

# Planning and Highways Committee

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**Tuesday 10 February 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**

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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.

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## **PUBLIC ACCESS TO THE MEETING**

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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](http://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](mailto:martyn.riley@sheffield.gov.uk).

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## **FACILITIES**

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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.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
10 FEBRUARY 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
Minutes of the meeting of the Committee held on 20 January 2015
- 6. Sheffield Conservation Advisory Group** (Pages 9 - 12)  
Minutes of the meeting of the Committee held on 9 December 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 13 - 146)  
Report of the Director of Regeneration and Development Services
- 9. Quarterly Overview Of Enforcement Activity** (Pages 147 - 150)  
Report of Director of Regeneration & Development Services
- 10. Quarterly Update of Enforcement Cases in the City Centre and East Area of the City** (Pages 151 - 158)  
Report of Director of Regeneration & Development Services
- 11. Quarterly Update of Enforcement Cases in the South Area of the City** (Pages 159 - 170)  
Report of Director of Regeneration & Development Services
- 12. Quarterly Update of Enforcement Cases in the West and North Area of the City** (Pages 171 - 184)  
Report of Director of Regeneration & Development Services
- 13. Record of Planning Appeal Submissions and Decisions** (Pages 185 - 190)

Report of the Director of Regeneration and Development  
Services

**14. Date of Next Meeting**

The next meeting of the Committee will be held on 3 March 2015

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 20 January 2015

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

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors David Baker and Bryan Lodge, but no substitutes were appointed.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 6 January 2015 were approved as a correct record.

#### **5. SITE VISIT**

5.1 **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 9 February 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

#### **6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **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) in respect of land and buildings at the former Fletchers Bakery, Clay Wheels Lane and the former Travellers Inn and The Gate Inn 72 and 74 Penistone Road North (Case No.14/03390/ADV) (i)(A) having heard representations at the meeting

from the applicant's agent speaking in support of retaining two high level name signs at high parapet/roof level facing the customer car park (south elevation) and facing over the service road (north elevation) reference no. B1, as detailed on the submitted plans, (B) notwithstanding the officers recommendation, the retrospective application for advertisement consent be granted (1) as the Committee considered that the signs did not create a disamenity in the area and (2) with a condition attached requiring the lights to be switched off at shop closing times and (ii) having considered the signs reference nos. B2, B3, W1, W2,W3, W4, W5, W5a, 7T, 5T, PT, S1, S2, S3, S3a, S4, S5, S6a, S6b, S6c, S7,S8, S9, S10, S10a, S11, S11a, S13a, S17 and S18 as detailed on the submitted plans, the retrospective application for advertisement consent be granted;

(c) having (i) heard representations at the meeting from a representative of a company based on the application site speaking against the development and from two representatives acting on behalf of the applicant speaking at the meeting in support of the development, (ii) considered (A) an amendment to the application description in respect of the number of student flats, cluster flats and student bedrooms, (B) amendments and updates to the report now submitted in respect of pages 39, 45, 57, and 59 and (C) the officer's comments in respect of the amendment to the application description and the applicant's collaboration with the City Council to provide support for local employment and skills, all as detailed in a supplementary report circulated at the meeting and (iii) noted a plan circulated at the meeting displaying the extent of the proposed highway closures, an application for planning permission for the demolition of existing buildings and erection of 3 buildings (1 x part 5/6 storey and basement building, 1 x part 6/7 storey and basement building and 1 x part 6/7/9/18/19/21 storey building) for mixed use development, comprising oriental cash and carry/supermarket (Use classes B8 and A1), retail/commercial development (Use classes A1/A2/A3/A4 and A5), business accommodation (Use Classes B1 and A2), 393 student flats and 38 cluster flats giving a total of 690 student bedrooms (Sui Generis), and 14 private residential apartments (Use Class C3), together with access, car parking and ancillary works at land and buildings at Boston Street, Bramall Lane, Arley Street, St Mary's Gate and Sheldon Street (Case No. 14/03215/FUL) be granted, conditionally, subject to (1) amendments to Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 23, 34, 38, 39, 43, 47, 48, 51, 54, 59, 60, 61 and 62, (2) additional conditions in respect of (I) a signage strategy document, (II) a Waste Management Plan and (III) Employment and Training Strategies, (3) the completion of a legal agreement (I) with an amendment to the Heads of Terms in respect of a requirement for an Open Space contribution of £174,640.00 in the event that Phase 2 of the scheme was not completed within 6 years of the occupation of Phase 1 and (II) in the event that the Heads of Terms are not concluded by 20 February 2015, authority be given for the application to be refused, all the above as detailed in the aforementioned supplementary report and (4) the advertising of proposed highway closures in connection with the scheme, and (I) no objection be raised to the proposed stopping-up of the areas of highway shown hatched on the Plan No. 14/03215/FUL-STOP\_UP subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that may be affected and (II) authority be given to the Interim Director of Legal and Governance to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990;

(d) an application for listed building consent for alterations to a former church to form 4 cluster flats (Houses in Multiple Occupation) totalling 27 bedrooms at St Silas Church, Hanover Square (Case No. 14/03162/LBC) be granted, conditionally; and

(e) having heard a representation at the meeting from a local resident commenting on waste management in respect of the proposed development, an application for planning permission for alterations to a former church to form 4 cluster flats (Houses in Multiple Occupation) totalling 27 bedrooms at St Silas Church, Hanover Square (Case No. 14/03161/FUL) be granted, conditionally.

**7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

7.1 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.

**8. DATE OF NEXT MEETING**

8.1 It was noted that the next meeting of the Committee will be held on Tuesday 10 February 2015 at 2.00 pm at the Town Hall.

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## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 9th December, 2014

| PRESENT: | <u>Name</u>                 | <u>Organisation</u>                    |
|----------|-----------------------------|--|
|          | Dr. Philip Booth (Chair)    | Co-opted Member                        |
|          | Mr. Tim Hale (Deputy Chair) | Sheffield Chamber of Commerce          |
|          | Prof. Clyde Binfield        | Twentieth Century Society              |
|          | Mr. Patrick Burns           | Co-opted Member                        |
|          | Mr. Howard Greaves          | Hallamshire Historic Buildings Society |
|          | Mr. Graham Hague            | Victorian Society                      |
|          | Dr. Roger Harper            | Ancient Monuments Society              |
|          | Mr. Bob Marshall            | Royal Town Planning Institute          |
|          | Mr. Philip Moore            | Sheffield Society of Architects        |

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#### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr. Lee Barron (Royal Institute of Chartered Surveyors), Mr. Bob Hawkins (Council for the Protection of Rural England), Mr. Stanley Jones (Hunter Archaeological Society), Dr. Jo Lintonbon (University of Sheffield) and Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings ).

#### 2. **MINUTES**

The minutes of the meeting held on 18th November , 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, in the Apologies for Absence, the addition of the words "Professor Clyde Binfield (Twentieth Century Society)" and the deletion of the words "Mr. Stanley Jones (Hunter Archaeological Society)" and
- (b) the substitution:-
  - (i) in item 2(D) of the words "Nonconformist Chapel" for the words "Non-Conformist Chapel";
  - (ii) in item 2(G) of the word "Nonetheless" for the word "Nontheless";
  - (iii) in item 2(H) of the words "Brick House Lane" for the words " Brick House";
  - (iv) in item 2(I) of the words " new, shorter press advertisements" for the words "press advertisements"
  - (v) in item 2(J) of the words "and more paving" for the words "and a more paving";
  - (vi) in item 2(L) of the words "they were mid- nineteenth century buildings but at least one of the frontages had been rebuilt in the twentieth century" for the words "they were Twentieth Century buildings and at least one of the frontages had been rebuilt";
  - (vii) in items 7(a)(i) and 7(b) of the words "Ruth Connolly" for the words "Ruth Connelly";
  - (viii) in item 7(vi) of the words "Castlegate Tower" for the words "Catlegate

Tower”; and

(ix) in item 7(vii) of the words “cleared the rest of the site” for the words “” had cleared the site” and the words “ and had de-culverted the River Sheaf” for the words “had removed the culvert of the River Sheaf”;

and, arising therefrom, the Group noted that:-

(A) an individual, known to the Chair (Dr. Booth) was considering joining the Group as a representative of the Landscape Institute;

(B) the development regarding Nos. 162-170 Devonshire Street would be brought to the next meeting as an item of business;

(C) the proposals regarding Leah’s Yard would be made public, as the next stage in its development;

(D) on 10th November last, there had been a meeting between the Head of Planning and the developer of 48 Savile Street;

(E) there had been a meeting between the Head of Planning and Aimey regarding the restoration of the public realm areas on Fargate and Surrey Street, by retaining and restoring the granite setts in those areas;

(F) no further action had been taken recently regarding the Local List of Heritage Assets;

(G) it was felt that the Castlegate Tower should be upgraded. There was a campaign by the Twentieth Century Society to achieve it, but the Director of Planning had received advice that the Tower could not stand on its own; and

(I) Bryan Jefferson had been an active member of this Group.

### 3. **CHAIR’S REPORT**

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

### 4. **HEAD OF PLANNING’S REPORT**

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

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

The Group noted that, currently, the Sheffield Design Panel was not scheduled to meet.

### 6. **HERITAGE ASSETS**

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

- (a) **Internal alterations to a building to create 27 apartments, at W.H.L Keeble Hawson Offices, Old Cathedral Vicarage, 7-15 St James' Row.**  
**(Case Number: 14/03779/LBC)**

The Group recommended that the applicant should seek professional advice. The Group felt that the scheme was not in scale with the Cathedral. The Group considered that a residential scheme could be acceptable, perhaps in the form of 5 houses, provided that the rhythm of the front elevation and the internal features were brought back. The Group felt that the drawings were clearly inadequate and they should

not be accepted. The Group expressed its concern that the application had been validated, in spite of the fact that the submitted information was manifestly inadequate for a building and a location of such sensitivity.

(b) **Erection of agricultural building at Old May Farm House, Foxhall Lane.**  
**(Case Number: 14/04010/RG3)**

The Group noted that the building was in an area of special character and that an application for it to be listed had been submitted to English Heritage. The Group felt that there were concerns regarding the development' particularly regarding the scale of the access track, the colour of the building and potential tarpauling, which would require landscaping to mitigate its impact on the building.

(NOTE: the Group noted that (a) planning permission had been granted some years previously for the erection of a mixed use development, including a ground floor retail unit and apartments on the upper floors, on the site of 137 West Bar (List No. 14/03218//FUL) and (b) the application for a development at the Freedom Works, 45-53 John Street, (List No. 14/04237) had been withdrawn from consideration by the Group)

## 7. MISCELLANEOUS ITEMS

(a) John Stonard, Urban and Environmental Design Manager, reported on the latest position regarding the New Retail Quarter, the Local List of Heritage Assets and the proposal for the Milton Street Conservation Area. The Group (i) noted the information, (ii) expressed its wish to be involved in the development of the New Retail Quarter whilst acknowledging that the involvement of the Sheffield Sustainable Development and Design Panel would be essential for the scheme, (iii) urged the City Council to progress work on the Local List as it would identify important buildings, even though local listing did not increase statutory powers of protection and (iv) requested that the proposed Milton Street Conservation Area be submitted to the City Council's Cabinet as a matter of priority, to obtain the necessary approval for the designation of the Conservation Area; and

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

- (i) various features of the former Art School, Psalter Lane, particularly decorative roundels, which were being sought by a number of individuals, might be stored presently at the Museum of Sheffield;

- (ii) The Chair (Dr. Booth) would write to the Curator of an exhibition “Picturing Sheffield”, which was on display at the Millenium Galleries and draw attention to various errors in the captions at the Exhibition;
- (iii) an enquiry regarding the connection between Sergeant Arnold Loosemore, who had been awarded the Victoria Cross during the First World War and certain housing at Stannington appeared to be misguided, as Sergeant Loosemore had lived at Gleadless;
- (iv) the Section 106 obligations requiring the provision of affordable housing in residential developments had been amended, to the extent that they no longer applied to developments of less than 11 units.

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





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of Regeneration and Development Services

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**Date:** 10/02/2015

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**Subject:** Applications under various acts/regulations

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

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**Summary:**

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### Reasons for Recommendations

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

**Recommendations:**

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**Background Papers:**

**Category of Report:** OPEN



| Application No.                     | Location  | Page No. |
|-------------------------------------|---|----------|
| 14/04474/FUL (Formerly PP-03845277) | Site Of Richardsons Cutlery Works<br>Alma Street<br>Sheffield<br>S3 8SA   | 17       |
| 14/04073/FUL (Formerly PP-03774750) | Norman House<br>134 Upperthorpe<br>Sheffield<br>S6 3NF  | 54       |
| 14/04066/FUL (Formerly PP-03776490) | South Yorkshire Police Sports And Social Club<br>Club House<br>Niagara Grounds<br>Niagara Road<br>Sheffield<br>S6 1LU | 63       |
| 14/03942/FUL (Formerly PP-03751898) | 64 High Storrs Road<br>Sheffield<br>S11 7LE   | 71       |
| 14/03593/FUL (Formerly PP-03501195) | Land Adjacent Ventana House<br>Pond Hill<br>Sheffield<br>S1 2BG   | 76       |
| 14/02958/OUT                        | Meade House<br>96 - 100 Middlewood Road<br>Sheffield<br>S6 4HA  | 96       |
| 14/02514/FUL (Formerly PP-03519015) | A Pinder Ltd<br>24 Hodgson Street<br>Sheffield<br>S3 7WQ  | 114      |
| 14/01392/OUT                        | Land At Junction With Broomfield Court<br>Broomfield Road<br>Stocksbridge<br>Sheffield<br>S36 2AR                     | 135      |



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 10/02/2015

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.

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|                  |  |
|------------------|--|
| Case Number      | 14/04474/FUL (Formerly PP-03845277)  |
| Application Type | Full Planning Application  |
| Proposal         | Development of land to provide mixed use development comprising of 98 dwellings (23 x 1-bed apartments, 39 x 2-bed apartments, 27 x 3-bed townhouses and 9 x 4-bed townhouses) and office space (Use Class B1, 731 square metres) in range of buildings (maximum of 5 storeys high), associated car parking, landscaping and associated works, including new roads and pedestrian routes |
| Location         | Site Of Richardsons Cutlery Works<br>Alma Street<br>Sheffield<br>S3 8SA  |
| Date Received    | 09/12/2014   |
| Team             | City Centre and East   |
| Applicant/Agent  | Nick Brown Architects  |
| Recommendation   | Grant Conditionally subject to a 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:

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 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before the relevant phase of the development commences:

Windows and window reveals  
Doors and garage doors  
Eaves and verges  
External wall construction  
Brickwork detailing  
Balconies and balustrades  
Roofs  
Rainwater goods  
Photovoltaic panels

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

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

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

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

- 6 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority confirming how:
- A minimum of 10% of the predicted energy needs of the completed development shall be obtained from decentralised and renewable or low carbon energy; and

- Code for Sustainable Homes Level 3 has been achieved, or a report demonstrating how the development will attain an equivalent standard.

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 each phase 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.

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.

- 7 Notwithstanding the details on the approved plans, before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the following inclusive access facilities for disabled people to move around the site and use the commercial and mobility units, shall have been submitted to and approved in writing by the Local Planning Authority:

a) Details of access and facilities (including seating) for disabled people in the external areas and spaces of the site;

b) Commercial Units: Full details of access facilities for disabled people to enter the commercial buildings (including the provision of a level threshold and appropriate width entrance doors);

c) Full details of the mobility house/apartment units and parking provision - including confirmation and evidence that the dwellings will comply with the Council's Mobility Housing Supplementary Planning Guidance.

These buildings shall not be used unless all inclusive access 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.

- 8 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 (details of which shall have been given prior approval by the Local Planning Authority), or

b) arrangements have been entered into to ensure the works are implemented before any of the apartments are occupied.

Highway Improvements:

- Review/promotion of Traffic Regulation Orders in the vicinity of the development site that might be desirable as a consequence of development (waiting/loading restrictions) entailing advertising, making and implementing the Traffic Regulation Order subject to usual procedures (including provision and installation of regulatory traffic signs and road markings in accordance with traffic signs, Regulations and General Directions 2002).
- A review of tactile paving and lowered kerb locations in the vicinity of the development site (and provision of new facilities where necessary) to assist pedestrians crossing the road and to fit with new pedestrian desire lines created by the development.
- Any other accommodation works to traffic signs, road markings, lighting columns, and general street furniture necessary as a consequence of development.
- Footway resurfacing and kerbing works (including street lighting) along the Russell Street and Alma Street frontage to the site in accordance with the Urban Design Compendium.

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.

- 9 Before the development is commenced, full details and status of the proposed access arrangements for the scheme, including swept paths for large service vehicles, geometric standards, materials/specifications, any drainage implication, any tactile paving, demarcation of highway boundary shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented and retained. Any changes to the layout and status shall have first been approved in writing by the Local Planning Authority.

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

- 10 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 cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the buildings 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 Core Strategy Policies.



- 11 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.

- 12 No development shall commence until full details of the following shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- Construction method statement.
- Site safety/hoardings.
- Any temporary site access for construction traffic.
- Location of site compound and temporary car parking arrangements for contractors.
- Haulage routes.
- Any times when construction works and movement of construction traffic will be restricted.

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

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

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

- 14 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.

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

The Travel Plan shall include:

- Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
- A package of measures to encourage and facilitate less car dependent living; and,
- A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
- Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.

- Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

- 16 Prior to the occupation of any building within the development, car park illumination shall have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

- 17 Notwithstanding the submitted plans, no development shall commence until full details of the permanent vehicular access arrangements to and from Alma Street and Russell Street have been submitted to and approved in writing by the Local Planning Authority. The required details include geometric standards, the width and margins of ramps, materials and specifications, any drainage implication, tactile paving, demarcation of highway boundary and the location and type of any vehicle barrier control mechanism. The access points shall be constructed in accordance with the approved details prior to occupation of each phase of the development.

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

- 18 Notwithstanding the submitted plans, no development shall commence until full details of all external illumination within the site boundary has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved details prior to the occupation of each phase of the development.

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

- 19 Prior to the first occupation of the development, full details of the management and allocation of the car parking spaces shall have been submitted to and approved in writing by the Local Planning Authority, and the approved arrangements shall thereafter be adhered to.

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

- 20 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of the approved noise survey of the application site by Noise Assess Ltd (ref. 10631.01.v3; June 2013).
  - b) Be capable of achieving the following noise levels:  
  
Bedrooms: LAeq (15 min) 30 dB; LAm<sub>ax</sub> 45dB - (23:00 to 07:00),  
Living Rooms: LAeq (15 min) 40 dB - (07:00 to 23:00),  
External Amenity Areas: LAeq (16 hour) 55 dB - (07:00 to 23:00).
  - c) Include a system of alternative acoustically treated ventilation and acoustic barriers, in accordance with the principals outlined in the approved noise survey.
- Before the scheme of sound attenuation 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 future occupiers of the building.
- 21 The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:
- a) Be based on the findings of approved noise survey of the application site by Noise Assess Ltd (ref. 10631.01.v3; June 2013).
  - b) Be capable of achieving the following noise level: Noise Rating NR45 (0700 to 2300 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations. [Noise Rating Curves should be measured as an LZeq (15 minute) at octave band centre frequencies 31.5 Hz to 8 kHz.]
- Reason: In the interests of the amenities of the future occupiers of the building.
- 22 Before the use of the development is commenced, a validation test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation test shall:
- a) Be carried out in accordance with an approved method statement.

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

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

- 23 Intrusive investigations as recommended in the approved 2004 ECUS 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 construction works commencing. 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.

- 24 Any remediation works recommended in the approved 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 construction works commencing. 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.

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

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

- 26 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into 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 Sheffield City Council 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.

- 27 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 buildings unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 28 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. The details shall include full design details of:

- a) All pedestrian and vehicle routes within the site boundary;
- b) All proposed public and resident spaces within the site boundary; and
- c) The proposed alterations to Alma Street

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.

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

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

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

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.

- 30 Prior to the development commencing on site, details of bat boxes, including locations on trees and/or buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

Reason: In the interests of Ecology.

- 31 A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of ensuring the long term maintenance of the public spaces within the site.

- 32 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

Reason: In the interest of satisfactory and sustainable drainage

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

Reason: To ensure satisfactory drainage arrangements.

- 34 The development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.

Reason: To ensure satisfactory drainage arrangements.

- 35 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied prior to the completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

- 36 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: To reduce the risk of pollution to the water environment.

- 37 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.

- 38 No windows serving the commercial floor space shall be blocked up, filmed over or otherwise rendered non transparent.

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

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. 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.

3. 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

4. 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.

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. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
7. 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.
8. 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

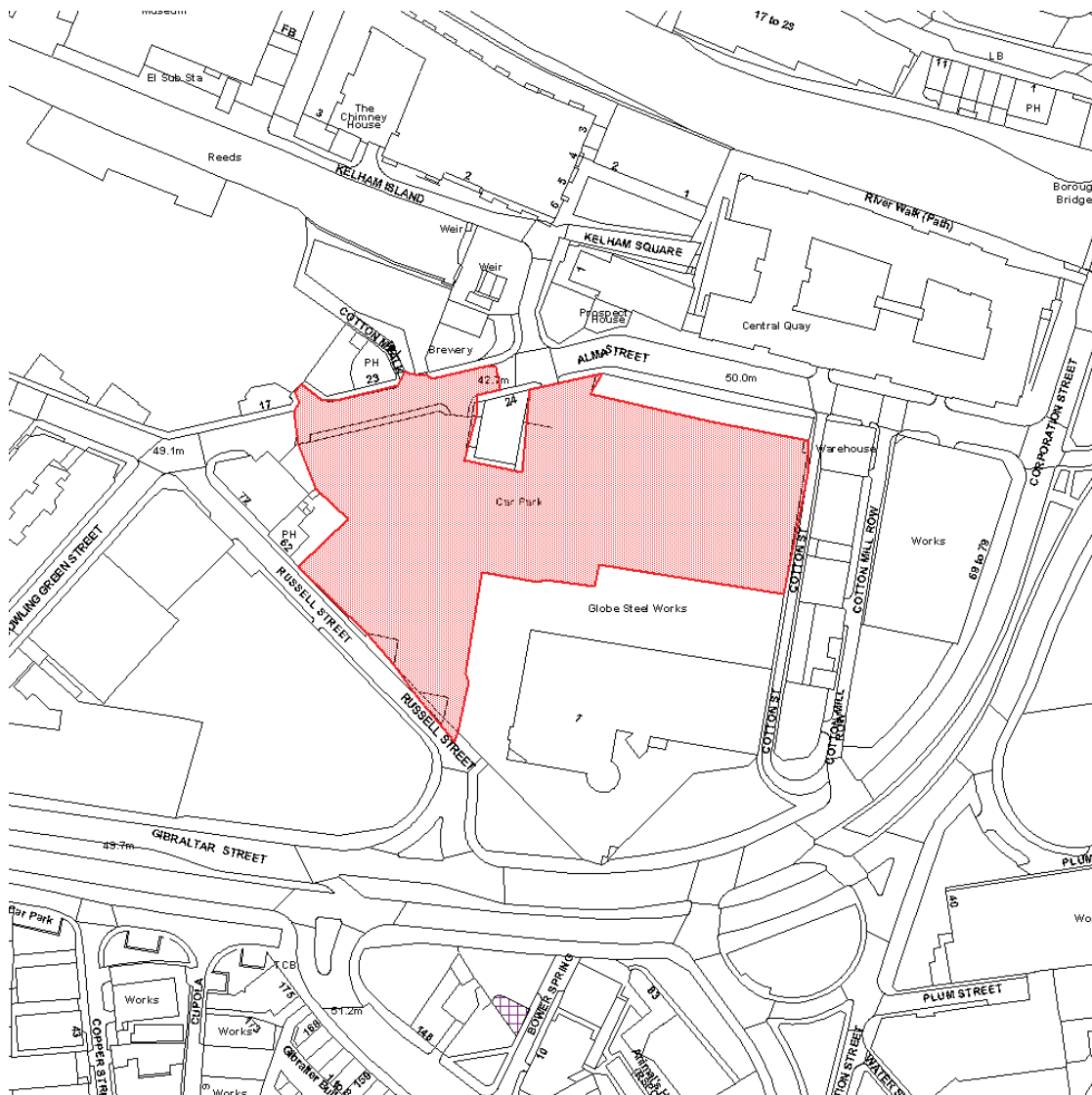


demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.

9. 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](mailto: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.
10. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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 comprises land that was previously occupied by the former Richardson's cutlery business in the Kelham Island Conservation Area. The site previously contained industrial, warehouse and office uses, which were all related to the cutlery business that operated from the site for many years. These buildings have now been demolished.

The application site is bounded to the north by Alma Street, to the south by Russell Street and to the east by Cotton Street. Surrounding land uses include:

- Alma Street: Globe Steel Works and Alms houses (commercial activity)

- Junction of Alma Street and Russell Street: Site of former Kutrite scissor factory, which has now been demolished and the site cleared pending future redevelopment into a mixed-use scheme containing 52 studio apartment units.
- Russell Street: Kelham Island Tavern (public house) and GB Eye Ltd. (poster manufacturer)
- Cotton Street: Atkinson Walker (commercial activity)

Opposite the site, across Alma Street, is the Fat Cat Public House (a three storey Grade II Listed Building), various residential apartment blocks at Kelham Riverside, and the entrance to the Kelham Island Industrial Museum. Also on Alma Street is the former MIBA Tyzack site that is being redeveloped, by the applicant (CITU), into the Little Kelham mixed use development (including 107 residential units). On the opposite side of Russell Street is a surface car park and beyond that the Inner Relief road.

Planning permission is sought for a mixed use development comprising of 98 residential units (23 x 1-bed apartments, 39 x 2 bed apartments, 27 x 3 bed apartments, and 9 x 4 bed townhouses), 731 square metres of B1 office space, landscaping and associated works, including 65 car parking spaces. As part of this proposal, the historic Kelham Street, which links Alma Street and Russell Street, will be reinstated. The proposal also creates a public space that will be situated at the western end of the site, leading from Alma Street, and intends to create a focal public space for the application site, Little Kelham and the surrounding area.

#### RELEVANT PLANNING HISTORY

The most recent, and relevant, planning history for this site relates to the use of the land for a mixed-use development, a temporary car park facility and enforcement issues.

#### Proposed Mixed Use Developments

2014: A mixed-use development was granted (ref. 13/01959/FUL). It comprised of the erection of 51 dwellings, 731.6 square metres commercial floorspace, reinstatement of Kelham Street, access, car parking, landscaping and associated works.

2006: A mixed-use development scheme was granted (refs. 04/04634/FUL and 04/04633/CAC). It comprised of the demolition of buildings, erection of 172 Residential units, and 1770 m<sup>2</sup> of Business Floorspace (Use Class B1) in buildings of 3, 4, and 5 storeys, reinstatement of Kelham Street and the provision of 116 car parking spaces.

2011: Planning permission granted to extend the time limit for the implementation of the above planning permission for a further 3 years (ref. 11/02904/FULR).

## Temporary Car Park

2009: A temporary planning permission (2 years) was granted for use of part of the land as a car park (ref. 09/03422/CHU). In 2012, an application to continue the temporary use of the whole site as a long stay car park was refused (ref. 12/02490/CHU). This decision was appealed but the Planning Inspectorate upheld the Council's decision in October 2013.

## Enforcement History

2012: An Enforcement Notice was served on the site owner following the demolition of a wall on the Cotton Street boundary and subsequent creation of a new access/egress point for the car park. In 2013, an Enforcement Notice was served on the site owner, which required the cessation of the car park following the 2012 refusal. An appeal in relation to both notices was dismissed in October 2013 and the Enforcement Notices upheld. As a consequence, the car park use ceased and the wall re-built.

## SUMMARY OF REPRESENTATIONS

The application has been advertised by site notice, neighbour notification and press advertisement. In total, 10 representations have been received and these are all from the following businesses that surround the application site and local residents living nearby:

### 1. AW Tools - Neutral Comment

- Occupy Globe Steel Works and own the Alms Houses.
- Concern about impact of the development namely on the access to their business and tenants.
- Require regular daily access for vehicles and movement between the two buildings (including fork lift trucks). Occupiers of Alms Houses (3 tenants) also require access to the rear of the properties.
- The proposed layout and road design (including one way) is a concern because of conflict between businesses and future residents both in safety and highway access terms.
- Making the approach to the car park via Kelham Street would appear to be a more acceptable, workable and safer option.

### 2. Camrose Walker Limited - Neutral Comment

- Refer to Atkinson Walker on Cotton Street and its process of manufacturing circular saws - some relatively high noise levels are unavoidable, including an automated process sometimes operating through the night.
- Concern expressed about how this development will impact on the smooth running of the company.
- Refer to previous planning permissions and request that similar conditions are imposed to ensure that acoustic measures are incorporated to protect the properties.

### 3. Local Resident of Nearby Apartment - Neutral Comment

- Neutral comment. Generally in favour of the proposal development as it appears to be high quality and a substantial improvement on the empty plot of land.
- However, substantial concerns about the amount of parking allocated to properties on the site. As most of the recent housing developments in the Kelham Island area have fewer parking spaces than there are properties, it is already very difficult to park a car on the highway in the evenings in the area when residents tend to be at home. This development would undoubtedly add to the problem.
- Concern about newspaper reports that it is proposed to make Russell Street one way. This would make access to/from Kelham Island for residents more inconvenient and could potentially also reduce the number of existing highway parking spaces.

### 4. GB Eye Ltd. (x2 - both Owners) - Objection Comment

- The proposal will create a poor relationship between the existing and proposed uses, which may lead to the tenant vacating the building. Likewise, it may put off future occupiers.
- Noise and disturbance concerns, including:
- Deliveries and dispatches occur at antisocial times of day/night/weekends when deadlines dictate. Vehicles used for the servicing are large articulated lorries which generate a high level of noise, disturbance and smells (diesel engines).
- Concern that noise will attract complaints from the houses, which have openable windows to habitable rooms within proximity of the shared boundary of, and face directly onto, the service yard where all deliveries and dispatches occur.
- Light Concerns:
- Concern that residents will complain about light penetration to their bedrooms from the company's very powerful and bright floodlighting to the service yard. Proposed windows to bedrooms on the proposed plans are shown facing directly onto this area, just 6.0m away from it.
- Partial Closure of Russell Street:
- Concern about the implications on access to and from the premise and the effect their tenant's ability to run their business.
- Blighting the site:
- The close proximity of new houses to the shared boundaries means that any plans to develop the land for residential use will be restricted.

### 5. Kelham Island Tavern (x2 - business and resident) - Objection Comment

- The mixed development of both flats and townhouses will lead to an increase in a transient community living in the area that will lead to a high turnover of residents in the smaller properties. This will lead to the area becoming an urban ghetto with little community participation as opposed to the urban village the council had promoted.
- The proposals do nothing to enhance the Kelham Island Tavern or conservation area, contrary to Policy BE16 and BE19.
- The design of the development, including size/scale/appearance/materials.

- The major impact on the pub's award winning beer garden and residential quarters at first floor level. The proposals will overshadow the space. Newer developments will have access to open plazas and external areas allowing them to gain extra trade in the summer months.
- The previous approved plans for this site did more to improve the overall setting of the premises.
- The plans omit certain key buildings and areas.
- The low level of car parking proposed. There should be a higher provision, closer to 135.5 as suggested by the guidance given in section E2 of the Local Plan. There is no parking provision for the commercial units.
- The car park opposite the site is not Council owned, as suggested in the submission, but a private company who actively discourage visitor car parking.
- The current development plans would severely encroach on privacy of the flat at first floor level. The proposed third floor roof area on Block D will give residents a direct view into the flat's private areas (Kitchen, Bathroom and garden space).
- The noise and disturbance from terraced areas as well as the safety of it for residents.
- Russell Street becoming a one way street.
- Suggestions made about how the scheme could be improved.

6. Perry Glossop and Co. (Furniture Maker) - Objection Comment

- Impact on access to workshop premises as well as parking, deliveries, post and visiting customers.
- Processes used to manufacture operate at a high noise level.
- The workshop occupied is in a historical building that adds character to the area of Kelham Island, will the height of the proposed building be detrimental to the area and the existing historical buildings.

7. Local Resident of Nearby Apartment - Objection Comment

- The proposal is out of keeping with the Conservation Area. The scale will dwarf surrounding buildings and impact on the character provided by the original historic buildings.
- The development will spoil and obscure the two award-winning historical local pubs.
- Parking plans for the future residents appear to be inadequate. An existing problem and the current streets, particularly Alma Street, is already congested.

8. Other Interested Party - Objection Comment

- Objection. The proposed development is out-of-keeping with the Conservation Area.

Conservation Advisory Group

No formal comments have been received by the Group at the time of writing this report. The scheme was presented to the group on 20th January and the minutes

of the meeting are awaited. It is anticipated that these comments will be presented in a Supplementary Report.

## English Heritage

English Heritage have provided an initial summary of their comments and officers have met with them to discuss the scheme. Their formal comments have not been received at the time of writing this report and will be presented in a Supplementary Report but their initial summary is as follows:

“Kelham Island is one of the most interesting and significant conservation areas in Sheffield and it is where English Heritage has been active both giving grant aid for building repairs and offering planning advice. The area contains nationally important examples of metal trades and associated buildings, which in the immediate vicinity of the development site include Green Lane Works, the Kelham Island Museum and the Fat Cat Public House.

We consider there are elements of the submitted scheme that could respond more strongly to the character of the conservation area, to ensure that the scheme would preserve its character and appearance. In particular, the height and roofline of block B. We do however recognise that there are benefits to the scheme, including providing new housing, creating new public open space and returning some density to this part of the conservation area.

We recommend that you weigh the harm that would be caused by the form of block B against the public benefits of the scheme as a whole. We consider the scheme could be strengthened and the harm reduced by a better articulation of the roofline of block B- either by stepping back the fifth storey where it faces onto Alma Street, or altering the fifth storey so that it reflects the variety of pitches of roof seen throughout the conservation area.

The application should be determined in line with paragraph 134 of the NPPF, bearing in mind the statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the Kelham Island Conservation Area (s.72, Planning (Listed Buildings and Conservation Areas) 1990). Materials will be critical to the success of the scheme. If consent is granted for this application we strongly recommend a red brick appearance for blocks A and B and high-quality materials for the rest of the blocks, which should be conditioned for approval of samples.”

## PLANNING ASSESSMENT

The principle of a mixed-use development, including residential apartments, has previously been established under the extant permissions described above.

### 1. Land Use Issues

#### Unitary Development Plan (UDP)

The application site is located within a General Industry Area as defined in the UDP. Policy IB5 'Development in General Industry Areas' states that housing (use class C3) is an unacceptable use for these areas. Therefore, the proposal represents a Departure from the UDP and it has been advertised accordingly.

However, the industrial/commercial character of this part of the Kelham/Neepsend area has been significantly diluted by non-industrial development in recent years. The area is evolving and a number of large, predominantly residential developments have been approved around the application site. There are now alternative policies and ideas for the area, as described below. As such, the vision for the area has changed significantly since the UDP designation and because of this, Policy IB5 carries little weight.

### Core Strategy

The Core Strategy provides the overall spatial strategy over the period 2008 to 2026. This document was published in 2008 and contains updated policies and new visions for the City. Indeed, there are now policies supporting the changes that have occurred around the application site and actively encourage new housing in the Kelham/Neepsend area and discourage the expansion of manufacturing and industry. These are discussed below:

Policy CS 6 'Manufacturing and the City Centre' states that manufacturing in the City Centre transition areas should not expand where it would detract from the regeneration of the centre and it will be encouraged to relocate, provided that suitable alternative sites and premises are available in the city. Transition areas include part of Kelham/Neepsend.

Policy CS 17 'City Centre Quarters' sets out the distinctive and fundamental roles of different 'quarters' of the City Centre and expects that these be consolidated and strengthened. Part j. refers to Kelham/Neepsend and indicates that it is becoming a focus for new riverside housing and jobs with the Inner Ring Road being a catalyst to redevelopment. It also acknowledges that existing small businesses will continue to perform an important economic role for the City as a whole.

Policy CS 27 'Housing in the City Centre' identifies locations for further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses. Part a. refers to the Kelham/Neepsend area.

Policies CS 22 'Scale of the Requirement for New Housing', CS 23 'Locations for New Housing' and CS 25 'Priorities for Releasing Land for New Housing' all promote residential development in Sheffield in appropriate and sustainable locations in order to assist the delivery of suitable sites for housing within the City over future years.

Overall, in relation to land use, the application proposal is considered to be consistent with the aims of the SDF Core Strategy.



## Draft City Policies and Sites Document

The draft Sheffield Local Plan City Policies and Sites (Pre-Submission) document identifies the site as being within a Central Housing Area, which is a new proposed allocation area. It should be noted that this Local Plan has not been submitted for final approval and it is not an adopted document. Its content has limited weight because it is a draft but it helps to demonstrate the future aspiration for the site and area. Overall, the application proposal is considered to be consistent with the emerging aspirations of the Draft City Policies and Sites Document.

## Kelham Neepsend Action Plan (2008 - 2018)

This document sets out the Council's vision for the area and presents an opportunity to manage, at a finer grain level, the transition from the UDP to the replacement Local Plan. As such, the land use allocations for the purpose of the delivery of this action plan's objectives follow the land use principles being established by the new Local Plan.

At Kelham Riverside, it is recognised that the majority of available sites in the area have already been developed for housing, or have approval for residential development. Therefore, to maintain a commercial presence in the area it is encouraged that proposals for large scale and single-use residential development in the area be resisted unless there are demonstrable heritage benefits.

The application is a mixed use development and although the number of residential units outweighs the commercial floorspace proposed, it is considered that the heritage benefits of achieving new development on this derelict site in the Conservation Area is the overriding consideration in this instance. There is also an overriding need for new housing given a current lack of a 5 year supply.

## National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how they are to be applied. The key goal is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

Therefore, there is considered to be sufficient national and local policy (including emerging policy) as well as an action plan to support the mix of proposed uses at this site.

## 2. Density Issues

The proposals meet the objective of Policy CS 24 (Maximising the Use of Previously Developed Land for Housing' as well as Policy CS26 (Efficient Use of Housing Land and Accessibility) which requires a minimum density of 70 dwellings per hectare in the city centre. The proposed development has a density of approximately 108 dwellings per hectare.

## 3. Mixed Communities

Core Strategy Policy CS 41 (Creating Mixed Communities) encourages development of housing to meet a range of housing needs. Policy CS41 (a) promotes a mix of housing types and tenures in 'larger developments' (60 or more new dwellings) by stating that no more than half the homes should consist of a single house type. A single house type is defined as one with the same number of bedrooms and of the same design or generally similar characteristics.

With 98 residential units of varied size and type, the proposal meets its requirements of CS 41 (a). There are four different house types proposed with a mix comprising of 23% 1 bedroom apartments, 40% 2 bedroom apartments, 28% 3 bedroom apartments, and 9% 4 bedroom townhouses.

## 4. Design Issues

In terms of design, UDP Policy BE5 (Building Design and Siting) expects good overall design and the use of high quality materials. Original architecture is encouraged, but new development should also complement the scale, form and architectural style of surrounding buildings. Core Strategy Policy CS 74 (Design Principles) reiterates the expectation of high quality design as well as recognising that new development should take advantage of and enhance the distinctive features of the city.

With regard to the historic setting, UDP Policy BE16 (Development in Conservation Areas) requires new development to preserve or enhance the character or appearance of the conservation area. Similarly, UDP Policy BE19 (Development Affecting Listed Buildings) states that the proposals affecting the setting of a listed building should preserve the character and appearance of the building and its setting.

As per the applicant's Little Kelham development, the proposed development of 98 dwellings is a very modern intervention in an area characterised by traditional industrial architecture.

The proposal will replace a vacant parcel of land, which currently detracts from the special and historic character of the area. The development is welcomed, in principle, because it will repair the conservation area in a way that reflects its industrial heritage and introduce a range of contemporary buildings and new uses that will enhance Kelham Island and further establish its community.

Overall, for the reasons set out below, whilst there are some concerns, the design approach is considered to be acceptable and broadly in accordance with the relevant policies described above subject to some final adjustments to the proposed materials (still under discussion) and to the imposition of conditions to secure control over the quality of the development.

### Proposed Architecture

The new residential accommodation is provided in a range of house types, including:

#### - Apartments

There are a total of four apartment buildings ranging between three and five storeys high. The apartments all have flat roofs and vary in shape/size according to their position on the site.

The apartment building at the centre of the site, which is triangular in shape, is proposed to be a "centerpiece" for the scheme - addressing Alma Street, Kelham Street and the new pedestrian route. Architecturally, it is considered that this is the most interesting of the apartment buildings and it will be eye-catching due to its shape, recessed balconies and curved corners. The building is 5 storeys high and proposed to be constructed from red brick, metal and large expanses of glazing.

The remaining three apartment blocks have a different appearance to the "centerpiece" building but they are similar to each other in design. They all have a grid arrangement and the blocks on the Russell Street frontage propose external shutters on their elevations to protect/shade the recessed balconies. The final external materials for these blocks are under discussion, but will be either brick or metal clad to reflect the characteristics of this industrial conservation area.

#### - Garden Houses

The three storey Garden Houses have three floors of residential accommodation, first floor gardens and side gardens provided above a garage. The gardens are enclosed on all sides by a wall and the properties have distinctive saw tooth style roofs that are characteristic of some industrial buildings of the past.

#### - Townhouses

The townhouses are three and four storey dwellings arranged in two terraced rows with their rear boundaries joined together to create one large rectangular building. The gardens are enclosed and arranged so that they are all south facing. The ground and first floors are proposed to be constructed from a dark profiled steel cladding material which wraps around the entire building and is intended to reflect the industrial context. The upper floors (floor 3 and 4) will be constructed from a contrasting material, proposed to be either reglit glass, fibre cement tiles or zinc cladding.

## Proposed Layout

The application proposal can be described in two parts (west and east).

The new buildings at the western half of the site are arranged around existing Alma Street and Russell Street, which border the site to the north and south respectively. Buildings will also address Kelham Street, a historic street that will be re-introduced and link Alma Street/Russell Street to recreate the historic street pattern and improve permeability through the area. Kelham Street is intended to be a one-way vehicle route, designed as a shared space to allow controlled vehicle movements through the site (servicing, cars, deliveries) whilst encouraging priority for pedestrians.

Also at the western end, it is proposed to introduce a new pedestrian street, which will run along a north-west to south-east axis and link Alma Street to Kelham Street as well as link the application site to the adjacent Little Kelham. All of the new buildings on the western half of the site surround this route but they have intentionally been arranged in such a manner as to create space, which is proposed to become a central "public square" at the Alma Street end of the route. The applicant hopes the space will encourage public activity/interaction and become an attractive focal point of their developments on either side of Alma Street as well as an asset to the wider Kelham Island community.

The buildings at the western end range between 3 - 5 floors high and are predominantly apartment buildings with business / commercial space at ground floor level to encourage people to/in/through the development.

The new buildings at the eastern half of the site will be the townhouses. These are essentially contained within one large rectangular shaped building including undercroft resident parking, 3 - 4 levels of accommodation and elevated private gardens. The front door to each townhouse will be accessed via one of two "mews style" streets, which run along the north and south elevations and provide separation distance between the Alms houses and GB Eye Ltd., respectively.

Finally, a second public space to the south of the existing Globe works building adjacent to Kelham Street is proposed. This is a small terraced space that will be overlooked by a number of the proposed dwellings.

## Proposed Scale

The proposed scale ranges between 3 and 5 storeys, which is consistent with the guidance set out in the City Centre Urban Design Compendium; this recommends that building heights should range between 2-5 storeys with taller buildings situated along the Inner Ring Road to help reinforce the gateway route.

The apartment buildings surrounding Alma Street/Russell Street/Kelham Street are predominantly 4 and 5 storeys high but they do step down to 3 storeys adjacent to the Kelham Island Tavern in an attempt to respect the scale and character of this existing building and streetscene. Whilst there are some concerns that the 5 storey elements are quite high on Russell Street, they are on balance considered

acceptable because buildings of similar scale and building height have previously been allowed on this part of the site as well as on surrounding adjacent sites. This site is also on the edge of the conservation area rather than in its heart.

The proposed scale of Block B, at 5 storeys, and its position/relationship to the Fat Cat PH on the opposite side of Alma Street, is challenging and represents a deviation from the back edge of footpath form evident through the conservation area. However, the applicant has made a well-considered case as to why this should be accepted, given their aspirations to provide a community focal point between this and the Little Kelham development and outside the Fat Cat Public House. The form and position of the development is such that there is considered to be sufficient distance between the buildings (17m minimum), while the 5 storey design will help to retain a sense of enclosure for the street and proposed public space.

The Garden Houses and Townhouses range between 3 and 4 storeys high. The scale of the buildings is considered to be acceptable. The terraced "block" is the largest building on the site and contains 30 individual properties; those on the southern side of the block are 3 storeys whilst those on the northern side vary between 3 and 4 storeys. The relationship to surrounding existing buildings is considered to be acceptable.

#### Materials

Whilst the scale, layout and design of the buildings and spaces is considered to be acceptable there are some ongoing discussions in respect of the final external materials on individual blocks within the scheme as officers have raised some concerns about the limited use of red brick on the apartment blocks. It is anticipated that these discussions will be concluded ahead of the meeting and that the final external materials will be presented in a Supplementary report to committee.

#### 4. Sustainability Issues

Core Strategy Policy CS64 relates to 'Climate Change, Resources and Sustainable Design of Developments' and requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new significant developments (5 dwellings or more) should achieve Code for Sustainable Homes Level 3, or equivalent.

The design of the development adopts a 'fabric first' approach and is a highly sustainable proposal. The orientation of dwellings and use of large openings optimises passive solar gain to the front and rear elevations. The construction model takes into account the merits of air tightness, thermal performance and energy efficiency. It is advised that the applicant has experience of delivering thermal efficiency through the delivery of schemes elsewhere, including Little Kelham development which is currently the largest single residential development in the UK utilising passive house principles.

A reduction in on site potable water use is proposed to be addressed through a variety of initiatives. Rainwater harvesting systems will be incorporated where appropriate, along with water efficient appliances and rainwater collection systems.

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

The proposed development includes renewable energy generation onsite from roof mounted solar panels on all of the proposed buildings to generate the energy for the domestic hot water. The fabric performance and passive design means that additional energy is not required for space heating but should residents require a 'heating boost' the proposed design will use the domestic hot water as a thermal store. The south facing roofs have been designed to optimise the pitch and orientation for solar panels or solar thermal installations, which will assist in the generation of site-wide energy.

Using these proposals, the applicant states that the proposed scheme will provide a minimum of 10% of the development's predicted energy needs from decentralised renewable energy, and 20% overall reduction of predicted carbon dioxide emissions.

From the evidence submitted, it is considered that the proposals will deliver significantly more than the minimum requirements of CS 64 and CS 65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into large scale developments, if appropriate. Despite requests by officers, there are no green roofs provided as part of this development, but given the other sustainability credentials of the buildings it is considered that the failure to provide green roofs is not such a significant issue in this instance.

## 5. Amenity Issues

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

The proposed scheme comprises of high density urban housing on an irregular shaped site, which is surrounded by other existing commercial land uses that are outside the applicant's control. As such, it is considered that suburban levels of separation between habitable room windows (21 metres) and generous garden sizes (50 square metres) cannot be reasonably expected at this site. Indeed, to require such standards would wholly change the development character of the site and the conservation area and is as such unrealistic.

For the reasons set out below, it is considered that acceptable living conditions will be achieved.

## Privacy

It is considered that the privacy levels achieved across the site are comfortable and will be sufficient to ensure that the future amenity of residents is maintained in a manner that can be reasonably expected at this location. Suburban levels of separation cannot be expected but it is considered that the relationship between the dwellings is consistent with the character of many traditional terraced streets in Sheffield. These distances are considered to be acceptable for the location and given the design/layout of the new buildings it is not expected that they will prejudice the future redevelopment of these adjacent sites.

In terms of the development's relationship to existing residents, it is considered that the scheme will not have a detrimental amenity impact on the closest existing properties, which are the living quarters of the Kelham Island Tavern PH and the Fat Cat PH. Privacy distances and orientation are such to ensure that the residents' existing amenity will not be compromised in an unsatisfactory manner. In direct response to the overlooking concerns raised by the occupier of the flat above the Kelham Island Tavern, officers are currently liaising with the applicant and have requested that the parapet surrounding adjacent terraces be increased to restrict views across to their habitable space.

## Outdoor Amenity Provision

The character of the external amenity spaces for residents varies across the site but all properties benefit from either a roof garden, terrace or balcony space. Given the contemporary urban character of this development, it is concluded that the amenity spaces proposed are acceptable and consistent with policy aspirations for City Centre living. It is considered that people who wish to occupy a property with traditional suburban gardens and conventional outdoor space would not be attracted to this location.

## Surrounding Environment

A noise report accompanies the application and identifies that the site is largely affected by noise from the surrounding local industrial/commercial sources as well as traffic. However, the report concludes that the measured noise levels at the site are generally low and it is accepted that good internal noise levels can be achieved through a scheme of sound attenuation works. These include sufficient boundary treatments, appropriate construction techniques, passive acoustic ventilation, and appropriate glazing.

The Environmental Protection Service has considered the content of the submission, as well as the objections raised by the adjacent premise at GB Eye Ltd (see 'Response to Representations' section below), and is happy with the proposal and noise report's recommendations, subject to the final details of the proposed acoustic measures and subsequent validation of the installed works being reserved by condition.

## 6. Archaeology Issues

UDP Policy BE22 (Archaeological Sites and Monuments) states that such features will be preserved, protected and enhanced. Where disturbance of an archaeological site 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.

Officers know, from work carried out as part of the extant planning consent at this location, that the site has a long industrial history and that this left archaeological evidence. Indeed, a 2007/2008 evaluation to test the extent of archaeological survival on the site revealed industrial remains dating back to the 17th Century and evidence of 19th Century terraced housing. As a consequence, an excavation strategy to investigate both the area of former housing and the complex industrial archaeology on the site was agreed between the owner and South Yorkshire Archaeology Service. This work was carried out in 2007 but has never been reported on nor findings published and archived in a museum. Given the significant archaeology revealed on the site it is obviously important to ensure that the programme of archaeological works is completed satisfactorily.

Therefore, and in order to comply with Policy BE22, it is recommended that the outstanding important archaeological works be agreed, fulfilled and completed in accordance with a Written Scheme of Investigation that will be secured by condition. No development will be allowed to occur until the WSI has been agreed and the development shall not be brought into use until its strategy has been fulfilled.

## 7. Highway Issues

UDP Policy IB9 (Conditions on Development in Industry and Business Areas), part (f), states that new development or change of use will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking. Core Strategy Policy CS23 (Locations for New Housing) states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainably located sites. Core Strategy Policy CS53 (Management of Demand for Travel), part b., encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

The 98 dwellings proposed are served by 65 car parking spaces, which are provided in a variety of ways; mainly in the form of a secure and dedicated undercroft parking area (56 spaces) and 3 integral garages as well as 6 external spaces at street level. This parking ratio is less than 1 space per unit and is actually 60%, which is quite low given that the scheme includes a variety of properties that are large enough to be attractive to families

The objections received about car parking problems in the area are noted and it is acknowledged that vehicles park on the surrounding highway network, which as a result can become congested. However, the site is within the boundary where city



centre parking standards should be applied and these do not encourage high levels of car parking in order to not overload the highway network and add to congestion.

In support of the relevant policies, the car parking guidance set out in Guidelines 14 and 15 of the 'City Centre Living Strategy' Supplementary Planning Guidance (SPG) document state that residential development that do not have car parking facilities will be acceptable in the City Centre as long as it provides parking for disabled residents/visitors and cycle parking (Guideline 14). If there is sufficient space then off-street parking at a rate of up to one space per unit will be permitted.

The site has a sustainable urban location offering a choice of means of transport. It is within a 400m walking distance of the bus stops on Gibraltar Street and Mowbray Street. These bus stops are on the Core Public Transport Network and provide site users with access to a good range of other public transport facilities. The Shalesmoor tram stop is within proximity of the site and provides services to a variety of areas and their amenities, including the City Centre, Sheffield Station, both universities, Meadowhall, Crystal Peaks and Hillsborough.

In terms of promoting sustainable means of transport, the applicant has stated that they will provide live RSS feeds for local public transport (bus/train times etc.) within a dedicated smartphone/tablet "App" that will be available to each resident/occupier. This "App" will also include a car sharing facility that will be available to residents. The applicant has also met with the City Car Club and intends to actively promote their existing space on Dun Street.

In light of the above, it is recommended that the low level of car parking proposed be accepted at this location, as per other developments in the City Centre. It is considered that the level of car parking is in accordance with the spirit of planning policy and guidance, which are designed to encourage sustainable forms of travel and reduce congestion in the City Centre. Conditions are recommended to ensure that the proposed transport initiatives are fulfilled (including the submission of a Travel Plan) and prevent future residents being eligible for permits as part of any future local authority permit scheme, unless disabled (to ensure that future residents take up the on-site parking provision proposed).

Some changes are proposed to the carriageway on Alma Street, between this development, the Fat Cat PH and the Little Kelham scheme. This is essentially a traffic calming proposal, which is to be welcomed in principle and will reduce speeds along this street at a time when the pedestrian population is increasing and will result in highway safety improvements. The final details are reserved by condition.

## 8. Public Art Issues

UDP Policy BE12 (Public Art) encourages the provision of works that can be readily seen by the public and can be an integral part of the design of major developments. The applicant has indicated a willingness to integrate public art within the development and given the proposed relationship with the adjacent Little Kelham site it is proposed that an integrated public art scheme be created. Given

the size and nature of the proposal it is considered that there are ample opportunities to integrate public art into the scheme and, in particular, there is an opportunity to include a significant and relevant Public Art scheme as part of the new public space. Given the work that is being undertaken by the applicant at Little Kelham, officers welcome the intention to combine the Public Art elements from both developments.

Subject to an acceptable scheme and implementation to good effect, which will be secured by condition, it is considered that the proposal will comply with Policy BE12.

#### 9. Flood Risk Issues

The application site falls within Flood Zone 2, which means that it has a medium risk of flooding. Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding. The policy permits housing in areas with a medium flood risk probability, subject to a Sequential Test being passed and an acceptable Flood Risk Assessment.

The Sequential Test for this site is considered to be satisfactory. It demonstrates that there are no other reasonably available sites, which offer a lower probability of flooding in the Kelham/Neepsend area.

The Environment Agency has raised an objection because the development did not provide appropriate finished floor levels using the most up to date modeled data and surface water mapping. Furthermore, it was identified that there was a need to consider the requirement for flood warning. The applicant has liaised with the Agency and responded to these objections by confirming that all finished floor levels now exceed the minimum requirement and that they will opt into the flood warning system.

Following this work, it is anticipated that the Environment Agency will remove its objection. The Agency has been consulted on the changes and has confirmed verbally that the changes are now acceptable, but a formal response has yet to be received at the time of this report's publication. Members will be updated about this issue at the Planning Committee meeting.

Surface water drainage from the application site will be subject to a reduction of at least 30% compared to the existing peak flow. This requirement is consistent with Policy CS67, which seeks to ensure that new developments significantly limit surface water run-off.

#### 10. Ecology Issues

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

The existing site is vacant with no buildings or landscape features of value. As such the proposed development will not be detrimental to nature conservation. In order to improve biodiversity, it is recommended that artificial bat boxes (minimum of 10) be integrated into the development to encourage retention and longevity. The final design, position and evidence of implementation will be secured by condition.

The proposal is considered satisfactory in terms of Policy GE11.

#### 11. Landscape Issues

UDP Policy BE6 (Landscape Design) expects good quality landscaping in new developments and refurbishment schemes.

The proposal is predominantly hard landscaped; the streets and spaces will have minimal street clutter and landscaping will be restricted to a few well placed trees, planters and seats. Garden amenity spaces will not be very visible in the streetscene owing to their elevated position at first floor level. The proposed landscape approach is considered acceptable because it reflects the industrial character of the area.

The applicant proposes to use the primary material palette (as specified in the Urban Design Compendium) to Alma Street/Russell Street as well as the new pedestrian routes/spaces running through the scheme. It is also proposed to use traditional cobblestones at key street junctions and to define vehicle routes in the development. These proposals are welcomed and will be positive additions to the Conservation Area.

The main road surfaces on Alma Street and on Kelham Street will be constructed from materials to be agreed with the Council prior to installation. The applicant would like to continue the materials palette from Little Kelham and they are keen to change the nature of the road surface on Alma Street, in front of the proposed public space and Fat Cat PH, in order enhance this space and create an improved integration between the existing and proposed uses on either side of Alma Street. The principle of this idea is supported but it is considered that success of the space will be dependent upon the final details, include specification of materials, accessibility issues, highway issues and overall execution. These details will be secured by condition.

Subject to conditions, the landscape ideas are considered to be acceptable in terms of Policy BE6.

#### 12. Affordable Housing Issues

Core Strategy Policy CS 40 (Affordable Housing) states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it supports Policy CS40. IPG Guideline 2 identifies the site as being situated within the 'City Centre' Affordable Housing Market Area where there is no contribution required

towards affordable housing provision. Therefore, there is no affordable housing proposed as part of the application, which is satisfactory in terms of Policy CS 40 and the updated IPG.

### 13. Mobility Housing

UDP Policy H7 (Mobility Housing) seeks to ensure that a proportion (usually 25%) of mobility housing will be encouraged as part of new developments except where the physical characteristics of a site or existing buildings make it difficult. In this case 13.5% of properties (13 dwellings) have been identified as mobility houses. Despite requests by officers to increase the quantity closer to 25% this has not been offered, which is disappointing although it is welcomed that the housing types to be designated as mobility units are a combination of houses and apartments.

The percentage shortfall is not considered to be a sufficient reason to refuse the application having regard to the fact that it is not an absolute requirement in policy terms (seeking to encourage rather than require). It is acknowledged that the characteristics of the site - namely the irregular shape and surrounding context - mean that achievement of a suitable layout within the Conservation Area setting has proved challenging. Furthermore, it is noted that the previous 2014 approval at this site only achieved the same proportion of units (13.5%) and, therefore, it could be argued that the principle of a lower percentage of mobility accommodation has already been established at this site.

It is concluded that the positive benefits of redeveloping this derelict site outweigh the shortfall in this instance. The final details of the mobility units and mobility provision across the site will be secured by condition.

### 14. Education Provision

UDP Policy CF5 'Community Benefits' states that planning obligations will be sought where they would enhance development proposals, provided that they are necessary, relevant and directly related to the development.

It is recognised that new housing developments may exacerbate demand on existing community facilities, including schools. As a result of population growth, it is advised that the catchment schools (Netherthorpe Primary School at primary level and Tapton School at secondary level) are already at capacity. There is also expected to be a shortfall in the supply of school places in the wider area. Therefore, the School Organisation Team considers that a claim is justifiable for a Section 106 contribution against all dwellings in the development (2 beds and above) for both primary provision, at £2548 per dwelling, and secondary provision, at £2743 per dwelling.

There is, however, an extant consent for 172 one and two bedroom apartments on the application site with no related contribution toward education provision. It is also considered that the proposed two bed properties in this location will generally appeal to couples and single households rather than families. In light of this circumstance, as per the 2014 application at this site, it is considered appropriate to omit the proposed two bedroom dwellings from the calculation of contributions

towards education provision and, on this basis, the applicant is required to pay to the Council the sum of £190,476 and this will be secured by the applicant entering into a unilateral undertaking. The monies will be spent on primary and secondary provision.

## 15. Open Space Enhancement

UDP Policy H16 (Open Space in New Housing Developments) requires the developer to either, make a contribution towards the provision or enhancement of public space on or within the vicinity of the application site, or provide open space on the site itself. The Supplementary Planning Guidance (SPG) document 'Open Space Provision in New Housing Development' (updated 2014) is relevant and supplements Policy H16. Given that the site is defined within the City Centre the 'City Centre Living' SPG (updated 2014) is also relevant.

Guideline 12 of this SPG states that new city centre housing developments for developments of eleven or more dwellings will be expected to provide: a) courtyards, or green spaces or roof gardens, screened from street noise, where possible; and b) high quality multi-purpose open space which the residents and the public can use. In order to provide open space available to the public, developers will be expected to i) make a financial contribution to the City Council towards provision or enhancement of open space in line with the City Centre Breathing Spaces Strategy; or ii) provide appropriate publicly accessible open space as part of their development which would complement the city centre open space strategy as set out at Appendix C of the City Centre Breathing Spaces Strategy.

In financial terms, if no public open space was to be provided on site, the open space contribution for this scheme equates to £108,041.85. However, this proposal includes the provision of public spaces within the development instead of providing a financial contribution. It is confirmed that the spaces will be multi-purpose in use and available for use by existing residents and the public. It has also been demonstrated that the spaces and pedestrian areas will exceed more than 10% of the overall site area (a requirement of Policy H16).

Given the size of public spaces proposed within the scheme and the anticipated benefits of such space, as well as the desire to see them being constructed to the highest quality possible, it is considered that this proposal is an acceptable way forward, under the terms of Policy H16 and relevant SPGs. The space is not a current or identified open space project identified in the Breathing Spaces Strategy, but it is envisaged that space will add to the network of spaces in the city centre and be akin to a "pocket park" space that is beneficial to the development and the Kelham Island community overall (including its visitors, historic buildings and conservation area setting).

The provision of this high quality public open space (proposed to be finished in predominantly York Stone) with feature trees will be secured through conditions and through a clause in the proposed legal agreement to ensure its long term maintenance and management.

## RESPONSE TO REPRESENTATIONS

### 1. Response to concerns about access:

With regard to the main concerns about access, the applicant has clarified that they will own the land that is contained within the red line boundary. Therefore, issues regarding rights of access/egress are considered to be a private legal matter between the Owner of the site and the business users who have a right of access across it. In light of the comments received, the applicant is currently considering that layout of this space outside the delivery entrance to AW Tools in order to ensure that appropriate access is achieved.

The plans have been amended to allow a controlled access onto Cotton Street for the tenants of the Alms Houses (only). It is anticipated that this will be controlled by a barrier system that will allow very restricted access to the rear of the Alms Houses and Cotton Street.

### 2. Response to concern about noise and disturbance:

As explained in the report, despite the close proximity of surrounding businesses, the Environmental Protection Service is confident that the proposed and existing uses can be situated adjacent to each other without significant problems. As per previous applications, appropriate noise conditions are recommended to ensure the properties are constructed to a suitable specification in order to protect the amenity of future residents.

Additionally, the applicant has advised that they intend to follow the same façade acoustic design strategy as at the Little Kelham development. It is intended to use triple glazed windows without trickle vents and a Mechanical Ventilation with Heat Recovery strategy, which promotes insulation and air tightness.

### 3. Response to concerns about Lighting:

It is not considered that this matter poses a significant issue. In the spirit of good practice and in order to prevent light pollution, it is the case that the lighting should not spread to neighbour sites and should only be used when required. This matter has been passed to the Applicant and they have appointed a consultant to examine the potential hazard of light pollution from GB Eye Limited. Members will be updated in a Supplementary Report.

### 4. Response to concerns about blighting adjacent sites:

It is considered that the proposed development will not blight the potential redevelopment of adjacent sites. Whilst the distance to neighbouring boundaries is restricted to less than 10m, it is again reiterated that this is an urban location where a pragmatic approach must be taken in order to reflect historic street patterns and character. It must be recognised that suburban space standards cannot be achieved.

With regard to the proposed buildings' relationship with GB Eye Limited's west and northern boundary, it is the case that Blocks C and F have no windows in their elevations which overlook the site and the gardens are enclosed by a wall on each side. With regard to the townhouses, it is noted that the majority of the habitable room windows are set back from the main façade at a distance of approximately 15m. These properties do have bedroom windows facing the shared boundary at a distance of approximately 6m away, but this relationship does not pose significant concern given that they are proposed to be situated at ground floor level (adjacent to the entrance doors) and they will face onto a brick wall that is proposed to be built along the boundary to separate the current existing and proposed use.

5. Response to concerns about the nature of the development:

The mix of the development is considered to be acceptable, offering a variety of housing options, as discussed in the 'Mixed Communities' Section. Given the character of the development, it is considered that the scheme will not encourage a transient population.

6. Response to concerns about the proposed design:

The design and impact on the Conservation Area are discussed throughout this report and addresses the objections raised.

The amended plans now show the relevant surrounding buildings and extensions.

7. Response to concerns about the proposed parking levels:

The parking levels proposed are considered to be acceptable and discussed in the 'Highways Issues' section of this report and address the objections raised.

8. Response to concerns about one way traffic proposals (Russell Street)

With regard to Russell Street and concerns about the intention to create a one-way route, it is advised that there are no firm proposals to change the direction/flow of traffic as part of this application. It is understood that this is something that the applicant may explore in the future but it is not something that they are proposing here. The land is not within the red line boundary of the application site and the two-way flow of traffic will remain as existing. Any future proposals would have to be subject to a Traffic Regulation Order (TRO) and a Road Safety Assessment. As part of the TRO process, public consultation occurs and comments are invited. If objections cannot be overcome then the TRO could fail.

9. Response to concerns about the impact on Kelham Island Tavern:

It is considered that the proposed development will not overshadow surrounding residential areas to an unacceptable level. A sun path analysis has been submitted. The development will result in some overshadowing but it is considered that this will be limited to morning periods owing to the new buildings' north and eastern position. It should be noted that previous permissions on the site have

granted taller buildings on the shared boundary and this proposal offers an improved relationship.

In terms of overlooking, there will be mutual overlooking of external balcony and roof terrace areas but it is not considered that this is a sufficient reason to refuse the application given the urban setting. The proposed distance between the balcony/terrace and the internal space will be approximately 10m, which is considered to be acceptable. As discussed, parapets to terraced areas are proposed to be increased.

In terms of the impact on the Tavern's beer garden during the late evening owing to its height and position, it is considered that this impact will be at an acceptable level owing to the relative position of the proposed buildings. Furthermore, it must be noted that this is a commercial space and therefore cannot be afforded the same level of protection as a residential garden. Any development on this site would inevitably have some impact on this beer garden. Given the position of public space to the immediate rear of the beer garden, it is considered that there is the potential for the Tavern to be integrated into the development and benefit from the new area and space.

#### SUMMARY AND RECOMMENDATION

The proposed development will provide 98 new homes and commercial space on a prominent vacant site in the Kelham Island Conservation Area. This represents a contemporary, mixed use, low carbon scheme which is an acceptable and ambitious development that will replace the existing unattractive parcel of land that is an existing eyesore. As such, it is considered that the development will make a positive contribution to the Kelham Island community, the Conservation Area and surrounding heritage assets, including listed buildings.

The proposals raise no detrimental concerns in relation to land use, amenity, sustainability, highways, and ecology matters. It is also considered that outstanding matters relating to the archaeology position at this site will be able to be addressed and resolved as part of this development.

There are a number of outstanding issues in relation to the final materials proposed on some elements of the scheme but it is anticipated that this issue will be resolved ahead of the meeting and Members will be updated accordingly.

Similarly there remains an outstanding objection from the Environment Agency but the applicant is currently seeking to resolve this and your officers understand that the Environment Agency will lift their objection ahead of the meeting.

A financial contribution to support additional education provision in the catchment area will be secured through the completion of a legal agreement.

The shortfall in mobility housing units is a negative aspect of the scheme (13% rather than 25%) but given the acceptability of the scheme in all other respects and the regeneration benefits of the development for the Conservation Area, it is considered that this is not a sufficient reason to resist the application.



The proposals are considered to comply with the relevant policies in the NPPF, UDP and Core Strategy, and Members are therefore recommended to approve planning permission subject to the listed conditions and completion of a Legal Agreement with the following Heads of Terms.

Heads of Terms:

1. The Owners shall pay the Council [on or before the commencement of Development] the sum of £190,476 to be used by the Council towards the provisions of primary and secondary education in the locality of the site. This shall be provided in accordance with the principles set out in the Council's Supplementary Planning Guidance 'Planning Obligations and Education Provision'.
2. The Owner shall ensure that long-term maintenance provision and public access is available to the designated public open spaces within the development.

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|                  |   |
|------------------|---|
| Case Number      | 14/04073/FUL (Formerly PP-03774750)                               |
| Application Type | Full Planning Application   |
| Proposal         | Change of use from offices (B1) to hostel and erection of a porch |
| Location         | Norman House<br>134 Upperthorpe<br>Sheffield<br>S6 3NF            |
| Date Received    | 06/11/2014  |
| Team             | South   |
| Applicant/Agent  | R Bryan Planning  |
| 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:

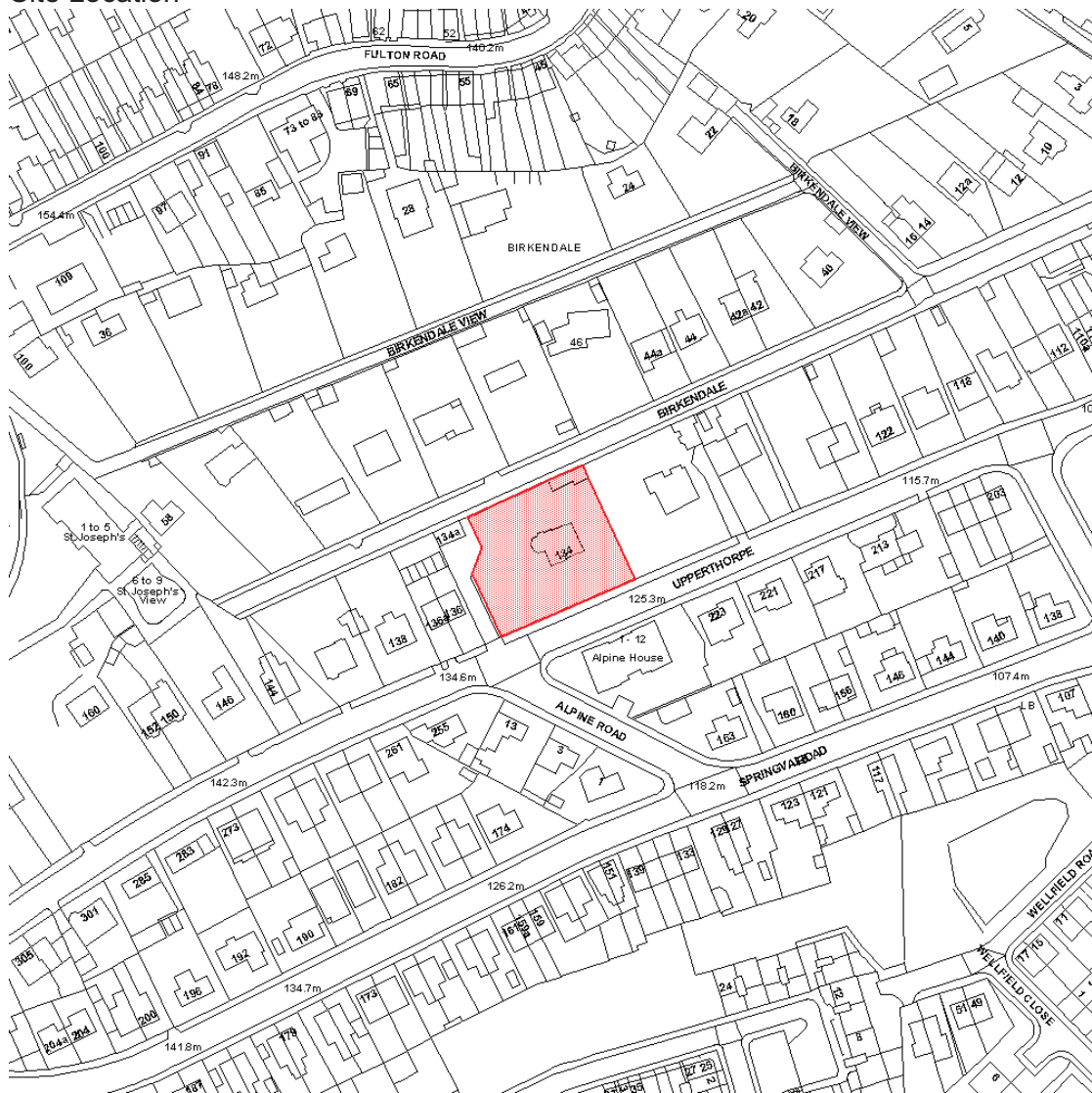
The drawings numbered 2 Revision A

Reason: In order to define the permission.

Attention is drawn to the following directives:

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

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a large Victorian villa set on a site which sits between Upperthorpe Road and Birkendale Road. The property is sited within large grounds and is approximately 25 metres from the closest neighbouring property. It is a three storey building constructed from stone, and slate.

The ground slopes from the southwest to northeast and also down from north to south. The property is bound by stone walls and various vegetation and mature trees provide a soft landscaped setting which contributes greatly to the leafy suburban feel of the site. The property has been extended to the rear, but the boundaries prevent these extensions from being visually prominent within the street.

The property was originally built as one large dwelling. It was used as a House in Multiple Occupation until an application in 2011 permitted a change of use to B1a offices.

The property is set within the Birkendale Conservation Area and a Housing Area as defined in the Local Planning Authority's Unitary Development Plan.

The application is submitted by Target Housing, a registered charity who provide residential accommodation, care and support to people in need. The proposal seeks permission to make some small alterations to the existing building and to change the use of the offices into a hostel which will provide residential accommodation, care and support. The applicant's submission states that the accommodation will be provided by the charity to vulnerable homeless people, particularly asylum seekers.

The property will only require small internal alterations to facilitate these changes and a small porch to the rear of the building is proposed. The proposal is more than a House in Multiple Occupation, given that care and support on site will be provided. This is proposed only during the day and between the hours of 08:00 and 20:00. The residents will share a kitchen and bathroom facilities and as such, the building would be very similar to the use of the building prior to the 2011 change of use to offices, save for the introduction of the care element.

## PLANNING HISTORY

Amongst an array of applications to prune and remove various trees, the most relevant planning history is as follows:

05/04720/FUL – Rear Single Storey Extension to Form Shower for Disabled Persons

11/03698/CHU – Use of Existing House In Multiple Occupation as Offices with Residential Units

12/00148/FUL – Demolition of Boundary Wall and Single Storey Extension to Cottage – this relates to an outbuilding at the rear of the site.

## REPRESENTATIONS

The application has been advertised in accordance with the Local Planning Authority's statement of community involvement. The proposal has been advertised in a local newspaper (published 27 November 2014) and site notices were posted on both road frontages on 1<sup>st</sup> December 2014. Concerns have been raised by residents that the level of consultation has not been wide enough; however, the consultation process has been in line with national and local guidance.

As a result of the public consultation process, the application has generated responses from 9 members of the public and a petition signed by 38 people. The applicant has also briefly commented on the intended use.

## Objection

The petition which has been signed by 38 people raises the following planning issues:

- The charity, Target Housing, provides aid to ex-offenders and concerns that people will a return to criminal behaviour may create disturbance within the local community that consists of family housing and small businesses;

The above concern regarding disturbance and local amenities is discussed further in the subsequent planning assessment.

The petition also raises concerns that there will be lack of supervision and background checks. These issues are not material planning concerns which can be taken into account in this application. They are personal to the running of the charity and separate legislation regularises how social housing operates.

The representations received have mostly objected to the proposal and their objections can be summarised as being:

- The community is no longer a suitable venue for these projects and other hostels within the street are currently problematic;
- The community is based around family living and the proposed use hinders this as it encourages anti-social behaviour. This makes an unfriendly and uncomfortable environment;
- The use will bring people into the community who have nothing invested in it and the short term nature of the proposal would mean that they are unable to give back to the community which has accepted them. The scheme would not bring any positives back to the community.
- It will increase noise, litter and anti-social behaviour and pose security issues, especially as the proposal would be located near a children's day nursery;
- The hostel was previously supervised, as this will not be the above problems will be amplified;
- Parking is becoming difficult on the street and with parents bring children to local child care facilities, the street needs to be safe;
- The disabled access to the site is utterly inappropriate;

The above issues are discussed further in the subsequent planning assessment. The objections also raise concerns with sewage systems and plumbing problems of the existing building. These are not material planning concerns and other legislation is in place to deal with the integrity of the structure.

The objection letters have also stated that the nature of the inhabitants should be clarified and made public as Target has no history of housing asylum seekers. There is a presumption, therefore, that the building will be used for ex-offenders.

The planning application has to deal with the information it has been given and assess whether the property can satisfactorily accommodate the persons for which it is proposed to house. The planning system is not the forum to debate whether an

ex-offender can live within a certain community or not and moral considerations are not for the planning authority to pass judgement on. Essentially, it is for the planning authority to determine whether such a housing use, of the scale proposed, can be acceptable in the location proposed.

The representations also question why the hostel was converted to offices and whether this was to do with licensing issues. This is a matter for the owners and operators of the building and officers are not in a position to advise or comment on this.

#### Support

The proposal has also had one representation which supports the proposal. It states that the re-use of this period building should be supported as it is in line with local and national planning policies.

#### Applicant Comment

Target Housing, the applicant, has also commented on the representations that have been received and has stated that they have been working with asylum seekers since 2004 and has no intention of the using the building to house ex-offenders.

#### PLANNING ASSESSMENT

The property is situated within a Conservation Area and a Housing Area as defined in the Unitary Development Plan. The most relevant planning policies are outlined in policies BE5, BE16, H6, H10 and H14. These policies look at what uses are acceptable within the defined area stated within the Unitary Development Plan, and; how to ensure that any proposal is not detrimental to the living conditions and amenities of all residents, both current and future.

The emerging Sheffield Development Framework will ultimately supersede the Unitary Development Plan. Adopted in 2009, the Core Strategy policy document is also relevant to this planning assessment. The policies within this document which are relevant are policies CS41 and CS74.

These policies look at the mixture of housing types in the area and whether the physical alterations are acceptable in terms of their character and appearance and impact upon the existing building/ street.

The National Planning Policy Framework (NPPF) is also relevant and the above policies have been considered to be sound when viewed in this context. The NPPF makes a presumption in favour of sustainable development and states that Local Planning Authorities should seek opportunities to the achieve each of the economic, social and environmental dimensions which the NPPF defines sustainable development as.

The NPPF (paragraph 150) states that Local Plans should reflect the visions and aspirations of local communities and planning decisions must be taken in

accordance with the development plan unless material considerations indicate otherwise.

The NPPF stresses the importance of new housing developments which provide a wide variety of housing types and sizes. It also states within paragraph 51 that planning applications should normally be approved for changes to residential uses from commercial buildings (currently in the B use classes) where there are not strong economic reasons why such development would be inappropriate.

Policy H10 of the Unitary Development plan looks at what uses are acceptable within areas which have been identified in the plan. It states that in Housing Areas, housing is the preferred use whilst other uses such as B1 offices are acceptable. The principle of the use of the building as living accommodation is considered to be supported by this policy. This is strengthened by the paragraph 51 of the NPPF.

Core Strategy policy CS41 seeks to ensure that a mixture of housing types are provided and that shared living accommodation types, such as hostels and Houses in Multiple Occupation, do not dominate an area. The policy is interpreted by looking at the properties within 200 metres of the application building and limiting the number of shared living properties to no more than 20% of the units in that defined area. The proposed change of use would mean that in the area around the property, as defined in the policy, only has 15% of units as shared living accommodation.

Core Strategy policy CS41 is considered to have been complied with. Moreover, as this policy was implemented due to public concerns during the consultation process of the Core Strategy, the policy is therefore considered to accord with NPPF paragraph 150.

#### Design and Siting Issues

The proposal seeks permission to use the building as a hostel and has been used as offices most recently. The proposal would require some small external changes to be made, however, the majority of the changes would be internal changes for which consent is not required. The policies which relate to the design of the external alterations are UDP policy H6, H14 BE5, BE16 and Core Strategy policy CS74.

The above mentioned policies seek high quality designs which reflect the character and appearance of the original dwelling and the wider conservation area. They also seek to ensure that the designs are mindful of the amenity needs of the occupants who will reside there.

The proposed external changes are minimal and relate to an existing rear extension. They seek to construct a porch in between two projecting elements of the existing building and a pitched roof across the original building and the proposed porch. The materials will match the existing building and the design is not considered to detract from the character and appearance of the original dwelling.

The alterations are set to the rear of the site and are not visually intrusive within the street owing to the topography of the site and the high boundary treatments. The design, built form and detailing of the external alterations are not considered to be harmful to the visual amenities of the area and are considered to preserve and enhance the main setting and character of the building and the wider conservation area. The alterations are therefore satisfactory with regards to policies BE5, BE16 and CS74.

Policy H6 states that short term accommodation, such as hostels, should have facilities for disabled persons; be accessible, by foot or bus, to a shopping centre and; be within easy reach of existing or proposed housing. It also states that it should comply with UDP policy H14. The siting of the hostel is within a residential area and close to bus links to a local shopping centre which is approximately 350 metres away.

It is acknowledged that the proposal does provide limited scope for persons who are in wheel chairs. The proposal seeks to use an existing building and its conversion and location does prevent it from being fully inclusive for such persons. However, the proposal does provide good quality living environments with good circulation spaces, a wide variety of toilet facilities and different sized living quarters. The constraints of the site have limited what can be achieved in terms of inclusive access provisions; however, on balance, it is not considered that the proposal could be refused on this issue alone.

#### Amenity Issues

Policy H14 of the UDP, 'Conditions on Development In Housing Areas' states that the site should not be overdeveloped or deprive residents of light, privacy or security.

The proposal would create 15 bed spaces within the large building. This is the maximum number of occupants shown on the plans and it is considered that the internal living conditions provided are of an acceptable standard. Furthermore, as the property is set within very large grounds, the external amenity space is considered to be satisfactory for the number of potential occupants.

The proposed use is not considered to be an over intensification of the use of the land to which high levels of noise and disturbance could be associated. It is accepted that the comings and goings of people from the site would be more than if a large family lived in the building. However, given the size of the grounds and the location of the building within the middle of the site, noise and disturbance to local residents is not likely to be excessive and unacceptable.

It is acknowledged, and understood, that neighbouring residents are concerned with the potential for high levels of noise and general disturbance. However, as previously mentioned, from the details provided, it is not considered that the noise levels would be detrimental and of an extent that could warrant a refusal of permission on this ground alone. It is also noted that there is separate legislation within the Environmental Protection Act 1990 to deal with excessive noise disturbances.



Residents have raised concerns as to who the end users will be and that the proposal would increase criminal activity within the area. This is a common issue that arises with similar proposals in existing residential areas, and has been tested in the courts. The courts are clear that public concern can be a material consideration however the weight to be given to it is dependent on to what extent it can be justified. For example, where an existing pattern of criminal behaviour has been established at a property, and a proposal seeks to extend that use, it would be reasonable to give full consideration to public concern about increased criminal activity.

In this case, the use does not yet exist and therefore no such pattern of behaviour can be identified at the application site, and similarly no such pattern of behaviour has been identified at other properties housing the likely end users. Therefore whilst the fear of crime can be given some weight in a planning assessment, there is no evidence that this is likely to occur in this case, and therefore the weight to be attributed to this issue in this case is limited.

UDP policy H14 refers to the security of a development but relates more in terms of the physical elements of a proposal. It encourages designing out crime through good layouts of new developments and high standards of elements of the development such as secure windows and doors. In this respect, the proposal is not considered to give rise to any security issues, given that the proposal is a conversion of an existing building.

#### Highways Issues

There is no off street parking provision within the site, however, the proposal is not considered to give rise to any adverse highways issues. The proposal would, compared with the previous use, reduce the number of users which would have cars and therefore reduces the number of vehicular trips to and from the site. The nature of the proposed use is considered to have little, if any, impact upon on street car parking when compared with the current use. Accordingly, the proposal is not therefore considered to be detrimental to highway safety.

#### SUMMARY

The proposal seeks permission to use a large dwelling as short term living accommodation for people seeking asylum in the UK. The previous use of the building as office accommodation was acceptable in local planning policy terms; however, residential uses are those which are preferred as set out in UDP policy H10. The use of the dwelling as living accommodation is therefore considered to be acceptable.

The scale of the proposal is considered to be acceptable in this location when the size and nature of the building and the grounds in which it is sited are considered. The living accommodation is considered to provide good living conditions for the proposed end users and it is not considered likely to significantly impact upon the general amenities of the existing neighbouring residents.

There is no evidence of a pattern of behaviour associated with the intended end users of the property that would support concerns expressed in representations about an increase in criminal activity in the area. The use of the building for residential purposes, and the scale and intensity of the use, have been assessed in this planning application and are considered to be acceptable in terms of national and local planning policies.

Accordingly, the application is recommended for approval.

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|                  |   |
|------------------|---|
| Case Number      | 14/04066/FUL (Formerly PP-03776490)   |
| Application Type | Full Planning Application   |
| Proposal         | Laying out and construction of a hard standing measuring 17m by 31.2m   |
| Location         | South Yorkshire Police Sports And Social Club<br>Club House<br>Niagara Grounds<br>Niagara Road<br>Sheffield<br>S6 1LU |
| Date Received    | 05/11/2014  |
| Team             | West and North  |
| Applicant/Agent  | Crowley Associates  |
| Recommendation   | Refuse  |

For the following reason(s):

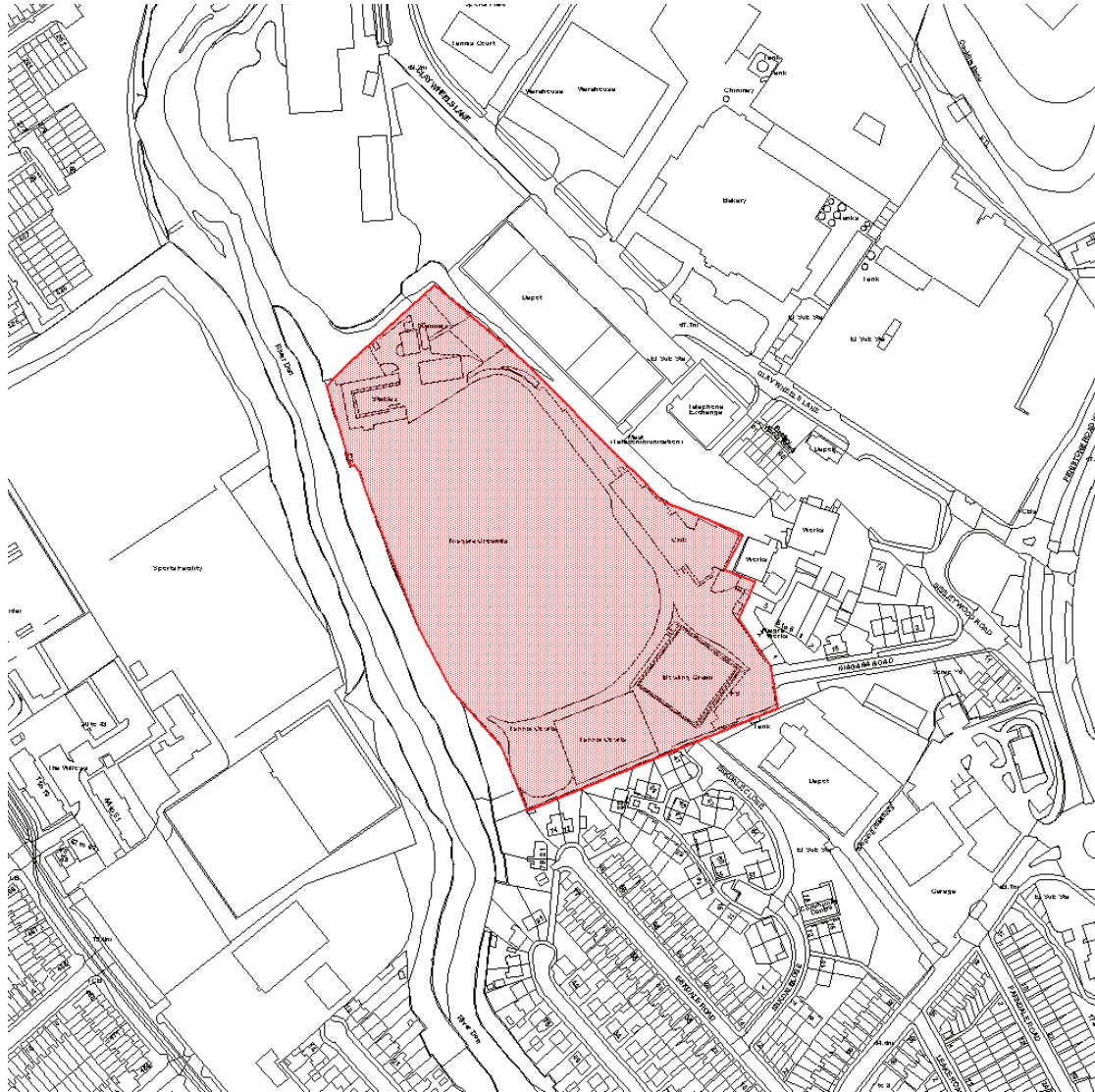
- 1 The proposed development will result in the loss of open space and outdoor sports provision in an area where there is a quantitative shortage of such space and provision and the proposal is contrary to Paragraph 74 of the NPPF and Policy CS47(a) of the Core Strategy.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Documents and plans received 5th November 2014

## Site Location



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## INTRODUCTION

Members may recall determining an application in 2012 for a temporary marquee at the South Yorkshire Police Sports and Social Club on Niagara Road. The officer report recommended refusal of the application as it would result in the loss of a sports pitch and there was a standing objection from Sport England against this loss. Members overturned this recommendation for refusal in favour of an approval subject to conditions.

The previous application was granted subject to a condition that the site be reseeded once the marquee had been removed. The original application had proposed for the marquee to be based on a 3G sports pitch, but this element was removed as it would result in the loss of a natural playing field and would be an

artificial surface, the size of which was dictated by the size of the marquee rather than sporting provision.

This application now seeks to layout and construct hard standing on the site of the temporary marquee, which members previously granted.

#### LOCATION AND PROPOSAL

The application relates to the sports fields at the South Yorkshire Police Sports and Social Club at the Niagara Grounds on Niagara Road. The Niagara Grounds site is also occupied by a club house, which is used as a conference and leisure facility. In terms of sporting facilities currently offered by the site these include football, rugby, tennis courts and a bowling green.

The site is set at the head of a cul-de-sac and only offers through access to the South Yorkshire Police Dog training facility. In terms of neighbouring properties, there are a mix of uses ranging from residential properties to the south and east and commercial/industrial units to the north and east. To the west is the River Don and beyond this are further formal sports pitches which serve Sheffield Wednesday Football Club Training Ground.

The site is located within an area designated as an Open Space Area in the adopted Unitary Development Plan.

Planning permission is sought for the laying out and the construction of hard standing. The hard standing will measure 17metres by 31.2metres. The purpose of the hard standing is to provide a base for the marquee. The hard standing will be in the form of brick paving.

#### RELEVANT PLANNING HISTORY

|              |   |
|--------------|---|
| 03/04261/FUL | Alterations and extension to clubhouse including construction of access ramp and provision of additional car parking spaces<br>WD 06/05/2008        |
| 12/00448/FUL | Erection of temporary marquee for use during spring and summer (amended plans received 13/07/2012)<br>GCWSSN 10/10/2012                             |
| 13/02174/FUL | Application to approve details in relation to condition no.5 Amplified sound; relating to planning permission no. 12/00448/FUL<br>CONDEC 29/07/2013 |
| 13/03170/ADV | One non illuminated free standing sign<br>GC 31/10/2013   |

## SUMMARY OF REPRESENTATIONS

Sport England are a statutory consultee and have formally objected to the proposal on the grounds that it will result in the loss of sporting provision and that the development will be contrary to the NPPF. The details of the objection are considered in more detail within the main body of this report.

Two letters of neighbour representation have also been received regarding this application. The following points have been made:

- Guests to Niagara Social Club park indiscriminately on Niagara Road making access to properties difficult and parking and congestion is also a problem as a result of the new Sainsbury's development.
- If this permission is granted then parking problems will become worse through the number of increased guests visiting the new and permanent marquee.
- To address the parking problems a number of conditions should be applied and these should require; 1) additional parking spaces so that all visitor vehicles can be catered for; 2) a space created to allow all over sized vehicles (such as limousines/buses etc. ) space to turn around within the grounds; 3) A contract should be agreed with the organizers/customers that no vehicles are to be parked on the surrounding roads before, during and after the function; 4) The social club should indefinitely fund a resident only parking scheme for the residents of Niagara Road and Beeley Wood Road, to be discussed, but at no cost to residents; and 5) the social club should provide Marshalls throughout each event to control traffic flow along both roads and to maintain order and behaviour of function guests when leaving the area as drunkenness is a problem that needs to be managed. Raucous, loutish and lewd behaviour, littering and vandalism are a problem.
- It is queried whether the social club should create more parking spaces on the club site to stop their guests parking outside neighbouring houses before going ahead with this application?
- The marquee is only allowed for a restricted period of the year and this restriction should remain in place.

## PLANNING ASSESSMENT

As the site of the marquee will be located within an Open Space Area, there are several layers of policy which are relevant to the consideration of this proposal.

The National Planning Policy Framework states in paragraph 74 that "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) 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 c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

## The Loss of Open Space

The adopted Sheffield Core Strategy supports and supplements this national policy through Policy CS47 'Safeguarding of Open Space'. This policy states that development of open space will not be permitted where a) it would result in the quantitative shortage of open space in the area or b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value or c) people in the local area would be denied easy and safe access to a park or smaller informal open space that is valued or well used by people living or working in the local area; or d) it would cause or increase a break in the city's Green Network.."

The recommended provision of open space (both formal and informal) across the city is 7.02ha per 1000 people. The Open Space Assessment conducted for this application shows that there is a severe quantitative shortage of both informal and formal open space in the local area, with a total provision of 1.8ha/1000 people. This is clearly well below the recommended standard.

In terms of outdoor sport (falling under the heading of formal open space) the current provision of outdoor sport is 0.66ha per 1000 population and if the proposed development were to be approved that this would reduce to 0.65ha per 1000 population resulting in a net loss of 0.03ha of outdoor sports provision. A reduction in formal open space when this is already below the recommended levels is considered to be unacceptable and contrary to Policy CS47(a) and paragraph 74 of the NPPF.

It is accepted that there is an argument, as put forward by the applicant, that this open space has already been lost and the cricket pitch is already lost. However, the Planning Authority's view is that the open space has not been permanently lost as it has not been replaced by a hard or artificial surface and could still be used as open space when the marquee is not in place. It is acknowledged that the applicant states that the reseeding has failed due to the winter months, and whilst this may be the case it does not mean that the open space has lost, rather that this section of it is a poor quality. But the quality of the open space, whilst audited, is not fundamental to the argument as to whether or not this should be lost. This proposal will result in the permanent loss of open space in an area where there is a quantitative shortage of open space and the proposal is therefore considered to be unacceptable.

## The Loss of Sports Pitch (Cricket Pitch Provision)

The loss of cricket provision is a concern that is upheld by Sport England who have lodged a formal objection to the proposal.

In terms of the loss of sporting provision the key concern is the permanent loss of a sports pitch; namely a cricket pitch and that this loss is contrary to the principles of the NPPF paragraph 74. For there to be a permanent loss of the cricket pitch (without replacement) both the NPPF (paragraph 74) and Sport England's playing field policy requires that land should not be built upon unless an assessment has been undertaken which clearly shows the open space to be surplus to requirements. This is not the case.

The Playing Pitch Strategy (PPS) is a key document in determining whether there is an excess of cricket pitch provision and whether the pitch is surplus to requirements. The Strategy did not consider the site as part of the supply of pitches because at the time the survey was undertaken the cricket pitch was not in use, as a result of a management decision.

However, notwithstanding this fact, the Playing Pitch strategy essentially found that there is some latent demand for cricket pitch provision within Sheffield.

To elaborate on this further Sport England have summarised the following information from the PPS and sought comment from the English Cricket Board. The PPS found that there are 47 cricket pitches, 40 of which are available for community use and these pitches accommodate 196 teams. 55% of clubs have increased the number of junior teams in the previous 3 years and 73% have plans to increase the number of teams further. The demand for additional cricket training facilities across Sheffield is reportedly high with 91% of clubs reporting that they have demand for additional training facilities. Site assessments generally score the quality of available cricket pitches as good, one pitch was assessed as average quality and one pitch was assessed as poor. In the main, therefore, there are enough cricket pitches to serve current demand, but the quality of pitches is affecting usage and new pitches may be required to meet future and latent demand and therefore it is Sport England's interpretation that there is not an excess of cricket pitch provision in Sheffield and that in fact there is some latent demand.

The ECB consultation was undertaken in light of the fact that the PPS data is in part over 2 years old and the ECB have a more up to date understanding of the current situation. The ECB have advised that,  
*"The site was formerly used by Sheffield Centrallians CC up until 2011 when the club was evicted from the site due to the landlord's desire to use the playing field area to host a marquee.*

*ECB is currently working on a cricket strategy with the Yorkshire Cricket Board and Sheffield City Council following the loss of a number of cricket grounds in the past 3 years. There is significant evidence that there is unmet current demand, latent demand and displaced demand in Sheffield. The further loss of sites in Sheffield without mitigation is considered unacceptable to ECB. "*

This statement from the ECB and comments from Sport England have therefore reaffirmed their view that there is not an excess of cricket pitch provision in Sheffield and the Niagara site cannot be considered as surplus to the requirements of cricket.

The application site is however also used for football and rugby union, and Sport England has similarly sought the views of those NGBs. The FA responded and advised;

*"This site is well used for football with six adult teams currently using the site. From the information provided I am unsure whether or not the current 11v11 football*



*itches meet the FA recommended size. If the applicant can demonstrate that two adult pitches (100mx64m) plus appropriate run offs can be achieved then I would not raise an objection. Until this information is provided I request Sport England raises a holding objection to safeguard the ability to extend the pitches if required in the future.”*

The RFU observed;

*“The site is currently used by Sheffield Oaks RUFC, with two adult male teams, for match days only. The club have no security of tenure and access has been reduced over the last 3 years with all training having to be moved off site to alternative venues.*

*There is evidence that there is unmet current demand, latent demand and displaced demand in Sheffield from a Rugby Union perspective and from the planning application it is unclear if there will be a direct impact on the Rugby Union pitch. As such the RFU would object to the planning application and request further information is provided to Sport England on the impact current pitch provision.”*

Overall, Sport England reiterates its objection to the proposal as the development does not accord with any of the exceptions in Sport England Playing Fields’ policy.

#### Technicalities of the Previous Permission

The applicant in their design and access statement argue that the area of ground in question has been permanently surrendered to development, does not exist as a pitch and cannot be a material consideration in the assessment of planning applications. The Planning Authority disagrees with this assertion.

It is accepted that at the present time, this cricket pitch does not exist. It is also accepted that permission was granted for the marquee to be in place through the cricket season, and therefore it will continue to not exist while ever the marquee remains in place. However, this will only be the case for 6 months of the year.

#### Highways Implications

The proposed hard standing does not in itself result in any highways implications. The highways issues which the letters of representation cite are as a result of the previous permission and this application does not create the opportunity to review this permission as it is for hard standing only. There is no proposal, within this application, to extend the times of operation for the marquee. Should subsequent applications be received to extend the times of operation for the Marquee then the highway implications would need to be resolved at this time.

The highways officer has commented that there are on-going discussions with residents with regards the parking situation and impact upon these properties; however, these are not necessarily of direct relevance to the consideration of this application, given its scope.

## Environmental Protection Matters

As the matter relates only to the installation of hard standing there are no environmental protection matters to be considered in respect of the current application. With regards the concerns raised by local residents in respect of disturbance these are not matters which can be addressed as part of this planning application.

## Drainage

As the proposal would result in the loss of a green field surface, a reduction in surface water run-off would be required. If the application were to be deemed acceptable then a condition to this effect should be applied.

## RESPONSE TO REPRESENTATIONS

The concerns regarding the highways, noise and disturbances to amenity cited in the neighbour representations are not matters which can be considered or addressed by this application permission, as they do not directly relate to the installation of hard standing.

## ENFORCEMENT

It is noted that when the site was visited for the purposes of this application on 3<sup>rd</sup> December 2014 that the base for the marquee was still in place and had not been removed as per the terms of the permission and that there were a number of ancillary structures also in place, for which no permission temporary or otherwise has been granted. A block paved access leading from the car park to the marquee has also been provided as have access paths to the ancillary buildings. This will be dealt with as a separate enforcement matter, pending the outcome of this application.

## SUMMARY AND RECOMMENDATION

The proposed installation of hard standing as a base for the marquee approved by previous permission 12/00448/FUL is considered to be contrary to Paragraph 74 of the NPPF and Policy CS47(a) of the Core Strategy. The development will result in a loss of open space and outdoor sport provision in an area in which there is a quantitative shortage of such space and provision. More particularly to this permission, the shortage will be permanent whereas the current permission only results in the temporary loss of this space. The development is therefore considered to be unacceptable and a recommendation is accordingly made for refusal.

---

|                  |   |
|------------------|---|
| Case Number      | 14/03942/FUL (Formerly PP-03751898)         |
| Application Type | Full Planning Application                   |
| Proposal         | First-floor side extension to dwellinghouse |
| Location         | 64 High Storrs Road<br>Sheffield<br>S11 7LE |
| Date Received    | 23/10/2014                                  |
| Team             | South                                       |
| Applicant/Agent  | Mr Simon Ovenden                            |
| 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:

Documents received by the Local Planning Authority on 24th October 2014

Reason: In order to define the permission.
- 3 The facing material for the extension shall be a cream render with brick quoin detail as described in additional information received by the Local Planning Authority on 29th January 2015.

Reason: In the interests of the visual amenities of the locality.
- 4 The proposed roofing materials shall match the roofing materials to the existing building.

Reason: In the interests of the visual amenities of the locality.
- 5 The w.c. window on the elevation of the extension facing No. 62 High Storrs Road shall be non-opening and fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass.

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

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. The Applicant is advised that the two parking spaces provided on a raised forecourt area are not served by a dropped crossing. A dropped crossing should be applied for and implemented in order to avoid the necessity to illegally cross the footway.
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](http://www.coal.gov.uk).
4. The applicant is advised that the presence of the bathroom window, at first-floor level on the elevation facing No. 62 High Storrs Road would not form the basis for a reason to resist future development of the adjacent property.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a brick built semi-detached property already benefiting from a single storey rear extension and incorporating a converted attached garage which segues into a canopy that extends across the front of the garage and the front door.

The property is located within an established residential area which is identified as a Housing Policy Area in the Sheffield Unitary Development Plan. The immediate area is characterised by similar semi-detached properties though these have been variously extended both via planning permissions and in exercise of permitted development rights.

The application dwelling lies on steeply sloping ground which falls from east to west such that the front elevation of the footway of High Storrs Road is elevated approximately 1 metre above the level of ground at front elevation of the house. This fall in levels continues to the rear of the house meaning that the ground floor level is elevated well above the rear garden area.

The application seeks approval for a first floor side extension (above the existing former garage) which extends along the entirety of the existing side elevation and projects a further 1.1 metres beyond the line of the rear elevation of the dwelling (in line with the existing former garage footprint). The extension would be set back slightly from the front elevation, would have a gable end and would feature gablets to both front and rear roof planes.

#### RELEVANT PLANNING HISTORY

There is no planning history on the site.

#### SUMMARY OF REPRESENTATIONS

There have been no representations regarding this application

#### PLANNING ASSESSMENT

The application property is sited within a Housing Policy Area as defined by the UDP. The most relevant planning policies in determining this application are outlined in Policy H14 'Conditions on development in Housing Areas'. Weight is also given to guidelines stated within the adopted SPG Designing House Extensions.

The submitted plans detail a first floor extension above the existing ground floor level. The previous car port has already been enclosed and converted into additional living accommodation including a utility room and kitchen. This conversion has also enabled inclusion of an internal ramp for a disabled person.

The first floor extension would allow the addition of two further bedrooms and a small w.c. room.

#### Environmental Considerations

The proposed two storey side extension is of an acceptable design. Whilst Supplementary Planning guidance seeks a replication of the existing hipped roof form on the extension the use of a gable end here is not felt to cause demonstrable harm to the street scene. High Storrs Road already exhibits several examples of two storey side extensions with non-hipped roof details and it is considered that the roof scape is already compromised to a degree whereby a further hip to gable roof will not significantly degrade the street scene.

The addition of the front gablet will introduce a new feature into the immediate locality. However, because of the set back of the extension and the eaves of the

gabled being set at the same height as the main house this should not introduce a deleterious element into the street scene.

The use of a cream render facing with red brick quoin detail is considered appropriate matching, as it does, similar facing material and detailing of properties on the opposite side of High Storrs Road.

#### Residential Amenity

Supplementary Planning Guidance guideline 5 states that two storey extensions should not cut a 45 degree line scribed from main aspect windows in main elevations of neighbouring properties. The proposal is compliant with this guideline and, as such no significant overbearing or overshadowing should result. Windows in the front and rear elevations do not introduce any overlooking potential above and beyond existing. A single window is intended for the north elevation and this will overlook the roof of the neighbouring garage. However, given its proximity to boundary and the fact that it will serve a bathroom it is considered appropriate to condition this window as being obscure glazed, and fixed such that it is non-opening.

The presence of the window should not inhibit future development of the adjacent property, and therefore it is also considered appropriate to advise the applicant that the presence of the window would not form the basis for a reason to resist future development of the adjacent property.

#### Highways considerations

The property retains off road parking for two vehicles and consequently the proposal raises no highway concerns.

#### SUMMARY AND RECOMMENDATION

The proposed side extension is acceptable in terms of scale, form, detail and materials and therefore is considered satisfactory with regards to relevant policies and Supplementary Planning Guidance on Designing Household Extensions.

The application is recommended for conditional approval.

---

|                  |   |
|------------------|---|
| Case Number      | 14/03593/FUL (Formerly PP-03501195)   |
| Application Type | Full Planning Application   |
| Proposal         | Erection of 1 x 6 storey office building and 1 x 8 storey office building (Use Class B1) with undercroft car parking and associated landscaping works |
| Location         | Land Adjacent Ventana House<br>Pond Hill<br>Sheffield<br>S1 2BG   |
| Date Received    | 26/09/2014  |
| Team             | City Centre and East  |
| Applicant/Agent  | Zerum Consult 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:

Red Line Plan Ref: (10)004/P3 scanned on 27 January 2015.

Phasing Plan Ref: (10)006/P1 scanned on 27 January 2015.

Site Plan Ref: (10)003/P2 scanned on 12 January 2015.

Elevation Plans Ref:

Floor Plans Ref: (10)001/P2 - (10)105/P2 - (10)106/P2 & (10)005/P2 scanned on 12 January 2015.

Car Park Façade Treatment Plan Ref: (10)007/P1 scanned on 27 January 2015.

Section Plans Ref: (20)306/P2 - (20)307/P2 & (20)308/P1 scanned on 12 January 2015.

Reason: In order to define the permission.

- 3 Within three months of any phase of development commencing a lighting strategy for said phase shall have been submitted to and agreed in writing



by the Local Planning Authority. The development of that phase shall be carried out in accordance with these details thereafter.

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

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

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

- 5 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:

- Cladding, including patterns and fixings
- Metal panels to the car park façades
- Plant screening
- Windows
- Window reveals
- Doors
- Eaves and verges
- External wall construction
- Entrance canopies
- Roof
- Ridge & valleys
- Rainwater goods
- Soffits
- Columns

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

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

- 6 Within three months of the relevant phase of development commencing full details, including finishes, of the substation (as relevant to that phase) shall have been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

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

- 7 Notwithstanding the hereby approved plans, further details of the entrance doors to each building, demonstrating that they provide suitable inclusive access, will need to be submitted to and approved in writing by the Local Planning Authority within three months of development of the relevant phase commencing. If inclusive access cannot be demonstrated then an

alternative solution must be agreed. The development shall be carried out in accordance with these details thereafter.

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

- 8 The building(s) shall not be used unless the car parking accommodation associated with that phase and 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 ease of access and facilities for disabled persons at all times.

- 9 Within 6 months of development commencing, a scheme including improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below shall have either;

i) been carried out; or

ii) 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 building(s) are brought into use.

Highway Improvements:

All existing and new adopted highway adjacent to the relevant phase (with the exception of Sheaf Street) shall be Constructed to comply with Sheffield City Council's Urban Design Compendium.

The cycle routes adjacent to the site shall be extended to link to the existing Sheffield cycle network, including a new link between Pond Street and Sheaf Street.

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.

- 10 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the relevant phase 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.

- 11 No construction works on the relevant phase 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.

- 12 Within three months of development of the relevant phase commencing, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle and motorcycle parking accommodation relating to that phase shall have been submitted to and approved in writing by the Local Planning Authority and that phase shall not be used unless such cycle and motorcycle parking has been provided in accordance with the approved plans and, thereafter, such cycle and motorcycle parking accommodation shall be retained.

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

- 13 Prior to the occupation of the relevant part of the development, or within an alternative timeframe agreed in writing by the Local Planning Authority, 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 of the relevant section of the building, 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 the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 14 Unless otherwise shown on the approved plans, no externally mounted plant or equipment, including rooftop plant, shall be fitted to any building unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 15 Before development of the relevant phase commences a Remediation Strategy Report relating to that phase 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) and Local Planning Authority policies relating to validation of gas protection measures.

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

- 16 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.

- 17 Upon completion of any measures identified in the approved Remediation Strategy(s) or any approved revised Remediation Strategy(s) a Validation Report shall be submitted to the Local Planning Authority. The relevant phase of the development shall not be brought into 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.

- 18 A comprehensive and detailed hard and soft landscape scheme, including furniture and boundaries, for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority within three months of development commencing on that phase, 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.

- 19 The approved landscape works shall be implemented prior to the relevant phase 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 the soft landscaping shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced unless otherwise approved by the Local Planning Authority.

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

- 20 Each phase shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the relevant phase 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 Within three months of development of the relevant phase commencing, a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed phase are being obtained from decentralised and renewable or low carbon energy.

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

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 The development shall be carried out in accordance with the following mitigation measures proposed within the revised Flood Risk Assessment (FRA) compiled by Arup and received on 03 December 2014 (dated 21 November 2014).
- Finished Ground Floor Levels to be set no lower than 56.45 metres above Ordnance Datum (mAOD).
  - Utility service infrastructure should be flood proof / raised to a minimum of 53.3 metres above Ordnance Datum (mAOD).
  - Flood resilient design should be incorporated into the lower car park level.
  - Provision of flood flow routes through the site.
  - Production of a flood evacuation plan for the site that details access and egress arrangements during a flood and sign up to the Environment Agencies Flood Warning Service.

The mitigation measures shall be fully implemented prior to occupation of the relevant phase and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk and damages of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

- 23 If, during development of any phase, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To mitigate the risk of contamination to the risk to the nearby River Sheaf.

- 24 Within six months of development starting on site, the applicant, or their agent or successor in title, shall have submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological post-excavation and this shall have been approved in writing by the Local Planning Authority. The WSI shall include:
- The provision to be made for reporting the results of fieldwork and subsequent analysis.
  - The provision to be made for review and deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all archaeological works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

- 25 Before development of the relevant phase commences, a report detailing the remediation works proposed in respect of the mine entries on the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

Reason: To ensure the safe redevelopment of the site

- 26 Before first occupation of the relevant phase, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, final details of proposals for the inclusion of public art within that phase shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented in accordance with the agreed timeframes. The project shall be retained and managed in accordance with the agreed details thereafter.

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.

- 27 Prior to the commencement of development, a detailed Employment and Training Strategy, designed to maximise local opportunities for employment from the construction phase of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

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. 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.

3. 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

4. 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

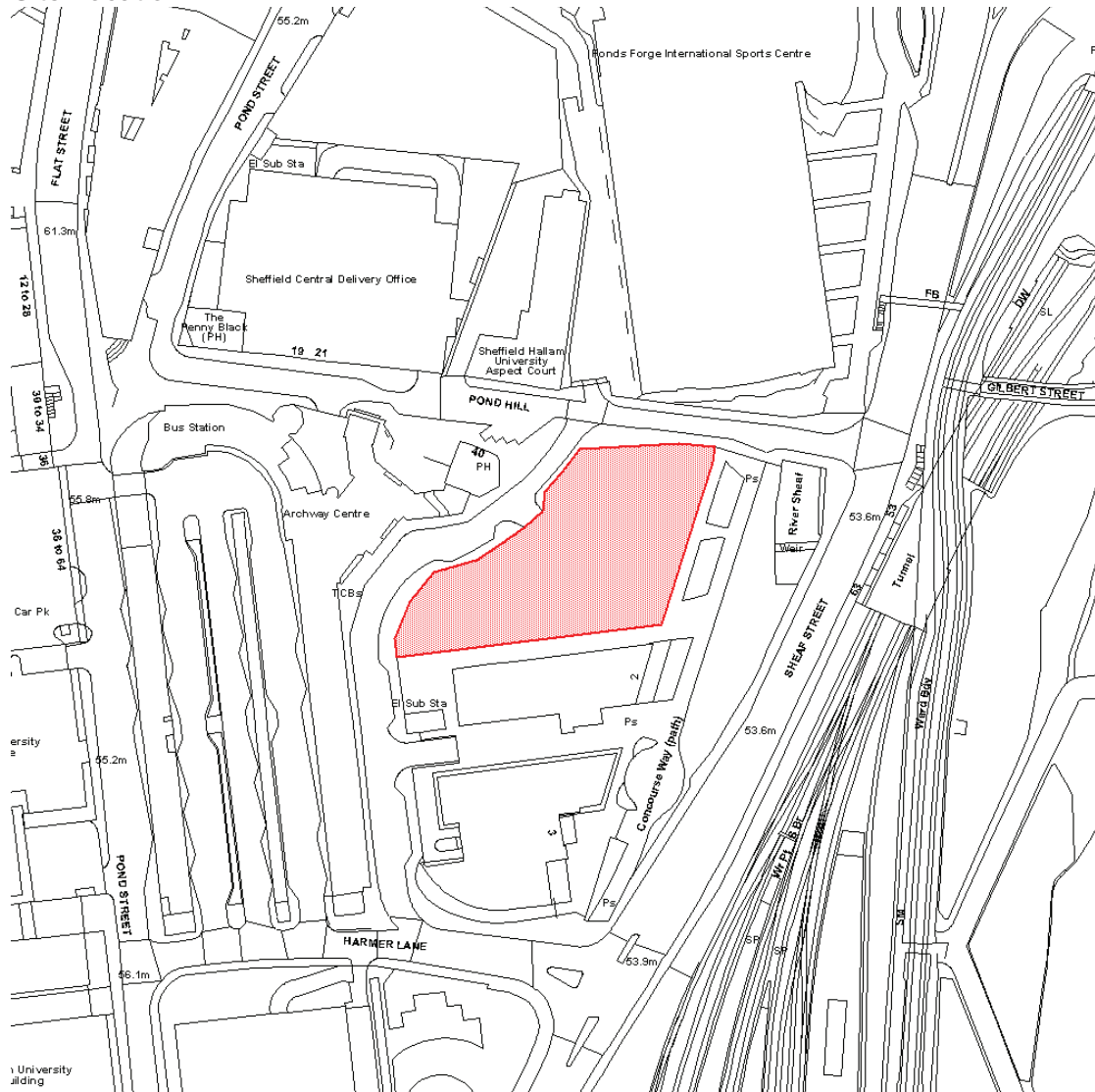
For the attention of Mr P Vickers



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.

5. 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](mailto: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.
6. The applicant is advised that the indicative highway improvement plan, received via email dated 27 January 2015, sets out the main principles that are to be followed when complying with the highway improvement condition above.

## Site Location



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## INTRODUCTION

This application is for the erection of a six and an eight storey office building located on the vacant section of the Digital Campus site.

Planning consent was approved in 2006 for the delivery of the wider site in three parts:

- The first was a detailed proposal for a three/four storey office building known as The HUB (05/04691/FUL). This building is set on the southern part of the site and has been occupied for several years now.
- The second application approved proposals for a landscaping strip fronting Sheaf Street (05/04692/FUL), which has also been completed.

- The third granted outline planning permission for the principle of further office development to the north of the site (05/04693/OUT). A Reserved Matters application for a 4/5 storey office building was subsequently approved for part of this site in 2006 (06/03463/REM) and this building is now occupied.

The concept for the Digital Campus development is to provide high quality office space for high-tech businesses and e-commerce, supported by the latest ICT infrastructure.

## LOCATION

The application site is set within the basin of the Sheaf Valley and fronts Sheaf Street, which is a highly trafficked gateway into the city. It sits approximately 200 metres south of the Park Square Roundabout.

To the south east of the site across Sheaf Street is the Grade II Listed Sheffield Station and beyond the station is Sheaf Valley Park. The park rises steeply to the Grade II\* Listed Park Hill Flats, which dominate the eastern ridge of the valley.

To the west of the site is the Transport Interchange catering for many of the city's bus services. Beyond this there are several large university buildings, the most visually significant being the Adsetts Centre. These buildings rise above the western ridge of the valley and front onto Arundel Gate.

Opposite the north-west corner of the site is the Grade II\* Listed Old Queen's Head Public House, the oldest building in the city. Erected in 1475, the building has received late nineteenth and twentieth century additions including restoration works. The building has a timber framed front range and is two-storeys high. Ponds Forge sits across Pond Street to the north of the site and is marked as a significant unlisted building within the Urban Design Compendium.

The site is located within a Business: Institution: Leisure Area as defined by the adopted Sheffield Unitary Development Plan (UDP). The site is also set within Flood Zone Two and a Coal Mining Referral Area.

## PROPOSAL

The applicant is seeking planning permission to erect two office buildings (Use Class B1).

It is possible the development would be delivered in two phases. Building three would represent phase one and is a six storey building with additional undercroft car parking. This building follows closely the design principles already established by the adjacent building two. This will see a mixture of glazing, slate effect cladding and a rain screen metal cladding. This building will create 8,416 square metres of office space.

Building four represents phase two and is an eight storey building with additional undercroft car parking. This building is set to the north of the site and has frontages on Sheaf Street and Pond Hill. This building does deviate from the established scale and built form evident across the site, which results in a principally glazed building that has an undulating façade, creating an exaggerated form. This building will create 5,922 square metres of office space.

The scheme also includes an additional sub-station and hard landscaped areas between and around the buildings. This landscaping will follow the established principles already seen elsewhere across the site.

#### RELEVANT PLANNING HISTORY

See above.

#### SUMMARY OF REPRESENTATIONS

None received.

#### PLANNING ASSESSMENT

##### National Planning Policy Framework

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

##### Land Use

The NPPF encourages the reuse of land that has been previously developed (brownfield land).

One of the main aims of the UDP is to bring about the regeneration of the city centre. The UDP describes the city centre as an area for focused regeneration, the promotion of investment and an area in which improvements to the environment will be prioritised.

The site is set within a Business: Institution: Leisure Area and Policy LR3 (Development in Business: Institution: Leisure Areas) within the UDP is therefore relevant. LR3 states that the provision of B1 office accommodation is acceptable in this location.

Policy CS3 (Locations for Office Development) within the Sheffield Development Framework Core Strategy (CS) identifies the city centre as a priority location for office development.

Policy CS4 (Offices in the City Centre) within the CS identifies several key locations within the city centre in which major office development will be promoted. The Sheaf Valley area is identified as one such area, especially for digital, creative and knowledge based businesses.

The above policies clearly promote office based development in this section of the city centre and this proposal therefore accords with these aspirations.

## Design

The NPPF states that development should always seek to secure high quality design.

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

Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.

## Building Three

This building will follow the principles established by the adjacent building two in relation to materials, massing and details. This ensures the quality is reflective of this key gateway site.

In relation to scale, building three will continue the south to north increase in height established by the existing buildings. It will therefore be one storey higher than building two, which is supported.

## Building Four

Building four takes more of a departure than building three in relation to established design principles, most notably scale.

In relation to materials this building will be largely glazed, which does relate to the curved element of building one (HUB Building) and ensures both flanks of the site are bookended by glazed elements. The other materials, metal cladding and plant screening, will be similar to those seen elsewhere across the site. The proposed materials are considered to be of an appropriate quality for this gateway location.

The applicant has introduced an undulating façade to this building, which is achieved by stepping the building every two floors. This detail adds articulation and interest, which is also aided by the slightly unorthodox footprint.

In relation to scale, and as with building three, this block once again increases in scale. In this instance the block jumps two storeys, reaching eight in total. As building four is the first to be viewed when entering the city, the additional height is considered to be appropriate as it reinforces the gateway location. In addition, the

height is considered to be justified given the articulation achieved and the high quality materials.

The need to create a taller building on this section of the site does result in a less than ideal relationship with Ponds Forge and the Grade II\* Listed Old Queens Head Pub. Whilst not ideal, it really would not be possible to reduce the scale of the office building so that it fully respects these adjacent buildings and still sits comfortably on the site. The building also needs to be of a scale that allows it to be commercially viable. In light of this, and given that the listed public house building and Ponds Forge are both separated from the site by highways, on balance these relationships can be tolerated. In relation to the Queen's Head the new office building does at least angle in at the rear such that views to the Queen's Head open up at the junction of Pond Hill and the interchange service road.

#### Other Matters

As with the existing buildings on the site, buildings three and four have to be constructed on a podium in order to ensure that the potential for flood damage is limited. The undercroft is therefore utilised for car parking.

This results in a challenging pedestrian environment onto both Pond Hill and the rear elevation with blank walls and perforated metal screening. Whilst not ideal, this is an unavoidable constraint of developing this site and the applicant has at least ensured that natural stone is used on the main public facing facades. This continues the same treatment that is already evident on the first phase of the site.

#### Design Conclusion

Overall the scheme has been designed utilising the materials and many of the established principles already evident across the site. The scale of the buildings is on balance appropriate and the design has used high quality solutions to deal with unavoidable constraints.

#### Landscaping

From a landscaping perspective the proposal is to continue the theme already established across the completed element of the site, which is supported.

#### Highways

The NPPF promotes that large scale developments should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Policy CS51 (Transport Priorities) within the CS identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

Service bays are provided to the rear of the site, ensuring the access route fronting Sheaf Street is for emergency service vehicles only.

The scheme will offer an acceptable number of undercroft parking spaces (approximately 100), given its location adjacent to both the bus station and railway station, as well as sufficient secure cycle parking. It is noted that the Sheffield Supertram is also readily accessible on foot from the site. This location will therefore allow opportunities for employees to benefit from a range of environmentally sustainable modes of transport.

Cycle routes have been incorporated into the fabric of the wider development, which ensures it is contributing to the overall development of cycle routes in Sheffield. In addition, the applicant has agreed to improve cycle routes in the vicinity of the site, most notably on Pond Street, which is very welcome.

The applicant has agreed to reconstruct the footways adjacent to the site in accordance with Council specifications and this will be the subject of a planning condition.

In light of the above the proposal is considered to be acceptable from a highways perspective.

#### Drainage and Flooding

Policy CS67 (Flood Risk Management) within the CS identifies several ways in which the extent and impact of flooding will be reduced. This includes ensuring the building is resilient to flood damage.

Many of the principles in relation to the response to the risk of flooding have been established within the earlier consents and are simply repeated within this application. The most notable element of the mitigation strategy is the creation of a podium level so that only the undercroft car park would flood (and would act essentially as flood storage capacity).

Both the Environment Agency and Yorkshire Water originally objected to the scheme and associated Flood Risk Assessment (FRA) and Drainage Strategy. Both these objections have now been lifted and relevant conditions imposed.

The Environment Agency withdrew their objection as the revised FRA now includes details of how the utility service infrastructure will be sited and designed to ensure it is flood protected as much as possible.

Yorkshire Water withdrew their objection as the sewer that was causing them concern has been shown as abandoned.

Part of the strategic approach to allowing development to be located within flood zones is the requirement for a Sequential Test (ST) to be passed. This requires a demonstration that there are not more suitable and readily available sites within a less vulnerable flood zone, which in this case would be Flood Zone One.

The applicant has provided a statement identifying why there are no more sequentially preferable sites in the city. The case made focuses on the fact that the

development is an additional phase of an existing part built scheme on a key gateway site into the city.

In relation to the case made by the applicant, it is clear that there would be no other appropriate sites, as this scheme represents the final stage of a phased development and much of the infrastructure is already in situ.

In light of the above the proposals are therefore considered to be acceptable from a flooding and drainage perspective.

#### Access

Policy BE7 (Design of Buildings Used by the Public) within the UDP requires safe, equal and easy access for people with disabilities to buildings used by the public.

As the buildings have to be set above ground level by on average 2.6 metres the applicants have established a graded route to allow level access to the upper (podium) level. The access route fronts Sheaf Street and grades up from both Harmer Lane and Pond Hill, reaching the podium level in the form of a large circular feature fronting the HUB building. This is viewed as a welcome design solution.

The entire access route is five metres in width to ensure a cycleway can be provided and pedestrians and vehicles can use the route without undue conflict. The pedestrian area is four metres wide and this is suitable to cater for the users of all the buildings, which is envisaged to be up to 5,000 people.

The buildings themselves will provide level access, lifts and facilities for people with disabilities, as would be expected in a new office block. Disabled parking spaces will be reserved in the basement car park.

The proposals are therefore acceptable from an access perspective.

#### Public Art

Policy BE12 (Public Art) within the UDP encourages public art as an integral part of the design of major developments.

Details of a public art scheme have not been submitted at this stage, but it is considered that there are several opportunities available. A planning condition will be attached to allow details to be agreed as the development progresses.

#### Sustainability

Policy CS63 (Responses to Climate Change) within the CS sets out the overarching approach to reduce the city's impact on climate change. These actions include:



- Giving priority to development and promoting higher densities in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) within the CS sets out a suite of requirements in order for all new development to be designed to reduce emissions.

In practice, to satisfy the main body of the policy non-residential developments should achieve a BREEAM rating of Very Good.

Policy CS65: Renewable Energy and Carbon Reduction within the CS sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires new developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy unless it can be demonstrated that it is not feasible and viable.

The developer has confirmed that the offices will meet the BREEAM Very Good standard. It has also been agreed that, so long as it is feasible and viable, the development will meet the 10% requirement set out in section a) of Policy CS65.

In addition to the above, the development is in a sustainable central location and has been designed with a number of additional features to promote sustainable design such as refuse and recycling facilities and public highway/transport improvement works.

Given the above, it is considered that the development will comfortably meet the sustainability requirements introduced by the CS.

#### Air Quality

Although the scheme will be a trip generator, the site is located within the city centre, which is a highly sustainable location. In addition, given the limited car parking being created relative to the scale of the buildings (100 spaces), the proposals are not considered to have any notable air quality impact and will not generate sufficient vehicle movements to trigger the need for a formal air quality assessment.

#### Ground Conditions and Coal Mining

The applicant has provided the required ground contamination reports, which have been assessed by the Environmental Protection Service. Owing to the presence of two mine shafts the relevant ground contamination conditions will be imposed to ensure the development is carried out in a safe manner.

The site is located within a Coal Mining Referral Area and, as a result, a Coal Mining Risk Assessment accompanies the application. The Coal Authority assessed this and initially objected to the scheme owing to a lack of clarity on how the mine shafts were to be treated. As a result the applicant revised the assessment to clarify how the shafts would be capped and the proposed foundations. The Coal Authority have therefore lifted their objection and recommended a condition be attached to any decision securing this approach.

#### Amenity

Policy GE24 (Noise Pollution) within the UDP requires that development should not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

Given that there is no residential use in the proximity of the development, the scheme is viewed as being acceptable from an amenity perspective.

#### Archaeology

South Yorkshire Archaeology Service have confirmed that the archaeology on site was suitably recorded when the initial groundwork was carried out. The final reporting is however still outstanding and this will be secured through a planning condition.

### SUMMARY AND RECOMMENDATION

The relevant land use policies promote office based development on this previously developed site in this section of the city centre.

Building three has been designed utilising the materials and many of the established principles already evident across the site. Building four is largely glazed and has an undulating façade to create a striking impact as the city centre is approached from Park Square Roundabout.

The scale of the buildings is on balance appropriate and the architect has used high quality solutions to deal with unavoidable constraints. It is recognised that the scale of office building 4 will have a challenging impact on the Queen's Head pub and Ponds Forge but it is not so adverse as to warrant refusal of the application on these grounds given the wider benefits of the scheme.

Given the central location future users will be able to travel to the site via a variety of means, which includes taking advantage of the site's excellent public transport links. The applicant has also agreed to undertake various highway improvements works around the site, including the provision of new cycle path connections and the resurfacing of footways around the site.

Following amendments to the Flood Risk Assessment, the Environment Agency are satisfied with the mitigation proposals across the site. This includes creating a podium level so that only the undercroft car park would be flooded.

Suitable conditions will be imposed to ensure the site is developed safely from a coal mining and a ground contamination perspective.

The scheme will boast excellent sustainability credentials, which includes achieving a BREEAM rating of very good.

In light of the above the scheme is recommended for conditional approval.

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|------------------|---|
| Case Number      | 14/02958/OUT  |
| Application Type | Outline Planning Application  |
| Proposal         | Alterations to two office buildings to form 12 residential units and 1 retail unit, including a rear dormer roof extension to the rear building |
| Location         | Meade House<br>96 - 100 Middlewood Road<br>Sheffield<br>S6 4HA  |
| Date Received    | 07/08/2014  |
| Team             | West and North  |
| Applicant/Agent  | PRC Survey & Design   |
| Recommendation   | Grant Conditionally subject to a Legal Agreement  |

Subject to:

- 1 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 2 Application for approval in respect of any matter reserved by this permission must be made 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.

- 3 The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Drawings numbered:

PRC1407/5A  
PRC1407/5.4A  
PRC1407/5.5B  
PRC1407/5.8B  
PRC1407/5.9A  
PRC1407/5.10C  
PRC1407/5.11  
PRC1407/5.12B  
PRC1407/5.13B  
PRC1407/5.14A  
PRC1407/5.15A  
PRC1407/5.16A  
PRC1407/5.17

Reason: In order to define the permission.

- 5 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.

- 6 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 development 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 Core Strategy Policies.

- 7 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: In the interests of the amenities of future occupiers and occupiers of adjoining property.

- 8 The buildings shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

- 9 Prior to the use of the commercial unit commencing all works detailed in the scheme of sound attenuation works, which form part of a scheme to protect the occupiers of adjacent 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.

- 10 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:
  - Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
  - Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

- 11 Before the use of the development is commenced, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

- a) Be carried out in accordance with an approved method statement,
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further

scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

- 12 No amplified sound or live music shall be played either within or without the commercial premises nor shall loudspeakers be fixed at any time outside the building.

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

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

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

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 A minimum of 25% of the dwellings shall incorporate the ability to be adapted to allow for conversion to mobility standards thus enabling their occupation by people with disabilities and such ability for adaption shall be retained thereafter.

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



- 20 The commercial unit shall not be used unless a level threshold has been provided to the entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

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

- 21 Prior to the commencement of development, an ecological survey of the buildings shall have been submitted to and agreed in writing by the Local Planning Authority and any remediation measures identified in the agreed survey shall be incorporated into the conversion works of the buildings and retained thereafter.

Reason: In the interests of biodiversity.

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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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 comprises two buildings, one of them fronting Middlewood Road, known as Meade House, which is two storeys high at the front and three storeys at the rear because of falling land levels. The frontage is of beige render and large windows at the ground floor with red bricks at the first floor level, beneath a flat roof. The side and rear elevations are of red brick. Adjoining this building to the south is a two storey brick building with a pitched roof with a restaurant at ground floor.

On the other side of Meade House is a sloping grassed area with a path and steps which leads to the second building and this is also of red brick, is single storey and has a pitched roof. Around this building is incidental open space with most

concentrated at the far end on the south side. The two buildings on the site are linked by a covered walkway.

To the north of the site is 108, Middlewood Road, a two storey detached stone house which has windows in the elevation facing the application site across the garden associated with the adjoining house and the boundary is marked by 1.8 metre fencing.

There are buildings to the north east and south west of the single storey building at the rear which are in close proximity to the application site. To the north east there is a gym with windows facing the site which is significantly higher than the single storey building in the site. There are also the rear of gardens associated with terraced houses fronting Hawksley Avenue.

To the south east, the rear of the building within the application site is close to the single storey building and the rear of 84 to 94 (even) Middlewood Road face the building. These properties are a mix of shops and a restaurant with storage space and living accommodation above.

The whole site is vacant, previously being used as offices and it is now falling into disrepair. Its neglected air in a prominent location contributes little to the visual quality of Hillsborough shopping centre.

The application, as amended, is to convert the lower single storey building into seven two bedroomed dwellings with access provided by way of the existing footpath which would be improved to incorporate disabled access. Meade House would be a mix of retail which would be on the ground floor fronting Middlewood Road with the remainder of the building converted to five flats. The open space around the buildings at the rear would be used as communal garden space and the existing covered link would be demolished.

The only road frontage is on Middlewood Road and in front of the site there is a bus stop and the Supertram route runs in front of the site. There are full parking restrictions in place and no possibility of providing parking either within the site or on the road close to the site.

This is an outline planning application but detailed planning permission is sought for the reserved matters of Access, Appearance and Layout with Scale and Landscaping being left for a subsequent Reserved matters application.

#### RELEVANT PLANNING HISTORY

79/03039/FUL. Extension to offices granted on 14.11.79.

96/00728/FUL. Erection of 4 mobile office units granted on 25.06.96.

#### SUMMARY OF REPRESENTATIONS

8 letters of objection have been received from 5 local residents setting out the following issues.

- The dormer windows will look directly into adjoining properties.
- Loss of privacy to adjoining properties.
- The amended drawings show velux windows replacing the dormers and patio doors which are less than 4 metres from the boundary with adjoining private gardens and this will result in a loss of privacy.
- There is excessive pressure on parking in the locality, particularly associated with the gym on Hawksley Avenue and this will make it worse as there is no off street parking provision proposed as part of this application.
- Late night noise particularly from the footpath access next to the adjoining house.
- There is a need to ensure that landscaping is dominated by plants and not hard surfacing.

## PLANNING ASSESSMENT

### Policy and Principle of Development

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of Hillsborough District Shopping Centre. UDP policy S7 says that shops (A1) are the preferred use but Housing (C3) is also acceptable.

With respect to the principle of this proposal, policy S7 supports this but of material relevance are current permitted development (PD) rights under which these buildings could be converted to a housing use.

The most recent use of the site was for offices and under current PD rights could be used for housing subject to an application to the Council which would determine whether or not approval would be required as to the transport and highways impact, contamination risks and flooding risks. Weight will need to be given to this as part of the consideration of the application.

Also of relevance is Core Strategy policy CS24 which says that priority will be given to the development of previously developed sites which is the case with this application.

Core Strategy policy CS26 promotes the efficient use of housing land and specifies a density range of 50 – 80 dwellings per hectare (dph). The site is 0.12 hectares in area so with a proposal for 12 dwellings, the density would be about 95 dph which is in excess of the recommended range. Policy CS26 says that an increased density may be acceptable if the application achieves good design or reflects the character of the area.

Core Strategy policy CS41 is also relevant as this seeks to promote mixed communities by way of providing a range of housing including a mix of prices, sizes, types and tenures. This application proposes 12 very modest dwellings which would provide low cost housing in support of this policy.

## Design, Layout and External Appearance

UDP policy S10 sets out conditions on development in shopping areas and says that there should not be a concentration of uses that prejudice the dominance of the preferred use. The site is currently used for offices and the proposal includes a new shop unit so the dominant use would actually increase with this application.

Policy S10 also says that new development should be well designed and in scale with surrounding development.

UDP policy BE5 expects new development to be of good design and use good quality materials.

Core Strategy policy CS74 says that high quality development is expected which should also contribute to the creation of attractive, successful and sustainable neighbourhoods.

The existing buildings are vacant and becoming neglected. The proposals, as amended, for Meade House would result in significant improvements to the exterior. The unsightly ground floor frontage would be replaced by a new shopfront which would introduce activity at the site. The attractive brickwork detail above the first floor windows would be retained, all brick work would be cleaned and pointed and all windows on this building would be replaced by double glazed wooden framed windows.

This action would significantly improve the exterior of this building.

The single storey building currently has former office accommodation on the ground floor only and there is no accommodation in the roof space. Under the proposals, as amended, this would change significantly. The proposed seven dwellings show an open plan ground floor comprising living room and kitchen with two bedrooms and a bathroom in the roof space. This would involve new windows in the north east and south west facing elevations.

On the north east side, the original submission showed a long dormer extension covering almost the whole of the roof plane but this top heavy and awkward extension has been replaced by retention of the roof plane with a pair of velux windows introduced to serve the second bedroom and bathroom. The bathroom window would be treated with obscure glass. On the ground floor, each property would have French windows with a canopy above.

The treatment, as amended, on the south west elevation would be different in that there would be a shared access to each dwelling and a kitchen window at ground floor serving the kitchen. A total of seven gable feature windows would be inserted into the roof at eaves level, each of them providing light to the main bedroom. Windows in the end elevations would be retained.

The design and external appearance of this building would be acceptable and because of the location behind the buildings fronting Middlewood Road and being at a lower level, the impact on the street scene would be minimal.

## Sustainability and Climate Change

Core Strategy policy CS64 says that all new buildings must be designed to reduce greenhouse gas emissions and must function in a changing climate. New development should incorporate energy efficiency, make best use of solar energy, minimise the impact on existing renewable energy installations and resources should be used sustainably.

Core Strategy policy CS65 deals with renewable energy and carbon reduction and all significant developments should provide a minimum of 10% of their predicted energy needs from renewable energy.

It is noted that the site proposes the reuse of an existing building which reduces the scope for the introduction of sustainable construction methods but, nevertheless, the applicant has submitted a sustainability statement in support of the proposal.

The site has excellent transport links to the city centre by way of good bus services with a stop immediately outside the site and the Supertram runs right past the site. The site also lies within Hillsborough shopping centre with the associated facilities very close by.

The conversion works to both buildings will include much better insulation and all facilities and services will be much more energy efficient than those currently within the site.

The works will include individual heating systems rather than the existing central boiler system which is inefficient. This will result in much better energy efficiency ratings.

## Affordable Housing

Core Strategy policy CS40 requires developers in new housing schemes to contribute towards the provision of affordable housing where this is practicable and financially viable.

This proposal is for 12 new dwellings which falls below the threshold for a contribution so this policy does not apply. The proposed dwellings are very modest and could be classed as falling into the affordable category.

## Impact on the Amenities of Existing and Future Residents

UDP policy S10 says that new development should not cause residents to suffer from any unacceptable living conditions.

UDP policy H5 says that planning permission will be granted for the creation of flats only where living conditions would be satisfactory for future occupants and their immediate neighbours.

Core Strategy policy CS74 requires new development to contribute to attractive, successful and sustainable neighbourhoods.

Representations have been submitted by people living near to the site expressing strong concern that the proposal will result in a loss of privacy.

Standards that have been consistently used by this planning authority for many years specify that between opposing windows associated with habitable rooms there should be at least 21 metres and between habitable room windows and blank walls there should be at least 12 metres. These standards are set out in the adopted Supplementary Design Guidance (SPG) on Designing House Extensions. However, it is possible to mitigate against situations where loss of privacy is an issue.

In terms of distances between facing windows, this application falls well short of the standards set out in the SPG. There are a number of instances and these need to be examined in turn.

108, Middlewood Road is located next to the application site to the north west and both floors of the facing elevation have windows which look towards the side elevations of both buildings. There is a distance of 16 metres at an angle between no 108 and the building fronting Middlewood Road and a lesser distance of 12 metres between 108 and the end of the lower building on site. With regard to the lower building, there is a close boarded fence along the end of the garden of no. 108 and this would restrict views between the two buildings because of level differences.

In terms of mitigation, it is noted that all the windows are currently in place and both buildings could be used for office purposes without planning consent. This would carry some limited weight when assessing the distances between windows on the site and those of the neighbour. It would also be relevant when assessing this issue elsewhere in the site.

There would, as part of this application, be five flats in Meade House and the rear elevation would have lounge and bedroom windows facing kitchen and bedroom windows of the single storey building within the site. The buildings are orientated at an angle of about 40 degrees but the distances between windows vary from between 5 to 11 metres which, given that these are habitable rooms is significantly below the 21 metres normally expected.

With respect to distances between the rear windows of adjoining buildings fronting Middlewood Road, the offshots of two buildings would be 15 and 16 metres respectively away from the lower single storey building but there is a boundary wall between the two and they are orientated at an angle.

To the north east of the single storey building there is a former warehouse that is between two and three storeys which has windows facing the application site. The elevations are between 5 and 6.5 metres apart and the lower two floors are used as a gym during the day time. In addition to these, the rear of nos 111 to 117,

Hawksley Avenue face the application site with between 11 and 15 metres between the offshoots of existing houses and windows of the application site.

In order to resolve potential overlooking, the applicant has submitted amended drawings which show that the dormer windows facing existing windows have been replaced by velux windows, half of these being of opaque glass and canopies have been placed over the French windows to prevent overlooking from higher levels.

The applicant has also submitted sections between the application site and both the gym which show that there would be no overlooking involving the clear glass velux windows because of the angle of the roof plane. The windows associated with the gym and first floor of Hawksley Avenue are higher and there is a boundary wall between Hawksley Avenue and the site preventing ground floor windows facing each other. In addition, the canopies over the French windows prevent any overlooking from above.

There is also an issue that relates to potential over dominance of the application site by both the relationship of Meade House with the single storey building and by neighbouring buildings.

The rear of Meade House is three storeys high and the distance between this and the other building in the site is between 4 and 8 metres. It is considered that Meade House would overshadow at least two of the dwellings in the single storey building to the detriment of the occupiers. However, the applicant has submitted amended drawings which show a reflective treatment on the boundary wall as part of the landscape scheme which will maximise light at this part of the site which would mitigate against the overshadowing.

Similarly, to the north east of the single storey building there is a three storey elevation which overshadows four of the proposed dwellings in the single storey building which would also result in some disamenity to future residents.

As well as the matters of privacy and overshadowing, there is the issue of outlook from habitable rooms. In some cases this is limited to as little as two to three metres to a fence or wall but in others is much better with much more of an open feel.

It is the case that this proposal falls short of what is normally expected in terms of window separation distances and is contrary to advice set out in the adopted SPG on Designing House Extensions which, despite the title of this document, is relevant guidance in this case. The issue is whether or not this and the overshadowing and poor outlook in some cases outweighs the benefits of the proposal.

#### Potential for Noise and Disturbance

UDP policy H14 and Core Strategy policy CS74 are relevant in assessing this issue and both say that the amenities' of residents should not be harmed by new development.



Local residents have expressed concern that noise will result from people using the footpath access from Middlewood Road. However, it is noted that the site lies within a District Centre and there is considerable noise and activity associated with this and the fact that there is a bus stop and the line of Supertram outside Meade House.

Notwithstanding the above, it is the case that flats throughout the development would be potentially affected by traffic noise, from nearby commercial uses and the gym on Hawksley Avenue. Therefore, a suitable scheme of noise mitigation works should be incorporated into this development, which would be controlled by a suitable condition.

At the rear of 94, Middlewood Road is a fume extraction system associated with the restaurant use at this address and there is some concern that this will result in possible disturbance and disamenity to future occupiers nearby. Prior to the site being offered for sale, this issue was addressed following consultations with the Director of Environmental Services.

It was decided that any odour issues from this fume extraction system should not constrain housing development on the site because any odour issues arising from a faulty system would be tackled by way of nuisance action which would be outside the scope of planning control.

Similarly, if the extraction system is noisy, this would indicate a fault that would also be controlled by nuisance action. It is the case that there are fume extraction units close to dwellings that are not detrimental to amenities and a properly functioning extraction system would not merit resisting this application on that issue alone.

#### Highways, Access and Car Parking

UDP policy S10 says that new development in shopping areas should be well served by transport facilities and provide safe access to the highways network and appropriate off street parking and not endanger pedestrians.

Core Strategy policies CS51 and CS53 seek to prioritise transport including the promotion of alternative means of travel to the car and manage the demand for travel respectively.

There is no proposal to include any car parking as part of this application. This would be very low cost housing, aimed at the lower income bracket, within which car ownership would be low. Those intent on occupying the units would need to accept that they would not be able to park anywhere near the site.

The location of the site closely reflects the provisions of relevant policy criteria in that it is very well served for public transport and is within a District Shopping Centre containing many facilities. It is also appropriate to expect the developer to provide a secure parking facility for cycles which would be controlled by a condition.

It is appropriate, therefore, for the proposal to be classed as a car free scheme.

#### Open Space

UDP policy H16 says that developers should either ensure that open space facilities are provided on site or, alternatively, a commuted sum is paid which would contribute to improvements of local open space. In this instance, a commuted sum of £7,838.30 is required which would be controlled by a legal agreement.

#### Air Quality

Core Strategy policy CS66 seeks to protect air quality in all areas of the city with a particular focus on road corridors where residents are directly exposed to high levels of pollution.

It is the case that new development can contribute to a worsening of air quality because of increased traffic but this proposal would be car free and future occupiers would rely on existing public transport or would walk or cycle.

There would, therefore, be no impact on existing levels of air quality.

#### Flood Risk and Drainage

Core Strategy policy CS67 deals with flood risk management and seeks to reduce the risk of flooding.

The site lies in an area with the least likelihood of flooding according to the Environment Agency and housing is wholly acceptable.

Policy CS67 also promotes sustainable drainage but the scope for improving drainage is very limited because the buildings already exist. However, surface water within the site would be absorbed by the open space which would be landscaped for use as a communal garden.

#### Disabled Access

UDP policy H15 says that the design of new housing development should ensure that there is ease of movement for people with disabilities and this is endorsed by Core Strategy policy CS74

In addition, UDP policy H7 says that a proportion of new housing development should be capable for use by people with disabilities.

There is an existing ramped access into the site from Middlewood Road and this will be retained and improved to allow for access for people with disabilities to gain entry into both buildings. The amended drawings show revised dimensions for the ramp which are acceptable.

Three units would be allocated for mobility housing purposes which complies with the minimum requirement of 25% and the retention of these would be controlled by a condition.

No car parking is provided as this can be classed as a car free scheme. Ideally, a single disabled space should be provided but given the severe constraints in parking on Middlewood Road it is not possible to include this.

#### Ecology

UDP policy GE11 deals with nature conservation and says that the natural environment should be protected including measures to reduce any potentially harmful effects of development on natural features of value.

Core Strategy policy CS74 says that development should take account of important habitats.

There is potential for the currently vacant buildings to be used by roosting bats so a survey would be required and any possible remediation measures would have to be carried out prior to commencement of development. This would be controlled by a condition.

#### Impact on the Hillsborough Park Conservation Area

The site lies very close to the southern end of the Hillsborough Park Conservation Area and UDP policy BE16 says that planning permission will only be given for proposals which enhance or preserve the character and setting of Conservation Areas (CA).

Core Strategy policy CS74 echoes this and says that new development should respect the distinctive heritage of the city.

The stone wall that runs along the front boundary of the site facing Middlewood Road will be retained. The site looks neglected and is beginning to fall into disrepair. The proposal would result in a long term use for the site, improve the appearance, remove the unsightly ground floor treatment fronting Middlewood Road and introduce an active frontage by way of the new shop. These would all respect the character and setting of the CA.

#### Land Contamination

This application includes the use of the open space within the site as a communal garden but this area may be sensitive to land contamination. Given the proposed use, it is considered appropriate to require an intrusive ground investigation survey along with any remediation measures that would be necessary. This would be controlled by conditions.

## RESPONSE TO REPRESENTATIONS

Most of the representations have already been addressed in this report but with respect to concerns about the provision of soft landscaping rather than hard surfaces, the matter of landscaping is reserved for a future Reserved matters planning application when it will be properly addressed then. The intention is that a communal garden is provided so a soft landscaping scheme will be expected.

## SUMMARY AND RECOMMENDATION

This outline planning application seeks consent for the conversion of Meade House which is a two and three storey building fronting Middlewood Road in Hillsborough shopping centre into a shop and five apartments and a shop and the use of the single storey building within the site as seven modest dwellings. This would be a car free scheme and a communal garden would be provided as part of the scheme.

This is an outline application seeking the principle of the proposed uses but detailed consent is sought for Access, Appearance and Layout.

This application is very finely balanced.

The use of the two buildings for a shop and 12 dwellings is acceptable in principle as both uses are acceptable in shopping centres. Indeed, the addition of a new shop replacing an office use would increase the preferred uses in the shopping centre. Relevant policy criteria is supported because the efficient re-use of existing vacant buildings is proposed in a very sustainable location. Also, the proposal, which is for modest, low cost housing would contribute to providing a range of house types which is required across the city.

A recent national planning policy initiative has created much greater flexibility with respect to the change of use from offices to housing and, subject to the criteria of transport, flooding and contamination this is, for a current temporary period, permitted development. Weight should be afforded to this when considering the application although this should be limited because of the temporary nature.

The design and appearance of the proposal is considered to be acceptable and there are benefits from bringing neglected, vacant buildings back into use.

In attaching weight to the benefits of this application, these need to be set against the issues of overlooking, poor outlook and potential loss of privacy which mainly affects future residents. The report makes it clear that there would be some potential for loss of privacy, mainly within the site, there would be an element of overshadowing in the site and the outlook from some units would be restricted. It is not the case that the layout can be amended to resolve these issues because the buildings are already in place and the applicant has provided measures to mitigate against the overlooking and overshadowing.

Consequently, it is considered that, although a very fine balance, the benefits of the scheme outweigh the issues around overlooking and overshadowing and the application is recommended for conditional approval subject to a legal agreement

controlling the payment of a commuted sum for off-site improvements to open space. The Heads of terms of this are set out below.

#### HEADS OF TERMS

The developer shall pay the sum of £7,838.30 to be used by the City Council towards the enhancement of Open Space within the vicinity of the site.

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|                  |  |
|------------------|--|
| Case Number      | 14/02514/FUL (Formerly PP-03519015)  |
| Application Type | Full Planning Application  |
| Proposal         | Extension over existing building to create 135 apartments (98 x 1 bed studio apartments and 37 twin bed studio apartments) including ancillary management office, laundry, gym and cinema room |
| Location         | A Pinder Ltd<br>24 Hodgson Street<br>Sheffield<br>S3 7WQ   |
| Date Received    | 09/07/2014   |
| Team             | City Centre and East   |
| Applicant/Agent  | Axis Architecture  |
| Recommendation   | Grant Conditionally subject to a 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:

Drawing Numbers:

26054\_A(02)01A  
26054\_A(02)02  
26054 A(02)03B  
26054 A(02)04B  
26054 A(02)05B  
26054 A(02)06B  
26054 A(02)07A  
26054 A(04)01B  
26054 A(04)02C  
26054 A(04)03C  
26054 A(04)04B  
26054\_A(04)05B

Reason: In order to define the permission.

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

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

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.

- 4 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.

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

Reason: In the interests of biodiversity.

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

Reason: In the interests of biodiversity.

- 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 The proposed masonry, including the colour, texture, bedding and bonding of masonry and mortar finish to be used shall match that used for the ground floor elements of the building and approved under planning application 06/02892/FUL.

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

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

Windows  
Window reveals  
Glazing  
Cladding  
Infill panels  
Entrances (including doors)  
Eaves and soffit details  
Extract vents and plant enclosures  
Rainwater goods (including gutters and downpipes)

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

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

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

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



- 11 Prior to installation, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter the lighting shall be installed in accordance with the approved details and shall not be altered without further permission.

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

- 12 The proposed basement car parking accommodation within the site, as indicated on the approved plans, shall be retained for the sole use of the occupiers of the commercial space and residential units hereby approved.

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

- 13 Notwithstanding the details on the approved plans, 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 cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the residential units 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 the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 14 Notwithstanding the details on the approved plans, before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full final details to demonstrate that at least 25% of the residential units within the development shall be constructed to Mobility Housing Standards, shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 15 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),

Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours).

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

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

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

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

16 Before the use of the development is commenced, a validation test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation test shall:

a) Be carried out in accordance with an approved method statement.

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

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

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

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

18 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.

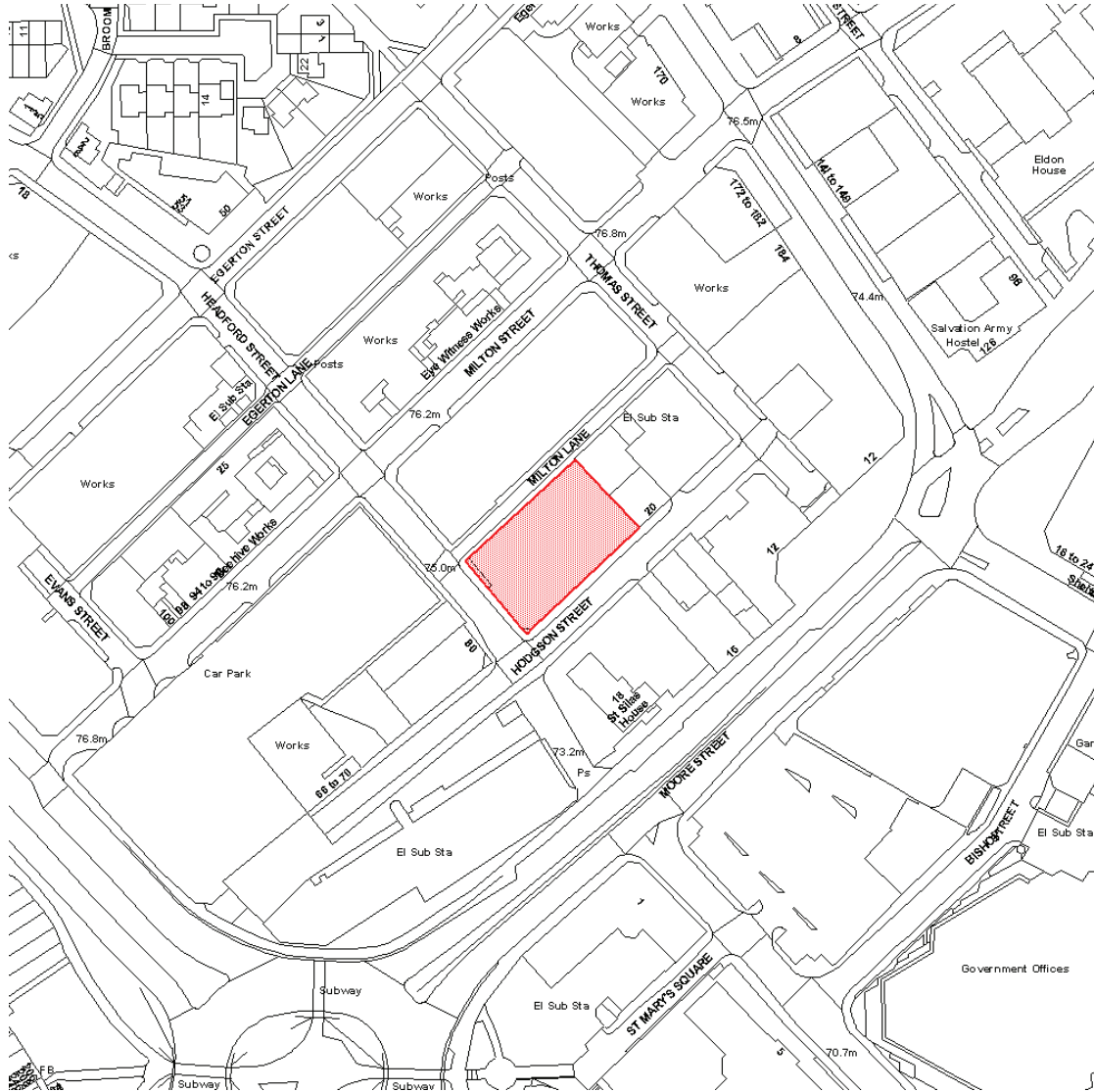
Attention is drawn to the following directives:

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](mailto: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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
5. 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.
6. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
7. 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](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://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.

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

## Site Location



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## LOCATION AND PROPOSAL

The application site is situated in the Devonshire Quarter and, more specifically, in the Milton Street character area (as defined by the Council's Urban Design Compendium), which is situated between Fitzwilliam Street and Hanover Way to the south-west of the City Centre. The site is bounded to the north-west by Milton Lane, to the south-east by Hodgson Street, to the south-west by Headford Street and to the north-east by the former Sheffield Artmetal works and associated offices (now vacant).

Formerly a commercial/industrial area, the area is now evolving as the city centre's activities are changing. As a consequence, the site is surrounded by a variety of buildings and land uses, including a pay and display car park (Milton

Street/Headford Street) and commercial buildings (Headford Street/Hodgson Street).

Opposite the north-west boundary of the site, across Milton Lane, is a cleared site that is pending redevelopment. The site is empty but several planning permissions have been granted since 2006 for a mixed-use commercial and residential scheme on the land. There is currently an extant planning permission for 89 apartments in 1 x 6/7 storey block with offices (Class B1 Business), shops (Class A1) Health Club (Class D2 Assembly and Leisure) Restaurant/Cafe (Class A3) and Bar/Drinking Establishments (Class A4) and car showroom at ground floor level (12/02577/FUL)

Beyond the south-east facing boundary, across Hodgson Street, is St. Silas House which has recently been converted into student residential accommodation and permissions exist to expand this development further, which will increase the density of units and amount of built form on the site.

The application site contains a commercial building that is predominantly constructed from red brick, large glazed windows and timber detailing. The building currently comprises of a ground floor area that is occupied by Pinders Printing and a mezzanine area that is currently vacant. Below the building there is a basement car park containing 42 car parking spaces.

Members are advised that the existing building and infrastructure that currently exists on the site was approved and built as part of a more comprehensive mixed use development for this site, which was granted planning permission in 2006 (ref. 06/02892/FUL, see 'Planning History' below). The development commenced in 2008 but was never completed in its entirety owing to the economic recession. The development proposed as part of this application proposes to retain and incorporate the existing buildings and infrastructure as part of the works. The applicant/developer has changed since 2006 but it is understood that Pinders will continue to occupy the commercial accommodation at ground floor level.

The proposal seeks planning permission to extend over the existing building on the site to create an additional 5 storeys containing:

- 135 apartments across the existing mezzanine and new floors above – comprising of 98 x 1 bedroom studio apartments and 37 x 2 bedroom apartments.
- Associated resident facilities at mezzanine level – including laundry, gym, internet hub, and cinema room.
- An ancillary management office at mezzanine level.

The number and mix of residential units contained within the proposed development has been reduced from 160 units (151 studio apartments and 9 twin bed apartments) to 135 units (98 studio apartments and 37 twin bed apartments) since the original submission, following negotiations with officers.

Given the design and nature of the development, it is anticipated that the apartments will be primarily marketed to and occupied by students. However, the

applicant has stated that occupancy will not solely be restricted to the student population and will be available for others to rent.

## RELEVANT PLANNING HISTORY

06/02892/FUL – Erection of 5 storey building for mixed use development (Phase 2) including 68 residential units over offices (B1 use) and associated basement car parking (as per the amended plans received 4th October 2006 and the Agents letter dated 3rd October 2006). Granted Conditionally with Legal Agreement, 17.10.2006.

10/01241/FUL – Retention of security shutters to windows. Granted conditionally for temporary period, 10.06.2010.

## SUMMARY OF REPRESENTATIONS

The application has been advertised as required. No representations have been received.

## PLANNING ASSESSMENT

### 1. Land Use Issues

The principle of a mixed-use development, including residential apartments, has previously been established under 06/02892/FUL. However, given the period of time that has elapsed since this permission it is considered relevant to review the planning policy position.

#### Unitary Development Plan (UDP)

The application site is designated within a Fringe Industry and Business Area in the UDP. Policy IB6 (Development in Fringe Industry and Business Areas) states that Housing (C3) is an 'Acceptable' use for the areas, subject to all other material considerations being addressed. Therefore, the application is considered compliant with Policy IB6.

Members are advised that the 'Preferred' uses listed in Policy IB6 are Business (B1), General Industry (B2) and Warehousing (B8 excluding open storage). However, the commercial and industrial character of this part of the Devonshire Quarter has been significantly diluted by more recent and alternative policies and ideas for the area, as described below. As such, the vision for the area has changed since the UDP designation and this policy designation carries little relevance.

#### Sheffield Development Framework Core Strategy

The Core Strategy provides the overall spatial strategy over the period 2008 to 2026. This document was published in 2008 and contains updated policies and new visions for the City. Indeed, there are now policies supporting the changes that have occurred around the application site and actively encourage new

development in the Devonshire Quarter area and discourage the expansion of manufacturing and industry. These are discussed below:

Policy CS 6 (Manufacturing and the City Centre) states that manufacturing in the City Centre transition areas should not expand where it would detract from the regeneration of the centre and it will be encouraged to relocate, provided that suitable alternative sites and premises are available in the city. Transition areas include the southern part of the Devonshire Quarter where the application site is situated.

Policy CS 17 (City Centre Quarters) sets out the distinctive and fundamental roles of different 'quarters' of the City Centre and expects that these be consolidated and strengthened. Part f. refers to the Devonshire Quarter and indicates that it should be a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses as well as the City Centre's largest green space, Devonshire Green.

Policy CS 27 (Housing in the City Centre) identifies locations for further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses. Part e. refers to around Devonshire Green.

Policies CS 22 (Scale of the Requirement for New Housing), CS 23 (Locations for New Housing), CS 24 (Maximising the use of Previously Developed Land for Housing), and CS25 (Priorities for Releasing Land for New Housing) all promote residential development in Sheffield in appropriate and sustainable locations in order to assist the delivery of suitable sites for housing within the City over future years.

Overall, in relation to land use, the application proposal is considered to be consistent with the aims of the SDF Core Strategy.

#### Draft City Policies and Sites Document

The draft Sheffield Local Plan City Policies and Sites (Pre-Submission) document identifies the site as being within a Central Housing Area, which is a new proposed allocation area. It should be noted that this Local Plan has not been submitted for final approval and it is not an adopted document. Therefore, its content has limited weight because it is only a draft but it does help to demonstrate the Council's future aspiration for the site.

Overall, the application proposal is considered to be consistent with the emerging aspirations of the Draft City Policies and Sites Document.

#### National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and their expected application. The key goal is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.



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

In light of the above, there is considered to be sufficient national and local policy (including emerging policy) to support the mix of proposed uses at this site.

## 2. Density Issues

Core Strategy Policy CS 26 (Efficient Use of Housing Land and Accessibility) requires new housing development to make an efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Therefore, a minimum density of 70 dwellings per hectare in the city centre is required.

The proposal is for 135 very small studio apartments and represents a density of over 1200 dwellings per hectare, which is acceptable under this Policy.

It is accepted that such a high density is the result of the small size and large quantity of 'micro apartments' within the development. However, the Council does not currently have any adopted internal space standards that can be used to set minimum levels and make developers increase the size of the units they propose. It is therefore felt that refusal of the application could not be substantiated on these grounds.

## 3. Mixed Communities Issues

Core Strategy Policy CS 41 (Creating Mixed Communities) encourages development of housing to meet a range of housing needs. Policy CS41 (a) is relevant to this application and states that a mix of housing types and tenures will be achieved by ensuring that no more than half the homes in larger developments should consist of a single house type. 'Larger developments' are defined as more than 60 new dwellings and a single house types is defined as one with the same number of bedrooms and of the same design or generally similar characteristics.

With 135 apartments, this element of the policy applies and the proposal conflicts with its requirements given that the proposed mix equates to 73% 1 bed studio and 27% 2 bed apartments. This mix has improved considerably since the original submission, which contained 160 apartments in total comprising of 89% 1 bed studio and 11% 2 bed apartments. Members are advised that the proposed mix remains contrary to the policy and is therefore far from ideal.

However, following negotiations the applicant has advised that the proposed mix is

the limit of what their investors will accept and a further change would have serious implications for this and their existing/future projects in the city. Therefore, they are unwilling to change the mix further and an argument has been made by the applicant in order to justify the proposal, including confirmation that internal partitions will be lightweight and non-loadbearing to allow maximum flexibility for layout changes to reflect market changes in the future. A sketch plan has been submitted to demonstrate how the layout of the building could be reconfigured into 1 and 2 bedroom apartments.

In light of the above, and on balance, it is concluded that the proposed mix can be supported at this site. Despite being contrary to policy, it is considered the scheme will secure the completion of development on the site and will add to the mix of existing accommodation in an area already dominated by a high percentage of shared housing through the introduction of a high number of new, albeit small, C3 studios and apartments.

It is known that this development will be targeted at students given the design of units and facilities proposed but it is also the case that they could be let on the open market if demand existed. It is concluded that the overall harm at this location will not be significant because there is not an existing community which could be imbalanced or adversely affected by the lack of mix. It should also be borne in mind that such developments could have the effect of releasing some existing shared housing in the suburbs back into the family market. Finally, the proposal improves upon the original mix proposed and, despite offering just two house types instead of three, it is considered that it offers a better balance of accommodation than that approved as part of the previous (2006) application, which was 26% studio, 68% 1 bed flat and 6% 2 bed flat.

Therefore, it is concluded that the proposal, whilst remaining contrary to Policy CS41, is on balance justifiable for the reasons given.

#### 4. Design Issues

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

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

The proposed design closely resembles the design and appearance of the 2006 proposal that has already commenced on the site. However, the lapse of time and the increased density of development, has resulted in some changes.

The Urban Design Compendium identifies the site as falling partially within the Milton Street Character Area, which contains examples of metal trades

architecture. The Compendium states that buildings in the Devonshire Quarter should address the street and generally be 2 - 5 storeys to reflect the existing building height and enhance the quarter's landmark building – West One. It encourages innovative and contemporary design, which will make a positive contribution to the scale and proportion of existing building form. It also advises that in the character areas building materials should be sensitive to the character.

The scheme is in total 6 storeys high with the ground floor being taller than the upper floors in order to accommodate the additional mezzanine level (creating 7 levels overall). Despite initial concerns about the height, design amendments have been made during the process to ensure that the 6<sup>th</sup> storey is a reduced and set-back addition to just part of the building (less than half) and this now satisfies officers. The scheme is remote from the heart of the proposed Milton Street Conservation Area, and it would not detrimentally detract from the traditional industrial buildings and listed buildings it contains. Furthermore, it is noted that previous decisions on surrounding sites have approved development at between 4 and 7 storeys high and it is likely that storey heights will rise towards the Fitzwilliam Street/Moore Street corner if/when these sites are redeveloped. Therefore, it is considered that the proposed 6 storey building when viewed as part of the overall context block will sit comfortably in this environment.

The proposed architectural design is contemporary with strong vertical and horizontal emphasis. The scheme utilises traditional and modern materials, including red brick, zinc and timber boarding and aluminium window frames, which is consistent with the previous 2006 application and the guidelines of the Urban Design Compendium. The window openings at upper levels are generous, well-proportioned and varied, including projecting sun-box windows with zinc cladding feature panels to certain units on the upper floors. The Milton Lane elevation does not include so much detail and instead it has a more simple brick and window rhythm. The apartments on upper levels of this elevation have windows that overlook a sedum roof proposed on top of the ground floor's mezzanine level.

The pedestrian entrances to the building (excluding fire exits) are situated on Hodgson Street and Headford Street. There are separate entrances to the proposed residential and commercial space and it is considered that this will contribute to active street frontages during both day and night. The vehicular access point, leading down to underground car parking, will remain as existing, close to the junction of Milton Lane and Headford Street.

For the reasons given above, it is concluded that the proposed design is acceptable; it will make a positive contribution to the character and appearance of the site and the surrounding area, in accordance with UDP Policy BE5 and Core Strategy Policy CS74.

## 5. Sustainability Issues

Core Strategy Policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new significant developments (5

dwellings or more) should achieve Code for Sustainable Homes Level 3, or equivalent.

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

The submission provides a commitment to meet the 10% on-site renewable energy generation requirements, which is compliant with Policy CS65.

Additionally, it is expected that the development will be energy efficient and comply with Policy CS64. Given the nature of the development it may be the case that an appointed assessor may consider that the nature of this development means that it qualifies as a multi-residential scheme and, therefore, a BREEAM assessment rather than Code for Sustainable Homes assessment will be reserved by condition.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into large scale developments, if appropriate. Accordingly, there are two areas of sedum roof system proposed as part of this development; one proposed on top of the ground floor's mezzanine level and another on the main roof of the building. This element of the proposal is welcomed.

It is concluded that the proposals will comply with the requirements of the relevant policies and guidelines. Appropriately worded conditions are recommended in order to ensure that these sustainability commitments are fulfilled, as proposed.

## 5. Residential Amenity

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

Key issues for proposed residents are outlook, privacy, outdoor amenity, and noise and disturbance.

### Outlook

All of the studio apartments within the development have large clear openings and will be naturally ventilated to ensure that internal living environments are well lit by daylight and comfortable for future occupiers. It is considered that the outlook from units will be acceptable across all elevations of the site.

The layout of the two bedroom apartments has been the subject of discussion during the course of this application because of officers concern about the failure to provide windows to Kitchen/Living/Dining (K/L/D) space and the lack natural light to the space. The applicant responded to this issue by relocating the apartments to the uppers floors of the building and proposing to install a roof window above K/L/D area to light the space. Despite limited outlook remaining, it is considered to be an

acceptable solution. Given the proposed change, the arrangement of the apartments and the size of the K/L/D space it is considered that the limited outlook is not sufficient to warrant the refusal of this application on amenity grounds.

### Privacy

The layout and design of the scheme creates a circumstance whereby each studio will face outwards across Hodgson Street, Headford Street and Milton Lane. As such, it is considered that there will be no overlooking issues between habitable windows of the apartments within the scheme.

There are extant planning permissions for new apartment developments on the sites immediately opposite the application site on Milton Lane and Hodgson Street (St. Silas House).

With regard to the Milton Lane development, there are habitable room windows on the Milton Lane elevation and as a consequence the proposed developments will overlook each other. However, the design of both buildings follow similar architectural styles, including set-backs and varying building lines, and at the upper floors it is considered that acceptable distances (between approximately 16m – 25m) are achieved. This closely replicates the distances proposed under previous applications.

There is a pinch point between the developments at the junction of Milton Lane and Headford Street whereby a distance of approximately 7m will exist between elevations and some habitable room windows. This is the result of the back edge of footpath design. Ideally, officers would prefer this distance to be greater but there is no significant objection to the proposed distance when viewed in the overall context of the area's design and layout. It is considered that the distances are acceptable for an apartment development in a high-density urban location and it is noted that a number of non-habitable windows are proposed to be obscure glazed. There is concern that a requirement to increase this distance would have negative implications on the redevelopment of the site and the streetscene. It is also the case that similar distances were also previously accepted. For this reason, the development's position and resulting privacy levels are considered to be acceptable.

With regard to St. Silas House, it is considered that the proposed privacy distance and relationship between the two sites will be acceptable.

### Outdoor Amenity Provision

There is no outdoor amenity space proposed as part of this development. The application does not propose balconies or roof terraces and the amenity facilities for residents are restricted to internal areas, such as the gym, cinema/games room, internet hub and laundry.

The failure to provide outdoor amenity space is disappointing but not unusual for a development of this type in a restricted urban location. However, the site is within the Devonshire Quarter and within close proximity of Devonshire Green. It also has

access to good public transport links to other nearby parks and outdoor amenity facilities, which is considered overall to be satisfactory in amenity terms. A contribution towards the enhancement of open space is proposed and discussed later in this report.

#### Overshadowing

It is considered that the proposed development will not detrimentally overshadow the surrounding buildings, including existing and proposed residential developments.

St. Silas House, containing student apartments, is positioned to the south-east of the site and therefore overshadowing will be extremely limited. The development site on the opposite side of Milton Lane is situated to the north west of the application site but, despite being one storey higher in parts, it is considered that the relationship between the sites remains very similar to the previously approved proposals.

#### Noise and Disturbance

The site is affected by environmental noise, which includes low frequency noise from the large electrical substation in addition to typical city centre traffic noise and noise from commercial and leisure activities nearby. The proposed residential use will also be potentially impacted by noise from the existing ground floor use, the printing company houses machinery and equipment that is audible from outside the building as well as a number of externally venting ducted outlets associated with the equipment used. It is also noted that delivery/despatch lorries idle outside the building during loading/unloading periods. These operations have the potential to affect the amenity of residential occupiers, particularly if it is occurring in the early hours.

In light of the above, conditions are recommended, including a validation requirement, to ensure that noise across all frequency ranges is attenuated sufficiently to safeguard the amenity of future occupiers of the building.

Subject to these matters being addressed, it is considered that the noise environment will be satisfactory.

#### 6. Disabled Access & Mobility Housing

UDP Policy H7 (Mobility Housing) seeks to ensure that a proportion (25%) of mobility housing will be encouraged as part of new developments except where the physical characteristics of a site or existing buildings make it difficult.

The applicant has demonstrated that each studio will include a wet room. It has been confirmed that these rooms will be of sufficient size to be able to accommodate a wheelchair turn. Whilst bathrooms with a choice of bathing facilities would be preferred (baths and/or showers), it is concluded that the proposed layouts are acceptable from a mobility housing perspective.

Given that lift access is available to all floors and accessible wet rooms and kitchen facilities are proposed in all studios, it is possible that all of the apartments could be occupied by a disabled person. There are also 4 disabled car parking spaces proposed in the basement. Such provision is considered to be compliant with the aspirations of UDP Policy H7.

Subject to final details being agreed and secured by condition, the mobility housing provision is considered to be acceptable.

## 7. Highway Issues

UDP Policy IB9 (Conditions on Development in Industry and Business Areas), part (f), states that new development or change of use will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS23 (Locations for New Housing) states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainably located sites.

Core Strategy Policy CS53 (Management of Demand for Travel), part b., encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

Given the City Centre location, the site is well located to be served by bus services on Moore Street, Fitzwilliam Street, Arundel Gate and West Street. The West Street tram stops are approximately 550m away, and it is within reasonable walking distance of the Heart of the City, Ecclesall Road and the Universities. The site is therefore considered to have an accessible and sustainable urban location in transport terms.

The development includes car parking in the basement. There are 42 spaces overall and it is proposed that 21 spaces will be retained for the existing printing facility that will be retained at ground floor level. The remaining 21 car spaces will serve the residential units (including 3 disabled spaces).

Bearing in mind the sustainable location of the site, the intention for low car parking provision within this scheme is considered to be acceptable. It reflects the car parking guidance set out in the City Centre Living Strategy (Guideline 15), which states that up to one space per unit will be acceptable. Furthermore, it is considered that the provision of residential accommodation in locations such as this provides people with a choice of means of transport, places them close to employment and other facilities (e.g. city centre and its amenities), and thereby can reduce the need to own a car. It is also noted that public pay and display car parks and street parking are situated within close proximity of the application site. Therefore, it is considered that the level of car parking is wholly in accordance with the spirit of planning policy that is designed to encourage alternative and more sustainable forms of travel.

Given the limited car parking proposed, a directive is recommended to ensure that, with the exception of disabled persons, no resident of the development who does not have access to a space shall obtain a resident's parking permit within any controlled parking zone, which may be in force in the city at any time.

The current proposals intend to provide secure cycle parking for 10 bikes. Given the quantity of residential units proposed this is considered to be a significant under provision and shortfall of spaces. Given the small size of the residential units, it is considered that more spaces should be provided in the car park area. This issue has been raised with the applicant for their consideration and revisions are awaited. Members will be updated of the outcome at the Planning Committee Meeting.

Highway improvements are not required as part of this development given that these were already completed when the existing building was built as part of 06/02892/FUL.

In light of the above, it is considered that the development is consistent with the requirements of policies IB9, CS23 and CS53.

#### 8. Affordable Housing Issues

Core Strategy Policy CS 40 (Affordable Housing) states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable.

The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it supports Policy CS40. IPG Guideline 2 identifies the site as being situated within the 'City Centre West' Affordable Housing Market Area where there is an expected developer's contribution of 10% towards affordable housing provision.

There is no intention to provide affordable housing on-site as part of the development. Instead, however, the applicant has confirmed that they are willing to provide a financial contribution to the Council in lieu of this. This contribution is a total of £531,265.00 and equates to 10% of the units within this development being provided at the transfer price, as required by IPG Guideline 2.

IPG Policy G3 (On-Site Provision and Use of commuted Payments) states that wherever possible and appropriate, affordable housing should be provided on site. A commuted payment in lieu of on-site provision will only be accepted where the City Council consider it appropriate.

Given the design, layout and character of the proposed development, as well as the anticipated target market in terms of future occupiers (students/young professionals), it is considered that a proposed financial contribution is an appropriate option in this instance as it would be better used elsewhere in the city to finance affordable housing of a type and specification that is required rather than provide units within this development, which are limited in variety and mix. As stipulated in Policy G3, it is anticipated that the money will be used to finance new



affordable housing by new building or the purchase, refurbishment or conversion of existing private housing.

In light of the above, it is considered that this is an acceptable solution, in relation to Policy CS 40 and the updated IPG.

Finally, it is advised that your officers are currently negotiating with the applicant regarding the appropriate wording of the clauses in the legal agreement (S106) and members will be updated on progress at the Planning Committee meeting.

## 9. Open Space Enhancement

UDP Policy H16 'Open Space in New Housing Developments' requires that the developer makes a contribution towards the provision or enhancement of public space on or within the vicinity of the application site.

Core Strategy Policy CS 45 'Quality and Accessibility of Open Space' states that safeguarding and improvement of open space will take priority over creation of new areas.

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

Therefore, it is expected that this scheme provides a contribution towards open space in the local area of £173,060.00. Again, this will be secured using a legal agreement (S106). Subject to this being completed, it is considered that the development complies with policies H16 (UDP), CS 45 and CS 46 (Core Strategy).

## SUMMARY AND RECOMMENDATIONS

In summary, the proposal represents a substantial investment, providing a mixed commercial and residential development on a previously developed site in a sustainable location and in a manner that will contribute positively to the character and appearance of the area. The proposed development will build on top of the existing building and finally complete the development of this site.

The main concern about this proposal in planning terms is that it does not provide the desired mix of house types and as such is contrary to Policy CS41, part a). Given the character of the proposed development it is understood that it will be aimed primarily at students and, possibly, other young adults. However, as described in detail in the report, officers have considered such matters and reached an on balance decision that the mix proposed is acceptable at this site, taking into account the amendments made over the course of the application to improve the mix and having regard to the existing character of the area.

The development is a maximum of 6 storeys with lower elements to respect the surrounding context. The range of storey heights is consistent with other approved developments in the area and the detailed design incorporates an appropriate

blend of contextual materials in a modern contemporary design. It is therefore considered that the scheme will make a positive contribution to the character and appearance of the area.

As described in this report, the proposal raises no detrimental concerns in relation to land use, amenity, sustainability, and highways, subject to the listed conditions. Therefore, it is concluded that the development complies with the relevant policies highlighted in this report.

It is recommended that the application be granted conditionally, subject to a legal agreement including the following Heads of Terms:

#### Heads of Terms

1. A financial contribution in the sum of £173,060.00 towards the provision or enhancement of recreation space in the locality of the Site and provided in accordance with Policy H16 of the Unitary Development Plan and the 'Breathing Spaces Strategy'.
2. A financial contribution in the sum of £531,265.00 towards the provision or enhancement of affordable housing in the local area and provided in accordance with the principles set out in the Council's Affordable Housing Interim Planning Guidance.
3. The developer ensuring that future occupiers of residential accommodation on the site are made aware that should they choose to open windows to the accommodation, they could be subject to noise from traffic and businesses in the area surrounding the site, and that the scheme has been designed to minimise noise nuisance provided that the windows are kept closed.

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|------------------|---|
| Case Number      | 14/01392/OUT  |
| Application Type | Outline Planning Application  |
| Proposal         | Erection of one detached and two semi-detached dwellinghouses plus the conversion and extension of the existing building to form a fourth dwellinghouse |
| Location         | Land At Junction With Broomfield Court<br>Broomfield Road<br>Stocksbridge<br>Sheffield<br>S36 2AR   |
| Date Received    | 03/04/2014  |
| Team             | West and North  |
| Applicant/Agent  | Mr D Ward   |
| Recommendation   | Grant Conditionally   |

Subject to:

- 1 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance, (b) Landscaping and (c) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 2 Application for approval in respect of any matter reserved by this permission must be made 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.

- 3 The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 4 Before the commencement of development, the recommendations in the Phase 1 Habitat and Protected Fauna Survey dated 28th November 2014 shall be implemented. The recommendations include:
- Bat surveys. One dusk emergence and/or pre-dawn re-entry survey during May to August. If trees are to be removed along the northern and eastern site boundaries it will be necessary to visit the site two times between June and August. An automated survey, using an 'Anabat' recorder must be undertaken at one location on the site, for three consecutive nights, on two occasions between March and September. The results shall be submitted with the reserved matters application, along with the details of any proposed mitigation measures.
  - Breeding birds. A pre-construction nesting bird check shall be undertaken by a suitably qualified ecologist. If active nests be found, works must cease in the immediate area to avoid disturbance and no works shall be undertaken until young have fledged.
  - Reptiles. The recommendations in relation to reptiles shall be implemented and, if discovered on site, they shall be protected from harm and allowed to move away to safety.

In addition, details of ecological enhancements, informed by the outcome of the bat surveys, shall be submitted to and approved by the local planning authority.

Reason: In the interests of biodiversity.

- 5 The dwellings hereby approved shall be finished in natural stone. 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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 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.

- 10 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for the retained tree belt at the northern end of the site, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of biodiversity.

- 11 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.

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

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

- 13 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the 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.

- 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.

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. 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

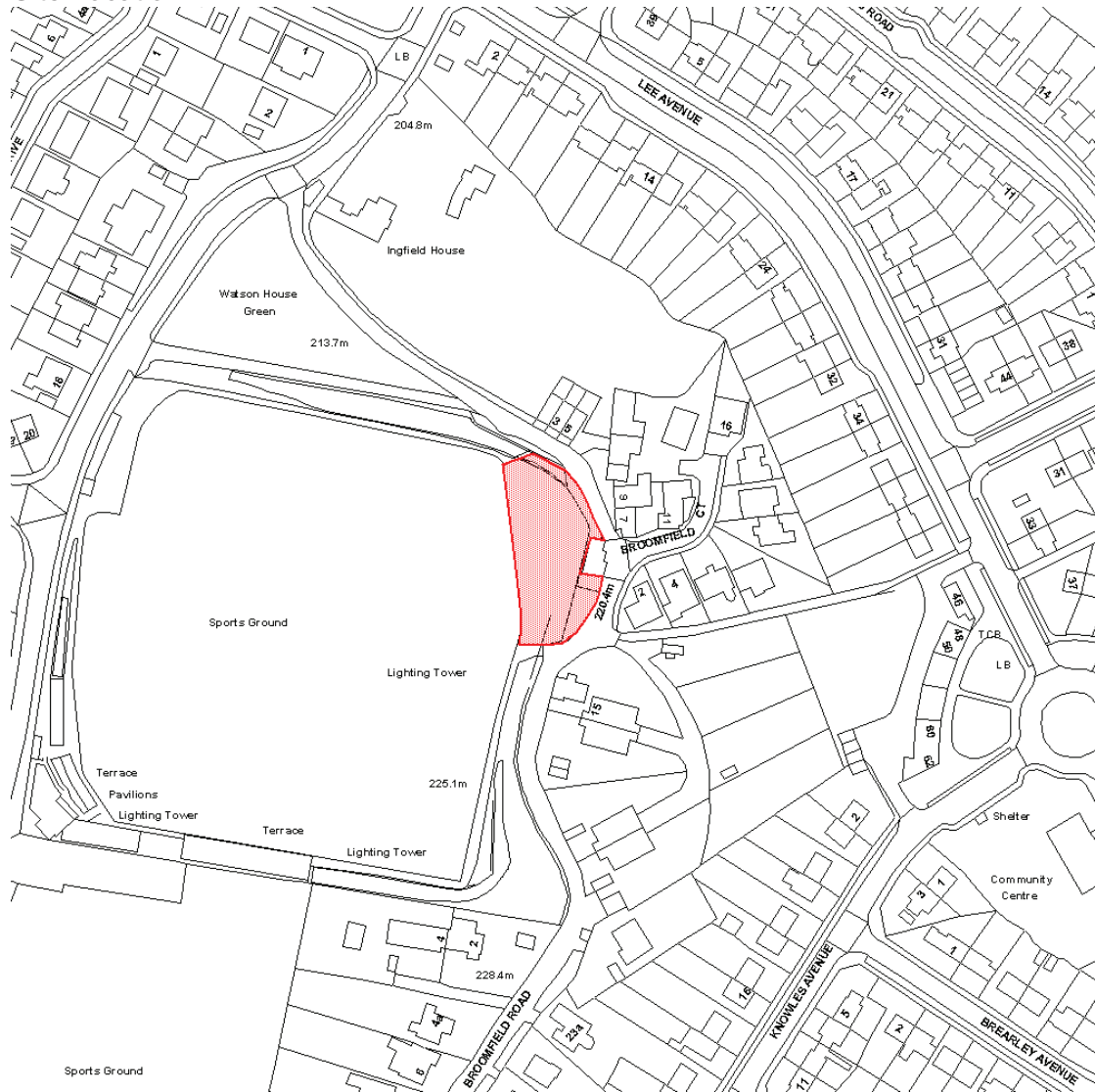
works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
5. The applicant is advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Richard Harris  
Ecology Manager  
Sheffield City Council  
Meersbrook Park  
Brook Road  
Sheffield  
S8 9FL

Tel: 0114 2734481  
E-mail: [richard.harris@sheffield.gov.uk](mailto:richard.harris@sheffield.gov.uk)

## Site Location



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## LOCATION AND PROPOSAL

The application site is located on the outskirts of Stockbridge, on the western side of Broomfield Road, opposite the junction with Broomfield Court. It comprises of an area of land which forms the north-eastern edge of a large area of Open Space as defined in the Unitary Development Plan (UDP), almost all of which is in use as a sports ground owned by the Bracken Moor Sports Club.

The site includes a large area of scrub and a hardstanding adjacent to a small metal clad storage building, as well as a single storey stone built structure along the site's eastern edge. The southern section of this building is derelict and has no roof. The northern section, which is intact and has a roller shutter door facing onto Broomfield Road, adjoins a modern garage structure that does not form part of the application site.



At the site's northern end the land falls steeply towards the highway. This bank is covered with semi-mature trees. The site is bound to the highway by an existing dry stone wall.

The site, and retained stone building and walls, form part of an historic settlement clustered around the junction of Broomfield Road and Broomfield Court, including a grade II listed barn at 17 Broomfield Court.

Outline planning permission was originally sought for the demolition of the existing stone barn and the erection of four semi-detached dwellinghouses with garages. However, it was considered that the retained barn made a significant contribution to the historic settlement and the character of the area and that the access arrangements were problematic. The proposals have therefore been amended and outline consent is now being sought for the conversion and extension of the existing stone building to form a dwellinghouse, plus the erection of one detached and two semi-detached dwellinghouses. Details of layout and access have been submitted for approval, while appearance, landscaping and scale will be reserved for subsequent approval.

#### RELEVANT PLANNING HISTORY

There is no previous planning history associated with this site.

#### SUMMARY OF REPRESENTATIONS

At the Stocksbridge Town Council meeting held on 12th June 2014, Councillors raised objections to the proposals due to over development and access/egress issues.

In addition, 9 objections were received from the occupiers of neighbouring properties to the original proposals. The concerns raised include:

- The development will exacerbate existing on-street parking problems in the vicinity and encourage parking on Broomfield Road which is very narrow.
- The site is located close to a public footpath which is actively used during school times and to access local shops.
- The development will increase traffic on a one-way lane that is already a bottle neck at the junction with Broomfield Court and is unsuitable for HGVs.
- The existing buildings form part of the Watson House Farm Hamlet, which includes a listed cruck barn, and should be retained.
- The proposed houses are on raised ground and so will overlook and block sunlight to surrounding properties.
- A loss of existing trees would harm the privacy of neighbours.
- The proposals will detract from the quiet character of the area.
- There is no pedestrian footway along the majority of Broomfield Road as it is too narrow. This often causes safety problems for people, particularly children, using the road. Added traffic will further compromise the safety of all road users.

- This land is designated for recreational use and may contravene the planning regulations regarding the use of sports facilities for the building of residential properties.
- There is no indication of where the proposed houses will be positioned on the proposed site, and also how many storeys are proposed.
- The site will exit onto a narrow one way road with a restricted view.

A number of non-planning issues were also raised by objectors including the loss of view and impact of construction traffic.

## PLANNING ASSESSMENT

### Land Use

The application site lies on edge of an area of designated Open Space as defined in the Unitary Development Plan (UDP).

Policy LR5 of the UDP (Development in Open Space Areas) states that development will not be permitted where it would, amongst other things:

- cause damage to nature conservation sites or result in a significant loss of mature trees;
- harm open space which forms the setting for a Listed Building or other historic buildings;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside; or
- the proposed use would be incompatible with surrounding land uses.

Similarly, policy CS47 of the Core Strategy (Safeguarding Open Space) seeks to safeguard open space to ensure that there is sufficient quantity to meet the needs of local people. It states that, the development of open space will not be permitted where:

- it would result in a quantitative shortage in informal or formal open space in the area;
- it would result in the loss of open space that is of heritage, landscape or ecological value;
- local people would be denied access to a park or small area of well used open space.

Where development results in the loss of open space, policy CS47 generally requires replacement space to be provided in the local area.

An assessment of the levels of open space within the vicinity of the application site found that, overall, there is sufficient provision of open space within the local area (a total of 4.62ha/1000). The application site is designated for 'Outdoor Sport', of which there is also a sufficient quantity, and the assessment concluded that there would still be sufficient quantity if the application site were to be lost. Moreover, the land in question, though designed for outdoor sports, doesn't function as part of

the playing field area, and is largely peripheral scrub land.

Policy CS47 permits the development of Open Space where the site is identified as surplus to requirements and cannot fulfil another unsatisfied open space need. The unmet needs for open space in the locality are for 'Parks and Gardens' and 'Natural and Semi-natural Greenspace'. It is considered unlikely that the application site would be suitable to fulfil either of these needs, largely due to its small size and location of the edge of a playing field. It can therefore be deemed fully surplus to open space needs, and development of the site is considered to be acceptable.

### Design and Conservation

The application site comprises of an area of scrub and grassland located on the north-eastern edge of a formal sports ground. The bank at the site's northern end is covered with semi-mature trees. The eastern boundary of the site includes a single storey stone built structure and dry stone boundary walls which form part of an historic settlement clustered around the junction of Broomfield Road and Broomfield Court, including the grade II listed early C17 cruck-framed barn at 17 Broomfield Court.

Outline planning permission was originally sought for the demolition of the existing stone building and the erection of 4 semi-detached dwellinghouses with garages along the western edge of the site, with all matters reserved. However, this rather suburban housing response was considered to be the wrong approach given the character of the local area, and it was recommended that amended plans be submitted which incorporate the stone barn as well as the tree-belt to the north.

The proposals, as amended, include an extension to the existing stone outbuilding to form a dwellinghouse (plot 1), a detached dwellinghouse at the southern end of the site (plot 2) and a pair of semi-detached dwellinghouses towards the northern end of the site (plots 3 and 4). The tree bank to the northern edge is retained, while access to the site, and a small parking court, is gained from Broomfield Road, between plots 1 and 2.

Critically, the proposed dwellinghouses are sited so that they form part of the boundary to the site, or courtyard, as is characteristic of this and other former rural hamlet. It is also considered that the new buildings should be finished in natural stone, again to fit in with the historic context.

On the basis of the amended layout, the outline proposals are now considered to form the basis of a successful housing development. As required by policy LR5 of the UDP, the proposals do not result in the loss of the semi-mature tree belt nor are they considered to harm the setting of the listed barn to the north east or the character of the wider area. Furthermore, use of the land for a small scale housing development is considered to be entirely compatible with surrounding land uses as the site adjoins a designated Housing Area.

## Amenity Issues

As the northern end of the application site is raised above the existing dwellings on the eastern side of Broomfield Road (numbers 1 to 7), there is the potential for the development to at least give the impression of overlooking, though it should be possible to achieve window to window privacy distances in the region of 20 to 21 metres. However, the applicant has agreed to retain the belt of semi-mature trees which inhabit the sloping bank along the north and north-eastern edge of the site. It is considered that the retention of these trees will help to maintain the current levels of privacy enjoyed by residents at the northern end of Broomfield Road.

Towards the southern end of the site, both the extended stone barn on plot 1 and the detached dwellinghouse on plot 2 will be situated in relatively close proximity to numbers 2 Broomfield Court and 15 Broomfield Road. However, in both cases these properties will be set at an angle to one another and so will not face each other directly and they are also separated by Broomfield Road. Therefore, while consideration should be given to the internal layouts of plots 1 and 2, it is considered that the occupants of numbers 2 Broomfield Court and 15 Broomfield Road will not suffer any loss of privacy as a result of the proposals.

## Highways

Vehicular access to the site is gained from Broomfield Road, between plots 1 and 2. The access road is slightly north of the entrance to the public footway on the eastern side of Broomfield Road. Vehicles leaving the application site are therefore moving away from the entrance to the footpath and should not cause additional harm to the safety of pedestrians using the footpath. Moreover, as only four dwellinghouses are proposed, the number of additional vehicle movements is expected to be relatively low.

The stone boundary walls proposed to either side of the access road will be restricted to no more than 600 mm in height in order to provide the required intervisibility splays. As traffic along Broomfield Road can only travel one way (from south to north), and the additional volume of traffic will be relatively low, it is considered that the proposed development, and access arrangements, are unlikely to impact upon highway safety.

The proposals, as amended, incorporate 2 parking spaces per dwellinghouse. This is considered to be sufficient for a development of 2 to 3 bedroom properties, as proposed. However, full details of the proposed parking arrangements, including the layout and surfacing of the access road and parking court, are reserved by condition and must be amended if the number of bedrooms in any of the proposed dwellinghouses increase to 4 or more.

## Ecology

Given the nature and location of the application site, as well as the requirements of policies LR5 and CS47, the applicant was requested to undertake a Phase 1 Habitat and Protected Fauna Survey. The survey found no evidence of badgers and, with no watercourse, there is no potential for water voles, otters or freshwater

white-clawed crayfish. No invasive plant species were discovered within the survey area.

However, an assessment of the site's stone structure found 'low' potential for bat roosting habitat, and the line of semi-mature trees is potential bat foraging habitat. The survey area is also a potentially suitable habitat for reptiles.

The survey recommends that it will be necessary to carry out additional bat surveys to ensure that the proposed works do not cause any associated negative impacts, and, as a high proportion of the vegetation located within the survey area is suitable as bird nesting habitat, it is recommended that all vegetation clearance takes place outside of the bird nesting season, which extends from March to September.

Finally, due to the presence of potentially suitable reptile habitat, it is recommended that safeguards are put in place to prevent the proposed works from impacting upon this group.

These requirements are reserved by condition.

#### Coal Mining Risk

The application site lies within Coal Mining Referral Area, an area where there are coal mining features and hazards which need to be considered in relation to the proposed development. Upon request, the applicant submitted a Coal Mining Risk Assessment Report (dated 10 December 2014, produced by Eastwood & Partners), which identifies that the application site has been subject to past coal mining activity. The report concludes, however, that there is a suitable ratio of rock cover to seam thickness such that the ground instability risk to development is low.

The Coal Authority has confirmed that the Coal Mining Risk Assessment Report is satisfactory and that they have no objection to the proposed development.

#### SUMMARY AND RECOMMENDATION

Though the application site lies within an area designated as Open Space, its redevelopment is considered to be acceptable as the site is deemed fully surplus to local open space needs. And, while access arrangements and parking levels are considered to be satisfactory, it is felt that the amended proposals, which now retain both the existing tree belt and stone outbuilding, will not only protect the character of area, but could make a positive contribution to the appearance of this historic hamlet.

This application for outline planning permission is therefore recommended for approval subject to the proposed conditions.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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**Subject:** Quarterly overview of enforcement activity

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**Author of Report:** Khalid Mahmood

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**Summary:** To inform members of the planning enforcement work being carried out in addition to the formal cases on the quarterly update report and to give an overview of the overall quality of the service provided by planning enforcement.

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### **Reasons for Recommendations:**

The purpose of this report is to give Committee Members an overview of planning enforcement work being carried out and the quality of service provided across the City.

### **Recommendations:**

That members note the report.

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### **Background Papers:**

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

10 FEBRUARY 2015

#### QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

##### 1. PURPOSE OF THE REPORT

- 1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> October 2014 to 31<sup>st</sup> December 2014.

##### 2. ACTIVITY DURING THE QUARTER

- 2.1 A total of 121 enforcement complaints were received, out of these 47% were concerned with unauthorised development and use, and 32% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 7%, unauthorised advertisements including hoardings were 11% and all other complaints were 3%.
- 2.2 The number of cases resolved within the target of 6 months was 60% of all the cases closed in the period. The 60% Service target for cases closed within 6 months has been achieved. 128 cases have been closed in this quarter of which 56% have been remedied or made acceptable.
- 2.3 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2013 and 2014 to show trends: -

| Notice type               | Jan 2013<br>to Dec<br>2013 | Jan 2014<br>to Dec<br>2014 | Quarter 4<br>Jan – Mar<br>2014 | Quarter 1<br>Apr – Jun<br>2014 | Quarter 2<br>Jul – Sept<br>2014 | Quarter 3<br>Oct – Dec<br>2014 |
|---------------------------|----------------------------|----------------------------|--------------------------------|--------------------------------|---------------------------------|--------------------------------|
| Breach of Conditions      | 9                          | 15                         | 4                              | 4                              | 2                               | 5                              |
| Discontinuance (adverts)  | 1                          | 11                         | 0                              | 0                              | 0                               | 11                             |
| Enforcement               | 19                         | 23                         | 9                              | 7                              | 2                               | 5                              |
| Stop                      | 2                          | 0                          | 0                              | 0                              | 0                               | 0                              |
| Temporary Stop            | 4                          | 2                          | 1                              | 0                              | 1                               | 0                              |
| Section 215 (untidy land) | 6                          | 8                          | 2                              | 4                              | 0                               | 2                              |
| Section 225 (signs)       | 13                         | 41                         | 3                              | 34                             | 4                               | 0                              |
| Total Notices Served      | 54                         | 100                        | 19                             | 49                             | 9                               | 23                             |
| Prosecutions              | 3                          | 13                         | 6                              | 3                              | 2                               | 2                              |

2.4 The number of formal notices that have been served in the last 12 months has increased, mainly due to the S225 notices served in relation to illegal signs. This was because of targeted action on student to let signs and on hoardings in the Wincobank area. The number of Enforcement Notices and Breach of Condition Notices served has also increased in the last quarter and from the previous year.

2.6 The table below shows the number of complaints received in the last year 2014 and the previous year 2013:-

| Year January 2013 –<br>December 2013 | Year January 2014 –<br>December 2014 |
|--------------------------------------|--------------------------------------|
| 699                                  | 606                                  |

2.7 There continues to be a drop in the number of new cases received over the last 12 months compared to the previous 12 months. It is expected that once the changes implemented last year have been in effect for 12 months the new cases will be at a constant level.

2.8 The workflow software for enforcement is being introduced into the enforcement team; this is currently being tested by officers with a view to implementation in early February. The software focuses on monitoring and improving performance and this will create more efficiency within the enforcement process.

### 3. CONCLUSION

3.1 The six month service target has been met and the number of Notices served has increased, in the last quarter and over the last 12 months.

### 4. RECOMMENDATION

4.1 It is recommended that Members note the report.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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**Summary:** Progress report on enforcement actions authorised by committee, or under delegated powers in the City Centre and East Area.

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**Reasons for Recommendations:**

The purpose of this report is to inform Committee members of progress on current enforcement cases in City Centre and East Area.

**Recommendations:**

That members note the current progress on actions

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**Background Papers:**

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**Category of Report:** OPEN

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## QUARTERLY UPDATE ON LIVE ENFORCEMENT CASES IN CITY CENTRE & EAST AREA

### Report abbreviations

|      |  |      |  |
|------|--|------|--|
| PP   | Planning Permission  | EN   | Enforcement Notice   |
| PD   | Permitted Development  | PCN  | Planning Contravention Notice  |
| BCN  | Breach of Condition Notice   | S330 | Notice under Section 330 of the Act requiring details of interest in land                        |
| S215 | Notice under Section 215 of the Act – Land adversely affecting amenity of neighbourhood. | S225 | Notice under section 225 of the Act requiring removal of illegally displayed placards or posters |
| TSN  | Temporary Stop Notice  |      |  |

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

| NO | SITE                                 | BREACH   | DATE OF BOARD RESOLUTION/ DELEGATED AUTHORITY | CURRENT SITUATION  |
|----|--------------------------------------|--|---|--|
| 1. | 20 Dovercourt Road, S2 1UA           | Untidy front and rear garden                       | 20/11/2014                                    | <b>19/01/2015 – A BCN has been served and needs to be complied with by 14/12/2014. A reminder letter to be sent.</b>   |
| 2. | 33 Pavilion Way, S5 6ED              | Unauthorised single storey side and rear extension | 09/12/2014                                    | <b>19/01/2015 – Application has been submitted on 15/01/2015 for retention and alterations to design and materials, and is in the process of being logged on the system.</b> |
| 3. | 17 Market Street, Woodhouse, S13 7PD | Breach of Condition                                | 17/11/2014                                    | <b>16/01/2015 – Notice has been served and has not been complied with – reminder letter to be sent.</b>  |

|    |   |   |          |  |
|----|---|---|----------|--|
| 4. | Sheiks, 274 Glossop Road, S10                               | Breach of Condition 3 – the shelter needs to be removed | 25/09/14 | <b>16/01/2015 – BCN has been served and has not been complied with, meeting has been arranged with litigation to discuss this issue. The premises are currently not being used.</b> 09/10/14 – BCN has been drafted and is with legal Services.  |
| 5. | 11 Advertisement Hoardings in Wincobank Area                | Unauthorised Advertisement Hoardings                    | 22/04/14 | <b>16/01/2015 – DN have been served on 09/12/2014 and come into effect on the 03/02/2015.</b> 09/10/14 – DN being prepared by Legal Services for 8 Hoardings – no response has been received regarding S330 Notice for 3 of the hoardings – the non-return of S330 will be reported for prosecution. 08/07/14 - A letter and S330 Notice to be sent. |
| 6. | Unit 5, 6 and 7 Elliot Business Park, Chambers Lane, S4 8DA | Unauthorised metal buildings                            | 03/06/14 | <b>16/01/15 – Awaiting Planning Inspector decision.</b> 09/10/14 – An appeal has been made against the EN to the Planning Inspectorate. 21/07/14 – letter and 330 Notice has been served. An EN is being drafted and will be served shortly. The Architect has said that the planning application (13/03839/FUL) will be appealed.                   |

|    |   |   |          |   |
|----|---|---|----------|---|
| 7. | 20 Paddock Crescent,<br>Sheffield, S2 2AR | Unauthorised erection of fence<br>at front and decking at rear of<br>property | 11/03/14 | <p><b>16/01/2015 – The front of the fence facing the highway has been reduced to an acceptable level. However the side panels have not been reduced. A final letter has been sent by Legal to get the owner to reduce the height of the side panels to an acceptable level – Monitor.</b></p> <p>09/10/14 – works have started to comply with the Notice – Monitor. 08/07/14 – EN has been served 3/04/14 – took effect on the 06/06/14 and needs to be complied with by 06/08/14. 01/04/14 - A letter asking for the fence to be removed and S330 Notice has been sent.</p>  |
| 8. | 42 Dundas Road, Tinsley,<br>S9 1SY        | Unauthorised external flue  | 15/10/13 | <p><b>16/01/2015 – legal to be instructed to prosecute and witness statement to be done.</b></p> <p>09/10/14 – The flue has been removed the external fan still needs to be removed. A reminder letter to be sent.</p> <p>08/07/04/14 – letter sent warning legal action to be taken unless EN complied with. 07/04/14 - EN has been served 3/01/14 comes into effect 07/02/14 and required compliance by 02/05/14. 05/11/13 – Application (13/02291/FUL) has been refused with enforcement action. A letter has been sent to the owner requesting the removal within 14 days. If flue not removed within the next few days then EN will be served.</p> |

|     |   |   |          |  |
|-----|---|---|----------|--|
| 9.  | 35-39 Southend Road, S2 5FS (Former Windsor Hotel Public House) | Unauthorised formation of self contained flats at first floor level   | 04/02/13 | <p><b>16/01/2015 – Reminder letter has been sent and no details received. A BCN to be served.</b> 09/10/14 – Two outstanding issues reminder letter to be sent. 08/07/14 – Most of the issues have been resolved. Joint visit between Private Sector Housing and Planning to check remaining few issues. 07/04/14 – A BCN to be prepared and served. 09/01/14 – Work is progressing positively to comply with conditions. 03/07/13 – Planning permission has been granted and work is being carried out to comply with conditions. 12/04/13 – PCN has been served asking for further information regarding the first floor flats. 12/02/13 – New planning application (13/00207/FUL) has been submitted with alternative proposal and is currently Invalid. Letter has been sent asking for further information to validate application.</p> |
| 10. | Land Adjacent The Old Dairy 8, White Lane, Gleadless, S12 3GB   | Unauthorised erection of summer house decking area and climbing frame and the unauthorised use of land for domestic curtilage | 05/11/12 | <p><b>16/01/2015 – A final letter has been sent by legal to get the remainder of the structure removed – Monitor.</b> 09/10/14 – Work has started to remove the structure assurances have been given that the structure will be removed by 31/10/14 – Monitor. 01/04/14– Appeal has been dismissed 6 month compliance period from 24 October 2013 expires on 24/04/14. 03/07/13 - Case with the Planning Inspectorate. 04/04/13 – An appeal has been made against the EN. 23/01/13 – EN has been served (14/12/12) and an appeal has been made.</p>  |



|     |   |                             |            |   |
|-----|---|-----------------------------|------------|---|
| 11. | 484 Staniforth Road,<br>Darnall, S9 3FW | Unauthorised roof extension | 25/01/2010 | <p><b>16/01/2015 – A reminder letter has been sent to the owner to establish if he has enough funds to start works to comply with Notice.</b> 08/07/14 – Quotations being requested for possible direct action by SCC. 04/04/13 – No solution offered by the owner, the lending bank (mortgage) contacted but not able to assist in resolution. 11/02/13 – In discussions with owners (including mortgage provider) to find a resolution. 29/10/12 – The owner has said that he cannot afford to carry out the works required in EN. Meeting has been arranged with owner to discuss a plan of action. 02/07/12 – Letter sent on 11/05/12 reminding the owners that work needs to be carried out before 10/12. 02/04/12 – Monitor site until 10/12 for compliance. 13/01/12 – The owner cannot afford to carry out the works, extra 12 months given to comply with EN – check 10/12. 11/10/11 – Letter sent to owner giving 2 months to comply with EN or 2<sup>nd</sup> prosecution will begin. Work not started yet. Trying to arrange site meeting with owner to clarify what is required. 08/07/11- Fined £200+100 costs, reminder to be sent to comply with EN. 20/01/2011</p> |
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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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**Subject:** Enforcement Report

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**Author of Report:** Khalid Mahmood

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**Summary:** Progress report on enforcement actions authorised by committee, or under delegated powers in the South Area.

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**Reasons for Recommendations:**

The purpose of this report is to inform Committee members of progress on current enforcement cases in the South Area.

**Recommendations:**

That members note the current progress on actions

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**Background Papers:**

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**Category of Report:** OPEN

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## UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA

### Report abbreviations

|     |                               |       |   |
|-----|-------------------------------|-------|---|
| BCN | Breach of Condition Notice    | PD    | Permitted Development   |
| DN  | Discontinuance Notice         | PP    | Planning Permission   |
| EN  | Enforcement Notice            | S215N | Section 215 Notice, to remedy untidy land                                 |
| ESP | Enforced Sale Procedure       | S330  | Notice under Section 330 of the Act requiring details of interest in land |
| NFA | No Further Action             | TPO   | Tree Preservation Order   |
| PCN | Planning Contravention Notice | TSN   | Temporary Stop Notice   |

### ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

| NO | SITE                                     | BREACH   | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION   |
|----|--|--|------------------------------|---|
| 1. | Wash 4 You, 90 - 92 Bramall Lane, S2 4QZ | Breach of condition  | 13/02/2014                   | <b>28/01/2015 – A BCN has been served and has not been complied with. The owner has submitted application (14/03597/FUL) for use of site as mixed use development which has been granted. In discussions with owners to ascertain when work will start on site.</b> |
| 2. | 13 College Street, S10 2PH               | Unauthorised replacement of roof tiles within an Article 4 | 11/04/2014                   | <b>20/01/2015 – The time period for compliance has expired and reminder</b>   |

| NO | SITE   | BREACH   | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|----|--|--|------------------------------|--|
|    |  | Area   |                              | <b>letter to be sent.</b>  |
| 3. | Plot 5 Long Acres, 73 Newfield Lane                                | Non-payment of S106 money, total of £1,019.70 to be used towards provision/enhancement of open space | 20/12/2014                   | <b>16/01/2015 – This outstanding sum is a “top up” to a previous (paid) contribution. The remaining figure is too low to effectively pursue, and the properties have been sold by the developer. It is therefore recommended that NFA is taken towards securing the payment. - NFA</b> |
| 4. | Vestry Hall<br>80 Crookesmoor Road<br>Sheffield<br>S6 3FR          | Untidy Grade 2 Listed building   | 16/10/2014                   | <b>19/01/2015 – A S215 Notice has been served on the 16/10/2014. An appeal has been made. Statements being done for hearing in Court.</b>  |
| 5. | 245 Ecclesall Road<br>Sheffield<br>S11 8JE                         | Breach of opening hours  | 25/10/2014                   | <b>19/01/2015 – A BCN has been served, the Notice is not being complied with. Witness statements being done for prosecution.</b>   |
| 6. | Land At Crookes Road And Taptonville Road, Crookes Road<br>S10 5BR | Breach of Condition - Tree protective fencing has not been erected as required.                      | 23/12/2014                   | <b>20/01/2015 – A BCN is being drafted and will be served shortly.</b>   |
| 7. | 140-142 Abbeydale Road, S7 1FF                                     | Unauthorised canopy  | 16/09/2014                   | <b>16/01/2015 – EN has been served on 30/10/2014 and needs to be complied with by 19/03/2015.</b>  |

| NO  | SITE   | BREACH  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION   |
|-----|--|---|------------------------------|---|
| 8.  | 755-757 Abbeydale Road, S2 7BG                             | Unauthorised canopy   | 16/09/2014                   | <b>16/01/2015 – EN has been served on the 30/10/2014 and needs to be complied with by 16/03/2015. Planning permission for retractable canopy has been granted (14/04380/FUL) – Monitor 14/10/2014 – Negotiations ongoing with owner to submit a planning application within 21 days for a more acceptable canopy.</b>   |
| 9.  | 44 Grange Crescent, Nether Edge, S11 8AY                   | Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature | 07/02/2011                   | <b>16/01/2015 – Witness statement being prepared for prosecution.</b> 14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not complied with then the matter will be reported for 2 <sup>nd</sup> prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice. |
| 10. | 166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7 | Illegal Signs   | 16/09/2014                   | <b>16/01/2015 –Occupier details being identified before the matter is reported for prosecution.</b> 14/10/2014 - Writing to owners/occupiers to advice of pending prosecution - locating up to date contact   |

| NO  | SITE                           | BREACH  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|-----|--------------------------------|---|------------------------------|--|
|     |                                |   |                              | details for each property.   |
| 11. | 31 Moor Oaks Road, S10 1BX     | Unauthorised replacement front door and frame             | 26/08/2014                   | <b>16/01/2015 – EN has been served on 14/11/2014 came into effect on the 12/12/2014 and needs to be complied with by 06/03/2015. The appeal against the planning application has been dismissed. – Monitor.</b> 14/10/2014 – EN with legal, due to be served shortly                           |
| 12. | 9 & 11 Moor Oaks Road, S10 1BX | Unauthorised replacement front doors and frames           | 26/08/2014                   | <b>16/01/2015 – EN has been served. An appeal has been made.</b> 14/10/2014 – 2 EN's with legal, due to be served shortly  |
| 13. | 20 Glen Road, S7 1RA           | Unauthorised replacement driveway                         | 15/07/2014                   | <b>16/01/2015 – It has been agreed that works will be carried out by the end of March 2015.</b> 14/10/2014 EN served 23/09/14 takes effect 23/10/14 -  |
| 14. | 12 & 14 Crookes Road, S10 1GR  | Unauthorised replacement roof tiles, fascia and guttering | 28/01/2014                   | <b>16/01/2015 – The owner is not making sufficient progress to carry out the works required, therefore an EN is being prepared and will be served shortly.</b> 14/10/2014 Roof replacement underway<br>23/07/2014 - Works underway – agreed not to serve EN as committed to resolve the issue. |
| 15. | 261, 269 & 271-273             | Unauthorised replacement                                  | 17/12/2013                   | <b>16/01/2015 – the appeal has been</b>  |



| NO  | SITE  | BREACH                                  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|-----|---|---|------------------------------|--|
|     | Fulwood Road, S10                                     | windows                                 |                              | <b>dismissed on 21/01/2015 - 6 Month compliance period.</b> . 06/03/14 - Appealed EN. Appealed refusal 13/02/2014 EN served, appealed under same grounds. Application refused with authority to serve EN   |
| 16. | 95 Brunswick Street, S10 2FL                          | Non-compliance with planning conditions | 14/03/2014                   | <b>16/01/2015 – Work is being carried out to comply with the Notice - Monitor.</b> 22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site. |
| 17. | Land Between 1 To 3 and No 5 And 7 Dover Road S11 8RH | Erection of an Unauthorised wall        | 11/03/2014                   | <b>16/01/2015 - Awaiting Planning Inspector decision.</b> 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – EN served with 6 month compliance period.  |
| 18  | 79 Dore Road, S17 3ND                                 | Unauthorised Hoarding                   | 24/09/2013                   | <b>16/01/2015 – The signs have been removed – NFA.</b> 14/10/2014 – Awaiting prosecution. 23/07/14 Appeal dismissed – final time limit given on 09/07 allowing 14 days – prosecution pending. 7/04/14 – Appeal in progress. 14/01/2014- awaiting                                       |

| NO | SITE                           | BREACH  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|----|--------------------------------|---|------------------------------|--|
|    |                                |   |                              | outcome of appeal before prosecution<br>1/10/2013 – Notice being prepared.   |
| 19 | 263 Cemetery Road,<br>S11 8FS  | Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows. | 05/11/2013                   | <b>16/01/2015 – Witness statement being prepared for prosecution.</b> 16/06/2014 – Notice has not been complied with, a reminder letter has been sent to the person in control of the property. 14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months. |
| 20 | Whirlow Elms Chase,<br>S11 9RQ | Use of land as a builder storage compound   | 21/05/2013                   | <b>30/02/2015 – the compound has been removed and the use has stopped - NFA</b>  |
| 21 | Whirlow Elms Chase,<br>S11 9RQ | Breach of Condition 3 – relating to the minimum standard of Code Level for Sustainable Home Level 3 and 15 relating to the removal of the caretakers house before the occupation of the dwellings   | 03/10/2013                   | <b>16/01/2015 – Condition 3 – The developer is discussing with Planning Officer for an alternative approach to condition. With regards to condition 15 – the main building has been removed but part of the building remains. Legal advice being sought regarding potential</b>  |

| NO | SITE                         | BREACH   | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION   |
|----|------------------------------|--|------------------------------|---|
|    |                              |  |                              | <p><b>prosecution regarding this condition.</b><br/>           14/10/2014 – with regards to Condition 3 - the developer was convicted and fined £750, SCC awarded costs £1000 and surcharge of £75.</p>   |
| 22 | 6 Rosamond Place,<br>S17 4LX | <p>Breach of Condition 2 – Landscaping.</p> <p>Breach of Condition 1 – Completion of Development</p> | 20/02/2013                   | <p><b>16/01/2015 – Case has been adjourned until June 2015, due to extenuating circumstances. – Monitor.</b> 14/10/2014 – All paperwork with litigation ready for a 2<sup>nd</sup> prosecution. 22/07/2014 – Although application determined, No works carried out on site, so matter to be reported for 2<sup>nd</sup> prosecution again. 01/05/2014 – 2nd prosecution held back as the Owner submitted the necessary application. 07/04/2014 – Awaiting a court date for the 2<sup>nd</sup> prosecution. 06/01/2014 – Work recommenced on site, so being monitored to ensure that this continues. 31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development not completed therefore prosecution papers being prepared for 2<sup>nd</sup> breach of control. 16/10/2013 – Case in Court, found</p> |

| NO | SITE  | BREACH  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|----|---|---|------------------------------|--|
|    |   |   |                              | guilty and fined £75 fine, £75 costs and £25 surcharge.  |
| 23 | Swanky Franks<br>722A Chesterfield Road     | Non-compliance with a planning condition to clad an extraction flue   | 13/02/2012                   | <b>16/01/2015 – Letter and S330 Notice has been sent to all Directors.</b> 14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. -   |
| 24 | 204 Chippinghouse Road, Nether Edge, S7 1DR | Unauthorised replacement of windows and door within an Article 4 area | 13/08/2012                   | <b>16/01/2015 – A reminder letter to be sent asking to replace the ground floor window and door to fully comply with the Notice.</b> 14/10/14 – 1 <sup>st</sup> floor windows have been replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced. 14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows.12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet. |
| 25 | 7 Greenfield Drive, S8 7SL                  | Unauthorised signage on display                                       | 26/09/2011                   | <b>16/01/2015 – The Section 330 Notice has not been returned a reminder letter to be sent.</b> 14/10/2014 –Letter and S330 notice to be served.  |

| NO | SITE  | BREACH  | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION  |
|----|---|---|------------------------------|--|
| 26 | Ball Inn, Mansfield Road, S12 2AG                 | Unauthorised Hoarding                                   | 21/06/2010                   | <b>16/01/2015 – Letter and S330 Notice to be served.</b>   |
| 27 | Oasis Pizza, 204 Whitham Road, Broomhill, S10 2SS | Non-compliance with approved hours (98/00186/FUL)       | 02/06/2010                   | <b>16/01/2015 – Planning permission (14/0328/FUL) has been granted for new opening hours due to 1<sup>st</sup> floor flat being used for storage use and under the control of the ground floor takeaway user. New hours are 00:30 on any day. – NFA.</b> 14/10/2014 – new application for extended hours of operation appears elsewhere on this agenda. 13/03/14 – Owner prosecuted (3 <sup>rd</sup> such prosecution since July 2011) & found guilty & fined £125 for each of two offences prosecuted (total inc costs = £425 to be paid in instalments of £20 per week). |
| 28 | Old Whitelow Farm, Old Whitelow Lane, S17 3AG     | Re-construction of a demolished redundant farm building | 30/07/2008                   | <b>28/01/2015 – EN to be served.</b> 15/10/2014 – Awaiting legal interpretation of legislation to ascertain whether the works are now immune from action due to the four year rule or whether a second bite provision can be applied to this case.   |

| NO | SITE   | BREACH   | DATE OF COMMITTEE RESOLUTION | CURRENT SITUATION   |
|----|--|--|------------------------------|---|
| 29 | Norfolk Arms Public House, Ringinglow Village, S11 7TS | Unauthorised fume extraction and Lighting Columns. | 19/05/2008 & 21/09/2009      | <b>16/01/2015 – Witness statement being prepared for prosecution.</b> 14/10/2014 – Reminder letter to be sent asking him to comply with notice within 28 days. If no response then prosecution file to be prepared. |



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Progress report on enforcement actions authorised by committee, or under delegated powers in the North Area.

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### **Reasons for Recommendations:**

The purpose of this report is to inform Committee members of progress on current enforcement cases in North Area.

### **Recommendations:**

That members note the current progress on actions

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### **Background Papers:**

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**Category of Report:** OPEN

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**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 September 2014**

**Report abbreviations**

|     |                               |       |   |
|-----|-------------------------------|-------|---|
| BCN | Breach of Condition Notice    | PD    | Permitted Development   |
| DN  | Discontinuance Notice         | PP    | Planning Permission   |
| EN  | Enforcement Notice            | S215N | Section 215 Notice, (to remedy untidy land / buildings)                   |
| ESP | Enforced Sale Procedure       | S330  | Notice under Section 330 of the Act requiring details of interest in land |
| NFA | No Further Action             | TPO   | Tree Preservation Order   |
| PCN | Planning Contravention Notice |       |   |

**ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT**

| <b>NO</b> | <b>SITE</b>              | <b>BREACH</b>   | <b>DATE OF COMMITTEE RESOLUTION (or delegated authority)</b> | <b>CURRENT SITUATION</b>  |
|-----------|--------------------------|---|--|---|
| 1.        | <b>110 Bolsover Road</b> | <b>Unauthorised external wall insulation added to front elevation of house in breach of Permitted Development Condition regarding materials</b> | <b>11/12/14</b>  | <b>Jan 2015, Seeking legal advice about construction of BCN</b> |

| <b>NO</b> | <b>SITE</b>   | <b>BREACH</b>   | <b>DATE OF COMMITTEE RESOLUTION (or delegated authority)</b> | <b>CURRENT SITUATION</b>   |
|-----------|---|---|--|--|
| 2.        | 281 Springvale Road   | Unauthorised Fence of over 1m in height erected adjacent to highway, which is out of keeping with area.       | 09/12/14   | 14/01/15 - Owner to be advised of enforcement authority in due course and course of action to be developed.  |
| 3.        | 523 Loxley Road   | Unauthorised Car Port erected at rear of house, which includes a balcony roof.                                | 09/12/14   | Dec '14 – Legal services instructed to prepare EN for removal of whole development. Retrospective application to retain balcony aspect only, refused 23/12/13 & subsequent appeal dismissed on 1/4/14. |
| 4.        | 209 Stannington Road  | Unauthorised Front Extension to House   | 09/12/14   | EN being prepared by Legal Services.   |
| 5.        | Land, Rear of Former Middlewood Tavern, off Middlewood Road North | Unauthorised Excavation Works.  | 09/12/14   | 17/12/14 - Owner has committed to submit application with justification for the development by end of January.   |
| 6.        | 91-99 Coward Drive  | Non-compliance with approved plans & conditions of PP 10/03955/FUL for erection of 5 houses. Fencing omitted, | 30/9/14<br>(delegated)                                       | 08/01/15 - Awaiting service of BCN. Details sent to Legal Services 30/09/14 for service of BCN   |

| NO | SITE   | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION   |
|----|--|--|---|---|
|    | Coward Drive continued from p 2              | window details changed, soft landscaping not provided & trees felled.  |   |   |
| 7. | Oak Lodge Farm, Thompson Hill                | Unauthorised siting of 2 caravans and 4 metal containers   | 01/04/14  | Appeal lodged & Public Inquiry to be held 20/1/15. EN served 16/4/14, requires removal of 2 caravans and 4 containers within 6 months.  |
| 8. | Village News, 176-178 Main Street, Grenoside | Non-compliance with conditions PP13/02171/FUL, condition 3 - opening times, c6 – inventory of cooking equipment, c7 – no external plant. | 28/03/14 (delegated)                                  | <p>BCN served 28/3/14 requiring compliance with c.3, c6 &amp; c7 within 28 days of service. Three planning applications have been submitted to alter the conditions being enforced, <b>therefore BCN deemed to be complied with as information required is dealt with by the following applications.</b></p> <ul style="list-style-type: none"> <li>- 14/02191/FUL – <b>for an outdoor seating area. Decision pending at 14/01/15.</b></li> <li>- 14/01031/FUL — extend opening times to 8am to 6pm Monday to Friday, 8am to</li> </ul> |

| NO  | SITE                           | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION  |
|-----|--------------------------------|--|---|--|
|     | Main Street continued from p.7 |  |   | 5pm Sat.& increase cooking equipment to 2 microwave ovens, 1 griddle & 1 safety fat fryer. <b>Granted Conditionally 6/1/15.</b><br><br>- 14/-1042/FUL –PP granted 6/1/15 for reposition air handling plant & add sound attenuation measures.<br>Outcome of those applications is awaited before any further action taken on BCN. |
| 9.  | 492 Barnsley Road              | Unauthorised Change of Use from A1 to A5 and erection of external flue without planning permission | 11/03/14  | <b>Application submitted for change of use &amp; flue, ref: 14/02077/FUL</b> Preparations being made for service of EN to remove flue and negotiations needed to find alternative method of venting fumes away without causing visual harm.  |
| 10. | 2 Larch Grove                  | Unauthorised Fence   | 29/01/14  | <b>17/11/14. Boundary fence has been reduced to height of 1.2m to 1.3m as the road rises. Height now deemed acceptable in planning terms &amp; as such Notice is deemed complied with. NFA.</b><br>EN served 18/02/14 requiring the removal  |

| NO  | SITE                              | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION   |
|-----|-----------------------------------|--|---|---|
|     | Larch Grove continued from page 4 |  |   | of the fence. The owner has reduced the height of the fence to PD height of 1m not requiring PP. It is believed it might be slightly over 1m. Officers to check.  |
| 11. | Aldi, 82 The Common               | Non-compliance with conditions of PP 13/00498/FUL for erection of a food store, regarding (condition43) delivery of goods / times, (c25) carry out landscaping scheme, (c28) target emission reductions for store construction, (c31) environmental measures concerning delivery vehicles, electric charge points, cycle racks etc, (c.53) Forecourt improvements adj the mill & wood management | 16/01/14 (delegated)                                  | <b>All details for conditions approved. Only outstanding issue is the implementation of approved landscape scheme by end of currant planting season.</b> BCN served 17/1/14 requiring details for specified conditions (see breach) within 28 days. Delivery time condition no.43 now being complied with. The other details are being considered under new discharge of conditions application ref. 14/00605/COND at 10/10/14. |

| NO  | SITE                                     | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION  |
|-----|--|--|---|--|
| 12. | Land to Rear of 33 & 35 Nottingham Cliff | Erection of a building for use as a dwelling   | 28/01/14  | <b>Compliance achieved.</b> Work towards compliance with EN are well progressed. Retrospective application 13/03341/FUL refused 3/12/13 & appeal dismissed 22/5/14. EN served 3/6/14, requires demolition of building by 20/11/14.   |
| 13. | Lion Works, Handley Street               | Derelict listed building causing visual harm to both the area and the building itself. | 4/10/13 (delegated)                                   | Works completed under phase 1 to remove most of the eyesore problems of the site. Phase 2 to begin next financial year in 2015 to restore structural integrity of the roof. 24/03/14-Works underway & progressing. S215N served 4/10/13. Took effect 1/11/13, requiring renovation work including making building weather proof. Compliance required by 21/2/14. |
| 14. | Land adjacent to 4 Mowson Hollow         | Timber Building used for store / studio  | 13/11/12  | <b>17/12/14 – EN complied with.</b> Work started to remove building as application approved to relocate building to within garden area, ref. 14/00621/FUL. Written assurance given that building will be moved on the outcome (either way) of this application. Costs and materials can be saved by moving   |

| NO  | SITE                                | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION   |
|-----|-------------------------------------|--|---|---|
|     | Mowsom Hollow continued from page 6 |  |   | and re-constructing in one job. EN served 15/2/13 & appeal dismissed 5/9/13, removal of building required by 5/3/14. Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.  |
| 15. | 290-308 Pitsmoor Road               | (1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HMO, (11/00050/FUL refused)<br>(2) Canopy to front of Shop refused PP | 19/4/11   | <b>06/01/15</b> – Conditions in breach identified, contacting <b>new</b> owner to address before next quarterly update, for any outstanding conditions, such as boundary treatment, surfacing works etc. (1) EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress. 31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP. (1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop & HMO has PP |

| NO  | SITE                                | BREACH   | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION  |
|-----|-------------------------------------|--|---|--|
|     | Pitsmoor Rd continued from p 6      |  |   | (2) 11/03370/ granted 3/1/12, implementation will supersede the EN. EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370 for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11.   |
| 16. | Youth Club Building, Burgoyne Road, | Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied | 25/1/11   | <b>07/01/15</b> – Ongoing litigation case to pursue original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation & prosecution to be considered.  |
| 17. | Parker's Yard, Stannington Road     | Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.   | 10/6/10   | <b>07/01/15 – new app under consideration.</b> 14/02426/CHU submitted to retain previously refused use setting out case that it is operating without nuisance. Deadline set , of the same period given in the EN to cease the use at Parker's Yard due to the lack of an alternative plan from Carwood Commodities. Proposed that 16 weeks be given from date of cttee if approved by members. At January 2014, the lease is still |



| NO | SITE                            | BREACH | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION   |
|----|---------------------------------|--------|---|---|
|    | Parker's Yard continued from p8 |        |   | <p>being actively negotiated for the Pearson Forge Site, but it remains unsigned due to difficulties on the seller's part. The business is overcoming problems with their bank &amp; with the vendor for the site due to the economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this. 18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis,(takes 6wks= approx 10/4/12). Owner reports on 28/3/12 there shouldn't be further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, March, due to owners Bank requiring more info on structural stability of site buildings &amp; land contamination. Relocation - the legal process begun &amp; discharge planning conditions also taking place now. Initial estimate is mid Dec'11 for work on site to begin at Pearson Forge. Alternative site that would be suitable for relocation of business identified &amp; 11/01953/CHU granted</p> |

| NO  | SITE  | BREACH  | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION  |
|-----|---|---|---|--|
|     | Parker's Yard continued from p8               |   |   | 13/9/11 for former Pearson Forge at Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed.   |
| 18. | Dial House Club, Far Lane / Ben Lane          | Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance. | 15/12/09 (delegated authority)                        | <b>07/01/15, Applications under consideration.</b> Discharge of Conditions applications, 13/00599/COND & 13/00606 under consideration likely to come to committee in Feb/March. Development nearly complete. PP being implemented at 26/9/11, BCN now complied with. Meeting inc developer, officers & Members was held in Dec10 & promise to start work along agreed lines made to start Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to approval of application. BCN served 21/12/09. Condition details required by 29/3/10. |
| 19. | <b>Former Fire Station, Westwood New Road</b> | <b>PP for conversion to 6 Flats with S106 Contribution for Open Space, ref</b>  | 14/03/05 (delegated decision)                         | <b>PP was granted for building to be converted to five apartments. This resulted in a S106 requiring £2,610 to</b>   |

| NO | SITE | BREACH       | DATE OF COMMITTEE RESOLUTION (or delegated authority) | CURRENT SITUATION   |
|----|------|--------------|---|---|
|    |      | 03/04312/FUL |   | enhance open space in the locality. The building was converted but only four flats were formed. This number would not attract a S106 contribution. A new application for retrospective permission is to be submitted to regularise the position. Accordingly, Members are requested to confirm that this contribution can be written off. |

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 10 February 2015

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
10 February 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 delegated decision of the City Council to refuse planning permission for demolition of single-storey rear extension, erection of two-storey front extension, alterations to garage to form habitable living accommodation and single-storey side/rear extension to dwellinghouse at 167 Bradway Road Sheffield S17 4PF (Case No 14/02476/FUL)

(ii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting of 26 August 2014 to refuse with enforcement action replacement of front entrance doors and frame surrounds at 9 and 11 Moor Oaks Road Sheffield S10 1BX (Case No 14/01854/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 a bungalow at land Adjacent 8A Stuart Road Sheffield S35 1XP (Case No 14/02752/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 26 August 2014 to refuse planning consent for replacement of front door and frame to dwellinghouse (Retrospective application) at 31 Moor Oaks Road Sheffield S10 1BX (Case No 14/02148/FUL) has been dismissed.

#### Officer Comment:-

The Inspector considered the main issue to be whether the proposed development preserves or enhances the character or appearance of the Broomhill Conservation Area.

He noted most of the properties in the group displayed traditional timber doors and frames, and that the special interest of the Broomhill Conservation Area is formed from its collection of Victorian villas and terraced houses, with Moors

Oaks Road being an example of this.

He considered that although the door is of a similar style, the use of uPVC, with manufactured joints, flat appearance, bulky profiling and absence of joinery detailing make it apparent in the street scene, jarring with the finer profile and more ornate detailing of traditional timber doors and frames of neighbouring properties that the Article 4 Direction has been imposed to preserve.

He noted the presence of other examples in the street but considered that the cumulative effect of these would give rise to substantial harm. Although the impact of this one example would be less than substantial, the Inspector highlighted the requirement of paragraphs 132 and 134 of the NPPF that require any harm to have clear and convincing justification, and to be balanced against any public benefit.

He felt the limited energy efficiency and security to the property did not outweigh the harm caused to the character and appearance of the Conservation Area.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of a detached double garage to the front of the dwellinghouse at 297 Ecclesall Road South Sheffield S11 9PQ (Case No 14/03131/FUL)

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of Ecclesall Road South.

The Inspector agreed with officer's judgement that the garage, located in the front garden would interrupt the established building line and rhythm of the street, detracting from the character of open landscaped frontages.

He felt the presence of trees and other planting would help to screen it, but at 5m high it would be clearly visible above the planting, especially in winter months.

He also noted other examples within the street scene of front garden garages but felt that these served to confirm the negative impact they have upon the character of the area.

#### 4.0 APPEAL – ENFORCEMENT NOTICE

- (i) To report that 3 appeals against Enforcement Notices served in respect of unauthorised replacement uPVC windows at 261A, 269A and 271-273 Fulwood Road (Case No's 13/00533/ENART4, 14/00165/ENART4 and 13/00396/EMUD) have been dismissed

Officer Comment:-

These 3 appeals related to the service of 3 enforcement notices, requiring the removal of upper floor uPVC windows, and painting of stone features at the properties which are commercial properties in the Broomhill Conservation area, with flats above.

The appeals were made under grounds a) and f).

Ground a) appeals claim that planning permission should be granted for the unauthorised works specified in the notice. The Inspector notes that this has already been considered by a previous appeal against the refusal of planning permission for the works, which was refused, and dismissed on appeal in April 2014. He considers this to be a material consideration of very substantial weight. He then agrees with the decision and reasoning in that decision and concludes the works are harmful to the Conservation Area, failing to preserve or enhance its character, and offer no public benefit.

The ground f) appeal claims that the steps required in the notice are excessive and the appellant sought to remedy the painting of the cills with a scheme to be agreed with the Council. However the Inspector considered that this introduced a lack of certainty as to what was required, and that the notice had specified the minimum steps necessary to remedy the breach.

He therefore dismissed the appeals.

## 5.0 COSTS AWARD OUTCOME

Members will recall an appeal decision relating to the proposed demolition of the former Cart and Horses PH, Wortley Road, High Green and its replacement with a convenience store and a take-away hot food shop. (Application No, 12/03543/FUL refers) A public Inquiry was held and at its conclusion, a request for an award of costs was made by the appellants.

Members will be aware that the appeal was upheld and, in addition, a partial award of costs was made against the Council. The reason for this being that the Inspector considered that the evidence produced in relation to the highway impacts of the scheme amply explained its objections. However, the Inspector considered that the Council failed to show reasonable planning grounds to support its decision in relation to the impact on the character and appearance of the locality.

A claim for the costs of defending that part of the case was submitted to the Council. Negotiations took place and ultimately, the costs were agreed at £75,000 + VAT (i.e. £90,000). Members should be aware that this award far exceeded the amount budgeted for all legal fees and so had to be found from



the Planning Service budget, which is largely used to fund planning staff. It is therefore important to learn any lessons.

In summary, the Inspector concluded that:

- Scale, massing, detailing and appearance of the building would be a worthy addition to the street scene
- The building would not harm character and appearance of the area
- There would be no harm on outlook from nearest dwelling.

In awarding the costs, the Inspector stated (again in summary) that:

- There was no reasonable planning grounds or relevant evidence to justify going against officer advice Concern about materials was capable of being dealt with by condition
- The Council admitted at the Inquiry that this ground alone wasn't strong enough
- This was unreasonable behaviour

This decision was taken by the former West and North Committee, but it highlights the importance of Members having valid grounds and evidence to support going against officer advice on technical planning grounds. This Committee has had no large costs awards against its decisions and the Council's record over the last 5 years is very good, with only around 25% of appeals being upheld by the Planning Inspectorate compared to the national average of 34% upheld. So this was an exceptional case, but worth Members noting

## 6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy  
Acting Head of Planning

*10 February 2015*

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