

Planning and Highways Committee

Tuesday 6 January 2015 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Alan Law (Chair), David Baker, Jack Clarkson, Tony Damms, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney 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. 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
6 JANUARY 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 12)
Minutes of the meeting of the Committee held on 9 December 2014
- 6. Sheffield Conservation Advisory Group** (Pages 13 - 18)
Minutes of the meeting of the Committee held on 18 November, 2014
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Applications Under Various Acts/Regulations** (Pages 19 - 202)
Report of the Director of Regeneration and Development Services
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 203 - 206)
Report of the Director of Regeneration and Development Services
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 20 January, 2015

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 9 December 2014

PRESENT: Councillors Alan Law (Chair), David Baker, Tony Damms, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the previous meeting of the Committee held on 18 November 2014 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 21 October 2014.

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, 5 January 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. OBJECTIONS TO TREE PRESERVATION ORDER NO. 393: 2A KINGSLEY PARK GROVE

7.1 The Director of Regeneration and Development Services submitted a report outlining his response to the objections received to Tree Preservation Order No.393 which had been made on 12 June, 2014 in respect of a tree on land at 2a Kingsley Park Grove. The report stated that the Order had been made as the tree, which was located in the front garden, was at risk due to a proposed development in the rear garden of 186 Millhouses Lane, in view of the level of excavation

required within the tree's root protection area.

- 7.2 It was considered that the tree had substantial visual amenity value and contributed significantly to the character of a leafy area of the city. The tree was also highly visible from surrounding housing and commanded a prominent position in the street.
- 7.3 The Order and Tree Evaluation Method For Preservation Orders was attached as appendices to the report now submitted.
- 7.4 The Committee heard representations from an objector speaking against the Order.
- 7.5 **RESOLVED:** That following consideration of the objections, as now reported, Tree Preservation Order No. 393 on land at 2a Kingsley Park Grove be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 8.1 **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 as shown in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) following consideration of oral representations from a local Ward Councillor at the meeting, an application for planning permission by the City Council under Regulation 3 of the Town and Country Planning (General) Regulations 1992, in respect of a single-storey extension to provide 4 additional classrooms, a hall and kitchen and external works including access, parking and play areas at Rowan School, 4 Durvale Court (Case No. 14/03619/RG3) be granted, conditionally, with an additional condition added in respect of the management of construction traffic and associated parking;

(c) an application for planning permission for the retention of a boundary fence at 281 Springvale Road (Case No. 14/03075/FUL) be refused for the reasons detailed in the report now submitted, with authority given for the Director of Development Services and Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised fencing;

(d) following consideration of oral representations at the meeting from a local resident and a local Ward Councillor speaking against the application and from the applicant speaking at the meeting in support of the development, an application for planning permission for a three-storey rear extension and single-storey front/side and rear extension to a dwellinghouse at 30 Dore Road (Case No. 14/03069/FUL) be granted, conditionally;

(e) having (i) noted additional representations and officer's information on amended drawings, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from the applicant's agent speaking in support of the proposed development, an application for planning permission for the demolition of part of a building, alterations to an existing public house to form 6 apartments, alterations to outbuildings to form 2 cottages and erection of 3 detached dwellinghouses and garages, including associated external works and a footpath diversion at the former Fleur De Lys Hotel, Totlely Hall Lane (Case No. 14/02810/FUL) be granted, conditionally, subject to (A)(1) an additional condition being attached in respect of window details and (2) an amendment to Condition 2 in respect of plan numbers, all as detailed in the aforementioned supplementary report and (B) the completion of a legal agreement, but in the event that the legal agreement is not concluded by 6 January 2015, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(f) having noted the required financial contribution for the proposed development of £4,315.70, as detailed in a supplementary report circulated at the meeting and heard oral representations from the applicant speaking at the meeting in support of the development, an application for planning permission for the demolition of outbuildings and erection of 2 dwellinghouses with associated landscaping and parking provision at the barns to the rear of Moor View Farm, 522 Manchester Road, Fulwood (Case No. 14/02232/FUL) be granted, conditionally, subject to (i) an additional directive being attached to advise the applicant to contact the Health and Safety Executive in respect of the Control of Asbestos Regulations, as detailed in the aforementioned supplementary report, as detailed in the aforementioned supplementary report and (ii) the completion of a legal agreement, but in the event that the legal agreement is not concluded by 19 December 2014, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(g) having noted (i)(A) additional representations and the officer's response and (B) the required financial contribution for the proposed development of £10,094, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations from the applicant speaking at the meeting in support of the development, an application for planning permission for the erection of 5 dwellinghouses with associated landscaping and parking provision at Moor View Farm, 522 Manchester Road, Fulwood (Case No. 14/02155/FUL) be granted, conditionally, subject to the completion of a legal agreement, but in the event that the legal agreement is not concluded by 19 December 2014, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(h) an application under Section 73 to vary planning permission Case No. 12/02078/FUL in respect of Condition 2 (to make minor material changes to the rear elevation) and to remove Condition 33 (Sustainable Homes Level 3) and

Condition 34 (BREEAM 'very good') (Amended elevations received 05/08/14 and District Valuer information received 19/11/14) for the erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with Class A1/A3/A5 and B1 units on the ground floor at Yorkshire Co Op Society Car Park, Beeley Street (Case No 14/01710/FUL) be granted, conditionally; and

(i) having (i) noted a representation, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from a local resident and a representative of the Loxley Valley Protection Society speaking against the development and from the applicant's agent speaking in support of the development, an application for planning permission for the demolition of an existing garage and erection of a new dwellinghouse on land at the rear of 45 to 47 Rodney Hill, Occupation Lane, Loxley (Case No 14/00701/FUL) be refused for the reasons detailed in the report now submitted.

9. OBJECTIONS TO TREE PRESERVATION ORDER NO. 395: TOTLEY LANE BRIDLEWAY, OFF LONGFORD ROAD, TOTLEY

9.1 The Director of Regeneration and Development Services submitted a report outlining his response to the objections received to Tree Preservation Order No.395 which had been made on 16 July, 2014 in respect of 20 trees on land at Totley Lane Bridleway, off Longford Road, Totley. The report stated that the Order had been made as the trees were at risk due to a tree surgeon reporting a request made by a resident adjoining the lane, to fell one of the larger trees at the height of the garden boundary hedge.

9.2 It was considered that these trees make a significant contribution to the amenity of the local environment and its enjoyment by the public. They are visible from surrounding streets as well as the Totley Lane public bridleway, and are an essential component of the character of this historic route.

9.3 The Order and Tree Evaluation Method For Preservation Orders was attached as appendices to the report now submitted.

9.4 The Committee heard representations from an objector speaking against the Order.

9.5 **RESOLVED:** That following consideration of the objections, as now reported, Tree Preservation Order No. 395 at Totley Lane Bridleway, off Longford Road, Totley be confirmed unmodified.

10. ENFORCEMENT OF PLANNING CONTROL: 33 PAVILION WAY

10.1 The Director of Regeneration and Development Services submitted a report on his investigation into complaints received concerning a breach of planning control relating to the unauthorised erection of a single storey side and rear extension at 33 Pavilion Way. The report stated that the structure did not comply with permitted development rights and that a retrospective planning application had not been submitted by the owner to regularise it, although officers indicated that it would be

unlikely to receive planning permission. It was viewed that, whilst a single-storey rear extension projecting up to 3m would be allowed under permitted development rights, the extension, as constructed, had been completed since officers had initially met with the owner to discuss the requirement for planning permission.

10.2 An assessment of the unauthorised structure was detailed which concluded that it was contrary to Policy BE5 of the Unitary Development Plan, Supplementary Planning Guidance “ Designing House Extensions” Guideline 3 and Policy CS74 of the Core Strategy within the Local Development Framework.

10.3 **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 secure the removal of the unauthorised extension at 33 Pavilion Way; and

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

11. ENFORCEMENT OF PLANNING CONTROL: LAND TO THE REAR OF THE FORMER MIDDLEWOOD TAVERN, MIDDLEWOOD ROAD NORTH

11.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised excavation of land to the rear of the former Middlewood Tavern off Middlewood Road North. The report stated that the work undertaken appeared to be in preparation for a new car park, with an access pathway from the existing car park at the former Middlewood Tavern. A Planning Contravention Notice was sent on 5 November 2014 to the registered landowners to establish the purpose of the works, but contact had not been established as they had moved address and their new address was not known.

11.2 An assessment of the unauthorised works considered that as the land was designated as Green Belt and in view of the need to maintain, conserve and enhance the landscape and the natural environment it would be contrary to Policy GE1, GE2 and GE4 of the Unitary Development Plan and as the works were seen as constituting unrestricted urban growth and encroachment into the open countryside it was also contrary to the adopted Policy CS71 of the Core Strategy.

11.3 **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 secure the backfilling of the excavated land at the rear of the former Middlewood Tavern, Middlewood Road North and restoration of the land to green field with the reinstatement of a physical border; and

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

12. ENFORCEMENT OF PLANNING CONTROL: 209 STANNINGTON ROAD

- 12.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised conservatory/porch erected on the front elevation of 209 Stannington Road. The report stated that the structure did not comply with permitted development rights and the owner was advised in a letter dated 3 June 2013, as it was unlikely to receive planning permission, that it should be removed. Details submitted by the applicant outlining a reduction in the size of the structure was seen as not sufficient to meet permitted development rights and on 2 October 2014, a Section 330 Notice was sent requiring the owner to provide information about any person/s with any interest in the property within 21 days to the Local Planning Authority. The owner was also advised that unless the unauthorised structure was removed within the same timescale, an enforcement action would be sought.
- 12.2 An assessment of the unauthorised structure considered it to have a detrimental impact upon the character of the locality and, as such, was contrary to Policy H14 of the Unitary Development Plan.
- 12.3 **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 secure the removal of the unauthorised structure from 209 Stannington Road; and
- (b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

13. ENFORCEMENT OF PLANNING CONTROL: 523 LOXLEY ROAD

- 13.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to an unauthorised car port and balcony erected to the rear of 523 Loxley Road. The report stated that the structure did not comply with permitted development rights and that a retrospective planning application (Case No. 13/00974/FUL), submitted by the owner, was refused planning permission on 27 December, 2013. A planning appeal submitted on 1 April 2014 was also dismissed by the Planning Inspectorate and it was viewed that a compromise solution suggested by the applicant was not sufficient to retain the structure.
- 13.2 Officers in assessing the unauthorised structure considered that it was unacceptable in terms of its scale and built form and would provide a significant amount of overlooking if used as a balcony and as such it would be contrary to Supplementary Planning Guidance and Policy H14 of the Unitary Development Plan.
- 13.3 **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 secure

the removal of the unauthorised structure from 523 Loxley Road; and

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

14. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

15. DATE OF NEXT MEETING

- 15.1 It was noted that the next meeting of the Committee will be held on Tuesday, 6 January 2015 at 2.00 pm at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 18th November, 2014

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth	Co-opted Member
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of
	Mr. Patrick Burns	Commerce
	Mr. Howard Greaves	Co-opted Member
		Hallamshire Historic
	Mr. Graham Hague	Buildings
	Dr. Roger Harper	Society
	Mr. Bob Hawkins	Victorian Society
		Ancient Monuments Society
	Dr. Jo Lintonbon	Council for the Protection of
	Mr. Bob Marshall	Rural England
	Mr. Philip Moore	University of Sheffield
	Mr. Andrew Shepherd	Royal Town Planning
		Institute
		Sheffield Society of
		Architects
		Society for the Protection of
		Ancient Buildings

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Stanley Jones (Hunter Archaeological Society) and Mr. Bob Marshall (Royal Town Planning Institute).

2. **MINUTES**

The minutes of the meeting held on 21st October, 2014 were approved as a correct record, subject to:-

(a) the addition, in the attendance, of the words " Mr. Stanley Jones, Hunter Archaeological Society" and the deletion, in the Apologies for Absence of the words "Mr. Stanley Jones (Hunter Archaeological Society)" and

(b) the substitution:-

(i) in item 7(c) of the words "the Crimean Monument was in safe storage. It would be possible to re-install it, but the cost of doing so would be approximately £1m", for the words "it would be safe to re-install the Crimean Monument, but the cost of doing so would be approximately £1m";

(ii) in item 7(d) of the words "there was a proposal to demolish Nos. 162-170 Devonshire Street" for the words "there was a proposal to demolish a Victorian property at Devonshire Green"

(iii) in item 7(e) of the words "Brightholmlee Old Hall Farm had been upgraded to Grade II* and its two Barns had been listed on Grade II" for the words "Brightholmlee Farm and Barns had been listed" ; and ,

(iv) in item 7(g) of the words " Fireclay Works, Wharncliffe" for the words "Fire Station, Devonshire Street"

and, arising therefrom, the Group noted that:-

(A) Dr. Booth was still pursuing the possibility, that a representative of the had been

Landscape Institute on the Group could be found, and two suitable people had been

recommended to him;

(B) it was still the case that no arrangements had been made for a presentation to the

Group on the University of Sheffield's Masterplan, in spite of the fact that the Group was

a stakeholder. The Group noted that the Masterplan was available on the University's

website, but not everyone had access to the Internet and it felt that the Group's comments on the Masterplan should be received now, rather than after the consultation

period;

(C) the Chair (Dr. Booth) had not received a response to his letters (1) to Councillor

Davison, regarding his representation of the City Council on the Group and (2) to the

Civic Trust, regarding its nominating a representative on the Group, to replace Mrs.

Christine Ball. Councillor Lee Bramall had indicated that Councillor Alan Law was a

representative of the Council on the Group;

(D) the development of the Non-Conformist Chapel of the General Cemetery was still

stalled;

(E) an application had been received, regarding the discharge of conditions regarding

planning permission for development at Barnes Hall, Grenoside;

(F) the Head of Planning would request Network Rail to remove buddleias from the Wicker

Arches, which had been affected by water ingress at the Savile Street side;

(G) the number of flats in the conversion scheme for St. Silas Church, Hanover Square,

had been increased. The Head of Planning felt that it should not adversely affect the

Church. Nonetheless, English Heritage had objected to the application;

(H) permission had been given for the demolition of 31 Brick House; the new, shorter

(I) the press advertisements of planning applications, which complied with the legal

regulations, would not be expanded as there was no finance for that, but the Weekly List

of applications, which gave more information, could be supplied on request and were

available on the Council's website;

(I) it was difficult to tell whether the existing lintels were wood, or brick or stone within the

development at W W Laycock And Sons Ltd, 33 - 41 Suffolk Road;
(J) the Jeffcock Memorial Drinking Fountain and Water Trough, Handsworth Road,
would be moved a short distance to improve access for buses and a more paving around
the structures;
(K) the former premises of Warriss and Co, 104 Mary Street had recently been included
by Save Britain's Heritage (SAVE) on a list of the ten most significant buildings at risk, in
the country. The Victorian Society was seeking a meeting with the City Council, regarding
the building; and
(L) the buildings at 162-170 Devonshire Street, subject to a proposal to demolish their
facades, included Rare and Racy bookshop but they were Twentieth Century buildings
and at least one of the frontages had been rebuilt. There had been 20k objections to the
proposal in an on-line petition.

3. **CHAIR'S REPORT**

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

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

The Head of Planning reported that approval and funding had been granted for carrying
out early in 2015, urgent works at Leah's Yard, involving basic repairs and works to make
the property wind and weathertight.

The Group noted the information.

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

The Group noted that the meeting of the Sheffield Design Panel, scheduled for this
month, had been cancelled, but the Panel would be meeting next year to consider the
New Retail Quarter scheme and other large schemes.

6. **HERITAGE ASSETS**

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

- (a) **Site Of 48 Savile Street Sheffield S4 7UD**
Demolition of building
(Case Number: 14/02161/LBC)

The Group strongly objected to the proposal, for which it felt there was no justification for the demolition of the listed building. The Group considered that the property could be restored to a useful life with a development incorporating what was a rare, historic building which reflected the role played by timberyards in the steel industry. The Group recognised the applicant's ambition, but it felt that the Heritage Assessment did not provide justification for demolition and in view of the fact that there were schemes for the development of Spital Hill and Attercliffe, the scheme was perhaps precipitate. The Group noted that the Victorian Society had expressed its view that a more appropriate scheme, which tidied up the site, while retaining the building could be acceptable

- (b) **Site Of NCP Car Park Sidney Street Sheffield S1 4RG**
Redeveloped of site into a riverside park with seating areas and terracing to provide access down to the water's edge for recreational use (Application under Reg 3 - 1992)
(Case Number: 14/04010/RG3)

The Group welcomed the development. The Group recommended the provision of an interpretation board, on the site.

7. MISCELLANEOUS ITEMS

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

- (i) Ruth Connelly, Conservation Officer, had married on 15th November last;
- (ii) The Walkabout organisation, owner of the former Carver Street Chapel, had been sold;
- (iii) the Head of Planning would investigate and report back, on (A) signs outside offices on Wharf Street, (B) the recent restoration of the public realm areas on Fargate and Surrey Street, following works in those areas, (C) the Local List, (D) progress with the designation of the Milton Street area as a Conservation Area and (E) Cow Mouth Farm and would try to gain access to the Farm;
- (iv) Bryan Jefferson, past President of R.I.B.A. and founding partner of Jefferson Sheard, Architects had recently died;
- (v) 210-212, Sharrowvale Road was for sale;
- (vi) there was a campaign involving the Friends of the Old Town Hall and the Twentieth Century Society, to preserve Castlegate House. It was felt

that the Catlegate Tower was also worth preserving and refurbishing. Encouragement and assistance in terms of providing information regarding policy issues and acceptable uses, was provided to such groups by the Head of Planning;

- (vii) the purchaser of the Abbey Glen Laundry had cleared the site and had removed the culvert of the River Sheaf;
- (viii) the National School, Gleadless Road which dated from 1802, but was not listed, was under threat of being demolished;
- (b) extended its congratulations and best wishes to Ruth Connelly on her recent marriage ; and
- (c) congratulated the City Council for the high quality of the recently constructed park near the Cholera Monument, Granville Road.

(Note: these minutes are subject to amendment at a future meeting.)

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 06/01/2015

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley 2736329 and John Williamson 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.
14/03597/FUL (Formerly PP-03693301)	Site Of Denby Street Car Park Denby Street Sheffield S2 4QH	23
14/03537/RG3 (Formerly PP-03548774)	Land At Thorncliffe Recreation Ground Mortomley Close Sheffield S35 3HZ	59
14/03411/FUL (Formerly PP-03664529)	6 Hydra Business Park Nether Lane Sheffield S35 9ZX	80
14/03252/FUL (Formerly PP-03462549)	Shirle Hill House 6 Cherry Tree Road Sheffield S11 9AA	98
14/01042/FUL (Formerly PP-03271328)	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR	122
14/01031/CHU (Formerly PP-03270884)	Village News 176 - 178 Main Street Grenoside Sheffield S35 8PR	130
14/00709/FUL (Formerly PP-03211507)	Graves Tennis And Leisure Centre Bochum Parkway Sheffield S8 8JR	143
13/01689/FUL	Site Of Electricity Substation Adjacent 47 Roach Road Sheffield S11 8AU	172

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 06/01/2015

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	14/03597/FUL (Formerly PP-03693301)
Application Type	Full Planning Application
Proposal	Erection of mixed use development comprising managed student accommodation (535 beds), private apartments (74) and Class B1 Offices (385sqm) with ancillary facilities and associated landscaping
Location	Site Of Denby Street Car Park Denby Street Sheffield S2 4QH
Date Received	26/09/2014
Team	South
Applicant/Agent	Crowley Associates
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

Reason: 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:

1445 PL_000
1445 PL_022
1445 PL_020
1445 PL_017
1445 PL_016
1445 PL_012
1445 PL_011
1445 PL_010
1445 PL_009
1445 PL_008
1445 PL_007 Rev A
1445 PL_006 Rev A
1445 PL_005 Rev A
1445 PL_004 Rev A
1445 PL_003 Rev A
1445 PL_002 Rev A
1445 PL_001,

Reason: In order to define the permission.

- 3 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.

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

- 4 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of the visual amenities of the locality.

- 5 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.

Reason: In the interests of the amenities of the locality, and of highway safety.

- 6 No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority giving details of measures to control the emission of dust during demolition and construction.

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

- 7 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.

Reason: In order to ensure an appropriate quality of development.

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

Brickwork detailing

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

Reason: In order to ensure an appropriate quality of development.

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

Reason: In order to ensure an appropriate quality of development.

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

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

- 11 No development above first floor slab shall commence until the full engineering details have been submitted to and approved in writing of the changes to the highways listed below:
- Unstone Street;
Ascot Street;
- Reason: In the interests of the safety of road users.
- 12 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.
- Reason: In the interests of the safety of road users.
- 13 The development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.
- Reason: In the interests of delivering sustainable forms of transport and for the safety of future users.
- 14 No development above first floor slab level shall be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.
- Reason: In order to ensure an appropriate quality of development.
- 15 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident 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.
- Reason: In order to ensure that the development does not result in additional parking pressure on existing residents parking schemes.
- 16 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.
- Reason: In the interests of the visual amenities of the locality.

- 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 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.

Reason: In the interests of the visual amenities of the locality.

- 18 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.

Reason: In the interests of the visual amenities of the locality.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 20 Prior to the occupation of the proposed dwellings all works detailed in noise reports Acoustic Design Technology Ltd ADT 2056/ENIA 22nd September 2014 and ADT 2056/CJM 8th December 2014, which form part of a scheme to protect the future occupiers of the dwellings from noise, shall have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

- 21 The electrical substation shall not be installed within the development unless a scheme of sound insulation measures have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority.

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

- 22 Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

23 The development shall not be occupied until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and

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

Reason: 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.

24 The proposed green roof shall be provided on the roof in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to the pour of the first floor slab. The green roof shall be provided prior to occupancy of the building. 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.

Reason: In the interests of biodiversity.

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

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

26 The dwellings in the east block hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 27 The student accommodation block hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 28 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 buildings. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

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

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

- 30 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the accommodation shall not be occupied unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

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

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

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

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

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

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

- 34 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Westlakes, and dated September 2014 and the following mitigation measures detailed within the FRA:

1. Finished floor levels for the smaller building are to be set no lower than 66.65 metres above Ordnance Datum (mAOD) and be a minimum of 150mm above adjacent ground levels with residential accommodation on the first floor and above only.
2. Finished floor levels for the larger building are to be set no lower than 66.00 metres above Ordnance Datum (mAOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

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

Attention is drawn to the following directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01:2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent light spillage and light glare causing disturbance to neighbours. This guidance is available from the Institute of Lighting Professionals by free download from their website at: <https://www.theilp.org.uk/resources/free-resources/>.
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

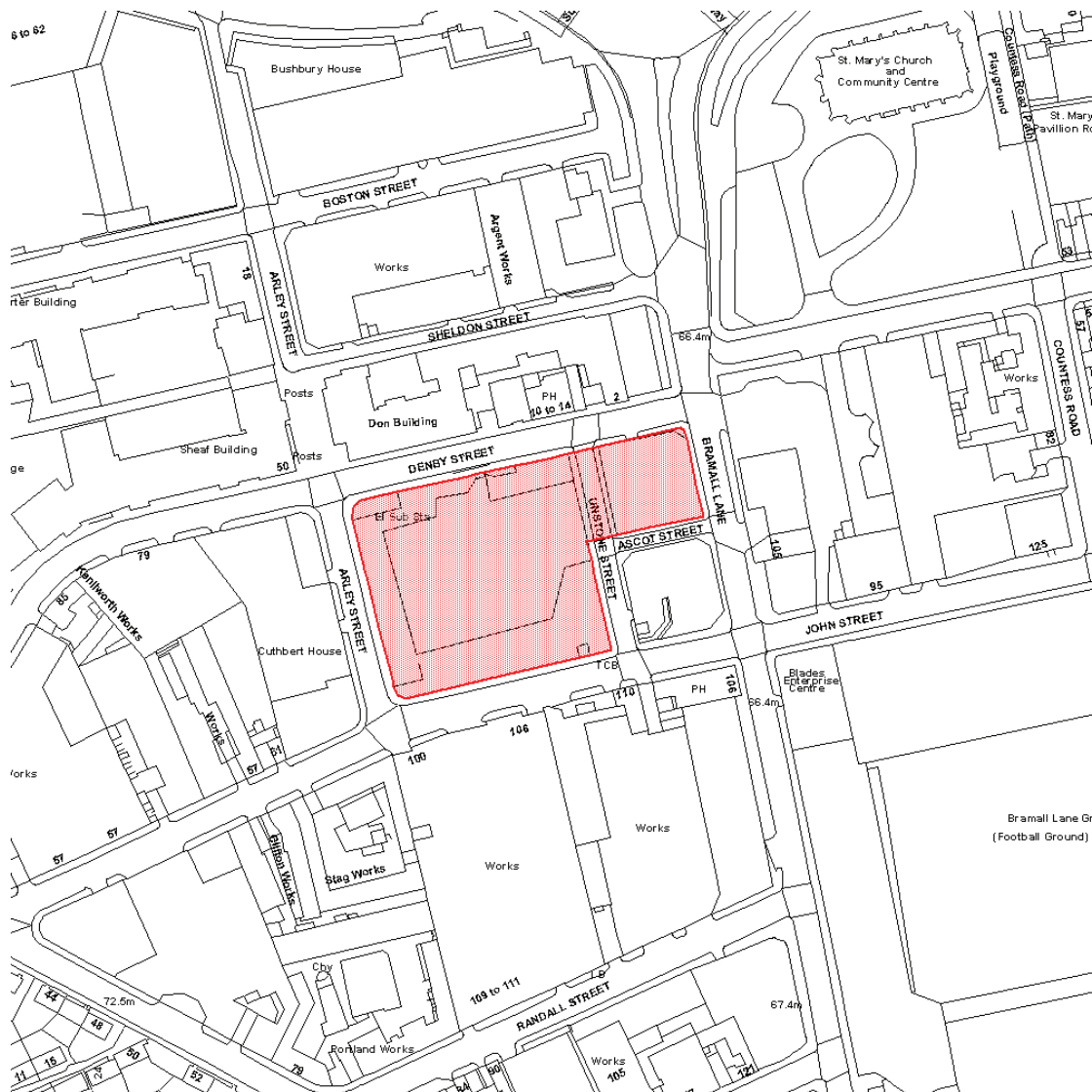
4. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used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

5. 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.
6. 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.
7. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
8. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION

The development site consists of two portions of land straddling Unstone Street. The larger of the two is a former nursery school site, which is bounded by Denby Street, Unstone Street, John Street and Arley Street. The smaller of the sites is a vacant plot, most recently used for car sales, which lies to the east of the former nursery site, between Denby Street, Unstone Street, Bramall Lane, and Ascot Street.

The larger site is ringed for a considerable portion of its length by a substantial stone boundary wall, approximately 2.2 metres high, running along Unstone Street,

John Street and Arley Street. A number of mature trees lie close to the boundary with John Street. These provide visual amenity in the immediate locality, and are the subject of a Tree Preservation Order.

The site is located within a Fringe Industry and Business Area as allocated in the Sheffield Unitary Development Plan but the locality is somewhat mixed in character, both in terms of use and in built form/architectural style. The site also lies within the John Street Conservation Area, with the existing stonewall and large trees within site considered to make a positive contribution to the Conservation Area.

The street scene in the immediate locality is somewhat varied given the changing patterns of use over the last century.

The adjacent buildings to the north consist of a large new student complex with heights ranging from 4-6 storeys, these enveloping a two storey public house likely dating from the mid C19th century.

The Bramall Lane side of the site is dominated by the Sheffield United Football Stadium and associated Business Centre which rises to approximately 6 domestic storeys and this lies adjacent a petrol filling station.

Arley Street and John Street, exhibit a more restrained pattern of development in terms of height. The group of commercial/light industrial buildings on the opposite side of John Street are all two to three storeys in height and have very little architectural merit.

Opposite the junction of John Street and Arley Street however lies the 4 storey red brick Victorian Works, (Stag Works) which is a Grade II Listed Building.

Arley Street features two storey brick built buildings dating from the Victorian Period though these have no special designations attached.

PROPOSAL

It is proposed to erect a pair of buildings, the larger of the two (Building A) being located on the old nursery site and rising to a height of 4/ 5 storeys. The smaller building, in terms of footprint, (Building B) would be located on the plot adjacent Bramall Lane and would rise to 7 storeys in height

Overarching architectural approach

Both buildings would exhibit a contemporary architectural approach rather than attempting a pastiche of nearby historic buildings. Whilst the architecture does

draw some inspiration from the vertical emphasis exhibited by the fenestration and recessed panel brickwork detailing of the Stag Works the principle aims here are to erect a building which is 'of its time' whilst remaining respectful of the scale, massing and appearance of the more noteworthy buildings in the immediate locality.

The intention is to use a good quality red brick which is reminiscent of the prevailing facing material on the historic buildings in the locality.

Both buildings would feature fenestration with a strong vertical emphasis and a hierarchy of reveal depth and areas of textured/contrasting brickwork which should contribute to good articulation on the public elevations.

Building A

Building A would consist of a 'perimeter' block surrounding a central courtyard. The building would accommodate 535 student bed spaces predominantly in 4/5 bedroom 'pod' units with each group of study bedrooms being served by a communal living area.

A management suite, with reception, common rooms and laundrette would be located on Upper and Lower Ground Floor as would secure cycle parking for 62 cycles.

The building footprint would in the main be located close to back edge of footway but would achieve a significant setback relative to John Street in order to maintain sufficient root protection areas for the retained trees on the south boundary.

In terms of height the building would rise to 5 storeys on the Arley Street and Denby Street elevations and on the northern half of the Unstone Street elevation.

On the John Street elevation the building would feature a set back at fourth floor level with the balance of the plan given over to a Green Roof. The absence of a fifth floor continues onto the southern half of the Unstone Street elevation

The courtyard area within the perimeter block would feature a mixture of hard and soft landscaping.

Building B

This building would have a square footprint occupying the entirety of the smaller parcel of land.

The building would contain 62 one bed flats and studio flats and 12 two bedroom flats

Rising to 7 storeys in height the building would feature a storey and a half ground floor pattern of fenestration resulting in a strong presence at ground floor. When viewed from Bramall Lane the building elevation would be effectively divided into two solid volumes linked by a glazed void, and this should provide excellent articulation in that elevation.

Elevations towards John Street and Denby Street would be less 'dramatic' but would be well detailed and would complement the architectural treatment of elevations on Building A.

Street layout

Unlike the previously approved scheme (see planning history) the use of a two block approach rather than a single building means that the original street format is retained though changes to the composition of the highway are intended in order to facilitate level access for the users of the disabled car parking spaces.

PLANNING HISTORY

Permission was granted in 1978 for a single storey building linked to school for use as a community centre for people with small children – Application No. 78/02871/FUL

Permission was granted in 1985 for the use of land as a car park and erection of boundary walls thereto. – Application No. 85/01063/FUL Granted

Permission was granted in 1986 for the use of land for car sales with associated temporary office – Application No. 86/01907/FUL

Permission was granted in 1988 for the continuation of use of land for car sales and retention of office (extension of planning permission) – Application No. 88/02015/FUL.

Permission was granted in 1992 for the continuation of the use of land for car sales and retention of office (extension of planning permission) – Planning Application No. 92/00206/FUL

Permission was granted in 1994 for the continuation of the use of land for car sales and retention of office (extension of planning permission) – Application No. 94/01174/FUL

Permission was granted in 1998 for the continuation of the use of land for car sales and retention of office (extension of planning permission) – Planning Application No. 98/01413/FUL

Permission was granted in 2006 for the erection of a 4-7 storey building comprising of a mixed use development with 215 apartments, and approximately 2,000 square metres of commercial space - Planning Application 06/02069/FUL

Permission was granted in 2009 for the use of the site as a pay and display car park - Planning permission 09/03380/FUL

SUMMARY OF REPRESENTATIONS

There have been no representations received regarding this application.

PLANNING ASSESSMENT

Identification of key policies

The National Planning Policy Framework (NPPF) has replaced previous national planning guidance and the following paragraphs are relevant in terms of overall principle:

The key principle enshrined in the document is a presumption in favour of sustainable development.

At Paragraph 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

At Paragraph 19 states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

At Paragraph 58 states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- optimise the potential of the site to accommodate development;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and
- are visually attractive as a result of good architecture and appropriate landscaping.

At Paragraph 47 states:

To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

At Paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The Housing designation is retained in the Sheffield Local Plan (SLP) Proposals Map. The site is also located within an Area of Special Character.

The most relevant UDP and SLP Core Strategy policies are:

IB6 'Development in Fringe Industry and Business Areas'

IB9 'Conditions on Development in Industry and Business Areas

H5 (Flats, Bed-Sitters and Shared Housing)

H7 (Mobility Housing) H15 (Design of New Housing Developments)

H16 (Open Space in New Housing Developments)

BE5 (Building Design and Siting)

BE6 (Landscape Design)

BE9 (Design for Vehicles)

BE10 (Design of Streets, Pedestrian Routes, Cycleways and Public Spaces)

BE18 (Development in Areas of Special Character)

BE19 ((Development affecting Listed Buildings)

CS3 (Locations for Office Development)

CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas)

CS23 (Locations for New Housing)

CS24 (Maximising the Use of Previously Developed Land for New Housing)

CS26 (Efficient Use of Housing Land and Accessibility)

CS41 (Creating Mixed Communities)

CS43 (Schools)

CS63 (Responses to Climate Change)

CS64 (Climate Change, Resources and Sustainable Design of Developments)

CS65 (Renewable Energy and Carbon Reduction)

CS 66 (Air Quality)

CS67 (Flood Risk Management)

CS74 (Design Principles)

CS75 (Improvements to Gateway Routes into and through the City)

Government policy in the National Planning Policy Framework (NPPF) is relevant. Policies within the NPPF are referred to in subsequent sections of this report where applicable.

The following documents are also relevant:

Interim Planning Guidance "Affordable Housing"

Interim Planning Guidance "Education Provision"

Supplementary Planning Guidance "Mobility Housing"

Supplementary Planning Guidance "Open Space Provision in New Housing Development"

Supplementary Planning Document "Climate Change and Design"

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant.

Principle, Density and Use of Previously Developed Land

Policy IB6 'Development in Fringe Industry and Business Areas' sets out the preferred, acceptable and unacceptable uses on land that is designated as part of a Fringe Industry and Business Area.

The preferred uses for the site are business (B1), general industry (B2) or warehouses (B8 excluding open storage).

Policy IB6 also lists a range of other uses that are acceptable in principle and these include housing (C3).

All elements of the proposal should comply with Policy IB9 'Conditions on Development in Industry and Business Areas'. Of particular importance will be:

[a] a requirement that the development of the site should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area

[b] a requirement that the development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The most likely sources of poor living conditions on this site are noise, air pollution and other nuisance emanating from the nearby industrial activities and traffic on Bramall Lane.

Office Element

Policy CS3 'Locations for Office Development' states that Office development will take place in accessible locations at the edge of the City Centre.

The scheme's inclusion of an element of B1 Offices is welcomed. Although the overall scheme introduces a significant length of road frontage that is not the preferred use within the Fringe Industry and Business Area nonetheless the provision of 385 square metres of office floor space will provide longer term employment opportunities, bringing tangible economic benefits beyond those resulting from construction and economic benefits of an increasing student population.

Residential Element

Policy IB11 'Housing and residential institutions in industry and business areas' sets out the criteria to be satisfied by residential development, including the need to avoid further constraining industrial or business development and to provide acceptable living conditions.

Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposals are in accordance with these policies.

Policy CS26 specifies density ranges for new housing developments. Subject to protecting the character of an area, at least 50-80 dwellings per hectare are normally expected in areas within or near to a District Centre. Densities outside this range are accepted where the proposals reflect good design.

The proposals represent a density of approximately 360 units per hectare. There is little in the way of traditional housing within the locality with which to make an appropriate comparison but the Forge Student Village exhibits similar density and the as yet unimplemented Sheffield United John Street apartment development has a density of 208 units per hectare (four storey building).

The density figure can be considered to be inflated to a degree by the form of development (Student 'pods' and 1/2 bedroom flats) which obviously accommodates more units in a smaller space than traditional housing.

Hence, whilst the proposed density significantly exceeds the 50-80 units quoted in Policy CS26 the changing character of the John Street area and the densities already existing at nearby, recently approved and/or implemented, schemes means that the density here is considered acceptable, on the basis that the scheme represents good quality design appropriate to the character of the area.

Policy CS30 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' states that a mix of uses including employment will be provided for in the Sheaf Valley and neighbouring areas that makes jobs available for residents of south and south-west Sheffield seeking local employment.

It further states that the Bramall Lane/John Street area will be promoted as an area of transition with new residential development, including new purpose-built student accommodation along with compatible businesses and activities;

It is accepted that the John Street area is currently in a state of flux as older traditional industries and uses relocate to more suitable locations. It is considered that the proposal satisfies the aims and requirements of this policy. The buildings should provide employment both in the construction phase and further into the future as a result of the commercial space.

Given the above the proposal, in respect of the principle of the development is considered to satisfy Policies IB6, IB9, CS3, CS23, CS24, CS26 and CS30

Concentration of Purpose Built Flats, Character of the Area and Residential Amenity

H5 'Flats, Bedsitters and Shared Housing' states that Planning permission will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if a concentration of these uses would not cause serious nuisance to existing residents

Policy CS 41 'Creating Mixed Communities' states that mixed communities will be promoted by encouraging development of housing to meet a range of housing needs including a mix of prices, sizes, types and tenures.

Given the existing character of the locality and the prevailing form of existing residential accommodation being student accommodation there is no reason to believe that the schemes introduction would cause serious nuisance to existing residents. The immediate area surrounding the application site does contain a significant concentration of student flats due to the sites close proximity to the Forge student village but it is not considered that this has implications for general residential amenity.

Policy CS41 seeks to control excessive concentrations of single house types.

This policy seeks to limit the forms of housing set out in part (d) where more than 20% of residences within 200 metres of the application site are shared housing

Part (a) of CS41 seeks a broad range of smaller households in the City Centre where no more than half the new homes in larger developments should consist of a single house type (larger developments being defined as 60 or more dwellings).

The proposal represents a mix of student cluster, one bedroom studio, 2 bed flats and 1bed flats, the majority being the 60% represented by studio clusters. Strictly speaking this makes the scheme marginally contrary to Part (a). However, the scheme is divided in two separate blocks, one of student clusters and one of apartments for rent. It is not considered that requiring a revision of the mix of units within the student block will attract a greater mix of residents to the development, since that block would still be focused towards the student market. Overall, the scheme is considered to represent a good mix of dedicated student units to more generally rented studios and flats and as such it is considered that the proposal meets the aims of Part (a) of CS41.

Part (c) of the policy requires that new purpose-built student accommodation be provided as a mix of housing development, primarily in the City Centre and the areas directly to the north west and south of the City Centre. This proposal therefore meets all the aims of this part of the policy.

Part (d) seeks to limit development of HMOs and Purpose Built Student Accommodation where more than 20% of residencies within 200m are already in use as shared housing. The current concentration within 200metres of this site is 75% due principally to the proximity of the Forge Student Village.

Despite the presence of significant numbers of student bed spaces within the proposed scheme the inclusion of studios and flats for private rental would result in a reduction in the overall concentration to approximately 70%.

Hence, whilst being strictly contrary to part (d), the scheme is located within an area where there is very little existing C3 accommodation. The site is bounded by existing student accommodation directly to the north, Bramall Lane and a petrol station to the east and primarily industrial/commercial uses to the south and west which restricts the potential of any further residential development immediately around it.

Part (d) is intended to protect imbalanced communities, and there is no established 'community' in the vicinity of the scheme (and very little opportunity for one to develop).

It should also be noted that Policy CS30 also promotes residential uses in the area, which means that the element of the UDP policy IB6 that promotes B2 and B8 but discourages residential is no longer appropriate

Given all of the above it is considered that, in respect of accommodation type, the scheme is acceptable with regard to Policies H5, CS30 and CS41

Design

The National Planning Policy Framework (NPPF) states:

At Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Paragraph 58 states:

Planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, and respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping.

At paragraph 59 it continues:

...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Further, at paragraph 60 it states:

Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Relevant policies in the Sheffield Unitary Development Plan are

Policy IB9 'Conditions on Development in Industry and Business Areas' states that in Industry and Business Areas, new development or change of use will be permitted provided that it would be well designed with buildings and storage of a scale and nature appropriate to the site

Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions, and that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

Policy H14 'Conditions on development in Housing Areas' states that in Housing Areas, new development or change of use will be permitted provided that new buildings...are well designed and would be in scale and character with neighbouring buildings.

In addition Policy CS74 'Design Principles' of the Sheffield Core Strategy applies which states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods

Policy CS75 addresses Improvements to Gateway Routes into and through the City, and states one of the gateway routes which will be prioritised for improvements will be the Inner Ring Road.

It is considered that the overall architectural approach, which has been arrived at after extensive pre-application consultation with Officers, should result in a building which contributes positively to the street scene. The style is contemporary but given that the locality has no truly prevailing architectural style it is considered that the principle considerations are scale and massing and a requirement to respect the nearest historic building of merit, The Stag Works.

It is felt the proposal would satisfy these requirements admirably with clean lines, well-proportioned and detailed elevations and an avoidance of excessive height.

It is considered that the heights of the building relative to the street scene to which they relate are acceptable. The height of Building A onto John Street is perhaps the most critical element as it needs to respond to the Stag Works but it is felt that the approach that has been adopted in the design will be suitably sympathetic to the setting of the Listed Building. The height on the Denby Street elevation is commensurate with the existing Forge Student Village accommodation opposite.

On Arley Street the elevation will tend to dominate the offices opposite but this is because the existing buildings on that street are of very limited height and are not necessarily indicative of a prevailing style in the locality. It would not be advisable to seek a reduction in the height of this elevation (to respond to existing) as the impact on the overall aesthetic would be deleterious to the overall visual appeal of the building.

The use of a good quality facing brick is considered essential to achieving an appropriate quality of building. Suitable samples were still being sourced and assessed at the time of drafting this report. It is therefore considered that an appropriate brick must be defined before development can be commenced and this should be conditioned as part of any permission.

It is always advantageous for proposed buildings to overlook public spaces. The site boundary treatment, a large 2.0 metre high stonewall running along John Street and Arley Street is to be somewhat extended and this will provide an element of security to occupiers of the proposed building but the upper storey main aspect windows will provide extensive surveillance of the public domain providing greater security for both occupiers of the proposed building, and pedestrians passing the site.

The internal elevations are not prominent from the street and thus a grey multi brickwork facing is considered acceptable on the relevant elevations of the blocks. The articulation of the inner courtyard walls through employing expressed coloured cladding to identify different cores within the building is considered acceptable.

The 'celebration' of the entrances to Building B (both residential and commercial) are welcomed and should provide a good focal point when viewed from the public domain on Bramall Lane.

Whilst the entrance to Building A is reasonably well articulated it is somewhat masked from the public domain of Bramall Lane. However, this is not considered a concern to the degree that an alternative entrance has been sought. Such alternatives would in any event be limited to the lesser used Denby Street since retention of protected trees and boundary wall are considered of greater importance on John Street and Arley Street.

Considering the buildings both individually and holistically it is considered that the requirements of Policies IB9, BE5, H14, H15, CS74 and CS75 are satisfied.

Impact on the Conservation Area and Nearby Listed Building

Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' seeks to preserve and enhance the city's heritage. In this context, development which would harm the character or appearance of the nearby listed property Stag Works or the Conservation Area will not be permitted.

Policy BE16 'Development in Conservation Areas' gives the principles by which the impact of proposals on the John Street Conservation Area will be judged. Proposals must contain sufficient information to enable their impact on the Area to be judged acceptable.

Policy BE 18 'Development in Areas of Special Character' states that in Areas of Special Character new development which respects the appearance and character of the Area will be expected.

The site falls within the John Street Conservation Area. Key features on the site, which were identified as worthy of retention at pre-application stage, were the mature trees running along the John Street boundary, the substantial stonewall bounding the site and the cobble setts on Unstone Street.

These elements are to be largely retained within the proposed scheme which is favourable, and combined with the quality of the scheme overall this should result in a favourable impact on the appearance of the Conservation Area.

The retention of the street pattern (Unstone Street and Ascot Street) including the cobbled surface of Unstone Street is welcomed as this maintains the historic pattern of short lengths of street that are one of the characteristics of the Conservation Area.

English Heritage has been consulted regarding the scheme and is content that the scheme is of an appropriate quality subject to the use of an appropriate facing brick.

It is considered that the overall scheme would have a positive impact on the Conservation Area, with the use of good quality materials, the high standard of architecture and the retention of key features on the site.

The proposal is therefore considered acceptable with regard to policies BE15, BE16 and BE18

Highways Issues

Policy BE9 'Design for Vehicles' states the expectations for a safe, efficient and environmentally acceptable site layout for vehicles and pedestrians.

Policy BE10 'Design of Streets, Pedestrian Routes, Cycleways and Public Spaces' states the requirements for the design of any public routes that may be proposed through the site.

Off street car parking provision in the proposals is limited to 4 dedicated off street car parking spaces. Given the design/intended user group of the accommodation and the highly sustainable location it is clear that the intention is to encourage the use of forms of transport other than the private car.

The site is close to very high frequency public transport routes, and is approximately 900 metres from the Heart of the City and Sheffield Midland station.

Given the nature of the accommodation and the existing Residents Parking Scheme in the locality it is not expected that the proposal will impact adversely on highway safety or the free flow of traffic on the highway.

The previously approved scheme (2006) included a requirement for a financial contribution towards the implementation of a Residents Parking Scheme (RPS). The 2006 permission, although commenced was never fully implemented and the RPS has been introduced in the interim period. As the proposed scheme would be 'car free' and a RPS already exists it is not considered that seeking further contribution is appropriate at this time.

A substantial provision for cycle parking is indicated in the plans with 102 spaces provided within Building A and a further 40 spaces within Building B.

Whilst the principles of the development being acceptable in highways terms is accepted further details including the minor re-modelling of Unstone Street and Ascot Street should be required by condition. Unstone Street is the intended location for servicing of the development.

Subject to these conditions the proposal is considered acceptable with regard to Policies BE9 and BE10

Amenity of Future Residents

Policy IB9 'Conditions on Development in Industry and Business Areas' seeks to ensure that the development does not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy H5 'Flats, Bedsitters and Shared Housing' states:

Planning permission 'will be granted for the creation of flats, bed-sitters and the multiple sharing of houses 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.

H15 'Design of new Housing Developments' expects the design of new housing developments and residential institutions to:

a. provide easy access to homes and circulation around the site for people with disabilities; and

b. provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents; and Building A (The student block)

The two main areas of amenity provisions for the future residents of the student building are the landscaped courtyard and the grassed area which contains the trees that are subject of the Tree Preservation Order on the John Street boundary. The facing rooms within the courtyard achieve adequate separation distances and those windows in the external faces of the building look out onto the public domain

As with many developments of this nature, where the development is fitting into an existing, tight urban grain, the privacy distances between habitable room windows in the outer faces of the building and buildings opposite on Arley Street and Denby Street, are below the 21 metre distance that would be expected in a more typical suburban residential location. However, it is considered that reasonable outlooks will be afforded residents with a reasonable level of privacy and this distance is viewed over a highway and is consistent with other developments within the vicinity given the street pattern and urban grain.

Outlook and general amenity is also considered acceptable with regard to the occupants of Building B when measured by the same criteria.

Although slightly detached from the amenity spaces of Building A the occupants of Building B will be afforded access to the informal recreation spaces within the confines of Building A through the issuing of swipe cards that permit access.

Noise and Future Occupants

The site is located within a Fringe Industry and Business Area and there are a number of potential noise sources located within the area.

Potential sources on John Street include the Cricketers Arms, The Breeze Shisha Lounge, The Cube Lounge, Bathrooms HQ, and uses within the Stag Works most notably the recording studio. The location of the electrical sub-station within the confines of the site also represents a potential source of nuisance.

'Industrial' activity at the John Street frontage of the building consists in the main of the loading of small Transit/box van type vehicles on small forecourts/highway with forklift trucks operating at certain businesses for loading/unloading. The noise from the loading of a pickup truck with an electric fork lift truck is not considered significant on the application site.

It is likely that the recording studio within Stag Works would be the main source of potential nuisance noise at the proposed site.

The proposal has been designed to locate main aspect windows away from the gable end of the student perimeter block on John Street and the set back of the John Street frontage would also assist in reducing sound pressure levels at the elevation.

Arley Street uses are confined to office accommodation, and The Sportsman Public House is located on Denby Street.

Noise from traffic on Bramall Lane is classed as Category C, and therefore there is a need for high performance double glazed units on elevations exposed to this source. It is considered that this is achievable.

A noise survey has been conducted and has identified a number of potential noise sources, the majority relating to John Street and Bramall Lane.

A range of attenuation measures are proposed, and maximum permissible sound levels within bedrooms should be conditioned as should a requirement for validation testing before occupation.

Officers are satisfied that the proposed methods of attenuation to both buildings can provide a satisfactory living environment for future occupiers of both buildings.

Therefore, subject to appropriate conditions it is considered that the proposal satisfies policies H5 and IB9.

Noise, Dust and Existing Residents

It is considered that noise and particulates arising from the construction process should be controlled by condition.

Sustainability

Location, Land Use and Economic Development

The NPPF sets out a commitment to achieving sustainable development. Developing sustainably includes supporting strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations and creating a high quality built environment. It also encourages improvement of biodiversity, and mitigating and adapting to climate change.

The scheme offers several benefits which contribute to achieving sustainable development.

The proposal represents an efficient use of a previously developed site and will assist the economy in terms of providing jobs during the construction process and employment opportunities when operational.

The use of permeable materials in hard surfacing areas should enable greater percolation of rainfall into the site and help to diminish rainwater run-off from the site as should the green roof and soft landscaping.

The submitted Sustainability Statement indicates that Building A will achieve a BREEAM rating of 'Very Good' (as it is a student accommodation complex the building stands to be considered against BREEAM criteria rather than Code for Sustainable Homes)

Policy CS64 (which requires Building A to achieve a BREEAM rating of Very Good since it is a development with a gross floor area exceeding 500 square metres) should therefore be satisfied. A condition requiring compliance should form part of any permission.

The submitted Sustainability Statement indicates that flats in Building B will achieve Code 3 for Sustainable Homes standard and this requirement should be confirmed by condition.

Renewable Energy and Energy Conservation

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy.

The application's Sustainability Statement concludes that the 10% provision should be provided by the photovoltaic panels located on the roofs of the two buildings.

The requirement to provide 10% of predicted energy needs through the use of renewable energy technologies should be a condition on any permission but subject to this the proposal should satisfy Policy CS65.

Green Roof and Sustainability/Climate Change

The proposal includes a green/sedum roof to the John Street elevation of Block A.

The proposed green roof covers approximately 8% of the available roof. This represents a shortfall when compared to the requirements of Supplementary Planning guidance 'Climate change and Design' guideline CC1 which encourages coverage of 80% of such areas.

However the requirement to make provision for such a roof is considered secondary (in this case) compared to the needs of providing energy from renewable sources. Large portions of the roof on both buildings are given over to solar panels in order to satisfy requirements for energy provision from renewable sources.

The provision that is made should still make some contribution to retaining water and, reducing peak surge demand on drainage, have increased insulating properties and contribute to biodiversity.

Given these circumstances and weighing this factor against the environmental and economic benefits of the scheme it is considered that the approach, as detailed in the submitted plans, can be accepted and that the scheme as a whole still satisfies the requirements of Policies CS64 and CS67.

Details and retention of the green/sedum roof should be controlled through condition.

Similarly details of the construction of all hard surface landscape areas should be required to be porous/permeable or to drain to areas within the site.

Accessibility and Mobility Housing Issues

Policy H7 'Mobility Housing' encourages the provision of a proportion of mobility housing, which is general purpose housing, suitable for easy adaptation to provide access for disabled people should they choose to live in the dwelling.

Whilst none of the units are specifically identified as mobility housing units, the proposal is generally well designed in terms of disabled access with level access to both buildings, lift access of acceptable dimensions to all floors and good accessibility to informal recreation spaces. The use of DDA paving setts in the 'footway' areas is also welcomed though further clarification regarding their extent should also be sought by condition.

The location and extent of disabled parking is limited by the constraints of the site and further details with regard to re-modelling of the highway on Unstone Street will be required in order to ensure that the best possible outcome can be achieved with regard to accessibility.

Further details including provision of blister paving, design of street furniture, and accessible standards in mobility units should be required by condition.

Landscaping Issues

Policy BE6 'Landscape Design' seeks the requirements for good quality landscape design. The entire nursery site is covered by a group Tree Preservation Order, with there being few mature trees in this neighbourhood, making these boundary trees important local assets.

The trees of particular merit consist of the mature Ash trees running along the John Street boundary. A further tree of note is located on Unstone Street.

The trees fronting John Street are to be retained within the proposal, though with some reduction in the crown spreads so as to prevent the canopies touching the south elevation of the building. The tree on Unstone Street would be lost.

The scheme proposes the planting of four large trees on the Bramall Lane frontage (adjacent Building B)

Whilst the loss of the tree fronting Unstone Street is unfortunate it is considered that the replacement tree planting on Bramall Lane will more than compensate since this section of Bramall Lane has no notable planting and exhibits a rather stark aspect along this major arterial route.

The footprint of the building on John Street is set back from the trees at sufficient distance so that it is not considered that damage will occur during the construction phase.

The remaining more minor trees and shrubs on the site will be removed. However it is considered that through the conditioning of an appropriate landscaping scheme a net improvement in visual amenity can be achieved on the site as a whole. New planting would be introduced within the courtyard, which would be controlled by appropriate conditions.

It is therefore considered that the requirements of policy GE15 of the UDP can be met

Air Quality

Policy CS66 'Air Quality' states:

Action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

It is not considered that the development itself (once occupied) will have implications for air quality since trip generation in terms of cars is likely to be extremely low. However, there may be particulates generated during the construction phase of the development.

It is suggested that that mitigation measures should be employed during the construction phase to control dust emissions. Subject to suitable conditions it is considered that the proposals comply with Core Strategy Policy CS66.

Drainage and Consideration of Climate Change

Surface water discharge should be reduced by a minimum of 30% on brownfield sites in accordance with Core Strategy Policy CS67. Whilst the area of built footprint on the site would represent an increase over existing the introduction of grassed garden areas, green roof and extensive areas of porous/permeable car parking and access routes should significantly reduce discharge compared to the existing development.

Overall, it is expected that surface water discharge will be reduced in accordance with the relevant provisions in Policy CS67 but a condition should be added seeking to ensure that this criteria is met.

Flood Risk

The site of Building A lies within Flood Zone 1 and that of Building B lies within Flood Zone 2.

The Applicant has submitted a Flood Risk Assessment with the application that states that Environment Agency Flood models indicate that the site lies above the level of a 1 in 1000 year flood level. The Environment Agency have advised that they have no objection to the scheme subject to conditions relating to internal finished floor levels.

Archaeology

Policy BE22 'Archaeological Sites and Monuments' states that development will not normally be allowed which would damage or destroy significant archaeological sites and their settings. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made and (b) where the site is found to be significant, the remains are preserved in their original position.

The archaeological potential of the site relating to pre-nineteenth century features is considered to be low and considerable excavation that occurred during the commencement of the previously approved scheme did not yield any archaeological features.

Given the above a further requirement for investigative work is considered unnecessary and the proposal is considered acceptable with regard to Policy BE22

Contaminated Land

The applicant submitted Phase 1 and Phase 2 Geotechnical and Geo-environmental Site Investigation reports from September 2014. These have been considered by the Council's Environmental protection Service and are considered acceptable.

The Phase 2 report identifies significant contaminants that will require remediation. Relevant conditions will therefore be imposed to ensure safe development and future use of the site.

Open Space

Policy H16 'Open Space in New Housing Developments' governs the provision of open space in new housing developments. Under policy H16 the developer will be required to make a financial contribution to the provision or improvement of recreation space in the catchment area, where a deficiency is demonstrated.

Policy H16 requires 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. Following assessment it is demonstrated that both formal and informal spaces are well below minimum guidelines for the catchment area.

Within the confines of Building A there is a provision of informal recreation space equivalent to 35% of the site area. Whilst the total site area is less than the 1ha that normally triggers a requirement for a minimum on-site provision it is considered that these areas provide a satisfactory on-site provision so that a requirement for a commuted sum for provision/enhancement of informal space with

regard to the occupants of Building A is not considered appropriate. This element of the contribution has not therefore been requested, leaving a contribution to formal youth/adult sports provision only for Building A.

The financial contribution therefore required is £135,831.25 and this should be secured by a Planning Obligation under section 106 of the Town and Country Planning Act 1990.

Affordable Housing

Policy CS40 of the Core Strategy requires developers of all new housing developments to contribute towards the provision of affordable housing where this is practicable and financially viable. The policy and associated Interim Planning Guidance requires the provision of affordable housing as up to 10% of the number of units in the development. This requirement is triggered if the number of dwellings proposed is 40 or more and viability of the scheme is not endangered.

The applicant has provided a financial appraisal of the scheme for independent consideration by the District Valuation Office. The results of this confirm that the scheme will make sufficient profit for the target affordable housing contribution to be met.

In this regard the Applicant has agreed to pay the sum of £425, 245 towards the provision of affordable housing within the city and this should be secured through a Planning Obligation under Section 106 of the Town and Country Planning Act 1990.

Education

Policy CS43 'Schools' states that the provision of sufficient modernised education facilities will included) expansion of schools, to be funded by developers where there is insufficient local space for demand arising from new housing developments.

An analysis of education requirements in terms of provision of places has been conducted. This indicates that there are likely to be shortfalls in provision at both primary and secondary school provision in the near future.

The single element of this scheme that might be liable to make a contribution would be the 12 two bedroom flats in Building B. In line the formula set out in the Interim Planning Guidance of October 2014 the cost of the contribution based on 12 units would be £63, 492.

However, after further consideration it has been determined that the provision of the contribution in this specific case is not necessary to make the scheme as a whole acceptable in planning terms, and in line with Government guidance concerning planning obligations, it is not therefore being pursued in this case. This view is arrived taking account of the limited floor space in the two bedroom units and the fact that they are located within a block of single bedroom and studio units (that are likely to find a target occupancy of post graduate or single young professionals) and therefore considered highly unlikely that the two bedroom units will provide 'family' living. In addition, the 12 units are a very small proportion of a large development such that the weight to be given to the issue is reduced. It has therefore been concluded that a requirement for commuted sum towards education provision in this case is not justified.

Other matters

Yorkshire Water has no objections to the proposal and has suggested a number of conditions to be placed on any approval of planning permission.

South Yorkshire Passenger Transport, have commented positively with regard to the scheme stating that the creation of low parking provision for the development is welcomed, and that secure cycle facilities should promote an attractive transport option for journeys to and from the site.

SUMMARY AND CONCLUSION

The proposal seeks to redevelop the site from its current vacant state, with a development of good quality design and quality materials.

The development is acceptable in principle in land use policy terms, and with the provision of 385 square metres B1 office floor space within the development will bring tangible economic benefits to the area.

The development will result in a significant improvement in the appearance of this site, and will enhance the locality. It is considered that the proposed development will enhance the appearance of the Conservation Area, and that the buildings are of a scale appropriate to the setting and respectful of nearby heritage assets.

The scheme will provide an acceptable level of amenity provision for residents, with appropriate privacy elements through the shared courtyard area. Furthermore there is a contribution towards enhancement of open space within the vicinity of the site.

It is not considered that the proposal will introduce elements to the detriment of highway safety in the locality, and the development is located in an accessible location within close proximity of good transport links and the city centre.

Noise problems from the neighbouring sources can be adequately addressed through employment of appropriate attenuation techniques.

The proposal should be constructed to achieve an appropriate standard with regard to energy conservation and an appropriate percentage of its energy requirements should be provided from renewable sources.

It is therefore recommended that Planning Permission is granted subject to conditions and to a legal agreement.

It is also recommended that the application be refused in the event that the legal agreement is not concluded before 31 January 2015 with the reason for such being that the applicant has failed to either meet the planning requirements in the proposed legal agreement within a reasonable timescale or to agree an alternative timescale for meeting those planning requirements.

Heads of Terms for Legal Agreement

1 The developer shall pay the sum of £135,831.25 to be used by the City Council towards the enhancement of Open Space within the vicinity of the site.

2. The Owners shall pay the Council the sum of £425,245 (four hundred and twenty five thousand, two hundred and forty five pounds) to be used by the Council towards the provision of affordable housing in the City by means of new build, purchase, refurbishment or conversion, according to strategic priorities and in accordance with the principles set out in the Council's interim supplementary planning guidance "Affordable Housing".

3. The payment of the above sums shall be as follows:

- a) 25% of the total on completion of the substructure (piling and foundations) of the student block; and
- b) 25% of the total on completion of the frame of the student block; and
- c) 50% once the student block is wind and watertight

Case Number	14/03537/RG3 (Formerly PP-03548774)
Application Type	Application Submitted by the Council
Proposal	Erection of leisure facility (North Active) including swimming pool, learner pool, fitness suite, exercise/dance studio, multi-use studio, changing facilities, health consultation/treatment rooms, associated works, car parking accommodation and road improvement scheme along Pack Horse Lane
Location	Land At Thorncliffe Recreation GroundMortomley CloseSheffieldS35 3HZ
Date Received	23/09/2014
Team	West and North
Applicant/Agent	Bidwells On Behalf Of Pozzoni
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.

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

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

Drawings numbered:

P3963-903 RevA
P3963 900 RevA
P3963-901 RevA
P3963-902 RevA
P3963-100 RevB
P3963-212 RevA
P3963-410
P3963-420
P3963-401 RevC
P3963-400 RevC
P3963-311 RevD
P3963-310 RevC
P3963-211 RevE
P3963-210 RevH

P3963-101 RevF
TR-CO00208075-TO144-01P RevB
TR-CO00208075-TO144-02P RevB
SK02-006
SK01-003
SK01-001
SK01-002
1/19652 C201 P1
1/19652 C202 P1
1/19652 C203 P1
1/19652 C200 P3

Reason: 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.

Reason: In order to ensure an appropriate quality of development.

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

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

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

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

- 5 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the Leisure Centre 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.

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

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

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

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

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the Leisure Centre is brought into use.

Highway Improvements:

- Works to street furniture including traffic signs, road markings and street lighting.
- Traffic Regulation Orders (waiting/loading restrictions and speed limit) including the provision.
- Widening Pack Horse Lane to accommodate two way vehicular/cycle flow
- Works to the Pack Horse Lane/Mortomley Lane junction.
- Improvements to existing bus stop facilities close to Pack Horse Lane.
- Improvements to cycle facilities on the Trans Pennine Trail at links ECC/2 and ECC136.

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

- 8 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the amenities of the locality.
- 9 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.
- Reason: In the interests of the safety of road users.
- 10 The Leisure centre shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the Leisure centre commencing, and shall thereafter be retained.
- Reason: In the interests of highway safety and the amenities of the locality.
- 11 Before the development is commenced full details of proposed servicing arrangements and times which should avoid peak hours activity associated with schools shall have been submitted to and approved in writing by the Local Planning Authority and such agreed servicing arrangements shall be put in place and adhered to thereafter.
- Reason: To ensure satisfactory drainage arrangements.
- 12 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.
- Reason: In the interests of highway safety and the amenities of the locality.
- 13 Prior to the commencement of works on site, full details of the following shall have been submitted to and agreed in writing by the Local Planning Authority:
- Construction Method Statement.
 - Phasing of Construction Works
 - Site Safety and Segregation
 - Location of Site Compound and Temporary Parking Arrangements for Contractors

-Times when Construction Works and Movement of Construction Traffic will be Restricted

Thereafter construction shall proceed in accordance with agreed details.

Reason: In the interests of the safety of road users.

- 14 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.

Reason: In the interests of the visual amenities of the locality.

- 15 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.

Reason: In the interests of the visual amenities of the locality.

- 16 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.

Reason: In the interests of the visual amenities of the locality.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 18 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 Leisure centre shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

- 19 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable

inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the Leisure centre shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 20 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 21 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development will be obtained from decentralised and renewable or low carbon energy;
Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources 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.

Reason: 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.

- 22 Noise from activities at the leisure centre when measured as a 10 minute LZeq shall not exceed background ambient noise levels at the nearest noise sensitive properties by more than 3dB when measured as a 10 minute LZeq.

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

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

Reason: To ensure satisfactory drainage arrangements.

- 24 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

- 25 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

- 26 Prior to the commencement of development details of the disposal and treatment of filter backwash and swimming pool water shall have been submitted to and agreed in writing by the Local Planning Authority and such disposal shall be carried out in accordance with such agreed details and retained thereafter.

Reason: To prevent pollution of the Water Environment.

- 27 No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainable development.

Attention is drawn to the following directives:

1. It is recommended that the work be carried out in accordance with BS 3998 "Recommendations for tree work".
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received

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

You should apply for a consent to: -

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

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

3. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
4. The 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.
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.

Site Location



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LOCATION AND PROPOSAL

The application site extends over an area of 0.59 hectares and lies within the north west corner of Thorncliffe Recreation Ground, Mortomley lane, High Green. The site currently comprises grassed playing fields laid out for football and there is a gentle slope of about 1:60. Packhorse stream runs along the north western boundary and joins Blackburn brook to the north east. There are trees along Packhorse stream and also along the south western boundary.

The site is bounded to the south and east by playing fields and to the south west by a scout hut and basketball court with houses beyond. Access to the site is

taken from Pack Horse Lane to the north west by way of a footpath and Pack Horse Lane already provides access to St Mary's Catholic Primary School , the Pace campus and the Pack Horse public house.

To the south of the site, there are further sports facilities accessed from Mortomley Close where there is also a car park, footpath access to the recreation ground and there are houses along the Close.

This application seeks detailed planning permission for a wet leisure facility with an approximate floor space of 2700 square metres comprising the following facilities.

25 metre six lane swimming pool.

Learner pool.

Wet and dry changing areas.

First aid room.

Multi use studio.

Fitness suite including 50 exercise stations.

6 health consultation/treatment rooms.

It is noted that the leisure provision and specifications of the facilities have been carried out in accordance with the requirements of Sport England.

It is proposed that the site will be accessed from the north on Pack Horse Lane by way of a new entrance and off site highways improvements to widen the road and improve the foot[path are included within this. These form part of a wider improvement scheme along Mortomley Lane including a zebra crossing and an improved junction affording better visibility.

The proposal also includes the provision of 76 car parking spaces, 8 of which would be accessible, a coach drop off area, a secure cycle shelter for 26 bikes, dedicated bin storage and a service yard.

SUMMARY OF REPRESENTATIONS

6 letters of representation have been received from local residents.

There is 1 letter of support in principle but concerns are expressed about pedestrian safety along Pack Horse Lane, particularly regarding children getting to and from school. This road needs upgrading to deal with congestion.

5 letters of objection have been received and the comments are summarised below.

Dangerous increase in traffic on Pack Horse Lane especially at school times as this road already serves a school, 2 churches and parish council offices.

Existing parking facilities on Mortomley Close could be used as part of the scheme.

Existing traffic levels on Mortomley Lane are already dangerous and this scheme will make it worse.

There is no coach parking which will be required for children's swimming lessons.

Pack Horse Lane is not wide enough to accommodate coaches.

The access point should be relocated to a less congested area.

Imposing traffic regulations in the form of yellow lines will force people to park elsewhere on already overcrowded roads.

This application would result in the loss of a well used football pitch and the team now has to play 5 miles away. This application does not encourage local sport.

The proposal could be located closer to existing sports facilities.

Local residents will suffer from overlooking and noise and light pollution. The scheme is too close to houses.

There is no need for this new leisure facility because there are existing ones at Hoyland, Chapeltown and Concord and an impact assessment should be carried out to see if there is an identified need for the proposal.

The site will be a magnet for anti social behaviour.

The Coal Authority objects to the application so it should be resisted.

A letter from the Rt Hon. David Blunkett MP has enclosed comments from a constituent which are

The building should include a terrace for parents and carers to view the pool because the existing viewing area is inadequate.

There is too much emphasis on therapy and consultation rooms.

Ecclesfield Parish Council have a number of concerns about the application which are set out below.

There is a potential for noise from the proposal.

The location is too near to houses and it should be moved further away.

There are concerns about the relationship with the basketball pitch.

There are concerns about the footpath facilities on Pack Horse Lane.

A letter has been submitted on behalf of Spire Sheffield Ltd who own the adjoining site and they are concerned about the impact of drainage into Packhorse stream on their adjoining site particularly Devil's Bridge pond and the existing flood defences.

Spire Sheffield have have commissioned an independent drainage study and this makes the following recommendations:

Subject to the size of the flow control, the discharge rate should be 3.9 litres/second and not the assumed 5 litres/second.

On site attenuation should be approx.. 300-350m² rather than the 293m² proposed.

Opportunities for SUDS drainage and permeable paving should be explored to ensure that run off pollutants do not affect the reservoir.

The interception storage and treatment volume should be assessed.

SUDS should be included to improve water quality where feasible.

Ensure that a SUDS maintenance and management strategy be produced.

PLANNING ASSESSMENT

Planning Policy.

The adopted Unitary Development Plan (UDP) shows that the whole site is designated as open space.

The National Planning Policy Framework (NPPF) provides national planning advice and is a material consideration.

Para. 13 says that the NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Para. 14 says that there is a presumption in favour of sustainable development.

In para. 70, the NPPF says to deliver recreational facilities, decisions should plan positively for the provision of shared space, community facilities, sports venues and other local services to enhance the sustainability of communities. It also says that decisions should guard against the loss of valued services and facilities, particularly where this would reduce the community's ability to meet it's day to day needs.

NPPF para.74 deals specifically with existing open space, sports and recreational land, including playing fields and these should not be built on unless an assessment is carried out that shows that the land is surplus to requirements or the

loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for an alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Saved UDP policy LR5 says that development in open space areas will not be permitted where it would result in the loss of open space which is of such quality that it is of city wide importance or would result in over development or harm the character of an area.

The policies contained in the adopted Sheffield Development Framework Core Strategy are material to planning decisions. Policy CS47 seeks to safeguard open space and in section (a) says that development of open space will not be permitted where it would result in a quantitative shortage of either informal or formal open space in a local area.

Your officers have undertaken an assessment of open space per head of population in the local area and there is a significant shortage of formal open space within the area. The proposed development would therefore be contrary to Core Strategy policy CS47(a) because there would be a significant shortage of formal open space. Although an indoor swimming pool can be considered to be a sports related use, it would not fall within the definition of open space accompanying CS47 and cannot, therefore be considered an exception to policy.

For the proposal to be considered acceptable and satisfy relevant planning policy criteria, a strong strategic case must be presented to prove that the need for the proposal is significant and outweighs the loss of part of the playing field.

The applicant has prepared a strategic case for the principle of the development and set this against policy CS47(a).

Applicant's Strategic Case.

The applicant refers to para.74 of the NPPF which recognises that the development of alternative sports facilities may be acceptable in open space where the need for the facility outweighs that of any loss of recreation space. Core Strategy policy CS47(a) echoes this.

National policy also requires that existing open space including playing fields should not be built upon unless (i) the space is surplus to requirements, (ii) the loss would be replaced by a better or equivalent facility or (iii) the development is for alternative provision that clearly outweighs the loss. Provided that at least one of these three tests is met, the development can be said to comply.

A Playing Pitch Assessment undertaken by the Council in 2011 for the 5 year period to 2016 and this concluded that there is not a quantitative shortage of adult playing pitches in the local (North) area. The results show a generally good supply of pitches in the North area and an excess of adult pitches. However, despite this potential oversupply, there is an overall deficiency in adult pitches across other parts of the city so the open space at Thorncliffe cannot be considered to be

surplus to requirements under terms envisaged by the NPPF and policy CS47(a) so the proposal does not meet test (i).

The proposed development does not include a replacement pitch of equivalent or better quality so test (ii) is not met.

The strategic context for the proposal is based on an assessment of local need and issues facing the existing Chapeltown baths and fitness centre.

The proposal is for a replacement of Chapeltown baths which currently provides a 25 yard, 5 lane swimming pool, 15 station health and fitness suite, sauna, solarium, treatment rooms and a conference room. The proposal also replaces the former Stocksbridge leisure centre which includes two pools but is now closed.

Chapeltown pool is an old facility, inefficient to run and is nearing the end of its expected building life span and the proposal would replace this and the pool at Stocksbridge.

The Sport England Facilities Planning Modelling has been key in designing the proposed Thorncliffe facility and this identified a need for swimming facilities in this part of the city confirming support for a 6 lane 25 metre pool and learner pool to replace the existing facilities.

Existing clubs and users will transfer across to the new facility to deliver a continuity of service. This does not apply to Stocksbridge as the pool is not operational. Consideration was given to retaining the existing facility at Stocksbridge but because of inadequate space and parking, this was considered to be unviable.

Potential alternative sites at Mortomley Park and Angram Bank were considered but were not acceptable principally because of reasons of size. Thorncliffe was considered to be the best site because there are close links with other sports facilities which would help support a new community sports and recreation hub.

The loss of one adult football pitch would not impact adversely on the overall provision in the north area because it has been demonstrated that there is over provision here. As only part of the existing pitch would be lost to the proposal, the balance of the former pitch can be reconfigured into a junior pitch to maintain the overall number of available pitches in the locality. This would meet the provisions of Core Strategy policy CS47(a).

It is considered, therefore that the development is for improved alternative provision that clearly outweighs the loss of the existing space and the applicant has successfully demonstrated a strategic case in favour of the development which satisfies the NPPF and policy CS47.

Statement of Community Involvement.

The Council in its Statement of Community Involvement encourages developers to engage with the local community prior to the submission of a formal planning

application. A commitment to this was undertaken by the applicant and also to pre application discussions with your officers.

In terms of community engagement, a public exhibition was held at Chapeltown pool on the afternoon of 22 July 2014 and also at the Ecclesfield Parish Council Community room during the evening of the same day. The detailed information submitted by the applicant on responses to these meetings indicated strong support for the scheme but people living close to the site expressed concerns mainly about traffic and design.

The most frequent comment was a request for more seating and a bigger viewing area so people can watch the swimmers. The design was subsequently amended and now incorporates informal seating and also additional seating by the learner pool. Other modifications were also made in response to representations at this stage.

The pre application discussions focussed on matters including road improvements to Pack Horse Lane, car parking, landscaping, cycle provision and parking, a safe drop off zone, design and sustainability.

Design, External Appearance and Landscaping.

UDP policy BE5 says that good design and the use of good quality materials are expected in all new buildings.

Core Strategy policy CS74 says that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city. Development should also contribute to a healthy, safe and sustainable environment and towards creating attractive, sustainable and successful neighbourhoods.

The site currently comprises grassed playing fields that are virtually level and it is proposed to take access from the existing pedestrian access point on Pack Horse Lane which would lead directly into a car park sited to the north west of the building. The parking area would extend along the rear of the building to the far side where the service yard would be. The building would be located between the parking and remaining playing fields and formal pitches and face on to this open area. The main entrance would face the north west and main car park which would have disabled parking in front of the entrance and secure cycle parking to the north at the edge of the playing field.

The main entrance faces on to the main car park and is identifiable when entering the site. The entrance would be single height, glazed and set within a brick panel which opens up to the lobby, reception and viewing area once the building is entered.

The ground floor of the building would be of buff brick and all openings would be grey which would match the colours of the upper floor and roof. A line of windows would face the playing fields allowing views of these from the swimming pool. Above the pool would be a shallow single pitched roof rising to the flat roof that

would be above the fitness suite and studios at first floor level. Full length glazing at the first floor would provide light to the fitness suite and break up the visual mass of the building.

The contrasting buff brick and grey cladding and curtain wall aluminium would create an attractive contrast and the roofscape would take advantage of shadow movement to create interest.

All external hard surfaces would be of tarmac and paving which is acceptable and the existing trees along site boundaries would be retained, enhancing the green setting. A detailed landscape scheme would be required and this would be controlled by appropriate conditions.

Tree protection measures would need to be put in place to ensure that work to implement the main car park does not adversely impact the trees next to Pack Horse stream. Again, this would be controlled by a condition.

The possibility of a green roof was considered by the applicant but unfortunately this was not considered possible because it would adversely affect the viability of the scheme.

The design, layout and external appearance are considered to be acceptable.

Sustainability.

Core Strategy policy CS64 deals with climate change and the sustainable design of development and this says that a high standard of energy efficiency should be achieved making the best use of alternative energy sources, solar power and other means.

To show compliance with this policy the scheme will need to achieve a minimum BREEAM rating of very good which is the stated target of the proposal. The applicant has submitted a Renewable Energy and Sustainability report and this considers a number of options including photo-voltaic panels, ground source and air source heat pumps, community energy, low energy lighting, improved U values in construction in building methods and other means.

A condition would be attached to ensure that BREEAM rating of very good would be achieved.

Core Strategy policy CS65 addresses renewable energy and carbon reduction and to comply with this policy 10% of predicted energy needs should come from renewable and/or low carbon sources unless it is not feasible or viable. Heat generating technologies are likely to be the most appropriate for the scheme and the sustainability statement says that a gas fired CHP scheme would be the best way to achieve the 10% which is acceptable as low carbon technology.

A condition would be attached to make sure the 10% target is met.

Highways, Access, Parking and Cycle Provision,

Core Strategy policy CS51 sets out transport priorities and improving road safety is included as part of this.

Core Strategy policy CS53 seeks to manage the demand for travel.

The layout shows that the main entrance into the site will be taken from Pack Horse Lane which would serve a car park of 76 spaces including 8 disabled spaces and the service yard which would be at the rear of the building. There would also be a drop off zone for coaches at one end of the main car park close to the secure cycle parking area.

The access and parking provision are of concern to the local residents particularly the safety issues relating to vehicle and pedestrian movement along Pack Horse Lane. Your officers agree with the representations made in this respect by residents but agreement has been reached with the applicant to improve Pack Horse Lane to safely accommodate all modes of transport.

With respect to levels of road safety near the junction of Pack Horse Lane and Mortomley Lane, police records of personal injury accidents show that there has been one accident during the last five years. Here a bus was overtaken by a car and the bus had to stop sharply, slightly injuring a passenger.

A Transport Assessment has been submitted in support of the application and the scope of this has been agreed. The assessment has acknowledged the need for improvements to the width of Pack Horse Lane to accommodate two way traffic flow plus the need for a segregated 2 metre wide footway. Additionally, Pack Horse Lane would be subject to waiting restrictions in the form of double yellow lines and this would all be controlled by conditions.

Further off site highway improvements that are required because of this scheme are additional road signs, rationalisation of the Mortomley Lane/Pack Horse Lane junction and improvements to bus stops on Mortomley Lane close to Pack Horse Lane. Again, the provision of these will be secured by a condition.

Parents collecting children from the nearby school will be able to use the car park associated with the proposal which would also be controlled by a condition requiring a management plan to be submitted setting out the methodology for this.

The layout shows that a separate pedestrian access will lead from Pack Horse Lane into the site along the south western edge that would link with the playing fields and the end of Mortomley Close to the south east of the site. A safe access in the form of a pedestrian link from this path to the entrance will also be provided.

It is considered that the waiting restrictions and use of the pool car park will be a considerable improvement on the current arrangements. The anticipated peak use of the swimming pool and associated activities would not coincide with child drop/collection from schools.

The Transport Assessment predicts 43 vehicle arrivals during the evening peak of 1800 to 1900 hours and 40 departures and this would not compromise the local highways network or clash with local schools.

With respect to cycle parking, a secure store would be provided next to the car park and close to the main building entrance for 26 bikes. The site lies close to the Trans Pennine Trail which is a main cycle route and a condition would require improvements to two links between the application site and the Trail which would improve cycle routes.

It is considered that all issues relating to highways and pedestrian safety have been resolved and the improvements to Pack Horse Lane and the surrounding highways network will accommodate all traffic.

Impact on Neighbours' Amenities.

Core Strategy policy CS74 says that new development should contribute to a healthy and safe environment and to the creation of sustainable neighbourhoods.

Local residents are concerned that the building would result in noise, disturbance, loss of privacy and it would dominate nearby houses. It has been suggested that the building be moved away from houses to resolve these matters.

With respect to loss of privacy, the nearest house which fronts Mortomley Lane is 55 metres away from the proposal at a higher level. The proposal is two storeys high facing the houses but there are no windows in the elevation. Consequently, there would be no loss of privacy and given the distance between the existing and proposed buildings and the levels difference the proposal would not be over dominant.

With respect to the potential for noise having a detrimental impact on the amenities of residents, a baseline noise survey has been submitted in support of the application. The site is located in an area of relatively low background noise levels and the noise survey incorporated monitoring positions near to houses which enables a comparison of noise levels when the leisure facility would be in use.

Your officers are satisfied that the predicted noise levels from the proposal would not impact on nearby houses but, as a safeguard, a condition would be attached requiring that noise from the proposal does not exceed ambient background noise levels by 3dB.

Impact on the Character of the Area.

The site is currently open, grassed and used as a playing field. Clearly this open character would be lost due to the proposal and the character of the area will change. However, the impact of the building is limited because of its location next to the urban edge to the south and in the corner of the open space. Also, the building would be close to mature trees to the north which would retain a strong presence in the area.

Local residents, in their representations have suggested that the building be moved further away from houses to reduce the impact on residents' amenities but this would increase the impact of the building as it would be more prominent.

Air Quality.

Core Strategy policy CS66 says that action to protect air quality will be taken in all areas of the city. Protection and improvement of air quality will be achieved particularly through decisions on planning applications that give rise to significant amounts of traffic.

In this instance, no significant additional traffic will result in the north area of the city because this proposal is a replacement facility for Chapeltown and, to a certain extent Stocksbridge pools and the same traffic in the area will focus on Thorncliffe as opposed to the other two areas. Consequently, there would be no implications on change to air quality in the area.

Ground Conditions, Flood Risk and Former Mining Activity.

A Ground Contamination Survey has been carried out on behalf of the applicant and your officers agree with the conclusion of this report that there are no significant pollution linkages presently at the site. Consequently, no remediation measures are required.

On a related issue, the site lies in an area of former mine workings and the Coal Authority has confirmed that the application site falls within the defined Development High Risk Area and there are coal mining risks and hazards that need to be considered in relation to this application.

In this instance, the proposal will build over or very close to a recorded mine working and the Coal Authority have lodged a formal objection because they require further information about the site constraints requiring this and the remediation measures which will be taken.

In terms of the constraints, the applicant has identified the trees, adjacent watercourse, road junction, location of existing facilities and the need to accommodate a full size playing pitch on the balance of the land are the main constraints which determined the extent of the developable area and the siting of the building. The size of the building is considered the most efficient and economical regarding the facilities provided. The pool tank is clear of the mine entry. A full remediation strategy would be agreed with the Coal Authority once site investigations have excavated the mine entry. This would include full construction management plans, schedule of required works and foundation design which can be controlled by a condition.

It is anticipated that this matter will be resolved prior to the Planning Committee and the Coal Authority will withdraw their objection.

Flood Risk.

Core Strategy policy CS67 seeks to reduce the risk of flooding.

The site lies within Flood Zone 1 as specified by the Environment Agency which has the least risk of flooding so no remediation measures are required.

Drainage.

With regard to the drainage of the proposal , plans have been submitted but a number of conditions are required to ensure that drainage will be acceptable.

A representation has been received on behalf of the adjoining landowner expressing concerns about the drainage proposals and how they affect the adjoining site. These have been considered and will be controlled by way of the conditions attached.

Disabled Access.

Core Strategy policy CS74 says that new development should enable people to gain access safely and conveniently providing, in particular, for the needs of disabled people.

The building would be constructed to a level that would allow full access by disabled people and there would also be 8 disabled car parking spaces close to the main entrance. The disabled provision would be controlled by an appropriate condition.

RESPONSE TO REPRESENTATIONS

Most of the representations lodged by local residents and interested parties have already been addressed in the report but a number of responses are required.

Coach parking within the site is not required because the drop off area will respond to needs.

With respect to the need and existing facilities, Chapeltown pool will close once this scheme is operational so that will not be available.

There is no reason to believe that the site will suffer from anti social behaviour.

The relationship with the basketball pitch will be acceptable.

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the North Active leisure facility including a swimming pool , learner pool, fitness suite, dance/exercise studio, multi use studio, changing facilities, health consultation suite, car parking and a road improvement scheme along Pack Horse Lane.

The siting, design and layout of the building are acceptable and the impact is acceptable in terms of neighbours' amenities and the character of the area.

Access would be taken from Pack Horse Lane which is currently well below the required specification to provide a safe access but improvements would be carried out to widen the road, restrict parking and widen the footway along with wider highways works to provide a safe access and environment for vehicles and pedestrians.

It is accepted that there would be some loss of open space currently used as sports pitches but the applicant has submitted a robust argument in favour of allowing the principle of development which is considered to be acceptable and satisfies all relevant policy criteria.

The application satisfies all policy criteria and is considered to be acceptable apart from the single issue of the objection from the Coal Authority. The Interim Head of Planning is confident that the outstanding issues relation to this can be resolved before the Planning Committee and this will be reported to Members in a supplementary report.

The application is therefore recommended for conditional approval subject to the withdrawal of the Coal Authority objection.

Case Number	14/03411/FUL (Formerly PP-03664529)
Application Type	Full Planning Application
Proposal	Use of distribution centre/warehouse for post-16 school with associated alterations, including single-storey extension to form entrance, re-cladding and installation of windows and doors
Location	6 Hydra Business Park Nether Lane Sheffield S35 9ZX
Date Received	15/09/2014
Team	West and North
Applicant/Agent	Mr Garrard Dennis
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.

Reason: 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:

Noise Report, Contaminated land.

Drawing No(s)

302 P1

303P1

401P1

101

200P3

202 P7,

Reason: In order to define the permission.

- 3 Within two months of the development commencing, full details of the proposed servicing arrangements and times (including for example delivery of Academy dinners) shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of pedestrian safety and of the amenity of the locality.

- 4 The submitted Travel Plan at this stage is not approved. It contains some good ideas, but at this stage has not been fully evaluated . Once approved by the Local Planning Authority, the Travel Plan containing clear and unambiguous objectives and modal split targets, together with a timebound programme of implementation, monitoring and regular review and improvement shall be thereafter operated.

Reason: In the interests of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport and in accordance with Council policy and the NPPF.

- 5 The Local Planning Authority shall be consulted with and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan, following the submission of progress performance reports as timetabled in the programme of implementation. All future owners/occupants of the site shall operate a Travel Plan and will adhere to the approved Travel Plan unless otherwise varied and agreed with the Local Planning Authority prior to occupation.

Reason: In the interests of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport and in accordance with Council policy and the NPPF.

- 6 Prior to any external works to the building or existing site layout works commencing on site (excluding initial site mobilisation works), full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:

- Construction method statement.
- Phasing of construction works.
- Locations of any temporary classrooms.
- Site safety and segregation.
- Any temporary site access for construction traffic.
- Location of site compound and temporary car parking arrangements for contactors.
- Haulage routes.
- Times when construction works and movement of construction traffic will be restricted (to avoid conflicts with student arrival/departure).

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

- 7 Notwithstanding the submitted plans, prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle/motorcycle parking accommodation (plus storage/changing/shower facilities) shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the local Planning Authority. Thereafter the bicycle/motorcycle parking shall be retained/maintained for the sole purpose intended.

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

- 8 Unless otherwise agreed in writing with the Local Planning Authority, prior to the development becoming occupied, arrangements shall have been entered into securing the installation of two bus stops/shelters in the immediate vicinity of the development on Nether Lane, with raised footway and tactile paving to assist boarding/alighting.

Reason: In the interests of reducing dependence on the private car by facilitating and encouraging the use of alternative modes of transport and in accordance with Council policy and the NPPF.

- 9 All vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority prior to occupation.

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

- 10 The development shall not be used unless the car parking accommodation has been provided as indicated on the approved plans, surfaced, drained, illuminated and formally marked out to the satisfaction of the Local Planning Authority (including the pedestrian routes through the car park). The above-mentioned arrangements shall be used for the sole purpose intended, and shall be retained/maintained thereafter.

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

- 11 Within two months of the development commencing the LPA will require the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either:

a) been carried out, or;

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

Highway improvement works:

- Any accommodation works to street furniture, traffic signs, road markings and street lights associated with the development;
- Promotion of Traffic Regulation Order on the private spine-road of Hydra Business Park and on Nether Lane (waiting/loading restrictions) and the introduction of 10 mph speed limit on the private spine-road, and the making of the Order subject to usual procedures, including the provision of road markings and signs as necessary;
- Review/provision of drop kerbs and tactile paving to assist pedestrians walking along the footways on both sides of the private spine-road.

Reason: 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.

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

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

- 13 Prior to the development becoming occupied and notwithstanding the submitted plans, details shall have been submitted to and approved in writing by the Local Planning Authority of how the car parking accommodation will be managed and allocated between the office use and the educational use, including details of a revised entrance arrangement into the car park (gates and relocated waste receptacles to achieve two-way traffic). The agreed aforementioned details shall have been implemented prior to full occupation of the development.

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

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

Reason: 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.

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

Reason: In the interests of the visual amenities of the locality.

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

Reason: In the interests of the visual amenities of the locality.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 18 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.

Reason: In order to ensure an appropriate quality of development.

- 19 Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

- 20 Unless it can be shown not to be feasible and viable, within 8 weeks of the commencement of development a report which shall be submitted to and approved in writing by the Local Planning Authority identifying the strategy for providing:

a) a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy; and

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

This condition shall not preclude an agreement being reached with the Council for a contribution towards an off-site carbon reduction scheme if it is demonstrated that it is not feasible to generate renewable or low carbon energy on site.

Reason: 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.

- 21 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, as shown on the plans, shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such access and facilities have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

- 22 Prior to the use of the Hydra Buisness Park commencing all attenuation works detailed in the noise report carried out by Hepworth Acoustics (ref. 22357.0101, September 2014) shall have been implemented and thereafter retained in accordance with the details submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- 23 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 development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

- 24 Prior to the installation of the lighting to the MUGA full details of this shall have been submitted to and approved in writing by the Local planning Authority and development shall thereafter commence in accordance with the approved details.

Reason: In the interests of the amenities of the area.

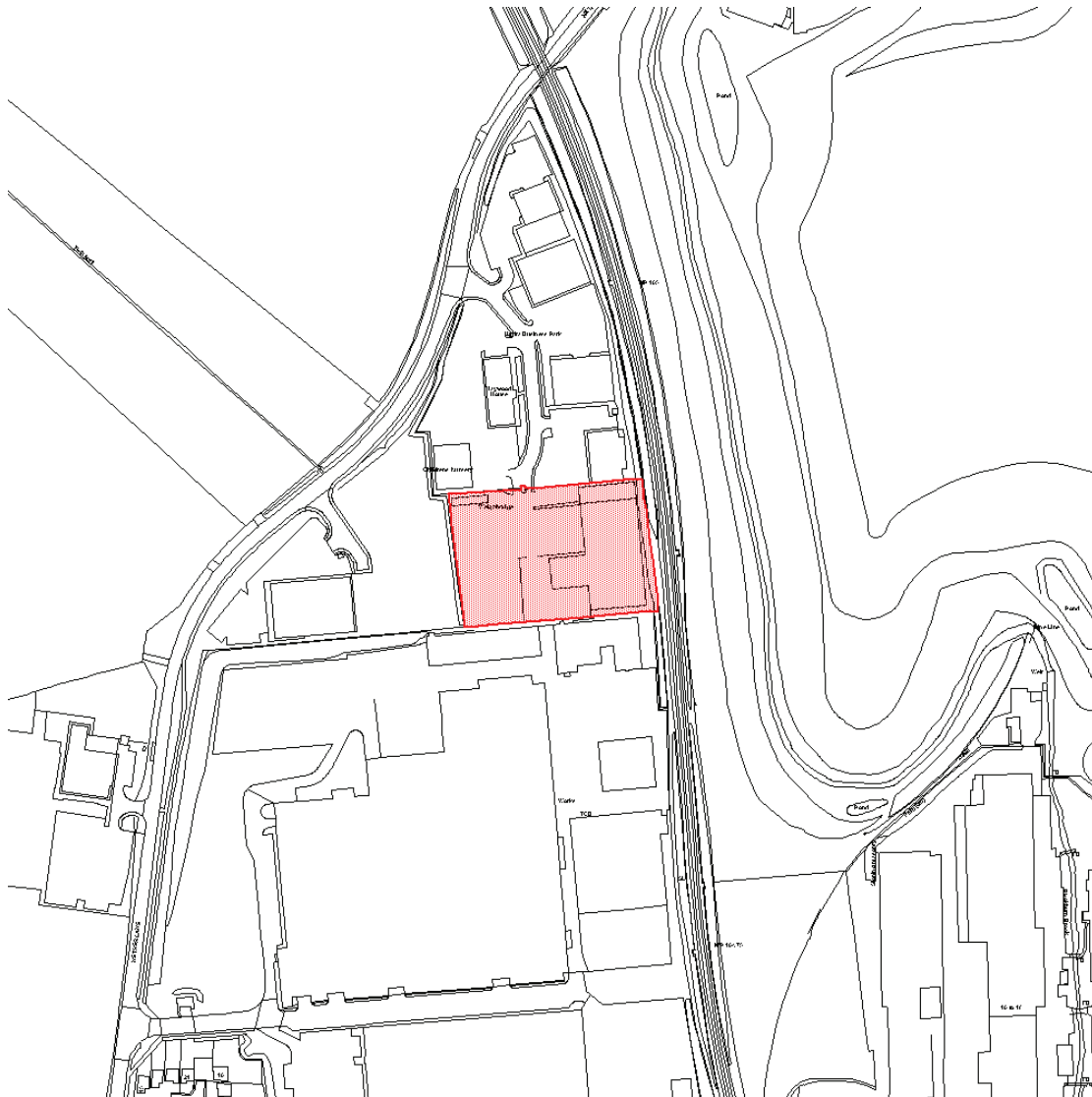
Attention is drawn to the following directives:

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



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LOCATION AND PROPOSAL

The application relates to a large distribution centre/warehouse building at the head of Hydra Business Park. The property is a large metal clad double height building, with a projecting 3 storey office element to the front elevation. The building has a large forecourt area to the front which serves the distribution element of the building.

Immediately to the rear of the site is a railway line, whilst surrounding the remainder of the site are predominantly industrial or commercial buildings, which are in a variety of uses. The site is located within an area designated as a General Industry Area with Special Industries.

This application seeks consent for the use of the distribution centre/warehouse for a post 16 school with associated alterations to facilitate this. These works include the erection of a single storey extension to form a new entrance to the school building and the recladding and installation of new doors and windows into the warehouse element. The school will be operating as a free school under the name 'Chapelton Academy'.

The school is currently operating out of the office element under one year's permitted development rights. This application seeks to formalise the free school in this location, but also to facilitate its removal into a permanent facility in the main warehouse/distribution centre element. If the application is successful then the office accommodation will revert back to that use.

RELEVANT PLANNING HISTORY

There is no relevant planning history for this property.

SUMMARY OF REPRESENTATIONS

There has been one representation regarding this application. This has been received from Ecclesfield Parish Council. The following comment has been made:

-The committee were concerned to note that this was a retrospective planning application and wished to object that there was no suitable access to the site.

The Royal Mail returned several letters to premises on Hydra Business Park as inaccessible. In order to ensure that all are aware of the proposal a site notice has been posted. The expiration date for this is however, after the deadline for this committee report. If any representations are received then these will be reported to members at committee, along with any implications that these comments are considered to have upon the development proposal or recommendation.

The council's Lifelong Learning Skills and Communities team has made the following comment in respect of the proposed development:

"The Lifelong Learning Skills and Communities department of Sheffield City Council feel that there are problems with the proposed location of the new academy. It is located in the middle of an industrial park and could reasonably be viewed as a warehouse, with office space attached to it.

This therefore raises concerns about ensuring the pupil's safety and security, especially during adverse weather conditions and poor lighting conditions. We feel that high standards of planning and design for any school requires dedicated space in which to operate in a safe and secure manner. This fear is further compounded by the site being surrounded by other businesses, including a repair garage that seems to specialise in repairing heavy goods vehicles.

We are concerned about the highways implications of the proposed site and the associated safety of students.”

PLANNING ASSESSMENT

Principle of Use

The NPPF in paragraph 72 states that, “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive and positive and collaborative approach to meeting this requirement, and to develop that will widen choice in education. They should: give great weight to the need to create, expand or alter schools; and work with school promoters to identify and resolve key planning issues before applications are submitted.”

The principles of the NPPF are a key consideration in the determination of this application.

Policy IB 5 ‘Development in General Industry Areas’ states that in General Industry Areas the preferred use will be General industry and Warehouses. The property is located within an Industrial Area with Special Industries and in such areas open storage and scrapyards will be acceptable, whereas in other General Industry Areas these will not be acceptable as they are likely to cause environmental problems for other firms. Policy IB5 also goes on to state that in all general industry areas community facilities and institutions will be considered an acceptable use.

As the post 16 school will fall within the use class relating to community facilities and institutions, then the proposal is deemed ‘acceptable’ in this regard, although the use will not be preferred and the implications of this will be discussed in due course.

Policy IB9 ‘Conditions on Development in Industry and Business Areas’ sets out the circumstances in which new development or change of use will be permitted. This include where the development will not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites; be well designed with buildings and storage of a

scale and nature appropriate to the site, be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking.

The site is within a General Industry Area in the Unitary Development Plan where B2 and B8 uses are preferred and should be dominant (policies IB5 and IB9a). This would not be the case.

Policy CS32 'Jobs and Housing in Chapeltown and Ecclesfield' states that business and industrial development will be located at Thorncliffe, Ecclesfield common and Smithy wood on brownfield land.

CS5 'Locations for Manufacturing, Distribution/Warehousing and other non-office businesses' states that these uses will be located in several areas including Chapeltown and Ecclesfield.

The Core Strategy has reiterated the importance of this location to provide for the city's manufacturing, distribution and warehousing needs in policies CS5d and CS32, and this is reflected in the proposed Business and Industrial Area designation in the draft City Policies and Sites. The use of this building for a non-preferred use would appear to be contrary to policies IB5 and IB9a of the UDP and would not help to deliver the aims of policies CS5d and CS32 in the Core Strategy.

In support of the application an Employment Property Assessment has been submitted. The Assessment suggests that the Councils Employment Land Review suggests there is a surplus of employment land, which is incorrect. The Employment Land Review makes it clear that the requirement is greater than the amount of land identified in the study.

Notwithstanding the issue that the development could be considered to be contrary to these policies; there are some benefits to the proposal which do also need to be considered and weighed against this.

The report submitted identifies the marketing strategy utilised to try and market the building for its existing and preferred use and the lack of positive response to the marketing campaign, along with the supply of such industrial spaces in the area. It is also noted that the supporting statement advises that the proposed use will not displace the former user of the site as a result of this application. The LPA has been advised that Hydra Park Properties agreed Heads of Terms for the sale of the industrial accommodation at Unit 6 on 20 February 2014 with the Education Funding Agency. This enabled the company currently in occupation to secure new premises at Station Road, Ecclesfield, which are more appropriate for their current business requirements. The LPA has also been advised that the business still

employs the same number of employees at the new premises and so there will be no jobs losses as a result.

The new academy will employ 25 full time equivalents when at capacity and so there are employment benefits arising from the new use which should be weighed in favour of the development.

Overall, the LPA is of the view that the development is contrary to the aims of policy and that ordinarily a refusal of planning permission may be appropriate. However, it is noted that evidence has been submitted in respect of marketing and need, the relocation of the existing business and the employment benefits of the development. It is also noted that the government through the NPPF expects local authorities to take a positive and proactive approach to the development of new schools. Further to this the school is already in operation (under permitted development rights) for one year and that the refusal of the application would have an effect upon the education of those students already enrolled. In considering these factors it is considered that an on balance approach is appropriate in this instance, and therefore the principle is considered to be acceptable.

Highways

As the subject site is located at the end of Hydra Business Park and the access road serving this site also serves a further 8 units (approx.) The other units on site have a variety of highway needs and accept deliveries from articulated lorries. There are a number of accesses off the un-adopted spine road and a footway on both sides of the road means that the potential for vehicle/pedestrian conflict is limited.

The key concerns for the development of this site are the multi modal accessibility of the site, the safety of students relative to the HGV activity within the Business Park and the overall provision of car parking accommodation.

Pedestrian Safety

In terms of improvements to pedestrian safety within the cul-de-sac it is recommended that the footway be lowered and tactile paving provided. This could be achieved by condition. Several other improvements in respect of highways are recommended to be achieved by condition in order to improve the environment for pedestrians

Parts of Ecclesfield, Chapeltown and Thorpe Hesley are located within a 2km walk of the Academy. There is a public right of way which runs across the field on the Western site of Nether Lane providing access to Chapeltown Road. Whilst this right of way is acknowledged it is also noted that this link is just a footpath across a

field and is therefore not surfaced or lit. To significantly encourage its use by students, particularly in the winter months when it would be dark would be irresponsible in terms of public safety.

Pedestrian access as the sole means of transport to the site is therefore considered to be limited.

In terms cycle access, then within 5km of the site are Ecclesfield, Chapeltown, High Green, Burncross, Thorpe Hesley, Shiregreen, Parson Cross and Grenoside.

The National Cycle Network Route 67 connects Thorpe Hesley to Ecclesfield via Butterthwaite Lane. There are shared use foot/cycleways and advanced stop lines at the Nether Lane signals with the A629 and there is also some off road cycle track which flanks the eastern side of nether Lane from the A629 for approx. 150metres. The site is therefore considered to be in an accessible location for cycling however, a degree of care will also be needed by cyclists taking the route to the academy. The academy is proposing 36 bicycle/scooter parking spaces in the form of stands and will operate a travel plan. This is desirable and will help encourage a variety of travels options to the site.

With regards access by public transport then the number 88 bus runs along Nether Lane to Smithywood Business Park (on Cowley Hill). The 88 service connects through to the City centre and runs every 12 minutes. Chapeltown Road is served by services 29, 75, 87 and 265. Cowley Hill is served by the No.66 and The Common is served by the No.79.

The services which serve Chapeltown Road are approximately 750 metres away, but this includes access across the field via the public right of way. If this route was to be avoided then the distance would be increased slightly to allow for utilising highway routes. The stops on The Common are approx. 1km away.

Overall, the immediate area is well served by public transport, although some of the access routes to public transport, which provide the most direct route, are not necessarily the most desirable routes, which we would encourage students to use.

With regards the further encouragement of this use of public transport and to ensure the accessibility of the site for the students the applicants have agreed that a bus stop with shelter will be provided on the southbound side of the road and a bus stop and alighting point on the northbound including raised footway and tactile paving.

Parking Provision

The overall amount of parking provision on site is considered to be acceptable. The distribution of spaces between the school and office uses on site needs amending to ensure that each use has sufficient and an amended plan to this effect has been submitted.

The office accommodation at 1300sqm requires 21 spaces, in accordance with the Council's maximum parking ratios whilst the school will require 90.

This number of spaces is in excess of this ratio of parking spaces, but it is arrived at as a result of the car parking accumulation survey which was submitted with the planning application. Essentially at the time of the survey there were 60 students enrolled at the school and between 0800hrs and 0900hrs the car park had 18 cars within it. As the application seeks consent for 300 students, as a multiple of this existing need then the development gives rise to a potential parking demand of 90 spaces. These requirements can be accommodated within the site.

Whilst the identified need can be accommodated on the site there is the potential that in the future parking need might overspill and affect the spine road and /or Nether Lane.

If this was to happen then the parking could compromise the accessibility of the site for articulated lorries within the remainder of the business park and also the highway safety of Nether Lane; as sight lines could be obstructed on what is a relatively fast road. Notwithstanding the highway safety element of the proposal on Nether Lane, the concern with the development is that the scheme will affect the operation of the business park, and given that the development is contrary to policy in terms of loss of industrial/business space then it is considered that any further elements of the proposal which would compromise the operation of the business park must be seriously considered, as well as whether or not these can be appropriately mitigated against.

It has been agreed with the agent that the a condition will be applied to the development which means that the developer will fund the imposition of a Traffic Regulation Order, for the imposition of double yellow lines within the Business Park and on Nether Lane in the vicinity of the site's access and junction as a well as a 10 mph speed limit. The yellow lines on the spine road and the 10 mph limit which exist at present are not backed up with a traffic regulation order and are an informal management approach on an unadopted road.

Overall, the development is considered to be acceptable in terms of parking implications subject to the imposition of appropriate conditions.

Design and Visual Impact

The NPPF states the need for high quality design in new developments and local policy is consistent with national policy in this regard.

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

Policy CS74 'Design Principles' states that high quality development will be expected, which would take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. The policy also states that development should contribute to place making and be of a high quality which should contribute to a healthy, safe and sustainable environment and enable all people to gain access safely and conveniently.

Whilst the warehouse building is a large triple height structure, the academy will only occupy the ground floor element and will effectively be constructed as a room within a room with a double height space above. An extension will be added to the front to accommodate a new entrance point.

The principle of these changes to the structure in order to create the academy is considered to be acceptable.

The addition of the new entrance lobby will be in scale and keeping with the character of the main building and office lobby. The entrance will be constructed utilising timber boarding, glazing in powder coated aluminium frames, brickwork and flank walling which will also accommodate the signage for the building. It will not be an unduly dominating addition, but it will create an attractive and clearly defined entrance to the building which is considered to be desirable.

The main building will be amended from its current format with the dock entrances being removed from the elevation and replaced with glazing, brickwork and render. A number of new openings will be inserted around the building to provide sources of natural light and outlook and this is desirable. The new openings will not dominate the building but equally they will soften the appearance of the building to reflect its new use as an educational establishment.

Overall, it is considered that the proposal will be acceptable with regards the aims of the both local and national policy with regards design.

Amenity

A key concern with the development, particularly as it is within an industrial area with special industries is the disturbance that either existing or proposed uses of

the business park either to Hydra or the adjacent uses may result in to the school and the complaints that this may lead to.

However, the applicants have submitted an acoustic report, which colleagues within environmental protection are satisfied with. It is recommended that a condition be applied to ensure that the development is in accordance with this report. Given the potential for disturbance from both the railway line and the neighbouring uses, it is considered that this is particularly important. The imposition of this condition should ensure that other uses surrounding the site do not result in disturbance. However, it is also considered that the academy should be aware that this is an industrial area and therefore there may be periods of disturbance, particularly if windows are opened. This is a negative of siting within an industrial area and is something that the LPA is aware of particularly from the perspective of complaints which then affect the existing or future operation of other occupiers of other industrial units in and industrial area. This harm is balanced against other benefits arising from the development.

In terms of contaminated land the Phase One Report submitted has been assessed by colleagues in environmental protection who are satisfied with the methodology and findings that “no further site investigation or formal remediation measures is considered to be necessary”. It is not therefore considered that any further conditions are necessary.

The majority of the teaching spaces will have a source of light and outlook, with only the common room, hall, dining room, lecture theatre and infrastructure such as toilets, stores and changing facilities not having a direct source of natural light and outlook. It is considered that within the scope of the building that this is the best layout which could be achieved with a clear prioritisation of the main teaching spaces for the highest quality environment.

Access

In addition to the provisions of CS74, Policy BE8 ‘Access to workplaces’ is also relevant. This policy states that new development which would result in the provision of 20 or more jobs, suitable access arrangements will be promoted to meet the needs of employees and members of the public with disabilities. A condition to ensure that the development is fully accessible should be applied to the permission.

Public Art

Policy BE12 ‘Public Art’ of the Unitary Development Plan states that the provision of works of art in public places which can be readily seen by the public will be encouraged as an integral part of the design of major developments.

The developer has agreed to the imposition of a condition relating to the provision of public art and therefore the proposal is considered to be acceptable with regards the aims of this policy.

Landscape

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new development and refurbishment schemes.

As the site is transforming from a business site to a school site it is considered to be important that an appropriate learning context is created and that soft and hard landscaping improvements will be key to this, as well as creating an area for external relaxation for students at lunch and break. To this end it is recommended that a condition be applied which requires details of the hard and soft landscaping to be submitted and approved, in order to make the development more acceptable.

Sustainability

Policy CS64 'Climate Change, Resources and Sustainable Design of Developments' seeks to ensure that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouses gases and function in a changing environment.

Policy CS65 'Renewable Energy and Carbon Reduction' requires that all significant developments will be required to, unless it can be shown not to be feasible or viable to provide a minimum of 10% of their predicted energy needs form decentralised, renewable or low carbon energy.

In terms of CS64, alterations are to be made to the building to reduce the volume of space and make it more reasonable to light and heat than a triple height space. The internal building will also be re-clad and insulated. Sources of natural light and ventilation will be available and the development will also see the reuse of an existing building. Overall, it is considered that the development seems to achieve the aims of CS64, with regards the constraints that exist with creating a new school in a warehouse building.

With regards CS65 the feasibility of achieving 10% is being discussed and members will be advised at committee as to the ability to comply with this element of the policy.

RESPONSE TO REPRESENTATIONS

Whilst there are concerns with the existing access arrangements and the implications of this upon the safety of students; it is considered that the imposition of a number of conditions relating to highway improvements and to which the applicant has agreed in draft form could reasonably address those concerns to a satisfactory degree. As the concerns

can be addressed by appropriate conditions it is not considered that it would necessarily be reasonable to refuse planning permission on these grounds.

SUMMARY AND RECOMMENDATION

The proposed development could be reasonably deemed as unacceptable upon the grounds of the loss of an industrial/warehouse unit and the policy designation of the area in which it sits. However, it is noted that there is some evidence submitted for the lack of demand for this unit following a period of marketing, that the development will result in employment benefits and that the government through the NPPF is clear in its support for new schools. The applicants have worked with the local planning authority to address concerns in relation to highway safety and have agreed to the imposition of a number of conditions. The location from a highways perspective is not ideal, and some of the accesses to the school, such as those across the field to connect to a bus are perhaps not ideal, but there are other options to this and where it is appropriate improvements are sought such as the provision of bus shelters and alighting points. The design of the development is appropriate as is the impact upon amenity. The applicant has committed to a scheme of landscaping and public art works and the matter of sustainability is being looked at. Overall, it is considered that the value of the educational facility and the benefits could be deemed to outweigh the negatives and accordingly an on balance recommendation is made for approval subject to conditions.

Case Number	14/03252/FUL (Formerly PP-03462549)
Application Type	Full Planning Application
Proposal	Demolition of outbuildings and erection of five new dwellings, associated landscaping and removal of trees
Location	Shirle Hill House6 Cherry Tree RoadSheffieldS11 9AA
Date Received	02/09/2014
Team	South
Applicant/Agent	Architype
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.

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

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

Drawings (Architype):

GA/050 A (Site layout)

GA/051 A (Ground floor)

GA/052 A (First floor)

GA/600 A (Elevations)

GA/800 A (Sections)

GA/801 A (Sections)

Design and Access Statement (Architype - August 2014)

Statement 'Flat roof areas' (Architype/Shirle Hill Ltd - 25 Nov 2014)

Reason: In order to define the permission.

- 3 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.

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

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

Reason: In the interests of the safety of road users.

- 5 No development shall commence until full details of measures to protect the existing trees, shrubs, hedge(s) to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of the visual amenities of the locality.

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

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

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

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

- 8 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11

(Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

- 11 Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

- 12 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 an alternative timeframe to be agreed in writing by the Local Planning Authority. Such landscape scheme shall include new tree planting to the frontages to Cherry Tree Road and St Andrew's Road.

Reason: In the interests of the visual amenities of the locality.

- 13 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.

Reason: In the interests of the visual amenities of the locality.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 15 Before the development is commenced, full details of the proposed cycle parking accommodation shown on the approved plans shall have been submitted to and approved in writing by the Local Planning Authority and the dwellings shall not be occupied unless such cycle parking has been provided in accordance with the approved details. Thereafter, such cycle parking accommodation shall be retained.

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

- 16 The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. 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.

Reason: In the interests of biodiversity.

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

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

- 18 The dwellings shall not be occupied unless the car parking accommodation for 12 cars as shown on the approved plans has been provided in

accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 19 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.

Reason: In order to ensure an appropriate quality of development.

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

Angled bedroom window (House 4)
Window reveals
Roof lights
External doors
Eaves and verges
Flat roof parapets

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

Reason: In order to ensure an appropriate quality of development.

- 21 Full details, including materials and finishes, at a minimum of 1:50 scale of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Entrance porches
Greenhouse
Workshop
Bin enclosure

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

Reason: In order to ensure an appropriate quality of development.

- 22 Full details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter such lighting shall be installed in accordance with the approved details and shall not be modified unless directed by the Local Planning Authority.

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

- 23 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

- 24 The dwellings hereby approved shall be constructed to achieve a minimum AECB Silver Standard and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that the Silver Standard has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 25 The first floor secondary window to the bedroom of House 4 on the elevation of the building facing No31 Clifford Road shall be fully obscured to a minimum privacy standard of Level 4 Obscurity and any part of the window that is less than 1.7 metres above the floor of the bedroom shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

- 26 The flat roofs to Houses 1 and 4 shall not be used as a balcony, roof garden or similar amenity area.

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

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the rear elevations of Houses 1, 3, 4 or 5 without the prior written approval of the Local Planning Authority.

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

- 28 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 buildings shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: To ensure that there is no visual intrusion which would be detrimental to the amenities of the locality and in the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted depth of the curtilage.

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. 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 proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
4. Failure to carry out this development in accordance with the approved plans may result in enforcement action. Please contact the Planning Department if you wish to amend any design or specifications for your proposed development.
5. The applicant is advised that the 'alternative timeframe' referred to in the conditions must be applied for in writing, by letter, to the original case officer and must be approved in writing by that case officer.

6. 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.
7. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB. Tel (0114) 2734170

Environmental Protection Services can be contacted at DEL, 2-10 Carbrook Hall Road, Sheffield, S9 2DB. Tel (0114) 2734651

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

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

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

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

Site Location



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LOCATION AND PROPOSAL

The application relates to development within the grounds of Shirle Hill, a large building in extensive grounds at the junction of Cherry Tree Road and St Andrew's Road. Shirle Hill is a much altered Victorian villa with substantial Edwardian additions and later 20th century single storey extensions and poor quality outbuildings. It has recently been altered to accommodate up to 12 people in a co-housing enterprise. Previously it had been used by the NHS as a children's residential hospital.

The rear (north) boundary of the site adjoins c1980 flats and houses in Cherry Tree Dell. The west boundary adjoins detached c1990 houses and an 'L' shaped 3/4

storey block of c2004 flats in Clifford Road (St Andrew's Plaza). The remaining boundary is elevated above Cherry Tree Road behind a natural stone retaining wall. This boundary has a length of approximately 80 metres and is generally well screened by mature trees and shrubs. There are 3 large period properties on the opposite side of Cherry Tree Road, all of which vary in design, presence and materials.

Access to the site is taken virtually directly off the road junction. The driveway loops in front of the building which is located to the rear of the site and directly abuts the boundary with Cherry Tree Dell. The 20th century extensions and outbuildings are located to the west of the main building, abutting or in close proximity to the boundary with Cherry Tree Dell. The largest building is in the north-west corner of the site which steps back approximately 8m from the main rear boundary. In front of this building is a former secure play area. There are car parking areas for approximately 15 cars adjoining the boundary with St Andrew's Plaza and a sub station close to the driveway entrance. There are a number of mature and semi-mature trees within the site, the most important being 2 large Beech trees on either side of the driveway.

The application is for the removal of the large outbuilding in the north-west corner and an adjacent outbuilding abutting the rear boundary, and the erection of 5 two storey dwellings. Two of the dwellings are semi-detached and are located at the main rear boundary and extending forward of the north-west corner. The other 3 dwellings are linked and are located towards the boundary with dwellings in Clifford Road, with a minimum separation distance of approximately 3m. Together, the 5 dwellings have a generally curved front building line that focuses on the expanse of communal space in the centre of the site.

The dwellings are required to support expansion of the co-housing enterprise, each being designed to accommodate the preferences of the proposed occupants. The external areas are unsegregated for communal use, although each provides scope for small personal spaces. The grounds include a productive garden in the north-west corner. A greenhouse is also proposed in this area. 12 car parking spaces are proposed in one of the existing parking areas adjacent the boundary with St Andrew's Plaza, behind the existing sub station. At the back of the car park is a cycle shelter and small workshop.

RELEVANT PLANNING HISTORY

Planning permission for the use of the main building for co-housing was granted in July 2013 (ref 13/01625/CHU). The use has been implemented. A scheme of refurbishment works had previously been granted in September 2012 (ref 12/02111/FUL) and has been partially implemented.

There are several permissions for works to the former children's residential hospital since the 1990. These include the formation and enclosure of the children's play area in front of the main outbuilding, the provision of 15 car parking spaces and the erection of boundary railings to the wall fronting Cherry Tree Road.

There have also been several applications for removal and/or pruning of trees in the last 5 years. These are:

09/00232/TCA - removal of 2 trees (dying sycamore close to the driveway entrance; and diseased horse chestnut adjacent the children's play area). Replacement tree planting was required by the consent.

13/03014/TCA - removal of 1 tree (holly adjacent north-east elevation of main building - inappropriately located). No replacement was required.

14/03052/TCA - pruning of 1 tree (beech tree adjacent driveway - crown lifting, crown reduction and crown thinning - considered acceptable as general maintenance and to contain overall growth)

14/03318/TCA - pruning of 3 trees ((other) beech tree adjacent driveway, lime tree and yew tree, both located at frontage to St Andrew's Road - crown lifting, crown reduction and crown thinning - considered acceptable as general maintenance and to contain overall growth)

SUMMARY OF REPRESENTATIONS

14 representations have been received. There are 11 objections, 2 in support and 1 neutral. The representations are summarised below:

Design:

- d) pleased to see restoration of original building and proposed housing should be in keeping with the beautiful grounds
- support for removal of later outbuildings and return of main house to residential use
- supports application as it will improve the character of the area and will be a better use of the property than current derelict playground and old school buildings - new buildings and gardens have been designed with sustainability in mind
- plans are sympathetic to building, grounds and area generally - new homes will be an example of what can be achieved in the area of passive housing, something a lot of us would like to achieve
- commendable that building immediately in front of house is not allowed
- quotes from Officer report for change of use (13/01625/CHU) - re "small enclosed side garden area and the main grounds tapering down to the means of vehicular access at the road junction" - this is the area that is now proposed to accommodate 5 dwellings - totally inappropriate given size of this plot
- design of dwellings conflicts with character of main house
- style and materials neither match nor complement main house and the design of some of the houses is extremely unpleasant. Image 5 shows particularly ugly view towards main house, with excessive amounts of dark tiling or similar material
- uneven roofline will be eye-catching in the wrong way
- unacceptable terracing effect

- new developments are required to complement and enhance the Conservation Area - lots of detailing that is out of character and with little life expectancy and questionable maintenance e.g. timber porches and planters and steel vertical wire for climbers - the need for the applicants/architects to include some of these at all confirms that there are clear massing/location/basic design flaws to the scheme

Conservation Area:

- quotes from Nether Edge Conservation Area Appraisal re scale of villas, tree canopies and vistas; and substantial back gardens, abundant planting and sense of space and greenery. Expansive setting and greenery of villas in more spacious areas is important element of Kenwood area's character with villas designed to relate to their landscaped grounds
- quotes continue in respect of harm to character as a result of insensitive infill development, sub-division of plots, backland development, plot amalgamation, decline and loss of trees and pressure for removal to facilitate development. Much of Nether Edge specifically designed to be spacious and setting of villas with substantial grounds is crucial to character of the Conservation Area
- significant overdevelopment of site within a Conservation Area - proposal includes 1, 2 and 3 bedroom houses; the inclusion of 2 x 3 bedroom houses is a contributory factor to overdevelopment - site not large enough to accommodate this level of development without affecting open aspect of main house or privacy of neighbours
- proposals do not represent a satisfactory balance between developing the site in a sensitive way and preserving and improving the local environment within the Nether Edge conservation area
- design and appearance completely at odds with neighbouring homes and will detract from character of neighbourhood and Victorian style of original house - important that this is resisted - new buildings that are out of context will set precedent for all developers to ignore heritage status of neighbourhood
- far too intensive and totally out of character with Shirle Hill and Conservation Area - squashed spacing of new rear gardens, insufficient separation between existing and new dwellings
- little detailing to reflect the House and the Conservation Area - horizontal shaping and design of majority of windows are alien and more like awful 1960 & 1970 developments - not aware that any recent developments or extensions of this nature have been allowed

Trees:

- quotes from Nether Edge Conservation Area Appraisal re trees defining Kenwood area's distinctively shaded character
- any major tree felling/pruning would detract from leafy suburb - shouldn't be any great concern re minor cracks in retaining wall to Cherry Tree Road as these do not appear to have increased over last 26 years - requests pruning/removal of trees/shrubs kept to absolute minimum
- requests new young trees to replace those removed

- removal of 2 trees and thinning of others in order to accommodate new dwellings is tantamount to vandalism of character of property
- tree replacement required by 2009 consent for tree removal has not taken place and would interfere with new build plans - significant tree therefore currently missing from landscape and shows potential desire to create open space for development
- loss of trees will have detrimental effect on character of the area and the setting of Shirle Hill house
- tree report recommends submission of Arboricultural Impact Assessment, tree protection plan and method statement for protection of Tulip Tree - these have not been submitted - concerned that any building works will result in further loss of trees beyond what is indicated in the plans
- tree report notes that trees on the site are generally ageing and that there are very limited young trees that will develop to maintain the character of the site - overall negative impact on character of area is a serious concern now and in the future
- construction below tree canopies will result in demand for heavy pruning

Residential Amenity:

- quote from Officer report for change of use (13/01625/CHU) - re "relatively short rear gardens of dwellings in Clifford Road" - these gardens are approx 9m long and new 2 storey pitched roof houses will be 3m - 6m from boundary i.e. between 12m and 15m from houses - notes generally falls within guidelines but will be in close proximity and overbearing
- elevations may restrict light to near by houses although design has tried to minimise this
- placing dwellings back in the site limits visual impact of the unattractive buildings from the front but results in the dwellings being placed very close to neighbouring properties
- removal of 2 trees will result in views of effectively 3 storey height buildings instead of trees
- trees to be retained will overshadow new houses - future concerns about proximity and possible damage
- will also affect views from St Andrew's Plaza and elevated villas on opposite side of Clifford Road - will see mixed roof ridges and heights which will be significantly different to that characterised in area
- issues with light, sky visibility and privacy and will generate feeling of claustrophobia - build could have been on the other side (affecting nobody) - struggling to find concrete evidence re 'overage' restriction
- concerns regarding allotments and compost areas so close to where children play (27 Clifford Road) as could attract vermin and odours

Highway Matters:

- reduction in parking commendable but, together with increase in number of dwellings, relatively awkward egress on road junction and limited on street parking, results in insufficient parking for potentially 2 cars per household
- Clifford Road currently experiences congestion and parking problems due to activity associated with The Hollies Medical Practice, Clifford School and St

Andrew's Community Hall - no permit parking in Clifford Road, unlike neighbouring roads (this issue previously raised but no action taken by Council)

- additional traffic that will inevitably result will create additional accident risk at unsighted junction - although traffic speeds are relatively modest in adjoining residential roads, there is an opportunity to remove accident risk if applicants are encouraged to relocate the access and provide adequate sight lines off Cherry Tree Road

Other:

- Will be more visible from street scene than existing outbuildings which are currently tucked away and screened by mature trees
- concerns re future potential developments following any subsequent change of ownership - original intentions may not be followed by future occupiers - possible potential for roof lights or dormer windows or additional outbuildings/patio areas which could affect privacy
- request for considerate construction times, tree protection measures and safe construction access if permission is granted
- no assessments of flood risk and environmental impact have been submitted - no assessment of impact on local birds and wildlife or confirmation of sewer capacity to serve development - should be requested prior to determination
- St Andrew's Plaza built on old student halls and follows the lines of the two outside roads, not encroaching onto the green area behind - this use of the green space main reason for choosing to live in the area
- residents of St Andrews Plaza have not been fully consulted or had the correct information fully disclosed to them - present plans only appeared briefly on a notice board, then to be swiftly taken away
- not confident that full extent of development has been appreciated and sufficient resources allocated or that it will be completed in a suitable time frame which will cause minimum disruption to existing residents
- seeks assurance that 'overage' area will remain protected

Nether Edge Neighbourhood Group have also commented:

- materials (light colour render/grey tiles) and modern sparse design doesn't reflect any features of the Conservation Area or Shirle Hill itself
- modern design does not preserve character and appearance of Conservation Area
- notes that trees cannot be protected unless good enough for Tree Preservation Order but no reason to believe they would be felled if no development permitted
- cleverly designed to limit overlooking but roof balcony will overlook - suggests 1600mm opaque glazed screen
- overbearing and dominating impact of houses 3 and 4 on neighbours in Clifford Road, particularly on gardens and a conservatory
- requests removal of permitted development rights for new windows on west elevations and retention of obscure glazing and balcony screen if permission is granted

- requests conditions to address possibility of bats/owls roosting in trees, surface water drainage and hours of construction if permission is granted

The Conservation Advisory Group have considered the scheme and their comments are minuted as:

"The Group had no objection, in principle, to the development. The Group recommended the use of a stone, or other colour, render."

In addition, Paul Blomfield MP has requested confirmation that all necessary consultations have been made and requesting information regarding the previous failure to replace a tree on the site. The correspondence does not give any opinion on the development proposals.

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). It is also within the Nether Edge Conservation Area. These policy areas are retained in the Local Plan Draft Proposals Map (pre-submission version). The site is not affected by any special designations but is covered by the Article 4 Direction that restricts 'permitted development' rights.

The most relevant UDP and SLP Core Strategy policies are:

BE5 (Building Design and Siting)
BE6 (Landscape Design)
BE15 (Areas and Buildings of Special Architectural or Historic Interest)
BE16 (Development in Conservation Areas)
BE17 (Design and Materials in Areas of Special Architectural or Historic Interest)
GE11 (Nature Conservation and Development)
GE15 (Trees and Woodland)
H7 (Mobility Housing)
H11 (Development in Housing Areas in Nether Edge and Broomhall)
H14 (Conditions on Development in Housing Areas)
H15 (Design of New Housing Developments)
H16 (Open Space in New Housing Developments)
T25 (Car Parking in Residential Areas)
CS22 (Scale of the Requirement for New Housing)
CS23 (Locations for New Housing)
CS24 (Maximising the Use of Previously Developed Land for New Housing)
CS26 (Efficient Use of Housing Land and Accessibility)
CS31 (Housing in the South West Area)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS67 (Flood Risk Management)
CS74 (Design Principles)

Several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are also relevant. However, the CPS is no longer intended to be submitted to the Government for adoption purposes although its contents are expected to be considered as part of an early review of the Local Plan. In these circumstances the CPS policies can only be given very limited weight. This assessment is therefore restricted to relying on the adopted policies only. In this instance, the CPS policies generally raise no issues over and above those contained in the quoted UDP and Core Strategy policies.

Government policy in the National Planning Policy Framework (NPPF) is relevant. Policies within the NPPF are referred to in subsequent sections of this report where applicable.

The following adopted documents are also relevant:

- Supplementary Planning Guidance "Designing House Extensions". Whilst not strictly applicable to these proposals, the guiding principles for protecting residential amenity are relevant.
- Supplementary Planning Guidance "Mobility Housing"
- Supplementary Planning Guidance "Open Space Provision in New Housing Development"
- Nether Edge Conservation Area Appraisal

The South Yorkshire Residential Design Guide (2011) has been adopted as a Best Practice guide and is therefore a material consideration, albeit carrying less weight than the afore-mentioned policies and documents.

Principle of Proposed Development

Housing uses are preferred in accordance with UDP Policy H10.

Core Strategy Policy CS22 commits to maintaining a 5 year supply of deliverable housing sites at all times. There is currently a significant shortfall in 'deliverable' (i.e. with planning permission for housing uses) sites which is being addressed through proposals for additional Housing Site allocations in the Local Plan. Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposals are in accordance with these policies and granting planning permission will increase the supply of 'deliverable' housing sites.

In view of the above, housing (Class C3) development is acceptable in principle.

Housing Density

The density proposed equates to 18 units per hectare when considered in conjunction with the existing accommodation in Shirle Hill House and based on the entire curtilage of the site (approx 0.49 hectares). This is significantly below the 30-50 density normally expected within the urban area but outside District Centres and away from Supertram/high frequency bus routes, as set out in Core Strategy Policy CS26. However, the policy provides scope for densities outside this range

where they achieve good design, reflect the character of an area or protect a sensitive area. Policy CS31 adds weight to the consideration of lower density schemes by giving priority to safeguarding and enhancing the areas of character in the South West Area.

In this instance, the setting of Shirle Hill house requires protection. The original building is set behind a large landscaped garden. The retention of the garden and the original driveway alignment is important in allowing the house to retain its setting relative to Cherry Tree Road and St Andrews Road and thereby retain its historic character. It should be noted that the density within the area proposed to be developed, as opposed to the site in its entirety, will be developed at a density of approximately 30 units per hectare which would be sufficient to fully comply with Policy CS26.

Conservation and Design

Shirle Hill house is defined as 'building of historic interest' in the Nether Edge Conservation Area Appraisal. The grounds are not defined as 'historic park or garden' but they do provide a historic setting to the main building.

The Appraisal states, amongst other things, that "sensitive contemporary architecture need not be incompatible with the existing historical context provided creativity is allied to an understanding of the principles of scale, form, rhythm, proportion and materials and the wider spatial and townscape qualities which underlie the local context."

The proposed architect designed dwellings are of a bespoke contemporary nature to suit the individual requirements of the future occupiers in a layout which responds to the significant constraints of the site. Care has been taken to retain the most important trees (adjacent the driveway) and to preserve the setting in front of Shirle Hill house. This has significantly constrained the developable area of the site.

The dwellings are linked in blocks of 2 and 3 units, respectively. The size and layout of each unit varies as do the individual roof forms. However, the approach is coordinated, with common features across the units such as dual pitched natural slate roofs, matching timber entrance porches and a mixture of render and slate cladding. The roof form includes a flat roof to a single storey element which reduces the massing and allows some penetration of views towards Shirle Hill house from the rear of the dwellings in Clifford Road. The render and slate pays a strong reference to the construction materials of Shirle Hill house.

Whilst the new buildings do not reflect the architecture of any of the variety of surrounding buildings, the proposals are high quality and of individual character which will not detract from the qualities of the Nether Edge Conservation Area. It should be noted that the buildings adjoining the boundaries of Shirle Hill are all relatively modern and are not noted in the Nether Edge Conservation Area Appraisal as having any townscape merit in the context of the historic environment. In fact, the adjoining buildings in Clifford Road and Cherry Tree Dell are actually not considered to be in one of the 'character areas' defined in the Appraisal.

Furthermore, the proposed dwellings will not be particularly prominent in views from the public domain due to the angle and set back from the boundary. Views will also be filtered by the existing vegetation and the proposed low rise timber cycle store and workshop between them and the site entrance.

The dwellings will each have small external terraces for personal use but there will be no creation of individual gardens. The objective is to share and manage the external environment communally. This arrangement will reduce the subdivision of the grounds and is a sympathetic approach to maintaining the open character of the site.

Overall, the proposals respond to the context of their immediate surroundings and will result in the removal of the unsympathetic mid 20th century buildings to the rear boundary and late 20th century playground features which were installed for the residential hospital use. There is no harm to the appearance and quality of the Nether Edge Conservation Area and the proposals are considered to comply with Policies BE15, BE16, BE17 and CS74.

Mobility Housing

2 of the units should be built to mobility housing standards in order to comply with Policy H7. In this case, all of the units either comply with internal standards or can easily be adapted to do so. There is no provision for disabled parking and the parking area is some distance from the dwellings. As this is a cooperative housing scheme, any need for disabled parking can reasonably be expected to be managed as required. Parking closer to the houses would compromise the layout and would result in the loss of hard and soft landscape features.

Sustainability

The co-housing project has secured the future of Shirle Hill and the layout of the new dwellings, with extensive communal external space, will promote a sense of community within the development. The co-housing group are keen to reduce reliance on private cars and a large cycle store is proposed in favour of extensive car parking provision. It is anticipated that cars will be pooled.

Policy CS64 requires a development of this scale to achieve a minimum Level 3 Code for Sustainable Homes (CSH). The applicant prefers to model the scheme on Passivhaus principles. Passivhaus is an international low energy design standard. Passivhaus software (PHPP) has been used to analyse energy use and heat loss and has helped to size and locate openings so as to reduce overheating and allow passive heat gain in the colder months. The intention is to certify the buildings to AECB 'silver standard'. AECB is a network of individuals and companies with a common aim of promoting sustainable building. Self certification relies on the building being modelled on PHPP and the construction quality being verified. Overall, the Passivhaus modelling is a 'fabric-first' approach that will be highly energy efficient.

Other sustainable design features include 'brown roofs' to the flat roofs, reclaimed stone (plinth), water butts and stormwater planters, permeable paving and food

growing areas. Renewable energy is also being considered although this is not a planning policy requirement on this scale of development.

The package of measures demonstrates a commitment to energy efficiency and sustainable living and the Passivhaus technology is considered an appropriate alternative to Level 3 CSH. The proposals therefore comply with the Policy CS63 and the wider objectives of Policies CS64 and CS65.

The development is required to reduce surface water discharge as far as possible. The water butts, brown roofs, stormwater planters and permeable paving should be sufficient to achieve this requirement and the proposals therefore comply with Policy CS67.

Landscape

There are a number of trees on the site. The submitted Tree Survey identifies 24 trees (including 3 groupings and 5 trees in adjoining gardens/grounds). The development has been designed to retain the most important trees whilst maintaining an open setting to the front of Shirle Hill House. 5 trees are proposed to be removed to accommodate the development. These are 2 Yew trees, a Lime tree, Elm tree and Holly. One of the Yews is compromised by a much larger Beech tree adjacent the driveway which has resulted in the Yew having a poor one-sided form. The other Yew is a twin-stemmed tree located close to the former play area towards the rear of the site. The Lime tree is to some extent obscured by the afore-mentioned Beech tree and, whilst a large specimen, has significant deadwood. The Elm is little more than a sapling and has very little presence in any public views of the site due to its location hard against the boundary with dwellings in Clifford Road. A Holly is proposed to be removed to facilitate the provision of a bin store adjacent the driveway. The Holly has suffered some damage to branches due to passing vehicles and its removal is considered acceptable subject to replacement planting in a more suitable prominent location.

The most imposing trees are the 2 Beech trees on either side of the existing driveway, together with the trees and shrubs to the Cherry Tree Road boundary. These trees are all to be retained and will ensure that the site retains its mature appearance which adds to the character of the Conservation Area.

Amendments to the scheme prior to formal submission sited and orientated the nearest proposed dwelling so as not to affect or be affected by the Beech tree. The Tulip tree referred to in the Representations will be retained and will create a focal point to the front of the dwellings, despite being awkwardly sited due to growing out of a curved garden wall. The wall is not intended to be disturbed which will aid its retention.

Overall, the scheme protects the most important and prominent trees and also maintains the alignment of the original driveway and architectural stone garden walling. Replacement planting to gaps along the Cherry Tree Road and St Andrew's Road frontages would be beneficial and a landscape scheme can be conditioned accordingly.

In view of the above, the proposals comply with Policies BE6 and GE15.

Residential Amenity for Neighbours

The need to maintain the setting of the main house and to protect the most important trees, has resulted in the development being pushed towards the side and rear boundaries.

The 2 dwellings proposed to the rear boundary replace buildings previously in this area. The nearest properties are in excess of 10.5m from the rear elevation of the new dwellings. These properties are 2 flats built over garages. The highway in Cherry Tree Dell runs between the front and rear elevations of the existing and proposed properties, respectively. The lower flat (20 Cherry Tree Dell) will be at a similar floor level to the first floor of the new dwelling. The rear elevation of the new dwelling will replace the existing rear boundary wall and will have ground floor bathroom and stairwell windows on the boundary facing the garages below 20 and 22 Cherry Tree Dell. There are no windows in this elevation at first floor level. The overall height of the rear elevation will be reduced by the uneven roof pitch so that the eaves line will be approximately 1.8m above the floor level of the flat.

Overall, the impact on the flats in Cherry Tree Dell will be minimal and adequate residential amenity will be maintained/provided for occupiers of existing and proposed dwellings.

The impact of the proposals on the dwellings in Clifford Road is of more concern. The affected properties are Nos29 and 31. Outlook for the occupiers of Nos 25 and 27 should be improved through the removal of the large single storey building in the corner of the site that is within very close proximity to the rear boundary of those dwellings. The area vacated by the building is intended for use as a communal productive garden area with greenhouse.

The rear elevation of proposed House 3 will be only approximately 3.2m from the boundary with No29 Clifford Road. The rear garden of No29 is relatively short at approximately 10.8m and faces north-east. The separation between the rear elevations of No29 and House 3 will be approximately 14.3m. A minimum separation distance of 21m is recommended between facing elevations containing main windows in the SPG "Designing House Extensions". Whilst the SPG is not strictly applicable to these proposals, the guiding principles for protecting residential amenity are relevant.

The Guideline in the SPG is designed to ensure adequate privacy between facing windows. In this instance, the rear elevation of House 3 is single storey and the windows will be obscured by the 2.5m high boundary fence. Rooflights in the roof slope facing the boundary serve the ground floor room and are too high above the floor level to give any views out of the property.

Guideline 5 of the SPG states that two storey extension should not be placed nearer than 12m in front of ground floor main windows of a neighbour. In this case, House 3 will be in excess of 14m from windows in No29 and only achieves full 2 storey height at a distance of approximately 17.5m.

In view of the above, the relationship comfortably exceeds relevant guidelines in respect of privacy, outlook and dominance and adequate amenity is retained for the occupiers of No29.

House 4 is marginally over 5.5m from the boundary with No31 Clifford Road at its nearest point. The main rear elevation is approximately 6.5m from the boundary. The rear garden of No31 is approximately 9.85m long overall. A fully glazed conservatory at No31 is approximately 6m from the rear boundary. House 4 is a full 2 storeys height. It will have eaves approximately 760mm above the eaves of No31, although the ridge will be below the ridge of No31 due to the proposed irregular roof pitch.

The separation between the main rear elevations of House 4 and No31 will be approximately 16.8m. This is insufficient in terms of maintaining privacy between facing windows. The ground floor windows will be obscured by the 1.9m boundary treatment. The first floor windows on this elevation are restricted to a secondary bedroom window which will be obscure glazed, and a projecting window to another bedroom which will be angled away from the boundary in a southerly direction at approximately 45 degrees. The masonry element of the projection will oversail the edge of the window to prevent any wider angle views over the adjoining property.

In view of the above, the relationship comfortably exceeds relevant guidelines outlook and dominance and the angled bedroom window will prevent any overlooking. Adequate amenity is therefore retained for the occupiers of No29.

Permitted development rights are recommended to be removed in order to prevent any alterations or additional windows in the rear elevations that may compromise privacy.

The proposals include a single storey flat roofed element to House 4 with access to the roof from House 3. Use of this area as an outdoor space would give rise to overlooking of the rear gardens of both No29 and No31. It would be preferable to screen the edge of the roof to prevent this problem arising. However, the applicant has confirmed that the roof is not intended to be used by the occupiers of House 4 and that access is only required for maintenance of the 'brown' roof. General access can be prohibited by planning condition. In these circumstances, there is merit in leaving the edge open in order to reduce the massing close to the boundary and to allow glimpses (albeit restricted) through the wider site. However, it should be noted that the condition may be difficult to enforce if the roof is used in breach of the restriction.

One elevation of House 4 and the rear elevation of House 5 is angled at approximately 50 degrees to the boundary with windows facing towards the flats at St Andrew's Plaza. Both these elevations contain primary windows. The windows are in excess of 10m to the boundary with the flats and the separation between elevations is a minimum of 14.2m. Due to the angle between the proposed houses and the existing flats, there will be no direct overlooking. It should be noted that there is no residential accommodation in the main rear elevation of the flats at ground floor level.

Overall, the layout and design of the development is sympathetic to the amenities of the adjoining properties and there is no conflict with relevant criteria in Policy H14 which is designed to protect residential amenity.

Residential Amenity for New Occupiers

The scheme falls short on the normal requirements for external amenity space to serve the individual dwellings as set out in the South Yorkshire Residential Design Guide and the SPG "Designing House Extensions". Private garden areas of at least 50m² area and 10m length are normally expected. 3 of the properties fall short of the area requirement and 4 fall short of the length requirement. However, this is a cooperative housing scheme which includes extensive areas for communal enjoyment. The areas include 2 productive areas together with the use of the formal garden area in front of Shirle Hill House. Internally, the proposals provide good quality living conditions which are designed to meet each occupier's specific requirements.

Overall, the scheme has been designed to accommodate the bespoke requirements of the new occupiers and any subsequent future occupiers will be making a specific lifestyle choice of communal living. In this particular set of circumstances, the shortfall in private garden space provision can be supported and will not compromise the application of the normal space standards to comply with Policy H15 in future proposals for other housing developments.

Highway Matters

12 car parking spaces are provided to serve the proposed development and the existing accommodation within Shirle Hill House (total 9 households). A large secure cycle shed is also proposed. A minimum 18 spaces would be the normal requirement for car parking to serve a development of this size.

Again, the provision is made having regard to the anticipated needs of the specific occupiers of the development. There is scope for additional car parking in the driveway if needed but this is unlikely to be necessary as the occupants are committed to reducing car use, possibly including pool cars.

Overall, the car parking provision is adequate to meet the needs of the development and there is no conflict with Policy H14(d).

Open Space

A unilateral planning obligation has been received to secure a commuted sum of £8,482.05 for the provision or enhancement of recreation space in accordance with Policy H16. Although premature, the commuted sum has been deposited. However, the Government has directed that planning obligations of this nature should no longer be applied to developments of less than 10 houses, unless there is a combined gross floor space of 1000m² or more. This approach came into force on 28 November 2014, during the course of this application, and supersedes the 5 dwelling threshold specified in the SPG "Open Space Provision in New

Housing Development". As the development relates to only 5 units and has a floor space of less than 1000m², the planning obligation is superfluous and the commuted sum will need to be refunded to the applicant.

SUMMARY AND RECOMMENDATION

The proposal is a cooperative housing project and is connected to the occupation of the existing building (Shirle Hill House). The scheme responds to the context of the immediate surroundings and will result in the removal of unsympathetic mid 20th century buildings to the rear boundary and late 20th century playground features which were installed for the previous residential hospital use. The most prominent and important trees will be retained and there is scope for additional planting to the road frontages. Car parking is adequate for the needs of the development and reduces existing provision.

Whilst the proposed new buildings do not reflect the architecture of any of the variety of surrounding buildings, the proposals are high quality and of individual character which will not detract from the appearance and qualities of the Nether Edge Conservation Area. The dwellings are designed to meet Passivhaus international low energy design standards which are generally in excess of Level 3 Code for Sustainable Homes. The buildings are also designed to be generally suitable for mobility housing requirements.

Despite the close proximity of 3 of the dwellings to the boundary with properties in Clifford Road, the design and layout will maintain adequate residential amenity for existing and proposed occupiers. A shortfall in private external amenity space standards is acceptable in this instance where the scheme is designed to support communal living and includes extensive communal areas for gardening and recreation.

Overall, the proposals comply with or do not materially contravene the quoted policies and guidance and it is recommended that planning permission is granted subject to the suggested conditions.

Case Number	14/01042/FUL (Formerly PP-03271328)
Application Type	Full Planning Application
Proposal	Retrospective application for the retention and re-positioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (Amended description) (As per amended drawings received on the 7 August 2014 and 4 September 2014)
Location	Village News176 - 178 Main StreetGrenosideSheffieldS35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

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

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

In order to define the permission.

- 2 The work as detailed on amended drawing No. P14:034:02 Revision F (Existing and Proposed Elevations/Plans) shall be carried out within 4 weeks from the date of this decision unless an alternative timescale has been first agreed in writing by the Local Planning Authority.

Reason: In order to secure a reasonable timescale for work to be carried out in the interests of protecting the residential amenity of neighbouring properties.

- 3 The refrigeration unit shall only be operational during shop/café opening hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

- 4 The refrigeration unit hereby approved shall be enclosed by a sound reduction enclosure within 4 weeks of the date of this decision, details of which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the sound reduction enclosure shall be retained.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

- 5 Noise levels from the refrigeration unit (when measured as a 5 minute LA90) shall not exceed background noise levels (when measured as a 5 minute LA90) at the nearest noise sensitive property.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

Attention is drawn to the following directives:

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

Site Location



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INTRODUCTION

Members will recall that this application was reported to the last Planning and Highways Committee (7/10/14) where it was resolved that the application should be deferred to seek amendments to the proposed development to avoid any ambiguity to what is being proposed. As a result of this, officers have amended the description of the application to the following:-

Retrospective application for the retention and re-positioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (Amended description)

BACKGROUND

This application relates specifically to 178 Main Street in Grenoside. The building is occupied at ground floor by a shop/newsagent (A1) known as Village News. The applicant has been running the newsagent for over 12 years.

In March 2014, officers were informed that a new refrigeration unit had been erected along the side (northern) elevation of the property without the benefit of planning permission. Officers were informed of this together with information that the applicant was not complying with two other conditions (Nos. 3 and 6) imposed by planning approval No. 13/02171/CHU to change the adjoining premises (No. 176) from a dwellinghouse (C3) to a café (A3).

On account of the above, the Council served a breach of condition notice on the applicant on the 28 March 2014 relating to Condition Nos. 3 (opening hours), 6 (cooking equipment) and No. 7 (External mounted plant and equipment).

In response to the breaches of planning, the applicant decided to seek retrospective planning permission to retain the refrigeration unit and also seek approval under a Section 73 application to vary Conditions No. 3 (hours of use) and 6 (cooking equipment) of planning approval No. 13/02171/CHU.

Members are informed that an application seeking to vary Condition Nos. 3 and 6 is being considered under a separate application No. 14/01031/CHU.

LOCATION AND PROPOSAL

No. 178 Main Street is an end-terrace property; one of three traditional two-storey stone cottages located along the eastern side of Main Street. The surrounding area is predominantly residential but is interspersed with commercial units including public houses and small local shops. The site and surrounding area is designated as a Housing Area as identified in the adopted Sheffield Unitary Development Plan and also lies within Grenoside Conservation Area.

The neighbouring property (No. 176), also owned by the applicant, is a café and No. 174 is a dwellinghouse. To the north of the site is the southern property of a pair of semi-detached houses (No.180 Main Street) and to its north east is a large detached house (17b Lump Lane). A 2m high privet hedge runs along the southern boundary to No. 180 Main Street.

To the side of the property is a small rectangular strip of land. This land, measuring approximately 7m by 3m lies between the application property and No. 180 and provides a through route to 17b Lump Lane. Although this land has no registered owner, the

applicant has enclosed it off at both ends by 1m high timber fencing and is currently using it for storage in connection with the shop and café.

The applicant is seeking retrospective planning permission for the retention and re-positioning of the existing and unauthorised refrigeration unit, and is being used by the applicant to provide refrigeration to one of the shop's fridges and was installed in the spring of this year without the benefit of planning permission.

The refrigeration unit is currently attached to the side (northern) elevation of the building and forms one of two units along the building's side wall. The unit is fixed to the wall by brackets, some 1.5-1.75m above ground level and overhangs the adjoining strip of land outside the applicant's ownership.

RELEVANT PLANNING HISTORY

14/01031/CHU - Application to increase opening hours of cafe to between 0800 hours to 1800 hours Monday to Saturday and 0800 hours and 1700 hours on a Sunday and for 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description) – Pending

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

There have been several letters of objection received in response to the two applications at Main Street; most of these relate specifically to the application to vary Condition Nos. 3 and 6 of planning approval No. 13/02171/CHU. The representations received in response to neighbour consultation that relate specifically to the retention of the refrigeration unit are summarised below:-

- Unlawful development on land which does not constitute part of the applicant's property; and
- Noise disturbance.

Ecclesfield Parish Council considers that the neighbouring residents are still suffering from unacceptable noise levels from the refrigeration unit. They go on to state that the applicant is not adhering to the conditions previously imposed, and as such is affecting the quality of life of neighbouring residents. They recommend that the application be refused.

Grenoside Conservation Society states that the applicant has ignored several conditions set out in granting planning permission for the change of use to the detriment of neighbours and Grenoside Conservation Area. This includes installing an external air-conditioning unit in contravention of Condition No. 7.

Angela Smith MP has written in on behalf of a number of her constituents. With regard to this application, she states that a condition was attached to the planning approval for the café that states that no externally mounted plant or equipment for heating, cooling or ventilation be fitted to the building without the prior approval of the LPA. The external refrigeration unit has been fitted to the exterior of the building and protrudes over land which does not belong to the applicant. The unit is emitting unacceptably high levels of noise, affecting quality of life and causing the occupants difficulties sleeping.

PLANNING ASSESSMENT

The application should be assessed against the criteria set out in Policy H14 of the UDP. This policy relates to conditions that development in Housing Areas should be required to meet. Part (k) of this policy details that new development or change of use will be permitted provided that it does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance. The reason behind the policy is to ensure that conditions placed on development do not lead to an unsatisfactory environment for people living nearby that could harm their residential amenity.

From representations received, it is considered that the main issue with this application relates specifically to noise disturbance. The representations have been received from the residents of 180 Main Street and 17b Lump Lane. These residents have commented that the new refrigeration unit emits unacceptably high levels of noise to the detriment of their residential amenity. From officers' site visit, it was noted that the refrigeration unit was clearly audible within its vicinity, which in officers' opinion was compounded by the general quietness of the street. Although the unit only operates intermittently throughout the day, due to its very close proximity to No. 180 Main Street, noise emanating from the unit is considered significant and harmful to the residential amenity of this neighbouring property. Even with sound-proof casing, the distance and height of the unit to this neighbouring property is still likely to impact on this property's residential amenity.

On account of officers' concerns, the applicant has agreed to re-locate the refrigeration unit to the rear of the building and box the unit within a sound-reduction enclosure. By doing so, officers are satisfied that the residential amenity of both No. 180 Main Street and 17b Lump Lane would not be unduly harmed from unacceptable noise disturbance

emanating from the unit. Although it is accepted that moving the unit to the rear of the building would bring it closer to No. 17b Lump Lane, the distance of the unit to this neighbouring property would be in excess of 13m. This separation distance together with the proposed sound reduction enclosure should mean that any noise emanating from the unit would be muted and dispersed and not such that would be harmful to this neighbouring property. Moreover, on the recommendation of the resident of 17b Lump Lane, the applicant has amended the scheme further by agreeing to lower the height of the unit on the rear wall so it not readily visible when viewed from this neighbouring property. Environmental Protection Service (EPS) have commented that they are satisfied with the proposal to re-locate the unit and do not consider that it would unduly harm the amenity of neighbouring properties.

Should Members be minded to grant planning permission, it is recommended that a condition be attached that requires the refrigeration unit to be moved to the rear of the building and boxed within a sound reducing casing within 4 weeks from the date of the decision. It is also recommended that a further condition be attached that permits the refrigeration unit only be operational during shop/café opening hours. The stock in the refrigeration unit is non-perishable so the condition is reasonable.

Subject to these condition being attached, it is considered that the application is acceptable and would be in general accordance with Policy H14 (k) of the UDP.

Other Issues

A number of concerns have been raised regarding the narrow strip of land to the side of the building that the applicant has enclosed off and is using it in connection with his business despite not being within his ownership.

While this is noted, Members are advised that land ownership is not a material consideration for the purposes of planning control. The applicant has fulfilled all the procedural requirements of the planning application by signing Certificate D on the application form and placing an advert in the Local Press to advertise that the development, as originally submitted, involved work on land not full within his ownership. The amended scheme has relocated the unit at the rear of the property on land within the applicant's ownership.

SUMMARY AND RECOMMENDATION

Retrospective planning permission is being sought to retain a refrigeration unit that has been installed to a commercial premises in Main Street, Grenoside. The refrigeration unit is being used by the applicant to refrigerate produce sold within the newsagent/shop.

The application has been amended on the advice of officers following concerns that noise emanating from the refrigeration unit causes significant noise disturbance to the detriment

of neighbouring properties. The applicant has agreed to re-locate the unit to the rear of the building and enclose it in within a sound reduction enclosure. Subject to this being carried out within 4 weeks from the date of the decision, it is considered that the residential amenity of neighbouring properties would not be unduly harmed from unacceptable noise disturbance from the unit.

For the reasons set out in the report, it is considered that Policy H14 of the UDP is met. The application is therefore recommended for approval subject to the conditions listed within the report.

Case Number	14/01031/CHU (Formerly PP-03270884)
Application Type	Planning Application for Change of Use
Proposal	Application to increase opening hours of cafe to between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 hours (Saturday, Sunday and Bank/Public Holidays) and for the retention of 2 Microwave ovens, 1 safety fat fryer and 1 griddle to be used in the cafe (Application under Section 73 to vary condition 3 (hours of use) and condition 6 (cooking equipment) as per planning permission 13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level) (Amended description)
Location	Village News176 - 178 Main StreetGrenosideSheffieldS35 8PR
Date Received	21/03/2014
Team	West and North
Applicant/Agent	Mr M Burgin
Recommendation	Grant Conditionally

Subject to:

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

Drawing No. P13:033:01 (Site Location Plan)
Drawing No. P13:033:08 (Proposed fence construction)
Drawing No. P13:033:09 (Proposed fence construction)
Drawing No. P14:034:02 Revision F (Existing and proposed Elevations/Plans)

Reason: In order to define the permission.

- 3 The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Public Holidays).

The hours of use, as set out above, shall not be brought into use until the equipment specified in the approved ventilation scheme, as set out in condition No. 6, to control the emission of fumes and odours from the

premises, has been installed. The Local Planning Authority shall be informed of this on completion of the installation.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

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

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

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

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

- 6 A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

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

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

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

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

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

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

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

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

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

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

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

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. Information on the discharge and arrestment of kitchen fumes and odours is given in the Defra guidance document, 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', 2005.

Site Location



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INTRODUCTION

Members will recall that this application was reported to the last Planning and Highways Committee (7/10/14), where it was resolved that the application should be deferred to seek clarification on the proposed opening hours, particularly with regard to Bank Holiday openings.

BACKGROUND

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of No. 176, a mid-terrace property from a

dwellinghouse (C3) into a restaurant/café (Class A3) on the ground floor with a 2-bedroom flat above both 176-178 (Planning No. 13/02171/CHU refers). The approval was subject to 11 conditions; two of these being the subject of this application, namely 3 (Hours of use) and 6 (Cooking equipment limited to appliances which do not require fume extraction).

Condition 3 states that the café shall be used only between 0845 hours and 1800 hour (Monday to Friday) and between 0900 hours and 1600 hours on Saturdays and shall not be used on any Sunday or any Public Holiday.

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

The application has been submitted following a complaint being received that the café was operating outside the terms of three conditions (Nos. 3, 6 and 7). Following investigation of the complaints, the Council served a breach of condition notice on the applicant on the 28 March 2014. Although the date for compliance of the breach of notice has lapsed, it was agreed that the notice be held in abeyance pending a decision on the two applications under consideration at today's meeting, namely 14/01042/FUL and 14/01031/CHU.

LOCATION AND PROPOSAL

The application is a mid-terraced property which forms one of three traditional stone cottages located within the Grenoside Conservation Area. The property is within the same ownership as the adjoining unit No.178 which is in use as a newsagents/local convenience store (A1) at ground floor. Access to the café is taken through the adjoining shop only with no separate entrance from Main Street.

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

The applicant is seeking retrospective approval to vary Conditions 3 and 6 in order to increase opening hours of the café to between 0800 hours to 1800 hours (Monday to Friday) and 0900 hours and 1600 hours on Saturdays, Sundays and Bank Holidays and allow the use of 2 Microwave ovens, 1 safety fat fryer and one griddle for the cooking of hot food with external extraction system.

Members are informed that the applicant is seeking to open on Bank Holidays despite this not being set out in the planning application form.

The application has been made under Section 73 of the T&CPA 1990 which allows applicants to vary conditions in order to make material amendments to approved schemes without the need to make a full planning application.

In addition to this Section 73 application, Members are informed that an application (Planning reference No. 14/01042/FUL) to reposition an unauthorised refrigeration unit to the rear of the adjoining shop's single storey rear off-shot is also being reported to this Planning and Highways Committee.

RELEVANT PLANNING HISTORY

13/02171/CHU - Use of dwellinghouse as a restaurant/cafe (Class A3) on the Ground Floor with a flat at first floor level (as amended plans received 27/08/13) – Granted 26/09/13

11/03753/FUL – Retention of solar PV panels – Granted 2 February 2012

07/02518/FUL – Erection of detached dwellinghouse – Refused

03/04087/FUL – Single-storey rear extension to shop – Granted conditionally

SUMMARY OF REPRESENTATIONS

A petition with 200 signatures in support of the development was submitted as part of the application.

Thirty letters have been received from the residents of nineteen properties. The residents of six properties are in support and the residents of thirteen properties are opposed to the development. Representations have also been received from Ecclesfield Parish Council, Grenoside Conservation Society and Angela Smith MP.

A summary of all comments received are listed below:

Support

- The café is in the middle of the village and is an ideal meeting place for family and friends. It is a much needed service within the village community;
- The café will help to attract people from outside of the village, especially walkers and cyclists;
- Good for the local economy;

- Café is what is needed on Sundays with people wishing to go after the church service at St Marks;
- Have not experienced any problems with noise disturbance or parking in connection with the café;
- The café is an attractive and inviting place;
- The café is a good alternative to the village's local pubs.

Object

- e) The applicant operates the development with scant regard to planning and is in breach of several conditions
- f) Loss of amenity for amenity of neighbouring properties in terms of noise disturbance and odours/smells;
- g) Highway safety; parking in the area has significantly increased owing to the café and is often illegal;
- h) Inappropriate and unnecessary development within a Conservation Area;
- i) Only 1 or 2 of the people listed on the petition made in support of the application live near the site;
- j) Of concern is the applicant's future plans to open an outdoor area at the rear of the property, which will reduce privacy for neighbouring properties;
- k) Development will not enhance or preserve the character or appearance of the Conservation Area

Ecclesfield Parish Council is in full support of the objections raised. They comment that the applicant has breached several conditions imposed when the previous application was granted, residents have experienced problems with vehicles being illegally parked on double yellow lines close to their driveway and that they are concerned that the applicant may also apply for outdoor seating when there is a condition imposed stating that there should be no outdoor seating as it would cause a loss of privacy for neighbouring residents. Also, Ecclesfield Parish Council is also concerned with the large advertising signs that have been displayed outside the café and the fence/gates that has been erected to the side of the property 'blocking off' land that is not within the applicant's ownership, within which is a skip, all of which is not in-keeping within the Conservation Area.

Grenoside Conservation Society objects to the application. They comment that the permission for the café was granted with reasonable conditions to protect the environment of his neighbours and Grenoside Conservation Area. The increased opening hours will exacerbate the problems already occurring. This will mean that the café will become more antisocial with increased parking problems, increased noise from traffic, people movement, machinery noise (from the refrigeration unit) and cooking smells. There are already problems with customers parking on the pavement and on double yellow lines causing pedestrians to walk on the road.

Angela Smith MP has written in on behalf of a number of her constituents. She states that the café has been fitted with an extraction system to extract cooking smells from the

kitchen, which is in contravention to the conditions imposed when planning permission was granted for the café. The same permission also states that no externally mounted plant or equipment for the heating, cooling or ventilation should be fitted to the building without the prior written agreement of the LPA. In addition to this, the café has also been opening longer than is permitted under its planning consent. By doing so, this has resulted in local people being subject to cooking smells from when the café opens until its closes in the evening.

The MP also makes comment on the applicant's proposal to use the area to the rear of the café as an outdoor seating area, which also would be in breach of planning.

PLANNING ASSESSMENT

Principle of Development

The use of the property's ground floor as a café/restaurant was approved in September 2013, under planning No. 13/02171/CHU. It is not for this application to revisit whether the use of the premises as a café (A3) is acceptable as this has been found acceptable.

Residential Amenity Issues

Policy H14 relates to development in Housing Areas. At Part k of this policy, it states that new development or change of use will be permitted provided that it would not lead to air pollution, noise or smell, excessive traffic levels or other nuisance for people living nearby.

The use as a café in close proximity to residential dwellings has the potential to cause noise and odour issues that would be detrimental to the enjoyment of neighbouring properties' residential amenity. In this instance there is an adjoining residential property at No.174, residential accommodation directly above the unit and several dwellings in the immediate locality, the closest being 180 Main Street and 17b Lump Lane.

When considering the merits of the earlier application to change the use of the premises into a café, officers considered it appropriate to restrict the hours of use and limit the type of cooking that could be carried out on the premises owing to the proximity of neighbouring properties. The hours of use were therefore restricted under Condition 3 to 0845 and 1800 hours (Monday to Friday) and 0900 and 1600 (Saturdays) with no opening on Sundays and Condition 6 limited cooking equipment to appliances which do not require fume extraction such as a microwave, bain marie and standard oven. Subject to these two conditions being attached, it was considered by officers that the proposed use would not result in any significant noise disturbance or odours that would be harmful to the residential amenity of neighbouring properties.

Although the conditions imposed by the LPA placed restrictions on the use, the conditions reflected closely to what the applicant was seeking in terms of the nature of the café and

its opening hours. Despite this, the applicant has been operating the café breach of both conditions; opening outside the specified hours and cooking foods that require fume extraction. Once officers were made aware of the breaches, the applicant was advised to apply for planning permission to vary the two conditions to allow for extended opening times including Sunday opening and to allow the use of a safety fat fryer and cooking griddle and provision of new external fume extraction.

An assessment of the two conditions with regard to residential amenity is discussed below:-

Condition No. 3

As detailed above, the café has approval to open between the hours of 0845 and 1800 hours (Monday to Friday) and 0900 and 1600 hours (Saturday). The applicant is seeking approval to extend the opening times of the café to 0800 and 1800 hours (Monday to Friday) with Sunday and Bank Holiday opening between 0800 and 1600 hours. From the above, the applicant is therefore seeking approval to increase the opening hours of the café by an additional 45 minutes in the morning (Monday to Friday), with new Sunday and Bank Holiday opening. Saturday openings would remain unchanged (0900-1600 hours)

In officers' opinion, it is not considered that the proposal to increase the opening times of the café proposed for Mondays to Friday would unduly harm the residential amenity of neighbouring properties. Officers also support the applicant's proposal to allow the café to open on Sundays and Bank Holidays, although as recommended by Environmental Protection Services (EPS) on these days as on Saturdays, the hours of the café be limited to 0900 to 1600 hours only. These revised opening times are considered acceptable and have been recommended on the advice of EPS. Although the hours of use are more restrictive than what was requested by the applicant in his application, he has confirmed through his agent (e-mail dated 13 October 2014) that he would accept the reduced opening hours in line with the advice of EPS.

Any increase in opening hours has the potential to cause disamenity to neighbouring properties. However, in this instance, it is considered that any increase activity within these hours is unlikely to generate any significant noise disturbance to the detriment of neighbouring properties' amenity. In coming to this view, officers have given significant weight to the fact that there is no restriction on opening times of the adjoining newsagent, the size of the café and importantly, the fact that access into the café is taken through the shop only. Any increase activity and noise that is solely related to the increase in the café's opening hours is likely to be minimal and not harmful to neighbouring properties' residential amenity.

Condition No. 6

The applicant is seeking approval to vary Condition No. 6 in order to allow a safety fat fryer and griddle with fume extraction to be used at the café. At present, odours from the use of the cafe are being dispersed by an extraction hood that terminates above the property's single storey rear off-shot. The type and location of the extraction is considered to be unsatisfactory and does not provide adequate dispersion of fumes and odours to avoid occupants of immediate neighbouring properties to be subject to some loss of amenity. The applicant has informed officers that he is currently cooking a wide range of hot foods but the termination point of his existing fume extract is currently at ground floor roof level which is below the windows of surrounding residential properties and is an unsuitable location for this type of cooking.

Following discussions with EPS, the applicant has agreed to install a new fume extraction system that would terminate a minimum of 1m above the eaves of the property.

EPS officers have confirmed that they are satisfied that the proposed fume extract system as shown in plan ref. P14-034:02 (March 2014) is located in a satisfactory position to achieve the adequate dispersion of fumes and odours. The termination point of the fume extract should be a minimum of 1m above the eaves of the property to meet EPS standard requirements for this type application. EPS are also satisfied that the proposed cooking of hot food at these premises could be carried out without causing nuisance/disamenity at nearby properties providing a suitable fume extraction and filtration system is installed.

Subject to a new fume extraction and filtration system being installed that terminates at a minimum of 1m above the eaves of the property, it is considered that any effect on the residential amenity of neighbouring properties from odours emanating from the café would be minimal. Given that the café is already in use, should Members be minded to grant planning permission, it is recommended that the rewording of Condition 6 include a timeframe for when the extraction system should be installed on this building. Given the time that has already lapsed since the initial breach, it is recommended that details of the extraction system be provided within 4 weeks of the date of this decision and then installed on the building within 4 weeks from the details being approved.

Highway Issues

In the planning assessment of the previous application, officers were satisfied that the proposed development would not result in any significant impact on on-street parking that would be detrimental to highway safety.

While officers accept that no off-street parking is provided in connection with the use, the adjoining highway benefits from a relatively high level of on-street parking that can absorb any demand for on-street parking without result in any concerns over highway safety. On-street parking is available directly to the front of the site and to the north with restrictions only to the west side of Main Street by double yellow lines. Given the small scale nature of the café and the fact that there is a large residential population within walking distance of

the café, any impact of the proposal to increase the café's opening hours, including Sunday opening is unlikely to materially increase parking problems in the area that would be detrimental to highway safety.

The concerns raised with regard to illegal parking are not a matter for this application and should be disregarded.

Effect on the character and appearance of the Conservation Area

UDP Policy BE16 relates to development in Conservation Areas. This policy details that in Conservation Areas, permission will only be given for development including change of use applications which contain sufficient information to enable their impact to be judged acceptable and preserve or enhance the character or appearance of the Conservation Area.

The only element of the development which would have any effect on the Conservation Area is the proposed extraction flue. The amended plans show that the proposed extraction flue would be fixed up against the rear elevation of the building and extend 1m above its eaves. The width of the ducting would be only 300mm at the point above the building's eaves and would be painted black.

Given the proposed siting of the flue to the rear of the building, any impact of the development on the character and appearance of Grenoside Conservation Area is likely to be minimal. It is considered therefore that the development would accord with UDP Policy BE16.

Other issues

Several concerns have been raised with the applicant's proposal to use part of the property's rear garden curtilage for outdoor seating in connection with the café. On the issue of outdoor seating, officers are aware that the applicant has placed three tables with twelve chairs on the hardstanding immediately to the rear of the building. Despite being advised that planning permission would be required to provide outdoor seating the applicant has on occasion allowed customers to use this area. Following discussions with officers, the applicant has submitted an application seeking the provision of outdoor seating to the immediate rear of the café. As the planning merits of the outdoor seating is being considered under a separate application, any comments raised regarding the outdoor seating under this Section 73 application should be disregarded.

Other concerns raised by some of the complainants relate to the land to the side of No. 178. They are concerned that this land, which is not within the ownership of the applicant has been effectively 'claimed' by the applicant and has been enclosed by 1m high timber fence/gates at either end; one to Main Street and the other to the south western corner of

a neighbouring property garden curtilage (17b Lump Lane). At the time of officers' site visit, this land was being used for storage by the applicant.

Members are advised that land ownership is not a material consideration for the purposes of planning control. While it is accepted that the applicant has erected 1m high timber gate/fencing at either end of the land, which in part has restricted access for the neighbour of 17b Lump Lane to Main Street, the gates are permitted by Class A (Part 2) of the Town and Country Planning (General Permitted Development) Order 1995 and do not require planning permission. The use of the land by the applicant for storage is not considered to have any adverse effect on the character or appearance of the Conservation Area.

SUMMARY AND RECOMMENDATION

The application relates to 176-178 Main Street in Grenoside. Planning permission was granted in September 2013 to change the use of the property from a dwellinghouse (C3) into a restaurant/café (Class A3). This was granted subject to eleven conditions, under planning reference No. 13/02171/CHU.

The applicant is seeking approval to vary two of these conditions (Nos. 3 and 6) to extend the café's opening hours between 0800 hours and 1800 hours Monday to Friday and 0800 hours and 1700 hours on Saturday, Sunday and Bank Holidays and also allow the use of 1 safety fat fryer and one griddle with external fume extraction.

It is considered that for the reasons outlined in the report, the proposal to increase the opening hours of the café is acceptable and would not unduly harm the residential amenity of neighbouring properties in terms of increased noise disturbance. Although the applicant is seeking to open longer opening hours on Sundays and Bank Holidays, the hours sought are considered unreasonable and instead, it is recommended that this be amended to between 0900 and 1600 hours.

It is also considered that the residents of neighbouring properties would not be unduly harmed by the proposal from unacceptable odours to allow the use 2 Microwave ovens, a safety fat fryer and one griddle at the café subject to the fume extraction system terminating 1m above the eaves of the property and the use of a low resistance cowl, full details of which to be submitted for approval by the LPA.

For the reasons set out in the report, it is considered that the proposal would satisfy UDP Policies H10, H14, BE5, BE16.. It is therefore recommended that the application be approved with Condition Nos. 3 and 6 be reworded as follows:-

Condition No. 3

The building shall be used for the above-mentioned purpose only between 0800 hours and 1800 hours (Monday to Friday) and between 0900 hours and 1600 (Saturday, Sunday and Bank Holidays).

The hours of use, as set out above, shall not be brought into use until the equipment specified in the approved ventilation scheme, as set out in condition No. 6, to control the emission of fumes and odours from the premises, has been installed. The LPA shall be informed of this on completion of the installation.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

Condition No. 6

A scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted for written approval by the Local Planning Authority within 4 weeks from the date of this approval. These details shall include plans showing the location of the fume extract terminating a minimum of 1m above the eaves of the building and shall include a low resistance cowl, and all appliances to be used for the cooking of hot food.

The extraction system shall be installed within 4 weeks of the details being approved and thereafter retained.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

As a consequence of amending Condition No. 6, Members are advised that Condition No. 2 (Schedule of drawings) will also need to be changed to account for the drawings received in connection with this application. Also, Condition No. 1, which requires the use to commence within 3 years from the date of the earlier permission (26 September 2013) has been met, and therefore this condition should be removed from any subsequent planning approval. The other seven conditions that were attached to the September 2013 approval continue to apply to the development and should again be attached to the new planning approval.

Case Number	14/00709/FUL (Formerly PP-03211507)
Application Type	Full Planning Application
Proposal	Alterations and improvements to Leisure Centre including construction of a 25 metres swimming pool, teaching pool, wet and dry changing facilities, 2 indoor tennis courts, extension to tennis centre, provision of a 100 station fitness suite, exercise studios, and associated flexible rooms, catering and circulation spaces, car parking accommodation and vehicular access from Bochum Parkway
Location	GravesTennis And Leisure CentreBochum ParkwaySheffieldS8 8JR
Date Received	03/03/2014
Team	South
Applicant/Agent	JVH Planning Ltd
Recommendation	Grant Conditionally

Subject to:

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

Reason: 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:

Amended drawings and information dated 16 and 17 October 2014

Reason: 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.

Reason: 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.

Reason: In the interests of the visual amenities of the locality.

- 5 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.

Reason: In the interests of the visual amenities of the locality.

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 7 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.

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

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

Reason: In order to mitigate against the risk of flooding.

- 9 The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation

works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. 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.

Reason: In the interests of biodiversity.

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

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

- 11 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development will be obtained from decentralised and renewable or low carbon energy;
Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources 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.

Reason: 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.

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

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

Highway Improvements:

Bochum Parkway (site ingress and egress)
Bochum Parkway (provision of footway / cycleway along the site frontage to connect with the existing cycleway at Dyche Lane)

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

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

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

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

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

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

Reason: In the interests of the safety of road users.

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

Reason: To ensure access is available at all times.

- 17 The development shall not be used unless the cycle parking accommodation for 32 as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies T10 and CS55

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

The Travel Plan(s) shall include:

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

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

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield and Core Strategy Policies

- 19 Prior to any works commencing on site a dilapidation survey of the adjoining highways shall be carried out in conjunction with the LPA.

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

- 20 Further intrusive investigation, as recommended in the Geotechnical and Geoenvironmental Report (ref: 35224, Issue 1, dated 25/10/14), and as is additionally required by the Environmental Protection Service to fully characterise the site, shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004)

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

- 21 Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11

(Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

- 24 The development shall not be used for the purposes hereby permitted unless a scheme of sound attenuation works has been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of BS4142:1997 'Method of Rating Industrial Noise affecting Mixed Residential and Industrial Areas'.

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

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

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

- (i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
- (ii) any octave band centre frequency by more than 3 Db when measured as a 15 minute linear Leq.

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

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

- 26 Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

- 27 Before the use hereby permitted begins, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of lighting from the development on adjacent dwellings. The report shall be carried out in accordance with The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution 2000' and the development shall thereafter be carried out in accordance with the approved details.

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

- 28 Full details of all plant and equipment shall be submitted and approved before the building is occupied and shall be designed to ensure noise levels do not exceed 10 dBA (LA90) below background noise levels when measured at the site boundary. Thereafter such equipment shall be installed and retained.

Reason: In the interests of the amenities of the locality.

- 29 The mitigation measures relating to air quality as recommended in the WYG Planning and Environment, Air Quality Assessment dated February 2014 shall be carried out in full accordance with the details provided.

Reason: In the interests of the protection of air quality.

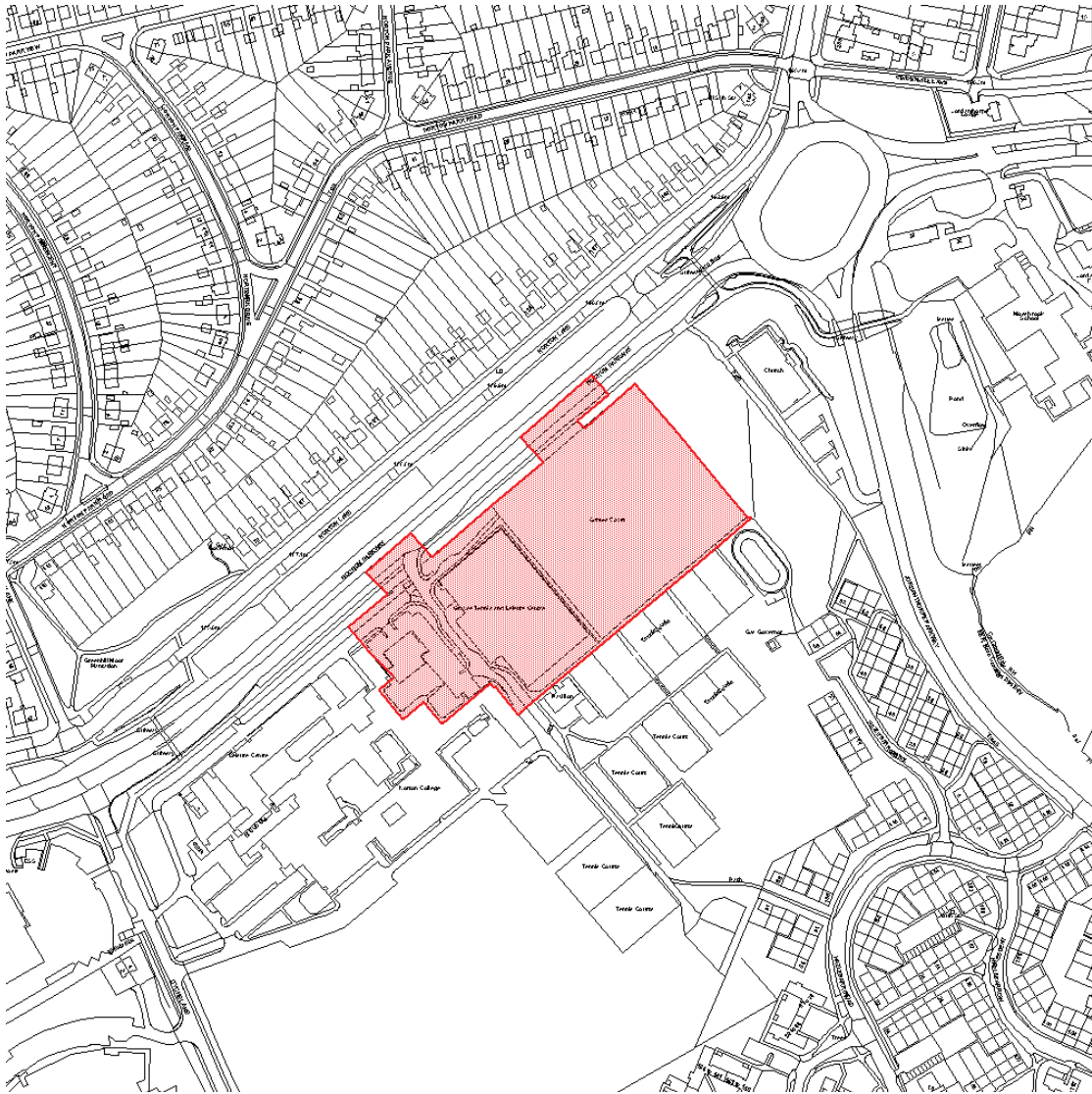
Attention is drawn to the following directives:

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



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INTRODUCTION

This application seeks permission to extend and alter Graves Tennis and Leisure Centre. The proposed project is part of a wider programme for the improvement of the city's sports facilities which has an overall aim to improve health and reduce the overall running cost of the city's facilities. The project is being funded by a variety of sources and the leisure centre will be run by Sheffield City Council. The alterations will improve the existing facilities and also provide one of the nation's three founding National Centre for Sports and Exercise Medicine.

A commitment stemming from the London 2012 Olympic Games was to encourage the nation to be more physically active. The National Centre for Sports and Exercise Medicine (NCSEM) represents part of this commitment and a vehicle for which physical activity can be promoted and used to address the chronic burden of disease caused by an existing culture of inactivity.

The application was submitted early this year and the scheme included children's play facilities and a ten pin bowling alley. The scheme was radically re-designed and the play facilities and bowling alley have been removed. This planning assessment relates to the amended scheme which was submitted in October 2014.

LOCATION AND PROPOSAL

The application seeks permission to extend and alter the existing leisure complex including the construction of a 25 metre swimming pool, additional tennis courts, gymnastics and gymnasium facilities, together with the National Centre for Sports and Exercise Medicine. The alterations would also reorganise the existing layout of car parking with additional parking spaces and new entry and exit roads.

The 2.52 hectare site is located approximately 7 km due south of the city centre. The site is accessed from a dual carriageway (Bochum Parkway) which is a main arterial road which links the site with the A61 and the A57/A630. These road links provide access to the M1.

The site is mostly surrounded by residential properties, although the Norton College site is located to the southwest of the site. Directly behind the site there is a large area of open space which comprises of grass fields and an area of hard standing which is currently marked out as 16 external tennis courts. These facilities together with a multi-use games area and a cycle speedway track are all ancillary to the main complex. Some of the courts are floodlit.

The site is fairly level although there is a natural fall diagonally away across the site. This fall is approximately 1.7 metres from the footpath to the back of the marked out court areas.

The site is accessed from one entrance point off Bochum Parkway. Some car parking spaces are provided in between the Norton College site and the existing leisure centre. The open space to the rear of the site is not secure and can be accessed by footpaths from the residential properties which are sited approximately 130 metres from the main building (closest point).

The dual carriageway is a significant barrier between the main leisure centre and the properties on Norton Road. An underpass is situated to the north of the site

and this provides a pedestrian link to the site from these residential properties to the north.

The site fronts Bochum Parkway and is separated by a grass verge and a wrought iron fence. Interspersed within the grass verge are trees which vary in height; however, their coverage is not as dense as the trees which are sited to the north eastern edge of the site.

The current access arrangement for vehicles is off Bochum Parkway and this leads to car parking spaces which are in between Norton College and the leisure centre. The access off Bochum Parkway is an entrance only and to exit the site the current system leads traffic out around the college site and onto Dyche Lane.

The subject property is set within an area which is designated as Open Space within the Local Planning Authority's main planning policy document, the Unitary Development Plan. This area is surrounded by defined Housing Areas, although the college site to the southwest is designated as a Community Facilities and Institutions Area.

PLANNING HISTORY

The site has been the subject of various planning applications in the past. These include small extensions and alterations - such as the incorporation of disabled access ramps, cycle shelters, additional fencing and upgrades to the tennis courts.

The most relevant planning application was submitted in 2008. Application 08/01860/FUL granted consent for extensions and upgrades of the existing tennis and leisure centre, together with the inclusion of a fitness centre, swimming pool and ancillary residential accommodation and car parking.

The 2008 scheme was never implemented and the permission has since lapsed.

SUMMARY OF REPRESENTATIONS

The application was advertised in accordance with national guidance and in line with the Local Planning Authority's statement of community involvement. The immediate surrounding neighbouring properties were notified of the proposal and site notices were posted around the site.

When the application was amended in October 2014, those who had raised comments initially were individually re-notified and new site notices were posted.

Various bodies have also been consulted with regards to the proposal and notably, Sport England has commented on the proposal. The comments support the

proposal and have been submitted on behalf of various sports bodies, such as the football and hockey associations.

Petition

A petition was submitted to the Local Planning Authority regarding the original proposal. The petition had 31 signatures on it and outlined concerns with the proposal which have been identified within the individual comments made below.

Response to Original Submission

The initial proposal, which included children's play facilities and a ten pin bowling alley, raised various objections from the local community. The material planning concerns which can be taken into account in this planning assessment can be summarised as:

- The investment in Graves and the future re-provision of the swimming pool in particular, is welcomed;
- The car parking and traffic management of the site currently is problematic for the surrounding residential properties with on street car parking creating congestion and problems for pedestrians;
- A traffic management scheme to prevent over use of Norton Lane by through traffic associated with the increased vehicle movements around the leisure centre should be considered and this should look at controlling on street parking also;
- A solid barrier and evergreen planting scheme along the established treeline differentiating Norton Lane from Bochum Parkway should be considered to block noise & light;
- The application does not go far enough to promote sustainable modes of transport;
- The proposal would be detrimental to the amenities of the neighbouring properties in terms of excessive light and additional noise from an increase in vehicles and people using the site;
- Lack of car parking spaces means that emergency response times will be affected;
- The proposal includes a ten pin bowling alley and soft play centre which is not considered to be acceptable in this residential area and the area is becoming more akin to a retail park. Surely other sites within Sheffield would be better suited;
- The proposal would worsen the air quality of the surrounding area;
- The proposal does not link with the wider cycle network of the city and such facilities should be enhanced for safety reasons;
- The design is not sympathetic to the area and the structure is much taller than the surrounding buildings.

The comments also raised concerns with the impact of the proposal on the value of their property. As there are many factors which influence house prices, this issue is

not a material planning consideration that can be given weight in the planning assessment.

Cycle Sheffield Response to Original Submission

The original proposal also raised significant concerns with regards to the cycle facilities provided and how the proposed changes to the leisure centre could promote and integrate the proposed facilities with the surrounding cycle network. Comments were received from a local cycle group, Cycle Sheffield. The pertinent points of the objection can be summarised as:

- The connections from the site to the wider area could be significantly improved upon and the survey of the site and wider area are not detailed enough;
- There are no cycle paths located adjacent to the site. The nearest cycle route is located on Norton Lane. This route terminates north of Heeley on Gleadless Road. This route is mostly on-road;
- ARUP who are the transport consultants have not properly surveyed cycling facilities or considered cycling as a realistic way of getting to the site;
- The new entrance has a 40m long slip road for vehicles turning in to the site. We are concerned that cyclists carrying straight on the Bochum Parkway alongside this slip road may be cut up on this and would think an advisory cycle lane along here may provide some warning for motorists and protection for cyclists;
- Neither entrance nor exit have a dedicated cycle lane to separate vehicles and cycles entering the site;
- There is no marked footway into the site from the footways at the entrance - cars will be turning off and coming into the car park and pedestrians will have to walk across these routes to get to parking;
- The air quality of the area is at the limit of what is acceptable and this potentially will make things worse.

Response to Amended Submission

The amended plans which were submitted in October 2014 were advertised and local residents who initially raised concerns were sent further notification letters stating that the proposal had been amended. Additional site notices were also posted at various locations around the site.

As a result of the second consultation process two additional comments from local residents were received. These representations can be summarised as:

- Welcome the removal of the bowling alley, but unhappy with access arrangements and parking measures are inadequate;

- The lack of access to the surrounding area puts pressure on the existing infrastructure and makes it more likely that people will park in the residential areas;
- Unmonitored street parking exposes the public to street crime and accidents.

Cycle Sheffield Response to Second Submission

Cycle Sheffield were also re-notified and the following comments are a summary of the representation that was received:

- The semiotics of this leisure centre plan is interesting; it still seems to “turn its back” on the communities of Jordanthorpe, Batemoor and Lowedges;
- The plan still has some problems and it is clearly a product of a culture that has not taken on board the need to be pro-active in making "Walking and cycling encouraged by design of places and routes";
- The plan does not indicate how the plan for "The existing footway along the Bochum Parkway frontage of the site will be upgraded to a 3m shared footway / cycleway to connect with the existing cycleway at Dyche Lane." will be achieved. It's just shown as a footway;
- The 1.4m cycle access path is too narrow if it's the main two way cycle access and may also be used by pedestrians such as car passengers walking from the parking spaces. It's essential that access to it should be easy for all cyclists which means wide gaps and good turnouts. More importantly, it's treating cyclists as controlled traffic obliged to follow a rather circuitous route to specific cycle parking, there's no reason why the site should not be more permeable than that, especially as some cyclists may enter from the rear of the site and some staff may use bicycles within the site. Cycling within the site should not be problematic as there will be light, slow moving traffic and a shared use mix of vehicles, pedestrians and cyclists should be fine;
- We do not think the vehicle entrance should cut across the cycle path as it does. Cyclists coming from the northeast will have to deal with vehicles cutting across them from behind them on the right at an acute angle, diffident or older cyclists with stiff joints may find it quite difficult to look over their right shoulder;
- For this to be a workable cycle route there should be either right of way for cyclists across that slip road or the path should be aligned to approach the slip road close to a right angle, rather than an acute angle, so cyclists are able to assess their situation easily. In any event the requirement for cyclists to stop at each slip road is putting them at a serious disadvantage, having to stop more often than other vehicles, and would reduce the score of that cycleway in the network assessment;

- It's not clear whether the proposed extension of the cycle route across the frontage will be done as part of this scheme or later but it seems crazy not to build in the basic layout needed now, especially as it might affect the design of entrance and exit roads;
- As an alternative which could be very attractive to cyclists, we might ask whether any consideration has been given to making the internal roadway part of the cycle route. If cyclists could cut across to the internal road right at each end of the site this would solve a lot of problems, especially with the two slip roads. As a general principle, service roads like this make very good cycle routes and are preferable to sharing footways;
- The number of cycle stands is a bare minimum given SCCs long term aim to greatly increase the number of journeys by bicycle and the scheme should at least include a way of expanding that provision;
- The scheme still ignores the potential permeability of the housing area to the rear and the travel planning for pedestrians seems to be based on the idea that people can walk and cycle the long way round through the harsh environment of the main road rather than cut through the more sheltered and human scale housing estate;
- There is no pro-active consideration of making the site attractive to walking and cycling.

The above comments raised in this representations section have been taken into account in the planning assessment and weight given to them accordingly. The issues raised are outlined in the subsequent report.

PLANNING ASSESSMENT

Policy Issues

The site comprises of an established sports complex that is set within a large area of ancillary open space. The entire site is designated as an Open Space Area within the Local Planning Authority's main planning policy document, the Unitary Development Plan. As this policy document is currently being superseded by the Sheffield Development Framework, Core Strategy policies are also relevant to this planning assessment.

The main local planning policies are shown below and these are considered to be in line with the national policy document, the National Planning Policy Framework (NPPF).

BE5 Building Design and Siting

BE7 Design of Buildings Used by the Public

BE9 Design for Vehicles

BE10 Design of Streets, Pedestrian Routes, Cycleways and Public Spaces

BE12 Public Art

CS47 Safeguarding Open Space

CS53 Management of Demand for Travel

CS54 Pedestrian Routes

CS55 Cycling Routes

CS63 Responses to Climate Change

CS64 Climate Change, Resources and Sustainable Design of Developments

CS65 Renewable Energy and Carbon Reduction

CS66 Air Quality

CS74 Design Principles

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

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).

The Government strongly emphasises the planning systems role of promoting healthy communities. It states that in order to deliver social, recreational and cultural facilities, plans which ensure that established facilities are able to be developed and modernised in a way that is sustainable, and retained for the benefit of the community.

The NPPF states that open spaces and opportunities for sport and recreation can make an important contribution to health and wellbeing of communities. It stresses that open spaces should not be built on unless the loss of space resulting from the proposed development would be replaced by equivalent or better provisions. It

further states that development should only be for alternative sports and recreational provisions, the need for which clearly outweighs the loss.

The local planning policy CS47 is in line with the NPPF. The proposal seeks to extend an existing leisure centre on land which is currently a poor quality multi use 'redga' pitch. The proposal includes the enhancement of the existing indoor and outdoor facilities, although the proposal incorporates further car parking on an area which is currently open space. However, the car parking is ancillary development that would enable the open space to be more widely used by the local community. The proposal is considered to be an enhancement of the site which can only be a positive way to utilise the existing open space and it is not, therefore, considered that the proposal would result in a loss of recreation space which would be unacceptable under the criteria laid out in both local and national planning policies.

Sport England has been consulted with regards to the use of an existing pitch for development and concludes that the enhancement of the site outweighs the loss of the existing out of date pitch. The comments therefore fully support the proposal.

The proposal incorporates the National Centre for Sports Exercise and Medicine which would integrate the leisure centre facilities with a wider promotion of physical activity to improve people's health and wellbeing. The operation of the site includes facilities such as a fitness suite which are considered to be town centre uses within the NPPF. For new developments of such facilities, the NPPF states that a sequential approach should be applied to test whether a better alternative site can be found within existing centres. In this case, the application is an extension to an existing leisure complex and the fitness suite and facilities which are associated with the NCSEM require the integration with the wider open space area.

The programme to improve the city's leisure facilities has come about as a result of improvements which are necessary to the existing facilities and the requirement to reduce the overall running costs of existing sites. Improvements to the existing site are necessary and these alterations would serve a community base which is not sufficiently served by existing facilities. The alterations are required to ensure that these benefits can be provided to the community and the NCSEM is considered a vital element of the overall improvement programme. Furthermore, whilst the NCSEM is needed to enable the improvements to the existing leisure facility, the alterations would provide a good range of indoor and outdoor facilities which are necessary to the operations of the NCSEM.

The constraints of the capital budget for the NCSEM project is such that the range of facilities could not be provided in a new build development. A new build project would be clearly defined as an 'out of town centre use' and would be required under the NPPF to be sited within, or as close as possible to an existing centre. The space required for such a development, and the aim of the NCSEM project to

provide a broad community facility, could not be achieved within an existing town centre. Although other sites could possibly provide some of the requirements of the proposal, to provide for the target community and have the variety of facilities proposed, this location is considered to be most suitable.

The proposed site has been chosen for refurbishment, together with another site in the north of the city. These sites have been chosen due to the requirements of budgets and community needs. It has, therefore, been considered that these locations offer best value to a wide range of communities.

The proposal seeks to enhance the existing facilities and the areas of open space within the site. The needs of the community facilities, and their enhancement, are given great weight in accordance with the NPPF and local policies LR5 and CS47. The quality of the proposed development, which will enhance and sustain the leisure centre facilities, is also given significant weight. The presumption in favour of development should be an influencing factor here and it is considered that the on balance, there is no loss of recreational space that would be to the detriment of the functionality of the existing open space provisions. Accordingly, the principle of the development is considered to be acceptable in terms of local and national planning policies.

Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to meet BREEAM very good standards. The applicant has carried out preliminary assessments of these requirements and it is considered that this rating of very good cannot be achieved as the proposal would have to take into account the performance of the existing building and the existing circumstances. The proposal would incorporate sustainable measures such as the green roof and improved drainage facilities throughout the site. Furthermore, where it is possible, the buildings envelope is to have high u-values. Whilst BREEAM cannot be achieved, the changes do go a significant way to achieving the aims of the policy and, on balance, the proposal in this respect is considered to be acceptable.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposal includes the provision of highly efficient technologies and outlines areas which could enhance the efficiency of the building. The proposal has identified the need to provide the highest quality building envelope and use highly efficient

technologies within the extension. Furthermore, the scheme enhances some of the existing building which will help reduce the overall carbon footprint of the school.

Guideline CC1 of the Climate Change Supplementary Planning Document, requires developments to incorporate a green roof which covers at least 80% of the total roof area, where it is compatible with other design and conservation considerations, and where viable. The application has included a green roof; however, it does not cover the entire roof as the function of the building relies on the requirement of plant equipment being located on the roof. The design, although not strictly in accordance with guideline CC1, is considered to provide a diverse arrangement of sustainable measures and is considered to be acceptable in this instance.

The proposal is not considered to have a worse impact upon the area in terms of surface water run-off and the inclusion of a green roof is considered to help balance out the loss of the grassed area to car parking. Such measures needed to comply with this policy are considered to be achievable through the proposed design and the fine details can be secured by a suitable planning condition attached to any approval.

Flood Risk Management and Sustainable Drainage of Surface Water

The site is over 1 hectare in size and accordingly, a flood risk assessment was required to be submitted with the planning application. The risk assessment, in line with guidance given by the Environment Agency, seeks to outline the potential of surface water run-off and the implications for flooding in the wider area that this has.

The proposal seeks permission to develop a part of the site which is currently a 'redga' multi-use sports pitch which does not drain as easily as the other open spaces within the site. The application has been accompanied by a flood risk assessment and full drainage details.

Policy CS67 of the Core Strategy states that development should significantly limit surface water run-off and promote sustainable drainage systems where feasible and practicable.

The proposal introduces a sedum roof on part of the extension and although the car parking introduces areas of tarmac, water can be drained away into areas of soft landscaping within the site. Furthermore, the circulation routes around the site also include paving systems, details of which can be conditioned to be permeable and allow water to drain away within the site. The changes would enhance the drainage of the existing site and a condition can be attached to any approval to ensure that surface water run-off within the site is improved. Subject to a condition

being attached to any approval, this proposal is considered to be compliant with policy CS67.

Design Considerations

Design Issues

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the surrounding local character and be visually attractive as a result of good architecture

The UDP states that new development should be well designed and in scale and character with neighbouring buildings, and; not result in the site being over-developed. This is reinforced by policy BE5 which states that the new buildings should complement the scale, form and architectural style of surrounding buildings. BE5 also states that the proposal should have a varied palette of materials to break down the overall massing of the building and it should link to the natural and built features of the area.

Policy CS74 of the Core Strategy relates to design principles and stresses the need for high quality development which contributes to place-making and healthy, safe and sustainable environments. It promotes the need to be accessible to all and the role good design can play in improving economic and social environments.

The existing building faces Bochum Parkway and is set back from the road by approximately 27 metres. The building has a shared access point with the neighbouring college site and is surrounded by the playing fields and external playing courts.

The building is a utilitarian building which needs to be modernised and brought up to current standards. The proposed modernisation would create an opportunity to enhance the existing leisure facilities, improve the access arrangements and provide a flexible facility which can incorporate modern sports science/medicine facilities.

It is proposed to extend the existing leisure complex to the north east of the site where there are currently external playing courts. The courts are in need of modernisation and they are not marked out for any particular sport. The proposal also provides a good opportunity to re-arrange the site access point to allow for separate entry and exit points.

The proposed extension will include two additional indoor tennis courts which are sited close to the existing courts. The remaining elements, gymnastics hall, swimming pool, dance studio fitness suites, changing facilities and the National Centre for Sports Exercise and Medicine are located to the north and accessed through a new entrance lobby and a circulation hub/ waiting areas.

The NCSEM comprises of treatment rooms, x-ray/ physiology/biometric facilities and a fitness suite. Wherever possible the amount of natural light is to be maximised and the NCSEM facilities are set around a court yard to ensure that all the consultation rooms and ancillary facilities have an outlook and good source of natural light.

The proposed extension will be over double the size of the existing facilities. The proposal includes an extension to the existing indoor tennis courts, together with the new swimming pool and NCSEM centre. The further indoor tennis courts are to be located next to the original building and they will match the scale, built from and materials of this. The other elements of the proposal will form an extension which is laid out in a 't' shape on the north eastern side of the existing building.

The extension has been modified since the application was originally submitted and facilities such as a ten pin bowling alley and children's soft play areas have been removed. Accordingly, since the original design was submitted, the overall built form and layout as changed dramatically.

When visualising the proposed extension from the street, the vast majority of the new building will be set back from the original building in two separate elements. It is set back slightly from the original building to allow for a coach drop off point to be sited in between the entry and exit roads and, then again, where the main entrance is located. The remainder of the extension is set further back into the site than the existing building to allow for car parking spaces with disabled parking spaces set as close to the main entrance as possible. Further car parking spaces are located in the northern part of the site and along the north eastern edge of the building.

The shape of the extension allows the built form of the proposal to be broken down and to allow for the creation of two main elevations which are sited around the main entrance point. This built form together with a variety of complementary materials will form a cohesive extension to the main building that is respectful of the original building whilst providing visual relief from the existing grey, utilitarian structure.

The proposed materials have been chosen to complement the original building's palette of materials, but also to liven up what is currently a very grey utilitarian building. The proposal includes a variety of materials, including brick and a range of metal cladding systems which would be sympathetic to the character of the

original building. The majority of the cladding systems will be shades of grey, brown and amber, together with aluminium windows in grey/white. To accentuate certain reveals, some cladding panels have been identified as being saffron yellow.

The building, to some extent, has had its built form and design dictated by the end use and the constraints which are found with very functional buildings such as a leisure centre. However, the arrangement of the built form and massing has been very much mindful of the surrounding built environments. The highest point of the new extension is approximately 5.4 metres above the highest point of the original building. The tallest parts of the building have been set to the back of the site to allow the overall massing to appear from the street to be not much taller than the existing structure. Furthermore, setting parts of the extension back into the site has made the extensions subservient to the main complex. It also means that the gymnastics hall, which for reasons associated with the end use cannot have large windows, has been placed to the rear of the site so the most uninspiring elevations of the proposal are not too visually prominent.

The functionality of the building and its overall scale means that the built form has had to incorporate large expanses of flat roof. However, whilst a sedum roof has been designed into the scheme above the NCSEM part of the extension, it would not be feasible to cover the entire roof as parts of the roof are required for plant equipment associated with the leisure facilities.

Policy BE7 of the UDP states that improvements to the access of public buildings will be expected and encouraged to provide safe and easy access, especially for people with disabilities. The proposed design has been mindful of how the site is accessed and how people circulate around the external and internal spaces. The site provides disabled parking close to the main entrance and furniture close to the main entrance has been kept to a minimum to ensure unobstructed direct routes from the car park to the main entrance. The entrance has been designed to be distinguishable from the main façade and entrance is fully accessible with a nominal level area immediately in front of the doors. The new facilities will enhance the leisure centre's provisions for disabled persons and follows the aims of this policy which seeks to improve access to public buildings as opportunities arise.

The proposed extensions have been designed to be sympathetic to the original building and the wider surrounding area. The height of the building is similar to the existing leisure complex and where parts of the extension have had to be taller; these have been sensitively located to ensure that they are not the most prominent aspect of the building.

The surrounding college site has a similar height and massing to the leisure facilities and although the neighbouring residential units are smaller in height, the nearest residential building is approximately 93 metres away and sited on the other

side of Bochum Parkway. The proposed building is set in a location which would not dwarf its surrounding neighbouring buildings and, therefore, appear incongruous within the streetscene. The massing and built form is considered to be acceptable and in keeping with the character of the site and the wider area. Furthermore, the design has included a variety of materials which would respect and enhance the overall appearance of the leisure centre.

The design principles of the proposal, in terms of massing, siting and detailing, are considered to be satisfactory. To an extent the design has been severely constrained given the nature of the use and the fact that the proposal is an extension to an existing facility. However, it is considered that the design is of a high standard and reflective of the character of the original site and the wider area. It is, therefore, considered to be acceptable in terms of UDP policies and the NPPF.

Amenity Issues

The NPPF states within its core planning principles that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As previously illustrated, the proposal significantly enhances the experience enjoyed by the end users of the leisure centre and improves upon the access and range of facilities on offer. The proposal has carried out preliminary studies regarding potential noise and disturbance resulting from the proposal and potential air quality issues.

The extension is of a similar height and massing to the existing leisure centre and the closest neighbouring building. The siting of the structure and its setting behind wide roads and large open spaces prevents the proposal from significantly overbearing upon the closest neighbouring residential property. The setting of the site also prevents any significant harm being caused to local neighbouring properties in terms of loss of natural light and outlook. In these respects, the general amenities of the neighbouring residential properties are not considered to be adversely affected.

The site is next to a busy dual carriageway and a significant distance from the nearest residential properties. From the information provided, it is not considered that any additional plant equipment associated with the proposed facilities would be detrimental to the noise levels experienced at these residential properties.

Furthermore, although the proposal would increase the number of users at one time, the internal layout and construction of the building is considered to be of a standard which is acceptable, given the attenuation and screening techniques that

are to be implemented. These can be monitored and enforced by appropriate conditions, should the application be approved.

Conditions should also be attached to any approval to ensure that full details of any further external lighting and plant equipment are submitted and approved by the Local Planning Authority. This will ensure that the lighting and potential source of noise is controlled and not positioned in a way which would be harmful to the amenities of the surrounding area.

Landscaping and Ecology

The proposal incorporates a new car parking area to the front and side of the proposed extension and improvements are to be made to the footpaths around the perimeter of the building and the access points from Bochum Parkway and the residential areas to the rear. The footpaths are generally 3 metres in width and a variety of paving materials are proposed to make the different access points legible.

The proposed external areas have been designed to maximise the ease of movement within the site and prioritise easy access for disabled persons. The incorporation of seating facilities and various pieces of street furniture within the site has been limited to minimise obstructions and the siting of cycle parking has been compromised slightly due to this factor. The cycle parking is located to the side of the main pool hall and is discussed further in a subsequent section of this report.

The site is fairly open and whilst there are various trees and grass verges between the main building and Bochum Parkway, the overall site has never been highly landscaped. This stems from the use of the site and the requirement for the open spaces and external sports pitch facilities. The proposal does not therefore suggest the removal of any mature trees which could adversely affect the character of the area. The proposal sets out measures to enhance the biodiversity of the site, most significantly the inclusion of a sedum roof above the fitness suites.

The proposal seeks to provide some small soft landscaped areas within the wider areas of hard landscaping. The proposal does not remove excessive amounts of the existing grass verges, although an area will be removed to allow for the new entrance point. The overall changes are considered to enhance the setting of the leisure centre. The final details of the proposed hard and soft landscaping should be the subject of a condition in the event that approval is given.

Highways and Transportation

Local residents have raised concerns regarding car parking within the locality as a result of their perception of insufficient car parking within the current facilities. The concerns stress that the proposal would exacerbate this problem as the proposal does not have sufficient car parking spaces.

UDP and Core Strategy policies (BE9, BE10 CS53, CS54 and CS55) seek to ensure that proposal are designed in a way which enhances the links between the development and the wider community. They seek to promote sustainable modes of transport which are safe and beneficial to the wider environment.

The concerns which have been raised by the neighbouring properties have not been witnessed by Planning and Highways Officers. Visits have been carried out at various points of the day and parking in the car park has been achieved. Whilst it is not denied that cars do park along Norton Lane, strong evidence has not been presented which indicates that the leisure centre is the source of this traffic generation, or that there is a significant problem which presents a highway safety problem. It is acknowledged by officers, and the Leisure centre, that more parking would be beneficial. This proposal seeks to provide this.

The site is located on a main arterial route and is near a variety of bus stops on Bochum Parkway and Dyche Lane. The buses are fairly frequent and 8 bus services run along Dyche Lane and Bochum Parkway. These are within 300 metres of the site.

The dual carriageway separates the residential properties along Norton Lane but is linked via wide footpaths and underpasses. To the rear of the site, public footpaths link the properties which are approximately 150 metres away. The paths do get used by cyclists, although this is not sign posted or made clear.

The applicant has submitted a Transport Assessment, undertaken to determine the impact of the proposal on the adjacent highway network and traffic surveys were carried out to determine the assessment periods. The counts indicated the weekday PM peak to be 1700 – 1800 and Saturday peak to be 1100 – 1200. An assessment year of 2019 has been modelled in accordance with DfT Guidance on Transport Assessments.

In order to determine the impact of the proposal on highway capacity the following junctions have been modelled:

- A6102 Bochum Parkway / Dyche Lane
- A6102 / A61 roundabout
- A6102 / B6057 roundabout

An estimate of the number of vehicular trips generated by the proposed development has been made using the TRICS database. This shows that the overall leisure complex will generate 183 arrivals and 188 departures during the weekday PM peak and 115 arrivals and 133 departures during the Saturday peak.

The parking provision for the site has been the subject of considerable debate. It was agreed that simple reference to the parking guidelines was not applicable as there are no guidelines currently available that closely represent the proposal. As a result of this the onsite parking provision has been determined based on the traffic generation estimates for the site. The maximum parking accumulation indicated is 188 spaces between 1700 and 1800), the number of spaces provided is 214 spaces. It is therefore concluded that the proposed parking provision for the site is acceptable for the proposed facilities.

A Framework Travel Plan has been submitted in connection with this application, the details of which are considered to be acceptable. However, it is considered that a detailed travel plan is necessary and should be a condition should any approval be granted.

The proposed facilities are considered to have sufficient car parking spaces and safer access provisions than at present. The design and layout of the proposal provides car parking and access which is easily accessed by all traffic, including emergency vehicles, and which is safe. The dedicated coach drop off points and 'in and out' access arrangements are considered to be significant improvements which are compliant with national and local planning policies.

Cycling Provisions

Various concerns have been raised regarding the provisions made for cyclists. The planning application is for extensions and alterations to a community building which will be used by a wide variety of end users. The addition of the National Centre for Sports Exercise and Medicine is likely to increase the number of people visiting the centre for treatment purposes and who are not as physically active as those who chose to cycle. A balance needs to be struck therefore

Core Strategy policy CS55 and UDP policy T10 seeks to promote and enhance the integration of cycle routes, with the wider area. The application seeks to make alterations to the existing access point and improve the cycle route which links Bochum Parkway to Dyche Road. The extension to the leisure facility can only be expected under the planning system, to improve elements closely linked to the proposed development. Whilst this proposal cannot be expected to be the catalyst for the resurfacing, and widening, of all cycle routes close to the site, further details of how the existing footpaths around the site can be enhanced through signs and markings should be requested through a condition. This will ensure that the existing links to Batemoor and Jordanthorpe are made more visible and accessible to cyclists and pedestrians.

The nature of the site has heavily influenced how the car parking and cycle storage is laid out. The need to provide a clear and legible entrance point which is close to disabled parking spaces means that a trade-off has been made and the cycle parking has had to be located to the northeast of the site. The proposal includes the provision of 32 cycle stands and these are sited and arranged as close as practical to the main entrance.

The application is considered to make positive improvements to the existing cycling infrastructure, without being detrimental to the provisions made for other users of the site. The changes are considered to be acceptable and satisfactory with regards to Core Strategy policy CS55.

Air Quality

Core Strategy policy CS53 looks at the management and demand for travel and the implementation of Travel Plans which can maximise the use of sustainable forms of travel and mitigate the negative impacts of transport. The policy is also reinforced in Core Strategy policy CS66.

Policy CS66 deals with air quality, and requires action to protect air quality to be taken in all areas of the city, with further action to improve air quality to be taken across the built up areas and where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Paragraph 124 of the NPPF requires planning policies to contribute towards EU limit values or national objectives (Air Quality Objectives) for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites locally. It also requires planning decisions to be consistent with the air quality action plan. Sheffield has an Air Quality Action Plan which identifies the whole of the urban area of the city as an Air Quality Management Area.

A preliminary Travel Plan has been submitted with this application and this has also been accompanied with an Air Quality Assessment submitted by WYG Planning and Environment. The latter concludes that once the proposal is completed the effects from proposal on the air quality of the surrounding area would be negligible and not contrary to national, regional or local planning policies.

The Council's Air Quality Officer has assessed the submission and considers the assessment method, and its conclusions to be acceptable. The overall conclusion is that road traffic exhaust emissions from the development will not result in an exceedance of the Air Quality Objectives. The assessment also contains recommended mitigation measures during both the construction and operational phases of development. For the operational phase these include the promotion of alternative modes of transport, in particular local bus services; the provision of cycle parking on the site; and the inclusion of pedestrian walkways into surrounding environments.

A condition will be imposed in order to ensure compliance with these measures, and on this basis the proposal is considered to be acceptable in terms of its air quality impact.

Public Art

Policy BE12 of the UDP seeks to encourage the provisions of public art in places which can readily be seen by the public. There are pedestrian access points which fall within the wider leisure complex site and link the site to the neighbouring residential areas of Jordanthorpe and Batemore. It has therefore been identified that these links are an ideal opportunity to provide health walks from these residential areas to the NCSEM.

The health walk may simply be a series of markers along the immediate pedestrian routes within the site which would be attractive and engaging and a promotion healthy living. Should permission be granted for the proposed extension, full details of the public art to be provided can be secured by the way of a planning condition. Subject to any approval being conditioned, this policy is therefore considered to have been satisfied.

SUMMARY

The proposal seeks permission to make significant changes to an existing leisure complex. The site has been chosen, together with another leisure centre in the north of the city, to provide modern community facilities which are sustainable and cost effective.

Graves Leisure Centre has also been chosen as the best suited site for the hub for the National Centre for Sports Exercise and Medicine. These additional facilities are a result of a national initiative to promote healthy living and treatments to conditions through the use of exercise.

The extensions are to be sited on an existing disused sports facility which is identified in the Local Planning Authority's Unitary Development Plan as an area of Open Space. Together with the National Planning Policy Framework, local and national planning policies seek to protect open spaces from being developed.

The sporting provisions in the city are changing and evidence indicates a need, based on consultations with various sporting bodies, that significant modernisation of the existing sports pitch is required. The circumstances of the site mean that the disused 'redga' AGP playing pitch, which is out of date and does not meet the requirements of hockey or football, will provide an opportunity to provide much needed leisure facilities that will be more beneficial to the community. The provisions of local and national planning policies allow for the enhancement of sports facilities and this development is considered to be acceptable in terms of these policies.

The alterations have been re-designed since the application was originally submitted and the current amended scheme is considered to integrate with the original building and the surrounding area. The use of a variety of materials and the

break in the overall built form with a clearly defined entrance is considered to be acceptable. The design has been heavily constrained, given the end use and the fact that the proposal is ultimately extension of an existing dated sports facility. Overall, the design is considered to provide a built form which is not visually harmful to the wider area and very much practical in terms of layout and end use.

The proposal has sought to address potential amenity issues, such as noise disturbance, lighting, air quality, parking arrangements and other disturbance and disamenity to neighbouring residents. Details have been provided to show how the proposal can be accommodated without being at the expense to the current living conditions enjoyed by neighbouring properties. Subject to conditions being imposed upon any approval given, it is not considered that the proposal would be detrimental to the general amenities of the surrounding area.

The location of the leisure centre and the scale of the proposal have given rise to concerns over the provisions of car parking and the way the site is accessed by all modes of transport. The proposal is considered to have sufficient car parking spaces for the traffic levels which have been modelled and where possible improvements to the pedestrian and vehicle access points have been made. It should be noted that given that the site is currently in use by the leisure centre and this proposal is to extend existing facilities, the proposal has had to make some compromises. The proposal is considered to allow improvements to traffic safety throughout the site and better facilities for people with disabilities.

The proposed extensions to the existing leisure centre are considered to enable modernising the existing facilities without negatively impacting upon the general amenities of the area. The design is considered to be of a high standard and although some compromises have had to be made, due to the fact that the proposal is ultimately an extension to an existing facility, such compromises are still considered to greatly enhance the existing facilities and provide a more sustainable development. The proposal is considered to meet the overarching aims of the NPPF and local planning policies found in the Unitary Development Plan and the Sheffield Development Framework's Core Strategy.

Accordingly, the amended scheme which was submitted in October 2014, is considered to be acceptable in terms of its siting, built form and massing. Subject to conditions for further details of specific elements of the proposal, this application is recommended for approval.

Case Number	13/01689/FUL
Application Type	Full Planning Application
Proposal	Demolition of existing disused electrical substation and erection of 2 terraced dwellinghouses (Class C3) with associated landscaping and car parking provision (Additional information received 18 March 2014)
Location	Site Of Electricity Substation Adjacent 47Roach RoadSheffieldS11 8AU
Date Received	05/05/2013
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawings numbered:

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

unless otherwise authorised in writing by the Local Planning Authority.

Reason: 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.

Reason: In order to ensure an appropriate quality of development.

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

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

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

Reason: In the interests of the safety of road users.

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

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

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

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

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

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

Reason: In the interests of the visual amenities of the locality.

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

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

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

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

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

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

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

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

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

Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

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

- 15 No clearance of vegetation shall take place on the site between 1st March and 31st August.

Reason: In order to avoid disturbance of nesting birds during the bird breeding season and in order to comply with the aims of policy GE11 of the Unitary Development Plan for Sheffield.

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



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INTRODUCTION

Members may recall that this application was originally presented to the Planning Committee of 24 September 2013 and the officer recommendation to grant with conditions was supported by Members. The Decision Notice was subsequently issued on 26 September 2013.

Work has not started on the development and on 29 January 2014, a court order was issued which quashed the planning permission for the approved development of two houses.

The application was quashed following a claim for Judicial Review of the original decision. A number of grounds of claim were raised and the Local Planning Authority accepted that one such ground had merit. That being that the Local Planning Authority failed to obtain representations from its Environmental Health department in relation to the risk of contamination. Due to the last use of the site being an electricity substation and the proposed new residential use being regarded as a sensitive land use, in terms of assessing the risk contamination, the Local Planning Authority accepted that the risk of contamination was, in this case, a material planning consideration.

The Local Planning Authority did not have any regard to the risk of contamination and did not impose a condition upon the Planning Permission requiring the applicant to ascertain and remediate to the necessary degree any contamination that might be present on the site.

The Local Planning Authority accepted that it was unlawful not to consider such when determining the application and it was therefore right to quash the Planning Permission.

The effect of this is that the case has now been re-opened and re-assessed as if it was a fresh application including a fresh round of consultations including neighbours and the Environmental Protection Service. This involves the reconsideration of the whole application and not just the contamination aspect which the Local Planning Authority has agreed was lacking originally.

LOCATION AND PROPOSAL

The site is located at the corner of Roach Road and Penrhyn Road, Hunters Bar, which is a residential area of predominantly two storey, red brick terraced houses. Roach Road slopes down from the north which means that the terraces have a varied roof line which steps down in line with the slope. Penrhyn Road is even steeper and the road slopes significantly down to the north east.

The application site, which lies next to 47, Roach Road, slopes down from west to east and a single storey red brick electricity substation, now no longer used, is in the centre of the site. There is a level parking area in front of the substation which is accessed from Roach Road and there is further open land at the rear. In the south corner of the site, a new and much smaller substation has been recently constructed which is excluded from the application as it will remain in place.

Around the site is a red brick wall and mature hedge. At the rear is a public footpath, set below the rear wall of the application site and this links Penrhyn Road with Fulmer Road to the north.

This application seeks detailed planning permission for the demolition of the former substation and the erection of two houses, each with an off street parking facility and rear gardens. The houses would continue the terrace along Roach Road and each would contain four bedrooms.

RELEVANT PLANNING HISTORY

12/03571/FUL. Demolition of existing disused electrical substation and erection of two terraced houses with associated landscaping and car parking provision refused on 5 February 2013. There were 4 reasons for refusal which can be briefly summarised as follows:

Loss of privacy between existing and proposed properties contrary to Unitary Development Plan (UDP) policy H14 and guideline 6 of the Supplementary Planning Guidance (SPG) 'Designing House Extensions.'

The increase in garden levels and associated boundary treatments of House 1 would result in overbearing features that would reduce light to neighbouring properties contrary to UDP policy H14 and guideline 5 of the SPG 'Designing House Extensions.'

Insufficient car parking accommodation within the site contrary to UDP policy H14.

The contemporary design including prominent metal clad window features would be out of character with the traditional visual character of the street scene contrary to UDP policies BE5 and H14, Core Strategy policy CS31 and paragraph 60 of the National Planning policy Framework (NPPF).

SUMMARY OF REPRESENTATIONS

Two rounds of public consultation have taken place, the first when the application was originally submitted and the second since the permission was quashed, as part of a full re-assessment of the application, as required by law.

The representations received in the first round were set out in the officer report to the Planning Committee of 24 September 2014 but these are still relevant and will be taken into account in this re-assessment. This was confirmed in the neighbour notification letter dated 7 March 2014, issued after the application was re-opened.

First Round of Representations - Original Submission

Seven letters of objection were submitted in the first round and the representations are set out below:

- The development would abut the flank wall of 47, Roach Road where there is a window lighting the hall and provides indirect light to two other rooms;
- There would be oblique overlooking of the rear of 47, Roach Road.
- This would be detrimental to the amenities, light, privacy and living conditions of neighbours.
- There is inadequate parking provided at only one space per house and this will lead to extra demand on the street which is already heavily used particularly in the evenings.

- No vehicle turning area within the site is provided.
- The design is not characteristic of the area. The large, flat roofed dormers and modern design jars and this would be a prominent and alien development, being overbearing and unsightly.
- All existing houses have distinctive bay windows and the proposed bays are larger and totally out of character.
- The external materials of timber cladding and metal are out of character with the area
- The existing boundaries are characterised by medium height brick walls which would be replaced by higher walls and less planting which would reinforce the prominence of the scheme.
- The houses would be larger than those around them.
- There would be a detrimental impact on wildlife.
- The existing building on site should be protected.
- There would be a loss of open space which would be contrary to UDP policy BE18.
- A planning application at a site adjoining 153, Penrhyn Road was refused because of the unsatisfactory design and a detrimental impact on the Nether Edge Conservation Area.
- The application is contrary to UDP policies BE5, BE15, BE16, BE17 and H14, Core Strategy policy CS74 and to paragraph 17 of the NPPF.

Petition

A petition signed by 50 residents was submitted which sets out the following objections to the application:

- This is a prominent site and the large scale development will affect the character of the road.
- The existing architecture is unique and unspoilt and the scheme is contrary to this.
- The design will degrade the quality of the whole street.

Councillor Representation

Councillor Nikki Bond objected to the application on the following grounds:

- It would have a detrimental impact on adjoining residents.
- Loss of privacy.
- The proposed houses are larger than the existing ones.
- Detrimental impact on street parking.
- Detrimental impact on wildlife due to the loss of hedges.

Second Round of Representations - Since Permission Quashed

The second round of consultation with local residents, carried out after the permission was quashed, prompted the submission of four letters from or on behalf of local residents.

On Behalf of the Occupier of no.47 Roach Road:

A letter submitted on behalf of an adjoining occupier (at 47 Roach Road) has been submitted by a planning consultant who sets out the following points:

- The neighbour consultation letter and site notice were both dated 6 March 2014 but the site notice was not first displayed on 6 March but after that date.
- The Council's website up until 19 March 2014 said that application was determined and that the public could no longer make any comments so any member of the public would have assumed, during the period 6 to 19 March that it was not possible to comment on the application.
- The reason that the decision was remitted back to the Council was the failure to properly consider contamination on the site. The contamination report was not received by the Council until 19 March 2014. This report is fundamental to the redetermination of this application and the failure to properly consult and consider places the Council at risk from further legal challenge.
- The contamination report has been submitted and the findings of an independent consultant were attached to this representation and concluded that the contamination investigations were insufficient and do not properly consider the issues.
- The Council should, therefore, refuse the application or seek additional testing and investigation from the applicant.
- The Council cannot reasonably grant planning permission because the nature and level of contamination has not been fully and properly considered contrary to paragraph 120 of the National Planning Policy Framework.

- The proposal would provide a total of three parking spaces which does not meet the Council's own standard in an area where there is a high incidence of on street parking.
- The Council guidelines state that for 2-3 bedroom dwellings, two car parking spaces should be provided. The proposal lacks parking spaces and represents highways safety issues so should be refused.
- A total of four spaces should be provided and, given that there is only provision for three, then this is contrary to UDP policy H14(d).
- The Council has previously referred to the freeing up of an off street space with the loss of the existing substation access. This would not comprise a dedicated space and is not considered relevant to the determination of this application.
- Vehicles parked on the site would not be able to turn so could not enter/leave the site in a forward gear, which would be to the detriment of pedestrians.
- The site lacks the necessary amenity space required by guideline 4 of the SPG 'Designing House Extensions'.
- The hard surfaced parking areas cannot be counted as contributing to private amenity space.
- Guideline 4 of the SPG states that a minimum distance to the back boundary from the rear elevation of 10 metres is normally required. House 1 only has 8.8 metres which is contrary to the Council's guidance.
- To overcome issues of overlooking, it is proposed to obscure glaze bedroom windows. This represents poor planning resulting in poor quality space. It is not an acceptable treatment nor should it be a compromise.
- In warm weather, the windows would be opened thus allowing some level of overlooking.
- The application should be refused on design grounds because the use of obscure glazing represents a form of poorly contrived design.
- Guideline 6 of SPG on 'Designing House Extensions' says there should be a minimum distance of 21 metres between facing main windows but drawing 26607 (02) 11 Rev. B shows that the distance between the first floor bedroom window of House 1 and the second floor window of 106, Penrhyn Road is 12.8 metres which is contrary to guideline 6.
- The occupier of 47, Roach Road has inserted a window in the side (southern) elevation of the house. This has been inserted as permitted development and lawful in planning terms. The window existed prior to the submission of the planning applications to redevelop the land adjacent to

47, Roach Road so must be afforded consideration and its presence is a material planning consideration.

- The window lights the hall and stairway but also affords necessary light to the dining room which due to the original construction and relationship to neighbouring dwellings is a darker room that benefits from low levels of natural light.
- This window must be considered and development on the application site should be secured which protects existing residential amenity as required by UDP policy H14(c). If planning permission is granted then no light would reach this window which would have a significant adverse effect on residential amenity contrary to policy H14(c).
- One of the applicants is immediately related to a Council employee.
- This application should be refused for the reasons set out above.

Other Objections since Permission Quashed

Three further letters have been received from neighbours and their comments are set out below:

- This resubmitted second application fails to address the concerns of the previous schemes.
- There have been inconsistencies with the display of site notices, the issue of neighbour letters and the ability to comment on line. It is alleged that the notices were not posted until 10 March, 4 days after the date specified on the notices.
- There is confusion about when the consultation period begins.
- The on line site says that no more comments can be received.
- Building on this site would directly impinge on immediate neighbours from all angles.
- An existing property would lose a window that currently facilitates natural daylight.
- The immense size would be detrimental to all neighbouring properties who would suffer loss of privacy and light and overshadowing.
- The prominent bay windows at the front would impact on neighbours.
- The proposal would contribute to a loss of light affecting existing houses and gardens.

- The design is not in keeping with existing properties because of the contemporary design. It would stick out like a sore thumb.
- The shape and size of the bay windows bear no relationship with those on existing houses. The proposal has square cornered windows as opposed to angled side windows.
- The site is a haven for multiple varieties of bat and bird life. The remaining privet hedge and trees should be preserved.
- Parking on Roach Road is at capacity and the proposals do not offer adequate parking, turning or offloading facilities and there are concerns regarding highways safety.
- A parking problem exists at the corner of Roach Road and Penrhyn Road especially in evenings and term time weekends. This will be exacerbated by the introduction of two houses, both with inadequate off street parking provision.
- The accesses are close to a junction and have limited visibility. The driveways will remove as many on street spaces as those created off street.
- Pedestrians with prams and small children or senior citizens will have to walk on the road rather than the pavements because of obstruction by parked cars
- Two photographs are enclosed from one resident which show high levels of on street parking including parking on the footway on the corner of Roach Road and Penrhyn Road.
- The pre-application advice from the Council was that the site was appropriate for one house and having two on the site is overcrowding. There has never been room on this site for more than one house.
- The development is overbearing and would obliterate the unique character of the area. The site is close to Nether Edge Conservation Area and this should be respected.
- The Local Planning Authority has failed to insist on full compliance with current guidelines set out by the Environment Agency and in CIRIA Report C665.
- The site is left in an unseemly manner and the Council should insist that it is well looked after. The uncut hedge is a hazard to pedestrians.
- The application form says that the site is vacant but this is not the case as it is used for parking vehicles, a commercial use. This is misleading information.

Support on Behalf of Applicant

A planning consultant acting on behalf of the applicant has responded to the objections made on behalf of the occupier of 47, Roach Road and these are set out below:

- It is accepted that the Local Planning Authority will address all material considerations and not just the matter of contamination.
- The Local Planning Authority has clearly notified the immediate neighbours and members of the community by means of letter and the display of site notices. It is clear that those wishing to express a view on the application are alert to the proposal and have commented accordingly. Also, any neighbour or interested party will have the opportunity to speak at Committee if they desire.
- It is noted that third party objectors are aware of the additional contamination report supplied by the applicant. This was submitted to the Council on 19 March 2014 and the earliest Committee date, at the time of writing the letter, was 3 June 2014, giving ample time to comment on the contamination report.
- Contamination is a matter which has raised much concern and has been applied by third party representatives to obstruct the progression of the project.
- Irrespective of any planning condition, any contamination issues would have been dealt with by the applicant during the build process as a specific requirement of obtaining an NHBC or similar structural warranty.
- The level of ground contamination is extremely low and there is no reason why planning permission for two houses should not be given. If additional investigation is required, this can be done by the imposition of conditions.
- With reference to highways matters, it is suggested that the level of parking provision does not meet the Council's parking standards in areas where there is a high incidence of on street car parking.
- This is a highly sustainable urban location where the need to provide an excessive amount of off street parking is not warranted.
- The Council's own guidelines are maximum standards that would require two spaces per unit.
- The vast majority of houses in the locality have no off street parking and any on street parking problems are generated by the existing occupiers of property.
- The application will address the needs of proposed residents and it is difficult to comprehend how the proposal would significantly worsen any perceived problems in the locality.

- The proposal provides 3 spaces which would be a shortfall of one space, if the maximum standards are applied. To suggest that this shortfall is a failing of the project fails to take an objective and balanced approach to the consideration of all material planning matters.
- The representation on behalf of the application recognises UDP policy H14(d) which dates to 1998, before the Council's Maximum Parking Standards, states that 'planning permission will be granted, provided that the development provides appropriate off street parking.' In this case, 3 spaces is wholly appropriate in a highly sustainable area.
- The application site provides adequate amenity space which accords with the SPG on 'Designing House Extensions'. It is noted that this guidance relates to house extensions and is guidance only, a matter that has been accepted by Planning Inspectors.
- The character of the area primarily consists of terraced houses with gardens of generally 10 metres in length and about 5 metres wide, less off shot extensions. There are variations but the average garden size is about 45 square metres for 3 bedroom terraced houses. These houses were built well before the advent of the Planning system but still provide adequate, useable amenity space, clearly acceptable in this popular urban area.
- The application proposal would provide 48.2 square metres for plot 1 and 45.7 square metres for plot 2 comprising grassed amenity space and hard surfaced paved areas. Areas for car parking within the site are not included as amenity space.
- Plot 2 has a shorter garden length but a greater width.
- The length of garden for plot1 is about 10 metres and separated from the flank wall of 106, Penrhyn Road by 12 metres, which accords to guideline 5 of the SPG on 'Designing House Extensions'.
- The level of amenity provision is entirely commensurate with other dwellings in the locality and the character of the area is fully complied with in this respect.
- The letter representing the neighbour quotes SPG guideline 4 of 'Designing House Extensions' saying that 'a minimum distance to the back boundary from the rear elevation of 10 metres is also normally required, for reasons of neighbours' privacy as well as amenity.' The word 'normally' is referred to and it is noted that this guidance was written in 1996 well before the NPPF which actively encourages the efficient use of previously developed land.
- It is questioned whether consideration by the neighbours' representative has examined the context of the application site as regular reference to out of date and inapplicable guidance is made and fails to take a balanced and objective assessment of the wider character.

- With regard to the design and overlooking, it is suggested that obscure glazing to a bedroom window represents poor planning. This is strongly refuted.
- Paragraph 63 of the NPPF seeks to encourage outstanding and innovative design and this has been applied constructively in this application to meet site constraints and to assist in boosting the supply of housing, in line with NPPF paragraph 47.
- In SPG on 'Designing House Extensions' it says that 'in some situations it is acceptable to provide light and air into rooms...by using non-standard window types that do not create an unacceptable overlooking problem.' In the light of this, the use of obscure glazing is an acceptable design solution.
- There is an inference that all bedrooms will be obscure glazed. This is not the case and only the rear facing bedroom of the house would have obscure glazing on both faces of its corner window.
- The rear facing bedroom window of house 2 has obscure glazing to the east elevation only while the south has clear glass. This is not mentioned in the objection letter, nor is the fact that glazed roof lights are proposed to both rear facing bedrooms which, together with the corner windows, would provide levels of natural daylight far in excess of the standards normally applied to modest sized back bedrooms.
- Regarding the substandard separation distance between the rear facing bedroom window of house 1 and the second floor window of 106, Penrhyn Road, the proposed bedroom window would be obscure glazed. Therefore, overlooking would not be possible.
- There is no potential for overlooking of neighbours' properties.
- The loss of the window in the side elevation of 47, Roach Road seems to be one of the main areas of concern for the occupier of this property. The window directly overlooks the application site and will be obstructed should the development proceed.
- It is noted that the window was installed under permitted development rights but only following the sale of the site to the applicant. It is also noted that the window serves a hallway which is not a habitable room, which would have been adequately lit by the fanlight window over the front entrance since the time of construction about 100 years ago.
- The assertion that the loss of this new window would have a significantly adverse impact on the owners residential amenity is flawed as a reasonable level of light will continue to reach the hallway through the fanlight the same as all the other houses on Roach Road. Some of the neighbouring properties on Roach Road and Penrhyn Road have partially glazed front doors which is an effective way of providing extra light to a hallway.

- It is accepted by the objector that trespass of the application site occurred in putting the window in place by way of the cill overhanging the application site. It is agreed that this is now a civil matter.
- The window has been in place for 3 years and there are no prescriptive rights to light as these take 20 years to acquire.
- It is accepted that the window is lawful but it would also be lawful, under permitted development rights, for a two metre high fence to be erected in front of the window.
- It is suggested that the applicant is immediately related to a member of Council staff. This is not the case. The applicant's brother's wife works in the Council's Building regulations department which is entirely separate from Planning. There has been no collusion or favours undertaken.
- Overall, it is extremely difficult to establish any degree of demonstrable harm associated with the project. It appears that selective use of outdated guidance has occurred and little or no weight should be attached to this.
- The case for supporting the application is robust and transparent.

PLANNING ASSESSMENT

Land Use Policy.

The adopted UDP shows that the site is designated as part of a housing policy area and policy H10 confirms that housing is the preferred use in such areas.

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

The site is not contained within Nether Edge Conservation Area or in an Area of Special Character.

Paragraph 17 of the NPPF deals with Core Planning Principles and says that the effective use of previously developed or brownfield land will be encouraged, provided that it is not of high environmental value. It is noted that the site has been, until recently, used to accommodate an electricity substation.

The NPPF, in paragraph 48 says that Local Planning Authorities may make an allowance for windfall sites when considering the delivery of new homes and it is felt that this site will make a valuable, albeit small, contribution to fill the shortfall in Sheffield's current five-year supply.

Paragraph 49 makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It also confirms

that the Council's housing policies cannot be considered to be up-to-date because the Council cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 60 makes reference to the need to reinforce local distinctiveness in design of new development.

Layout, Design and External Appearance.

UDP policy BE5 deals with building design and siting and says that good quality design and materials would be expected in new development. The design and layout should take account of the sites features.

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

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

Core Strategy policy CS74 deals with design principles and expects high quality development, which takes advantage of and enhances the distinctive features of the city including the townscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

Section 7 of the NPPF is entitled 'Requiring good design' and paragraph 56 says that the government attaches great importance to the design of the built environment.

Paragraph 58 says that new development should respond to local character but this should not prevent appropriate innovation. Paragraph 63 says that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Two houses are proposed and these would be built next to 47, Roach Road. The existing front building line would be retained and each of the two houses would have a bay window at the same depth as those on existing houses and there would also be a low brick wall along the front to continue the existing treatment.

The proposed houses would be slightly higher than those to the north because of rising land levels so the ridge line would step up from adjoining houses. This follows the roofline pattern of the street in that pairs of terraced houses tend to step up in a regular pattern and the proposal would continue this. Also, chimneys are located centrally between pairs of houses and the proposal will repeat this feature.

The rear building line would extend slightly further back than the existing houses but the rear elevation of the two proposed offshoot extensions is set back about a metre from that of 47, Roach Road.

The houses would be two storeys high and the eaves and ridge heights would be slightly higher than 47, Roach Road, continuing the street rhythm dictated by rising levels.

In common with neighbouring properties, the proposed houses would have a small front forecourt bounded by a low brick wall and there would be gardens to the rear providing private amenity space. At the rear of the gardens, at a lower level would be a single parking space for house 1 and there would be two spaces provided for house 2 at the side of the house with access taken from Penrhyn Road.

On the Roach Road elevation, each house has been designed with a projecting bay window at the ground floor, the intention being to create a contemporary interpretation of the traditional bay window. The proposed bays would be broader than existing houses, thus allowing more light for the interior and there would be a square rather than an angular corner.

The bay windows would use standing seam cladding and corner glazing and even though they are bigger, they would not be out of character with adjoining houses. The front facing bedroom windows above the bays would have a deep surround to create a similar appearance to the bays.

It is proposed each house would have a pair of modest skylights on the front facing roof plane which would match the treatment on adjoining houses.

On the gable end of house 2, which faces south, three windows in the form of a column would be inserted, a feature which is not uncommon on terraced houses and will add visual interest on this corner.

At the south east corner of each of the two offshoots, a strong corner feature is proposed in the form of wrap around corner windows at ground and first floor levels. The ground floor rear facing windows would be larger than above and this is the case with the remainder of rear windows, thus creating a window hierarchy, common in Victorian terraced housing.

On the rear facing roof plane, a pair of dormer windows would be centrally positioned, one serving each house, the proportions of these matching the space set between the offshoot extensions. Either side of each dormer there would be a small sky light and an additional skylight would be placed in the roof of each offshoot.

With respect to external materials, the exterior would be red brick and natural slate to match existing houses and windows would be slim line aluminium frames painted dark grey.

Enclosed bin stores would be included within the site made of close boarded fencing.

The design of the houses is considered to be of a quality and a level of interest that will make a positive contribution to the local street scene. Local residents are concerned that some of the more contemporary features are out of keeping with

the character of the area such as the bay windows and the wrap around corner windows. However, national guidance set out in the NPPF is clear in that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In this instance, the proportions and materials match those of existing houses and reference is made in the proposal to many design cues in the area. However, the contemporary features are considered to sit well within the scheme and, although different from the existing houses, are of good quality design. The site is on a prominent corner and will create a successful 'stop' at the road junction.

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

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

It is considered that all relevant policy criteria is satisfied by the design, appearance and layout of the proposal.

Sustainability.

Core Strategy policy CS74 requires new development to be designed to reduce emissions of greenhouse gases, achieve a high standard of energy efficiency and use sustainable resources such as solar panels and water recycling.

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

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

Impact on Neighbours' and Future Resident's Amenities.

UDP policy H14(e) says that new development should not cause residents to suffer from noise or other nuisance. Also, H14 c) states that new development should not be over developed, deprive residents of light, privacy or security or harm their amenities.

Core Strategy policy CS74 says that new development should contribute towards creating sustainable neighbourhoods.

Paragraph 17 of the NPPF deals with Core planning principles and says that there should be a good standard of amenity for all existing and future occupants of buildings.

Local residents have particular concerns that the proposal would have a detrimental impact on amenities, mainly because of loss of privacy and light and there are a number of issues to address with respect to this.

An important issue relates to the window in the side elevation of 47, Roach Road which is a relatively recent addition to the house. This window directly overlooks the application site and provides light to the hall and secondary light to other rooms. The proposed development would prevent any light reaching this window. H14(c) is therefore relevant in this regard in that it refers, inter alia, to deprivation of light. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise and the conflict with H14(c) must therefore be addressed if this application is to be considered acceptable.

In planning terms, the window is legal, having been put in place under permitted development rights and, is therefore, a material consideration in assessing the impact of this application.

In assessing what weight should be given to the conflict with H14(c) due to the presence of the window, a number of matters need to be considered.

In planning terms, the window is borrowing amenity from a neighbouring site. It is also relevant that it was not included as part of the original house, which stood for approximately 100 years without such a window in place. It provides light to the hallway, which is not classed as a habitable room and secondary light to the dining room. None of the other houses in the terrace benefit from a similar light source and it is therefore considered to be a desirable rather than necessary feature. The weight that is afforded to the protection of such and the conflict with H14(c) has therefore been reduced accordingly.

In addition a fan light is in place above the front door, which is the case with many houses in the area, the purpose being to provide light to the hallway. It is not the case, therefore, that the side window is the only source of light to the hall. The applicant has noted via his representative, that some residents have front doors with glass panels which provide additional light to halls, and that this feature could easily be provided here if additional light was required. It is also noted that the great majority of houses in the area do not have side facing windows. When choosing to insert a window into this wall of 47 Roach Road the person doing so would have known that their property, on this elevation, did not abut the highway but rather abutted a potential development site. As such it should have been known that there was every possibility that a development would come forward on this site and that it may impact on the light that is received through this window.

Given the issues set out in the previous two paragraphs, it is considered that only limited weight can be attached to the side facing window and that therefore the conflict with H14(c) must be assessed with this in mind.

The rear of the site faces towards the flank wall of 106, Penrhyn Road and there are two windows in this elevation which could be affected by the proposal. There are also two skylights in the roof of 106, Penrhyn Road, one in each plane which may be affected. The applicant has carried out a full assessment of the impact of the proposal on these windows and has proposed a number of measures to resolve potential loss of amenity here.

The first reason for refusal in the original scheme related to insufficient separation between existing and proposed windows. This related to the proximity to 106 Penrhyn Road.

The application has responded to those concerns with a combination of obscure glazing and slight increases in distance. These matters are assessed below.

The two windows in the flank wall of 106, Penrhyn Road are located at first and second floor levels, the top one being close to the ridge line serving an attic room. In the rear elevation of the proposal, there are windows associated with the kitchen/diner at ground floor level, the main bedroom at the first floor and in the dormer windows serving the top bedrooms. These all face towards the flank wall of 106, Penrhyn Road.

With respect to the first floor window at 106, Penrhyn Road, this would be completely screened from the ground floor of the proposed development by the boundary wall. There would only be a very limited impact on the second floor window from the proposed ground floor because of the angles involved between the two.

The proposed first floor windows would have views towards both windows on the flank wall opposite. The window of the proposed offshoot of house 1 would only be 11.5 metres away from the flank wall and the applicant has proposed to use opaque glass in this window which is one of two serving this bedroom. The other one would have clear glass thus providing this room with light and outlook. The existing window in the offshoot of 47, Roach Road is also treated with opaque glass, so there would be parity with this.

The facing window in house 2 is 15 metres away from the existing first floor window and at such an oblique angle that there would be no loss of privacy from overlooking.

There are two other proposed windows at first floor level but these are set back between 14 and 15 metres, at an angle and one is part screened by the side wall of the offshoot. These distances are very similar to those between windows of existing houses and given the angles involved, the proposal is considered to have an acceptable impact in this respect, closely reflecting the arrangement of existing terraced housing in the area.

The proposed dormer windows are also between 14 and 15 metres away from the existing second floor window and the same argument can be applied as those proposed on the first floor. The proposed dormer windows would allow views towards the existing skylights at 106, Penrhyn Road but such is the angle, it would not be possible to see into the rooms lit by the skylights.

It is accepted that the distances between windows are less than the minimum privacy distances set out in the adopted Supplementary Planning Guidance (SPG) on Designing House Extensions. This guidance says that there should be at least 21 metres between habitable room windows facing across private space. However, some weight should be given to the characteristics of the area, where lesser separation distances are not uncommon, and in this instance there is public access between the development site and 106, Penrhyn Road in the form of a public footpath so this space is not completely private.

In addition to this, the traditional Victorian and Edwardian terraced houses in the immediate vicinity of the development site are built much closer together than modern housing schemes and, in many cases it is not possible to achieve modern standards with infill development. In this case, the proposal closely reflects, in terms of scale and massing, the strong character established by existing housing and substantial weight should be afforded to this.

The proposal involves altering land levels at the rear of the site to allow meaningful garden spaces to be allocated to each house.

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

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

Consequently, the issue set out in the second reason for refusal is resolved because there would be no increase in garden levels.

With respect to private garden space, the SPG on 'Designing House Extensions' says that, normally, gardens should be at least 10 metres deep but that a garden size of 50 square metres or more is required for a house having two or more bedrooms. In this instance, houses 1 and 2 have 48.2 and 45.7 square metres respectively. This is less than 50 square metres but, once again, closely reflects the gardens available for existing houses in this area. The proposed gardens would be laid to grass and the areas specified exclude hard surfaces for parking.

In summary of this issue, whilst there are some areas where the proposal does not fully comply with guidelines, the proposal is considered not to have a detrimental impact on the amenities of existing or future occupants. The applicant has successfully resolved issues identified in the previous refusal, relating to potential

overlooking and the proposal closely reflects the character of existing housing close to the development site.

Highways, Access, Parking and Transportation.

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

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

Paragraph 32 of the NPPF says that development should only be prevented or refused on transport grounds where residual cumulative impacts of the development are severe.

The previous refusal (reason 3) was based on a concern that there was insufficient car parking accommodation within the site contrary to UDP policy H14. The key change that has taken place is a reduction in the number of bed spaces within the scheme, with the properties changing from 4 bedrooms to 3 bedrooms, and also the spaces proposed have been made more useable.

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

Off street car parking provision is proposed for each house. For house 1 which is next to 47, Roach Road, one space is proposed and this would be located at the rear of the proposed private gardens with access taken from Penrhyn Road. For house 2, there would be two spaces provided at the side of the house and at the rear and side of the new electricity substation. Access to these two spaces would also be taken from Penrhyn Road but this would also be close to the junction with Roach Road.

Local residents have expressed a considerable amount of concern about the amount of car parking to be provided and how this relates to existing demand on street places close to the development site.

It has been stated in one letter that three off street car parking spaces does not meet the Council's own standard in an area where there is a high incidence of on street car parking which is already occurring, with the potential for highways safety issues.

Highways Information Sheet 3 provides details of the parking guidelines for a number of different development types. It specifically states in the Information Sheet and in Core Strategy policy CS53 that the guidelines are to be interpreted as maximum standards so it is contended that 3 spaces for this development does meet the Council's own parking standards.

Local residents are also concerned that vehicles parking on the site would not be able to turn within the site so would not enter and exit the site in a forward gear.

This is close to a busy junction where existing parking levels create highway and pedestrian danger.

It is accepted that manoeuvring for house 2 within the site would be restricted but it is considered that it would be possible for a vehicle parked parallel to the house, as shown on the submitted plans, to manoeuvre and thus enter and exit the site in a forward gear. Whilst it is desirable to be able to enter and exit a site in a forward gear, this is not an absolute requirement on a road of this type.

The parking space for house 1 is 25 metres from the junction with Roach Road and this is considered to be sufficient distance away so as not to impact on highways safety.

The parking space for house 2 is 13 metres from the junction and there should be a clear view of the Roach Road/Penrhyn Road junction from the access to house 1.

Local residents are concerned about highway safety and the potential for accidents but this is not supported by firm evidence. Investigation of data relating to personal injury accidents in the vicinity of the site access for the last 5 years indicates that there have been no reported personal injury accidents during this period.

Local residents also assert that the proposal lacks sufficient car parking spaces and the application should be refused because it is contrary to the Council's parking guidelines which states that for 2-3 bedroomed houses, two parking spaces should be provided.

The Council's parking guidelines do not say that two spaces should be provided: this is maximum provision.

The proposal provides one space below the maximum indicated by the Council's parking guidelines and this is considered to be acceptable as the site is an accessible, sustainable location. It lies within 450 metres of Ecclesall Road and access to a high frequency bus route and reference to table 3.2 of the IHT Guidelines for Providing Journeys on Foot indicates desirable, acceptable and preferred maximum walking distances to be 400m, 800m and 1200m respectively. It is evident, therefore, that a frequent bus service is within the acceptable walking distance and a significant number of local facilities, shops and services are within the preferred walking distance.

It is also noted that 33% of all properties in Sheffield do not have access to a car with 42% having one car and 20% having two cars. Based on these statistics, the proposed parking provision is acceptable.

Stopping up the former access into the substation on the site would allow a car to park on the highway where currently, this would not be possible. Local residents are of the opinion that this is not a designated space so should not be considered as part of this application. It is correct that the space is not formally designated but it will create a parking opportunity that did not previously exist in order to

compensate for any space lost due to the creation of a new access point on Penrhyn Road.

Local residents have commented that there is great pressure on the current street spaces and lack of availability of spaces, particularly at certain times of the day. A review of the Sharrow Vale Permit Parking Scheme was carried out in 2010 and a considerable number of objections were received from residents living close to the proposal. This resulted in each dwelling being given one vote as to whether they wanted to be included in a parking permit scheme. The result was that this area was removed from the permit scheme and the opportunity to control on street parking by this means was lost.

The NPPF in paragraph 32 is clear in that development should only be refused on transport grounds if residual cumulative impacts are severe. It is considered that the impacts of the proposal are not severe and that the application should not be resisted on highways grounds.

In summary, the 3 off street parking spaces are in accordance with the Council's guidelines, there have been no reported personal injury accidents in the last 5 years in the vicinity of the site access, this is an accessible location, there is adequate visibility at the vehicle access points and there would not be a severe impact on the adjacent highway.

Potential for Land Contamination.

UDP policy H14 says that new development in housing areas will be permitted provided that it would not suffer from an unacceptable risk to health or safety.

Core Strategy policy CS74 says that new development should contribute towards creating sustainable and successful neighbourhoods.

Paragraph 120 of the NPPF says that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects on health, the natural environment or general amenity to adverse effects from pollution should be taken into account.

Paragraph 120 also says that the responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 says that planning decisions should ensure that the site is suitable for the new use taking account of any pollution arising from previous uses. After remediation, land should not be capable of being classed as contaminated land under Part 11A of the Environmental Protection Act 1990. Adequate site investigation information, prepared by a competent person should be presented.

The applicant has submitted a report on Intrusive Ground Investigation undertaken by Eastwood & Partners, dated January 2014. The report made the following observations:

- The report examined the site history, geology and mining and ground gases and concluded that there would be no significant implications on the development in this respect.
- With respect to ground conditions an investigation took place in January 2014 and between 1.4 and 1.9 metres of made ground was encountered across the site. This comprised clay and sand with gravel of sandstone, brick, concrete, clinker and tarmac. The made ground was found to be quite soft and loose in the west of the site but was more compact to the east of the existing building.
- Below the made ground, weathered sandstone was encountered and below this, shaley sandstone and weak sandy mudstone. For the proposed low rise housing development, the most suitable foundations would be trench fill footings taken through the made ground and constructed on the firm or stiff natural clay at a depth of 1.4 to 2.1 metres below existing ground level. Tests have confirmed that the clay is non shrinkable.
- With regard to contamination, five soil samples were taken, three from made ground and two from natural ground. Tests for metals, sulphates and specific hydrocarbons were carried out.
- In examining the risk assessment at the site, some significantly elevated concentrations of hydrocarbons were recorded in the made ground and low concentrations of copper and lead were also recorded. The samples of the highest levels of contaminants were found in the west and south of the site which will be hard covered after the redevelopment by new houses or by car parking spaces. Therefore, it is very unlikely that future residents or visitors to the site will have any direct contact with these soils and, therefore, significant risk to human health is not anticipated.
- In the garden areas, only slightly elevated concentrations of Hydrocarbons were recorded and it is anticipated that some health risks would arise. Consequently, it is recommended that a capping layer of inert soil is constructed over the existing made ground that should be 600mm thick with a geotextile membrane at the base. At least 150mm of the capping should be topsoil.
- The site is underlain by clay, mudstone and shaley sandstone and the ground would not be suitable for using soakaway drainage. Surface water would have to be placed in public sewers.
- Given that sulphates are evident, below ground concrete would have to ensure that sulphate precautions are put in place.
- It is considered unlikely that further significant contamination will be encountered during construction works.

In response to the submission of the Intrusive Ground Investigation (IGI) report, a review has been submitted on behalf of one of the objectors to the application and

the conclusion of this subsequent submission is that the IGI is inadequate and has not fully addressed in full the locations and extent of all potential contaminants which could potentially exist on the site.

There are a number of detailed comments which are set out below:

- Boreholes are a recognised means of investigation but for a potentially contaminated site which has recorded between 1.4 and 1.9 metres of made ground, it is expected that one or two boreholes would be completed with ground water/soil gas monitoring installations. This has not been done.
- No investigation positions or samples were collected from within the building or basement structure. Given the site history and use this could be an area of high risk of transformer oil contamination.
- The PCB oils analysis carried out has failed to collect samples from the site area at highest risk and may also have missed some PCB compounds that could potentially be present.
- No analysis of recovered soils for Total Petroleum Hydrocarbons has been undertaken.
- Concentrations of lead and polyaromatic hydrocarbons were recorded above human health threshold levels. The report suggests capping the contaminated soil beneath 600mm of clean imported soil which is a recognised remediation technique. However, the report fails to consider the potential risk to the water environment and provides no leachate tests for the soil or attempts recovery and analysis of groundwater.

The Intrusive Ground Investigation (IGI) report and the subsequent report commenting on the IGI have both been examined by the Director of Environmental Services and as part of this the past use and site history have been investigated particularly relating to the issues raised in the second report.

The second report focuses on the need for all intrusive investigations and remediation considerations to be completed prior to determination of the planning application.

In terms of ground contamination, it is the case that some elements in the IGI, which is a Phase 1 Desktop Study, are absent including historic Ordnance Survey plans and a conceptual site model (CSM) and the CSM is considered to be a fundamental requirement for any IGI.

The IGI is considered to be limited and has not fully characterised the site. Further intrusive investigation will, therefore, be required after demolition of the existing substation has taken place. This additional investigation may set out remediation measures that need to be incorporated into the design and layout of the development.

Even in the absence of information, it is considered to be acceptable and consistent with the approach taken by this Planning Authority to address land quality and remediation considerations by way of conditions which would ensure that all issues including those not fully addressed in the IGI are controlled so that there would be no risk to human health. Conditions in this regard will be attached to any consent granted and this would satisfy the policy criteria relating to this issue.

Ecological Value/Wildlife Interest

There are representations that refer to the potential for wildlife interest on the site. The site is a former electricity substation, and the building remains intact on site. There are hedges on the site which would be affected by the development.

NPPF paragraph 109 requires the planning system to minimise impacts on biodiversity and paragraph 118 states that if significant harm to biodiversity cannot be avoided or adequately mitigated, then permission should be refused.

UDP Policy GE11 requires development to reduce any potentially harmful effects of development on natural features of value.

The Council's Ecologist has looked the site and in particular noted a large privet hedge at the boundary of the site which could support nesting birds.

Under the Wildlife and Countryside Act (1981) all birds, their nests and eggs are protected by law and it is therefore considered appropriate for a condition to be imposed on any permission that the hedge (and any other vegetation on the site) should be cleared outside of the bird breeding season (taken to be the 1st March-31st August).

The scheme involves replacement hedges which will therefore allow for wildlife interest to be restored following development.

Officers have also assessed the potential for bat roosts on the site but do not consider this to be likely and no similar conditions relating to bats are therefore recommended.

RESPONSE TO REPRESENTATIONS

Many of the representations were concerned with the design of houses and the subsequent impact on the amenities of existing residents and on street parking levels. These issues have already been addressed in this report but some concerns still require a response.

The houses are not larger than existing ones in the area. They occupy a very similar footprint to existing dwellings.

The existing building on site is not of sufficient visual quality or character to merit it being retained and the site is not within the Nether Edge Conservation Area.

There is reference to the scheme resulting in a loss of open space. The site is not designated as open space and the space around the site is ancillary space around the building. Gardens would be provided as part of this application so there will be space on the site.

Reference has been made to an earlier planning application refusal at 153, Penrhyn Road suggesting that this was a precedent to this application. The proposal and characteristics associated with the refusal are different to this application and a direct comparison cannot be made. Each application must be determined on its individual merits.

With respect to the inconsistencies regarding the posting of site notices and notifying neighbours, the period allowed for the submission of representations was in excess of the minimum 3 week period which has allowed ample time for comments to be submitted. It is also important to note that several further months have passed since the notification of the application to neighbours and further comments could have been submitted during this time.

Regarding ground contamination, a comment says that the application should be refused if additional testing is not carried out. This issue can be adequately controlled by the imposition of a number of conditions.

A comment says that the proposal does not meet the criteria of CIRIA report C665 which deals with ground gas risk assessment. Ground contamination has been addressed in the IGI and will be fully controlled by conditions.

The prominent bay windows would not harm the amenities of neighbours because they are on the street frontage, with any views taken across the street, and would not result in any loss of privacy.

The site does not have a commercial use. It is vacant and used on an ad hoc basis for informal off street parking.

SUMMARY AND RECOMMENDATION

This application seeks planning approval for the demolition of a former electricity substation on the site and the construction of two houses with off street car parking and private gardens.

The scale, design and external appearance are acceptable. The height, dimensions and massing are very similar to the existing terraced housing in the area and the predominantly red brick and slate roof exterior would be in keeping with existing houses. The contemporary design features are acceptable as they complement rather than dominate the houses and would establish a clear identity whilst retaining the traditional character of the locality.

There would be no significant harm to the amenities of existing or future residents. All issues relating to potential loss of privacy have been carefully assessed and mitigation measures have been included in the design where necessary. Whilst there are some shortfalls in guidelines with respect to separation distances, these

repeat existing circumstances that occur typically in the surrounding area and the development would reinforce local character and density.

The off street car parking provision satisfies Council guidelines and is considered to be acceptable. The access arrangements on to the street are also safe and would not endanger pedestrian or highways safety.

The site is well served for buses and is within walking distance of a shopping centre.

An intrusive Ground Investigation has been submitted in support of the application and although there are some areas of the report which require further consideration, it is considered acceptable to accept the report but require further investigation on the site, including potential remediation measures that would be effectively controlled by conditions.

The application satisfies all policy criteria, with the exception of UDP policy H14 (c) in so far as it involves development which would remove light from a side facing ground floor window of no 47 Roach Road. This impact has been considered above, and for the reasons stated is given limited weight.

The benefits associated with this development, including having a small but positive impact on Sheffield's five-year land supply and bringing a disused brownfield site back into active use, with a development of sufficient quality to make a positive contribution to the street scene are considered to be sufficient to outweigh the limited conflict with this policy such that it could not be considered reasonable to refuse the application on that basis.

In this context, the development proposed is considered to be acceptable and is, therefore, recommended for conditional approval.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 6th January 2015

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 6th January 2015

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the decision of the City Council at its meeting of 26 August 2014 to refuse with enforcement action planning permission for replacement of front door and frame to dwellinghouse (Retrospective application) at 31 Moor Oaks Road Sheffield S10 1BX (Case No 14/02148/FUL)

(ii) An appeal has been submitted to the Secretary of State against the decision of the City Council at its meeting of 28 October 2014 to refuse planning permission for demolition of existing building and erection of 4 dwellinghouses (as per amended drawings received 19 August 2014) at Site Of Clear Line Creevela Works Parsonage Street Sheffield S6 5BL (Case No 14/00831/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of detached double garage to front of dwellinghouse at 297 Ecclesall Road South Sheffield S11 9PQ (Case No 14/03131/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for demolition of agricultural buildings and erection of a dwellinghouse at Land And Out Building Acre Lane Sheffield S35 0GE (Case No 13/04265/FUL)

Officer Comment:-

The Inspector considered the main issues to be whether it would be inappropriate development for the purposes of the National Planning Policy Framework (NPPF), the effect on the openness of the Green Belt, the effect on the visual amenity of the Green Belt and the character and appearance of the area and if the development is inappropriate, whether the harm is outweighed by very special circumstances.

The NPPF sets out that new building in the Green Belt is inappropriate but

one exception is that a replacement building can be erected provided it is in the same use and not materially larger. As the proposal is to replace an agricultural building with a dwelling. The appeal proposal does not accord with this exception.

UDP Policy GE4 refers to dwelling being erected to support agriculture. I was not claimed by the applicant that this was the reason for the proposal so the proposal did not accord with the exceptions. Further, it was not infilling within a village which is also an identified exception in GE5 and the NPPF.

For these reasons, the proposal was found to be inappropriate development in the Green Belt and contrary to the UDP and NPPF. This being the case, it had to be considered whether there were very special circumstances that outweighed the inappropriateness and any other harm.

In this respect, by reason of its height and bulk, the Inspector concluded it would cause harm to the Green Belt and as such, would conflict with the NPPF. The Inspector also as of the opinion that there would be other ancillary activities associated with the dwelling including amenity space, space for manoeuvring and parking vehicles and when taken together, they would fail to safeguard the countryside from encroachment of development and would prejudice the purposes of the Green Belt and so would conflict with the NPPF.

Because of the additional bulk of the proposed building and potential ancillary uses, it would not be a significant enhancement and would not outweigh the harm caused to the character and appearance of the Green Belt and so this did not amount to very special circumstances necessary to justify the development and so dismissed the appeal.

4.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

6 January 2015

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