supplementary report circulated at the meeting and (ii) representations from 4 local residents speaking against the application and from the agent for the applicant speaking in favour of the development, an application for planning permission for the erection of retail unit (class A1) with associated car parking and means of vehicular access at the site of the former St. Johns Church, Sharrow Lane (Case No. 13/03495/FUL) be granted, conditionally;

(c) subject to the removal of condition 1, and having considered (i) amended conditions and 6 additional representations, as contained within a supplementary report circulated at the meeting and (ii) representations against the application from 3 local residents and a representation in support of the development from the agent for the application, an application for retrospective planning permission for site clearance and excavation works at land between Nos. 1 to 3 and Nos. 5 and 7 Dover Road (Case No. 13/03282/FUL) be granted, conditionally;

(d) subject to the removal of condition 1, and having considered (i) amended conditions and additional representations, as contained in a supplementary report circulated at the meeting and (ii) representations against the application from 5 local residents and a local ward Councillor and representations in favour of the development from the agent for the applicant, an application for planning permission for the demolition of single-storey extension to the rear of the property, erection of single-storey extension to the east of the existing building, alterations to existing elevations and formation of new pedestrian access from Ecclesall Road (as amended by plans received by the Local Planning Authority on 14th November 2013) at the former Polish Ex-Servicemans Club, 1-3 Dover Road (Case No. 13/02847/FUL) be granted conditionally; and

(e) having (i) considered (A) a supplementary report circulated at the meeting

detailing additional representations and an amendment to the summary and conclusion of the report now submitted and (B) a petition submitted at the meeting containing 349 signatures in support of the proposed development and (ii) heard six representations objecting to and one in support of the proposed development at the meeting, an application for planning permission for the siting of two wind turbines with a tip height of 34.5 metres at Hollin Edge Farm, Common Lane, Deepcar (Case No. 13/02433/FUL) be refused in accordance with the reasons stated in the report now submitted, with an amendment to (1) reasons 1, 3, 4 and 5 by the addition of the words “and Planning Practice Guidance for Renewable and Low Carbon Energy (2013)” at the end of each reason, as detailed in the aforementioned supplementary report and (2) reason 1 by the addition of the words “and would also have a significant impact on the immediate upland pastoral hills and ridges landscape and adjacent river valleys landscape and the nearby Peak District National Park. The two wind turbines would be a defining feature and have an adverse cumulative landscape impact in this immediate landscape” after the words “High Landscape Value”.

8. ENFORCEMENT OF PLANNING CONTROL: OAK LODGE FARM, THOMPSON HILL

8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a breach of planning control in respect of an unauthorised telecommunication mast at Oak Lodge Farm, Thompson Hill, High Green. The report stated that the mast was originally erected in July 2011, as an emergency under temporary permitted development rights, to maintain network coverage for a maximum period of 6 months. It was stated that whilst a planning application (Case No. 1200530/TEL) to retain the mast on site was refused planning permission, a further planning application (Case No. 12/00963/TEL) for an alternative location at the Farm was granted permission on appeal. In pursuing the re-siting of the mast in accordance with the permission that had been granted, the telecommunications company had cited that there was a delay due to negotiation difficulties with the new site owner.

8.2 The reasons given by the Planning Inspector for refusing planning permission for the mast remaining in its existing position were outlined in the report now submitted.

8.3 RESOLVED: That (a) the Director of Regeneration and Development Services and Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to remove the unauthorised telecommunications mast from the land at Oak Lodge Farm, Thompson Hill, High Green; and

(b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in Order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

9. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

9.1 The Committee received and noted a report of the Director of Regeneration and

Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team within the city.

10. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA

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

11. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE WEST AND NORTH AREA

- 11.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the West and North area and (b) further information provided by the Director of Regeneration and Development Services to Members' questions in respect of enforcement matters.
- 11.2 RESOLVED: That officers be requested to submit an update report on Dial House Club, Far Lane/Ben Lane (Item 12, Page 131) to a meeting of the Committee in to be held in January 2014.

12. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREA

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

13. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

14. DATE OF NEXT MEETING

- 14.1 It was noted that the next meeting of the Committee will be held on Tuesday 17 December 2013 at 2.00 pm at the Town Hall.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 17 December 2013

Subject: PROPOSED CLOSURE OF PUBLIC FOOTPATH
LINKING WYBOURN HOUSE ROAD AND
MALTRAVERS PLACE, WYBOURN, SHEFFIELD.

Author of Report: Mark Reeder 0114 273 6125

Summary: To seek authority to process the Highway Stopping-Up Order required to close the footpath linking Wybourn House Road and Maltravers Place in the Wybourn area of Sheffield.

Reasons for Recommendations: In order to facilitate the approved development (ref: 13/00638/FUL), it is necessary to permanently stop up this public footpath.

Recommendations:

1. To note that no objections are raised to the proposed closure of the footpath linking Wybourn House Road and Maltravers Place, as shown by hatching on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
 2. Authority be given to the Director of Legal and Governance to
 - a. take all necessary action to close the footpath under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.
-

Background Papers: None

Category of Report: *Open/~~Closed~~ *(delete as appropriate)

DIRECTOR OF REGENERATION AND DEVELOPMENT SERVICES

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
17 December 2013

PROPOSED CLOSURE OF PUBLIC FOOTPATH LINKING WYBOURN HOUSE ROAD AND MALTRAVERS PLACE, WYBOURN, SHEFFIELD.

1.0 PURPOSE

- 1.1 To seek authority to process the Highway Stopping-Up Order required to close the footpath linking Wybourn House Road and Maltravers Place in the Wybourn area of Sheffield.

2.0 BACKGROUND

- 2.1 On 22nd May 2013, planning consent was given for the erection of 88 dwellings with associated car parking accommodation and landscaping works on land between Wybourn House Road and Maltravers Place (ref: 13/00638/FUL). The Planning Application boundary is identified by a red line on the plan included as Appendix A.
- 2.2 In order to facilitate the approved development, it is necessary to permanently stop up the public footpath shown by hatching and solid black on the plan.
- 2.3 A location plan is attached as Appendix B.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Democratic Services has been consulted and has advised that, assuming the footpath shown hatched needs stopping up to allow the development to proceed, it would be appropriate to process the closure using the powers contained within Section 257 of the Town and Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject footpath is an adopted public highway linking Wybourn House Road and Maltravers Place.
- 5.2 An alternative route will be created off Wybourn House Road (see approved planning application plan attached as Appendix C) providing vehicular and pedestrian access to the new development with a pedestrian link to Maltravers Place. Consequently, closure of the footpath should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.3 There are two street lighting columns along the route that will require removal. The applicant is to arrange for their disconnection and removal following successful completion of the closure process and is currently liaising with the Highway Maintenance Contractor.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs accruing to Highway Maintenance Division in association with this closure application will be met by the applicant.
- 8.2 The cost of disconnection and removal of the Street Lighting will be met by the applicant.
- 8.3 There will be no increase in liability on the Highway Maintenance revenue budget as a result of this highway closure. If the application is successful the area will be de-accrued from the Highway Maintenance contract.

9.0 CONCLUSION

- 9.1 Based on the above information, the proposed closure of the footpath linking Wybourn House Road and Maltravers Place, shown by hatching on the plan included as Appendix A, is supported.

10.0 RECOMMENDATIONS

10.1 No objections are raised to the proposed closure of the footpath linking Wybourn House Road and Maltravers Place, as shown by hatching on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal and Democratic Services to

- c. take all necessary action to close the footpath under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

Steve Robinson
Head of Highway Maintenance

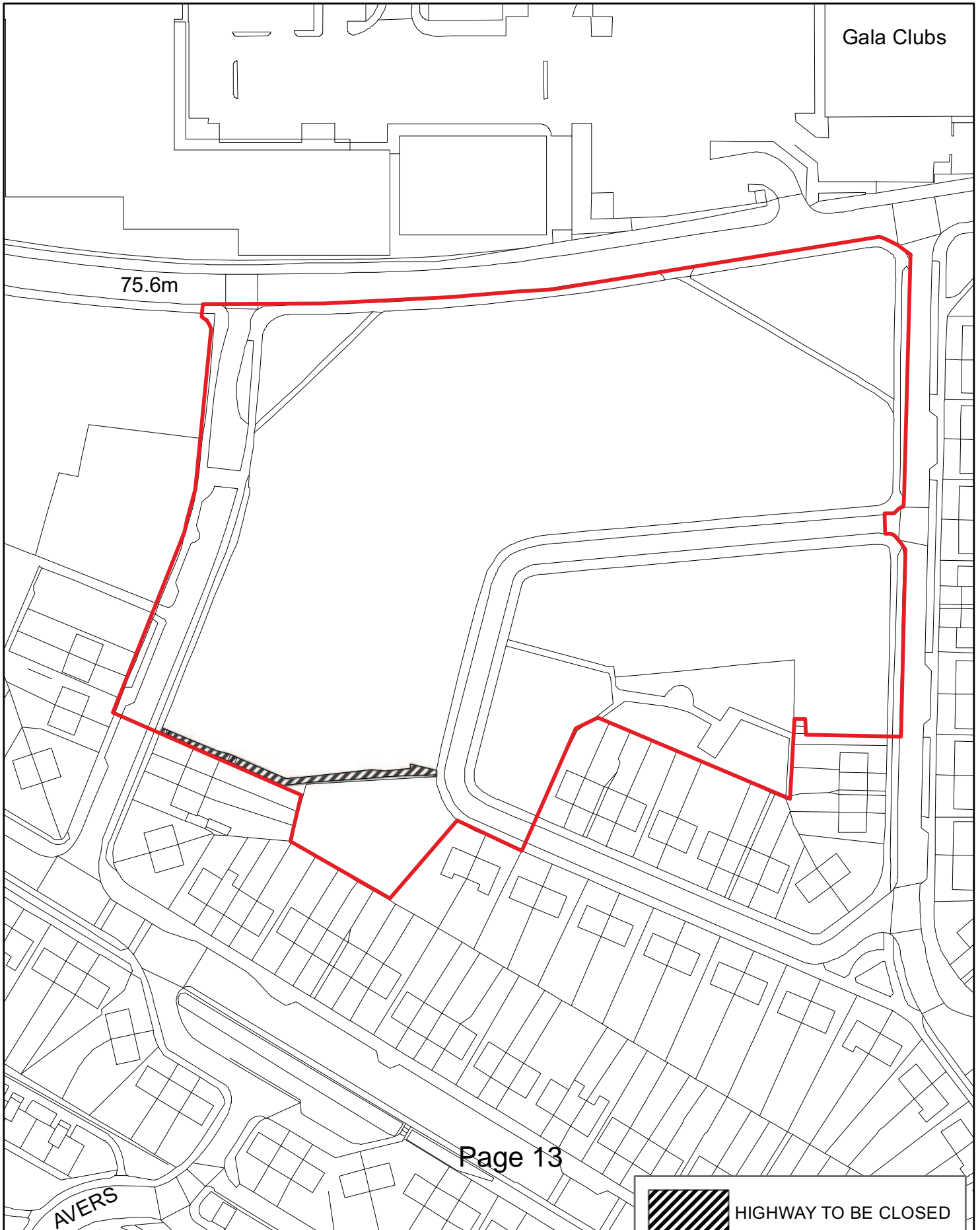
17th December 2013

APPENDIX A

N



Scale: 1:1,250

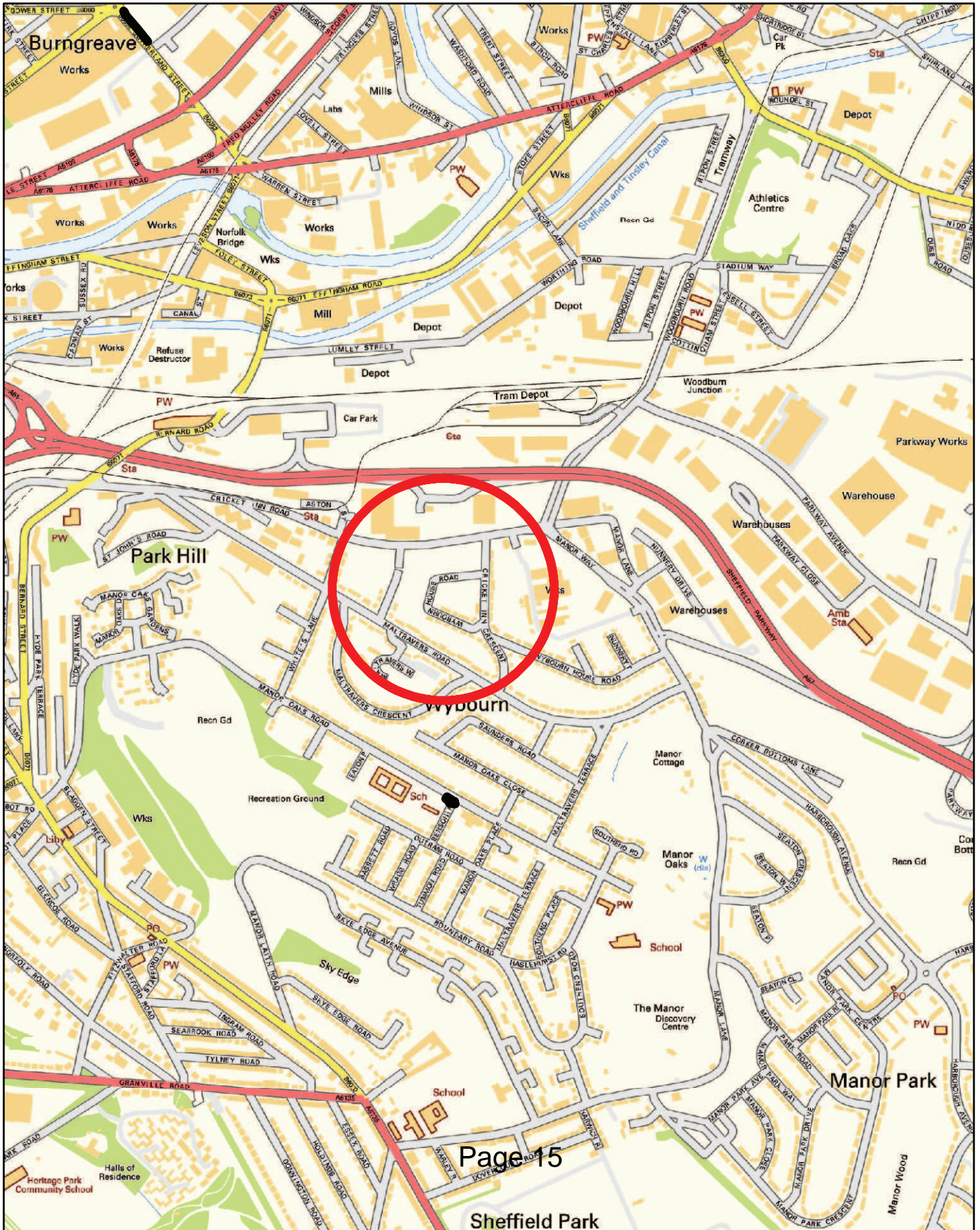


This page is intentionally left blank

APPENDIX B



Scale: 1:10,000



This page is intentionally left blank

APPENDIX C



New pedestrian route to be created

Footpath to be closed

AREA OF SITE INDICATIVE ONLY
NOT FOR ASSESSMENT AS PART OF THIS APPLICATION

PLANNING
DK-Architects
 101 St. John's Street
 Brighton, BN1 4JF
 01273 501000
 www.dk-architects.co.uk

Project Name: [Redacted]
 Project Location: [Redacted]
 Date: 20/11/17
 Drawing No: 1000 P 03
 Scale: 1:500 @ A3
 Status: [Redacted]

© 2017 DK-Architects. All rights reserved.
 This drawing is the property of DK-Architects and is not to be reproduced or used in any form without the prior written consent of DK-Architects.
 This drawing is intended for use in the context of the project and is not to be used for any other purpose.
 DK-Architects is a registered architect with the Architectural Association of Great Britain.

PHASE 1A: 25 Units (50)	PHASE 1B: 21 Units (42)	PHASE 1C: 40 Units (80)
4 x 1BED Apartments 8 x 2BED Houses 9 x 3BED Houses	5 x 2BED Houses 6 x 2BED Houses 12 x 3BED Houses	13 x 2BED Houses 24 x 2BED Houses 13 x 3BED Houses
AREA IN ADVANCE: 05 x 2BED Houses		

	PRIVATE ACCESS ROUTES Concrete paving flag		PUBLIC SQUARE Grass (square + corner fill)
	SHARED SURFACE STREETS Concrete unit pavements		PUBLIC FOOTPATH Grass
	LOCAL AMENITIES Landing and step pavements		PUBLIC HIGHWAY Grass (paving)
	PEDESTRIAN CROSSINGS Grass (paving) (crossing)		FOOTPATHS TO BE CLOSED Concrete unit pavements (corner fill)

This page is intentionally left blank



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 17/12/2013

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley, Lucy Bond and John Williamson Tel 2734556
2736329, 2734944

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.
13/03312/FUL	Curtilage Of 12 Chatsworth Road Sheffield S17 3QH	23
13/03281/FUL (Formerly PP-02875770)	89 Carr Road Walkley Sheffield S6 2WY	35
13/03160/FUL	87 Bowden Wood Crescent Sheffield S9 4EA	40
13/02775/FUL (Formerly PP-02832436)	261a, 1st Floor Flat 269 Fulwood Road Flats 1, 2 And 3, 271 - 273 Fulwood Road Sheffield S10 3BD	44
13/02621/ADV (Formerly PP-02806388)	87 The Moor (Unit 4) Sheffield S1 4PF	52
13/02270/FUL (Formerly PP-02755709)	Land Adjacent 39 Muskoka Drive Sheffield S11 7RH	57
13/01528/FUL (Formerly PP-02584441)	Globe II Business Centre 128 Maltravers Road Sheffield S2 5AZ	70
13/00155/FUL (Formerly PP-02105669)	Land At Hallamshire Drive And Adjoining 31 Canterbury Crescent Sheffield S10 3RW	117

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 17/12/2013

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	13/03312/FUL
Application Type	Full Planning Application
Proposal	Erection of dwellinghouse (In accordance with amended plans received 12 November 2013)
Location	Curtilage Of 12 Chatsworth Road Sheffield S17 3QH
Date Received	13/09/2013
Team	South
Applicant/Agent	Design Services (Chesterfield)
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:

The drawings numbered DSC. 506.10,

In order to define the permission.

- 3 Before construction works commence full details of the proposed facing, roofing materials shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 4 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 shall be formed in the side elevations of the dwelling hereby permitted.

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

- 5 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.

- 6 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.

- 7 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.

- 8 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.

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

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

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application relates to a parcel of land which fronts Vernon Road. The land currently forms part of the curtilage of 12 Chatsworth Road which is sited on a corner plot where Chatsworth Road meets Vernon Road. The existing property is a render, stone and tile built property which has a principal elevation that addresses both Chatsworth Road and Vernon Road. The host property is set within large front, side and rear gardens and a garage is set to the rear of the dwelling. A large drive gives access to the garage from Vernon Road. Beyond the garage and driveway there is a sizable garden space which is defined by various boundary treatments. A hedge and high fence face Vernon Road, whilst a mature hedge wraps around the corner of the host property onto Chatsworth Road.

The street comprises of properties which vary in size and architectural style. To the southeast, along Chatsworth Road, there are mostly large stone built properties which are set within long front and rear gardens; however, Vernon Road is characterised by mostly brick and render faced semi-detached properties. The area comprises of house designs from different periods and various infill plots have been built which also vary quite significantly in size and design. For example, to the east of the subject property there is a small bungalow which is very different to the large extended two storey detached property which adjoins the northwest boundary of the subject site.

The parcel of land for which this application relates to is set within a Housing Area as defined in Sheffield's Unitary Development Plan. The area is wholly residential in character.

This application seeks planning permission to separate the curtilage of 12 Chatsworth Road and erect one dwellinghouse to the northwest of the original dwelling.

PLANNING HISTORY

The parcel of land has been the subject of various planning applications. The most relevant applications included:

- The erection of a double garage. Granted consent in 1975, referenced 75/03926/FUL;
- The erection of a dwelling and garage. Refused consent in 1976, referenced 76/00094/FUL and dismissed at appeal;
- The erection of a dwellinghouse. Refused consent in 1988, referenced 88/01272/OUT. The application was refused for the following reason: "The Local Planning Authority considers that the site is of insufficient size to satisfactorily accommodate a dwelling and the proposed development would be detrimental to the amenities of the neighbouring residential properties".

REPRESENTATIONS

The immediate neighbouring properties to the site were notified of the proposal and as a result of the public consultation process, 7 representations have been received. A further representation has been received from Dore Village Society. The main planning concerns, which can be assessed in this planning application, can be summarised as follows:

- The property is set too close to the highway, too close to the neighbours and is too large for the plot, when compared with the neighbouring properties;
- The proposal would diminish the visual amenities of the area and be out of character;
- This proposal would be an infill plot which is contrary to the National Planning Policy Framework;
- The proposal would leave insufficient garden space for both existing and proposed dwellings and this is an overdevelopment of the site that would be out of character with the area in terms of density and scale;
- The proposal would overlook the neighbouring properties and reduce natural light;
- The proposal would potentially increase noise and general disturbance;
- The junction between Chatsworth Road and Vernon Road is already congested with parked cars and an additional house and driveway near to the junction would add to the problem and impede access to existing properties;

The above matters have been taken into account and are discussed in the subsequent report.

Concerns have also been raised that the existing garage which serves 12 Chatsworth Road will be converted into living accommodation and an additional garage will be built. Whilst this is noted on the plans, it also states that this will be subject to a further planning application. Accordingly, this application only deals with the erection of the single dwellinghouse and the issues that relate to that.

One of the representations raises concerns with the drainage of the site and potential problems that a new dwelling would create. This issue is not strictly a material planning concern given that building regulations ensure that any drainage provision associated with a development is adequate. However, if the proposal is considered to be satisfactory with regards to all other planning issues, a condition should be attached to any proposal to ensure that any hard landscaping is permeable and the amount of surface water run off, which could be detrimental to the nearby watercourses, and lead to flooding is limited and reduced.

The representations also state that the garden area, which is the subject of this application, has only just been cleared and was used as a garden up until 2011. They state that the applicant is factually wrong in stating that the land was last in use as a garden in 2005. No previous planning restrictions are in place on the site and the removal of any landscaping would not have required planning consent. In this respect, whilst it is noted that the application's supporting information does contain an error, the date when the site was cleared does not have any bearing on the subsequent planning assessment.

PLANNING ASSESSMENT

Policy Issues

The application site is situated within a Housing area as defined in the Unitary Development Plan. The most relevant local planning policies are therefore outlined in UDP policies H10, H14, BE5 and BE17. Furthermore, since the adoption of the Sheffield Local Plan Core Strategy policy document in 2009, policies CS24, CS26, CS31 and CS74 are also applicable.

Although the guidance outlined in the Local Planning Authority's Supplementary Planning Guidance: Designing House Extensions is specifically aimed at house extensions and not strictly relevant to a new dwelling, the guidance contains useful parameters for consideration of residential amenity issues.

The National Planning Policy Framework (NPPF) has now been adopted and is material in the assessment of this application. The NPPF is a material consideration and the local planning policies mentioned above are considered to conform to this document.

It is important to acknowledge that the key message that can be taken from the NPPF is a 'presumption in favour of sustainable development'. The document summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role).

Specifically with regard to Housing, the NPPF confirms the Government's key objective is increasing significantly the delivery of new homes, including increasing the supply of housing; delivering a wide choice of high quality homes and opportunities for home ownership; and creating sustainable, inclusive and mixed communities.

The development is an infill housing site and the NPPF discourages inappropriate development of residential gardens. In paragraph 53, the NPPF states that Local Planning Authorities should consider setting out policies which resist inappropriate development of residential gardens where they harm the local area. Core Strategy policies CS26 and CS31 seek to protect and enhance the character of the area.

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 lists 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 this policy.

The NPPF promotes the use of previously developed land; however, it places a strong emphasis on sustainability. Although the curtilage of the dwelling is not previously developed land, the presumption in favour of sustainable development would prevail here and the principle of development is considered acceptable.

In addition, the NPPF attaches great importance to the design of the built environment. It seeks to ensure planning decisions optimise site potential to accommodate development, whilst responding to local character and the identity of local surroundings.

As stipulated within UDP policy H10, 'Development in Housing Areas', housing is the preferred use of land within designated residential areas. Furthermore, the Core Strategy seeks to ensure that any proposal within the south west of the city is appropriate to the character of the area.

The property is set within a site which is part of a corner plot where Vernon Road meets Chatsworth Road. Whilst the dwellings along Vernon Road are fairly uniformed semi-detached properties which are set within modest sized gardens, many of the corner plots in the immediate surrounding area have been built up with dwellings which have most of their amenity space to the front and side. A significant number of dwellings surrounding the subject site are set within much smaller grounds than those on Vernon Road and Chatsworth Road.

The character of the immediate surrounding area is not characterised with any one dwelling style or size. Similarly, the way the properties are set within their respective sites also differs quite significantly. For example, numbers 1 and 3 Vernon Road, opposite the site are set at an angle to the road and are of two different styles when compared with the more uniformed semi-detached properties which are found further up the road. Furthermore, no. 10 Chatsworth Road is not set squarely in the middle of the site or two storeys in height, like the majority of the properties within close proximity.

Whilst the plot size of the proposed dwelling is smaller than most in the area, the development will result in an arrangement of properties that very closely mirrors those which exist around either side of the junction of Chatsworth Road and Bushey Wood Road, and would not therefore be out of character with the locality.

In 1988 an outline planning application was refused as it was considered that the site was insufficient in size for one dwelling and detrimental to the amenities of the area as a result. However, this application was an outline application which only had a site plan to be assessed. The site plan showed a dwelling foot print which was larger than this application and it was determined prior to all the current local and national planning policies. Little weight is therefore afforded to a decision that was made approximately 25 years ago.

The Supplementary Planning Guidance: Designing House Extension gives some guidance as to what can constitute overdevelopment of a plot. Guideline 4 states that 50 square meters of amenity space should be provided and that 10 metres between the rear elevation and the rear boundary should normally be required. The site would provide well in excess of 50 square metres to both proposed and existing dwellings. The distance to the rear boundary, however, is only 8 metres. The distance to the rear boundary, as stated within the SPG, relates to maintaining minimum privacy levels. This element is discussed in more detail below.

The Core Strategy states that any new development should use land efficiently and outlines potential housing densities. Core Strategy policy CS26 states that subject to the character of the area being protected, densities will vary according to the accessibility of location and whether the area is an urban area or not. The policy states that within urban areas housing densities should be between 30 and 50 dwellings per hectare. However, it states that densities outside these ranges will be allowed where they achieve good design and reflect the character of the area.

The surrounding area is currently defined by a housing density of approximately 20 dwellings per hectare. The density of the application site, based upon the size of the site and the number of proposed dwellings, would produce a density of 23.4 dwellings per hectare. Whilst the proposal is strictly lower than the density prescribed in policy CS26, the density is more akin to that of the surrounding area. The proposal has a higher density than the immediate surrounding area; however, this represents a more efficient use of the land as required by policy CS26. Accordingly, the location of the properties enables the proposal to reflect the character of the area whilst efficiently using housing land. The overarching aim of the Council's Core Strategy policy CS26 and those of the NPPF are therefore considered to have been met.

Owing to the above reasons, the principle of development on the site is considered to be acceptable. There is no single defining character for the area which this proposal would conflict with and the proposed density of the site is akin to that of the surrounding area. The character and principle of the proposal is therefore considered to accord with policies CS24, CS26, CS31 and UDP policy H10 and the NPPF.

Design Issues

Policies H14 and BE5 of the UDP, seek high quality designs that enable a proposal to fit in comfortably with their surroundings. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs.

This application seeks permission to erect a two storey detached dwellinghouse within a parcel of land sited between no.4 Vernon Road and 12 Chatsworth Road. The proposed property would sit slightly forward of the neighbouring property no. 4 Vernon Road, but no further forward than the closest point between the road and 12 Chatsworth Road. The property would have a traditional hipped roof that is similar to other properties within the street. An integral garage is also incorporated within the design and this is served by a driveway. The proposed scheme has been amended slightly and the dwelling has been re-positioned more centrally within the site to allow it to better reflect the form and layout of neighbouring plots. There is now at least one metre between the shared boundaries and the side elevations.

The proposal would use a palette of materials that would include brick, render and tiles. There are a variety of materials used on the buildings within the surrounding area and the proposal is considered to be similar to the character of the semi-detached properties further up the road. The properties further up the road are of a similar construction to the one proposed and have a brick lower half and a rendered first floor. Such materials are also found on the immediate neighbouring properties. With a wide variety of architectural styles in the area, the design is considered to be acceptable and not harmful to the visual amenities of the wider area or immediate street scene.

The surrounding area comprises of properties which are set within a variety of garden sizes. The amended proposal has been set in from the boundaries and is set back from the street. The proposal incorporates a driveway and garage but still retains a modest sized front garden. It is therefore considered that the setting of the proposal is typical of the surrounding area. Moreover, the front garden would incorporate areas of soft landscaping and such landscaping would reduce the visual impact of the proposal. Subject to any approval being granted, a landscaping condition should be attached to the consent to ensure that the character of the area is preserved.

The proposed siting, size, built form and details of the proposed dwellings are not considered to be detrimental to the character and appearance of the surrounding area. As such, the Council's policies, BE5, BE17, H14 and CS74 are considered to have been met.

Amenity Issues

UDP policy H14 seek to protect the amenities of the neighbouring properties and those of the proposed dwellings. The key issues relate to overshadowing and loss of light and protecting minimum levels of privacy.

The proposed dwelling is set within front and rear gardens and would have a ridgeline which would be approximately 1 metre lower down than neighbouring property no.4. The property is sited so that the building would not cut a 45 degree angle taken from the ground floor windows of the neighbouring property no.4 and in this respect, the proposal is not considered to significantly overbear/ overshadow this neighbouring property.

Similarly, given that there is a detached building on the shared boundary between the subject property and the neighbouring property no. 10 Chatsworth Road, it is not considered that the proposal would significantly reduce the amount of light to the rear facing windows of this property.

The proposed scale and massing of the dwelling is akin to other properties within the street and the design, has incorporated a hipped roof which limits the overall massing of the building. The topography of the land means that the building would be set lower than the immediate neighbouring property no.4 whilst being similar in height to that of 12 Chatsworth Road. The overall design and siting of the proposed dwelling is not considered to significantly overbear upon the neighbouring properties or reduce natural light to an unacceptable level to warrant a refusal of planning permission on these grounds alone.

The windows in the proposed dwelling face out onto the public highway and the rear garden. Whilst a side window was originally proposed, this has been removed from the amended plans. The front facing windows look out onto the public domain and are over 21 metres away from the neighbouring property no. 1 Vernon Road. This separation distance is in accordance with SPG guideline 6 and, together with the fact that the views afforded to these front windows is of the public domain, it is considered that these windows would not adversely affect the privacy of the immediate neighbouring property.

The rear windows face out onto a rear garden of 8 metres in length, which is strictly contrary to guideline 4 of the Supplementary Planning Guidance 'Designing House Extensions'. It is important however to consider the impact of this rather than to slavishly apply the guidance. In addition, in 2008 changes to the General Permitted Development Order were made which allowed properties to extend to the rear of the property at two storey level, provided that 7 metres is left between the rear of the extension and the rear boundary of the site. This change in national legislation is also therefore relevant.

The proposed rear facing windows at ground floor level will have an outlook onto a boundary fence and accordingly, these are not considered to be problematic. Furthermore, the proposal has limited the number of rear facing first floor windows and of the two windows proposed, one would be fitted with obscure glass as it serves a bathroom. The rear facing bedroom window has a direct outlook onto the rear garden and the roof of the detached garage which is set within the curtilage of neighbouring property no. 10 Chatsworth Road. It is considered that owing to the 8 metre distance to the rear boundary, together with the boundary fence and garage roof sited in the neighbouring property's garden, the first floor bedroom window would not be detrimental to the privacy levels of the immediate neighbouring properties. The arrangement of the windows, together with the circumstances of the site, is considered to be acceptable in this instance and satisfactory with regards to UDP policy H14.

The neighbouring property, no. 4 Vernon Road, has a first floor side window that is sited close to the shared boundary and which has an outlook onto the rear gardens of the subject property and no 10 Chatsworth Road. The window was the subject of a separate enforcement case in 2006 which was closed after obscure film had been fitted and an enforcement officer visited the site. The film has since been removed from the window and the window has clear glass fitted. The window overlooks neighbouring property no.10 Chatsworth Road and also compromises the privacy levels of the existing garden of no 12 Chatsworth Road, for which the proposed dwelling would be sited upon. The condition which was placed on the planning consent for the extension at 4 Vernon Road should be enforced in order to provide a sufficient level of privacy between all current neighbours, and the future occupants of the site. Regardless of the outcome of this application, such matter will be investigated further by Planning Enforcement officers. It would not therefore be reasonable, in the circumstances to resist planning permission for this development on the basis of an overlooking situation created by an existing breach of planning control that is capable of being, and intended to be rectified.

Highways Issues

The proposed dwelling has provided a garage and large driveway which could accommodate two vehicles. The dwelling is a three bed detached property and the proposed number of off street parking spaces is considered to be acceptable in terms of the Council's parking guidelines.

No records outline any serious accidents at the junction between Chatsworth Road and Vernon Road. The driveway is set approximately 25 metres from the junction and this is further away from the junction than the immediate neighbour. Given that the proposal does provide sufficient off street parking, it is not considered that the proposal would increase on street parking to a level that would severely impact

upon highway safety. The proposal is not therefore considered to be contrary to UDP policies with regards to highway safety.

SUMMARY AND RECOMMENDATION

The proposed design is considered to be sympathetic to the surrounding built area and it is considered for the above reasons, that the site can comfortably accommodate a dwelling without being detrimental to the visual amenities of the area.

Furthermore, owing to the design of the proposed dwelling, together with its siting, it is not considered that the extension would have a significant impact upon the amenities of the neighbouring properties.

The proposal is considered to be acceptable in terms of its scale, built form, massing, materials and details. It is therefore considered that the proposal would be satisfactory with regards to policies H14, BE5, BE17, CS24, CS26, CS31, CS74 and the NPPF.

Accordingly, the application is recommended for approval.

Case Number 13/03281/FUL (Formerly PP-02875770)

Application Type Full Planning Application

Proposal	Single-storey rear extension to dwellinghouse (as amended email received 02.12.13)
Location	89 Carr Road Walkley Sheffield S6 2WY
Date Received	26/09/2013
Team	West and North
Applicant/Agent	Mr Andy Van Vliet
Recommendation	Grant Conditionally

Subject to:

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

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

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

As amended by email received 02.12.13

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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



© Crown copyright and database rights 2013 Ordnance Survey 10018816

Location and proposal

The site is located within the Walkey district of Sheffield. The application relates to a detached dwelling, which benefits from an existing single storey rear extension which projects approx. 3m to the rear. The site is located within a Housing Area as allocated in the adopted Sheffield Unitary development Plan.

Planning permission is being sought for the erection of a single-storey rear extension. Plans have been amended which show a reduction, of approx. 1m in the height of the proposed extension. Proposed materials will be white render and shingles to external walls, with UPVC windows plus a green flat roof.

Summary and Representations

No representations have been made.

Planning Assessment

The site is within a Housing Area as defined within the UDP. Policies relevant to such areas and in particular to this development is Policy H14, which states amongst other things that there should be no detriment impact on the neighbouring properties also the policy stipulates that the design and construction of any new development must integrate with the existing. Policy BE5 'Building Design and Siting' states amongst other things that extensions should be well designed and respect the scale, form and detail of the original building and surrounding area. Weight is also given to the guidelines stipulated within the adopted SPG, designing house extensions.

The proposed rear extension will project approx. 4.7m to the rear from the existing rear single storey extension which currently projects approx.3m to the rear, giving a total of a 7.7m extension and will run across the rear wall by approx. 4m from the western boundary. The extension will be set from the side of the dwelling facing east by approx.3.5m.

No.87 Carr Road is a detached cottage and is set back from the rear building line of No.89 by approx.5m and is situated slightly lower than the ground level of No.89 by approx.1m. as the proposed extension is set approx. 6m from the side boundary and due to its single storey nature this neighbouring property will have no detriment to the living conditions of this neighbouring property in terms of overbearing, overlooking or over shadowing.

No.91 is the adjoining neighbouring property located to the north-west boundary. This property is elevated approx. 1m from the ground level of No.89 and is separated by fencing and mature vegetation. The height of the proposed extension will be approx. 2m from ground level of this neighbouring property and whilst this is slightly over the standard 1.8m high fence, it is considered that as this neighbouring property also entails a single storey extension to the rear and is elevated with mature vegetation running along the shared boundary, the difference of 200mm is marginal and will not cause any significant harm or detriment to the

living conditions of this neighbouring property in terms of overbearing, overlooking or over shadowing due to the site situation.

It is considered that in this instance due to the relationship with the neighbouring properties and the size of the site curtilage, (the rear garden extends approx.30m to the back boundary), the proposed extension can be comfortably accommodated and is not considered overdevelopment, nor will it comprise the living conditions of its neighbouring properties.

The proposed extension is well designed and will integrate well with the existing. It is therefore considered that the proposal is acceptable in terms of SPG guideline and UDP policy H14.

Recommendation

The proposal is considered to be acceptable in terms of its scale, built form, massing, materials and design and is therefore considered to be satisfactory with regards to SPG guidelines and UDP policy H14.

Accordingly, the application is hereby recommended for approval.

GRANT

Case Number	13/03160/FUL
Application Type	Full Planning Application
Proposal	Erection of conservatory to rear of dwellinghouse (retrospective application)
Location	87 Bowden Wood Crescent Sheffield S9 4EA
Date Received	05/09/2013
Team	City Centre and East
Applicant/Agent	Mrs J Bonsall
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the conservatory is overbearing in relation to adjoining residential property resulting in unacceptable living conditions for occupiers of the adjoining property. As such the development is contrary to Policy H14 of the Unitary Development Plan and Guideline 5 of the approved Supplementary Planning Guidance on Designing House Extensions.

Attention is drawn to the following directives:

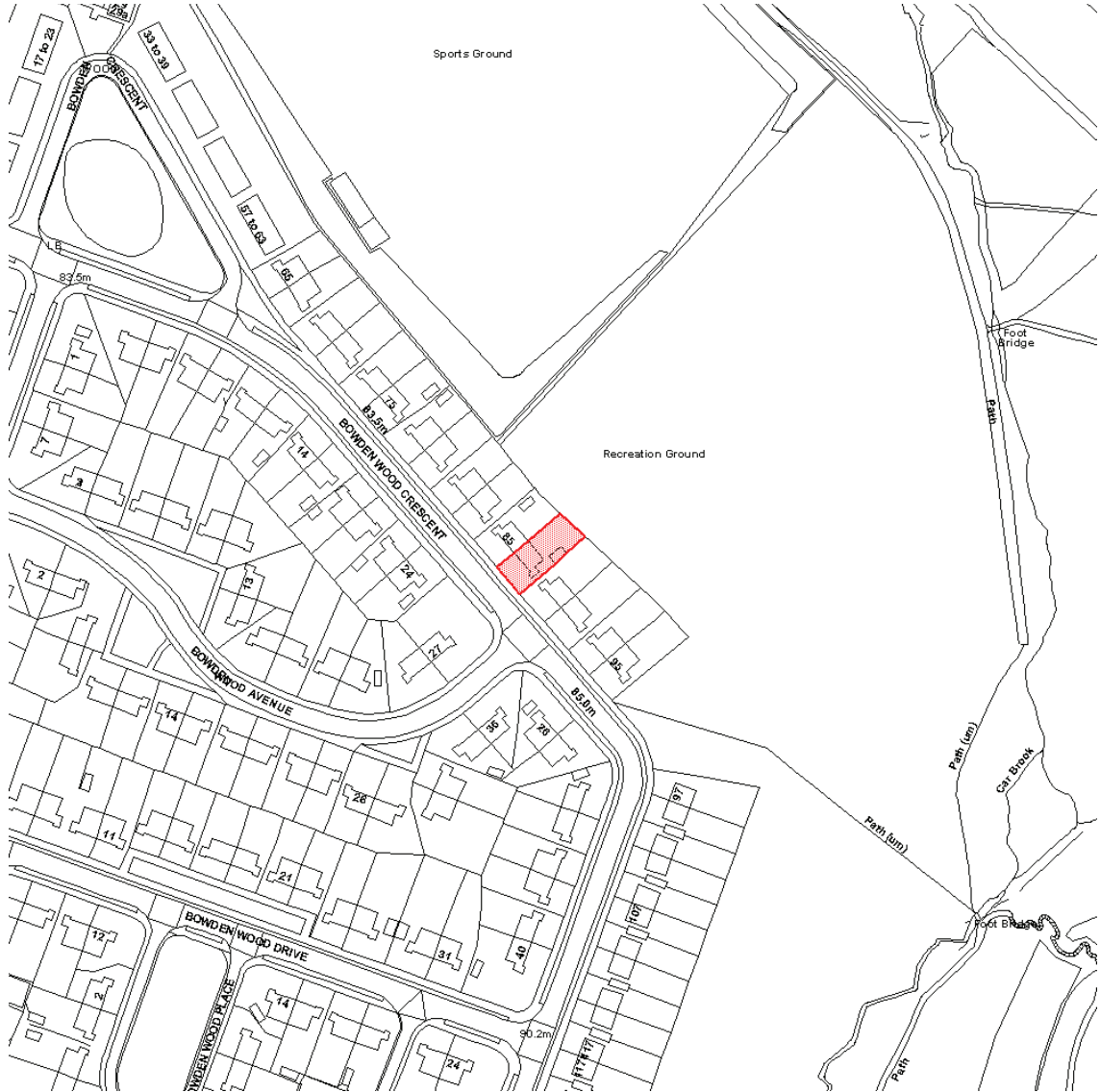
1. The Director of Regeneration and Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the conservatory.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

The Local Planning Authority will be writing separately on this matter.

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

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application relates to a brick built semi- detached property located on a residential road within a Housing Policy Area as defined by the UDP. The immediate area is characterised by similar semi- detached properties.

The application seeks approval for the retention of a conservatory which has been built to the rear of the property. The conservatory which extends out 4.66m from the rear of the dwelling is built out adjacent to the boundary with the adjoining semi- detached property.

RELEVANT PLANNING HISTORY

There is no relevant planning history

SUMMARY OF REPRESENTATIONS

One letter has been received from the occupier of the adjoining semi which raises concern that the conservatory which is built 34cm from the neighbours' boundary fence with an overall height of 3.7m causes loss of light to the rear facing ground floor rooms of that neighbours' property. In addition there are concerns that the conservatory which has a breeze block finish facing towards the neighbours property is unsightly.

PLANNING ASSESSMENT

Policy Issues

The application property is sited within a Housing Policy Area as defined by the UDP. The most relevant planning policy in determining this application is outlined by Policy H14 'Conditions on development in Housing Areas' which states that development will be permitted provided that it doesn't deprive residents of light, privacy or security or cause serious loss of existing garden space.

Weight is also given to guidelines stated within the adopted Supplementary Planning Guidance (SPG) on Designing House Extensions which explains how this will be put into practice. Guideline 5 states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided and indicates that 'a single storey rear extension built adjacent to another dwelling should not extend more than 3 metres beyond that other dwelling'.

Also of note are recent changes to the General Permitted Development Order which permit larger house extensions (up to 6m deep on semi-detached properties) until May 2016 subject to the neighbours raising no objections. However as the conservatory has already been built planning approval is required as this process cannot be undertaken retrospectively. In addition if the applicant had applied for prior notification under this process prior to the Conservatory being built the Council would still have been able to assess the impact of the conservatory on the neighbour as an objection has been received.

Amenity Issues

The adjoining semi-detached property at 85 Bowden Wood Crescent has not been extended and its rear elevation is sited in line with the original rear elevation of the application property. The boundary between the two properties is marked by a 1.5m high timber fence which has previously been erected by the occupiers of the neighbouring property. The two properties are orientated so that their rear elevations face North East.

The conservatory which is inset approx. 0.3m from the boundary line has an eaves height of 2.6m and overall height of 3.7m. The side wall of the conservatory which faces the boundary with the neighbouring property is of solid construction. The submitted plans indicate that if permission is granted the side wall will be rendered. The upper 1.1m of the side wall and roofline to the conservatory are clearly visible from the rear of the neighbouring property over the boundary fence.

As built the conservatory extends out 1.66m further than that permitted by the approved SPG. The result is the creation of a high wall in close proximity to the boundary which appears overbearing to neighbours and due to the relative positioning and orientation of the two dwellings will lead to overshadowing of the neighbours rear facing windows from early morning sunshine. This is because the conservatory is located to the south-east of the neighbouring garden.

The council is not aware of any special circumstances which would enable a larger extension to be deemed acceptable in this location

Notwithstanding the above concerns the conservatory is well designed with glazed pitched roofline which slopes away from the boundary with the adjoining neighbour. The proposed render finish whilst not matching the original brick appearance to the original property will not be visible from the highway and will not detract from the wider visual amenities of the locality.

SUMMARY AND RECOMMENDATION

The conservatory, as built, is contrary to the Council's approved Supplementary Planning Guidance on Designing House Extensions and due to its excessive projection in close proximity to the boundary line and its position to the south-east of the adjoining house and garden appears overbearing to and causes unreasonable overshadowing of the adjoining property.

It is therefore recommended that the application is refused and that the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the conservatory.

It is also recommended that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives confirmed, including taking action to resolve any associated breaches of planning control.

Application Type	Full Planning Application
Proposal	Retention of UPVC windows, soffits and fascias to front elevation and repainting stone lintels and string course
Location	261a, 1st Floor Flat 269 Fulwood Road Flats 1, 2 And 3, 271 - 273 Fulwood Road Sheffield S10 3BD
Date Received	16/08/2013
Team	South
Applicant/Agent	Mr D Walsham
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that owing to the replacement window designs, which includes the frame widths, their poor detailing, and materials; the number and concentration of replacement windows; and the inappropriate colour and finish to the stone cills and string course, the unauthorised alterations to the properties fail to respect the character and distinctiveness of the host properties, and result in substantial harm to the appearance of the terrace of properties within which they are located, and the Broomhill Conservation Area. As such they undermine the aims of the Conservation Area designation, the imposition of Article 4 Directions within the area, and are contrary to the aims of Policies BE5, BE15, BE16, BE17 and S10 of the Unitary Development Plan for Sheffield, Policy CS74 of the Sheffield Local Plan Core Strategy, and paragraphs 131-133 of the National Planning Policy Framework.

Attention is drawn to the following directives:

1. The Director of Regeneration and Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the conservatory.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

The Local Planning Authority will be writing separately on this matter.

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems

arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application relates to 5 individual flats which are located at 261a Fulwood Road, (1st floor flat at) 269 Fulwood Road, and flats 1, 2 and 3 at 271-273 Fulwood Road. The flats are positioned on the upper floors above the commercial units on the ground floor, and make up a terrace which runs from 249 Fulwood Road to 283 Fulwood Road, which then turns the corner at the junction of Glossop Road. The terrace is in a prominent location within the busy district centre of Broomhill Conservation Area.

The property is situated within both the Broomhill Conservation Area and a District Shopping Centre, as defined in the Unitary Development Plan. The application property has been subjected by the Local Planning Authority to the Article 4(1) Direction where permitted development rights have been removed.

The original good quality, traditionally proportioned timber sliding sash windows in the front elevations of all 5 properties have been replaced with uPVC frames, the soffits and fascia's have been replaced with uPVC and the stone cills and string course have been repainted.

This application therefore seeks retrospective planning permission for their replacement and has been submitted in response to enforcement officer investigations. It is considered that the change from timber windows, soffits, and fascia represent a material alteration in the external appearance of the building which in itself requires planning permission, and in addition the Article 4(1) Direction removes the right to paint the stone cills, and string course.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to these properties.

SUMMARY OF REPRESENTATIONS

There have been no representations received following publicity given to the application, however the initial enforcement investigation was initiated by a complaint about the windows from a member of the public, aware of the need for planning permission.

PLANNING ASSESSMENT

Policy Issues

The application property is set within a District Shopping Centre and the Broomhill Conservation Area. The application is to be assessed, therefore, against Unitary Development Plan policies S10, BE5, BE15, BE16 and BE17.

In March 2009, the Core Strategy Policy Document was adopted and this forms part of the Sheffield Development Framework. It is considered that it is in accordance with the principles of the National Planning Policy Framework. Core

Strategy policy CS74 is therefore also relevant to the assessment of this application.

UDP policy S10 'Conditions on Development in Shopping Areas' and BE5 'Building Design and Siting' state that any development will be high quality and well designed and of a scale and nature that is appropriate to the site and enable a proposal to fit in comfortably with their surroundings, without being detrimental to the visual amenities of the area. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

Policy BE15 Areas and Buildings of Special Architectural or Historic Interest, says that development that would harm the character or appearance of Conservation Areas will not be permitted. Policy BE17 Design and Materials in Areas of Special Architectural or Historic Interest, requires a high standard of design using traditional materials with Policy BE16 Development in Conservation Areas stating that development in Conservation Areas is required to preserve or enhance the character and appearance of that Conservation Area.

The National Planning Policy Framework (NPPF) provides guidance for policy formulation and determining planning applications, and paragraphs 126 to 141 relate to 'Conserving and enhancing the historic environment'. Paragraphs 131 to 133 require planning authorities to take account of the positive contribution that conservation of heritage assets can make to communities, to give great weight to the conservation of heritage assets (this includes conservation areas) and to refuse permission where a development will lead to substantial harm unless the harm is necessary to achieve substantial public benefit.

Design Issues

The application relates to 5 flats which form part of the terrace fronting onto Fulwood Road within the heart of the Broomhill commercial area, and the Broomhill Conservation Area. The flats originally had timber framed sliding sash windows and these windows give the buildings within the conservation area their character. The windows that have been removed were of a very traditional form, with fine detailing, including relatively rare examples of smaller side panes within the sashes which is not a common feature in the city. As a group of windows they contributed significantly to the character of the terrace and the wider Conservation Area. These windows were in situ before recently being removed and replaced with uPVC windows.

The Broomhill Conservation Area Appraisal which was adopted on 17 December 2007 refers to the loss of architectural features and poor quality replacement windows which have spoiled the external appearance of buildings and the local street scene. This includes the removal of original timber windows, and their replacement with uPVC.

The Appraisal recommended that in order to prevent further, small scale, incremental erosion of the character of the Conservation Area, an Article 4 Direction could be imposed, removing Permitted Development rights for such

works. An Article 4(2) Direction was imposed in October 2009 following consultation with local residents and property owners which relates to dwelling houses, and an Article 4(1) Direction which relates to commercial properties and flats came into force later that year which brings further control.

New windows have been installed at first floor level to No. 269a, and to the first and second floor levels at No's 269,271 and 273. The uPVC windows which have been installed are all casement windows which have bottom opening windows and no glazing bars. These clearly do not reflect the historic window opening mechanism found in this or other traditional buildings in the conservation area. The thicker frames and glossier finish that result from uPVC and the lack of finesse in the detailing results in the windows being wholly out of keeping with the character and detailing of the host properties, and the wider conservation area, especially in such a prominent location, and to such a high proportion and concentration of the windows within the terrace.

There are a number of UPVC windows within the terrace, that existed prior to the introduction of the additional controls however these windows do not set a precedent for further poor quality development, and over time through exercise of planning controls, these windows would be expected to return to timber.

More importantly, there remain original timber sliding sashes within the terrace and before the works subject of this application were carried out 10 out of the 12 properties between No's 255 and 277 has original timber sliding sash windows which amounts to 83%. Since these alterations have taken place, there are now only 5 out of the 12 properties, (there is 1 other unauthorised at No. 277, which is being investigated) resulting in only 41% having the original timber windows. This in turn has dramatically changed the appearance of the terrace.

The fascias and soffits have also been replaced at No. 269, 271 and 273, however it does appear that they replaced a previous uPVC fascia and soffit. Therefore as the change is minimal, and there has been no loss of an original feature, it will not create any additional adverse effect on the appearance of the terrace and the street scene.

The stone cills and string course to the windows of the properties at No. 269, 271 and 273 have all been painted. These have been painted in an orange colour which is a colour which is not traditionally found on such features on a building of this age. The features would originally have been stone, and therefore an orange paint finish is unacceptable, having a negative impact on the appearance of the building, terrace, street scene and Broomhill Conservation area.

A recent appeal relating to a nearby property at 24 Ashgate Road which featured uPVC mock sashes and included glazing bars and horns, is relevant as a material consideration, and is reported for Members elsewhere on this agenda. The appeal was dismissed, with the inspector concluding that uPVC windows harm the character and appearance of the host property, failing to preserve or enhance the appearance of the Broomhill Conservation Area. This decision supports the aims of the Article 4 Directions and the Conservation Area designation.

By exercising strict control over even minor alteration to buildings within the Conservation Area, the character of the Conservation Area will gradually be restored, through incremental enhancement rather than erosion of character, fulfilling the aims of the Conservation Area designation and the subsequent implementation of the Article 4 Directions.

It is clear that the windows, and painting of the stone features do not respect the form and detailing of the original timber/stone features. The width of the window frames, together with the detailing and plastic appearance of the opening casements, are disrespectful to the character and detailing of the original building along with the use of orange paint to the stone cills and string course, and is contrary to the UDP policy S10 and BE5, BE15, BE16 and BE17.

There is no public benefit in the proposal that, in accordance with the NPPF should be balanced against the substantial harm caused by the alterations. The alterations do not sustain and enhance the Broomhill Conservation Area heritage asset, and indeed the loss of original features has a substantial damaging effect. In accordance with paragraph 133 of the NPPF planning permission should therefore be refused.

Amenity Issues

The windows within this application solely relate to existing window openings. No new openings have been created and as a result of this, the application is not considered to give rise to any amenity issues. In this respect, the proposal would not be contrary to UDP policy S10 (b) which seeks to ensure the amenities of any neighbouring properties, such as privacy levels, are retained.

ENFORCEMENT

As this application seeks permission to retain the uPVC windows that have already been installed to the property, and paint to the stone cills and string course, enforcement action will be required to remedy the situation, if Members agree to the decision recommended in this report. No further action is recommended in respect of the soffit and fascia.

It is therefore requested that the Director of Development Services or Head of Planning be authorised to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised uPVC windows, and paint to the stone cills and string course and their replacement with suitable alternative as specified in any notice.

SUMMARY AND RECOMMENDATION

This application, seeks authorisation to retain uPVC windows to the first floor on the front elevation of 261a Fulwood Road, and to the first and second floors at 269, 271 and 273 Fulwood Road, along with retaining the orange paint finish to the stone cills and string course for 269, 271 and 273 Fulwood Road, and uPVC fascia and soffit.

The windows installed are of very poor quality and do not respect the character and detailing of the original buildings, or the surrounding conservation area. The materials, width and detailing of the windows are considered to constitute an incremental erosion of the character of the area and as such, are deemed to be visually prominent within the street. In addition, their number and concentration within the terrace, and their prominent location exacerbates such concerns.

The orange painted stone cills and string course are also considered to be detrimental to the character of the Conservation Area in that the colour and painting is not a traditional treatment of these features. The uPVC replacement fascia and soffit however, although unauthorised, replaced a previously existing almost identical feature, and it would therefore be considered unreasonable to resist the retention of this.

If accepted, such a proposal would undermine efforts to enhance and preserve the architectural merits of the Broomhill Conservation Area, and be contrary to recent Planning Inspector decision for a nearby property at 24 Ashgate Road.

Owing to the reasons outlined in the above report, the proposal is considered to be contrary to UDP policies BE5, BE15 BE16, BE17, S10, Core Strategy policy CS74, and paragraphs 131 – 133 of the National Planning Policy Framework. Accordingly, the application is recommended for refusal.

It is recommended that planning permission is refused and that the Director of Development Services or Head of Planning be authorised to take any appropriate action, including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the uPVC windows, and removal of the orange paint finish applied to the stone cills and string course.

Should it be necessary, it is also requested that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Case Number	13/02621/ADV (Formerly PP-02806388)
Application Type	Advertisement Consent Application
Proposal	Installation of two internally illuminated fascia signs and two projecting signs
Location	87 The Moor (Unit 4) Sheffield S1 4PF
Date Received	05/08/2013
Team	City Centre and East
Applicant/Agent	HLP UK Ltd
Recommendation	Refuse with Enforcement Action

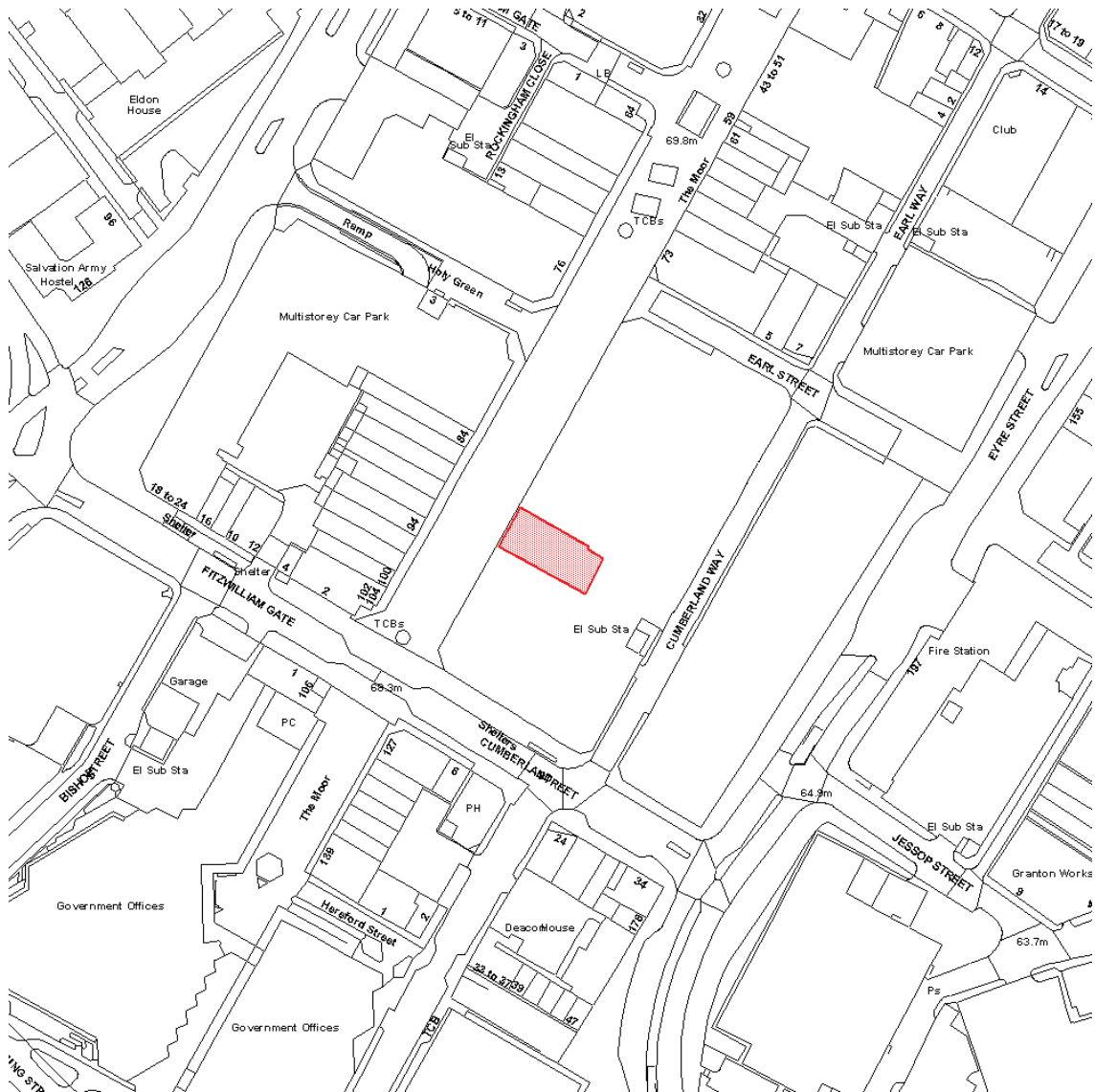
Subject to:

- 1 The proposed signs are considered, on account of their number, size, design and siting, to be out of keeping with the new building upon which they are being displayed, adversely affecting the high quality regeneration of The Moor currently in progress, and thereby detracting from public amenity, from the visual appearance of the building and from the character of the area generally. The proposed signs are therefore considered to be contrary to the National Planning Policy Framework and to Policy BE13 of the adopted Unitary Development Plan for Sheffield which requires that signs should not harm the character or appearance of the area, and that the design of all signs should be co-ordinated where the scale of the development requires it.

Attention is drawn to the following directives:

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

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

This building is one of a row of large ground and first floor shop units recently built on the south east side of The Moor below the new Moor Market entrance. The front façade is fully glazed and is divided vertically with an intermediate stone pilaster.

The initial proposal was two internally illuminated fascia signs and two projecting signs. The revised proposal is two internally illuminated fascia signs and one projecting sign.

ASSESSMENT

Policy BE13 of the adopted Unitary Development Plan permits illuminated advertisements if they would (i) not be a traffic hazard, and (ii) not harm the character or appearance of the area. Where the scale of a development requires it, the design of all signs and advertisements will be co-ordinated.

The National Planning Policy Framework (NPPF) recognises that poorly placed adverts can have a negative impact on the appearance of the built environment and that they should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. This is consistent with the UDP policy referred to above.

The initial proposal showed two projecting signs, one at each end of the shop front, presumably positioned on the large pilasters shared with the adjoining shop units, although this is somewhat unclear from the submitted drawings, which are diagrammatic rather than accurate. One or both of these could have been in conflict with similar projecting signs on the adjoining units. This proposal failed to consider the neighbouring shop units' requirements and was considered unacceptable.

The revised drawings show the number of projecting signs reduced to one, positioned on the intermediate pilaster, which is considered to be a natural location for a projecting sign and acceptable.

The fascia signs initially proposed extended from one side of this large shop front to the other, dominating the building in a visually damaging and unacceptable way. In addition, both signs were identical carrying the primary message "Poundland" with logo and the words "Amazing Value Everyday" and "www.poundland.co.uk" as a secondary message. This duplication is considered excessive, cluttered and unsightly on a newly constructed and elegant building.

The applicants were advised to provide individual letters with internal illumination supported on stainless steel rails, a design found to be acceptable on the neighbouring shop units (TJ Hughes and Iceland). Alternatively, the signs could be reduced in size and extent to create a visually compatible effect.

Various drawings have been received showing reduction in both the size of the fascia panels and the amount of lettering, but insufficient to avoid damage to public amenity in this location. An important factor is the distinctive glazed design of this building, requiring solid fascia signs to be of smaller dimensions to avoid

interrupting the visibility through to the interior which is characteristic, hence the preference for individually mounted and internally illuminated letters.

At the conclusion of discussions a drawing was received showing a return to full width signs and a proportionate increase in the height of the panel and letters, with a separation of messages, primary on one and secondary on the other, contrary to officer advice. The applicants were informed that refusal was likely.

No attempt has been made by the applicants to co-ordinate the design of their signs with the building or with signs on adjoining units, which are all individual letter signs mounted on back rails, rather than solid fascia signs. No satisfactory drawings have been received and the proposal remains unacceptable.

ENFORCEMENT

After the applicants were advised of a likely refusal, two unauthorised fascia signs have been fitted to the building, smaller in size than shown on their latest drawing, but still containing the disputed secondary message, which is considered to be too cluttered on this well designed glazed façade. No projecting sign is being displayed at present.

Further reduction in this fascia display, or alternatively replacement with individually mounted and internally illuminated letters to a suitable design is required for favourable consideration.

This unsatisfactory situation is unlikely to be resolved without recourse to formal discontinuance action to secure the removal of the unauthorised signs.

CONCLUSION & RECOMMENDATION

On account of their number, size, design and siting, the proposed signs are considered to be out of keeping with the new building upon which they are being displayed, adversely affecting the high quality regeneration of The Moor currently in progress, and thereby detracting from public amenity, from the visual appearance of the building and from the character of the area generally.

The proposed signs are considered to be contrary to the NPPF and to Policy BE13 of the adopted Unitary Development Plan for Sheffield, which requires that signs should not harm the character or appearance of the area, and that the design of all signs should be co-ordinated where the scale of the development requires it.

It is therefore recommended that the application is refused and that the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the currently erected unauthorised fascia signs.

It is also recommended that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives confirmed, including taking action to resolve any associated breaches of advertisement control.

Case Number 13/02270/FUL (Formerly PP-02755709)

Application Type Full Planning Application

Proposal Erection of a dwellinghouse (Amended drawings)

Location Land Adjacent 39
Muskoka Drive
Sheffield
S11 7RH

Date Received 10/07/2013

Team South

Applicant/Agent Birkett Cole Lowe Architects

Recommendation Grant Conditionally

Subject to:

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

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

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

Drawing Title / Reference Number:

-SITE PLAN / 3560(0-)01 B
-FLOOR PLANS / 3560(0-)02A
-ELEVATIONS & SECTION / 3560(0-)03A
-SITE PLAN WITH DIMENSIONS / 3560(0-)04,

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 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.

- 5 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.

In the interests of the visual amenities of the locality.

- 6 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.

- 7 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.

- 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 dwellinghouse shall not be occupied 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

- 10 The side elevation windows and the side glazing panels of the rear elevation bay feature shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, and no part of these windows shall at any time be glazed with clear glass.

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

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. 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.

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is located to the west of Muskoka Drive, some 30 metres to the north of the junction with Barnet Avenue. The area is entirely residential in character and is dominated by two storey dwellings, predominantly semi-detached, but with some detached properties nearby.

The land previously fell under the same ownership as the dwelling at Num. 2 Barnet Avenue, but its ownership was severed when that dwelling was sold by its previous owners. The land currently accommodates a single garage in its front portion.

The application seeks full planning permission to construct a single, detached dwelling, which would be accessed from Muskoka Drive.

RELEVANT PLANNING HISTORY

08/04573/OUT; Erection of dwellinghouse
Refused - 21.11.2008

The outline planning application was refused consent for the following reason: "The Local Planning Authority considers that, owing to the restricted width of the plot and the size of the proposed dwellinghouse the proposed development would constitute an over-development of the site. This would result in the proposed dwellinghouse being out of keeping with the character of the street scene. Therefore, the proposal would be considered to be contrary to Policy H14 ((a) and (c)) of the Adopted Unitary Development Plan."

SUMMARY OF REPRESENTATIONS

Original Scheme

Following notification of neighbouring occupiers regarding the initially submitted drawings, thirteen written representations were received. The comments can be summarised as follows:

- Plot is inadequately sized for a detached dwelling, and represents over-development.
- Proposal would be out of scale and character, and would fail to meet relevant requirements of H14. Surrounding houses are predominantly semi-detached or larger detached properties.
- Dwelling is unattractive and is compromised by plot size, would essentially result in a row of terraces.
- Scheme is larger than the previously refused application.
- Query accuracy of dimensions given on plans.
- Site plan believed to be incorrect, i.e. original extensions to Num.2 Barnet Avenue and Num.33 Muskoka Drive are not shown and site's southern boundary line is not correct.
- The rearward projection of Muskoka Drive properties is single rather than double storey, and proposed two storey dwelling projects past two storey elements of existing dwellings.

- Main entrance and side window to property will overlook side window to Num.39 Muskoka Drive. Exaggerated by elevated nature of plot above neighbouring land.
 - Proposed garden wraps around garden of Num.39 Muskoka Drive, leading to loss of privacy.
 - Loss of light to neighbouring properties (point made by Num's 28 and 39 Muskoka Drive).
 - General overlooking, overshadowing and overbearing concerns. (Overlooking raised Num. 2 Barnet Avenue, in regards to that property and Num's.33 and 39 Muskoka Drive). Failure to meet the Supplementary Planning Guidance's aim to provide 12m separation from habitable room windows to blank elevations, since separation to Num.2 Barnet would be only 9.6metres.
 - Dwelling should not be allowed to be constructed on site's southern boundary. Will necessitate considerable intrusion onto neighbouring land during construction and cause anxiety for adjoining home owners.
 - Possibility of future extensions to the proposed property.
- Additional traffic volume and safety.
 - On-street parking, causing obstruction at brow of hill and blocking of access to drives opposite.
- Site is currently of poor appearance and currently attracts pests and youths, and should be tidied up. Could then be rented out as a garage or made into a community garden.
- Adverse financial impacts on neighbouring occupiers.
 - Application timed to coincide with the holiday season.
- Scheme probably meets relevant planning criteria, and includes a quirky design.

A representation was received in relation to correspondence sent by the planning case officer to the Agent. The comments made can be summarised as follows:

- Measurements given by case officer are not correct, and represent over-statement of gap from rear of Num.2 Barnet Avenue to proposed dwelling. A relocation of the house would leave a gap of 11.25metres.
- Such a relocation would appear to result in proposal breaching 45 degree line from rear windows of Num.39 Muskoka Drive.
- Rear double storey glazed feature would lead to overlooking over the garden at Num. 2 Barnet Avenue.

First Amended Scheme

Further neighbour notification has been undertaken in relation to the first set of amended drawings. Eight written representations have been received regarding these amendments, and can be summarised as follows:

- Query the accuracy of the plot's dimensions. In addition to concerns about the boundary's location, this proves that the site is not large enough.
- Proposal intrusive and too large for the narrow plot, out of keeping with surroundings and should remain as a garage.

- Proposal not attractive, and lacks features typical of a detached dwelling.
- Noted from Planning Officer's correspondence that it was concluded that the initial scheme would have an overbearing impact on occupants to the south, due to inadequate separation distance.
- Proposed height has increased through the building process. Resulting in greater overbearing impacts for occupants of Num's 33 and 39 Muskoka Drive, and Num.2 Barnet Road. Amended proposal would be less than 12metres from neighbouring windows and doors (as the required gap given in the relevant SPG).
- Rear elevation bay will harm privacy of neighbours (Num.2 Barnet Road).
- Relocated dwelling would harm amenities of Num.39 Muskoka Drive, due to breaching of a 45 degree line taken from their windows.
- The lower roof section at the rear of the dwelling will not address these problems.
- Window to the side elevation has become larger, which has a detrimental visual impact.

Second Amended Scheme

Following on from the first set of amended drawings, a second set of amendments have been submitted showing freshly taken dimensions relating to the site and the neighbouring dwelling at Num.39 Muskoka Drive. Notification of immediately surrounding neighbours has been carried out in relation to these drawings, and four written representations have been submitted. The comments made can be summarised as follows:

- Proposal represents over-development of site, which is intended for a garage.
- Out of keeping with the street scene.
- Reiteration that dimensions for Num. 2 Barnet Road's garden are not shown accurately on the drawings. Underlined that this should be measured by a representative of the planning department.
- Building would have an overbearing presence (from Num.2 Barnet Road).
- Rear bay structure would lead to privacy impacts on rear garden of Num.2 Barnet Road. Side panels should be removed or made to be obscure.
- Additional parking on the street will be detrimental to safety.
- Amendments do not deal with fundamental objections.

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 for such an area.

The development proposes the use of land which previously formed part of a private garden space, which does not qualify as previously developed land. 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 lists 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 51 dwellings per hectare (dph), with the density of the surrounding development being approximately 27dph. Whilst the proposed density exceeds the surrounding density by some margin this is primarily because the site does not possess the wide and long garden spaces characterising the surrounding properties, which suppress the resulting density figures. The proposed density marginally exceeds the density range of 30 to 50 dph which is set out in Core Strategy policy CS26. Given the negligible excess it is not considered that the proposal could be argued to be significantly breaching the requirements of this policy.

In addition, the proposal would be required to be assessed under the following more specific policies:

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

The Sheffield Development Framework-Core Strategy includes policy CS31. This covers housing in south-west Sheffield and states that priority will be given to safeguarding and enhancing the areas of character in that area, and requiring the scale of new development to 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 paragraph 53, that Local Planning Authorities should consider setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area.

Design Issues

The plot measures approximately 6metres in width across its street frontage, with the dwelling occupying 5metres. The immediate locality includes plots of approximately 8metres in width, incorporating semi-detached dwellings of approximately 6metres width. Therefore, the width of the plot and proposed dwelling would not be substantially below those of a significant number of properties in the immediate surroundings. In this respect, it is considered that the layout of the proposed dwelling within its plot would harmonise appropriately with the character and grain of the surrounding locality.

The proposed dwelling would abut the site's northern boundary. The dwelling at Num.39 Muskoka Drive is separated by approximately 2metres from the boundary in question, and features a two storey sideward extension at that point. Additionally, the dwellings immediately to the north at Num's 41 to 45 each have two storey extensions which have essentially resulted in the formation of a continual run of four properties within a long terrace.

Given these circumstances, it is considered that it would be difficult to support an argument that the proximity of the proposed dwelling to the side elevation of Num.39 Muskoka Drive would have a detrimental impact upon the character of the surrounding street scene.

The proposed dwelling would include a gabled roof with a ridge running parallel to the street. The eaves and ridge levels would be at approximately equivalent height to the eaves and ridge lines at Num.39 Muskoka Drive. In this regard the height proportions would respect this element of the existing street scene.

It would feature a two storey glazed feature on its front elevation, with a centrally located entrance door and a Juliette balcony at the first floor. A further entrance door to a hallway, would be located at the south facing elevation.

The south facing side elevation would be viewed when approaching the site from the south. This elevation would incorporate a two storey glazed element, which could be required to be permanently obscurely glazed. This helps to break up an otherwise blank side elevation, enhancing its contribution to the appearance of the area. The resulting side elevation would closely mirror the contribution which the side elevation of Num.39 makes to the street scene.

Overall, 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 H14, and also policies CS31 and CS74 of the Core Strategy.

The previous refusal of an outline application included a development at the site which occupied the full width of the plot at that point in time. The current proposal does not do this. Also the dwelling at Num.39 Muskoka Drive included only a single storey extension at its southern side at that stage. The replacement of this with a two storey side extension is considered to be a significant change in local circumstances, as the proposed dwelling would now be read in conjunction with this group of properties. These two differences are considered to result in a different recommendation, for a scheme which is capable of being accommodated within the plot and the local street scene without resulting in over-development or a proposal which is out of keeping with the local street scene.

Impacts on Neighbours' 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 dwellings to the south (Num.2 Barnet Avenue and Num.33 Muskoka Drive) each include single storey rear extensions of different depths. The amended drawings show these extensions, and incorporate the re-siting of the proposed dwelling to the north of the site.

In relation to Num. 2 Barnet Avenue, measurements taken from the submitted plans reveal a separation gap of approximately 12.0metres from the windows in the ground floor extension to the proposed dwelling.

The occupant of this neighbouring dwelling disputed this dimension, stating that the garden depth has been measured to be 9.6m. The dwelling would be a further 1.6metres from the boundary, which would lead to an overall separation of approximately 11.2metres. For purposes of clarification the garden depth of Num.2 Barnet Avenue has been measured by the case officer as 9.55metres. This essentially confirms the neighbour's measurement.

Whilst the 9.55m dimension plus the dwellings' proposed setback from the boundary would amount to approximately 11.2metres, and be below the 12metre separation, it is important to note that the proposed dwellings' eaves would be approximately 4.4metres in height at that point where it abuts the end boundary to the garden at Num.2 Barnet Avenue and that the roof pitches away from the boundary at that point. This is significant as the 12m separation guideline, which is contained within the Supplementary Planning Guidance 'Designing House Extensions' (SPG) relates to direct relationships with typical two storey gables.

Only the rearmost 2metre portion of the proposed dwelling would be present alongside the rear boundary of Num.2 Barnet Avenue. The limited width of side elevation which would be exposed to direct view from Num. 2, and the relatively modest height of the proposal at that point would be considered to result in an acceptable impact upon the amenities of this neighbouring dwelling.

The extension at Num. 33 Muskoka Drive projects rearwards by a depth of approximately 1.8metres. The rear windows in this extension would be separated from the proposed dwelling by approximately 13.7metres, according to the details shown on the submitted drawings. Even with the reduced depth of land between this neighbouring dwelling and the proposed dwelling covered in the paragraph above, the separation distance would be approximately 12.6metres. This would meet the guideline given with the 12metre separation guideline set out in the SPG.

Given that these two neighbouring dwellings are located to the south of the application site, the proposal would not lead to a loss of direct light to these properties.

Overall, the impacts upon amenities of occupants of these dwellings to the south would be considered to be acceptable, meeting the requirements of policy H14 and the related Supplementary Planning Guidance.

The side elevation of the dwelling at Num. 39 Muskoka Drive would be separated by approximately 1.8metres from the proposed dwelling. This neighbouring dwelling includes a secondary window to the reception room, which also has a larger window in its front elevation. The outlook from the side elevation window would be affected by the proposed dwelling, and the level of direct sunlight which the window received would be reduced. However, it is considered that the window in question is 'borrowing amenity' from the neighbouring site, and it would not therefore be reasonable to resist the proposed development to protect amenities of the window in question.

The rear facing elevation windows at the ground floor level of the extension are understood to serve a study and a utility area. The most recently amended drawings show that the proposed dwelling would not intersect a 45 degree line taken from the nearest point of this neighbouring study window. The lower height of the rear portion of the proposed dwelling means that it would have a lesser impact than a conventional two storey height structure in the equivalent position. Additionally, a study does not constitute a main habitable room, and is therefore less sensitive to impacts arising from neighbouring proposals.

As a result it would be considered that the proposed dwelling would avoid a detrimental, overbearing impact upon the amenities of occupiers of Num.39 Muskoka Drive.

The rear elevation bay window feature and the side elevation glazing would need to be required to be permanently obscurely glazed in order to prevent privacy impacts and the potential for overlooking impacts. A condition can be added to any consent which may be granted covering these issues.

Concern has been expressed within representations that neighbours on the opposite side of Muskoka Drive would experience a loss of light and outlook. Given that the proposed arrangement would match the existing street pattern within the immediate vicinity, it is not considered that the proposal would have a detrimental impact in this regard.

In summary, the proposed dwelling would be considered to have an acceptable impact upon the amenities of occupiers of neighbouring properties and to meet the relevant requirements of UDP policy H14.

Highways Issues

The proposed dwellinghouse would provide a total of one off-street parking space, rather than two spaces as indicated within the Council's parking guidelines.

Notwithstanding this it is considered that it would be extremely difficult to justify refusal of the scheme due to the shortfall of one parking space. The locality features a reasonable amount of on-street parking currently, and any small scale additional parking that might result from this development would not be considered to result in detrimental impacts upon highway safety.

Overall, the proposal would be considered to be acceptable in relation to the relevant aspect of UDP policy H14 requiring appropriate off-street parking to be provided.

RESPONSE TO REPRESENTATIONS

The majority of representations have been addressed in the above assessment. In relation to the outstanding items the following points can be made:

- The intrusion upon neighbouring land for construction/maintenance purposes is not a material planning consideration. This would instead be covered under separate, civil legislation,
- The potential for the addition of extension works to the property could be prevented by the incorporation of a condition within any consent which removed the relevant permitted development rights.
- Alternative proposals for the site would not constitute a material planning consideration. The Local Planning Authority are obliged to assess the proposal before it, and no weight can be given to the suggestion that the site should be rented as a garage, made a community garden or any other alternative proposal.
- Impacts upon neighbouring property values are not material planning considerations.
- The application was legitimately submitted during the summer; however, further neighbour notification has taken place since then.

SUMMARY AND RECOMMENDATION

The application seeks consent for a detached dwellinghouse, within a plot which is partly occupied by a single garage.

The development represents a Preferred Use in UDP Policy terms, and does not conflict with the aims of policy CS24 in that although it involves development of a greenfield site, current targets for development of previously developed sites, are being met and the site represents a small infill plot within the urban area.

The proposed dwelling would be considered to respect the character of the surrounding street scene, and to avoid having a detrimental impact upon the amenities of neighbouring occupiers. The proposal is considered to be acceptable in highway safety terms and unlikely to generate an additional level of on street parking that would be considered unacceptable.

The proposed dwelling has been modified from that proposed within the previously refused application, and immediate local circumstances have changed.

Overall, the scheme is considered to be acceptable, and therefore approval is recommended.

Case Number 13/01528/FUL (Formerly PP-02584441)

Application Type Full Planning Application

Proposal Demolition of workshops and offices, and erection of mixed use development comprising 153 Student Accommodation Units (maximum of 14 storeys high and including 452 bedspaces contained within 71 apartments and 82 cluster flats, ancillary resident only facilities, and business space (530 square metres), 29 Retirement Apartments (maximum of 5 storeys high), a Care Home Facility (maximum of 4 storeys high and including 60 bedspaces), associated car parking and landscaping works. (AMENDED DESCRIPTION AND PLANS RECEIVED 06/09/2013)

Location Globe II Business Centre
128 Maltravers Road
Sheffield
S2 5AZ

Date Received 03/05/2013

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:

26580-ST-EL1 - AMENDED MALTRAVERS ROAD ELEVATION
26580-ST-EL2 - AMENDED STUDENT ACCOMODATION REAR ELEVATION
26580-ST-EL3 - AMENDED APPROACH ELEVATION
26580-ST-EL4 - AMENDED ELEVATIONS FACING RETIREMENT APARTMENTS
26580-ST-EL5 - AMENDED ELEVATIONS FACING RETIREMENT APARTMENTS

26580-ST-EL6 - AMENDED SECTION THROUGH COURTYARD 2

26580-ST-GF A - AMENDED GROUND FLOOR PLAN

26580-ST-MF A - AMENDED MEZZANINE FLOOR PLAN

26580-ST-RF A - AMENDED ROOF PLAN

26580-ST-1FA - AMENDED STUDENT ACCOMODATION PLANS - FIRST

26580-ST-2FA - AMENDED STUDENT ACCOMODATION PLANS - SECOND

26580-ST-3FA - AMENDED STUDENT ACCOMODATION PLANS - THIRD

26580-ST-4FA - AMENDED STUDENT ACCOMODATION PLANS - FOURTH

26580-ST-5FA - AMENDED STUDENT ACCOMODATION PLANS - FIFTH

26580-ST-6FA - AMENDED STUDENT ACCOMODATION PLANS - SIXTH

26580-ST-7FA - AMENDED STUDENT ACCOMODATION PLANS - SEVENTH

26580-ST-8FA - AMENDED STUDENT ACCOMODATION PLANS - EIGHTH

26580-ST-9F A - AMENDED NINTH FLOOR PLAN

26580-ST-10F A - AMENDED TENTH FLOOR PLAN

26580-ST-11F A - AMENDED ELEVENTH FLOOR PLAN

26580-ST-12F A - AMENDED TWELFTH FLOOR PLAN

26580-ST-DDA1 - AMENDED ACCESSIBLE APARTMENTS - FLOORS 1 TO 4

26580-ST-DDA2 - AMENDED ACCESSIBLE APARTMENTS - FLOORS 5 TO 8

26580-ST-DDA3 - AMENDED ACCESSIBLE APARTMENTS - FLOORS 9 & 10

26580-ST-DDA4 - AMENDED ACCESSIBLE APARTMENTS - CLUSTER
KITCHENS/LIVING AREAS

26580-ST-DDA5 - AMENDED ACCESSIBLE APARTMENTS - LIFT
ACCOMMODATION

26580-CH-1FA - AMENDED CARE HOME PLANS - FIRST FLOOR PLAN

26580-CH-2FA - AMENDED CARE HOME PLANS - SECOND FLOOR Plan

26580-CH-DDA1 - AMENDED MOBILITY FLOOR PLANS

26580-CH-EL1 - AMENDED CARE HOME PLANS - ELEVATIONS

26580-CH-EL2 Rev. B - AMENDED CARE HOME PLANS - ELEVATIONS

26580-CH-EL3 - AMENDED CARE HOME PLANS - ELEVATIONS

26580-CH-EL4 - AMENDED CARE HOME PLANS - ELEVATIONS

26580-CH-GFA - AMENDED CARE HOME PLANS - GROUND FLOOR PLAN

26580-CH-RFA - AMENDED CARE HOME PLANS - ROOF PLAN

26580-RA-DDA1 - AMENDED ACCESSIBLE APARTMENTS - ALL FLOORS

26580-RA-DDA2 - AMENDED ACCESSIBLE APARTMENTS - LIFT
ACCOMMODATION

26580(21)01 A - AMENDED DETAILS - PROPOSED

26580(21)02 A - AMENDED BRICKWORK DETAILS - PROPOSED

26580(21)03 A - AMENDED SPANDREL DETAILS - PROPOSED

26580(21)04 A - AMENDED PROJECTING SOFFIT DETAILS - PROPOSED

26580(21)05 A - AMENDED SEDUM ROOF DETAILS - PROPOSED

26580(21)07 A - AMENDED STAIR/LIFT CORE ENTRANCE DETAILS
26580(21)08 - AMENDED EXTERNAL WALL DETAILS - PROPOSED
26580-BP - AMENDED BLOCK PLAN
26580-EL-DET - AMENDED FACADE MATERIALS

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall commence until a phasing plan of the proposed works has been submitted to and approved by the Local Planning Authority.

In order to define the permission and for reasons of clarity.

- 4 No development shall commence until details have been submitted to and approved by the Local Planning Authority of arrangements which have been entered into which will secure the improvements to the highways listed below and that such improvement works will be carried out before the buildings within the first phase of development are brought into use.

Highway Improvements:

1. Renew all carriageway markings between no 134 Maltravers Road and the junction of Maltravers Road with St Johns Road.

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.

- 5 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 by the Local Planning Authority.

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

- 6 No demolition and / or construction works relevant to any phase of development 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 by the Local Planning Authority before it is installed.

In the interests of the safety of road users.

- 7 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved by the Local Planning Authority. The

Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 8 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 by the Local Planning Authority prior to the relevant phase 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.

- 9 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 by the Local Planning Authority prior to the development of the relevant phase 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.

- 10 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 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.

- 11 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 relevant phase of development or any part thereof shall not be brought into use until the Validation Report has been approved 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.

- 12 The use of the ground floor and mezzanine areas of the student accommodation building for the purpose of a student shop (A1), student cafe (A3), and gym (D2) shall at all times remain ancillary to the main use of the building for student accommodation purposes and shall not be used for any other purpose.

In order to define the permission.

- 13 Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the B1(a) office accommodation (530 square metres in total) shall be used solely for the use hereby permitted and shall not be used for any other purpose within Class B1.

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

- 14 Each unit of the residential accommodation hereby permitted shall be occupied only by:

a) Persons 55 years of age or older.

b) Persons living as part of a single household with such a person or persons.

c) Persons who were living as part of a single household with such a person or persons who have since died.

In order to define the permission.

- 15 No development within the proposed Student Accommodation or Care Home phase of works shall commence until a report has been submitted to and approved by the Local Planning Authority identifying how the following will be provided:

a) a minimum of 10% of the predicted energy needs relating to that phase being obtained from decentralised and renewable or low carbon energy; and

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the relevant phase is occupied and a post-installation report shall have been submitted to an approved 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.

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 The Retirement Apartment phase shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any apartment is occupied (or within an alternative timescale to be agreed) a validation report, prepared by an accredited expert in the relevant field, shall have been submitted to and approved by the Local Planning Authority showing that the corresponding phase has achieved Code for Sustainable Homes Level 3. The measures incorporated to achieve this rating shall thereafter remain in place and operational for the lifetime of the development.

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

- 17 The proposed green/brown roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Notwithstanding the details submitted, full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved by the Local Planning Authority prior to the foundation works of each phase commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In the interests of biodiversity.

- 18 The Local Planning Authority shall be notified upon completion of the green/brown roof at each phase of development.

In the interests of biodiversity.

- 19 Final details, including samples, of the proposed material/s for each element of the scheme shall be submitted to and approved by the Local Planning Authority before the corresponding phase of development is commenced. Thereafter, the relevant phase shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 20 Sample panels of the proposed masonry for each phase of the development shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. Each sample panel shall be approved by the Local Planning Authority prior to the commencement of the corresponding phase and shall be retained for verification purposes until the completion of such phase.

In order to ensure an appropriate quality of development.

- 21 Notwithstanding the details submitted with the application, final large scale details, including materials and finishes, at a minimum of scale 1:20 of the items listed below shall be approved by the Local Planning Authority before that part of the development commences:

Windows

Window reveals

Entrances

External wall construction

Brickwork detailing

Balconies and terraces

Proposed Pattern/arrangement of coloured infill panels proposed in the windows openings across the development.

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

In order to ensure an appropriate quality of development.

- 22 Before each phase of development is commenced, details of all means of site boundary treatments, fences and gates shall be submitted to and approved by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 23 Prior to implementation, full details of any external signage proposed to be installed on the building or within the curtilage of the site shall have been submitted to and approved by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 24 Before each phase of development is commenced, full details of all external lighting shall have been submitted to and approved by the Local Planning Authority prior to installation and thereafter the lighting shall be installed in accordance with the approved details and shall not be altered without further permission.

In the interest of design and the amenities of the locality and surrounding occupiers.

- 25 Before each phase of the development is commenced, details of the means of ingress and egress for vehicles engaged in the construction of that phase shall have been submitted to and approved by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

- 26 At all times that construction works are being carried out details shall be provided to the satisfaction of the Local Planning Authority for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Before any phase of the development is commenced full details of such equipment shall have been submitted to and approved by the Local Planning Authority. When the above-mentioned equipment has been provided thereafter such equipment shall be used for the sole purpose intended in all instances and be properly maintained.

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

- 27 Before each phase of the development is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of that phase of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

- 28 There shall be no gates or barriers erected at the means of access to the site.

To ensure access is available at all times.

- 29 Before each phase of the development is brought into use, the car parking accommodation as shown on the approved plans shall be 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.

- 30 Prior to the commencement of each phase of this development, or an alternative timeframe to be agreed by the Local Planning Authority, a detailed Travel Plan relating to that phase shall have been submitted to and approved 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 building within the relevant phase, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved 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).

- 31 Notwithstanding the details on the approved plans, before each phase of the development is commenced, or an alternative timeframe to be agreed by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved by the Local Planning Authority and the buildings within that phase 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).

- 32 The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

In the interests of the safety of road users.

- 33 Each phase of the development shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

- 34 Notwithstanding the details on the approved plans, before work on any phase of the development is commenced, a comprehensive and detailed hard and soft landscape scheme for the corresponding phase shall have been submitted to and approved by the Local Planning Authority. This shall include details of all seating areas and patios (including furniture designs). The schemes shall be carried out in accordance with the approved details within 1 month of the occupation of the relevant phase or within an alternative timescale to be first agreed with the Local Planning Authority. When the above-mentioned landscaping has been carried out, thereafter the landscaped areas shall be retained. The separate landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 35 The Local Planning Authority shall be notified in writing when the landscape works for each phase are completed.

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

- 36 Each phase of the residential accommodation hereby permitted shall not be occupied 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 achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),
(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz),

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

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

Once installed it shall thereafter be retained.

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

- 37 The shop (A1), student cafe (A3), and gym (D2) and office accommodation (B1) uses hereby approved as part of the student accommodation building shall not be occupied unless a scheme of sound attenuation works has been installed 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 specified uses to the street to levels not exceeding:

- the background (LA90) noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,

- any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,

c) Be capable of restricting noise breakout from the specified uses to the flats above 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),

(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 by the Local Planning Authority.

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

- 38 The B1 office space hereby approved shall not be occupied unless the approved sound attenuation works been installed and thereafter retained in accordance with the details submitted to and approved by the Local Planning Authority. Such 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.

- 39 Before the relevant phase of development is occupied a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation test shall:

a) Be carried out in accordance with a Local Planning Authority approved method statement.

b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the relevant phase is occupied. Such further scheme of works shall be installed as approved by the Local Planning Authority before the relevant phase is occupied and shall thereafter be retained.

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

- 40 Before each phase of development is brought into use, details a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved by the Local Planning Authority. These details shall include plans showing the height, location and design of any fume extraction and additional plant equipment required. 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.

- 41 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to any building hereby approved unless full details thereof have first been submitted to and approved by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 42 No amplified sound shall be played within the ancillary student shop (A1), student cafe (A3), and gym (D2) uses in the student accommodation building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior approval of the Local Planning Authority.

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

- 43 No deliveries to the student accommodation and care home buildings shall be carried out between the hours of 2100 to 0700 hours Monday to Saturday and 2000 hours to 0800 hours Sundays and Public Holidays.

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

- 44 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside any buildings 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.

- 45 Before any development is commenced, a drainage strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall detail how the completed development shall reduce surface water discharge from the site by at least 30% compared to the existing peak flow. Thereafter, each phase of development shall be carried out in accordance

with the approved strategy and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to the commencement of that phase. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres / hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

In order to mitigate against the risk of flooding.

- 46 Before each phase of development is brought into use, details showing how surface water will be prevented from spilling onto the public highway shall have been submitted to and approved by the Local Planning Authority. Once agreed, the measures shall be put into place prior to the use of the building within the relevant phase commencing, and shall thereafter be retained.

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

- 47 Unless otherwise agreed by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which enters the site.

In order to allow sufficient access for maintenance and repair work at all times.

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

In the interest of satisfactory and sustainable drainage.

- 49 Before each phase of the development is commenced, full details of the proposed means of disposal of foul and surface water drainage for that phase, including details of any balancing works and off-site works, shall have been submitted to and approved by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

- 50 There shall be no piped discharge of surface water from the development prior to the completion of the surface water drainage works relating to that phase. No buildings within the phase shall be occupied or brought into use prior to the completion of the approved foul drainage works.

To ensure satisfactory drainage arrangements.

- 51 No building shall be occupied until the improvements (which expression shall include public transport infrastructure) to the items listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved by the Local Planning Authority of arrangements which have been entered into with South Yorkshire Passenger Transport Executive (SYLTE) which will secure that such improvement works will be carried out before the first property is occupied.

Public Transport Infrastructure Improvements:

The provision and potential relocation stop number 37023148 to a specification to be confirmed by SYLTE.

In the interests of improving public transport infrastructure and promoting more sustainable forms of transport.

- 52 Before the development is commenced, or an alternative timeframe to be agreed 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 by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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. The applicant is advised that there is a 225mm diameter public combined water sewer recorded to cross the red line site boundary. Yorkshire Water (YWS) has confirmed that the applicant/agent is being contacted direct and that in this instance YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.
2. The applicant is advised that Yorkshire Water has confirmed that the local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. The applicant is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.
3. The applicant is advised that foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The developer is required to consult with Yorkshire Water's Industrial Waste Section (Tel. 0845 124 2424) on any proposal to discharge a trade effluent to the public sewer network.
4. In order to improve the proposed landscape design of this scheme the following advice is recommended:

- Maltravers Road Frontage: A tree species of bolder form would be preferred to reflect the scale of the development. For example, *Tilia cordata* or *Quercus rubra* planted as a semi mature specimens. Alternately, Birch trees on a double row, 3m, grid would be similarly bold if space allowed. The low hedge shown on the drawings is overly fussy and unlikely to be maintained. Low level evergreen shrub bed would suffice.

- Landscape Space 5: Sunny sheltered areas in the main space are encouraged to allow residents more useable external space. The layout should include tree planting centrally to provide shelter.

- Care Home Courtyard: The central area would be better all at ground level to create more useable space with wider paths for more flexibility in outdoor seating and grass for guests to access.

- Green Roof Details - Drawing (21) 05 shows a green roof detail with a Sedum carpet. The depth of substrate here is not acceptable and should be a minimum of 80mm depth. However, rather than a sedum carpet it is recommend that the Green Roof centre or equivalent be consulted to provide a planting mix that better reflects the location and can be capable of supporting and enhancing wildlife.

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. 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.

7. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
8. 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.
9. 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.
10. 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.
11. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
12. 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.
13. 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

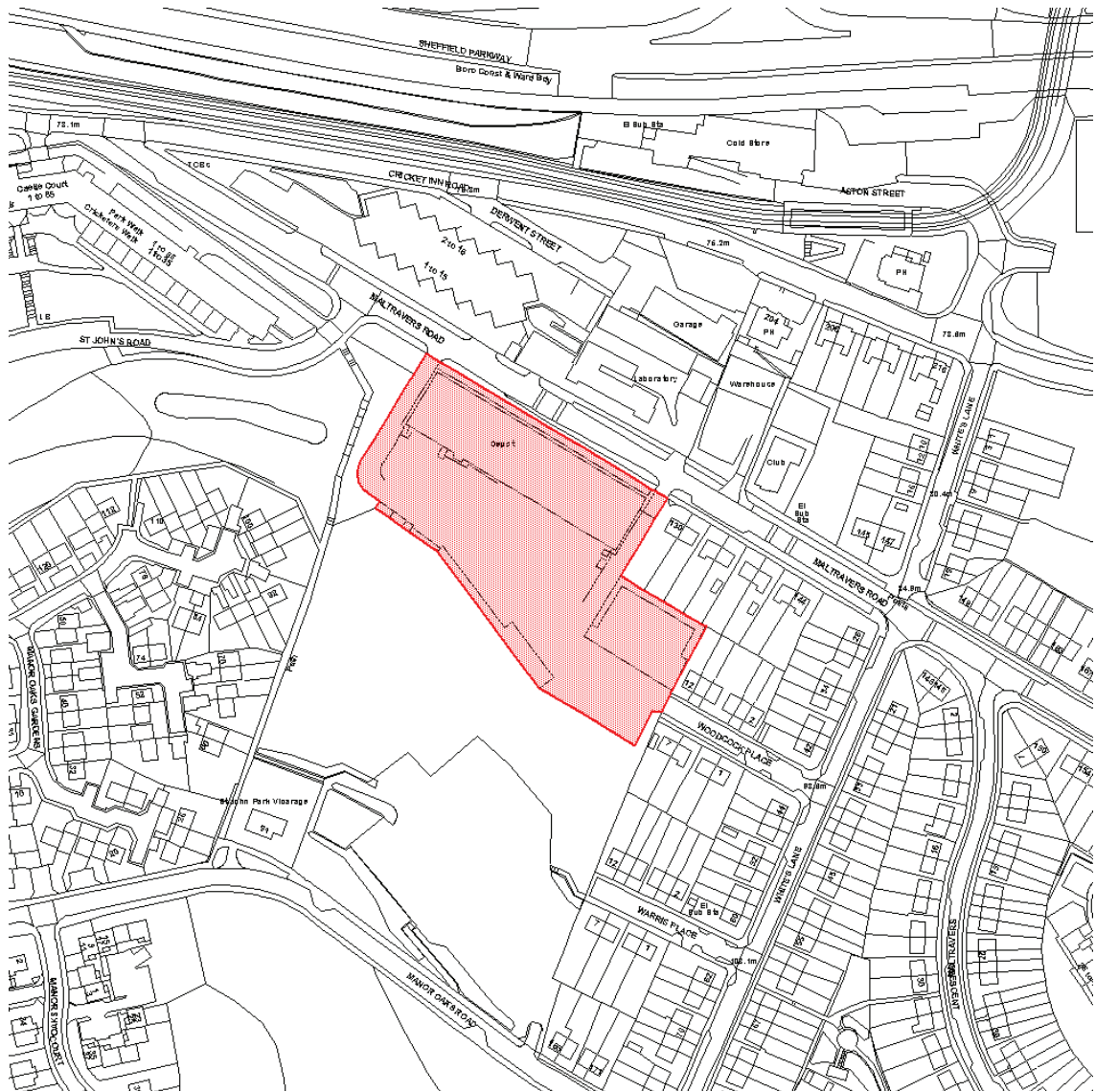
will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

14. 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.
15. 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.

16. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

Site Location



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is located on the southern side of Maltravers Road, close to its western end and junction with Cricket Inn Road. The site contains existing buildings, has a gross area of approximately 1.08 hectares (ha), and is designated within a 'Fringe Industry and Business Area' in the Council's adopted Unitary Development Plan (UDP).

The site is situated to the east of the city centre, approximately 1.8km away from Park Square roundabout and the Inner Ring Road. The site's surrounding context is mixed, comprising an assortment of land uses and building types.

To the site's north are existing commercial/industrial buildings/workshops. These units are predominantly single storey and have limited architectural quality. As per the application site, these units lie within the UDP's designated 'Fringe Industry and Business Area'.

To the site's south is grassland that was formerly a playing field belonging to former St. John C of E Junior and Infant School on Manor Oaks Road. This school has now been demolished. Owing to the topography of the area (rises steeply upwards from north to south) this land is situated at a higher level to the application site and is designated 'Open Space' land in the UDP.

To the site's east is the Hyde Park Flats, a large-scale high rise 1960s flat block containing high density mixed tenure housing. Given its large scale and elevated position, this flat complex has a very prominent appearance on the city skyline and dominates the junction of Maltravers Road, Cricket Inn Road and St. John's Road.

To the site's west are existing residential properties, which form part of the Wybourn estate and were originally built as inter-war Council housing stock. The properties generally comprise of 2 and 3-bedroom semi-detached properties and predominantly constructed from red brick. The closest residential properties immediately abut the site's south-eastern boundary and are situated on Maltravers Road and Woodcock Place.

The application site currently contains the Globe II Business Centre which is a commercial complex containing office accommodation and workshops. The site comprises of a large 2-storey workshop space, which spans the full width of the site and fronts onto Maltravers Road and extends backwards into the site. This building is characterised by a bright yellow paint scheme. Above the workshops, towards the western end of the site closest to Hyde Park Flats, there is a 6 storey office building (1960s design) characterised by a concrete frame and horizontal windows which wrap around each floor. Vehicle access to the site is provided at either end of the workshop space leading to an elevated car parking area and land that appears to be used as a storage area by the occupying businesses. At the rear of the site - bordering the adjacent open space land to the south - is a large retaining wall which is approximately 3.5m high and runs for the length of the site. On top of the wall there are mature trees, which run along this boundary but appear to belong to the open space land beyond rather than the application site.

In terms of topography, the land in this part of the city rises quite dramatically from north to south. With reference to the site, the supporting Design and Access Statement indicates that the difference in height across the site is relatively large; at 9 metres difference from the north-west corner to the south-east corner of the site.

Planning permission is sought to demolish the existing workshops and offices, and erect a mixed use development comprising:

- 153 Student Accommodation Units (including 452 bedspaces contained within 71 apartments and 82 cluster flats). The maximum height of this development will be 14 storeys. Ancillary student resident only facilities are proposed to be included as part of the student development, which will include business space, retail, gym, and food and drink uses;

- 29 Retirement Apartments. The maximum height of this development will be 5 storeys;

- Care Home Facility with 60 bedspaces. The maximum height of this development will be 4 storeys; and

- Associated car parking and landscaping works.

It is advised that the final scheme presented to the Planning Committee has evolved since the original submission and has changed from a wholly student based scheme to one that includes a greater mix of residential types/tenures, including the retirement apartments and care home facility proposed.

RELEVANT PLANNING HISTORY

There is no recent relevant planning history associated with the application site.

SUMMARY OF REPRESENTATIONS

- The ORIGINAL submission (received and advertised May 2013):

This was advertised by site notices, neighbour notification letters and press advert in the Sheffield Telegraph.

1. Local Residents' Objections:

8 objections were received from local residents, including occupiers of No.130 Maltravers Road and Nos. 8 and 12 Woodcock Place. These are summarised below:

Land Use Issues

This is the wrong use for the area. High density should be saved for inside the Inner Ring Road. The student population should be contained within existing areas where their attendant problems can be mitigated more cost effectively.

Concerns about the proposed pub. There are many pubs already within the local area and to bring another for students so close to housing generates considerable unease.

The site should be used for starter homes instead.

The proposal is quite a shock. What will the community gain from this project?

Consider that Sheffield has already reached saturation levels of students. Where will it end? We need more social housing instead.

Student Housing Issues

Concern that the development will introduce a large volume of students into the Wybourn area and the impact of this will not be positive. It will have negative implications for the existing community, which is currently full of families and elderly people.

Concern that a high volume of students will overcrowd the area and generate more noise, transport pressures and car parking problems.

Amenity Issues

Privacy - The close proximity of the student townhouses to the rear and side of properties on Maltravers Road and Woodcock Place, which will impinge upon the privacy of residents.

Overshadowing - The height of the buildings would cause a reduction of natural light to the closest properties on Maltravers Road and Woodcock Place.

Traffic to the development would increase - potentially occurring 24 hours per day. The current business centre can only access between 7am and 7pm.

Loss of View – resulting from the proposed development.

Concern about the proposed intention to create a pedestrian link from the site to Woodcock Place. This would encourage a high level of pedestrian traffic on Woodcock Place encouraging unsociable and unsafe behaviour as well as vandalism. Woodcock Place will become a car park for all users of the new facilities to the detriment of existing residents and causing danger to children.

Highway Issues

The number of car parking spaces seems inadequate.

The main entrance to the complex could have been redesigned to take it away from the houses and the community centre, which are positioned adjacent to the site.

The impact of construction traffic on local roads which will be unable to accommodate heavy vehicles leading to disruption and damage in the area.

Method of Advertisement

Concern about the manner in which the application has been advertised. There has been no notification posted on lamp posts in the area or listed in the Sheffield Star. There was an article published in the Sheffield Telegraph but this paper is rarely purchased and read by the residents of Wybourn.

Concern that existing businesses within the Globe II Business Centre have not been informed about the proposal - either by the Council or the Landlord.

Consider that it would have been appropriate for the Council or the Applicants to arrange a local meeting to explain the proposals given it is such a major application.

2. Local Ward Councillor Concerns:

In addition to the objections above, Councillor Terry Fox (Manor Castle Ward) has raised concerns about the original proposal. These concerns relate to:

Loss of industrial land

With large areas of the ward being highlighted for housing in the future this is squeezing industrial areas available to be developed for future employment.

The National Planning Policy Framework (NPPF) is quoted in relation to the role of planning in delivering sustainable development, supporting existing business and contributing to building a strong, responsive and competitive economy.

Promoting Healthy Communities

Community tensions are a possible area for concern at this location. There is an established housing stock that has its own individual concerns and the one issue we can affect is the flowing connectivity of an area. The Wybourn estate is very much a tight infrastructure estate with not a lot of natural pathways through, so to build a gated 600 student village to the edge and just bolt it on does not give an opportunity for engagement. With the Park Hill development nearby and with the opportunity of shops and bars in the area, we should look at how we can integrate a route to connect the 2 schemes.

Again the NPPF is quoted in relation to the role of the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. Including, the creation of safe and accessible developments and planning positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Meeting the Challenge of Climate Change

If this development is allowed, we need to get this connected to the district heating system as most of the high rise flats etc. in the area are connected. This is backed up by the NPPF which guides the planning system toward supporting the move to a low carbon future.

3. Sheffield Hallam University Comments:

The University's Accommodation Services Manager has commented on the application and has advised that this is not an area where students would choose to live. It is accepted that there is a student accommodation property in the vicinity of the site (The Pinnacles) but this is closer to the City Centre on the Park Square roundabout and it has a location that meets the needs of some students studying at SHU. It is considered that there are other potential sites that offer better locations and are more suited to students studying at the University.

It is explained that there are now over 20,000 bedspaces available in the City for students, whether they are studying at the University of Sheffield, Sheffield Hallam or Sheffield College and this gives a vast amount of choice both in location, quality and value for money. As a City we need to ensure we do not over exceed what demand there is.

4. The Sheffield Sustainable Development and Design Panel

The proposal was reviewed at pre-application stage by the Panel and their conclusions are set out below:

Appropriateness of the location

The Panel was far from convinced that this site represented an appropriate one for student housing, given the quality of the pedestrian route between the site and the city centre and university campus.

The relative proximity of the site was noted, but the Panel was of the view that there was a generally poor quality environment and lack of natural surveillance along this route, which would make it feel unsafe and unattractive to use.

The Panel reflected that students would be obliged to use this route a significant amount, especially once public transport had finished running late at night.

Height and Massing

Whilst the wildly varying context surrounding the site was accepted, the Panel did not consider that Hyde Park flats represented an appropriate baseline that justified the massing across the site.

There was a consensus that the proposals represented more development than the site could take satisfactorily.

Nevertheless, the Panel supported the cascade approach, which would mediate between these scales, but considered that further design development was necessary to rationalise the plan form, resolve the heights of the link blocks and introduce the efficiencies of plan demanded by this type of development.

Line of security

The Panel considered that there needed to be greater clarity about how the spaces were going to be used, where the line of security is and how it will be designed.

This particular type of use demands a robust approach to security, and the Panel was of the view that this needed to be clearly expressed and attractively detailed, particularly in those spaces adjacent to the highway.

The Panel questioned whether there might be an opportunity to link the townhouses to Woodcock Avenue, which might help integrate the proposals into the wider community.

Mix

Although it supported the intention, the Panel was not convinced about the amount of business space being proposed, and whether it would prove a commercial success in this location.

This use represented a significant amount of the street elevation closest to the city centre, and the Panel queried the deadening effect upon the street if it remained empty space.

Design

The Panel commended the approach to develop a strong, different architectural language, which was felt to be successful, and supported the aspiration to introduce a strong, well articulated brick frame, coloured panels and deep reveals.

The intention to introduce wildflower planting within the public areas was supported, and reflected a distinctive design concept that originated within the city.

The Panel reflected that the strength and success of this approach depended on close adherence to the techniques and planting mix developed at the University of Sheffield School of Landscape.

Alongside this, there needed to be some further consideration given to how the spaces might operate; what activities would take place, how well used they might be and how this might inform the design approach. A more robust mix, or an alternative approach, might prove to be necessary in areas under constant use.

Sustainability

The Panel recognised that the proposals were at an early stage, but commended the range of energy systems being investigated, and encouraged the design team to develop this thinking as the scheme progressed.

Conclusions

The Panel had some reservations about the proposals, but recognised that there were some strong elements, such as the architectural approach and incorporation of distinctive wildflower planting.

There remain a number of key issues that need to be resolved, in particular the broad approach to massing and layout, and greater clarity about how the spaces would work, in order to ensure that the scheme was a success.

- The AMENDED proposal (received and advertised September 2013):

The proposed plans have been advertised by site notices, neighbour notification letters and press advert in the Sheffield Telegraph.

No further representations have been received from local residents or other interested parties at the time of writing this report.

It is advised that for completeness a further 4 site notices were posted around Hyde Park Flats (outside the various ground floor entrances) on 28th November 2013. Consultation letters have not been sent to the individual flats due to their distance from the development site but site notices were originally posted at the main communal entrance. The further site notices now erected follow realisation of other entrances/exits around the building. The notices expire on 18th December 2013, which is the day after the Planning Committee Meeting. It is therefore the case that the recommendation made by this report and any decision of the Planning Committee is subject to there being no further substantial representations being received on 18th December 2013. This is reflected in the recommendation at the end of this report.

PLANNING ASSESSMENT

1. Policy/Land Use Issues

The application proposal is a mixed use development comprising of various planning uses, which include:

1. Student Accommodation with ancillary communal facilities - Sui Generis
2. Business Space (530 square metres) - Use Class B1
3. Retirement Apartments (with assisted living available, if required) - Use Class C3 (housing)
4. Care Home Facility - Use Class C2 (residential institutions)

- National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are to be applied. The key goal of the NPPF is sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

In regard to the existing conflict between a UDP and SDF aspirations for the site, the NPPF applies. Based on policies set out in the NPPF (paragraph 216), weight should be given to the emerging residential allocation. The UDP allocation for the application site is based on an out of date planning policy. The NPPF is clear that "where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate the development should be restricted."

- Unitary Development Plan (UDP)

Policy IB6 'Development in Fringe Industry and Business Areas' advises that whilst Business (Use Class B1), General Industry (B2) and Warehousing (B8) uses are preferred, a range of other uses including small shops (A1), food and drink (A3), leisure and recreation (D2), residential institutions (C2) housing (C3) may also be acceptable. In the case of housing, IB6 states that the better environment of these areas might, exceptionally, allow some houses where living conditions are satisfactory and they would not hinder industrial and business development.

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' seeks to limit development that would prejudice the dominance of business and industry in the area, and determines that residents should not be made to suffer unacceptable living conditions by way of noise, air pollution, or ground contamination.

The intention of Policy IB9 (part a) is to ensure that existing employment areas continue to provide employment and confirms that in industry and business areas, the preferred uses should effectively remain dominant. The application proposal, by removing a preferred use from the policy area, will generate a dominance issue and thus conflicts with Policy IB9(a). This dominance issue occurs because approximately half of the Fringe Industry and Business Area is already dominated by the Parkway Retail Park, which was developed after the adoption of the UDP.

Notwithstanding this conflict, it is resolved that the dominance issue generated by IB9(a) should be given limited weight at this site because of the changing vision for land uses in the area. There is now an aspiration to see the site developed as housing land and this is reflected in the Sheffield Development Framework 'City Policies and City Sites' pre-submission document. This emerging document identifies the land as being within the Housing Area and there are no intentions to change this designation and no objections have been received during the consultation exercise.

This revised designation is an updated vision for the site and relevant to this policy assessment. In accordance with the NPPF guidance, it is a material consideration that goes some way to overriding the previous land use aspiration and addressing the dominance conflict described above. In essence, the proposed designation reflects the fact that the site is relatively isolated from the rest of the policy area and sandwiched adjacent to existing residential land uses.

In light of the above, it is concluded that an objection on Policy IB9(a) grounds would hold little weight at this site and is not a substantial reason to reject this proposal.

- Sheffield Development Framework (SDF) - Core Strategy

The Core Strategy provides the overall spatial strategy for the SDF over the period 2009 to 2026.

This is a previously developed site and the proposed new housing built here will contribute towards achieving the objectives of Policy CS24 'Maximising the Use of Previously Developed Land for Housing', which seeks to ensure that no more than 12% of new homes are built on Greenfield land

There is considered to be sufficient national and local policy justification for the proposed use.

2. Student Housing

Core Strategy Policy CS41 relates to 'Creating Mixed Communities' and seeks to do this by encouraging development of housing to meet a range of housing needs, including prices, sizes, types and tenures.

Part a. of CS41 states that development should provide housing for a broad range of smaller households in the City Centre and other highly accessible locations where no more than half the new homes in larger developments should consist of a single house type.

Part b of CS41 requires a greater mix of housing in other locations, including homes for larger households, especially families.

The application site is not within the City Centre but it is a large development in an accessible location. Despite containing a high number of student accommodation bedspaces, no single house type within the development dominates it by 50% or more. Of the total, 242 house types proposed across the entire development, there are 71 student apartments (29%), 82 cluster flats (34%), 29 retirement apartments (12%) and 60 care home bedspaces (25%). Therefore, the proposal is considered to comply with Policy CS41(a).

The proposal does not include any family housing as part of the development, which is disappointing given the need for such housing in the City. However, the amended scheme does provide a mixed residential environment comprising of

student accommodation, retirement apartments and a care home on a single large site, which will be available to different people of varying ages and needs. Given this mix of housing now proposed, it is considered that the proposal is consistent with the aspirations of Policy CS41(b).

Part c of CS41 seeks to provide new purpose-built student accommodation (PBSA) as part of a mix of housing development, with a mix of tenures and sizes on larger sites. It encourages this primarily in the City Centre and the areas directly to the north-west and south of the City Centre.

The original submission was entirely student based and fell short of this policy requirement because it failed to offer a mix of tenures across this large site. This offered significant concern and it is felt that the amended scheme is a response to officers concerns. The proposal now offers a more varied development that conforms to the relevant part of CS41 (c).

With regard to the location of the development, it is acknowledged that the site falls outside the areas where the Council would like to encourage PBSA. Whilst not being contrary to policy, it is acknowledged that it is not an ideal area for this type of accommodation - there is no other accommodation or particular student based facilities in close proximity of the site and, although it is situated on the Supertram/bus networks, it is a significant walking distance away from both 'University Campus' and many of the amenities that PBSA schemes, situated in the areas encouraged by policy, would normally enjoy.

The concerns raised by Sheffield Hallam University are noted and Members should note that Officers do have similar concerns. This concern was put to the Applicant at the beginning of the pre-application process; but they believe that there is a market for this use at this location, and they have therefore continued to pursue the proposal. The Applicant's submission puts forward a case to justify why the development is acceptable at this location - principally focussing upon the site's accessibility and the fact that it is no further away from the universities than other nominated accommodation, such as Ranmoor Village and Encliffe Village (The University of Sheffield) and Central Quay and The Pinnacles at Park Square roundabout (Sheffield Hallam University). The regeneration benefits for the site and the wider Wybourn area are also argued in the Applicant's submission.

Notwithstanding these concerns, it is considered that the proposed development is ultimately not contrary to policy. It is not in a location where officers would like to encourage student housing, but this does not in turn mean that it is an unacceptable land-use in this area. The student accommodation will form part of a wider mixed-use development which will provide new buildings of a high quality design in an area that is in need of significant regeneration. Furthermore, there is no policy that explicitly states that PBSA will be discouraged and/or should be refused in this part of the City.

There is no policy basis available to support the refusal of this application on these grounds, in spite of the concerns discussed. Ultimately, it is believed that the success of student accommodation at this location will be determined by the quality of development provided.

In light of the above, and on balance, it is considered that the proposal is compliant with Policy CS41(c).

Part d of CS41 limits new PBSA and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance. The supporting text to this policy advises that the objectives of Policy CS41 (d) in relation to student housing will be achieved by limiting the forms of housing types where more than 20% of residences within 200 metres of the application site are shared housing.

The current House in Multiple Occupation density within 200m of the site is 3% (11 HMOs out of 416 properties). This application will add 82 further HMOs (student cluster flats) and 101 non-HMOS (71 student apartments and 29 retirement apartments), which would result in a density of 16%. Both of these percentages are considered to comply with Policy CS41(d).

3. Design Issues

UDP Policy BE5 'Building Design and Siting' expects good overall design and the use of high quality materials. Original architecture is encouraged, but new development should also complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS 74 'Design Principles' reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city. Amongst other items, this includes 'views and vistas to landmarks and skylines into and out of the city centre and across the city to the surrounding countryside.

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. Members should note that the application site is not located within the city centre boundary; however it is considered that the overall principles of Policy CS76 are relevant to the consideration of this application because of its design and nature.

The guidance contained in the Council's Urban Design Compendium is relevant, in particular its advice relating to tall buildings in Sheffield and the need to ensure that they are appropriately sited and designed.

Overall, the design development of this scheme from initial pre-application stages to the current proposal has improved the proposed development but it is still of a challenging scale.

- Proposed Layout

This is a large development which extends across the entire site and comprises of new building blocks, associated external amenity space/landscaping and car parking. Given the design and position of buildings, it is possible to divide the layout into three parts with individual identity but harmonised by the proposed architecture.

Student Accommodation Building

The primary elevation of the student buildings are north facing and address Maltravers Road. The main entrance is situated beneath the southern tower and a narrow strip of landscaping/outdoor courtyard space also characterises quite a large proportion of the student accommodation's site frontage.

A larger external amenity/landscaped space is positioned in-between the towers at the rear of the site. The existing highway connection at the north-western end of the site is to be retained and will be utilised to gain vehicular access to the site for residents and building services. Resident car parking is provided by an undercroft car park and there are no car parking spaces proposed at ground floor level.

Overall, the proposed layout of the buildings is considered to be acceptable. The student element responds to the site's Maltravers Road frontage and respects the existing building line. Furthermore, it provides entrances directly onto the public footpath, which will increase activity and movement at this location. Currently, there is limited pedestrian movement from this site because there are no access doors leading directly onto Maltravers Road. Additionally, it is felt that the inclusion of large glazed areas at ground floor and mezzanine levels will enhance human interaction - creating street activity and presenting an interesting façade to passing pedestrians.

Retirement Apartments & Care Home Buildings

The retirement apartments comprise a single building situated to the south-east of the student buildings on the remaining portion of the site's Maltravers Road frontage (adjacent to No. 130 Maltravers Road). Again, the building incorporates a façade that addresses Maltravers Road although the majority of the apartment windows are inward looking because of the building's design. A large landscape garden/communal amenity space area is positioned beyond the north-west facing elevation of the building and will be situated immediately in-between the southern student tower and the north-west facing elevation of the retirement apartment - both buildings will overlook the space. The existing highway connection that exists at the south eastern end of the site will be retained and utilised to gain pedestrian/vehicular access to the car parking spaces for the retirement apartments and care home facility.

The Care Home building is positioned in the south-east rear corner of the site, to the rear of the existing residential houses at Nos.130 - 136 Maltravers Road and adjacent to Woodcock Place. It is proposed to share a pedestrian and vehicle access with the retirement apartments. The amended scheme indicates that there will be no pedestrian or vehicle access to Woodcock Place which should overcome

the concerns raised by residents. Car parking for the facility is situated in front of the building in the same area as the parking available to the retirement apartments.

Overall, the retirement apartment and Care Home buildings do not have an overly prominent street frontage but this is not necessarily a negative feature. The apartments do have an access onto Maltravers Road but the main elevations of both buildings are positioned internally within the site and serve to create small courtyard settings for both uses, which is considered to be appropriately low key and of appropriate character for the nature of the uses proposed.

- Proposed Scale and Massing

A key issue in the determination of this application is the proposed scale of the buildings, in particular the impact on the streetscene, existing buildings and visual amenities of the locality. The scale and massing of the development has been the subject of much scrutiny by officers given the size proposed, the site's prominent location on the outskirts of the City Centre overlooking the Parkway and position in-between two very different types of residential development.

The Urban Design Compendium provides guidance and recommendations on tall buildings for Sheffield and this document - as well as Core Strategy policies - has helped to guide discussions with the Applicant. Initial discussions focussed on the need to consider the impact of the building on a city-wide basis and required assessment in terms of the impact of the development upon Sheffield as a whole, as well as the individual site conditions. As a result, key views and visuals were put to officers, which demonstrated that such a landmark development could be accommodated on this prominent and elevated site without being detrimental to urban design principles and city wide considerations. Indeed, it was concluded that such a large scale building situated on a prominent hillside adjacent to gateway locations into the City (including the Parkway and Supertram route) could create a positive impression if the development's architecture and layout were executed in a high quality and acceptable manner (see below). Furthermore, it was felt that a successful proposal would replace an unattractive existing building and lead to an eye-catching development that has a positive impact on the Wybourn area, which is currently undergoing wider regeneration and improvement.

Student Accommodation Building

This part of the proposal contains the largest buildings in terms of scale, massing and density. Therefore, it is the element of the scheme that offers the greatest concern to officers. There is little doubt that a building of reduced height and proportions would be preferred; but owing to urban design guidance and the reasons discussed below it is considered, on balance, that the proposed scale and massing has the potential to be accommodated at this location.

The accommodation has been deliberately sited at the north-western end of the site that currently includes the 6-storey office building. This position is considered to be the best on this site for a tall building because it responds to the scale and density of the adjacent Hyde Park Flats, which is of a similar height.

The buildings have been marginally reduced in scale and mass during pre-application and application discussions. The final proposal meets Maltravers Road as two tower buildings, which sit on a double height glazed ground floor space. The most northern tower has a maximum of 14 storeys (stepping down to 12 storeys on its southern side) and the southern tower is a maximum of 10 storeys (stepping down to 8 storeys on its southern side). Both of the towers have decreasing scale as they extend towards the rear of the site which is welcomed - the northern steps down to 7 storeys and the southern tower reduces to 5 storeys. The tower buildings are situated approximately 24 metres apart and linked together by a smaller central core building, which is 6 storeys high and also has the double height ground floor space.

Overall, and very much on balance, the scale and massing of this part of the development is considered to be acceptable. There is little doubt that the buildings will be very tall and prominent at close and long range quarters in all directions. However, it is resolved that the proposed siting next to Hyde Park Flats and the cascading tower design, help break the mass of the façade and the high quality design/detailing (see below), will ensure that the development is ultimately not a detrimental addition to the skyline and does not have a negative impact on both the immediate and broader context.

Retirement Apartments & Care Home Buildings

The proposed retirement apartments comprise of one building that has a much smaller scale and mass to the student buildings. The maximum height of the apartments is 5 storeys and the building reduces to 3 storeys on the Maltravers Road elevation at the point which is closest to the semi-detached housing.

The proposed care home is situated at the rear of the site and is proposed to stand at a maximum of 4 storeys high at its entrance block (including lower ground floor and ground floor areas). However, given the layout and position of the building a large proportion of the building will decrease to 2 storeys; which will achieve an acceptable relationship with the existing semi-detached houses on Woodcock Place and the properties at Nos.130 - 136 Maltravers Road, which are positioned to the immediate south-east and north.

The proposed reduction in the scale and massing of these buildings as part of the overall development proposal is welcomed and, overall, it is concluded to be acceptable. It is considered that the reduction in size from north to south across the site emphasises the cascading design approach and helps the development to integrate with the surrounding context by providing an appropriate transition from the high scale of the student accommodation down to the domestic scale of the housing generally seen in the Wybourn neighbourhood. Furthermore, it is considered that the scales are sympathetic to the changes in topography across the site, which increases quite significantly towards the rear.

- Proposed Design/Detailing

The proposed development consists of a modern architectural style and a new addition to an area that is already characterised by varied design forms. This

variety is born out of the edge of centre location and the mixture of land uses, which have been built over the last 80 years within close proximity to one another.

Overall, the design development of this scheme from initial pre-application stages to the current proposal has been positive. For the reasons explained below, the design/appearance of the scheme is considered to be acceptable.

All of the buildings employ a simple brick grid pattern, within which there is proposed to be large window openings containing a combination of glazing, coloured infill panels, fixed louvres and/or balconies. The content/format of these openings is intended to change and respond to suit the intended use of each building (see below). In all cases, the scale of the openings is shown to be generous and the quality of architectural detailing high; this is evident from the 1:20 scale drawings details that have been submitted with the application.

Student Accommodation Building

It is the current intention that this building be bold, colourful and vibrant so as to reflect the student population it will contain. Above a double height glazed space at ground floor and mezzanine level, it is proposed to use a dark grey coloured brick and large window openings above. Each student bedroom/living area comprises a fixed glazed light, a fixed coloured infill panel and a fixed louvre behind which there is an opening light to allow safe natural ventilation for occupiers.

Retirement Apartment Building

The proposals indicate that this building will utilise a lighter grey brick with infill panels that will be toned to suit. The window openings are intended to be larger in size - the living areas open out to a private glazed balcony and the bedroom windows are designed in the same way as the student accommodation - including a fixed coloured infill panel, a fixed louvre and a glazed window.

Care Home Building

It is intended that this building be constructed from a more buff colour brick, which the Architect's feel will give it the warmth required to personalise a facility of this kind. The fenestration detail is intended to reflect the design characteristics of the student accommodation and retirement apartments, including extensive glazing at the ground floor main entrance and similar window designs.

The overall approach to the architectural design of the proposed development is supported, especially the strong brickwork grid pattern and 'well grounded' ground floor areas. The architectural treatment is bold and modern but it is considered that this is a positive design approach at this location. The clear architectural language running across the development with variety reflecting the uses is welcomed and will help to harmonise the development whilst ensuring that each building/use has its own identity.

The intended use of coloured infill panels is supported as part of the overall proposal. However it is considered that there is scope for the applicant to further

investigate how the use of colour, off-set bays and different materials could be used, to add further meaning and coherence to the large blocks, rather than just appearing as a randomised pattern. Officers consider that the nearby Park Hill flats are a good precedent of how this approach can be refined to bring further meaning and coherence to large blocks of accommodation. In light of this, it is considered that agreement on the final design of the content of windows openings and the colour of infill panels should be reserved by condition.

4. Density Issues

Core Strategy Policy CS 26 'Efficient Use of Housing Land and Accessibility' states that housing development will be required to make efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities.

The policy recommends a density of between 40 to 60 dwellings per hectare in locations such as this that have access to Supertram stops and high frequency bus routes, in order to make efficient use of housing land but also reflect levels of accessibility. The scheme proposed - with 153 student apartments and 30 retirement apartments (not taking account of the 60 bed care home) represents a density of around 172 dwellings per hectare which is considerably above the guideline, contrary to the aspirations of policy and more akin to a City Centre density.

However, Policy CS 26 allows for exceptions to the density range in certain circumstances, including where a scheme achieves good design. For the reasons discussed in the design section above, it is considered that the proposed development exhibits high design quality that will create a landmark development at a gateway location. Furthermore, the higher density student element of the scheme is the part closest to the City Centre, with the lower density element providing the bridge to the housing area of Wybourn. It could be argued that the higher density student element of the scheme reflects the character (in terms of scale and density) of the adjacent Hyde Park flats which themselves have a density of around 270 dwellings per hectare.

Recognising the design quality of this development and the manner in which it provides a transitional bridge between Hyde Park flats and the Wybourn, it is concluded that the density proposed can be justified at this location and subsequently compliant with Policy CS26.

5. Sustainability Issues

Core Strategy Policy CS63 relates to 'Responses to Climate Change' and sets out actions to help reduce the city's impact on climate change as well as adapting to expected climate change. Included within this are objectives for reducing the need to travel, supporting sustainable transport, and sustainable design and development.

Core Strategy Policy CS64 relates to 'Climate Change, Resources and Sustainable Design of Developments' and requires all new buildings to be energy efficient and

to use resources sustainably. It also advises that all new significant developments should achieve Code for Sustainable Homes Level 3 (or equivalent) or a BREEAM rating of 'Very Good', respectively.

A Sustainability Statement has been submitted with the application and states that a BREEAM assessment will be undertaken for the student accommodation and care home buildings, as required. It has also been confirmed that the retirement apartments will be constructed to achieve Code for Sustainable Homes Level 3.

Additionally, the Sustainability Statement discusses the intention to use resources sustainably as part of the development. A 'Use Less First' policy is proposed to be employed to ensure that the development reduces the need for high energy consumption. For example, it is proposed to achieve such an aspiration through design to ensure good ventilation, efficient heating/cooling systems, natural lighting, appropriate orientation of spaces, water control etc.

Conditions are recommended in order to ensure that these intentions are fulfilled.

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

Again, it is confirmed that the development will achieve 10% of its overall energy needs from renewable energy. The Sustainability Statement and feasibility study concludes that the most relevant primary energy source for this development would be a Gas Combined Heat and Power unit (CHP) and Air Source Heat Pumps. If additional sustainable resources are required, it is advised that photovoltaic or solar thermal cells could also be appropriate.

With regard to the Sheffield District Heating Network, it is acknowledged that this could provide the majority of the site's heat load but the nearest tributary for the Network runs across the junction of Cricket Inn road and Bernard Street, some 250 metres from the northern-most point of the site. The connection would involve considerable works to the highway, which would be cost prohibitive. It is for this reason that the feasibility of using the Network is only considered to be 'Medium' although it is advised that investigations continue into the possibility of connecting to it.

From the evidence submitted, it is considered that the proposals will comply with the requirements of Core Strategy Policies CS63, CS64 and CS65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large-scale developments. The submission indicates that green/brown roofs will be used, which is welcomed and considered to be a positive approach to contributing to the biodiversity of the area, provide storm water attenuation and air quality improvements. Further detail about the design of the green roof is required and this will be controlled by condition.

6. Amenity Issues

UDP Policy IB9 'Conditions on Development in Industry and Business Areas', part (b), states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

UDP Policy H5 'Flats, Bed-Sitters and Shared Housing' states that the creation of flats and the multiple sharing of houses will be granted only if (a) a concentration of these uses would not cause serious nuisance to existing residents; and (b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours; and (c) there would be appropriate off-street car parking for the needs of the people living there.

UDP Policy H8 'Housing for People in Need of Care' requires that new and refurbished housing in the form of supportive accommodation, sheltered accommodation, care homes and nursing homes be permitted in suitably convenient locations and to appropriate standards.

UDP Policy H15 'Design of New Housing Developments' expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met.

- Amenity of Existing Residents

Key issues for existing residents are privacy, overshadowing, overdominance and noise/disturbance. The properties affected by this development are positioned immediately beyond the site's eastern boundary on Maltravers Road and Woodcock Place.

With regard to the impact on residents at Hyde Park Flats, it is considered that the development will not have a detrimental amenity impact on these properties owing to the distance between the two sites and the orientation of windows, which face to the front and rear of the site, rather than offering direct views over the site.

With regard to the land to the rear of the site it is confirmed that there are no buildings, just open space land.

Privacy Issues

The impact of the proposed retirement apartments and care home buildings on the adjacent properties on Maltravers Road and Woodcock Place must be considered owing to their proximity to the site boundaries, the scale of the buildings, and the site's varying topography. Members are advised that the upper levels of the existing buildings on site already overlook the garden space of the properties on Maltravers Road at closer quarters than the proposed development.

The relationship between the proposed retirement apartments and the side boundary of 130 Maltravers Road is considered to be acceptable. A distance of approximately 19m is achieved between this new building's main south-east facing

façade and the shared boundary with 130, which is situated at a lower level to the application site. The new façade contains habitable room windows to approximately half of the proposed flats in the building as well as a number of balcony areas. Normally, main elevation to side elevation relationship (at equal height and level) would warrant a separation distance of 12m with greater distances encouraged depending upon the site relationships and increases in building height.

The proposed 19m achieves a positive separation distance that is consistent with general advice. A greater distance would be preferred - given the scale of the new building, the quantity of windows it contains and the balconies on the new façade overlooking existing - but it is accepted that the 19m proposed is consistent with current privacy requirements. Furthermore, it is acknowledged that the areas will be separated by the entrance/car park area and new landscaping (including trees) which will further screen the development.

The relationship between the proposed care home facility and the rear of the properties at 130 - 136 Maltravers Road is also acceptable. The 2/3 storey northern wing of the new building (containing mainly bedroom windows) will be positioned immediately behind the rear of the existing properties at a higher land level, however it is again considered that the separation distances proposed between private spaces will ensure that the amenity of existing residents is maintained to an acceptable degree.

Approximately 11m is proposed between the new building's north facing façade and the rear garden boundary of the existing properties, which all have rear gardens that are approximately 24m long. Therefore, the overall separation distance between the habitable room windows in the existing and proposed buildings will be approximately 35m. Normally, a separation distance of 21m is encouraged between main facing windows (greater distances encouraged as appropriate). Therefore, the proposed 35m achieves a positive separation distance and accounts for the position of the new building at a higher land level.

The privacy relationship between the care home facility and the properties on Woodcock Place is considered to be acceptable. There are no windows or balconies proposed on the elevations addressing their private spaces.

For the reasons given above it is concluded, on balance, that the proposed relationship between existing and proposed is acceptable in privacy terms.

Overshadowing and Overdominance Issues

The retirement/care home buildings are positioned to the south and west of the existing residential properties referred to above. Sun path analysis details have been provided by the Architects which demonstrate that there will be some but not unacceptable overshadowing as a result of the new buildings.

With regard to the potential dominance impact on neighbouring occupiers, it is considered that there is sufficient separation distance between the shared boundaries to ensure that overdominance will not be at an unacceptable level.

There is little doubt that the new development will be visible from the adjacent residential properties highlighted above and this will be a significant change from the current situation. However, change in views and the nature of the views is not a material planning consideration.

Noise and Disturbance Issues

The site's existing use comprises of commercial business and workshop space. Aerial photographs and a site visit also suggest that areas of the site, most notably in the south eastern corner, are also used for the storage of vehicles and various temporary buildings/equipment.

It is considered that the proposed development will not cause a significant nuisance or disturbance to existing residents. The proposals are residential in character which is more compatible than the existing commercial activity. Furthermore, it is considered that those uses situated closest to the Wybourn estate are most likely to be relatively quiet and low-key owing to their intended elderly occupiers. This is a benefit of the amended scheme and ensures that the student population is retained at the opposite end of the site where the character is more urban.

The position of the vehicle access and the car park area serving the retirement apartments and care home building adjacent to the side and rear boundary of 130 Maltravers Road, is considered acceptable. Indeed, the proposed environment is not substantially different to the existing land use at the rear of the site (a car park) albeit at a much smaller scale. It is considered that the development will allow the opportunity to improve the quality of the access, as well as the buffer along the shared boundary. Furthermore, it is considered vehicle movements will be somewhat low key and dispersed.

In terms of the ancillary uses relating to the ground floor and mezzanine areas of the student accommodation, it is the case that these will be within the development confines and unlikely to raise significant amenity issues. Matters relating to noise breakout and the potential for other nuisance (such as odours) can be dealt with by condition.

Conditions to protect the amenity of neighbouring residents, such as appropriate boundary treatments, landscaping and lighting as well as restrictions upon deliveries and maintenance hours, are recommended in order to ensure the amenity of future residents is protected and maintained.

For these reasons above, it is concluded on balance that the proposed development is acceptable and will not have a significantly detrimental impact on the living conditions of existing surrounding residents, in accordance with relevant UDP policies.

Amenity of Future Residents

Key issues for existing residents are outlook, privacy, outdoor amenity, and noise and disturbance. These are discussed below.

Outlook

All of the habitable rooms within the development have large clear openings and are proposed to be naturally ventilated with the intention of ensuring that internal living environments are well lit by daylight and comfortable for occupiers. It is considered that the outlook from units will be acceptable across all elevations of the site, clearly some outlooks will be better than others and particularly impressive views will be achieved at the higher levels on the north facing façade looking across the City.

Privacy

The layout and design of the scheme creates a circumstance whereby windows will face each other and mutual overlooking will occur across courtyards and landscaped spaces. The privacy distances achieved throughout the site are generally acceptable as reasonable separation distances are proposed between the buildings. The distances are considered to be appropriate for a proposal of such high density and urban character. For the majority, separation distances exceed 21m which is welcomed but there are occasions where this reduces to 15m; specifically the relationship between the east facing elevation of the second student tower block and the west elevation of the retirement apartments. Ideally, officers would prefer this distance to be greater because of the difference in building uses and heights; however there is no significant objection to the proposed distance when viewed in the overall context of the scheme's design and layout. It is considered that distances are acceptable for apartment developments in an urban location, and that a requirement to increase this distance would have potentially negative implications on other parts of the scheme and surrounding land uses. For this reason, and on balance, it is considered to be acceptable.

Outdoor Amenity Provision

The development comprises of a variety of outdoor garden spaces and courtyard areas that are intended to provide external amenity space and access routes for the site's occupiers. There are three key amenity spaces which have been designed to respond to the three accommodation types that are proposed to exist across the development.

1. The student courtyard space (approximately 30m x 20m) will comprise of a rectangular sloping raised lawn surrounded by a paving route and informal seating. The space is also situated on the southern side of the building, which means that it is secure, private and will maximise sunlight. Overall, the arrangement of the space is considered to be acceptable from an amenity point of view

2. All of the retirement apartments will have their own balcony spaces, which will ensure that the residents have their own private spaces. There are two styles of balconies proposed around the building, recessed and projecting, and the plans indicate that these spaces are quite generous. This provision is considered to be a positive inclusion and acceptable.

Additionally, the scheme provides a central informal green space area, which extends and rises in level from the site's frontage to rear (2.8m) and is located between the student residences and the retirement apartments. It will be available for use by apartment residents only although the space will provide green outlook for the adjacent student accommodation and care home use. It is considered that the design of the space should be enhanced with more seating and routes to provide greater usability for residents. Additionally, the space is aligned in the direction of the prevailing wind, and therefore it is recommended that more sheltered areas - including more tree planting - should be provided across the space to increase its comfort. An appropriate condition is therefore recommended.

3. As well as external balcony areas to lounge areas across the various levels, the Care Home includes a central courtyard space, which is intended to be enclosed private walled garden for its residents with direct access will be available off the day room and lounge areas. The space is approximately 23m x 19m and the proposal illustrates a central raised lawn area surrounded by shrubs/planting beds and ornamental tree planting as well as various private seating areas for receiving visitors and a central pergola.

Overall, the outdoor amenity provision considered to be of an appropriate standard. It is considered that the final design of this space can be controlled by a landscape condition.

Noise and Disturbance

The site's position in a mixed commercial and residential area as well as being situated on a main road is relevant. The predominant noise source is from road traffic on Maltravers Road, however its traffic levels are considered lower compared to Cricket Inn Road, and distance road traffic from the A57. There are several commercial premises located in close proximity that vary in operating hours, and the Parkway Central Retail Park. All necessitate consideration.

The proposed student accommodation places residential above various ancillary commercial and business use, which have the potential to generate internal and external noise. Therefore, it is essential that all living rooms, bedrooms and external areas are designed to adequately attenuate surrounding noise sources and provide suitable internal noise levels.

It is accepted that good internal noise levels can be achieved through a scheme of sound attenuations works (reserved by condition).

For these reasons, it is concluded that the proposed development will provide an acceptable living environment for future residents, in accordance with relevant UDP policies.

7. Highway Issues

In policy terms, UDP Policy IB9 advises that new development in Industry and Business Areas will be permitted provided that it would be adequately served by

public transport and provides safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS 23 'Locations for New Housing' states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainably located site.

Core Strategy Policy CS 53 relates to 'Management of Demand for Travel' and part b. encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

The site is located within a relatively sustainable location. It lies along a high frequency bus route and it is within close proximity of the Cricket Inn Road Supertram stop. This infrastructure provides links to the City Centre, both Universities and the leisure/entertainment activities in the Lower Don Valley.

With reference to car parking, it is noted that the Council has adopted maximum standards relating to a range of uses, including student housing, residential accommodation and business uses, as relevant to this application. In total, 81 parking spaces are proposed across the whole site; there are 57 spaces (including 9 disabled) set aside for the student accommodation/business use and located within a ground floor secure undercroft car park. The remaining spaces are located at surface level outside the entrances to the retirement apartments and care homes. These are to be allocated to the retirement apartments and care home facility.

The latest proposed car parking arrangements are considered acceptable from a highway point of view at this sustainable location. The amended scheme offers greater amount of parking across the site, especially in relation to the student accommodation, which is welcomed and considered appropriate for the nature of development proposed. Furthermore, it is considered that the revised site layout and inclusion of retirement apartments and care home towards the east end of the site will discourage students from parking on-street in the wider Wybourn area due to the distance involved to walk from these streets to the student accommodation following the removal of a pedestrian access onto the site from Woodcock Place.

With regard to the parking available to the care home and retirement apartments, the quantity of spaces is lower than the maximum standard desired by the Highways Section (around 4 extra spaces). A decision has been made not to seek these additional spaces because the provision of further parking would require some reconfiguration of the entrance courtyard area, including the removal of proposed trees and landscaping, which would be detrimental to the amenity of the space and the residents who will overlook it. However if demand requires it in the future and there is a parking issue on the site, it is considered that a small quantity of additional spaces could be accommodated.

In terms of traffic and trip generation, given the nature of the site's main users (students and the elderly) it is considered that movements will be irregular and relatively infrequent and will not generate high vehicle movements during AM peak

and PM peak hours, thus having no significant material impact on the adjacent highway network at key times.

South Yorkshire Passenger Transport Executive (SYPTTE) considers public transport accessibility to be excellent in this area. The development is located on the Core Bus Network, which operates along Maltravers Road, and the tram service is easily accessible from the Cricket Inn Road tram stop. As the development includes a large proportion of student units, it is considered that direct access to the University of Sheffield and Sheffield Hallam University is essential. SYPTTE are confident that these establishments can be reached through direct journeys made from the nearby tram and bus stops.

It is anticipated that trip generation from this development is likely to be focused on public transport, therefore reducing local highway congestion, promoting sustainable travel behaviour and reducing this development's impact on local air quality.

As there is likely to be a high proportion of public transport use from the site users, SYPTTE request that there is a requirement placed upon the application to upgrade the nearest inbound bus stop to the site (stop number 37023045). Currently, the bus stop is a pole with no shelter and given the increased number of likely users, it is considered that measures should be put in place to install a new shelter. This will provide a good quality and sheltered waiting environment for bus services into the city, which will also benefit the existing community. Given the scale of the development proposals and the proximity of the bus stop this request is considered to be directly relevant to the development and, therefore, it is considered that the provision of this stop be achieved by condition.

In light of the above, it is considered that the proposal complies with the relevant aspirations of the UDP and Core Strategy policies identified.

8. Air Quality Issues

UDP Policy GE23 'Air Pollution' states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution. Furthermore, Core Strategy Policy CS66 'Air Quality' encourages action to improve air quality in all areas of the City, particularly where residents in road corridors with high levels of traffic will be exposed to levels of pollution above national targets.

The application proposal does not include 80 car parking spaces or more and therefore does not trigger the need for an Air Quality Assessment. Furthermore, the overall quantity of car spaces proposed as part of the development will be less than existing and the nature of the uses dictates that vehicle movements from the proposed development will be reduced.

Overall, it is concluded that the proposal will not have a detrimental impact on the air quality of the area in accordance with the requirements of relevant UDP and Core Strategy policies.

9. Access Issues

UDP Policy H7 'Mobility Housing' identifies that a proportion of mobility housing is to be encouraged in all new and refurbished developments.

With regard to the student studio apartments, the submission confirms that 18 one bedroom apartments will be available as mobility units. This equates to 25% of the total 72 apartments, thus complying with policy aspirations.

With regard to shared student housing 5% of bedrooms are expected to be provided to mobility standards. In this case, the scheme provides 18 bedspaces within the 3 bed cluster units, which equates to approximately 4% and a shortfall. Notwithstanding this, it is considered that the cumulative provision of mobility units across studio and cluster apartments should be recognised as a whole and not separately. Therefore, it is considered that the overall provision is acceptable.

With regard to the retirement apartments, the submission states that all of the apartments and the communal areas will be designed to mobility standards.

With regard the care home, it is again confirmed that disabled facilities will be provided owing to the nature of the use and proposed residents. It is advised that guidance has been sought from relevant specialists, including the Department for Health and other organisations.

In relation to all of the units detailed typical layouts have been provided. These have been assessed by the Access Officer who has confirmed that the application proposal is acceptable. Therefore, the scheme is considered compliant with UDP Policy H7.

10. Flood Risk Issues

Core Strategy Policy CS67 relates to 'Flood Risk Management' and, in part, seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding.

The accompanying Flood Risk Assessment confirms that the site falls within Flood Zone 1. The Environment Agency has been consulted and raised no objection. Therefore, there is no significant flood risk implication generated by this application.

The existing site comprises of buildings and a large amount of impermeable hardstanding areas with no landscaped or permeable spaces. The current proposal will significantly improve surface water run-off through the inclusion of landscaped spaces and green roofs, which is considered to be acceptable and a positive aspect of the application.

Therefore, the development is considered satisfactory in terms of Policy CS67.

11. Ecology Issues

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment will be protected and enhanced. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

The quality of the existing site as a habitat for biodiversity is considered to be low and there is no objection to the proposed development in ecology terms. Indeed, it is considered that the application proposal, which includes new landscape spaces containing different plant and tree species as well as green/brown roofs, will serve to have a positive impact on ecology by improving the biodiversity of the site.

In light of the above, the proposal is concluded to be consistent with the requirements of Policy GE11.

12. Landscaping Issues

UDP Policy BE6 'Landscape Design' expects good quality landscaping in new developments and refurbishment schemes. Landscape work should provide an interesting and attractive environment as well as integrating with existing features and promoting nature conservation.

Landscaping is proposed to be provided in the identified private amenity spaces and public realm areas of the development. In the public areas - specifically the Maltravers Road frontage and access to the retirement apartments/care home - the proposals identify the use tree and evergreen hedge planting as well as planters and various hard paving designs to the areas pedestrian/vehicle routes and entrance approaches. Whilst this landscaping will help to soften the development's setting, the Council's Landscape Officer has provided a number of constructive comments in relation to the proposed landscaping issues. In particular, it is felt the size and specimen of trees proposed should be bolder given the scale and character of the development, and the design of the proposed hedging should be simplified in order to make it easier to maintain.

The private landscape spaces proposed for residents are addressed in the 'Amenity Issues' section of this report.

The proposals to include landscaping in the public areas of the development are welcomed. It is considered that specific outstanding matters relating to the nature of species and final design of spaces can be addressed by condition. It is concluded that the proposal complies with UDP Policy BE6.

13. Affordable Housing Issues

Policy CS40 'Affordable Housing' and the Interim Planning Guidance entitled 'Affordable Housing' requires that all new developments of 15 dwellings or more, where practical and financially viable, should provide between 30% and 40% of the dwellings as affordable. Where on site provision is not desirable, contributions will be taken for off-site provision.

In this case, the Applicant has submitted an affordable housing statement, which identifies that the provision of affordable housing as part of this development was not viable. This conclusion has been independently confirmed by the District Valuer's Office following consideration of a development appraisal and details. As such, no affordable housing will be provided as part of this scheme and, in accordance with the viability clause within the policy and guidance, this is accepted.

14. Open Space Enhancement

UDP Policy H16 'Open Space in New Housing Developments' requires that the Applicant makes an appropriate contribution towards the provision or enhancement of public space on or within the vicinity of the application site. On this site it is expected that 10% open space is provided because the site is greater than 1ha and the provision of recreation space in the catchment area of the site is below the minimum guidelines.

Core Strategy Policy CS 46 'Quantity of Open Space' encourages that as opportunities, new open space will be created where a quantitative shortage of open space is identified and where it is required for extending the City's Green Network.

It is expected that this scheme should provide a contribution towards open space in the local area. Therefore, under the terms of Policies H16 and CS46 and Supplementary Planning Guidance an open space contribution of £140,205.00 will be required. This will be secured by a legal agreement.

16. Public Art

UDP Policy BE12 'Public Art' encourages the provision of public art where it would be readily seen by the public and integral to the design of major developments. The Applicant has indicated a willingness to integrate public art within the development. Given the size and nature of the proposal it is considered that there are ample opportunities to integrate public art within the scheme. This will be secured by condition.

RESPONSE TO REPRESENTATIONS

It is considered that the main assessment of this report addresses the land use, student housing and amenity issues raised in the representations.

In terms of the publicity about the application, it is advised that both the original application proposal and the amended proposal have been advertised by neighbour notification letter, site notices around the area, and press advert in the Sheffield Telegraph. This is appropriate for the nature of development proposed and is in line with the Council's Statement of Community Involvement.

With regard to the businesses that currently occupy the application site, it is confirmed that the Council has sent letters to those known in relation to the original and amended proposals. The action of the Landlord is a matter that is beyond the

Council's control and has no relevance to the determination of this planning application.

With reference to the suggestion that a local public meeting should have been held to explain the proposals, it is advised that members of the public have been consulted on the application via the consultation procedures described above and this is considered to be sufficient for an application of this nature. Again, the actions of the Applicant are a private matter that is beyond the Council's control.

Finally, in response to concerns about the impact of construction work it is advised that this is not a material planning consideration and therefore is not an issue relevant to the decision. There are powers under the Environmental Protection Act to deal with nuisance.

SUMMARY AND RECOMMENDATION

The proposal offers a significant contemporary mixed use development on a gateway site to both the city and Wybourn which currently contains unattractive commercial buildings. The proposed contemporary architectural approach to the scheme is of a high quality the revised layout is appropriate to the site and its surroundings. Furthermore, the development will introduce new uses to the area and provide for a variety of tenures which will add to the mix and help to create a sustainable community. This is a positive aspect of the proposal.

As detailed in the main body of the report the development raises no significant concerns regarding amenity, landscape, highways or matters of environmental protection and the proposal accords with relevant NPPF, UDP and Core Strategy policies.

There is no denying that the scale of the taller (student) elements of the scheme is challenging and your officers do have some concern about the size/mass of this aspect of the proposal. There are also questions about whether this is the most appropriate location for student housing.

Notwithstanding these concerns it is considered, on balance, that these negative aspects of the scheme do not amount to harm that is so great as to justify refusing this scheme when balanced against all the positive aspects of the scheme cited in the main body of the report.

It is therefore concluded that the development in its totality is acceptable and that planning permission should be granted subject to the listed conditions and to the completion of a legal agreement to secure the following heads of terms.

HEADS OF TERMS

On or before the commencement of development the owner shall make a contribution of £140,205.00 towards the enhancement of open space in accordance with the provisions of Policy H16 of the UDP, Policy CS46 of the CS and the Supplementary Planning Guidance on Designing House Extensions.

Members are also reminded that the final site notice expiry date is 18 December 2013 and it is therefore requested that the Director of Regeneration & Development Services or the Head of Planning be given delegated authority to issue the decision subject to no additional adverse representations being received on that date.

Case Number 13/00155/FUL (Formerly PP-02105669)
Application Type Full Planning Application
Proposal Erection of 14 dwellinghouse with garages
Location Land At Hallamshire Drive And Adjoining 31
Canterbury Crescent
Sheffield
S10 3RW
Date Received 18/01/2013
Team West and North
Applicant/Agent Rofos Design And Technical
Recommendation Grant Conditionally

Subject to:

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

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

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

- Drawing No. SIV001 (Location Plan)
- Drawing No. SIV002 (Site survey plan)
- Drawing No. SIV003 (Site Location Plan)
- Drawing No. SIV003fp1 (Site Plan)
- Drawing No. SIV004 (Floor Plan - detached house)
- Drawing No. SIV004a (Elevations - detached house)
- Drawing No. SIV004b (Perspective - detached house)
- Drawing No. SIV004c (Site section - detached house)
- Drawing No. SIV004dm (Drive - section)
- Drawing No. SIV004m (Floor Plan - detached house)
- Drawing No. SIV004v (Roof - detached house)
- Drawing No. SIV005 (Floor Plan - semi-detached house)
- Drawing No. SIV005a (Elevations - Semi-detached house)
- Drawing No. SIV005b Perspective - Semi-detached house)
- Drawing No. SIV005c (Site section - Semi-detached house)
- Drawing No. SIV005d (Drive section - Semi-detached house)
- Landscape drawings (Front garden scheme - (R Nicolle July 2013))

- Landscape drawings (Front garden - Low wall and railing details -R Nicolle July 2013)

-Drawing No. 26036/021/C (Proposed private drainage layout - amended 23/07/13 - Eastwood and Partners)

received on the 24 May 2013 and 13 August 2013 from Rofos Design and Technical and R Nicolle

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The dwellings shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended. (H9).

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

- 4 The gradient of shared pedestrian/vehicular access shall not exceed 1:12 unless otherwise approved by the Local Planning Authority. (H14).

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

- 5 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. (H18).

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

- 6 No 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. (H19).

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

- 7 Before the dwellings are occupied the footway along the site frontage (Dg SIV003 - May 20013) connecting to existing footways shall be provided, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

- 8 Prior to any works commencing on site details of parking arrangements for contractors vehicles shall be submitted to and approved in writing by the Local Planning Authority.

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

- 9 Before work on site is commenced, details of a suitable means of site enclosure shall be submitted to and approved in writing by the Local Planning Authority and the dwellinghouses shall not be occupied unless such means of site enclosure 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.

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

In the interests of the visual amenities of the locality.

- 11 The details, specifications and finish of the new windows and external doors, including elevations and sections, shall be approved in writing by the Local Planning Authority before the commencement of development. Drawings shall be of a minimum of 1:50 scale and shall include details of proposed section sizes at a minimum of 1:10 scale. (Details shall include: reveal depths, double glazing, secondary glazing, mouldings, architraves, location of trickle vents). Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 12 Before any work on site is commenced, a report shall have 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 will be provided;

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

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

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

- 14 Unless otherwise agreed in writing by the Local Planning Authority, at least 25% of the residential units shall be designed and constructed to meet full mobility housing standards as set out in Mobility Housing - Supplementary Planning Guidance, details of which shall be first submitted to approved in writing by the Local Planning Authority.

In order to comply with Policy H7 of the Unitary Development Plan.

- 15 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the access and facilities for people with disabilities, shall have been submitted to and approved in writing by the Local Planning Authority. The dwellinghouses shall not be occupied unless such access and facilities have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

- 16 Unless a method of discharge can be achieved within the Public Open Space that is first agreed in writing by the Local Planning Authority, all surface water discharge from the development, once it has reached the bottom of the embankment, shall be piped to the watercourse in Crimicar Lane at a discharge rate of 5l/s. The route of the off-site surface water discharge shall be first agreed in writing by the Local Planning Authority prior to the commencement of work on site.

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

- 17 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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 five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 18 Before the development is commenced 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.

- 19 The development must be carried out in accordance with the mitigation measures and recommendations set out in the Ecology Survey/Report 120451/1 as amended by the Survey report Ref 130261 prepared by Whitcher Wildlife Ltd Wildlife Consultants.

In the interest of the protection and welfare of species protected under the Wildlife & Countryside Act 1981 (as amended) and the Habitat Regulations 2010.

- 20 A post-completion report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the recommendations of the Ecological Assessment report have been carried. This report shall be submitted within 3 months of the house being completed.

In the interest of the protection and welfare of species protected under the Wildlife & Countryside Act 1981 (as amended) and the Habitat Regulations 2010.

Attention is drawn to the following directives:

1. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

2. 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

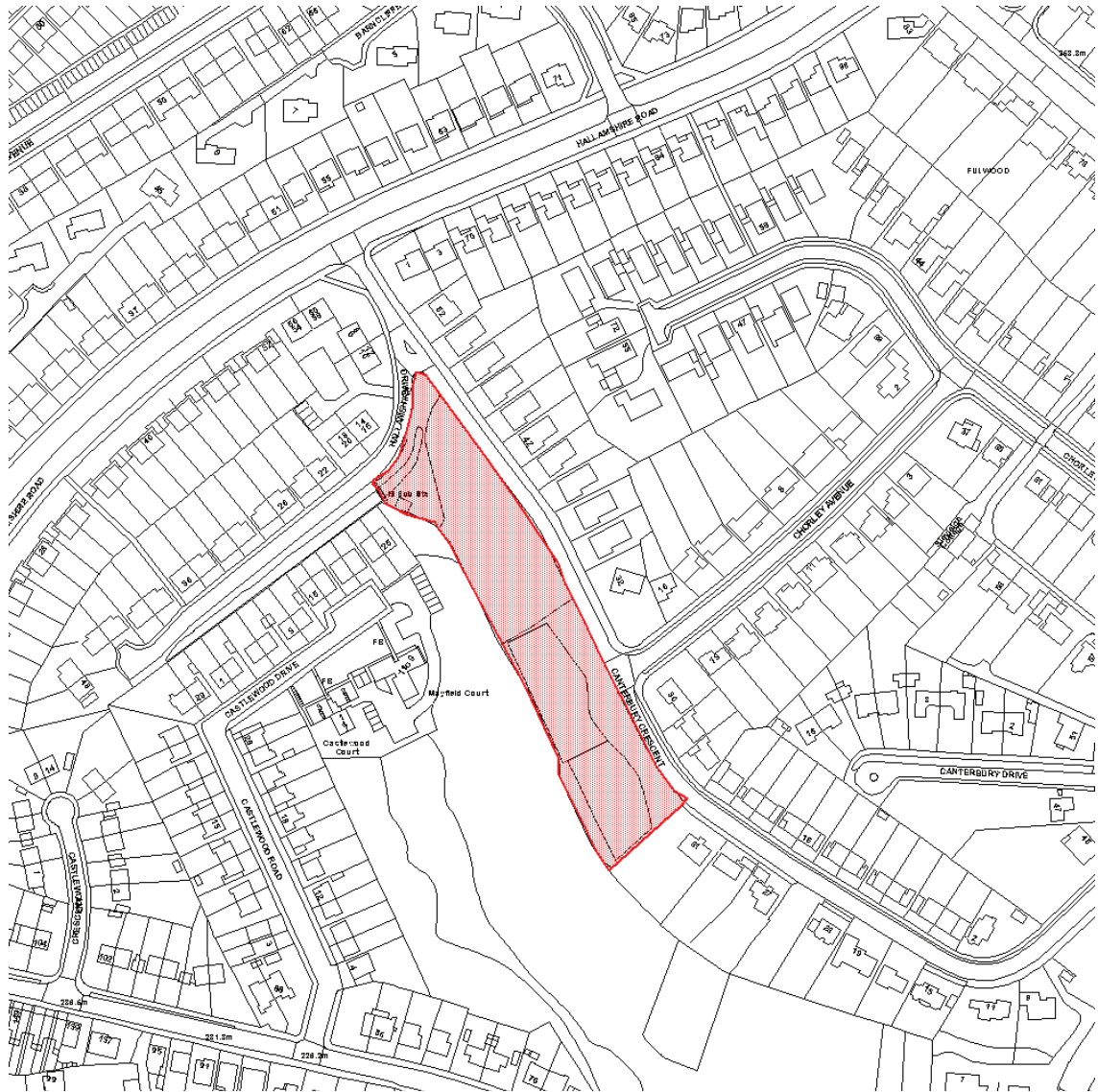
refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

3. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
5. 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.

6. 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



© Crown copyright and database rights 2013 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application relates to an undeveloped parcel of land (Greenfield site) that is situated on the western side of Canterbury Crescent in Fulwood. The site is linear in appearance and covers an area of approximately 0.69 hectares. It is located in a Housing Area as defined in the UDP.

The site is overgrown with areas of dense bramble scrub, tall ruderals and trees. The site is bounded by Canterbury Crescent along its north eastern side and Hallamshire Drive at its northern corner. To the south-west and south-east of the site is a mature wooded area. A public footpath crosses the site from Canterbury Crescent to the woodland. A second footpath that is located near the boundary of the site at its northern end links the woodland with Hallamshire Drive.

The land slopes down from Canterbury Crescent with a difference of some 8-9m between Canterbury Crescent and the adjacent wooded area. Several of the mature trees, which line the site's south-western boundary, are mostly located outside the site boundary. Japanese knotweed is located at two locations on the site, one at the site's northern-most corner and the other towards the south of the site; both areas however are relatively small in extent. The site is enclosed from the adjacent highway by low timber fencing.

Post-war detached houses and bungalows are situated across Canterbury Crescent to the east and at the lower south-eastern corner of the site. Semi-detached houses and flats (Mayfield Court) are situated around Hallamshire Drive at the north and north-western end of the site.

The applicant is seeking full planning permission to erect 14 dwellinghouses on this site (8 semi-detached houses and 6 detached houses). Each of the dwellinghouses would be split-levelled on account of the ground levels presenting itself as two-storey facing Canterbury Crescent and three-storey to its rear. All the houses would be designed with an integral garage.

Amended drawings were received 24 May 2013 and 13 August 2013.

RELEVANT PLANNING HISTORY

04/02573/FUL – Erection of 15 dwellinghouses and garages (Resubmission) (Amended scheme dated 3 May 2005) – Refused 13/07/05. The application was refused for the single reason that the proposal involved the development of a Greenfield site contrary to guidance in PPG3 Housing and Regional Planning Guidance 12.

SUMMARY OF REPRESENTATIONS

A number of representations have been made with regard to this application with 36 letters of objection being received from residents of neighbouring properties. A letter has also been received from Friends of Gilcrest Wood and Meadow and South Yorkshire Police. A summary of all the comments received are listed below:-

Objection

- Planning for various house developments have previously been sought and been refused;
- The schools in the area are already oversubscribed;
- Highway Issues. Canterbury Crescent already has significant parking and passing issues. The road and is currently difficult to negotiate due to parked vehicles. Any development should have sufficient parking so it does not add to the existing congestion during and after the construction of the development;
- The development would increase congestion on the adjacent highways
- The area is currently being treated for the removal of Japanese knotweed, this should be eradicated before the development proceeds;
- Impact on wildlife and natural habitat of protected species
- Development would increase pressure on existing services to the area, such as buses, local shops and family amenities;
- Loss of one of the last pieces of open space in the area and includes two well used public footpaths;
- The site is overdeveloped, number of units should be reduced to 8/10;
- Drainage issues;
- The development of a Greenfield site, preference should be the development of previously developed land;
- Loss of privacy and loss of light;
- Devaluation of house prices;
- Loss of a view of countryside would be marred by unsightly buildings;
- The site currently acts as a wildlife buffer; and
- Design Issues;

Friends of Gilcrest Wood and Meadow (FOGWAM)

FOGWAM was established earlier this year with assistance from SCC Parks and Countryside with the stated aim to offer sympathetic care, conserve and encourage natural flora and fauna and generally improve the wild space of Gilcrest Wood and Meadow.

Particular concerns that they wish to see addressed are:-

- (i) Drainage – The surface water run-off seems to be draining towards the meadow, which is unacceptable and may have significant effects on the nature of the wood and meadow in the long term. The concern is that water from the development site may flow onto/into the site in some other way that damages the trees flora and fauna.
- (ii) Boundary Treatment – Seek to protect the immediate boundary with the woods and expect some form of buffer between the woods and the building area boundary. This should be a minimum of 15m.
- (iii) Footpaths – Assurance that the footpath will be maintained as we wish to put on record that a public footpath between 15/17 Canterbury Crescent accessing the woodlands has disappeared. The current pathway through the site area to Castlewood is not of good quality to say it crosses steep lands.
- (iv) Japanese Knotweed – Concern that knotweed has already migrated from the site into the woodlands. We seek assurances that due care will be taken in dealing with this and be informed how this duty of care will be monitored.

- (v) Construction Access – No construction access through the woods or meadow should be offered as this would have serious immediate implications for the ecology of the site.

South Yorkshire Police have provided advice with regard security and surveillance commenting that the properties that are next to the public footpath should have boundary fencing to 2m high. This also applies to the rear of the properties that back onto the woodland on account of the lack of natural surveillance to this area.

PLANNING ASSESSMENT

Principle of Development – Land use issues

The site is located within a housing area as defined in the UDP, where under Policy H10, housing is listed as the preferred use. The proposal to erect 14 dwellinghouses on this site would therefore accord with UDP Policy H10.

While the development would accord with Policy H10 of the UDP in terms of use, consideration should also be given to the development of this Greenfield site, particular in light of the decision to refuse to grant planning permission for 15 dwellinghouses on this site in July 2005.

The relevant policy position with regard the use of previously developed land for new housing is Policy CS24. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that the development of greenfield sites may be acceptable on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds.

Under Core Strategy Policy CS24, the target for the plan period is for 88% of new dwellings to be on previously developed land, with four possible exceptions. Part (b) allows greenfield development on small sites (14 or fewer homes) within the existing urban areas and larger villages, where it can be justified on sustainability grounds. Part (d) does allow for greenfield housing development in sustainably located larger sites within or adjoining the urban areas and larger villages, if annual monitoring shows that there is less than a 5-year supply of deliverable sites. Currently the Council is unable to demonstrate a 5-year supply of deliverable sites with the latest figures indicating that the Council's 5-year housing supply is currently 52% of the 5-year requirement, although this is largely due to economic conditions rather than a shortage of land. It is considered therefore that the development of this greenfield site can be justified under the terms of part (d) of this policy.

The Pre-Submission Version of the Sheffield Local Plan (formerly the City Policies and Sites Document of the Sheffield Development Framework) was approved by Council on 2 April 2013 for the Representations Stage, before being submitted to the Government. The application site is proposed as a housing allocation within a housing area with the following conditions on development:-

- Retention of public footpath through the site; and
- Mitigation measures as required to safeguard protected species.

In relation to Paragraph 216 of the NPPF, the emerging Sheffield Local Plan can have some weight despite the wide range of objections to the proposed housing allocation in the Additional Sites Allocation Options Document (SAD) Consultation in January 2012. While there are outstanding objections, many of these have been raised before at the time of the previous planning application and were not reasons for refusal. All the issues have been re-visited, with additional evidence gathered as necessary. However the evidence suggests that the issues raised in these objections are not sufficient in officers' opinion to prevent housing development on this site of the scale and density proposed.

Core Strategy Policy CS26 relates to the efficient use of housing land and sets out density ranges for new housing developments. Being near a high frequency bus route in the urban area, the application site should achieve a density range between 40 to 60 dwellings per hectare. It has been calculated that the site area of 0.69 hectares would achieve a density of approximately 22 dwellings per hectare (this density increases to approximately 28 dwellings per hectare if based on the developable area only - ie removing the areas of steeply sloping areas of the site, footpaths and overhanging trees), and hence would fall below the recommended density range set out in Core Strategy Policy CS26. However, the Additional Sites Allocation Options Document suggests that topography of the site and the surrounding trees (i.e protecting a sensitive woodland adjacent to the site) would provide the exception to Policy CS26, while Policy CS26 does allow for densities outside these ranges where they achieve good design, reflect the character of the area or protect a sensitive area.

In addition, negotiations with the Council's Design Team would suggest that the current layout is desirable and that any significant increase in density would not be of benefit to the character of the surrounding area. The development is also considered to meet this exception too, and the implication in Policy CS31 that priority be given to safeguarding and enhancing areas of character in the South-west areas of Sheffield.

Highway Issues

It is considered that development raises no significant highway concerns with adequate off-street parking within the integral garages and driveways and although a little tight, the detached houses include turning heads in front of the houses to allow for vehicles to enter and exit onto the adjacent highway in a forward gear. The development also includes the provision of a 2m wide footpath along the frontage of Canterbury Crescent with dropped kerbs for access points. Following discussions with officers, the applicant has agreed to widen the existing public right of way that runs through the site by additional 0.5m to 3m, undertake amendments to the turning areas/driveways in line with highways recommendations.

In terms of additional traffic generated by the proposal, a matter that has been raised by several objectors, it has been assessed that a development of this size would be expected to generate in the order of 85 vehicle trips per day. Although concerns have been raised that the development would increase congestion in the area, it is considered that the local highway network can adequately accommodate this expected increase in vehicle trips.

In light of the above, subject to the imposition of conditions, there are no highway based objections to the granting of planning permission.

Design and Layout

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Policy H14 (a) of the UDP requires that new buildings and extensions be well designed and in scale and character with neighbouring buildings.

The proposal is for the erection of 14 contemporary designed dwellinghouses made up of six 4/5- bedroomed detached houses and eight 3-bedroomed semi-detached houses. The houses would be interspersed in a regular arrangement along the length of the site to give variety and interest with most set at a slight angle to Canterbury Crescent. All of the fourteen houses principal elevations would be orientated towards Canterbury Crescent and be set back from the highway by approximately 8m.

On account of the sloping topography of the site, all the dwellinghouses would be split-levelled with two-storeys facing Canterbury Crescent and three-storeys to the rear. The semi-detached houses would be symmetrical in appearance (mirroring the other dwellinghouse) and designed with a wide mid-section with a dual-pitched roof bookended by deep recessed side sections. It would measure 6.3m (width) and 12.9m (depth) with a height to its apex of 7.6m (measured from front elevation). The recessed section would house the integral garage. The detached houses are effectively made up of two linked mono-pitched lean-to sections that slope away (off-set) from each other at contrasting heights. They would each have an external footprint of 13.9m (width) by 8.75m (depth) with a height of approximately 7.4m at its highest point (front elevation). A feature of the property is its horizontal windows (front elevation), timber panelled rear section with ribbon glazing strip and glazed rear balcony.

The material palette of all the houses would be red brick, timber boarding and tiled roof. Windows and doors would be hardwood timber.

It is considered that the proposed development represents an acceptable design quality and would make a positive benefit to the character and appearance of the surrounding area. The applicant has amended the scheme on the advice of officers with improvements to the dwellinghouses' fenestration detailing, particularly with regard window hierarchy, increased the number and size of the openings and reduced the width of the eaves and verge details/profile to help reduce the visual prominence of the roof. The applicant also agreed to simplify the palette of materials with red brick being the predominate facing material.

It is considered that the overall scale and massing of the dwellinghouses have been successfully 'broken-up' by the use of recessed sections, alternate roof planes and heights. Although the buildings have a contemporary 'feel' to them, the applicant has

endeavoured to pick up some of the design qualities and features of the houses that make up Canterbury Crescent such as mono-pitch roofs, balconies and horizontal emphasised openings.

Officers are also satisfied with the low density nature of the development, which closely reflects the density of the houses across from the site along Canterbury Crescent. The dwellinghouses have been given generous front and rear gardens with combination of low brick walling and railings.

With due care taken with regard the detailing and finishings of the dwellinghouses that can be adequately controlled at the condition stage, it is considered that Policies H14 and BE5 of the UDP would be met.

Residential Amenity Issues

Policy H14 of the UDP states that acceptable living conditions are provided for existing and future occupants and sites are not over developed, or deprive residents of light privacy or security.

The site layout of the development site shows that the future occupants of the proposed dwellinghouses would be afforded with a high level of amenity with good sized gardens and outlook. The size of the dwellinghouses' rear gardens would all exceed 50 square metres, many far exceeding this amount.

In terms of neighbouring properties' residential amenity, it has been calculated that a separation distance of approximately 23m would be maintained between the front elevations of the proposed dwellinghouses and the houses to the east of the site across Canterbury Crescent (Nos. 26-50). This separation distance should avoid any significant loss of outlook or overlooking that would be harmful to these neighbouring properties.

To the south-west of the site is a semi-detached dwellinghouse (25 Hallamshire Drive) and Mayfield Court. Both of these residential properties' principal elevations are orientated away from the site and would be separated in excess of 21m from the nearest part of the rear elevations of the nearest houses, and in the case of Mayfield Court, significantly more. It is not considered therefore that these neighbouring properties would be adversely affected by the development with minimal loss of outlook or overlooking.

Access Issues

Policy H7 of the UDP states that in all new or refurbished housing the provision of a proportion of mobility housing to meet local need will be encouraged except where the physical characteristics of a site make it impractical. The UDP defines a proportion to be a minimum of 25% of the units. It is recommended therefore that a condition be attached to any grant of planning that seeks that at least 4 of the dwellinghouses are designed to meet full mobility standards to ensure compliance with Policy H7. Although the supporting Design and Access Statement details that full mobility standards would be provided in accordance with the Council's planning requirements, this does not fully translate onto the supporting site plan and elevation drawings. It is considered

necessary therefore that the applicant submit further details, secured by condition that secures improvements across the site and adjacent highways for less able persons.

Landscaping Issues

The applicant has provided landscaping plans that show that each of the dwellinghouses would be provided with planting beds, rockeries, low level shrubbery and tree planting. These landscaping details are considered to be acceptable and would provide an attractive and open aspect to Canterbury Crescent. A condition that seeks the landscaping to be carried out in accordance with these details should be attached to the grant of planning.

Sustainability Issues

Policies CS64 and CS65 of the Core Strategy require all new developments of 5 dwellings or over to achieve Code for Sustainable Homes Level 3 and, unless this can be shown not to be feasible and viable, provide a minimum of 10% of their predicted energy needs from renewable or low carbon energy.

The application was accompanied by an Energy Statement prepared by HSR –Home Survey Reports. The report details that the development will be designed from the outset to comply with Building Regulations Part L and aims to exceed the requirements of BR Part L for the energy and carbon performance. This will be achieved partially by adopting energy efficient measures such as:-

- High levels of insulation in the walls and roof, low U value glazed windows and a high standard of air tightness to minimise heating loads;
- Passive design features to minimise heating and cooling loads and maximise natural ventilation; and
- High efficiency boilers or heat pumps

The report details that the key aspects of the development's performance will relate to its use of energy and emissions of CO₂, use of water and other material resources and that through careful management of these aspects will contribute to the achievement of Code for Sustainable Homes Level 3. In terms of achieving a 10% reduction in predicted energy needs from renewable or low carbon energy, the report details that four technologies have been identified to be potentially feasible and will be investigated further at the design stage. These include heat pump systems, solar hot water collectors, photovoltaics and combined heat and power (CHP).

It is recommended that conditions be attached to any grant of planning to secure the policy requirements detailed under Core Strategy CS64 and CS65.

Open Space Issues

Policy H16 relates to open space in new housing developments. It states that for new housing developments, developers will be required to ensure that there would be sufficient open space to meet the local needs of people living there. For sites less than one hectare which involve the construction of five or more houses, the developer will be expected to make an appropriate contribution to the provision or enhancement of

recreation space in the catchment area of the site in cases where the provision of recreation space is below the minimum guideline or is in need of significant enhancement.

An assessment of open space provision has been carried out. This assessment shows that the catchment area is well below the minimum guideline requirement for both informal and formal open space. The overall provision is 1.01 hectares per thousand population, well below the minimum guideline of 7.02 hectares per thousand population. The applicants will therefore be expected, should planning permission be granted, to enter into a legal agreement to make a contribution to the provision of recreation space in the catchment area. Based on 14 dwellings (six 4/5-bedroomed and eight 3-bedroomed) it has been calculated that a financial contribution of £26,975.70 should be secured.

This contribution would be met through a planning obligation between the Council and the developer. At Section B5 of Circular 05/2005, it details that planning obligations must meet five tests. They must be i) relevant to planning, ii) necessary to make the proposed development acceptable in planning terms, iii) directly related to the proposed development, iv) fairly and reasonably related in scale and kind to the proposed development and v) reasonable in all other respects. With regard to this application, officers are satisfied that seeking a financial contribution that would go towards the provision of open space in the catchment of the site would satisfy the five tests set out in the Circular. As set out above, an assessment of local provision has shown that there is a quantitative shortage of both informal and formal open space in the catchment area of the site. It is accepted that increases in a local population as a result of new housing puts pressures on the use of open space and recreational facilities in the area as set out in Policy H16. As the development would provide 14 dwellings in the area, it is considered both reasonable and necessary to secure a financial contribution to meet the recreational and open space deficiencies in the area. The amount to be secured is also considered commensurate to the scale of the development.

Ecology Issues and protection of endangered species

The applicant commissioned Whitcher Wildlife Consultants to carry out an ecology survey of the site and included two site visits by a qualified environmental conservationist. The survey area and immediate surrounding area was thoroughly searched for evidence of badger activity and all mature trees were checked for potential bat roosting sites.

The accompanying survey report provides a number of recommendations including undertaking a comprehensive badger survey once the extensive vegetation removal is taken place, that a dusk emergence bat survey be conducted in order to assess the presence or absence of roosting bats and that vegetation removal takes place outside of the nesting bird season, which extends from March to September.

The Council's Ecology Unit are satisfied with the survey's recommendations and mitigation measures set out in the report including the construction of an artificial badger sett outside the development footprint if required to mitigate against any potential loss of badger setts.

It is recommended that the recommendations listed within the report are attached as conditions and a further condition that seeks the submission of a post-completion report that demonstrates that the ecological assessment has been carried out to the satisfaction of the LPA.

Drainage Issues

Yorkshire Water has raised no objection to the development subject to a condition requiring the development to be carried out in accordance with the drainage plan No. SIV003.

A number of discussions have taken place between the applicant's drainage consultants (Eastwood and Partners) and officers regarding surface water discharge, in particular the proposed route of the off-site surface water discharge. Officers were concerned that without suitable drainage attenuation, surface water run-off from the proposed houses would be drained towards the wood and meadow, which could have significant effects on the nature of the wood and meadow in the long term.

Following these discussions and receipt of an amended drainage layout (Drawing No. 35978_021C – Eastwood and Partners) officers are generally satisfied with the means of surface water discharge and proposed infiltration trench along the rear elevation. It was agreed that unless a method of discharge can be achieved within the adjacent woodland that is to the satisfaction of the LPA, all surface water discharge from the site, once it has reached the bottom of the embankment be piped to the watercourse in Crimicar Lane at a discharge rate of 5l/s. (greenfield rate). A condition seeking full details of the proposed method of drainage should be attached to the grant of planning and includes details of the route of the off-site surface water discharge.

Public Art

Policy BE12 of the UDP encourages the provision of public art in places which can be readily seen by the public as an integral part of the design of major development schemes. It is considered appropriate that there should be on site provision as a part of this development. This can be secured by condition.

Affordable Housing

There is no requirement to secure the provision of affordable housing on this site given that the development falls below the threshold (Maximum of 15 units) where affordable housing is sought under Core Strategy Policy CS40 and guidance contained in the Affordable Housing Interim Planning Guidance (2009).

HEADS OF TERMS

The applicant to enter into a legal agreement with the Council that would secure a financial contribution of £26,975.70 for the provision of formal and informal open space including children's play facilities within the relevant catchment areas of the application site.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect 14 dwellinghouses on a 0.7 hectare Greenfield site in Fulwood. The site is situated along the western side of Canterbury Crescent and is identified in the UDP as being within a Housing Area.

The principle of developing the site for housing is accepted under Policy H10 of the UDP. The development of this site would also accord with Core Strategy Policy CS24 in that it would not prejudice or undermine the Council's targets for the development of previously developed land across the city.

As reported within the report, the previous application (04/02573/FUL) was refused as it involved the development of a greenfield site with the reason for refusal citing that Sheffield's supply of housing could be fully met by building on sites which have been previously developed. With the Council no longer having a 5-year housing supply, and the Council meeting its targets for developing on previously developed land in line with Core Strategy CS24, the previous reason for refusal can no longer be sustained.

It is considered that the residential scheme of 6 detached and 8 semi-detached dwellinghouses represent an appropriate form of development and would not detract from the character and appearance of the area. The scheme has been amended on the advice of officers that has led to design improvements of the dwellinghouses with revisions to the fenestration detailing and elevational treatment. The separation distances between the proposed dwellinghouses and neighbouring properties is such that any effect of the development on these neighbouring properties' residential amenity in terms of loss of outlook, overshadowing or loss of privacy would be minimal.

Conditions have been attached that should ensure an appropriate quality scheme is achieved without harming the character of the street, amenity of neighbouring properties and highway safety.

Policies H10, H14 and BE5 of the UDP and Policies CS24, CS26, CS31, CS64 and CS65 of the Core Strategy are guidance contained in National Planning Framework are considered to be met. The application is therefore recommended for approval subject to the conditions listed.

The applicant has not at the time of drafting this report submitted a section 106 agreement and therefore the scheme does not comply with policy H16, the application is considered acceptable in relation all other matters and therefore a dual recommendation is appropriate in this case.

It is recommended that the Board grant planning permission conditionally subject to a legal agreement to secure a financial contribution of £26,975.70 towards the provision and enhancement of new recreation facilities within the relevant catchments areas of the application site, in accordance with policy H16 of the adopted UDP and adopted SPG Open Space Provision New Housing Development.

In the event that a satisfactory S106 planning obligation covering the Heads of Term set out in the preceding paragraph is not concluded before 24 December 2013, it is

recommended that the application be refused for the failure to make adequate provision in this regard.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 17th December 2013

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: Unauthorised erection of a raised patio at 41 Park Grange Mount

Recommendations:

That 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 to secure the removal of the unauthorised raised patio development.

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.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED ERECTION OF A RAISED PATIO, 41 PARK GRANGE MOUNT

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

2.1 Complaints have been received from two separate sources highlighting overlooking and privacy problems due the unauthorised development of the back garden at 41 Park Grange Mount, (41PGM).

2.2 A visit to the house reveals that the back garden rises steeply and in order to create a larger flat and useable area the owner of 41PGM, has built a raised patio / deck area. The height above ground level means that it is development that requires a planning application .

2.3 Following initial difficulties, contact with the owner's son was established and planning advice was offered to him, which contained expressions of doubt about whether the patio was something that officers could support. The concerns raised are significant overlooking of neighbouring gardens at both sides without an apparent acceptable screening solution.

2.4 The owner's son advised that he was asked to deal with the matter on his parents behalf and he stated that they wished to apply for retrospective planning permission in spite of officer advice. Time has been allowed for this but to date no application has been made.

3. ASSESSMENT OF THE BREACHES OF CONTROL

3.1 The house is a three storey townhouse, standing in a row of 6 similar houses built in the last few years. It is set at the northern edge of the renewed Norfolk Park estate. These six houses are of the same design; three storey at the front and two storey at the back due to level changes in the land on which they are built, which rises from front to back. The rear garden of 41PGM has a level area immediately outside

the back door extending approximately 5m out and the rest of the garden rises up and away from the rear elevation. The rear gardens at the neighbouring houses are of similar length, approximately 9m and of similar gradients.

- 3.2 Under the General Permitted Development Order, (GPDO), household permitted development allows for raised platforms without the need for a planning application up to a height of 30cm above natural ground level.
- 3.3 This unauthorised raised patio, (or platform), is approximately 1.7m above ground level at the highest point. Due to the rising land this reduces to nil. The patio is supported at the front edge by the 1.7m high breeze block wall, which is painted to blend with the existing fences on either side boundary. The access to the raised area is up newly constructed steps, also made from breeze blocks. This new, high level patio extends a significant amount, enough to be a useful useable and level amenity area as part of the garden. Due to difficulties in arranging further contact with the owners for a more detailed site inspection, this can only be estimated at approximately 4m in depth. More accurate measurements can be taken from a neighbouring garden at some time later but 4m will be close to the correct figure.
- 3.4 Standing on the patio gives clear wide ranging views over and into neighbouring gardens. It also allows greater views into windows of neighbouring houses than would otherwise be the case.
- 3.5 Policy H14 (Conditions on Development in Housing Areas) of the Unitary Development Plan (UDP) states that new buildings and extensions should be well designed and should be in scale and character with neighbouring buildings and that sites should not be overdeveloped or deprive residents of light or privacy. This is further reinforced in Guideline 6 of the Supplementary Planning Guidance (SPG) on Designing House Extensions which recognises that it is important to maintain the privacy of rear garden areas particularly near the house. It goes on to state that balconies giving wide views over neighbouring gardens or creating other privacy problems will not be permitted.
- 3.6 It is considered that the raised platform contravenes both Policy H14 of the UDP and Guideline 6 of the SPG for the reasons given earlier in this report.
- 3.7 Officers have considered whether the overlooking problem could be resolved with side screens to protect privacy of neighbouring gardens. Under the GPDO it is permitted to erect a fence of up to 2m high from original ground level without a planning application. In this case a much greater height would be required from ground level or a screen could be erected on top of the platform. It is considered that such,

(effective), screening would lead to unacceptable bulk and dominance of the structure on the neighbouring gardens and possibly overshadowing. Furthermore side screens would not prevent overlooking of the areas close to the houses. An additional third screen would be needed at the front edge of the platform, effectively enclosing it on three sides, leaving only the back open.

4. REPRESENTATIONS

- 4.1 Complaints have been received from two local residents at two separate properties. The complaints both relate to overlooking and privacy issues.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the raised patio.

6. EQUAL OPPORTUNITIES

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

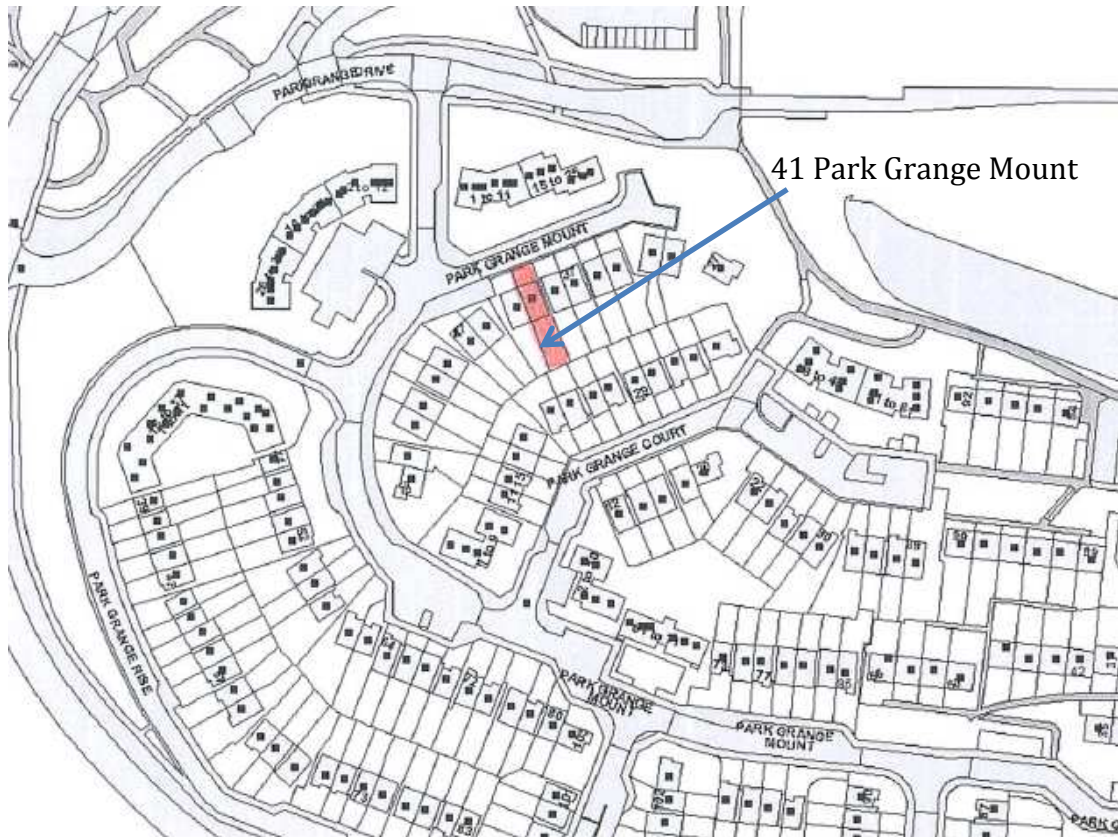
7. FINANCIAL IMPLICATIONS

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

8. RECOMMENDATION

- 8.1 That 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 to secure the removal of the unauthorised raised patio development.
- 8.2 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.

SITE PLAN



Maria Duffy
Interim Head of Planning

18 November 2013

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date:

Subject: RECORD OF JUDICIAL REVIEW CASE
OUTCOMES 2013

Author of Report: Claire Woods 0114 2734219

Summary:

This report provides a schedule and brief summary of all judicial review case outcomes in 2013 in relation to planning / listed building applications determined by Sheffield City Council.

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING & HIGHWAYS COMMITTEE 17 DECEMBER 2013

1.0 RECORD OF JUDICIAL REVIEW CASE OUTCOMES 2013

This report provides a schedule and brief summary of all judicial review case outcomes in 2013 in relation to planning / listed building applications determined by Sheffield City Council.

2.0 FORMER JESSOP HOSPITAL SITE – 12/02874/LBC

This application was for the demolition of the Edwardian extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building to provide up to 19,725 sqm of educational floorspace, plus landscaping and servicing.

Listed Building consent was granted on 25 March 2013, following a referral to the Secretary of State. The application was heard at the Planning Committee on 25 February 2013.

SAVE Britain's Heritage & The Victorian Society (the appellants) brought a claim against the Council's decision on the following grounds:

1. The Council failed to consider whether there were substantial public benefits which justified the demolition of the listed building and therefore misinterpreted the National Planning Policy Framework (NPPF) and failed to apply its statutory duty under Section 16 of the Listed Building Act;
2. The Council failed at the February Committee meeting to consider the totality of the material on the application (particularly the documents revealed under a Freedom of Information request);

A Hearing took place in the High Court of Justice on 27 June 2013, at which the Honourable Mr Justice Supperstone (the Judge) refused permission for the appellants to apply for judicial review on both grounds of claim. The judge also noted that the claim had not been brought promptly and that the Interested Party (The University) would suffer prejudice as a result of the claim proceeding. His conclusion on Ground 1 was that the reasons for recommending approval were clearly documented in the report when read as a whole and that it was not misleading. He rejected any error in law and concluded that the ground was not arguable. His conclusion on Ground 2 was that the committee members were clear that they were considering the case in its totality, including any new material, and that it was clear that they could accept or reject the recommendation of their officers.

The appellants appealed against this ruling to the Court of Appeal Civil

Division, but only on Ground 1 above. They did not appeal Ground 2. The Rt. Hon. Lord Justice Floyd considered the appeal and made his judgement on 3 July 2013. He refused permission to appeal. He concluded that the Judge had applied the established principles of Judicial Review and was justified in refusing permission for the reasons he gave. He was not persuaded that it was realistically arguable that the case turns on the proper construction of paragraph 133 of the NPPF and did not consider that the appeal would have a realistic prospect of success.

3.0 29 THORNSETT ROAD – 12/03326/FUL

The application was for a change of use of 29 Thornsett Road, a semi-detached dwelling, to a mental health crisis house, within Use Class C2

Planning Permission was granted following consideration by the City Centre South and East Planning and Highways Committee on 19th December 2012.

A Judicial Review (JR) of the decision was sought by neighbouring residents requesting an order to quash the grant of planning permission and to pay the legal costs of the claimant.

The grounds for the JR were:

1. Unlawful failure to properly apply the Use Classes Order and Development Plan policies – the facility should have been classed as a hotel which is an ‘unacceptable’ use in UDP terms.
2. Failure to take material considerations into account – Need for Environmental Impact Assessment and Traffic Impact Assessment; loss of privacy, impact of smokers, traffic flow, and apprehension of risk.
3. Irrationality – in decisions on traffic safety, risk of crime, and loss of privacy.
4. Procedural Impropriety – lack of consideration of site visit, predetermination, ‘planners’ share financial considerations with Health Care services and there was bias resulting from potential financial gain to the Local Planning Authority.

His Honour Judge Waksman QC considered the claim in June 2013 and refused permission to apply for JR. In doing so he stated that:

1. There was no arguable case for JR and the claim is no more than disagreement with the planning merits.
2. There is nothing in the challenges based on the Use Classes Order and UDP. The Council correctly applied the Use Classes Order and UDP policies.
3. He saw no evidence of procedural impropriety.
4. The development did not require an Environmental Impact assessment or Traffic Impact Assessment.
5. The planning officer’s report did not mislead the Committee, all

necessary matters were fully considered, and its conclusion could not be considered irrational.

6. In addition he considered there was delay in making the claim (only 5 days within the 3 month period).

The Claimants sought an oral review of this decision, which took place on 19th September 2013 at Leeds Admin Court before His Honour Judge Gosnell. The judge ordered that the application to renew the claim be refused, and that the Claimant (residents) pay the Council's costs assessed by him at £2500.

4.0 FORMER HESLEY WOOD TIP – 12/01946/FUL

This application was for a proposed coal recovery and restoration scheme at the former Hesley Wood Tip, Smithywood Road, Chapeltown.

Planning Permission was granted on 18 February 2013, following completion of a legal agreement. The application was heard at the Planning Committee on 8 January 2013.

A Judicial Review (JR) of the decision was sought by local residents, requesting an order to quash the grant of planning permission and to pay the legal costs of the claimant.

The grounds for the JR request were:

- 1 That the information in the planning application with regard to air pollution was inadequate and insufficient steps were taken by the Council to address this before permission was granted, and.
- 2 That the reason given for granting planning permission did not make sense and so the decision notice was defective as no member of the public could adequately understand the reasons for the grant.

The "Pre-application protocol" sets out a code of good practice and the steps that should be taken before making a claim for a JR. This sets out that a "letter before claim" should be sent to the defendant (the Council) to identify the issues and establish if litigation can be avoided.

A robust response was made to the letter before claim.

With reference to Ground 1, the response set out that there was no information that the development would cause exceedance of any air quality objectives. The background levels were from an authoritative source and the information provided was assessed by our Air Quality expert. Conditions were imposed to ensure mitigation measures would be put in place. The overall conclusion that the proposal would not result any breach of the health based objectives was not surprising. The Committee had information about the

material matter and were correctly advised. The Committee was not misled about a material consideration.

Ground 2 suggested that the decision notice was defective as it did not make the reasons for granting permission clear. It was pointed out that the reasons for granting permission expressly refer to the officer report and that it was entirely appropriate for the report to flesh out the summary reasons for granting permission.

Following the receipt of this response The solicitors acting on behalf of local residents confirmed that they would not be proceeding with the claim in judicial review.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

17 December 2013

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 17 December 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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
17 December 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 against an Enforcement Notice served in respect of unauthorised conservatory at 36 Standwood Crescent (Case No. 13/00331/ENUD)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for single-storey front extension to dwellinghouse at 608 Herries Road Sheffield S5 8TR has been dismissed (Case No. 13/01412/FUL)

Officer Comment:-

The Planning Inspector considered that the main issue in this case was the effect of the proposal on the character of the dwelling and the streetscene.

The property is one of the two middle dwellings in a terrace of four dwellings. There is a strong vertical element to the terrace provided by the end terrace dwellings being sited forward of the middle two. Other terraced dwellings in the vicinity have largely retained their original designs through the absence of frontage extensions.

The proposal would span virtually the whole width of the dwelling and would result in a visible horizontal emphasis, exacerbated by it aligning with the frontage of the end dwelling. It would be a strong dominating feature causing the loss of the symmetrical nature of the terrace. For these reasons, the Inspector also considered it to significantly detract from the dwelling and the street contrary to Guidelines 1 and 2 of the "Designing House Extensions" SPG

There are other properties in Herries Road and Morgan Avenue that have front extensions but these were not considered comparable by the Inspector.

In conclusion, the Inspector considered that the proposal would significantly affect the character of the dwelling and the streetscene, contrary to Policy H14 of the UDP and the guidelines within the SPG and so dismissed the appeal

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for replacement windows at 24 Ashgate Road, A10 3BZ

The Inspector considered the main issue to be effect of the windows on the character and appearance of the host property and whether or not the proposal would preserve or enhance the character and appearance of the Broomhill Conservation Area, and the setting of the adjacent Listed Building.

The dwelling is covered by the Article 4 Direction restricting permitted development rights, hence the need for the application. The Inspector noted that the form, detailing, style and construction of windows in the Conservation Area are prominent visual features of the buildings and an important part of the Conservation Area's significance as a heritage asset.

She considered that whilst many properties in the area retain their traditional timber sash windows, those which had replaced these with top hung timber and upvc windows had created an adverse effect on their appearance and diminished their historical and architectural importance, in part due to the loss of original features, and in part to consistency.

She agreed with officers that the windows in no.24 Ashgate Road were out of keeping with the character and detailing of the host property, the wider conservation area, and adjacent listed building, owing to the use of top hung opening windows, thicker upvc frames with a 'glossier' finish, and the lack of finesse in their detailing. As a result she felt the windows only had a 'superficial visual approximation' to the original windows, and do not sit comfortably within the window surrounds.

She considered the appellants view that the windows offered increased thermal efficiency, durability and stability but felt that much the same advantages could be achieved in other ways with the use of more sensitively designed windows.

She therefore dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for single-storey front extension, re-roofing and render to side elevation of garage at Edgedale Garage 2 Edgedale Road S 7 2BQ has been allowed subject to conditions (Case No 13/00757/FUL)

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host building and the surrounding area.

The Inspector disagreed with officer's judgement that the front extension would have a harmful impact on the street scene, and upon the host building, as it would be visually subordinate to the main building, would not compromise its symmetrical appearance, and would be substantially screened from view by the boundary wall to no.4 Edgedale Road, thereby reducing its prominence.

It was therefore concluded that the proposed extension did not conflict with policies BE5(c) and H14(a) of the UDP and CS74 of the Core Strategy.

5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

17 December 2013