

Planning and Highways Committee

Tuesday 3 March 2015 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
3 MARCH 2015**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)
Minutes of the meeting of the Committee held on 10 February 2015
- 6. Sheffield Conservation Advisory Group** (Pages 11 - 14)
Minutes of the meeting of the Committee held on 20 January 2015
- 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 15 - 246)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: 215 to 219 Fulwood Road** (Pages 247 - 254)
Report of Director of Regeneration & Development Services
- 10. Enforcement Of Planning Control: 166 Abbeydale Road** (Pages 255 - 260)
Report of Director of Regeneration & Development Services
- 11. Enforcement Of Planning Control: 20 Hallamgate Road** (Pages 261 - 268)
Report of Director of Regeneration & Development Services
- 12. Record of Planning Appeal Submissions and Decisions** (Pages 269 - 272)
Report of the Director of Regeneration and Development Services
- 13. Date of Next Meeting**

The next meeting of the Committee will be held on 24 March
2015

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 10 February 2015

PRESENT: 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

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Jack Clarkson declared an interest (a) in an application for the laying out and construction of a hard standing measuring 17m by 31.2m at South Yorkshire Police Sports and Social Club, Club House, Niagara Grounds, Niagara Road (Case No. 14/04066/FUL) as he received a pension from the South Yorkshire Police Service and was a life member of the South Yorkshire Police Sports and Social Club and did not speak and vote and left the room prior to consideration of the item and (b) as a Member of the Stocksbridge Town Council, in relation to an application for planning permission for the erection of one detached and two semi-detached dwellinghouses, plus the conversion and extension of the existing building to form a fourth dwellinghouse on land at the junction with Broomfield Court, Broomfield Road, Stocksbridge (Case No. 14/01392/OUT), he stated that he would participate in its determination as he had not pre-determined his views at the meeting of the Town Council when the application was considered.

3.2 Councillor Tony Damms declared a personal interest in an application for planning permission for the change of use from offices (B1) to a hostel and erection of a porch at Norman House, 134 Uppertorpe (Case No. 14/04073/FUL) as he was a former employee for the applicant, but that he would consider the application with an open mind and speak and vote thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 20 January, 2015 were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 9 December 2014.

6. SITE VISIT

- 6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday, 2 March 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

- 7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 14/03942/FUL and 14/01392/OUT, and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) considered (A) additional representations from the Sheffield Conservation Advisory Group and English Heritage, (B) the applicant's response to English Heritage, (C) additional information provided in respect of design issues - proposed materials, privacy issues and flood risk issues and (D) the officers response to the representations received from the Sheffield Conservation Advisory group and English Heritage, all as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from the owner of an adjacent Public House speaking against the development, an application for planning permission for the development of land to provide a mixed use development comprising 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 a range of buildings (maximum of 5 storeys high), associated car parking, landscaping and associated works, including new roads and pedestrian routes at the site of Richardson Cutlery Works, Alma Street (Case No. 14/04474/FUL) be granted conditionally, (1) subject to (I) an amendment to Condition 2 with the addition of further approved plans, (II) Conditions 4 and 20 being substituted with revised conditions concerning the submission of large scale details including materials and finishes for various elements of the development and sound attenuation works, (III) additional conditions in respect of (x) the development complying with the flood risk assessment, (xx) a written scheme of investigation for reporting archaeological fieldwork carried out on the site, (xxx) the submission of full details of any proposed alterations to Alma Street (both footway and highway) and (xxxx) a management strategy for car parking spaces, service arrangements for the commercial elements of the scheme and the intended management of the access road between the new properties and the existing premises at AW Tools and the Alms Houses on Alma Street and (IV) the completion of a legal agreement with an additional term added in respect of residents of the development being made aware of noise pollution should they

choose to open windows to their apartment, all as detailed in the aforementioned supplementary report and (2) with a request that highway officers investigate how parking provision can be improved in the area;

(c) having heard representations at the meeting from a local resident speaking against the development, an application for planning permission for the change of use from offices (B1) to hostel and erection of a porch at Norman House, 134 Uppertorpe (Case No. 14/04073/FUL) be granted, conditionally;

(d) having heard representations at the meeting from the applicant's representative speaking in support of the development, an application for planning permission for the laying out and construction of a hard standing measuring 17m by 31.2m at the South Yorkshire Police Sports and Social Club, Club House, Niagara Grounds, Niagara Road (Case No. 14/04066/FUL) be refused for the reason stated in the report now submitted;

(e) having heard representations at the meeting from the applicant's agent speaking in support of the development, an application for planning permission for the erection of a 1 x 6 storey office building and 1 x 8 storey office building (Use Class B1) with undercroft car parking and associated landscaping works at land adjacent to Ventana House, Pond Hill (Case No. 14/03593/FUL) be granted, conditionally, subject to Condition 2 being amended in respect of the addition of further approved plans, as detailed in a supplementary report circulated at the meeting;

(f) having (i) noted the change from an Outline to a Full planning application following a reassessment of its status and (ii) considered an additional written representation, as detailed in a supplementary report circulated at the meeting, an application for planning permission for alterations to two office buildings to form 12 residential units and 1 retail unit, including a rear dormer roof extension to the rear building at Meade House, 96 to 100 Middlewood Road (Case No. 14/02958/FUL) be granted, conditionally, subject to (A) conditions 1, 2 and 3 being substituted with a new condition in respect of the development being commenced within three years of the date of the decision letter, (B) additional conditions in respect of (1) the submission of a comprehensive and detailed hard and soft landscape scheme, (2) the implementation of the approved landscape works, (3) the management and maintenance time period for the soft landscaping and (4) requiring the Local Planning Authority to be notified when the landscape works are completed, all as detailed in the aforementioned supplementary report and (C) the completion of a legal agreement; and

(g) having noted a reduction in two car parking spaces to provide an increase in cycle stands to provide cycle parking for 44 bikes in the undercroft parking, as detailed in a supplementary report circulated at the meeting, an application for planning permission for an extension over an existing building to create 135 apartments (98 x 1 bed studio apartments and 37 twin bed studio apartments) including an ancillary management office, laundry, gym and cinema room at A Pinder Ltd, 24 Hodgson Street (Case No. 14/02514/FUL) be granted, conditionally, subject to (i) Condition 2 being amended in respect of the addition of further approved plans, as detailed in the aforementioned supplementary report and (ii) the

completion of a legal agreement.

8. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team within the City.

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

- 9.1 The Committee received and noted a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the City Centre and East area of the City.

10. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA OF THE CITY

- 10.1 The Director of Regeneration and Development Services submitted a report providing an update on the progress of enforcement cases in the South area of the City. He provided further oral information at the meeting on the enforcement cases detailed in the report and in response to Members' questions. In addition, with regard to enforcement action in respect of Plot 5, Long Acres, 73 Newfield Lane (Page 162, Item 3), the date of the Committee resolution was amended to 20 December 2010 and it was proposed that, as detailed in the report now submitted, no further action be taken in respect of the outstanding sum of money required as part of the Section 106 agreement.

- 10.2 **RESOLVED:** That (a) the report be noted;

(b) the writing-off of an outstanding Section 106 Agreement debt in relation to a planning permission at Plot 5, Long Acres, 73 Newfield Lane (Case No. 06/04749/FUL) (Page 162 of the Agenda, Item 3) concerning the sum of £1,019.70, be endorsed; and

(c) the Director of Finance be advised of the aforementioned decision accordingly.

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

- 11.1 The Director of Regeneration and Development Services submitted a report providing an update on the progress of enforcement cases in the West and North area of the City. He provided further oral information at the meeting on the enforcement cases detailed in the report and in response to Members' questions. In addition, with regard to enforcement action in respect of the former Fire Station, Westwood New Road (Page 182, Item 19), the date of the Committee resolution was amended to 20 December 2010 and it was proposed that, as detailed in the report now submitted, no further action be taken in respect of the outstanding sum of money required as part of the Section 106 agreement.

11.2 **RESOLVED:** That (a) the report be noted;

(b) the writing-off of an outstanding Section 106 Agreement debt in relation to a planning permission at the former Fire Station, Westwood New Road (Case No. 03/04312/FUL) (Page 182 of the Agenda, Item 19), concerning the sum of £2,610, be endorsed; and

(c) the Director of Finance be advised of the aforementioned decision accordingly.

12. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

12.1 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.

13. DATE OF NEXT MEETING

13.1 It was noted that the next meeting of the Committee will be held on Tuesday, 3rd March 2015, at 2.00 pm, at the Town Hall.

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SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 20th January, 2015

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. Rod Flint	Georgian Group
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Dr. Jo Lintonbon	University of Sheffield
	Mr. Philip Moore	Sheffield Society of Architects

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1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Dr. Roger Harper (Ancient Monuments Society), Mr. Stanley Jones (Hunter Archaeological Society) and Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings).

2. **MINUTES**

The minutes of the meeting held on 9th December, 2014 were approved as a correct record, subject to the substitution:-

(a) in item 2(E) of the word "Amey" for the word "Aimey";

(b) in item 6(a) of the words "H.L.W. Keeble Hawson" for the words "W.H.L. Keeble Hawson";

(c) in item 6 (NOTE), of the words "that (i)" for the words " that (a)" and the words "and (ii)" for the words "and (b)"; and

(d) in item 7(ii) of the word " Millennium" for the word "Millenium"

and, arising therefrom, the Group noted that:-

(i) Dr. Jan Woudstra was considering joining the Group as a representative of the Landscape Institute and would attend a future meeting;

(ii) the Coal Authority was now involved in discussions regarding the development of Nos. 162-170 Devonshire Street, with a view to investigating whether there were mine workings in the area;

(iii) the planning application regarding the Old Cathedral Vicarage, 7-15 St. James Row had been withdrawn; and

(iv) the Chair (Dr. Booth) would write to the Curator of the exhibition "Picturing Sheffield" commending the Exhibition and would raise the matter of errors in certain captions, provided that he received sufficient information from the Group for those errors to be identified.

3. **CHAIR'S REPORT**

The Chair reported that (a) he had received no response to his request for a presentation to be made to the Group, on the University's Masterplan and (b) he would attend the meeting of the Sheffield Sustainable Development and Design Panel on 23rd January next.

The Group noted the information and expressed its concern at the pattern of development by the University, particularly regarding the lack of co-ordination in architectural style and loss of opportunities.

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

The Head of Planning reported that the Sheffield Retail Quarter Team would give a presentation on the scheme to the Group, at its meeting on 17th March, 2015.

The Group noted the information.

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

The Group noted that the Sheffield Design Panel was scheduled to meet on 23rd January, 2015 and that the Panel would continue to have mixed membership.

6. **HERITAGE ASSETS**

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

(a) **Site of Richardsons Cutlery Works, Alma Street**

Development of land to provide mixed use development comprising 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.
(Case Number: 14/04474/FUL)

The Group felt that the development sought to create too much on too small a site, that the materials proposed did not reflect the character of the conservation area and that the metal cladding appeared to be insubstantial. The Group also considered that the five-storey block was too high, for its setting in the Conservation Area. The Group considered that, overall, the development would not preserve or enhance the conservation area. The Group recommended that the development should be no more than four storeys high and it should be constructed in brick.

(b) **44 and curtilage of 44 and site of 46 to 48 Greenhill Main Road**

Demolition of two shop units, erection of four dwellinghouses and two storey rear extension to existing dwellinghouse (No. 44)
(Case Number: 14/04673/FUL)

The Group felt that there was no justification for the demolition of the buildings, which could be sited on what were burgage plots. The Group considered that the former shops could be converted and extended to form residences. The Group felt that and the proposed cottages on the street frontage were a poor pastiche and were wholly unacceptable in a conservation area. The Group considered that the erection of two houses in the garden would be overdevelopment and would affect the setting of the Conservation Area.

7. MISCELLANEOUS ITEMS

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

- (a) application had been made for the listing of the Heeley National School, Gleadless Road, Heeley. English Heritage had requested further information and photographs of the School. Mr. Greaves would contact the Anglican Schools Society and consult Henry Tatton's Heeley Notebook for this purpose;
- (b) the Head of Planning would investigate and report back on the position regarding (i) the Vestry Hall, Crookesmoor Road, which was subject to a section 215 Notice and was now boarded up (ii) Cobnar Cottage, Cobnar Road, (iii) Rutland Hall, Hicks Street and (iv) the Farfield Inn, Hillfoot Bridge;
- (c) the hoarding was still in place at the Crookes Valley Methodist Church where conversion and restoration work was now complete;
- (d) a section of paving in Fargate, close to Church Street, formerly known as Cole's Corner had been replaced by tarmac. The Head of Planning was in contact with Amey, regarding the public realm areas within the City. It was probably the case that laying the tarmac was a temporary measure and the setts involved could all be repaired and relaid. The requirement of the contract between the City Council and Amey was that 'like for like' would apply in replacing the footway.

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

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 03/03/2015

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond 2734556, Sue Barker 2734239, Trevor Sullivan 2736141

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
15/00146/FUL (Formerly PP-03916378)	High Bank Eckington Road SheffieldS20 1EQ	21
14/04521/CHU (Formerly PP-03847766)	D Michaels 543 Ecclesall Road SheffieldS11 8PR	32
14/04495/FUL	84 Norfolk Road Sheffield S2 2SZ	44
14/04476/FUL (Formerly PP-03847124)	20 Hallamgate Road Sheffield S10 5BT	52
14/04287/FUL (Formerly PP-03805071)	Land Between Maltravers Place And Whites Lane Cricket Inn Road Sheffield S2 5AN	63
14/04277/FUL (Formerly PP-03805096)	Land At Maltravers Way Sheffield S2 5DA	94
14/03505/FUL (Formerly PP-03674482)	W W Laycock And Sons Ltd 33 - 41 Suffolk Road SheffieldS2 4AF	122

14/02979/FUL (Formerly PP-03588251)	Former Eon Works Earl Street Sheffield S1 4PY	158
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14/01724/FUL (Formerly PP-03377183)	Land And Buildings At Junction With Dyson Place Gordon Road Sheffield S11 8XU	182
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14/01275/FUL (Formerly PP-03305763)	BP Crosspool Garage 459 Manchester Road Fulwood Sheffield S10 5DS	228
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 03/03/2015

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

NOTE Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Case Number	15/00146/FUL (Formerly PP-03916378)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse and single-storey side/rear extension to existing dwellinghouse (Amended scheme to 14/01848/FUL)
Location	High Bank Eckington Road Sheffield S20 1EQ
Date Received	16/01/2015
Team	City Centre and East
Applicant/Agent	Mr Neil Twigg
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:

Drawing refs:

2162/02 Rev F received on 2/2/2015; and
2162/03 Rev E received on 16/1/2015

Reason: In order to define the permission.

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

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

- 4 The windows on the elevation of the new dwellinghouse facing north and south shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear.

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

- 5 No gate shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

- 6 The dwellinghouse 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.

- 7 The dwellinghouse shall not be used unless the car parking accommodation and turning space for vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation and turning space shall be retained for the sole purpose intended.

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

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

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

Attention is drawn to the following directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
3. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

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

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a traditional, hipped roof, semi-detached dwellinghouse with an existing side extension, side/rear outhouses and a detached garage to the side. The house, which sits on a good sized plot, is located on the western side of Eckington Road, in a designated Housing Area as defined in the Unitary Development Plan (UDP).

The site backs on to Copper Beech Close to the west and is bound to the south by numbers 2 and 6 Copper Beech Close. Number 6, which sits approximately 800mm from the western end of the common boundary, is raised approximately 1 metre above the application site and has a dense approximately 2 metre high leylandii hedge running along part of the northern boundary of their garden. Number 2 is some 25 metres to the south of the application site.

Planning permission was sought in May 2014 for the erection of a three storey dwellinghouse to the side of, and set back from the front elevation of, the existing semi-detached dwellinghouse known as High Bank, plus a new single storey extension to the side/rear of High Bank itself. However, this initial scheme was not considered to be sufficiently in-keeping with the appearance of adjoining properties, both in terms of its scale and elevational treatment and, as a result, the proposed dwellinghouse breached the 45 degree rule and caused significant overshadowing of the east facing elevation of the neighbouring property at number 6 Copper Beech Close and the extended west facing elevation of High Bank.

The applicant made amendments to the proposed development which resulted in the removal of the second floor living accommodation and the lowering of the height of the roof by approximately 1 metre, as well as the introduction of a hipped rather than a gabled roof. The staggered floor plan of the amended proposals resulted in the first floor complying with the 45 degree rule in relation to number 6 Copper Beech Close. The amended proposals were recommended for approval but refused at committee in August 2014 (see planning history below).

An appeal by the applicant was dismissed, but only on the grounds of highway safety as a result of the failure to demonstrate that turning spaces for both the existing and proposed dwellinghouses could be satisfactorily accommodated. The Inspector did not uphold the reason for refusal on the grounds of the harmful impact of the dwellinghouse upon the living conditions of the occupiers of the neighbouring property.

Following this appeal decision, the applicant has resubmitted the amended proposals and is again seeking planning permission for the erection of a two storey dwellinghouse and single-storey side/rear extension to the existing dwellinghouse known as High Bank. The scheme now incorporates on site turning provision within the front gardens of both the proposed dwellinghouse and High Bank.

RELEVANT PLANNING HISTORY

99/01183/OUT

An outline application for the erection of a dwellinghouse was refused in August 1999 for the following reason:

'The Local Planning Authority consider that the proposed development would be detrimental to the amenities of occupiers of adjoining property owing to the restricted dimensions of the site.'

The siting of the dwellinghouse in the outline application followed the building line of the existing house at High Bank and so contravened the 45 degree rule in relation to the then approved but not completed development at Copper Beech Close.

14/01848/FUL

An application for the erection of a dwellinghouse and single-storey side/rear extension to an existing dwellinghouse including garage was refused at Committee in August 2014 for the following reasons:

1. The Local Planning Authority consider that the proposed dwelling, due to its overall dimensions and its position on the site, would be overbearing in relation to adjoining residential property and would therefore result in an unacceptable effect on the living conditions of occupiers of adjoining property due to its resulting dominance as well as its adverse impact on daylight levels. This would be contrary to Policy H14, parts (a) & (c) of the Unitary Development Plan.
2. The proposals fail to demonstrate that a turning area, to allow cars to access and egress the site in forward gear, can be accommodated on the site. In the absence of a suitable turning area the proposed means of access would be detrimental to the safety of road users and the free and safe flow of traffic on Eckington Road. This would be contrary to Policy H14, part (d) of the Unitary Development Plan.

The applicant appealed the decision (Appeal ref: APP/J4423/A/14/2224191), the Inspector noting in her decision that the main issues were the effect of the proposed development upon (i) the living conditions of the occupiers of the neighbouring property in respect of light and outlook; and (ii) highway safety.

With regard to the effect of the development upon living conditions, the Inspector reported that 'the site is next to No 6 Copper Beech Close and the proposed dwelling would be about 800mm from the boundary with this property. There is a lounge window near to the boundary in the rear elevation of No 6 and the proposed dwelling would project beyond this rear elevation. Nevertheless, the first floor of the proposed house would be outside of the 45 degree line from the lounge window and therefore it would conform to the principles of the Council's Supplementary Planning Guidance Designing House Extensions, 1996 (SPG).' She also noted that 'the appeal site has a ground level approximately 1m lower than that of No 6 and this difference in levels would further mitigate its impact. The proposed

dwelling would also be to the north east of No 6 which would mean that the amount of sunlight and daylight to No 6 would not be substantially reduced by the proposed building.'

The Inspector referred to the protected tree in the garden of No 2 Copper Beech Close and acknowledged 'that this has some shadowing effect upon the garden of No 6, nevertheless, it is some distance from the windows of No 6 and I noted on my visit that it does not appear to be overly dominant.'

The Inspector concluded 'that the proposed dwelling would not have a harmful effect upon the living conditions of light and outlook' and found no conflict with Policy H14 of the UDP which indicates that new buildings should be in scale with neighbouring buildings and that they should not deprive residents of light.

The Inspector did, however, note that 'Eckington Road is a fairly busy road and the site is near the brow of a hill which makes visibility at the proposed access difficult.' She determined that 'reversing out onto this road would be dangerous due to the hill and the speed and amount of traffic that I witnessed at my visit', concluding that 'the proposed development would be harmful to highway safety and would therefore conflict with UDP Policy H14 which requires new development to provide safe access to the highway network and appropriate off-street parking.'

The appeal was therefore dismissed.

SUMMARY OF REPRESENTATIONS

Three representations have been received from the occupiers of neighbouring properties who all raised objections to the proposals. Their comments include:

- As with the previous application, which was refused by a council committee last year, we object to the proposed new dwelling due to dominance as 3/4 of the building will be in front of our home, and as stated by the council ' the proposed dwelling overall dimensions and position on the site would be overbearing in relation to the adjoining property and would therefore result in an unacceptable effect on their living conditions and the adverse impact on daylight levels. This would be contrary to policy H14 parts A & C of the UDP.'
- After taking the advice of a professional independent planning officer we still strongly believe that the 45 degree angle is being compromised at ground level.
- Question 15 on the planning application asks 'Are there any trees or hedges on the proposed development site' of which have been answered 'No'. However where the proposed turning circle is to be, there are existing trees.

- Another concern is that during busy periods of traffic the contractor's vehicles when parked will cause a safety issue due to the main road being a very busy school/bus route.
- The drawings do not show the full impact that this property will have on our family home.
- We also believe that the 'site visit' for the previous appeal due to certain aspects was conducted in an unprofessional manner.
- I still feel that this revised application is an overdevelopment of the area and will create a huge loss of natural light to gardens of properties adjoining, as well as being completely overbearing to no. 6 Copper Beech Close.
- I still believe this development goes against the powers given to Council's in 2010 to prevent overdevelopment ("garden grabbing").
- I would like to make an objection to the proposed planning application due to the area already being densely over-populated and local conservation.
- The proposed application is on an existing garden plot where I believe this development goes against existing powers given to the Council and LPAs in an attempt to prevent and curb 'garden grabbing'.
- The proposed dwellinghouse will block natural light to the east side of my property (no.12) and diminish the existing greenery and scenic views from Eckington Road. The proposed dwelling will therefore cause visual blight.
- I believe the area has already had too much overdevelopment in recent years and is densely over-populated and therefore the new dwelling will not significantly contribute to UK housing stocks, and therefore I feel it is unnecessary.
- In 1999, similar plans were rejected and as a home owner I feel strongly that the proposed plans will affect the value and future prospects of resale in a negative way. I feel that the amended scheme does not make any significant changes to the previous application from my perspective.

PLANNING ASSESSMENT

Policy H14 of the UDP (Conditions on Development in Housing Areas) requires new development in Housing Areas to be well designed, in scale and character with neighbouring buildings and to not deprive residents of light, privacy or security.

Guideline 5 of the Council's Supplementary Planning Guidance (spg) 'Designing House Extensions' states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided, as should serious reductions in the lighting and outlook of the dwelling to be extended.

In relation to two storey extensions, the spg advises that a two storey extension built alongside another dwelling will have more serious effects on windows of that other dwelling than a single storey extension. For this reason applicants will normally be required to ensure that the furthest extent of a two storey extension

makes an angle of no more than 45 degrees with the nearest point of a neighbour's window. As a general guide, an extension should not project out further at two storey height than the distance from the nearest neighbour's window to that extension.

The application site measures approximately 33 metres in length and 9 metres in width. The proposed plot is therefore considered to be of sufficient size to accommodate a dwellinghouse and is in-keeping with nearby plot sizes. In terms of the general character of development in the area (say within a 200 metre radius) the area is dominated by detached and semi-detached dwellinghouses with a small number of terraced properties and two apartment blocks, one two storey block of 13 apartments on the opposite side of Eckington Road, slightly north of the application site (08/03135/FUL refers). Planning permission was granted for a second three storey block of 12 apartments located on land to the immediate west of and approximately 3 metres lower than numbers 5 to 11 Copper Beech Close (08/04736/FUL refers) though this development has yet to be completed. .

The proposed dwellinghouse, as previously proposed, comprises of a relatively traditional looking two storey brick built property with a pitched roof which is considered to fit in with the existing character and appearance of the area.

Reasonable separation is maintained between the new house and its neighbours - approximately 2.3 metres to the side wall of number 6 Copper Beech Close and 1 metre to the side of the extended High Bank.

The floor plan of the proposed dwellinghouse is staggered so that the part nearest to number 6, which incorporates the hall and staircase, sits slightly behind the main floor plan. The stagger is more pronounced on the first floor and, as a result, the proposals comply with the 45 degree rule. The impact of the proposed dwellinghouse is lessened still further by the changes in level – the new house is approximately 1 metre lower than number 6. Furthermore, as the development sits to the north of number 6, it will not block out any direct sunlight.

It is appreciated that the outlook of number 6 is affected to some degree by a protected tree in the garden of number 2, to the south east. Nevertheless, the scheme fully complies with the Council's supplementary planning guidance and it is considered that the proposed dwellinghouse will not cause significant harm the amenities of the occupants of number 6.

Number 2 Copper Beech Close sits a good 26 metres south of, and is raised slightly above, the proposed dwellinghouse. As a result it is considered that the occupants of number 2 will not suffer any loss of light or privacy as a result of the proposed development.

The ground floor of the proposed dwellinghouse projects approximately 4.4 metres beyond the rear elevation of the proposed extension at High Bank, which will house the kitchen. However, the first floor is set back so that there is again no breach of the 45 degree rule. It is considered that the impact of the development on the remainder of the house will be minimal as a result of the proposed extension at High Bank and both the front and rear gardens of High Bank will continue to enjoy a good outlook.

Both the extended High Bank and proposed new dwellinghouse have sufficient on-site parking. The proposals also now indicate that it is possible to provide a turning space in the front gardens of both properties so that cars can enter and leave the site in a forward gear. It is therefore considered that the proposals will not have an adverse impact on highway safety.

RESPONSE TO REPRESENTATIONS

Comments made in respect of the impact of development on views across private land and those referring to its effect on house prices are not planning matters.

The 45 degree rule as referenced in the Councils Supplementary Planning Guidance 'Designing House Extensions' relates to the impact of two storey development, not single storey as described by an objector.

The loss of existing vegetation, largely overgrown shrubs, in the south east corner of the application site is not considered to be a justifiable reason for refusal and will not harm the character of the area.

SUMMARY AND RECOMMENDATION

The proposed development is considered to comply with Policy H14 of the UDP and guideline 5 of the Council's Supplementary Planning Guidance 'Designing House Extensions' and, as such, it is considered that the occupiers of number 6 Copper Beech Close will not suffer from a significant loss of amenities as a result of the proposed development.

Significantly, the proposed dwellinghouse would comply with the 45 degree rule as described in the SPG if it were built on the same level as number 6. However, the fact that the proposed dwellinghouse is approximately 1 metre lower than number 6, and will be largely hidden by a leylandii hedge (although it is accepted that this can be removed at any time), reduces the impact of the proposed dwellinghouse still further.

In addition, it is acknowledged that the protected tree in the rear garden of number 2 Copper Beech Close has a shadowing effect upon the garden of number 6 during

the mornings and its dark colouring may cause it to feel overbearing at times. However, the proposed dwellinghouse sits to the north of and at a lower level than number 6 and so it is considered that the proposed dwellinghouse will not cause unreasonable overshadowing or over dominance of the neighbouring property.

Finally, turning spaces have been provided within in the front gardens of both the proposed dwellinghouse and High Bank, so that cars can enter and leave both sites in a forward gear.

Members are reminded that the recent appeal decision is a significant material consideration in the determination of this application and that the only reason for dismissal given by the Planning Inspector was the lack of on-site turning facilities. Such facilities have now been incorporated into the revised design.

On this basis, it is recommended that Members grant planning permission for the erection of a dwellinghouse and a single-storey side/rear extension to the existing dwellinghouse, subject to the proposed conditions.

Case Number	14/04521/CHU (Formerly PP-03847766)
Application Type	Planning Application for Change of Use
Proposal	Use of Restaurant (Class A3) as Restaurant/Drinking Establishment (Class A3/A4)
Location	D Michaels543 Ecclesall RoadSheffieldS11 8PR
Date Received	10/12/2014
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

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

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

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

As received by the Local Planning Authority on 10th December 2014,

Reason: In order to define the permission.

- 3 Within 3 months of the date of this decision notice details of sound insulation measures to the floor/ceiling between the A3/A4 use and the residential accommodation above, shall have been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall then be implemented within 6 months of the date of this notice and shall thereafter be retained.

Reason: In the interests of the amenity of occupiers of the first floor flat

- 4 No customer shall be permitted to be on the premises outside the following times: 1000 and 2330 hours on Mondays to Sundays and 1000-2300 hours on Sundays and Bank Holidays.

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

- 5 No serving, waiting or consumption of drinks shall occur in the forecourt area outside the following times: 1200 and 2100 hours on Mondays to Sundays.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 6 Site servicing shall be carried out from Ecclesall Road, between 0800 hours and 1900 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays, with no servicing on Sundays or Bank Holidays.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 7 No external movement, sorting or removal of waste materials, skips or bins shall take place from 1900 hours until 0900 hours (on the following day) Mondays to Saturdays or at any time on Sundays and Bank Holidays.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 8 Amplified sound or live music shall only be played within the building in such a way that noise breakout to the street does not exceed:
(i) background noise levels by more than 3 dBA when measured as a 15 minute Leq
(ii) any octave band centre frequency by more than 3 dB when measured as 15 minute Leq.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 9 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Environmental Protection Service.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 10 Except for customer access and egress, all windows and doors are to remain closed during the performance of regulated entertainment.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
- 11 No additional 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 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.

- 12 Any opening windows/shutters facing the properties on Neill Road shall be kept closed between 2000 hours and 0700 hours and shall not at any time be opened otherwise without the prior written approval of the Local Planning Authority.

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

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

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

- 14 No activity by staff members including smoking breaks shall occur in the rear courtyard area between 2100 hours and 0700 hours Monday to Saturday and between 2100 hours and 0900 hours on Sundays and Public Holidays.

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

- 15 There shall be no storage of crates, bottles or waste receptacles on the forecourt area at any time.

Reason: In the interests of the amenity of the locality.

- 16 Within 3 months of the date of this notice a Flood Plan, including an evacuation procedure and safe exit routes to land within Flood Zone 1 in the event of flooding, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe evacuation procedures are in place in the event of flooding.

- 17 The scheme of sound attenuation works required by Condition 3 shall be capable of achieving the following noise levels:

Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Where the above noise criteria cannot be achieved with windows partially open the sound attenuation works shall include a system of alternative acoustically treated ventilation to all habitable rooms.

Reason: In the interests of the occupants of the first floor living accommodation

- 18 Within six months of the date of this notice, 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.

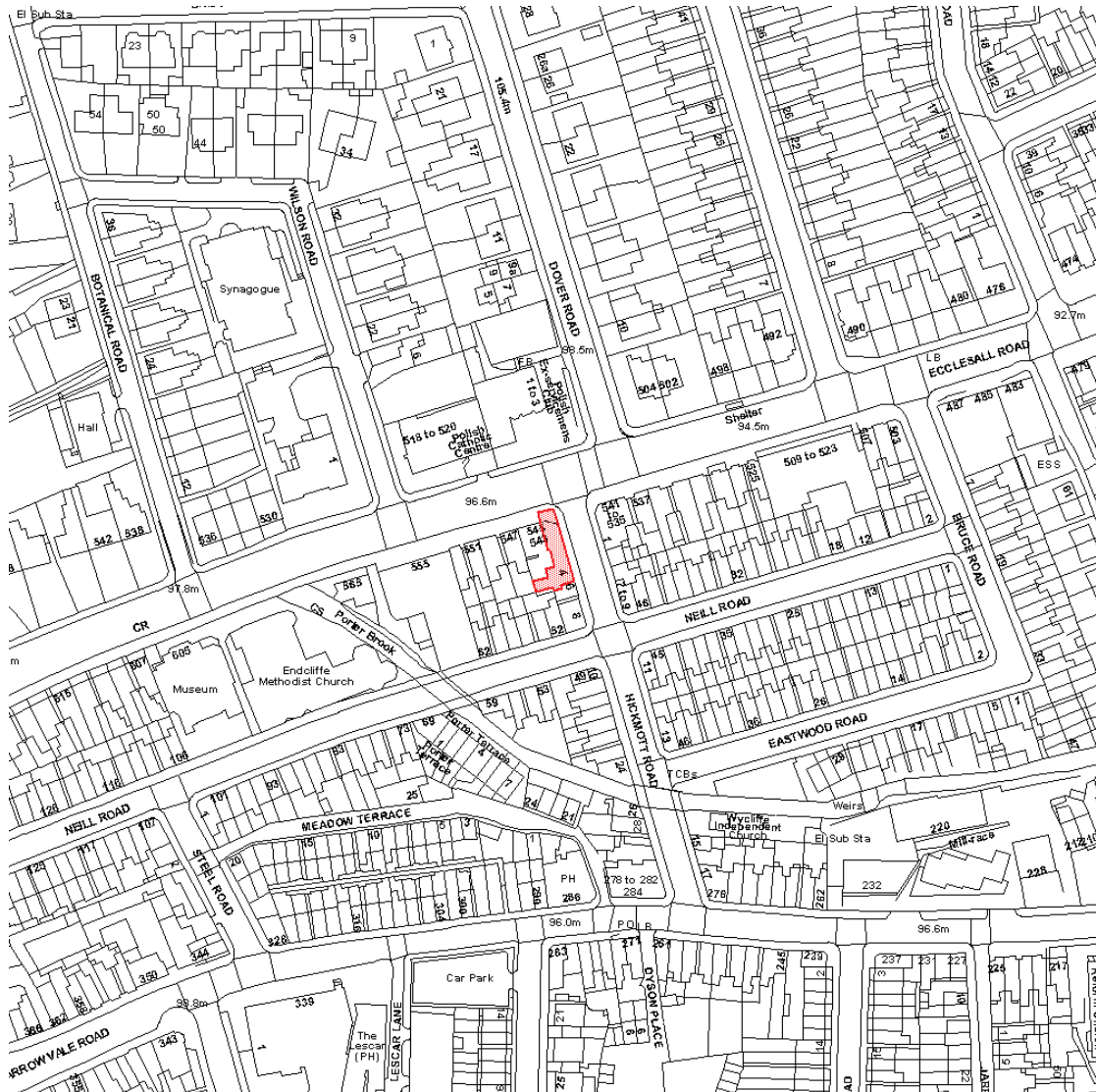
Reason: In order to protect the health and safety of future occupiers and users of the site.

Attention is drawn to the following directives:

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

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

Site Location



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LOCATION AND PROPOSAL

The application relates to the ground floor of an end-terrace property in a parade of commercial units. The building is two storeys in height and features residential accommodation at first floor level which is currently occupied by staff members.

The character of Ecclesall Road at this point is mixed. The south side of the road is dominated by commercial units and is allocated as a District Shopping Centre (DSC) in the Unitary Development Plan. The north side is predominantly residential and is allocated as a Housing Area. Immediately opposite the site

however the fringe of the residential area gives way to some commercial uses most notably the Pointing Dog and adjacent Millennium Hall.

To the rear of the site are residential properties fronting Neill Road, and these lie in an allocated Housing Area.

The ground floor has most recently been in use as a mixed A3 restaurant/A4 drinking establishment use (the latter being an unauthorised element). The total seating area of the unit is approximately 165 square metres. Toilets and kitchens are located to the rear of the premises.

The proposal seeks to regularise the use of the ground floor for use as a mixed A3/A4 use.

The originally proposed hours seeking late night/early morning opening have been amended by the Applicant to:

10:00-23:30 on Mondays to Saturdays and 10:00-23:00 on Sundays and Bank Holidays

RELEVANT PLANNING HISTORY

Permission was granted for 84/00418/FUL: Use of part of premises as Snack Bar

Permission was granted for 86/02362/FUL: Extension of hours at Snack Bar to between 19:00 and 24:00 hours

Permission was granted for 02/02690/FUL: Construction of access ramp for disabled persons

Permission was granted for 07/02997/FUL: Erection of new shop fronts, alterations to entrance and provision of access ramp (as amended plans received 14/09/07)

Permission was granted for 07/02995/ADV: Re-signage of Restaurant

Permission was granted for 07/04318/FUL: Alterations to shop front

SUMMARY OF REPRESENTATIONS

There have been 17 representations regarding this application, including objections from Councillors Jayne Dunn and Brian Webster and Botanical Area Community Association (BACA) and Endcliffe Corner Community Organisation (ECCO).

It should be noted that the objections were received prior to the Applicant amending the proposed hours of operation.

Cllr Jayne Dunn objects on the following grounds:

Extending the hours of operation of the establishment is not appropriate as there is a history of noise generation at the premises causing problems for residents.

Cllr Brian Webster objects on the following grounds:

The site is not suited as a drinking establishment. The doors to the outside space allow significant noise pollution and face directly across the street to residential property. The late night music and associated activity (vertical drinking/dancing) is therefore problematic. The regularisation of the A4 element of the permission should therefore be resisted.

The Botanical Area Community Association (BACA) objects on the following grounds:

The grounds for longer opening hours for the premises are not supported by recent appeals against later opening at nearby food and drink establishments. Neither does the planning 'history' and status which allows The Pointing Dog to stay open later provide justification for later hours at these premises.

The Endcliffe Corner Community Organisation (ECCO) objects on the following grounds:

If permission is granted then opening times should be brought into line with other such establishments on Ecclesall Road. An A4 use is inherently noisier than an A3 restaurant and so opening times should be reduced to 23:30 latest for the sake of residential amenity.

Customers tend to crowd in the doorway of the unit and this currently results in noise disturbance until the early hours.

A granting of permission will legitimise the way D'Michael's has been operating

Operating in the fashion described in the application has already caused noise and disturbance in the locality in terms of amplified music, late night drinkers and the to-ing and fro-ing of taxis and other vehicles waiting for visitors to leave.

The Council should review the number of 101 telephone calls for this establishment before forming a decision on this application.

The Applicant's statement that the installation of a sound limiter has removed noise nuisance is erroneous. Sound is still audible on Dover Road.

Noise is generated by persons arriving and leaving after midnight and also by persons using the forecourt area.

Noise is generated by the movement of bottles and waste in the yard at the rear of the premises.

Whilst residents above the premises are staff at D'Michael's this might not always be the case and the amenity of those above should be protected through introduction of sound attenuation to the roof of the restaurant/bar.

The claim that closing later would help to stagger leaving times with other establishments is considered specious.

Any permission should be conditioned with hours restrictions the same as other recent permissions and other conditions controlling movement of waste/bottles etc.

Other matters raised by representations

Noise disturbance could have an adverse effect on the healthy balance of householder types in the community.

There are already too many food and drink uses on Ecclesall Road

The proposal would introduce further potential for highway safety conflicts between pedestrians and taxis

Other matters raised that are not material considerations

The owner has made no effort in the past to comply with planning regulations.

The granting of permission would effectively reward D'Michael's for previously ignoring planning rules and encourage others to do the same.

Some of the points raised in the Planning Statement are rather disingenuous, for example claiming concerns relating to potential for vandalism and anti-social behaviour in the locality if D'Michael's was to become vacant.

The Council needs a co-ordinated approach to applications such as this rather than a series of disconnected licensing and planning applications.

Noise disturbance from such uses is causing family residents to move away from the area.

PLANNING ASSESSMENT

Policy Issues

The site lies within an allocated District Shopping Area and therefore the following Unitary Development Plan (UDP) policies apply:

Policy S7 does not refer specifically to Use Class A4 as this class was created post the publication of the Unitary Development Plan. However it does state that Food and Drink outlets are an acceptable use in a Shopping Area subject to the provisions of Policy S10.

Policy S10 states that such a use will be permitted provided that it does not lead to a concentration of uses which would prejudice the dominance of the preferred use (retail) and would not cause occupiers of nearby residential property to suffer unacceptable living conditions.

Core Strategy Policy CS34 'District Centres' states:

District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities, appropriate in scale and function to the role of the centre. They may also include concentrations of specific shops or services in response to the market in their particular area.

Dominance

This change of use would not represent any shift in the balance between retail and non- retail properties within the Shopping Area as a whole since the premises is already established as a non-retail use. In this respect the proposal complies with Policy S10.

Environmental Considerations

The proposal does not include any provision for changes to the external envelope of the building.

Residential Amenity considerations

The nearest residential properties to the application site are the flat above No. 543 itself and other adjacent commercial properties on Ecclesall Road and dwellings to the rear on Neill Road.

Residential properties are also present on the opposite side of the road on Dover Road

Any likely impact upon residential amenities will therefore be considered primarily having regard to these properties.

Ecclesall Road is one Sheffield's busiest main roads and therefore generates a considerable amount of ambient noise immediately adjacent the site and the flats above.

In the context of this background noise, it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area.

It is not considered that the use will impact on residents to the rear of the premises as arrivals and departures will occur predominantly at the front of the unit and will be therefore be masked by the mass of the building itself.

The application is for a mixed use A3/ A4 use. As the premises already benefits from an A3 permission the key consideration for this report relates to the introduction of an A4 element.

The Applicants Design and Access Statement indicates a use that should not generate noise concerns. However, it is apparent from the history of complaints and enforcement action relating to the recent operation of the premises that such a

use can represent an intensification and that when operating in the last hours of the night and early morning (in breach of existing planning controls) there have been adverse impacts on residential amenity.

As originally submitted the application proposed hours of operation commensurate with those under which the owner has been operating over the past 18 months. However, the Applicant has since sought to amend these hours so that they are in line with those specified on recent planning permissions for similar uses in the locality these being

10:00-23:30 Monday to Saturday

10:00-23:00 Sundays and Bank Holidays

Nonetheless the differences in the character between a solely restaurant use and that of a hybrid A3/A4 use needs to be considered.

In this regard it is considered that a drinking establishment is likely to generate greater visitor numbers, though perhaps with stays of a shorter duration. As such, activity of customers within, and in the vicinity of, the premises is likely to be more intense with a hybrid use, including taxi collection and drop off.

However, evidence provided by Officers from the Environmental Protection Service and Planning Enforcement Team, as well as anecdotal evidence provided by local residents, suggest that the greater part of the difficulties experienced with the operation of the premises in this regard relate to:

1. Noise relating to persons arriving and leaving the premises after 23:30 hours
2. Noise relating to internal music systems propagating towards nearby residential areas
3. Noise relating to persons drinking etc. on the forecourt area outside the premises at late hours.

Dealing with these in reverse order,

The Forecourt

Several drinking establishments on Ecclesall Road feature forecourt areas where drinking occurs though those that have been the subject of planning control are limited by hours of operation conditions. Should permission be granted here a condition should be added to ensure consistency with other recent planning permissions limiting outside use to 21:00 hours.

Amplified sound and noise 'bleed' to external areas.

Officers from the Environmental Protection Service have liaised with the owners of the property over a period of months and are satisfied that the installation of the

existing limiter on the in-house sound system and other measures to reduce noise breakout are adequate. Conditions relating to noise breakout form part of the licensing agreement and it is considered pertinent that the content of that condition be repeated on any planning permission. Subject to these conditions it is considered that the use will not significantly adversely impact on residential amenity.

Hours of operation

The amended hours of operation correlate with hours conditioned on other similar premises in the locality by the Local Planning Authority. It is considered that these represent acceptable hours and that potential intensification of use during these hours will be more than off-set by the reduction in hours compared to the current permitted hours for sole A3 usage. It is therefore considered that the introduction, and enforcement, of more suitable hours will remove the disturbance arising post 23:30 hours.

Other matters relating to potential noise sources.

Given that a bar use is likely to involve significantly greater quantities of bottles etc. it is considered prudent to add conditions relating to operations (such as door opening to the rear of the premises/bottle sorting etc. in external areas etc.) should permission be granted.

Conclusions on noise in general

It is accepted that a hybrid use is likely to generate greater visitor numbers but also considered that if this increase in numbers will occur within newly specified hours and will not add significantly to the existing noise levels in the locality during those hours. Crucially, the curtailment of the later hours of opening will mean that traffic generation and noise events associated with the use will fall away in a fashion commensurate with a fall in ambient noise levels in the locality after 23:00/23:30

Noise potential to the first floor flat

It should be noted that the occupants of the first floor flat are staff members. Nonetheless, since the intention is to create an A4 use immediately below an existing flat that can be rented independently of the unit it is also considered necessary to attach a condition requiring sound attenuation at ceiling/floor level between the uses.

Hence, subject to an appropriate suite of conditions, it is considered that the proposal would not lead to significant disturbance on nearby residential property (above and beyond that present in the locality during the specified hours) and the application is considered acceptable in the light of Policy S10 (b).

Accessibility

Level access to the unit is present at the front entrance by approved ramp. There is no change proposed in this respect and the proposal is therefore acceptable.

Flood Risk

A Flood Risk Assessment has been submitted with the application. The site lies within Flood Zone 2 and is defined as a more vulnerable use in Table 2 of the Environment Agency guidance. However, as the application is for a change of use there is no requirement to satisfy sequential and exception tests. There is no proposed change to the finished floor levels within the unit and the change of use itself will not result in an increased risk of flooding elsewhere. However, a condition should be added to any permission seeking an appropriate evacuation plan.

Highway Issues

The site does not have any dedicated off-street parking for customers. It is not felt that the use would introduce a significant intensification, over and above existing, in terms of vehicle trip generation and on-street parking so as to justify a reason for refusal.

Response to representations

Matters relating to retail dominance and noise and disturbance have been addressed in the main body of the report.

The number of 101 calls relating to the premises in the last 6 months (records are not kept for the period before this) is still being sought at the time of writing this report but will be recorded in the supplementary report accompanying this report to committee.

It is not considered that the proposal will introduce vehicular/pedestrian conflicts above and beyond existing. An awareness of highway safety by persons who have imbibed alcohol is not a material planning consideration.

SUMMARY AND RECOMMENDATION

This is an application for a change of use of an existing restaurant to a mixed restaurant/drinking establishment. It is considered that, subject to conditions, the introduction of this use would not give rise to loss of amenity to nearby residents in terms of noise and disturbance.

The proposal would not adversely affect the vitality and viability of the Shopping Area as a whole or within the immediate locality since it does not result in the loss of a retail unit.

It is therefore recommended that the proposal is granted subject to conditions.

Case Number	14/04495/FUL
Application Type	Full Planning Application
Proposal	Alterations to basement to form a Youth Centre to be ancillary to the existing Community Centre and provision of an associated means of access at basement level
Location	84 Norfolk Road Sheffield S2 2SZ
Date Received	09/12/2014
Team	City Centre and East
Applicant/Agent	Paul Goudge Design
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:

Plan reference numbers:-

- 4066/4/14
- 4066/2/14
- 4066/3/14 rev a

Reason: In order to define the permission.

- 3 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 youth centre shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 4 The youth centre shall not be used unless the car parking accommodation for 17 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 5 The new retaining walls shall be constructed of natural random coursed stone to match the existing retaining walls, a sample of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 6 The railings hereby approved shall be powder coated black.

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

- 7 The youth centre shall only be used between 0800 hours and 1900 hours, Mondays to Saturdays, and 1000 hours and 1600 hours on Sundays and Public Holidays.

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

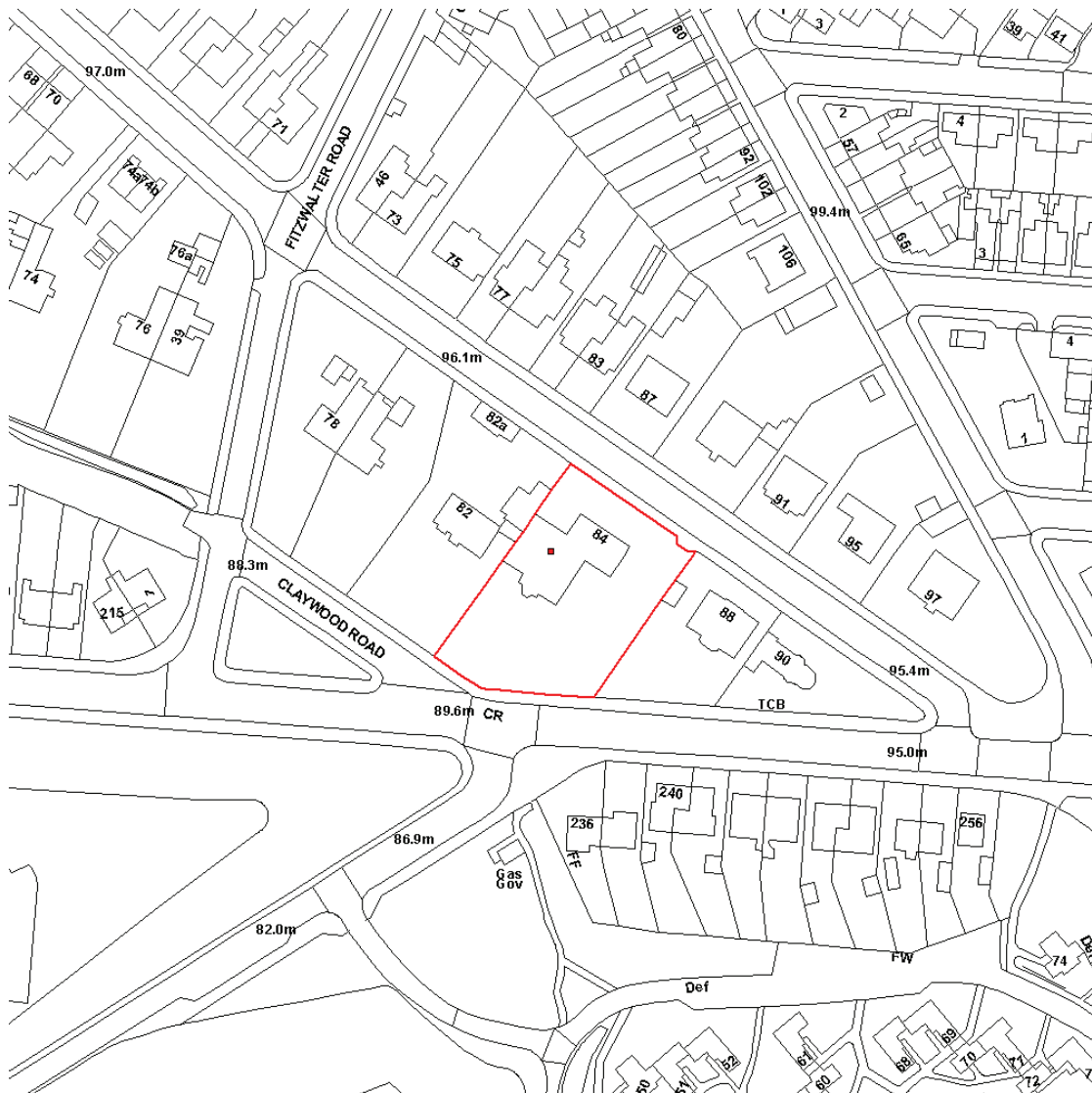
- 8 The playing of live or amplified music/sound shall not be permitted on site, unless otherwise authorised in writing by the Local Planning Authority.

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.

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to convert the basement of an existing community centre to form a youth centre and make alterations to the external appearance of the building to facilitate independent access to the building.

The application site is in a Housing Area and the Norfolk Road Conservation Area as defined in the adopted Sheffield Unitary Development Plan.

The application site comprises of a substantial three storey stone built property located in substantial grounds which currently comprise of hard standing areas used for car parking and amenity grassland. The property faces City Road although it is set back substantially from the road frontage. The property's main pedestrian and vehicle access is taken from Norfolk Road with a secondary vehicle and pedestrian access from Granville Road/Claywood Road.

RELEVANT PLANNING HISTORY

02/00012/CHU - Use of building as a community centre – Granted Conditionally.

03/04799/CHU - Use of building as a community centre (Application under Section 73 to vary condition 3 (opening times) imposed by planning permission.
02/00012/CHU) – Refused

10/02418/FUL - Alterations to building for use as Community Centre (e mail received 24.9.10) – Granted Conditionally.

SUMMARY OF REPRESENTATIONS

7 Letters of objection have been received the issues are summarised as follows:

- Not enough neighbours have been informed and resident consultation should be extended.
- Consultation should not have been undertaken in the run up to Christmas when people are otherwise occupied.
- The proposal would affect house prices.
- There are already existing youth groups in the area that do not require alterations to be made to a historic building to accommodate them.
- Up to 60 youths will lead to an increase in crime and noise pollution and would feel threatening for residents.
- Increased noise and disturbance from the building.
- The proposal is totally unsuitable for the building as is the existing community centre.
- The existing community centre is not accessible to all members of the community.
- Hours of use are not stated in the application.
- The alterations to the front elevation of the house which is a major focal point for the conservation area are totally unreasonable and not fitting for this historic Victorian house.
- The proposals will erode the character of the conservation area.
- The owners of the property have not consulted residents about the proposed development.
- Increased traffic as a result of the proposal.
- The existing car park is not used.
- There is a parking issue on Norfolk Road which escalates on a Friday afternoon when many visitors come to the building and do not bother to use the car park.

- The building is used rarely and the space within it should be utilised better, removing the need to make alterations to the building.

PLANNING ASSESSMENT

Policy H10 identifies preferred, acceptable and unacceptable uses in the policy area. Community/youth centres are considered to be a D1 use and as such are considered an acceptable use in principle in Housing Policy Areas in accordance with Policy H10 of the UDP. The existing building is already operated as a D1 use (community centre) and the plans approved under the previous consent (planning ref: 10/02418/FUL) included the basement in the red line application site boundary. As such the basement could be used as a youth centre (use class D1) without the need for any further planning consent. The proposal will simply form an extension of the established D1 use on site. In light of the above the principle of the change of use complies with Policy H10 and is considered acceptable subject to compliance with other planning policies.

Design issues

Policies H14, BE15, BE16, BE17 of the UDP and CS74 of the Core Strategy require good design and for proposals to preserve and enhance the character and appearance of the conservation area.

Currently the basement area of the building is only accessible by an internal staircase. A new dedicated access is required in order to meet the requirements of Building Regulations with regard to fire safety and maximum occupancy capacity. The proposed new access also allows for disabled access to the basement area.

The existing building occupies an elevated position when viewed from City Road. In order to gain access to the cellar a new door access is proposed to be formed in the front elevation of the building which requires the removal of an area of embankment and part of a retaining wall located immediately adjacent to the front elevation of the building. The existing building was renovated from a derelict state in 2010/11 with traditional sliding sash windows and timber joinery used throughout. The proposed alterations follow the same traditional design. The entrance door has been designed to match the proportions of the ground floor bay window located above, and will be constructed of timber. The retaining walls required to enable access to the cellar will be finished in matching stone with feature black painted metal railings located on top of the retaining walls to prevent falling from higher level. A light well is also proposed in the side elevation which will also be enclosed with protective railings.

The alterations to the building are considered acceptable from a design perspective and are not considered to harm the appearance of the building or character and appearance of the Conservation Area.

Amenity Issues

The use of the building as a community centre is established and the addition of a youth centre in the basement is not considered to give rise to any additional

unacceptable noise and disturbance associated with its operation. The property is detached, located in substantial grounds and enclosed by stone walls and fencing up to 2 metres in height and therefore comings and goings as well as the operation of the youth centre itself are not considered to give rise to any harmful noise and disturbance. In addition the property is located in an area where there are already relatively high background noise levels due to the proximity of the site to a major road. There are also other commercial uses in the area including the Goals football centre on the opposite side of Granville Road and as such the proposal is not considered out of character.

The applicant has stated that up to 60 people could be accommodated in the youth centre at any one time, which is a maximum occupation based on fire safety guidelines set by the building regulations. The maximum occupation is not considered disproportionate given the size of the building and site and it is highly unlikely that the youth centre would be used so intensively on a regular basis. It is likely that the youth centre will largely be used by children and youths accompanying parents attending the existing community centre; however it could be used and accessed independently. The site has established points of access from both Norfolk Road and Granville Road/Claywood Road and people coming and going from the site are unlikely to give rise to any harmful noise and disturbance. It is also likely that any youths attending the centre independently will arrive by foot, public transport or by bicycle due to their age, further minimising the instances of noise and disturbance from accessing the property. Hours of use conditions will be imposed identical to the existing community centre which is authorised to operate between 0800 hours and 1900 hours Monday to Saturday and 1000 hours and 1600 hours on a Sunday.

The proposal does not give rise to any overlooking, overshadowing or overbearing issues. In light of the above the proposal is considered acceptable from an amenity perspective.

Highways

Section (f) of Policy H14: Conditions on Development in Housing Areas, states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The property has an established car park, some minor alterations are required to reorganise the car park in order to accommodate the new access into the community centre building. 17 car parking spaces are retained including 2 disabled parking spaces which is considered acceptable for the proposed use. As noted above the youth centre is not considered to generate any significant additional traffic as there will be linked trips with people visiting the existing community centre. The site is also very accessible by public transport with high frequency public transport routes on Granville Road. The site is also located in an established housing area and therefore easily accessible on foot.

The property has no existing secure cycle parking and a condition will be imposed requiring cycle parking to be provided within the site for the users of the youth centre.

The amendments to the car parking area are considered acceptable and the proposed youth centre is not considered to give rise to any highways issues. Given the above, the proposal is considered to be in compliance with Policy H14.

RESPONSE TO REPRESENTATIONS

Comments have been made that inadequate public consultation has been carried out in relation to this application. Immediate neighbours have been informed in writing on the 9th December 2014 of the application in accordance with the Council's consultation criteria and two site notices were posted, one on each frontage of the site (Granville Road and Norfolk Road). This level of publicity is considered appropriate for this type of application.

It is the applicant's choice if they carry out consultation prior to the submission of a formal application. The planning authority has no control over when applications are submitted and the extension of consultation periods over public holidays would cause unacceptable delays in dealing with applications.

There is no evidence that the operation of the youth centre would give rise to crime or antisocial behaviour. The management and operation of the premises and those people that have access to it is a private non planning matter.

The presence of other youth clubs in the locality does not have any bearing on the consideration for further youth club proposals. The impact on house prices is not a planning matter. All other matters are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

This application seeks permission to use the basement of an existing community centre (use class D1) as a youth centre (use class D1). In order to facilitate disabled access to the basement, adjustments are required to existing embankments and retaining walls to the frontage of the building and a new entrance door is proposed in the front elevation.

The site is located in the Norfolk Road Conservation area and a Housing Area as defined in the adopted Sheffield UDP. The proposed use is considered acceptable in accordance with Policy H10, and the alterations to the building are not considered to harm the character or appearance of the existing building or the conservation area.

The proposed youth centre is not considered to give rise to any harmful highways issues. There is adequate parking on site, it is likely that a majority of trips to the youth centre will be linked with parents visiting the existing community centre and the site is easily accessible by foot and public transport.

The operations of the youth centre are not considered to give rise to any additional noise and disturbance issues above the operations of the existing community centre or give rise to any other harmful amenity issues.

In light of the above it is recommended that planning permission is granted subject to the listed conditions.

Case Number	14/04476/FUL (Formerly PP-03847124)
Application Type	Full Planning Application
Proposal	Demolition and rebuilding of existing north east boundary wall (Amended plans received on 06/01/2015)
Location	20 Hallamgate Road Sheffield S10 5BT
Date Received	09/12/2014
Team	South
Applicant/Agent	SLA Design
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:

Drawing number 013 Revision B.

Reason: In order to define the permission.

- 3 A sample section of the proposed wall masonry to no more than 1000mm in width shall be erected on the site to the full height of the wall and shall illustrate the materials, 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.

- 4 The demolition of the wall hereby authorised shall not be carried out before evidence that a contract for the carrying out of the works of construction of the replacement wall has been made, submitted to and approved in writing by the Local Planning Authority.

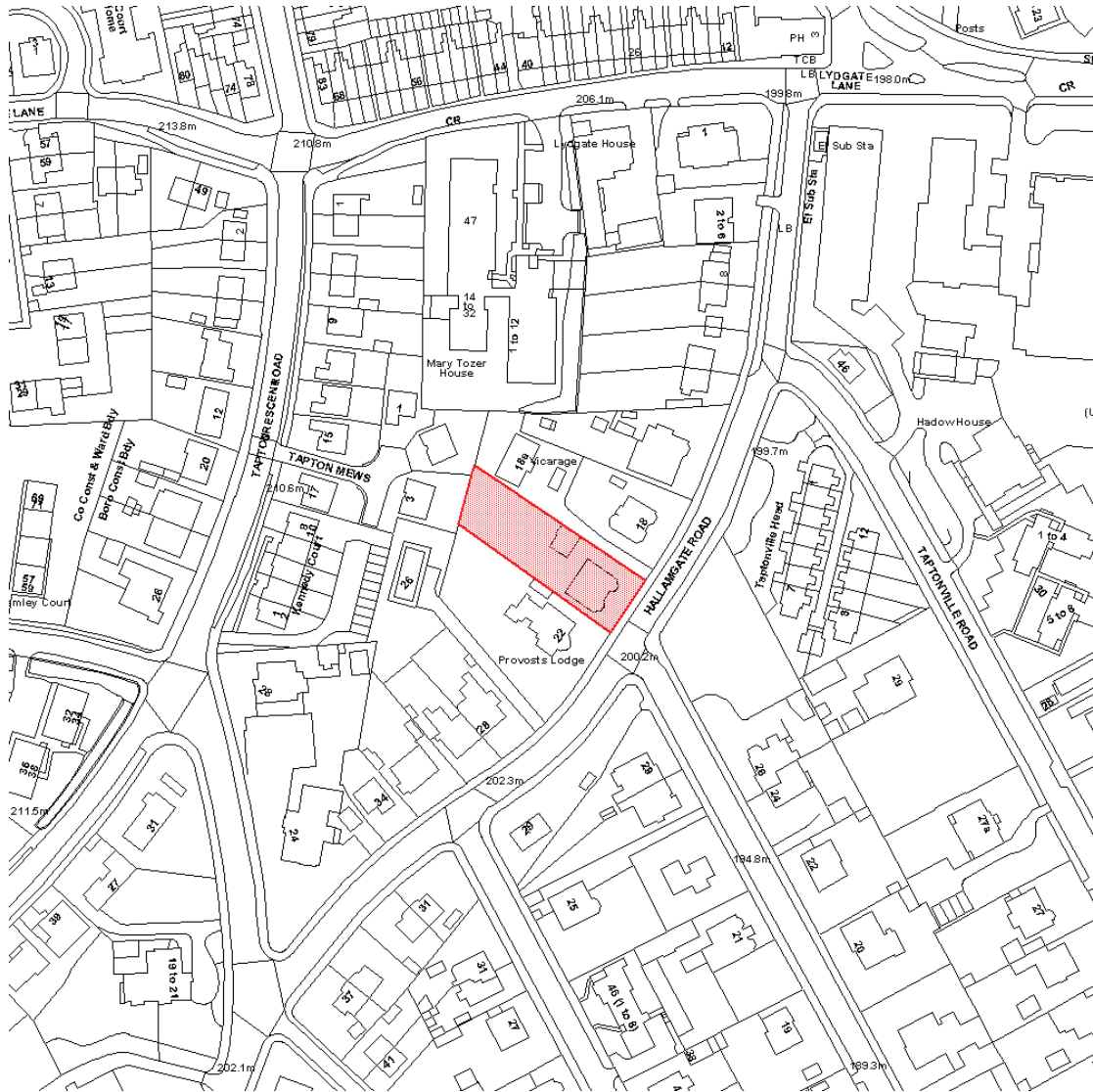
Reason: To ensure that premature demolition of the wall does not take place and to ensure construction of the approved replacement.

Attention is drawn to the following directives:

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

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

Site Location



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LOCATION AND PROPOSAL

This application relates to a large three storey detached dwelling house which fronts onto Hallamgate Road. The site is allocated as falling within a Housing area in the adopted Unitary Development Plan, with the area being predominantly residential in character. The property also falls within the Broomhill Conservation Area and is also covered by an Article 4 Direction which removes certain permitted development rights to the elevations of a house which front a highway, so in this case it is limited to just the main front elevation of the house.

The site benefits from a detached garage building, which was granted approval under 14/02579/FUL on 15/09/2014, which forms part of the boundary wall to the North East side of the property. In front of the garage lies an existing side wall, which extends up to 2m in total height, and consists of rough coursed stonework with a more formal top with triangular coping stones on top.

The application relates to the side wall, and seeks to replace this wall with a new wall. The land rises to the rear, and the existing and proposed wall are shown stepping up the hill. A small section of existing fence, of a lower height, next to the garage will be replaced by the wall.

Amended plans have been received on 06/01/2015, and it is these that will be assessed below. The height of the wall shown varies from 1.5m at its lowest point, up to approximately 2.2m at its tallest. It is shown to be 2.12m in height next to the garage wall. The existing wall similarly varies in height. The proposal will differ in height in specific places, and will be lower and taller than the existing wall at various points, noticeably being approximately 500mm taller than the existing wall at the position closest to the garage building. The new wall is shown with variable coursing, with 225mm, 150mm and 75mm coursing elements. This largely replicates the style of the front wall of the building. A lintel element and tapered stone above similarly is shown to replicate the existing front wall.

Further to officer requests, a report has been submitted by the agent to demonstrate why the replacement of the wall is considered necessary. The report, from the applicant's builder states that the wall is badly weathered, and that a section of the wall has cracked significantly towards the driveway of number 20, with a risk of future collapse. The report also states that repointing has been considered, but that it would be ineffective and unsightly.

The report states that the coping stones and finial stones can be re-used in the rebuild of the wall, but the rest of the material cannot be re-used due to the size of stones and their weathered nature.

A neighbour has submitted an alternative view of the condition of the wall which is referenced in the representations below.

RELEVANT PLANNING HISTORY

98/00883/FUL	Use of ground floor offices as residential flat Granted	02/06/1998
13/02297/FUL	Single-storey rear extension to dwellinghouse, partial demolition of existing garages and erection of new quadruple garages and re-roofing of existing house. Granted Conditionally	10/09/2013
14/02418/FUL	Single-storey rear extension to dwellinghouse, partial demolition of existing garages and erection of new quadruple garages, including storage to eaves with two dormer windows, and re-roofing of existing house.	

14/03674/FUL Erection of outbuilding to rear of dwellinghouse
Granted Conditionally 25/11/2014

SUMMARY OF REPRESENTATIONS

Ten representations have been received making objections to the application from local residents, and one has been received from the secretary of the Broomhill Area Neighbourhood Group. Five of these representations have sent in a standard letter response. Objections raised are summarised below:

The property lies within the Broomhill Conservation Area and is classified as having 'townscape merit'. The existing boundary wall is made up from local, irregular shaped stones and has considerable historic merit. The application, drawing number 013/revision B, has a number of significant differences to the comparable boundary walls on Hallamgate Road and the neighbouring roads.

- The proposed design of the new boundary wall is set to have three levels of courses.
- There are six drops of level within the length of wall
- The cross section of the wall is proposed to be 300mm
- The proposal has much smaller coping stones than the original walls.

There are no specific local overriding conditions that provide a rationale for demolition of the existing boundary wall.

The proposal is contrary to NPPF paragraph 12. This paragraph lays down the requirement that local authorities should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The boundary wall contributes to character of the wider area; its demolition would have a significant impact on the areas historic character and would contribute to the loss of an 'irreplaceable' heritage asset.

The application represents a significant conflict with Core Strategy Policy CS74, which states development should "take advantage of and enhance the distinctive features... of the city's districts and neighbourhoods with their associated scale, layout, built form..." The policy continues to require new developments to respect the "distinctive heritage of the city, particularly the buildings and settlement forms associated with Victorian suburbs". In this regard the proposal will run against the specific design requirements of the CS that seek to preserve the unique heritage of Sheffield.

Section 3.5 of the Broomhill Conservation Area Management Proposal states; "The council will normally resist proposals included within planning applications for demolition of, or alterations to, boundary walls, gate

piers, fences and gates that make a positive contribution to the character and appearance of the Conservation Area”.

The replacement of the wall would be contrary to this.

One representation from Cllr Webster has been received making objections based on concerns that any changes to architectural features (including boundary walls) within the Broomhill Conservation Area need to be sensitive to the character of the area and that, from the plans available online, it is not clear that the proposed new boundary wall meets this criterion.

One of the representations has sent in a report undertaken by a builder on the wall in question. The report states that the wall is not in imminent danger of collapse (countering the information given by the applicant’s builder), but does identify that three sections require the stones to be re-bed and re-pointed, as observed by the planning officer on site. The report also questions whether the finial and ridge stones can be re-used in a new wall, given that the new wall is of a different width.

PLANNING ASSESSMENT

Impact of the Replacement of the Existing Wall

Significant objection from representations have been received on the basis of the loss of the existing wall due to the impact on the Conservation Area.

The application site falls within a Housing Area and as such policy H14 part (a) Conditions on Development in Housing Areas within the UDP states that new development should be well designed and in scale and character with neighbouring buildings. Policy BE16 “Development in Conservation Areas” reinforces this and requires that development should enhance the character and appearance of the conservation area. Policy CS74 of the Sheffield Core Strategy requires development to be well designed and to take account of the local built environment.

The National Planning Policy Framework, in section 12, requires Local Authorities to conserve and enhance the historic environment. Paragraph 129 states that Local Planning Authorities should identify and assessed the particular significance of any heritage asset that may be affected by a proposal, and should take this assessment into account when considering the impact of a proposal on a heritage asset.

Paragraph 132 further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and that the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

However paragraph 138 makes it clear that not all elements of a Conservation Area will necessarily contribute to its significance. It states that loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

The Broomhill Conservation Area Management Proposals (BCAMP) are a material consideration, and recommends that the Council normally resists proposals for demolishing or altering walls that make a positive contribution to the character and appearance of the conservation area.

The Planning Act requires applications to be determined in accordance with the Development Plan (UDP, Core Strategy, and Supplementary Planning Guidance/Documents) unless material considerations indicate otherwise. The NPPF has also imposed a 'presumption in favour of sustainable development' unless material considerations indicate otherwise.

National Policy (NPPF), Local Authority Development Plan Policy (UDP & Core Strategy), and adopted Supplementary Planning Guidance (such as the House Extension Guidance or Open Space Policy) all carry greater weight than the Broomhill Conservation Area Management proposals, as they are adopted Planning Policy. The BCAMP document is a material consideration, however.

The key issue of assessment in this case is to assess whether the proposed new wall, which is to be built of natural stone, to a similar height to the existing, but with different coursing, will preserve, enhance or harm the character or appearance of the Conservation Area. This needs to then be judged against the material consideration in BCAMP, whereby we need to assess to what extent the existing wall makes a positive contribution to the Conservation Area.

It should be noted that the wall itself is only partially protected through the article 4 regulations. Only the section forward of the front aspect of 20 Hallamgate Road is protected under this. This amounts to approximately 7m of the 23m of the existing wall. Case law has determined that the demolition of a wall not covered by the regulations in a Conservation Area does not constitute material development.

The wall is a side boundary wall that is visible to passers-by due to its proximity to the driveways of 18A and 20 Hallamgate Road, and it does therefore make a contribution to the character of the Conservation Area. Front boundary walls are all built of natural stone, and are viewed alongside it, although running parallel to the side boundary wall is a stained timber fence that is also simultaneously in view alongside the drive serving 18A Hallamgate Road.

The agent has submitted a report to explain why the replacement of the wall is considered necessary. The report is not a full structural survey, but has been prepared by the building contractor. However, there are visual elements to the existing wall that are evident on site. An investigation of the wall by the planning officer does reveal that the random course stonework is significantly weathered in places, and that repair work on the wall previously has resulted in large patches of mortar/cement on both sides. The crack referred to in the report is noted to exist on the side facing number 20, although officers cannot confirm that the wall is in an immediate danger of collapse (which would need to be confirmed by a full structural report). In the absence of a full structural report, it has to be presumed that the wall is not liable to immediate collapse.

It should be noted that a neighbouring resident has employed their own builder to look at the wall, which concludes that the wall is not in danger of collapse, but does identify that sections need to be re-bedded and re-pointed.

Some random stone has fallen out of the wall facing towards the driveway to 18a Hallamgate Road, and additional repair work would clearly result in the application of significant patches of mortar to cover the weathered sections of stone. Such an approach is not visually sustainable, as it would detract from the appearance of how the wall would have originally appeared. As a result, continued repair work to the wall would result in a gradual diminishing of the appearance of the feature. The top stones forming the coursing element and diminishing ridge are less weathered, and are likely to be salvageable.

Due to the visual harm caused by continued repair work, it has to be concluded that the heritage value of the wall is gradually being reduced by the nature of erosion of the stonework and necessary repairs. A suitable replacement wall in a traditional design using appropriate materials will be able to overcome the above issues and would be able to form a feature with greater long term value to the Conservation Area.

The replacement wall is considered to be well designed in form. The use of natural stone and diminishing courses is in line with the form of the existing front wall, and will preserve the appearance of the curtilage of the property by providing an improved uniformity around the site. The style of the coping stone and diminishing triangular profiled stone above matches the front wall, and is in character with a traditional wall of the period. Representations objecting to the profile of the coping stones are noted. However, those shown in amended drawings received on 06/01/2015 are of the same profile. In addition, the existing coping stones will be reused where practical within the rebuild.

Although random course stone walls are noticeable within the wider area, the diminishing stone course is also a common feature, with the front of numbers 18 and 20 both benefiting from this style of wall. It would therefore be incorrect to argue that the diminishing course of the wall proposed is not in character with the Conservation area. The use of larger block sizes as opposed to random course will result in an easier long term maintenance of the wall, and will help to ensure that the issues with the existing wall are not repeated (whereby the nature of the random coursework encourages erosion between the stones).

The new wall will have 6 drops in level as opposed to the existing wall, which has 3. This has been done to accommodate the different coursing. The additional drops in the wall will maintain a decline in height down the hill, similar to the existing. It is not considered to be an unsightly change or necessarily out of character with the Conservation Area. It should also be noted that the additional steps will not be immediately apparent with views from the wider Conservation Area, except for limited views from the driveways to the sides. Nevertheless, even if it was more prominent, it is hard to conclude that the increase in steps is necessarily harmful to the appearance of the Conservation Area.

The height of the wall is not dis-similar to the existing, and will not be out of scale with the plot. Indeed, taller walls are visible to properties in the local area than that shown in the plans. The height at the rear section of the wall will be approximately 500mm greater than existing. However, this will result in a total wall height not unlike parts of the existing wall, and will not look out of scale with the location.

In terms of width, the new wall will be slightly narrower than the existing (under 100mm less). The wall will remain in the same position externally, and therefore the width will not be apparent when viewed from outside the side. The difference in width is considered very marginal compared to the existing wall, will not significantly impact upon the appearance of the structure and should not make it appear out of character, especially in the context of the local area where slight differences in wall designs are common.

There is a need to ensure that the specific materials used in the wall, and its built form is appropriate. As a result, a sample section needs to be built to ensure that the mortar finish and layout of stonework is visually adequate. This will be reserved by condition, to enable officers to ensure that the detailing is accurate and positive in appearance. Consideration has been given to the re-use of materials from the existing wall, and the top coursing materials are proposed to be re-used. There are questions within the representations, as to whether this will work due to the change in dimensions of the wall (being 100mm narrower and with more falls in height). As a result, it is appreciated that the different design of the new wall may necessitate new material to the top coursing. This will be given further consideration following removal of the wall when the success of the salvage operation will be known, and sample panels have been created. In the event that the original copings cannot be utilised, the use of the correct detailing with correct materials should ensure that there is no significant harm to the character of the Conservation Area.

It should be noted that the side wall of the new garage is in natural stone, and is visually appropriate for the site. The attachment of the new wall to this will remove the gap caused by the fence section, and will help to improve the visual consistency of the curtilage boundary.

Relating back to the NPPF tests set out above, given the small section of original wall protected, its side boundary location (as opposed to front boundary) and the quality of the proposed replacement, it is considered that the harm to the Conservation Area caused by the loss of the original element is less than

substantial. Indeed the harm is considered to be extremely limited, to the point where it is considered that the proposals preserve the character of the Conservation Area. As such it is considered that the public benefit test does not apply.

In this context the proposal is considered acceptable in terms of its impact on the character of the Conservation Area, meeting the terms of policies BE16, CS74 and the requirements of the relevant paragraphs of the NPPF.

However, in order to ensure that the original wall is replaced when removed it is considered necessary to impose a condition on any approval to ensure the new wall is constructed within a specified timescale, as directed by paragraph 136 of the NPPF.

Amenity

Policy H14 (c) states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

With regards to the impact on neighbouring property, the main impacts cover the changes to the heights of the wall in specific positions, noticeably the 500mm increase closest to the rear and also the replacement of a small section of lower fence with the wall.

In terms of the potential overshadowing impact, the impact on neighbouring properties will be very limited. A key mitigating factor against the impact of the side wall is the fact that it is an access road located to the side, and not a key amenity area. In addition, the land behind the wall is higher than that on the side of the subject property, which further diminishes the impact of the proposal to the side. As fences and other structures up to 2m in height normally do not require planning permission and typically form boundary treatments, it is considered unreasonable to argue that the height of the wall proposed relative to the properties to the North West will have an impact any greater than such typical boundary features.

The proposal is therefore considered to be acceptable from an amenity perspective, meeting the requirements of Policy H14.

Highways

Section d) of Policy H14 requires that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The height of the wall closest to the road will remain the same as existing. As a result, vehicular visibility onto the pavement and road will not be significantly impacted upon.

RECOMMENDATION

The proposed replacement of the side wall will result in some slight improvement to the existing appearance of the site, subject to the detailing details reserved by condition being adequate. The height of the proposal is insufficient to result in any significant diminished quality of the land.

As such, the assessment concludes that the impact of the proposal will be in keeping with the character of the area and appearance of the building. As such, the scheme will comply with the requirements of Unitary Development Plan policy H14 and BE16, and Core Strategy policy CS74, and the National Planning Policy Framework, subject to a condition requiring its implementation.

No adverse amenity issues or highways issues have been created by the proposal and therefore the aims of Policy H14 are met.

It is therefore recommended that planning permission is granted subject to conditions.

Case Number	14/04287/FUL (Formerly PP-03805071)
Application Type	Full Planning Application
Proposal	Erection of 41 dwellinghouses and associated car parking accommodation and landscaping works (Phase 2)
Location	Land Between Maltravers Place And Whites Lane Cricket Inn Road SheffieldS2 5AN
Date Received	21/11/2014
Team	City Centre and East
Applicant/Agent	DK-Architects
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

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

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

Drawing numbers:-

- 1040/Ph2/06 (Proposed Boundary Treatment Site Plan)
- 1040/Ph2/07 (Proposed Site Plan)
- 1040/Ph2/08 (Proposed Street Scenes (1 of 2))
- 1040/PH2/09 (Proposed Street Scenes (2 of 2))
- 1040/PH2/10 (House Types)
- 1040/PH2/11 (House Types)
- 1040/PH2/12 (House Types)
- 1040/PH2/13 (House Types)
- 1040/PH2/14 (House Types)
- 1040/PH2/15 (House Types)

Reason: In order to define the permission.

- 3 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for

archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

- 4 Final details, including samples, of the proposed material/s for each element of the scheme 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:

- Windows
- Window reveals
- Doors
- Eaves and verges
- External wall construction
- Brickwork detailing
- Balconies
- Entrance canopies
- Roof
- Ridge & valleys
- Rainwater goods
- Boundary treatments

- Photovoltaic panels
- Street Furniture - including bollards, seats etc.

Thereafter, the works 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 Before the first building is constructed on site, final details of the design/appearance of all the proposed site boundary treatments (including in curtilage boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

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

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

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

- 9 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full final details of the access and facilities for people with disabilities (including the final layout of all mobility units and details of gradients and crossfalls for their drives) shall have been submitted to and approved in writing by the Local Planning Authority. The mobility units shall not be used unless such access and facilities have been provided in accordance with the approved plans and thereafter shall be retained.

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

- 10 Notwithstanding the details on the approved plans, before the development is commenced the final proposed building plot levels shall be submitted to

an approved in writing by the Local Planning Authority. Cross sections shall be provided where requested. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development and to protect the amenity of the site and nearby neighbouring occupiers.

- 11 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full final details of the design of the staircases proposed within the Cricket Inn Road frontage of the site (including details of the steps, tactile paving, handrails and lighting) 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 plans and thereafter shall be retained.

Reason: In order to ensure an appropriate quality of development and in the interests of residents safety and amenity.

- 12 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 13 Notwithstanding the details on the approved plans, all tree planted on the site's Cricket Inn Road frontage shall be at least semi-mature in age and specification.

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

- 14 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

- 15 The development shall be carried out in complete accordance with the recommendations of the Ecological Assessment Report by Indigo Surveys (Ref. 13824/E1) (20/02/2013).

Reason: In the interests of the ecological amenity of the site.

- 16 Prior to the first building on site being occupied, or an alternative timescale to be agreed in writing by the Local Planning Authority, final details of the position and design of 5 bat boxes and 5 bird boxes to be provided around the site shall have been submitted to and approved in writing. Thereafter, the provision of these boxes shall be carried out in accordance with the approved details.

Reason: In the interests of the ecological amenity of the site.

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

Reason: To ensure that the architectural character and appearance of the development is retained and there is no visual intrusion which would be detrimental to the visual appearance of the site or the amenities of the locality.

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

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

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

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

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

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

- 21 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.

- 22 The buildings shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

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

- 23 Within 3 months of the date of this permission, the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below shall have either;
- a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the buildings are brought into use.

Highway Improvements:

- 1) The footway adjacent to and for the entire frontage of the site shall be excavated and reconstructed including replacing existing kerbs wherever deemed necessary by the Highways Authority.
- 2) The carriageway adjacent to the site for the entire length of Maltravers Place should be excavated and reconstructed to comply with Sheffield City Council specifications.

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.

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

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

- 25 Within 3 months of the date of this permission, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

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

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are

committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 26 Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate against the risk of flooding.

- 27 Surface water and foul drainage on and off site shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

- 28 Prior to any drainage works occurring on site, details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, shall have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage arrangements.

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

Reason: To ensure satisfactory drainage arrangements.

- 30 No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

- 31 The mobility housing units hereby approved shall not be occupied 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.

- 32 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.

- 33 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.

- 34 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.

- 35 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.

- 36 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of REC Noise Impact Assessment (Ref: 90213, Dated: 26/03/13).
 - b) Be capable of achieving the following noise levels:
 - Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours)
 - Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours)
 - Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours)
 - Bedrooms: LAFmax - 45dB (2300 to 0700 hours)
 - External Amenity Areas: LAeq (16 hour) 55 dB - (07:00 to 23:00)
 - c) Include:
 - i) a system of alternatively acoustically treated ventilation at residential properties facing Cricket Inn Road, as detailed in the Noise Impact Assessment (Ref: 90213, Dated: 26/03/13),
 - ii) the use of acoustic screening in order to control noise levels within external areas, as detailed in the Noise Impact Assessment (Ref: 90213, Dated: 26/03/13).

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

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

- 37 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.

- 38 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.

- 39 Plant and equipment shall be designed to ensure total plant noise levels (including any +5dB correction for tonality or impulsive noise) do not exceed the LA90 (5 minute) background noise level at any time, when measured at positions on the site boundary adjacent to any noise sensitive use.

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

Attention is drawn to the following directives:

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

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

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

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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

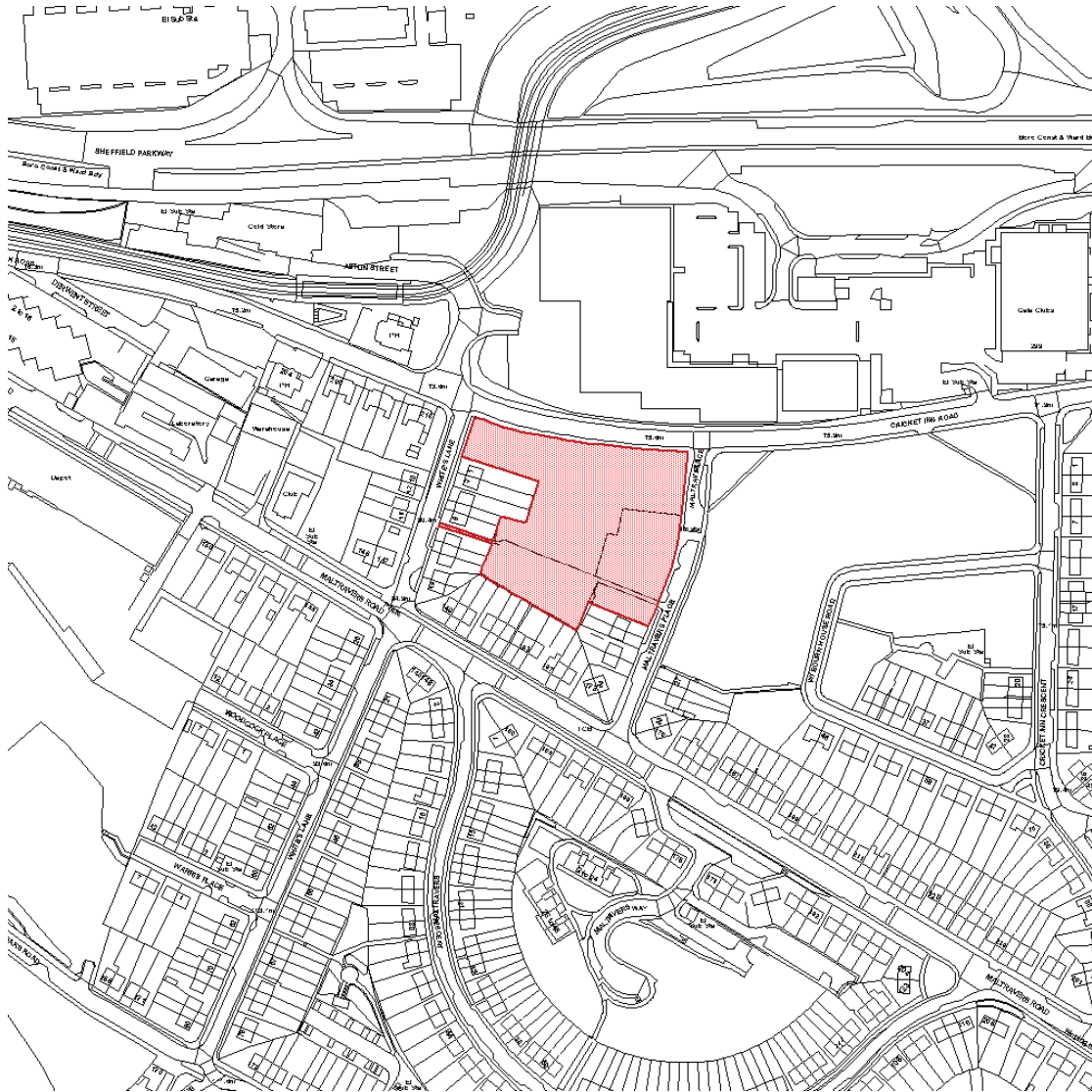
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

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. 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. 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.

7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
9. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
10. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
11. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
12. The applicant is advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making.

Site Location



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LOCATION AND PROPOSAL

Planning permission is sought to construct a modern residential development comprising of 41 no. 2 to 5 bedroom dwellings with associated car parking and landscaping works.

The application site is located on the southern side of Cricket Inn Road on the edge of the residential area positioned to the east of the City Centre. It is a parcel of land contained by Cricket Inn Road, White's Lane and Maltravers Place.

The site is currently empty, having previously been occupied by Council housing stock, which was demolished a number of years ago because it was deteriorating. The site is owned by Sheffield City Council but it is proposed to sell the land to the applicant - Great Places – who intend to construct the proposed development (with grant funding from The Homes and Communities Agency) to regenerate the site and increase their housing stock in Wybourn as well as helping to meet the City's housing need.

The site currently appears to be a plot of open grassland, which slopes steeply downwards towards Cricket Inn Road – shallow near to Cricket Inn Road and steeper to the south towards Maltravers Road. In terms of existing characteristics, there is a bund of grassed open space (made up of demolition waste) with existing trees to the frontage on Cricket Inn Road, and Wybourn House Road runs through the site.

The application site forms 0.70Ha of a larger site (2.99Ha), which has been identified by the Council for future redevelopment and regeneration. Indeed, the remainder of the site, positioned adjacent, is currently being redeveloped into 88 new dwellings with associated infrastructure.

To the direct north, beyond Cricket Inn Road, is a retail park (including Bingo Hall) and beyond this is the Sheffield Parkway dual carriageway (A57). The site is visible from these locations and vice-versa. To the south, east and west of the site is existing housing stock.

The Wybourn neighbourhood is modelled on garden suburb principles and built incrementally in the 1930s. Existing properties vary between semi-detached and terraced houses, which are predominantly constructed from red brick and have hipped roofs. The applicant already owns housing stock in Wybourn and has been working with residents and the Council to try and upgrade/regenerate the area.

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the application site. As discussed, the following development is being constructed on the adjacent site:

13/00638/FUL: Erection of 88 dwellings with associated car parking accommodation and landscaping works. Granted Conditionally, 22.05.2013

SUMMARY OF REPRESENTATIONS

In accordance with statutory requirements, this application has been advertised by site notices, press advert and neighbour notification letters.

Additionally, the Applicant has advised that they have undertaken their own community consultation with local residents about housing development at this location prior to the submission of this application.

Public Representations

One representation supporting the application has been received in relation to the proposed development. It is from someone who does not live in the area and states:

- Agree with the Design and Access Statement and support the redevelopment of this previously cleared land. I like the planned buildings appearance and support the high quality public spaces. The proposed development should improve the pedestrian route to / from the Cricket Inn Road tram stop.

South Yorkshire Police

The Architectural Liaison Officer has raised concerns regarding some areas of this development, including:

- The stepped access from Cricket Inn Road into the development. It will have limited natural surveillance over it and having this access creates an ideal area for people to loiter and also adds an escape route for possible offenders. Therefore, it is suggested that this access path be designed out.
- The rear courtyard for the apartments. Vehicles will be very vulnerable as this area will have very little natural surveillance over it. If this is to remain, the courtyard must be well lit and access controlled.
- Other 'Secured By Design' recommendations made (such as good lighting, high fences round back gardens, lockable gates, laminated glass to vulnerable windows).

PLANNING ASSESSMENT

1. Land Use Issues

Local Policy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is the more up-to-date document and provides the overall spatial strategy for the SDF over the period 2009 to 2026.

The UDP designates the land within the application site as predominantly a Housing Area with an area of land on the site frontage, adjacent to Cricket Inn Road, being allocated as Open Space. The principle of adding new housing onto the designated housing land is considered to fully comply with UDP Policy H10 (Development in Housing Areas) and identifies housing as the 'Preferred' Use.

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 Policy CS 25 (Priorities for Releasing Land for New Housing) all promote new residential development in Sheffield - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing within the City over future years.

This application will provide new housing which will assist the current 5-year supply of deliverable sites (as required by Policy CS 22), and it will provide affordable residential development in the urban area. Thus, supporting regeneration and making efficient use of land as required by Policies CS 23, 24 and 25 and the National Planning Policy Framework.

With regard to the proposed loss of open space land on the site frontage, it is not currently regarded to function as an open space area and as such does not feature as part of the Open Space Audit. The main purpose of this open space designation was to protect the land and maintain a buffer between Cricket Inn Road and the former housing stock that no longer exists. Given that its use harks back to an out-dated residential environment, it is considered that its loss can be justified and would not conflict with relevant UDP Policy LR5 'Development in Open Space Areas' nor Core Strategy Policy CS 47 'Safeguarding Open Space'.

SDF Draft City Policies and Sites Document

The Council's vision for this site has, in part, changed since the adoption of the UDP because existing housing stock has been demolished and there is now an aspiration to see the site developed again as housing land. This is reflected in the draft SDF City Policies and City Sites document.

Despite carrying very little weight, this emerging document acknowledges the demolition of the existing housing stock on the land, removes the Open Space designation and identifies all of the land within the application's red line boundary as being within the Housing Area. It is understood that there have been no objections and there no intention to change this designation.

This revised designation is a more updated vision for the site and one which supersedes the previous land use aspiration and designations.

The Cricket Inn & Maltravers Site, Wybourn Planning Brief (the Brief)

The SDF vision for the site is supported by this brief, which has been prepared by Officers on behalf of the landowner (Sheffield City Council) and the agreed developer partner (Great Places). The document covers the Cricket Inn and Maltravers site, which is a 3.86 Ha area of land and made up of two separate plots – 1) land off Cricket Inn Road (2.99Ha), which includes the application site, and 2) a smaller parcel of land off Maltravers Road (0.87Ha). These are strategically important sites and the Brief supports the principle of residential development on

them. It is intended that the Brief be used to guide and justify proposals to enhance the development process.

The Brief was signed-off as 'fit for purpose' by the Council's Head of Planning and the Development Team Manager for that area.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's revised planning policies for England and how it expects them to be applied. The key goal 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.

In regard to the existing conflict between a UDP and SDF aspirations for the site, the NPPF applies. Based on policies set out in the NPPF (paragraph 216), weight should be given to the emerging residential allocation. The UDP allocation relating to the Open Space Areas within the application site is based on a previous development and 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 general, there are considered to be sufficient national and local policies (including emerging policies) and project work to justify the proposed housing use across the whole site. Therefore, the principle of residential development at this location is concluded to be acceptable.

2. Density Issues

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

Core Strategy Policy CS 41 (Creating Mixed Communities) encourages development of housing to meet a range of housing needs.

The site is situated in close proximity to high frequency bus routes and the Supertram stop at Cricket Inn Road. Therefore, Policy CS 26 recommends a density range for new housing in this area of between 40 to 60 dwellings per hectare. This is supported by the content of the Cricket Inn & Maltravers Site, Wybourn Planning Brief.

The proposed development achieves 56 dwellings per hectare on the site's developable site area which is consistent with the density aim. The proposal is for a mix of house types. In this location, this contributes towards achieving the objective of creating mixed and balanced communities, as it introduces new family housing in to the area.

Therefore, it is concluded that the proposal complies with Policies CS 26 and CS41.

3. Design Issues

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

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

The proposed design approach is very similar to that approved on the adjacent site in 2013. It comprises of an architectural style that is modern but reflective and respectful of the traditional inter-war local context. For the reasons explained below, the design of the scheme is considered to be acceptable and consistent with the aspirations of relevant policies BE5 and CS 74.

Proposed Layout

The development has been designed around the existing streets that run around and through the site. The proposed layout makes sure that the new properties will address these streets and take their main access from them. It is considered the proposed layout will ensure that the development has a positive relationship to the streets that run internally within and externally around the site.

The scheme is based around the following character areas:

1. Cricket Inn Road – New buildings are proposed to address Cricket Inn Road and continues the character of the Phase 1 street scene. The units are predominantly three storey units with a mix of houses and apartments. There is no vehicle access from Cricket Inn Road or vehicle parking on the road frontage. Instead, parking is proposed to be taken via Maltravers Place with parking located at the rear.

2. Maltravers Place – New units are proposed to address the western side of Maltravers Place. There is a pair of three storey semi-detached units at the junction

with Cricket Inn Road and they reduce to two storeys high for the remainder as the road slopes considerably towards the rear.

3. Shared Access Road – Situated to the south of the site, up towards the rear, it is proposed to create a shared surface access road via Maltravers Place. The land at this point is higher than the Cricket Inn Road frontage and the proposed units will be two storeys high and they will address each side of the road.

4. Pedestrian Steps – Comprising 5 sets of steps, they are proposed to lead from Cricket Inn Road up to the shared surface road and provide pedestrian access to the nearby public transport facilities, including the tram stop.

Parking across the site, is a mix of parking court, parallel and in-curtilage parking.

Overall, the layout is considered to be a positive approach and acceptable from an urban design/public realm perspective.

Proposed Architecture

The proposal provides 2 – 5 bedroom units in detached, semi-detached, small terraces and apartment configurations. This variety of provision is considered to be a positive element of the scheme, which will continue the theme of housing in this area and help to widen the housing on offer to meet people's needs.

The architecture is contemporary yet traditional in terms of the material palette and the design features to be incorporated. The approach is consistent throughout. All of the house types will be constructed from red brick with grey roof tiles, and it is intended that the windows have contemporary design features - including large window openings with bays and deep reveals. The apartment block is also characterised by small balconies on, in general, their Cricket Inn Road elevations. The brickwork on the front elevations will be broken up by the inclusion of soldier courses between the front door and the first floor window above; this is a theme carried through from the adjacent site. The roof designs vary between hipped, pitched and gabled.

All of the properties (excluding the apartment block) are intended to have their own front door, enclosed garden areas and car parking provision.

Overall, it is concluded that the proposed architecture is simple but eye-catching which, if executed in the manner proposed, will be a positive addition to the site and surrounding area.

Proposed Scale

The existing Wybourn area is heavily characterised by 2 storey houses. Across the application site there are a variety of units proposed which range from 2 storey to 3 storey houses and apartments. The apartment building has the greatest scale in

terms of height and overall mass, but this is not unexpected given that it is proposed to contain 12 apartments.

The tallest properties address Cricket Inn Road and their junctions with White's Lane and Maltravers Road at the front of the site. These are proposed to be elevated over the green landscape buffer in order to maximise views out over the existing retail units. The scale reduces as the land increases steeply to the rear.

Overall, the proposed scale is considered to be acceptable at this location and consistent with the existing scales. Officers consider that the location of the taller units at the front of the site will help to maximise their prominent and visual position as well as continue the themes of Phase 1.

Proposed Streetscene

All of the new properties have main front or side elevations (with windows) addressing the existing, internal streets and the pedestrian steps in order to add activity, overlooking and visual interest to the streets, which is desired and acceptable.

The architectural themes and design strategies from Phase 1 are intended to be implemented with Phase 2. The continuance of these themes – such as the design, scale, landscaping and orientation of properties – is acceptable and will allow Phases 1 and 2 to appear as one cohesive development, which is welcomed.

In terms of detailing, the scheme incorporates low level brick walls to the front garden areas to help define the edge of the highway, demarcate public and private spaces, and break up areas of clustered parking. These are positive design features, which will help to create a cohesive and defined streetscape.

Trees are shown within the front garden areas of the properties as well as within the landscaped areas of the character spaces described above. The trees within the private gardens are welcomed but the reality is that they are beyond the control of the Council and their future contribution to the character of the neighbourhood cannot be guaranteed.

Overall, the proposed design of the streetscape is considered to be acceptable.

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 supporting submission states that it is the aim of the development to achieve Code for Sustainable Homes rating of 3 or above on all units across the project.

Core Strategy Policy CS 65 relates to (Renewable Energy and Carbon Reduction) and requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy unless it can be shown not to be feasible or viable.

In terms of viability, Paragraph 96 of the NPPF states that, in determining planning applications, local planning authorities should expect new development to “comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.”

The applicants have submitted a viability statement produced by a RICS accredited agent which effectively states that the scheme is not sufficiently viable to provide 10% of energy needs from decentralised and renewable or low carbon energy as well as providing a contribution towards the enhancement of open space in accordance with Policy H16.

It is therefore considered that the viability report provides an appropriate justification for non-compliance with CS65. Overall, the proposed development is considered to be acceptable with regards the aims of the NPPF and Policies CS64 and CS65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large scale developments. There are no green roofs provided as part of this development but given the other design considerations and the viability issues discussed, it is not considered to be a reason to refuse the application.

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. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms potential nuisances – such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

- Amenity for Existing Residents

In terms of the development's impact on existing residents, it is considered that the development will not have a detrimental amenity impact on the majority of existing properties at Cricket Inn Crescent, Matravers Road, Matravers Place and White's

Lane. Privacy distances, orientation and land levels are such to ensure that residents' existing amenity will not be compromised in an unsatisfactory manner.

Discussion is currently ongoing with the applicant about the layout of the properties at the west end of the proposed shared surface; in particular, the layout of Plot 7 and its relationship to the existing properties at No.7 and 9 White's Lane. The original position of the dwelling offered was considered unacceptable given its proximity to the boundary and elevated position resulting in a potential overbearing effect for the adjacent garden areas. The applicant's architects are currently exploring alternative options and members will be updated on their progress at the Planning Committee.

Subject to Plot 7 being resolved successfully, it is considered that the amenity environment for existing residents will be acceptable.

- Amenity for Future Residents

It is considered that the main issues relate to privacy, outdoor garden provision and the surrounding environment.

Privacy

The privacy distances achieved throughout the site are acceptable. There is sufficient separation distances between proposed the new properties as well as between existing properties. It is considered that the amenity of surrounding existing residents will not be compromised by this development and the siting of new houses.

Outdoor garden provision

The shapes and sizes of garden spaces vary across the site – but it is advised that all of the new dwellings will achieve at least 50 square metres of private space, which would normally be expected. The sizes of gardens do vary and but the fact this is viewed as positive features so as to attract a broad range of occupiers. The proposed apartments are all served by an external balcony.

Surrounding Environment

A Noise Impact Assessment accompanies the application and identifies that the key source of noise impacting upon the development will be from road traffic using Cricket Inn Road and some intermittent noise relating to the retail park. Accordingly appropriate consideration has been given towards the mitigation measures required to ensure a commensurate level of protection against noise for future residents. These include acoustic fencing, where appropriate, and through-frame window mounted trickle ventilators being incorporated into the glazing units for the habitable rooms with a direct line of sight to Cricket Inn Road

The Council's Environmental Protection Service has considered the proposal and is satisfied with the methodologies and findings of the Noise Impact Assessment. It is acknowledged that it is essential that living rooms, bedrooms and external areas are designed to adequately attenuate surrounding noise sources and provide suitable internal noise levels. Therefore, a condition is recommended to be attached to this approval to ensure that mitigation measures are put in place to achieve such acceptable levels.

Overall, it is concluded that the proposed residential environment will be acceptable at this location and the development consistent with the aspirations of UDP Policy H15.

6. Highway Issues

The houses will access the public highway via either the existing streets that run around the application site and thus traffic will filter onto the highway network by existing infrastructure. The main new additions to the network are the access/egress points leading off Maltravers Place. The creation of these access points and the highway arrangement is considered to be acceptable.

The car parking provision equates to around 1 vehicle space per dwelling. These spaces are provided in a number of different ways - on plot in front of the properties, and single or tandem spaces between or in front of properties. Additionally, there is space throughout the development that will be available for use by residents and/or visitors. The level of parking is considered acceptable for scheme of this nature within such close proximity of public transport services.

It is intended that a new pedestrian link in the form of a staircase be provided, which will lead from Cricket Inn Road to the proposed adopted shared surface. It is anticipated that this will improve access for pedestrians for their access to and from the bus/tram stops and surrounding areas. Furthermore, it is anticipated that all footways and some carriageways fronting the development will require partial or complete reconstruction on completion of the building works. It is proposed that these matters, as well as the final design and lighting of the staircase, be secured by conditions.

In light of the above, it is concluded that the proposed highway environment resulting from this development will be satisfactory and in accordance with relevant policy.

This development will require a length of adopted public footpath connecting Maltravers Place and Whites Lane to be Stopped Up (i.e. permanently closed): (These are shown hatched on the plan 14/04287/FUL-STOP_UP).

Accordingly, if Members are minded to approve this application, they are also requested to confirm that:

- No objections are raised to the proposed stopping-up of the area of highway shown hatched on the plan 14/04287/FUL-STOP_UP, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- Legal Services are authorised to take all necessary action on the matter under the relevant powers contained within Section 257 of the Town & Country Planning Act 1990.

7. Air Quality Issues

UDP Policy GE23 (Air Pollution) states that development will be permitted only where it would not located sensitive uses where they would be adversely affected by sources of air pollution. Furthermore, Core Strategy Policy CS 66 'Air Quality' encourages action to improve air quality in all areas of the City, particularly where residents in road corridors with high levels of traffic will be exposed to levels of pollution above national targets.

An Air Quality Assessment has been submitted in support of this application. The Council's Air Quality Officer has previously considered the details of this report under the Phase 1 application (ref. 13/00638/FUL) and concluded that the proposed development of Phase 1 and 2 is unlikely to have a detrimental impact on local air quality and the end-users are unlikely to be located in an area where pollution levels breach any of the Government's health-based standard, thus complying with Policies GE23 and CS 66.

8. Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works of in places that can be readily seen by the public and as an integral part of the design of major developments.

It is advised that the applicant is currently developing a Public Art proposal for Phase 1. It has always been considered that this work, whilst it naturally sits within Phase 1, would meet the Public Art requirement for both Phases 1 and 2. The current proposals are considered appropriate to the number of units in the combined Phase 1 and Phase 2. It highlights an important part of the area's history and will serve the residents of both phases as well as the wider community. On this basis the Public Art Officer has advised that no further Public Art provision should be sought on Phase 2.

9. Flood Risk Issues

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

The accompanying Flood Risk Assessment confirms that the site falls within Flood Zone 1, which means it has a low risk of flooding. Therefore, there are no significant flood risk implications generated by this application and the development is satisfactory in terms of Policy CS 67.

10. Ecology Issues

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

An Ecological Impact Assessment has been submitted in support of the application. The Council's Ecology Unit has assessed the details it contains and states that there are no major ecological constraints to prevent development.

The site has low conservation value at present. Local and national planning policy expects the planning system to contribute to and enhance the natural and local environment. At this location, the details submitted suggest 2 ways to achieve this gain:

- (i) through the use of native species (including trees) in the landscaping scheme; and
- (ii) through the integration of artificial bird and bat boxes (minimum of 5 each) to provide nesting and roosting opportunities. It is considered that these should be integrated into the structure of the buildings to encourage their retention and longevity.

These methods are considered acceptable and are dealt with by condition. The proposal is therefore considered to be acceptable from an ecological and Policy GE11 perspective.

11. Landscaping Issues

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

UDP Policy GE15 (Trees and Woodland) states that trees and woodland will be encouraged and protected. There is a requirement for developers to retain mature trees, wherever possible, and replace any trees which are low.

The main landscape features that exist on site are trees and these are mainly placed along the site's Cricket Inn Road frontage. The remainder of the site is now grass following the removal of previous housing.

Given the comprehensive nature of the development and proposed transformation of the site, it is the case that all existing trees and landscaping will have to be removed to accommodate new buildings, roadways and spaces. This is unfortunate but it is acknowledged that these trees are not protected and a new landscaping scheme with tree planting will be provided across the site.

Whilst the loss of the site's existing tree stock is regrettable, it is considered that the new landscape proposals will be a suitable replacement and compliment the new environment being created here. It will be expected that the replacement tree planting - especially on the Cricket Inn Road frontage - is a significant size (at least semi-mature) and this matter will be dealt with via the proposed landscape condition.

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 "Manor/Arbourthorne/Gleadless" Affordable Housing Market Area where there is now no contribution required towards affordable housing provision.

However, the Applicant - Great Places Housing Group - is a Housing Association which owns and manages more than 16,000 homes across 26 local authority boundaries. It is intended that all of the 41 properties proposed as part of this development will be provided at affordable social rent and, presently, it is not intended to sell any of the properties. They will be owned and maintained by Great Places and will represent 100% affordable housing for rent.

The proposal complies with the aspirations of Policy CS 40.

13. 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.

Again, it is the case that the HCA's brief for the site also demands 25% mobility housing design and well as 100% Lifetime Homes, which is not a policy requirement of the Council but welcomed at this site.

It is confirmed that there will be 10 mobility units (24.4%). These are identified as being 2 and 3 bedroom houses as well as two bedroom apartments which provide a mixture of options across the site. Therefore, it is concluded that the requirements Policy H7 are met.

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.

The Council's School Organisation Project Team (SOPT) has supplied details about the schools potentially affected by the proposed development.

At primary level, it is confirmed that there is an already-agreed and funded scheme to expand the local school and the additional children likely to be yielded from this development would be able to be accommodated within the school. Therefore, there is no claim for primary contributions from this development.

At secondary level, the forecast is for the local school (Park Academy) to be oversubscribed by the end of the decade but again, this has been addressed by the commissioning of the new school at Don Valley. This is appropriate as an alternative neighbouring secondary school to Park Academy and it will provide capacity for the area as a whole. Therefore, there is no claim for secondary contributions either.

Members are reminded that the Applicant previously provided a contribution of £150,000 towards education provision as part of Phase 1.

It is concluded that the requirements Policy CF5 are met.

15. UDP Policy H16 (Open Space in New Housing Developments) requires that the Applicant makes an appropriate contribution towards the provision or enhancement of public space on or within the vicinity of the application site.

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. 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.

The Planning Brief expects 10% on site informal open space and a financial contribution towards the provision or improvement for off-site children's play facilities and outdoor sport space. It was expected that this provision be generated from the three sites identified in the brief.

The Phase 1 development does not provide any on site informal open space and it was also the case that a financial contribution was not sought. Instead, a decision was taken to direct the money available towards education provision which was seen as a higher priority in that case. Additionally, it was advised that the shortfall provision as part of Phase 1 could be addressed in the later Phases 2 and 3.

With regard to this application (Phase 2), there is no on site informal open space provided as part of the application. Given the character of the site as well as the financial margins involved to develop the land, the applicant has indicated that it is not viable to omit dwellings from the scheme in order to create an area of open space within it. With regard to a financial contribution, however, the applicant has agreed to pay the requested financial contribution of £71,276.00 towards the provision of informal and formal space in the surrounding area. This meets part of the policy requirements.

The failure to provide open space on site as parts of Phases 1 and 2 is disappointing. Whilst an area of informal open space is proposed as part of Phase 3, the area provided does not amount to 10% of the land within Phases 1 – 3. Therefore, the proposed development of the three sites fails to meet part of the aspirations of the brief and relevant policies.

On a positive note, it is considered that works proposed as part of the public art at Phase 1 will create an area of open space at the centre of Phases 1 and 2. The design is a piece of artwork based around the footprint of the former Wybourn Hall (linked to archaeological findings). The current proposal includes low stone walls (Yorkstone blocks and some engraved), a small area of grassed space, and a feature specimen tree that will be illuminated by LED lighting at night. Despite being in a shared space for cars and pedestrians, this will be at the end of a cul-de-sac space adjacent to Maltravers Place and it is envisaged that the proposals will create a centrepiece that can be used by new residents (Phases 1 and 2) and add amenity to the area. It is advised that the applicant has doubled their budget for this space in an attempt to create an asset for the sites and a feature for Wybourn as a whole.

Additionally, we know that Great Places have an open strategy/vision for Wybourn, which includes investment in and improvement of green spaces/gateway locations in the area. Details of this were provided as part of the Phase 1 application and the applicant has confirmed that this remains. This strategy intends to improve the spaces for local people and identifies 8 parcels of under-used land across Wybourn, which lack ownership and are in need of regeneration. It is also advised there are also other proposals, including the creation of allotment sites on previous garden land as well as an intention to regenerate poor quality and unsafe ginnels. These projects are paid for by Great Places and it has been confirmed that £10,000 has been spent to date on the Maltravers Close allotments with a further £546,049 identified for the future open space type projects.

Finally, Members are advised that Great Places have spent a total of £4.45m to date on Wybourn for environmental works which includes render programmes, boundary fencing works, knotweed clearance and graffiti removal. It is also proposed to spend £1.695m on related highways and access projects in the area.

Therefore, the overall proposed spend on Wybourn as a whole for these projects is approximately £6.676m.

In light of the circumstances surrounding this application, and the need to stimulate housing development in this area, it is considered that the overriding need is for new housing and that the open space shortfall on this specific project should not be an obstacle to the grant of planning permission given the wider strategy developed by Great Places for the area as a whole. Whilst technically contrary to the aspirations of the brief and policies H16, CS 45 and CS 46, the overall merits of this affordable scheme as well as the open space improvements separately being proposed/undertaken as part of other applications (Phase 1) and under other initiatives by Great Places provide sufficient justification to outweigh the failure to provide informal open space on this site.

16. Archaeological Issues

UDP Policy BE22 relates to (Archaeological Sites and Monuments) and states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

This application has potential archaeological implications. The Wybourn housing estate lies within the boundary of the former Sheffield medieval deer park. At the centre of this lay Wybourn Hall. The central part of the present route of Maltravers Place overlay the location of the Hall, but the adjacent housing avoided the footprint of the Hall. Recent archaeological excavation demonstrated the location and nature of the surviving parts of the structure in Phase 1 of the development. Some of the Hall's outbuildings are likely to lie on the other side of Maltravers Place, within the area of the present application. As such, South Yorkshire Archaeology Service (SYAS) recommends that the necessary archaeological investigation be secured by attaching the condition. A brief for any archaeological investigations will be written and the resulting work monitored by SYAS.

Subject to recommended conditions being attached and complied with, it is recommended that the application proposal has satisfied the archaeological issues at this location.

RESPONSE TO REPRESENTATIONS

With regard to SYP's comments on the staircase, officers disagree that the space is an area of concern. The space will be overlooked by habitable room windows and balcony spaces proposed within the elevations of the apartment blocks that face it. Furthermore, the staircase will be reasonably wide at around 3.3m and it will be surrounded on each side by landscape garden space, which will further enhance the feeling of openness (the distance between buildings is approximately

10m). In access terms, it is considered that the omission of the stairs would be detrimental to the scheme's permeability and sustainability, resulting in convoluted pedestrian routes for many occupiers living in the properties at the centre of the scheme when they want to walk to/from Cricket Inn Road.

For this reason, the staircase has been retained within the scheme. Final details of its design and lighting will be reserved by condition.

With regard to the security of the private parking courtyard, it is confirmed that both pedestrians and vehicles will be managed by lockable gates in order to restrict access.

SUMMARY AND RECOMMENDATION

The proposed development will provide 41 new dwellings on a prominent site situated on the immediate outskirts of the City Centre. The current proposals are considered to have an acceptable and contemporary architectural style and will provide affordable social housing, with 25% of the overall provision also being built to mobility housing standards. Furthermore surface water run-off from the site will be reduced by at least 30%.

The scheme is not considered to have a detrimental impact on the setting of the existing Wybourn neighbourhood and, subject to the layout of Plot 7 being resolved, the implications for existing residents in terms of overlooking, overshadowing etc. will not be unacceptable owing to their relationship with the application site, the levels on the site and the arrangement of the new houses.

There are considered to be no significant highway implications generated by the proposal and the air quality impact will be negligible. Furthermore, the site is considered to have a very sustainable location with excellent public transport links for trains, trams and buses.

In terms of landscaping, the loss of existing trees is unfortunate but it is considered that the inclusion of trees and new landscaping spaces as part of the redevelopment proposals will allow for suitable replacements. The response to the ecology on site is considered to be acceptable and the current public art investment as part of the wider redevelopment is welcomed.

In amenity terms, it is considered necessary to acknowledge that the site is on the very edge of a major city centre and, therefore, the environment for the residential occupiers at this site will reflect this. Occupiers will not be able to expect suburban living standards - both in terms of privacy distances between properties (because of site restrictions) and external environment (because of noise levels - such as traffic noise). However, this circumstance is considered to be no worse than other city centre environments - or indeed - the existing residential properties in Wybourn.

The failure to provide informal open space on site is a negative aspect of the development. However, a financial contribution of £71,276.00 will be made towards the provision of informal and formal space in the surrounding area and it is acknowledged that balance has been struck to ensure the viability of the scheme and to maintain its design quality, particularly in light of the level of affordable housing that is to be provided on site and the wider investment in the area by Great Places.

Overall, it is believed that the benefits generated by this proposal outweigh the shortfalls identified and it is concluded that it will make a positive contribution to the site and the surrounding area. Members are therefore recommended to grant planning permission subject to the proposed conditions and completion of a Legal Agreement with the following Heads of Terms:

Heads of Terms

- The Owners shall pay the Council [on or before the commencement of Development] the sum of £71,276.00 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 Open Space Provision in New Housing Development Supplementary Planning Guidance (December 2014 Update).

Members are also requested to confirm that they:

- a. Raise no objection to the proposed stopping-up of the area of highway shown hatched on the plan 14/04287/FUL-STOP_UP, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Authorise Legal Services to take all necessary action on the matter under the relevant powers contained within Section 257 of the Town and Country Planning Act 1990.

Case Number	14/04277/FUL (Formerly PP-03805096)
Application Type	Full Planning Application
Proposal	Erection of 34 dwellings with associated car parking accommodation and landscaping works (Phase 3)
Location	Land At Maltravers Way Sheffield S2 5DA
Date Received	21/11/2014
Team	City Centre and East
Applicant/Agent	Mr David Gilkes
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

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

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

Reason: In order to define the permission.

- 3 Final details, including samples, of the proposed material/s for each element of the scheme 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 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Windows
- Window reveals
- Doors
- Eaves and verges
- External wall construction

- Brickwork detailing
- Balconies
- Entrance canopies
- Roof
- Ridge & valleys
- Rainwater goods
- Boundary treatments
- Photovoltaic panels
- Street Furniture - including bollards, seats etc.

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 Before the first building is constructed on site, final details of the design/appearance of all the proposed site boundary treatments (including in curtilage boundary treatments and the boundary abutting the surrounding existing properties on Maltravers Way and Maltravers Crescent) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

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

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

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

- 8 Notwithstanding the details on the approved plans, and unless otherwise agreed in writing by the Local Planning Authority, before the development is commenced full details to demonstrate that at least 25% of the units on site shall be constructed to comply with the Council's Mobility Housing standards shall be submitted to and approved in writing by the Local Planning

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

Reason: To ensure that the development meets the needs of disabled persons and provides suitable living accommodation for them.

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

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

- 10 Notwithstanding the details on the approved plans, before the development is commenced the final proposed building plot levels shall be submitted to and approved in writing by the Local Planning Authority. Cross sections shall be provided where requested. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development and to protect the amenity of the site and nearby neighbouring occupiers.

- 11 Before the development is commenced, or an alternative timeframe to be agreed writing by the Local Planning Authority, full final details of the design of the pedestrian paths and staircases proposed within the application (including details of the steps, tactile paving, handrails and lighting) 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 plans and thereafter shall be retained.

In order to ensure an appropriate quality of development and in the interests of residents safety and amenity.

- 12 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 13 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

- 14 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 all distinct areas (including proposed open space areas), 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 the visual amenities of the locality.

- 15 The development shall be carried out in complete accordance with the recommendations of the Ecological Assessment Report by Indigo Surveys (Ref. 14500/E1) (2014).

Reason: In the interests of the ecological amenity of the site.

- 16 Prior to the first building on site being occupied, or an alternative timescale to be agreed in writing by the Local Planning Authority, final details of the position and design of 5 bat boxes and 5 bird boxes to be provided around the site shall have been submitted to and approved in writing. Thereafter, the provision of these boxes shall be carried out in accordance with the approved details.

Reason: In the interests of the ecological amenity of the site.

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

Reason: To ensure that the architectural character and appearance of the development is retained and there is no visual intrusion which would be detrimental to the visual appearance of the site or the amenities of the locality.

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

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

- 19 The buildings shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of

vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

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

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

- 21 The buildings shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

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

- 22 Within 3 months of the date of this permission, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

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

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

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

- 23 Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has

been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate against the risk of flooding.

- 24 Surface water and foul drainage on and off site shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

- 25 Before the development is commenced, details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority.

Reason: To ensure satisfactory drainage arrangements.

- 26 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed.

Reason: To ensure satisfactory drainage arrangements.

- 27 No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

- 28 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.

- 29 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.

- 30 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.

- 31 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.

Attention is drawn to the following directives:

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

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

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

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

Development Services
Howden House

1 Union Street
Sheffield S1 2SH

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

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. 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. 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.
7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
9. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
10. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
11. The applicant is advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment

and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making.

12. 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.

varying length) backing onto the land and overlooking it. Owing to topography, those properties situated on Maltravers Crescent are generally higher than the application site and those situated on Maltravers Road are lower.

The site is currently empty, having previously been occupied by Council housing stock, which was demolished a number of years ago because it was deteriorating. The site also previously contained a number of garage units and car parking areas. It is owned by Sheffield City Council but it is proposed to sell the land to the applicant – Great Places – who intend to construct the proposed development (with grant funding from The Homes and Communities Agency) to regenerate the site and increase their housing stock in Wybourn as well as helping to meet the City's housing need.

The site slopes steeply downwards towards Maltravers Road. In terms of existing characteristics, the site is vacant and void of use pending redevelopment. There is an existing adopted road (known as Maltravers Way), which snakes upwards towards the centre of the site and provides the only vehicle access into the site via Maltravers Road. Leading off this road are tarmac pathways and vehicle routes, generally associated with the site's previous use. At the top of the site, a pedestrian path extends from Maltravers Way and provides access to Maltravers Crescent and the areas beyond. This route forms part of the existing adopted public highway as do other areas within the site.

The only remaining building on the site is a substation, close to the site entrance behind No.178 Maltravers Road and this will be retained as part of any future development.

The Wybourn neighbourhood is modelled on garden suburb principles and built incrementally in the 1930s. Existing properties vary between semi-detached and terraced houses, which are predominantly constructed from red brick and have hipped roofs. The applicant already owns housing stock in Wybourn and has been working with residents and the Council to try and upgrade/regenerate the area.

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the application site. As discussed, this application is the third phase of a three phase development. Phases 1 and 2 relate to the following applications:

13/00638/FUL: Erection of 88 dwellings with associated car parking accommodation and landscaping works. Granted Conditionally, 22.05.2013.

14/04287FUL: Erection of 41 dwellinghouses and associated car parking accommodation and landscaping works (Phase 2). Pending Consideration.

SUMMARY OF REPRESENTATIONS

In accordance with statutory requirements, this application has been advertised by site notices, press advert and neighbour notification letters.

Additionally, the Applicant has advised that they have undertaken their own community consultation with local residents about housing development at this location prior to the submission of this application.

5 representations have been received from local residents and they all object to the application. The reasons given are:

Residents on Maltravers Crescent:

- The development will result in a loss of privacy.
- The noise and nuisance associated with the building works.
- The plans state nothing about improving the security of the fences between the existing and proposed houses to stop people climbing over.
- The development will result in more traffic.
- The new houses will block views.
- The site was going to be a wildlife park/children's playground.

Residents on Maltravers Road

- The dwellings have an elevated position and will breach our privacy – overlooking rear gardens and windows.
- The proposals to plant trees and erect fencing will significantly reduce the amount of sunlight to rear gardens and rear rooms.
- The development will spoil the current open view.
- The current plans fail to disclose that they have removed a public right of way. Each property on Maltravers Road that backs onto the proposed development has steps in their rear garden access via Maltravers Way. This access will be removed with no remedial provision.
- Loss of open space. The proposed green space is inadequate for the area given that areas are being lost.
- The development will affect property values.

PLANNING ASSESSMENT

1. Land Use Issues

Local Policy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy

document (2008). The Core Strategy is the more up-to-date document and provides the overall spatial strategy for the SDF over the period 2009 to 2026.

The UDP designates the land within the application site as a Housing Area. The principle of adding new housing onto the designated housing land is considered to fully comply with UDP Policy H10, which relates to 'Development in Housing Areas' and identifies housing as the 'Preferred' Use.

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 Policy CS 25 'Priorities for Releasing Land for New Housing' all promote new residential development in Sheffield - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing within the City over future years.

This application will provide new housing which will assist the current 5-year supply of deliverable sites (as required by Policy CS 22), and it will provide affordable development in an existing residential area. Thus, supporting regeneration and making efficient use of land as required by Policies CS 23, 24 and 25.

SDF Draft City Policies and Sites Document

The Council's vision for this site has, in part, changed since the adoption of the UDP because existing housing stock has been demolished and there is now an aspiration to see the site developed again as housing land. This is reflected in SDF City Policies and City Sites document, which is currently being drafted.

Despite carrying very little weight, this emerging document acknowledges the demolition of the existing housing stock on the land and identifies all of the land within the application's red line boundary as being within the Housing Area. It is understood that there have been no objections and there are no intentions to change this designation.

This revised designation is a more updated vision for the site and one which supersedes the previous land use aspiration and designations.

The Cricket Inn & Maltravers Site, Wybourn Planning Brief (the Brief)

The SDF vision for the site is supported by this Brief, which has been prepared by Officers on behalf of the landowner (Sheffield City Council) and the agreed developer partner (Great Places). The document covers the Cricket Inn and Maltravers site, which is made up of two separate plots – 1) land off Cricket Inn Road (2.99Ha), and 2) the application site (approx. 1Ha). These are strategically important sites and the Brief supports the principle of residential development on them. The Brief has been prepared to guide and justify proposals to enhance the development process.

The Brief was signed-off as 'fit for purpose' by the Council's Head of Planning and the Development Team Manager for that area.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key goal 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.

In general, there are considered to be sufficient national and local policies (including emerging policies) and project work to justify the proposed housing use across the whole site. Therefore, the principle of residential development at this location is concluded to be acceptable.

2. Density Issues

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

The site is situated in close proximity to high frequency bus routes on Maltravers Road and Policy CS 26 recommends that in such areas a density range between 40 – 60 dwellings per hectare is expected. This is supported by the content of the Cricket Inn & Maltravers Site, Wybourn Planning Brief. Densities outside these ranges will be allowed where they achieve good design, reflect the character of the area or protect a sensitive area.

The proposed development achieves 39 dwellings per hectare. Despite being marginally below the recommendations of policy, the proposed density is considered acceptable given the proposed layout, the difficult characteristics of the site (i.e. topography and crescent shape) and the amount of developable area available within which to fit the new buildings.

Therefore, it is concluded that the minor shortfall in density provision does not conflict with the policy aspirations and the proposal is acceptable in terms of Policy CS 26 and the relevant Project Brief.

3. Design Issues

UDP Policy BE5 (Building Design and Siting) and Core Strategy Policy CS 74 (Design Principles) seek high quality design and encourage new development to take advantage of and enhance the distinctive features of the city.

The proposed design continues the theme of Phase 1 and 2. The architectural style is modern but in character with the traditional inter-war designs of the surrounding area. For the reasons explained below, the design of the scheme is considered to be acceptable and consistent with the aspirations of relevant policies BE5 and CS 74.

Proposed Layout

The design of the scheme is heavily influenced by the crescent shape and challenging steep levels of the land. The majority of the units are proposed to be positioned on the south side of the crescent and they will be arranged to front onto the existing highway (Maltravers Way), which will be retained and extended further to the east in a curved design. Additionally, two shared surface access areas are proposed to be created at each end of Maltravers Way. The first area, at the west end, is a small cul-de-sac serving 10 units and the second area, at the east end, is a parking court serving 7 units.

At the centre of the site, in the middle of the Maltravers Way loop, there is proposed to be an area of amenity land that will be characterised by provided and designed as public open space. Owing to the topography, the space will have to be accessed by steps, but it is intended that the space in the middle will be flat and usable.

Parking across the site, is a mixture of parking court, parallel and in curtilage parking.

The arrangement of the properties to address the key streets within the development and the varied arrangement of car parking is considered to be acceptable. Officers agree with the content of the Design and Access Statement, which identified that the units provide strong frontages along street scenes, that there are positive termination points, and there will be good natural surveillance across all parts of the site owing to the crescent shape.

Overall, the layout is considered to be a positive approach and acceptable from an urban design/public realm perspective.

Proposed Architecture

The proposal provides 2 to 4 bedroom houses across the site in semi-detached and short terrace configurations. These properties provide accommodation for between 4 people and 6 people. This variety is welcomed and will continue the theme of housing in this area; helping to widen the housing on offer to meet people's needs.

As discussed, the proposed architecture continues the theme of Phases 1 and 2. The architecture is contemporary yet traditional in terms of the material palette and the design features to be incorporated. The approach is consistent throughout. All of the house types will be constructed from red brick with grey roof tiles, and it is intended that the windows have contemporary design features - including large window openings with bays and deep reveals. The brickwork on the front elevations will be broken up by the inclusion of soldier courses between the front door and the first floor window above; this is a theme carried through from the adjacent site. The roof designs vary between hipped, pitched and gabled.

All of the properties are intended to have their own front door, enclosed garden areas and car parking provision.

In terms of scale, the majority of the new units have a traditional two-storey design. Uniquely, the units at the western end of the site (Plots 24 – 34) have a stepped 'up-side down' design whereby they appear to be a single storey bungalow at the front and a traditional two-storey unit at the rear. This design approach is being proposed to overcome the land levels at this part of the site. The first floor level, which is accessed from road level, contains the entrance hall and bedroom space. The ground floor level, containing the Kitchen/Living/Dining area is at the level of the rear gardens that back onto the existing rear gardens of units on Maltravers Road. This arrangement is unusual but it is considered to be an appropriate response to accommodating new dwellings on a challenging and steep section of the site.

Overall, it is concluded that the proposed architecture is simple but eye-catching which, if executed in the manner proposed, will be a positive addition to the site and surrounding area.

Proposed Scale

The proposed two storey scale of the proposed development is considered to be acceptable given the character of surrounding buildings on adjacent roads and the topography of the site.

Proposed Streetscene

As discussed, all of the new properties have main front or side elevations addressing the streets and pedestrian walkways. These elevations contain key features such as habitable room windows and doors, which will add vitality to the street and overlooking across public spaces.

In terms of detailing, the scheme continues the design features encouraged as part of Phases 1 and 2. In particular, most properties have a small front garden area with low level brick walls to define the edge of the highway, thus demarcating public/private spaces and breaking up areas of clustered parking. These are positive design features, which will help to create a defined streetscape.

Trees are shown within the front garden areas of the properties as well as within the landscaped areas of the character spaces described above. The trees within the private gardens are welcomed but the reality is that they are beyond the control of the Council and their future contribution to the character of the neighbourhood cannot be guaranteed.

Overall, the proposed design of the streetscape is considered to be acceptable.

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 supporting submission states that it is the aim of the development to achieve Code for Sustainable Homes rating of 3 or above on all units across the project.

Core Strategy Policy CS 65 relates to (Renewable Energy and Carbon Reduction) and requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy unless it can be shown not to be feasible or viable.

In terms of viability, Paragraph 96 of the NPPF states that, in determining planning applications, local planning authorities should expect new development to “comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.”

The applicants have submitted a viability statement produced by a RICS accredited agent which effectively states that the scheme is not sufficiently viable to provide 10% of energy needs from decentralised and renewable or low carbon energy as well as providing and upgrading the on-site open space.

It is therefore considered that the viability report provides an appropriate justification for non-compliance with CS65. Overall, the proposed development is considered to be acceptable with regards the aims of the NPPF and Policies CS64 and CS65.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' requires green roofs to be incorporated into all large scale developments. There are no green roofs provided as part of this development but given the other design considerations and the viability issues discussed, it is not considered to be a reason to refuse the application.

5. Residential 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. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms potential nuisances – such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

- Amenity for Existing Residents

It is considered that the amenity of the existing residents whose properties surround and back onto the site will not be unacceptably affected by the development as proposed.

Relationship to Maltravers Road:

Following amendments which reposition the dwellings at Plots 1, 33 and 34 further away from the site boundary, it is the case that separation distances between existing and proposed facing windows vary between 21m and 25m. These distances are all considered to be reasonable and they are consistent with the standards set out in the Council's Residential Design Guidance (Supplementary Planning Guidance).

The properties on Maltravers Road are situated at a lower level to the application site, with the level difference being approximately 1.5m. The new properties will be higher but it is considered that this difference, combined with the good separation distances achieved, will not result in the unacceptable overbearing or loss of privacy for the existing properties such that the refusal of planning permission on amenity grounds could be reasonably justified.

The new dwellings at Plots 1 and 2 are situated a minimum distance of approximately 5.5m away from the shared boundary with the existing properties at 170 – 176 Maltravers Road. Despite this distance being quite short, no objections have been received from the residents of these properties and the relationship is considered to be no worse than the three storey buildings that were previously situated on this part of the site.

Relationship to Maltravers Crescent:

The relationship between existing and proposed is considered to be acceptable given the distances achieved between facing windows and the orientation of the site. The rear gardens to these existing properties are approximately 20m long and in addition to the proposed garden this achieves approximately 30m, which is more than acceptable. Furthermore, it is noted that the existing residences on the Crescent sit on higher land than the application site and this will be increased further by the applicant's intentions to further reduce land level at the top of the site in order to reduce to create the developable area. In parts, this will reduce the land level by as much nearly 2 storeys.

Matters relating to the design and security of existing boundary treatments will be secured by condition.

- Amenity for Future Residents

It is considered that the main issues relate to privacy, outdoor garden provision and the surrounding environment.

Privacy

The privacy distances achieved throughout the site are acceptable because of the arrangement of the properties and the good separation distances between proposed properties.

Outdoor garden provision

The shapes and sizes of garden spaces vary across the site – but it is advised that all of the new dwellings will achieve at least 50 square metres of private space, which would normally be expected. The size of the spaces will vary but all include small patio areas, a garden shed and grass. The gardens will not be flat because of the topography and the arrangement of the houses on the land. It is recognised that this is unavoidable at such a difficult site. Depending on their position, the houses will have either gardens sloping upwards with retaining land at the end to secure their rear boundaries and others will have gardens sloping downwards.

Surrounding Environment

Given the residential character of the surroundings and the distance of the site from major roads and commercial activity, it is considered that there are no significant implications in relation noise. We are also aware of the satisfactory noise environment at this location given the noise assessments and work already undertaken in relation to Phases 1 and 2, which are closer to the areas greatest noise generators.

Overall, it is concluded that the proposed residential environment will be acceptable at this location for existing and future residents. The development is consistent with the aspirations of UDP Policy H15.

6. Highway Issues

There is a single point of access to the application site from Maltravers Road, as per the existing site arrangements. Despite being a steep and rather convoluted approach, there is no other alternative means of accessing the site for vehicles and no objections have been raised about the proposed retention from a highways point of view.

Following amendments to the arrangement of new mews area and the private car, the layout of the proposed roads within the scheme (including extension to Maltravers Way) is considered to be acceptable.

The car parking provision on the site varies between 1 and 2 car parking spaces per dwelling. These spaces are provided in a number of different ways - on plot in front or down the side of the properties or in short rows. Additionally, car parking spaces are proposed to be introduced along Maltravers Way in order to provide additional provision for residents and/or their visitors. The level of parking is considered acceptable for an affordable housing scheme of this nature within such close proximity of public transport services.

It is intended that the existing pedestrian path linking Maltravers Way and Maltravers Crescent be retained as part of this application. The proposals appear

to provide an adequate lateral buffer between the side walls of Plots 14 and 15. The adjacent dwellings also have active frontages which overlook the space, thus providing good levels of surveillance.

Finally, this development will require parts of the all-purpose Adopted Public Highway known as Maltravers Way and four associated footpaths to be stopped up (i.e. permanently closed).

Accordingly, if Members are minded to approve this application, they are also requested to confirm that:

a. No objections are raised to the proposed stopping-up of the areas of highway shown hatched on the plan 14/04277/FUL-Stop-Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.

b. Legal Services are authorised to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town & Country Planning Act 1990.

Subject to the above matters being addressed, it is concluded that the proposed highway environment resulting from this development will be satisfactory and in accordance with relevant policy.

7. Air Quality Issues

UDP Policy GE23 'Air Pollution' states that development will be permitted only where it would not located sensitive uses where they would be adversely affected by sources of air pollution. Furthermore, Core Strategy Policy CS 66 'Air Quality' encourages action to improve air quality in all areas of the City, particularly where residents in road corridors with high levels of traffic will be exposed to levels of pollution above national targets.

Given the scale of the development, it is considered that air quality should not be a constraint to the grant of planning permission.

8. Public Art

UDP Policy BE12 'Public Art' encourages the provision of these works of in places that can be readily seen by the public and as an integral part of the design of major developments.

Because the application site is isolated from Phases 1 and 2, it is considered that there should be a separate Public Art provision for the scheme. The applicant will be encouraged to continue the distinctive theme developed on Phase 1 into Phase 3, and it is considered that there are a variety of locations as to where this could be achieved. Such an approach would reinforce the links across Maltravers Road and between the two public spaces, give wider community ownership of the historic story of Wybourn Hall and establish a common language.

The applicant is aware of this idea and has already started to consider potential options for the site but these are at a very early stage. Therefore, in order to address the requirements of Policy BE12, it is recommended that final details of the Public Art provision be secured by condition.

9. Ecology Issues

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

An Ecological Impact Assessment has been submitted in support of the application. The site is described as being generally limited in habitats of value to wildlife. The trees lacked features suitable for roosting bats and foraging bats but they do provide potential cover for nesting and feeding birds. No further surveys are recommended unless tree/scrub removal cannot be timed appropriately to avoid the bird nesting period (March to August). The Council's Ecology Unit has assessed the details it contains and states that there are no major ecological constraints to prevent development.

Local and national planning policy expects the planning system to contribute to and enhance the natural and local environment. At this location, the details submitted suggest 2 ways to achieve this gain:

(i) through the use of native species (including trees) in the landscaping scheme; and

(ii) through the integration of artificial bird and bat boxes (minimum of 5 each) to provide nesting and roosting opportunities. It is considered that these should be integrated into the structure of the buildings to encourage their retention and longevity.

These methods are considered acceptable and it is considered that the provision of such features can be secured by condition.

For the reasons above, the proposal is considered to be acceptable from an ecological and Policy GE11 perspective.

10. Landscaping Issues

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

UDP Policy GE15 'Trees and Woodland' states that trees and woodland will be encouraged and protected. There is a requirement for developers to retain mature trees, wherever possible, and replace any trees which are low.

Given the comprehensive redevelopment proposals, it is the case that all existing trees and landscaping will have to be removed to accommodate new buildings, roadways and spaces. The supporting Tree Survey identifies the site's existing trees as being of small/medium scale and of poor form. The trees remain from the previous site landscaping and have decline into specimens of diminished amenity value. Therefore, there is no objection to the proposed removal. It is considered new landscape proposals will be a suitable replacement and compliment the new environment being created here.

Detailed landscape comments have been supplied to the applicant with suggestions about how the landscape design could be maximised at this location. The comments include recommendations for soft planting proposals, hard landscape proposals, the public open space and the footpath link between Maltravers Ways and Maltravers Crescent. These comments have not been fully addressed as part of the application and, therefore, it is recommended that all final landscape designs be secured by condition.

11. 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 "Manor/Arbourthorne/Gleadless" Affordable Housing Market Area where there is now no contribution required towards affordable housing provision.

However, the Applicant - Great Places Housing Group - is a Housing Association which owns and manages more than 16,000 homes across 26 local authority boundaries. It is intended that all of the 34 properties proposed as part of this development will be provided at affordable social rent and, presently, it is not intended to sell any of the properties. They will be owned and maintained by Great Places and will represent 100% affordable housing for rent.

The proposal complies with the aspirations of Policy CS 40.

12. 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 application does not propose any mobility housing units; the applicant considers that the site is too challenging and steep for disabled people. However, it is considered that there are areas of the site where levels will allow suitable access for these units. Therefore, in order to comply with Policy H7, it is considered appropriate to attach a condition to the grant of permission requiring the provision of 9 units built to the Council's Mobility Housing standards.

13. 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.

The Council's School Organisation Project Team (SOPT) has supplied details about the schools potentially affected by the proposed development.

At primary level, it is confirmed that there is an already-agreed and funded scheme to expand the local school and the additional children likely to be yielded from this development would be able to be accommodated within the school. Therefore, there is no claim for primary contributions from this development.

At secondary level, the forecast is for the local school (Park Academy) to be oversubscribed by the end of the decade but again, this has been addressed by the commissioning of the new school at Don Valley. This is appropriate as an alternative neighbouring secondary school to Park Academy and it will provide capacity for the area as a whole. Therefore, there is no claim for secondary contributions either.

Members are reminded that the Applicant previously provided a contribution of £150,000 towards education provision as part of Phase 1.

It is concluded that the requirements Policy CF5 are met.

14. Open Space Enhancement

UDP Policy H16 (Open Space in New Housing Developments) requires that the Applicant makes an appropriate contribution towards the provision or enhancement of public space on or within the vicinity of the application site.

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. 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.

The Planning Brief expects 10% on site informal open space and a financial contribution towards the provision or improvement for off-site children's play facilities and outdoor sport space. It was expected that this provision be generated from the three sites identified in the brief.

The Phase 1 development does not provide any on site informal open space and it a financial contribution was not sought. Instead, a decision was taken to direct the money available towards education provision, which was seen as a higher priority in that case. Additionally, it was advised that the shortfall provision as part of Phase 1 could be addressed in the later Phases 2 and 3.

With regard to this application (Phase 3), the application proposes to provide informal open space at the centre of the development, which equates to approximately 11% of the Phase 3 area. Whilst this percentage is acceptable for Phase 3, in isolation, it does not amount to 10% of the land within all of the phases and, therefore, the overall proposed development of the three sites does not meet the aspirations of the brief and relevant policies.

For viability reasons, the applicant has advised that they are unable to pay a financial contribution towards children's play and outdoor sports facilities in the vicinity of the site, despite a shortfall in provision. In monetary terms, this should equate to £55,110.15.

On a positive note, it is considered that works towards Public Art provision at Phase 1 will create an additional area of open space at the centre of the Phase 1 and 2 developments. It is understood that the applicant has doubled their budget for this space in an attempt to create an asset for the developments and a feature for Wybourn as a whole. Furthermore, it is noted that the applicant has agreed to pay a contribution of £71,276.00 towards children's play and outdoor sports facilities as part of the Phase 2 development.

Additionally, we know that Great Places have an open strategy/vision for Wybourn, which includes investment in and improvement of green spaces/gateway locations in the area. Details of this were provided as part of the Phase 1 application and the applicant has confirmed that this remains. This strategy intends to improve the spaces for local people and identifies 8 parcels of under-used land across Wybourn, which lack ownership and are in need of regeneration. It is also advised there are also other proposals, including the creation of allotment sites on previous garden land as well as an intention to regenerate poor quality and unsafe ginnels. These projects are paid for by Great Places and it has been confirmed that £10,000 has been spent to date on the Maltravers Close allotments with a further £546,049 identified for the future open space type projects.

Finally, Members are advised that Great Places have spent a total of £4.45m to date on Wybourn for environmental works which includes render programmes, boundary fencing works, knotweed clearance and graffiti removal. It is also proposed to spend £1.695m on related highways and access projects in the area. Therefore, the overall proposed spend on Wybourn as a whole for these projects is approximately £6.676m.

In light of the circumstances surrounding this application, and the need to stimulate housing development in this area, it is considered that the overriding need is for new housing and that the proposed open space shortfall on this project should not be an obstacle to the grant of planning permission, especially given the wider strategy developed by Great Places for the area as a whole. Whilst technically contrary to the aspirations of the brief and policies H16, CS 45 and CS 46, the overall merits of this affordable scheme as well as the open space improvements separately being proposed/undertaken as part of this and other applications (Phase 1) and under other initiatives by Great Places provide sufficient justification to outweigh the failure to meet the full open space requirements on this site.

15. Archaeological Issues

UDP Policy BE22 relates to (Archaeological Sites and Monuments) and states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

Previous work in this area suggests that the archaeological potential for this plot is low or nil. For this reason, it is considered that there are no archaeological implications resulting from this development and further details/conditions are not required. The proposal is satisfactory in terms of Policy BE22.

16. Flood Risk Issues

The application site falls within Flood Zone 1, which means that it has a low probability of flooding. Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding.

The Environment Agency has raised an objection because a satisfactory Flood Risk Assessment has not been submitted with the application. Given the scale of the development, such an Assessment is required in order to ensure that on-site and off-site surface water run-off is managed. In response, the applicant has submitted details which are currently being considered by the Environment Agency but a formal comment has not been received at the time of writing this report. Given the technical nature of the objection, it is considered that this matter can be resolved ahead of the Planning Committee meeting where Members will be updated.

RESPONSE TO REPRESENTATIONS

It is considered that the main planning issues raised by the representations have been appropriately addressed in the main body of the report. Outstanding items are addressed below.

- The site will be visible from all of the surrounding houses and it will change the existing view, however the loss of a view or the subsequent financial implications of this are not material planning considerations.
- The concerns about boundary treatments and the proximity of trees are noted. However, the final soft landscaping details shown on the drawings is indicative at this stage and the trees shown are not finalised. The final design will be subject to further assessment via the submission of a condition application.
- The objections received about the loss of access to rear garden areas is noted, however it is confirmed that the route behind the properties is not part of the adopted highway network . Therefore, the

loss of access or alterations to it are considered to be a private legal matter between the existing residents and the applicant.

- Great Places' community development co-ordinator visited the properties at Maltravers Crescent which had objected to the application. There seemed to have been some confusion with the plan as they thought the area identified in the rear gardens of the new properties, in a darker green, was going to be a new road. It was advised that was not the case and it identified a banked area due to the levels of the site.

SUMMARY AND RECOMMENDATION

The proposed development will provide 34 new dwellings in a contemporary architectural style and will provide affordable social housing.

The scheme is not considered to have a detrimental impact on the setting of the existing Wybourn neighbourhood and the implications for existing residents in terms of overlooking, overshadowing etc. will not be unacceptable owing to their relationship with the application site, the levels on the site and the arrangement of the new houses.

There are considered to be no significant highway implications generated by the proposal and the site is considered to have a sustainable location with excellent public transport links for trains, trams and buses.

The response to the ecology on site is considered to be acceptable and the current public art investment as part of the wider redevelopment is welcomed. An area of open space equivalent to 11% of the site area will be provided which, together with the wider investment in the area by Great Places, is acceptable.

There remains an outstanding objection from the Environment Agency but the applicant has submitted technical information to resolve this issue and, given the nature of the objection, your officers are confident that the matter will be able to be resolved ahead of the meeting.

Overall, it is believed that the benefits generated by this proposal outweigh the shortfalls identified and it is concluded that it will make a positive contribution to the site and the surrounding area. Members are therefore recommended to grant planning permission subject to the proposed conditions

Members are also requested to confirm that:

- a. No objections are raised to the proposed stopping-up of the areas of highway shown hatched on the plan 14/04277/FUL-Stop-Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.

- b. Legal Services are authorised to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town & Country Planning Act 1990.

Case Number	14/03505/FUL (Formerly PP-03674482)
Application Type	Full Planning Application
Proposal	Part demolition, and erection of a mixed use development incorporating 138no. studio apartments with associated works, landscaping and ancillary facilities plus commercial unit (Use Class A3/B1) in a retained element of the existing building
Location	W W Laycock And Sons Ltd 33 - 41 Suffolk Road Sheffield S2 4AF
Date Received	19/09/2014
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

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

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

P02 Revision D - Floor Plan Level 0
P03 Revision A - Floor Plan Level 1
P04 Revision A - Floor Plan Level 2
P05 Revision A - Floor Plan Level 3
P06 Revision A - Floor Plan Level 4
P07 Revision A - Floor Plan Level 5
P08 Revision A - Roof Plan

P09 Revision A - Elevations Sheet 1
P10 Revision A - Elevations Sheet 2
P11 Revision A - Elevations Sheet 3
P12 Revision A - Elevations Sheet 4

Reason: In order to define the permission.

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

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

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.

4 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

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

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

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.

5 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.

- 6 The use of the commercial unit within the retained building shall be in accordance with Class A3 or B1(a) of the Town and Country Planning (Uses classes) Order, 1987, as amended, and shall not be used for any other purpose.

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

- 7 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.

- 8 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.

- 9 Details of all proposed external materials and finishes for the retained and new buildings hereby approved, 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.

- 10 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.

11 Details of the following items relating to the retained building shall have been submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced:

1. Paint colours for the windows and boundary railings.
2. Details of the extent and specification of new render.
3. Details of the extent and specification of repair and cleaning of existing render.
4. Details of new glazing,
5. Details of the proposed location and type of any pigeon-deterrent fixtures.

Samples of all the items listed shall be provided when requested by the Local Planning Authority.

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

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

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

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

13 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:

In relation to the retained building:

- Windows (including reveals)
- Entrances (including doors)
- Archway Design (including design and position of glazing)
- Eaves and soffit details
- Rainwater goods (including gutters and downpipes)
- Extract vents and plant enclosures
- Chimneys
- Proposed Historic Signage
- Soil pipes

In relation to the new buildings:

- All junctions between new and retained buildings
- Windows (including reveals)
- Cladding
- Entrances (including doors)
- Eaves and soffit details
- Extract vents and plant enclosures

- Rainwater goods (including gutters and downpipes)
- Boundary walls and railings
- Maintenance equipment (including access ladders and roof top barriers)
- Soil pipes

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

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

- 14 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.

- 15 Before the development is commenced, final details of the design and layout of the forecourt and courtyard spaces shall have been submitted to and approved in writing by the Local Planning Authority. These details should include:

1. The proposed materials, including samples when requested;
2. The design of the proposed steps; and
3. The design of proposed furniture (e.g. planters, seats etc.)

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

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

- 16 Notwithstanding the drawings hereby approved, before the development is commenced full details (drawings at a scale of 1:50) confirming that a least 5% of studios within the development conform to the Council's Mobility Housing standards 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.

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

- 17 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and that part of the development shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such

inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 18 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.

- 19 No garage door / door / window or gate shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

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

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

Highway Improvements:

a) The footway for the entire frontage of the building on Suffolk Road, Fornham Street and Cross Turner Street shall be reconstructed to comply with Sheffield City Council Urban Design compendium pallet and specifications.

b) The area shown on the approved drawing to be dedicated by the applicant, and adopted as highway by the Local Highway Authority shall have appropriate boundary treatment to clearly show the extent of public highway and private property. The newly adopted area shall be constructed to comply with Sheffield City Council Urban Design compendium pallet and specifications.

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.

- 21 Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the amenities of the locality.
- 22 The building shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.
- Reason: In the interests of highway safety and the amenities of the locality.
- 23 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.
- 24 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.
- 25 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, final details of the proposed cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate:
1. The layout of the cycle store, including the design of the double decker cycle racks which will accommodate the 69 resident bicycles spaces; and
 2. The design and position of the cycle parking for visitors to the site and occupiers of the café/commercial space.
- 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 Unitary Development Plan for Sheffield (and/or Core Strategy) Policies.

26 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Tier Consult Ltd, dated 01 December 2014 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 56.45 metres above Ordnance Datum (mAOD) for residential use.
2. Finished floor levels are set no lower than 56.15 metres above Ordnance Datum (mAOD) for commercial use.
3. Flood resilient design is to be used a minimum of 450mm up from the finished floor level.
4. Production of a flood evacuation plan for the site which details safe access and egress arrangements during a flood and sign up to the EA's Flood Warning Service.

The mitigation measures shall be fully implemented prior to occupation 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 of flooding to the proposed development and future occupiers, and to ensure safe access and egress from/to the site.

27 The surface water discharge from the site is subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site. 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 per second per hectare is required, or 5l/s in total if the site is smaller than 1 hectare. The detailed proposals for s.w. disposal, including calculations to demonstrate the reduction, must be submitted and approved by the LPA prior to commencement of building.

Reason: In order to mitigate against the risk of flooding.

28 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 approved PDA Noise Impact Assessment reports (ref: 8174/0866/RDC/4, dated: 21/11/14 and ref:8174.2/0977/RDC/1, dated: 10/12/14).

b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Bedrooms: LAmax 45dB not normally exceeded (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (2300 to 0700 hours);

c) Include a system of alternative acoustically treated ventilation to all habitable rooms as detailed in the PDA Noise Impact Assessment report (ref: 8174/0866/RDC/4, dated: 21/11/14 and ref:8174.2/0977/RDC/1, dated: 10/12/14).

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.

- 29 Any office accommodation on the site shall not be occupied unless sound insulation works have been implemented and are thereafter retained. Such works shall be capable of achieving the following noise level:

i) Offices - Noise Rating Curve NR45 (0700 to 2300 hours).
[Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.]

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

- 30 Before any A3 Use is commenced on the site, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

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

b) Be capable of restricting noise breakout from the Use Class A3 to the street to levels not exceeding the prevailing ambient noise level when measured:

i) as a 15 minute LAeq, and;

ii) at any one third octave band centre as a 15 minute LZeq

c) Be capable of restricting noise breakout from the Use Class A3 to the flats above to levels complying with the following:

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

ii) Bedrooms: LAmax 45dB not normally exceeded (2300 to 0700 hours);

iii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours),

iv) Other Habitable Rooms: LAeq (16 hour) - 40dB (2300 to 0700 hours);

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

(Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 kHz to 8 kHz).

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

- 31 Before the use of any portion of the development is commenced, a validation test of the sound attenuation works designed to ensure adequate mitigation of environmental noise and transmitted noise from adjoining portions of the building and in accordance with the relevant internal noise criteria specified by planning condition(s) shall first have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall:

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

b) Demonstrate that the specified noise level(s) have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding any sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of that portion 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.

- 32 Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the future occupiers and nearby properties from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to use commencing and be thereafter retained and maintained.

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

- 33 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, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. 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.

- 34 No customer shall be permitted to be on the premises outside the following times - 08:00 to 23:30 hours Monday to Saturday and 09:00 to 23:00 hours Sundays and Public Holidays.

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

- 35 Deliveries to and/or despatches from any commercial unit(s) forming part of the development hereby permitted shall be carried out only between the hours of 0800 to 2100 hours Monday to Saturday and 1000 hours to 16:00 hours Sundays and Public Holidays.

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

- 36 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2100 hours and 0800 hours Monday to Saturday and between 1600 hours and 1000 hours on Sundays and Public Holidays.

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

- 37 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 38 Remedial or construction works shall not commence until results from any additional intrusive investigations, as proposed in report reference: T/14/1416/GA (dated: May 2013, prepared by: Tier Environmental Ltd) and as may be required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority. The report(s) 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.

- 39 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.

- 40 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.

- 41 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.

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

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

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

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.

- 44 Before the development is commenced, full details of the servicing arrangements for the student accommodation and commercial use (B1/A3) to be provided to serve the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement indicating how the facilities will be managed and serviced and how servicing will be timetabled so as to not conflict with the taxi waiting areas and commercial activities at adjacent sites. Prior to the occupation of any phase of the proposed development the approved details shall have been implemented for that phase in conjunction with the approved details and shall thereafter be retained.

Reason: In order to ensure that proper provision for servicing is made and to avoid conflict with surrounding land uses.

- 45 The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality

Attention is drawn to the following directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
2. Plant and equipment shall be designed to ensure total plant noise levels (including any +5dB correction for tonality or impulsive noise) do not exceed the LA90 (5 minute) background noise level at any time, when measured at positions on the site boundary adjacent to any noise sensitive use.
3. The applicant is advised that floor separation between the commercial and residential units should be subject to a scheme of sound insulation works. The scheme should be based upon the details contained in the Building Regulations 2000, Approved Document E; "Resistance to the passage of sound"; Section 4; Wall treatment 1.

4. The applicant is advised that the design requirements for the ventilation and extraction system for the commercial kitchens, should be made in consultation with the Defra document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". Submissions to the LPA should be based on Annex B of the aforementioned Defra document; "Information required to support a planning application for a commercial kitchen".
5. The applicant/occupants should phone Floodline on 0345 988 1188 to register for Floodline Warnings Direct. It is a free service that provides flood warnings direct by telephone, mobile, fax or pager. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.
6. The applicant is advised that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.
7. 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

8. 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

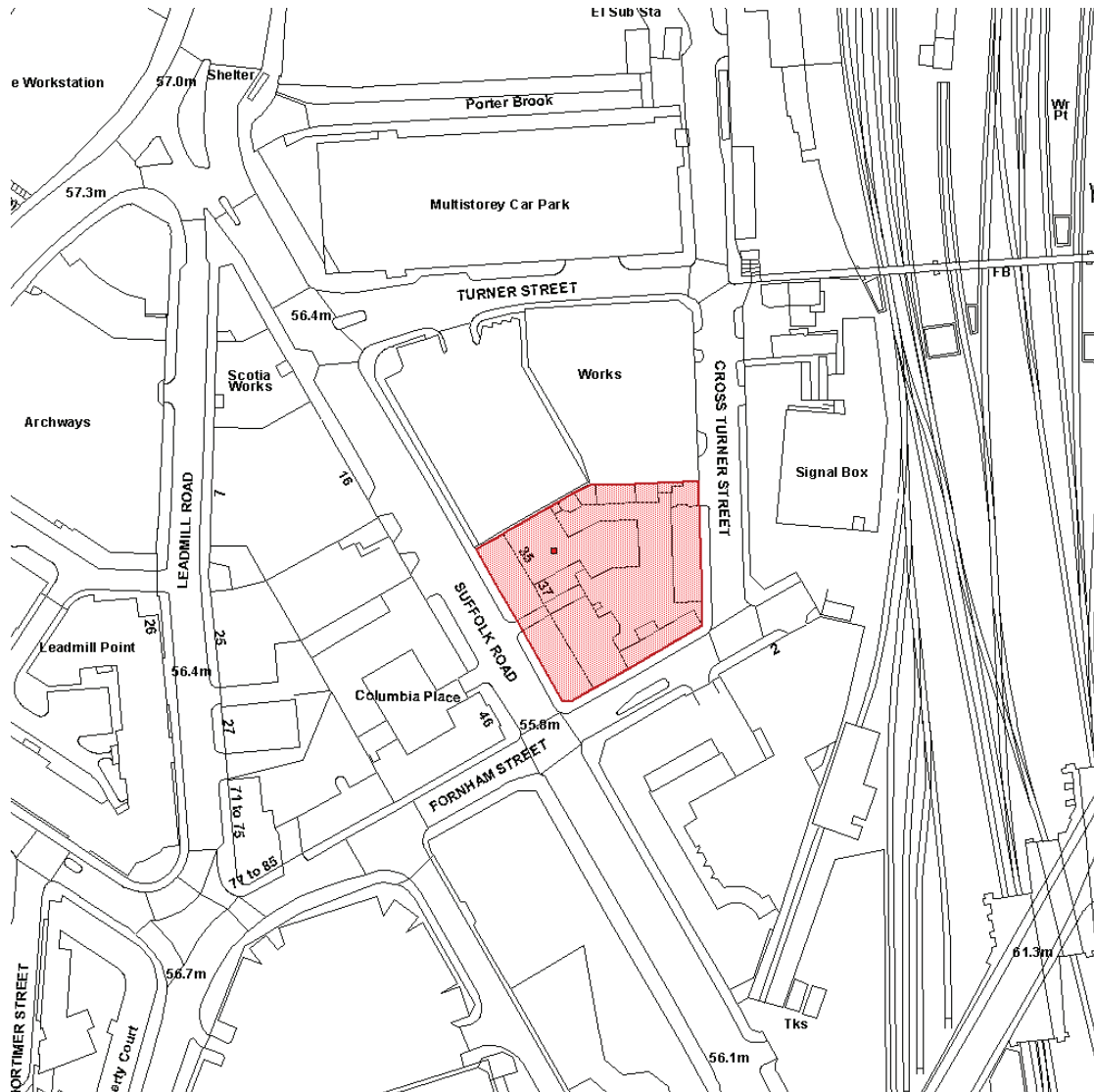
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

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

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

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

Site Location



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LOCATION AND PROPOSAL

The site has a prominent location on the north side of Suffolk Road on the city's Inner Ring Road highway network. Suffolk Road is one way past the site with traffic heading south. To the immediate north of the site is Sheffield Railway Station. The site is 0.2 hectares and comprises of a series of two and three storey buildings that are arranged around a central courtyard in the middle. The complex currently comprises of four buildings that are attached and these are two buildings on the Suffolk Road frontage (c. 1850 and 1890), the Fornham Street wing (c.1955), and the Cross Turner Street block (c.1955).

The site is surrounded by a variety of existing land uses and buildings. To the immediate north, there is commercial workshop premise occupied by Alloy Steel Melting Company Ltd and KT Precision Engineering as well as a parcel of land that is used as a car park for railway staff. To the east, on the opposite side of Cross Turner Street, there is operational land associated with the Midland Station, including railway tracks and infrastructure. To the south, on the opposite side of Fornham Street, there is the Co-operative Funeral Care service. To the west, on the opposite side of Suffolk Road, there is the Columbia Place residential complex which includes a Grade II Listed Building.

The site is situated within the Cultural Industries Quarter Conservation Area, designated due to its strong historical links to Sheffield's Metal Trades. Indeed, the area is characterised by numerous examples of 'Little Mesters' workshops in mixed residential and small scale industrial buildings often arranged in courtyard form. The application site is one of a series of former metals trade buildings. Originally, the site was known as 'Norfolk Place' and it was occupied by Shaw & Fisher, a company that manufactured Britannia Metal, British Plate and Silver plated wares. It was last occupied by W.W.Laycock and Sons Ltd. (manufacturers of polishing mops and buffs) and C.P.Walker (cutlery manufacturers). The site has not been used for approximately 20 years and is currently in a deteriorating state, suffering from neglect, fire and water damage, and vandalism over recent years.

It is proposed to redevelop the site into a purpose built managed student accommodation, including 138no. studio apartments distributed over a maximum of six storeys. The development also includes an ancillary management suite, common room, laundry and IT room. In addition, the scheme incorporates a commercial unit on the Suffolk Road frontage, which is intended to be 177.45 sqm. and will be occupied by either an A3 (restaurant/café) or B1 (office) use.

The development will be achieved by demolishing one of the buildings on the site's Suffolk Road frontage (c.1890) as well as the entirety of the building blocks on Fornham Street and Cross Turner Street. The oldest building on the site (Suffolk Road, c.1850) is proposed to be retained and incorporated into the design.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter, press advertisement and site notice.

5 letters of representations have been received. These are summarised below:

OBJECTIONS

1. KT Precision Engineering (Occupier of Unit 1A, Cross Turner Street)

- The Company often has machinery running through the night, including compressors which are quite noisy.
- Is the development going to be adequately sound proofed to ensure residents are not disturbed? The developers have hung microphones out of windows in the existing building. Have they put one on the adjoining wall with our premises?
- These items should be thoroughly investigated before giving planning permission.
- The existing buildings on Cross Turner Street have always been industrial premises. If there is a chance of residents being disturbed by the noise then we will not be prepared to make any changes at our own cost either before or after construction. We do not believe this has been given adequate attention.
- Taxis cause a significant problem on Cross Turner Street and the development will not improve this. Taxis constantly park and prevent customers and suppliers from delivering or collecting from us. The proposed development will just make things worse. What about students' parents, friends etc. parking in the area to pick up and drop off?

2. Alloy Steel Melting Company Ltd (ASMC) (Occupier of Unit 2, Cross Turner Street)

- The main concern relates to ASMC's industrial processes and its existing industrial unit, deliveries and collections, and the impact that these will have on future occupiers of the development, thus resulting in complaints which might force the Company down the route of mitigation (potentially involving adaptations to the building fabric/machinery housing or even the hours of operation). This would further prejudice its ability to continuing operating the business in a viable manner.
- ASMC recycles between 800 and 1,000 tonnes waste metal per annum from the premises and specialises in a) melting and analysing the composition of water material, and b) producing a range of products (7kg pigs to forging ingots). The process uses two 500kw Air Induction Melting Furnaces and noise from these is recognised in the industry as being a problem and they are typically difficult to attenuate. Additionally, the furnaces are water-cooled and fans are used during the melting operation.
- The premises comprises of a 20th Century industrial unit, faced in brick with a profile asbestos clad roof. There are two major openings (each 4m wide) on the Cross Turner Street (east) elevation and fitted with galvanised metal roller shutters, which are generally left open during production and particularly in warm weather. This elevation also houses two additional standard doorways. A fire door opens from the west elevation onto a surface car park. The building is not sound attenuated. Noise inevitably leaks during production and the roof is particularly vulnerable to noise escape.
- Vehicles visit the premises 2/3 times a day offloading and collecting between 8 and 10 tonnes of material (in total). Material, which can arrive on palletes or in metals drums, is offloaded using a forklift truck and thereafter manoeuvred into the building with the attendant noise all of that activity makes.

- Normal production operates without an hours/days of use restriction. At present, manufacturing starts at around 4am and shuts down during the day. Deliveries arrive from 5am.
- Concerns identified about the content of the report, including the dates of recording and the processes that were occurring on site during the period of monitoring. Therefore, ASMC consider that the report gives an entirely misleading impression of ambient noise levels.

3. Sheffield Civic Trust

- The Trustees are conscious that the building has been empty for some time and is in a poor state of repair. The intention to put the premises into good repair is shared.
- Concern that the studio accommodation is woefully small. This may not constitute a breach of legislation but the dimensions would appear to be significantly below the London Housing SPG (2012). The Committee should give serious consideration to the quality of living experience that young people will have in such cramped quarters. There is insufficient room to cook a meal or to store clothes and belongings and to dwell in any comfort. More than one University student has commented to one of the Civic's members how depressing it is to live in a similar building, with similar space standards, built by the same developer in this City.
- Committee members are urged to send a message to developers and request that they reconsider the scheme and the merit of such restricted quarters. Think again as to whether there is anything they can do to reduce the density of rooms in this building. The health and well-being of the students as well as the sustainability of the scheme should be a relevant consideration.

4. Other Interested Party (living in Chesterfield)

- Prefer to see the entire original building retained and restored to the original condition. The planned new build dwarfs the existing building and there are no taller buildings south of the application site.

SUPPORT

1. Fresh Student Living (London based management service to student accommodation owners)

Confirm that management costs on student schemes vary depending on the number of student beds within the development primarily due to the economies of scale. A scheme like this would be around £2000 per student bed.

To forecast that a scheme will be fully let year on year is not a recommended approach. Typical occupancy should be assumed at 97%.

CONSERVATION ADVISORY GROUP

The application was considered by the CAG at its meeting on 21st October 2014. The Group felt that height of the new building would impact on the existing building. The Group had no objection, in principle, to the development, subject to a greater mix of accommodation. The Group recommended the investigation of the surface behind the render of the old building.

PLANNING ASSESSMENT

1. Land Use Policy Issues

The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and where the development plan is out of date it states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

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) does not list Student Accommodation as being either appropriate or inappropriate development in the area and, therefore, the acceptability of the use must be assessed on its individual merits.

For reference, Housing (C3) is listed as an “acceptable” use for the area as long as living conditions are demonstrated as satisfactory and they do not hinder industrial and business development. Given the residential character of this development – albeit for students – and the presence of educational establishments in the Cultural Industries Quarter (CIQ) it is considered that this is an appropriate steer towards acceptability for the use in the area, subject to all material considerations being addressed.

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 the Cultural Industries Quarter has been significantly diluted by more recent and alternative policies and ideas for the area, as described below (Policy CS17). As such, the vision for the area is now more flexible and it does not require a focus on B-Class uses. Therefore, residential uses could be appropriate if the characteristics of the area allow.

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 CIQ 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. One of these Transition areas is the part of the CIQ 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 c. refers to the CIQ and indicates that it is an area with a wide mix of uses and established as a main location for the city's creative and digital industries.

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. Policy encourages that this should include the provision of environmental improvements, services and facilities and open space as part of new developments. The CIQ is identified as one of the areas for such further expansion.

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 Flexible Use 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.

Cultural Industries Quarter Action Plan

This document sets out a strategy for the area to help to co-ordinate development and promote the area. The Plan was adopted in May 2000 and it identifies the application site as having potential for redevelopment due to its prominent position and contribution to the character of the area. It is suggested that the site could be developed in isolation or combined with elements of surrounding land to create a substantial development.

In light of the above, there is considered to be sufficient national and local policy (including emerging policy) and guidance to support the principle of the proposed land 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 138 very small studio apartments within a dedicated student development. This represents a density of over 690 dwellings per hectare, which is compliant with Policy CS 26.

It is acknowledged that the high density, significantly in excess of policy requirements, is the result of the small size and large quantity of studio units within the development. Whilst the comments of the Civic Trust are noted and larger units providing more internal habitable/socialising space would be much preferred, 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. Therefore, whilst encouraged by officers during discussions with the applicant, it is the case that the 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 CS 41 (a) 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 138 studio units, this element of the policy applies and the proposal is contrary to it given that there is no mix to the scheme (100%). The applicant has refused to improve the mix and claims that varying it would make the scheme unviable and fail to meet market demand, which has changed since Policy CS 41 was introduced. They have submitted a demand survey to support their case as well as a sketch plan to demonstrate how the layout of the building could be reconfigured into 1 and 2 bedroom apartments in the future, if market conditions change again. The survey suggests that there is a limited amount of studio apartments available to students at present, however Members are advised that our own records show different results and that units are available; there are approximately 400 studio units under construction, a further 500 units with full planning permission and another 400 units pending consideration in other applications.

Policy CS 41(c) requires that new purpose-built student accommodation is primarily located in the City Centre and the areas directly to the north-west and south of the City Centre. As such, this proposal conforms to this part of the policy.

Policy CS 41 (d) seeks to limit development of purpose-built student accommodation and Houses in Multiple Occupation where more than 20% of residents within 200m are already in such uses. This is to ensure the developments do not create an imbalance within the surrounding community. The current concentration of shared properties in this area is 41% and as such, the proposed development will further increase this figure.

It is clear that the application, for the most part, is in conflict with Policy CS 41. However, there are other circumstances that should be taken into account when considering the proposal.

The proposed scheme will secure the future of this deteriorating site, which has been vacant for 20 years and has a prominent position on the Inner Ring Road and within the CIQ Conservation Area. The buildings currently detract from the appearance of the streetscene and amenity of the area. Officers are aware that the Owner has previously wanted to demolish the buildings and any previous development proposals for the land (over the last 10 years) have not progressed past early pre-application discussions. Therefore, this development is the first serious proposal for the site and it is considered to be an ideal location for student development – being highly sustainable and having very good access to Sheffield Hallam University central campus.

The consequence of this application would be to increase the student population in the area, which the policy is intended to control, however the overall harm of imbalance at this location is not considered to be a significant issue given that there is no particular established community that would be imbalanced or adversely affected by the lack of mix. The buildings opposite at Columbia Place contain the most C3 residential units in the area and they will be further surrounded by purpose-built student developments as a result of this development. However, it is believed that the benefits of regenerating the derelict site and giving it new life will have a positive effect on the area, which will most likely outweigh the negative aspects of introducing more student accommodation.

For the reasons given above, and on balance, it is concluded that the wider regeneration and conservation benefits of developing this site outweigh the dis-benefits of not being wholly in accordance with Policy CS 41.

4. Demolition and Design Issues

The NPPF states that when considering applications that involve heritage assets (such as conservation areas) great weight should be given to the asset's conservation. The CIQ Conservation area is a heritage asset and, therefore, we must be satisfied that the proposed demolition of buildings and creation of new does not constitute substantial harm, and whether any adverse impact seriously affects a key element of the area's architectural or historic interest, or character

and appearance. Any perceived harm must be supported by 'clear and convincing justification'.

Policies BE5 (Building Design and Siting) and IB9 (Conditions for Development in Industry and Business Areas) of the UDP, and Policy CS74 (Design Principles) of the Core Strategy all seek high quality design which aims to take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policies BE15 (Areas and Buildings of Special Architectural or Historic Interest), BE16 (Development in Conservation Areas), and BE17 (Design and Materials in Areas of Special Architectural or Historic Interest) of the UDP all recognise that buildings and areas of special historic interest are an important part of Sheffield's heritage and, as such, should be preserved and enhanced. Development that would harm the character or appearance of listed buildings and conservation areas will not be permitted.

Proposed Demolition

This application seeks to demolish a large proportion of the existing buildings on the site. The buildings are not listed but the impact of their removal on the CIQ Conservation Area must be assessed. A core principle of the NPPF is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of this and future generations.

- Heritage Statement

A comprehensive statement has been submitted to justify the extent of demolition and redevelopment proposals. This document analyses the buildings within the complex as well as the overall impact of the development on the conservation area and nearby listed buildings (Columbia Place). It concludes that the buildings are a relatively modest and unremarkable component of the conservation area.

In summary, the statement identifies that the buildings on the site range from the 1850s to the 1950s and it recommends, as a minimum, that the surviving Suffolk Road rectangular frontage block should be retained with its simple and classical features, materials, and fenestration pattern restored. Although not so significant, it is regarded as the most important surviving section of the building group, as it remains the most authentic and retains street presence and some modest architectural ambition. The Statement identifies that the remainder are more recent additions to the site, which merit less recognition and have only peripheral significance to the character of the conservation area.

Therefore, in accordance with the NPPF and local policies, the Statement recommends that the frontage block and the character of the courtyard plan should be sustained and enhanced by an appropriate development, which will bring the site back into viable use. It does not advocate the retention of further buildings and, instead, identifies that the overall impact of the proposed redevelopment will be demonstrably beneficial by securing regeneration of the site while maintaining and enhancing the historic environment.

- Structural Inspection Report

This report identifies that all of the buildings identified for removal in the Heritage Statement are in a very poor structural condition and are generally considered to be beyond repair or redevelopment for a variety of reasons (e.g. fire and water damage). The building identified for retention on the Suffolk Road frontage is described as being in reasonable structural condition despite being subject to extensive water ingress. There are, however, comments made about how this building is unsuitable for redevelopment into residential use but this is a matter for the applicant.

In light of the evidence supplied and the substantial argument put forward by the applicant's consultants, it is considered that a clear and convincing case containing appropriate justification has been put forward by the applicant to support the demolition of the buildings identified and the redevelopment proposed. Officers are satisfied that the proposed demolition will not result in substantial harm to the conservation area setting.

Proposed Layout

The development retains the site's existing layout and character. The new and retained buildings sit around the perimeter of the site and at the centre of the site there is an internal courtyard space, as per the existing arrangement. The main entrance to this space, and the development as whole, will be through the original arched entrance that is proposed retained as part of the original building on the Suffolk Road. A secondary entrance is also proposed on Cross Turner Street. All of the new buildings have a back edge of footpath position. This includes the new building on the Suffolk Road frontage, which steps forward of the retained building to give the development presence in the streetscene and partially enclose the forecourt space.

The ground floor incorporates a variety of ancillary uses that are expected from modern student developments. On the Suffolk Road frontage there is a meeting room, common room, café/commercial unit and the main entrance. All of the units have large windows onto Suffolk Road and will ensure an active frontage at street level, which is welcome as there is no activity at present. The café/commercial unit (situated at ground floor level in the retained building) benefits from direct access from the street and the existing forecourt frontage is intended to be a hard landscaped space with seating.

The remainder of the ancillary accommodation – such as plant, sub-station, and cycle/bin storage – is situated around the ground floor perimeter of the development onto Fornham Street and Cross Turner Street. This allows direct access from street level but also provides non-sensitive uses immediately adjacent to the taxi waiting area.

The student studios are situated a ground floor level (internal courtyard only) and above. The layout of the units is replicated on each floor and the majority are single aspect units overlooking either the internal courtyard or adjacent roads. The units at ground floor level (of which there are 12) all overlook the internal courtyard area

and also have doors leading immediately into the space. The studios at the upper level have access via internal corridors linked by staircases and lifts.

Overall, the proposed layout of the development is considered to be acceptable. The buildings are arranged in a manner to respond to the existing courtyard character as well as respond to the site's main Suffolk Road frontage. Furthermore, it is considered that the proposed internal arrangement will significantly enhance activity and movement; providing entrances directly onto the public footpath, which will increase activity and movement at this location. Additionally, it is felt that the inclusion of large glazed areas at ground floor level Suffolk Road will enhance human interaction - creating street activity and presenting an interesting façade to passing pedestrians.

- Proposed Scale and Massing

A key issue here because of the potential impact of this development on the conservation area, the surrounding streetscene, and retained buildings is the scale and massing of the development which has been the subject of much scrutiny by your officers and the final proposal is much reduced compared to the applicant's original proposals.

The Urban Design Compendium states that new infill development should respect the existing building line in order to retain character of the quarter and enhance legibility. It indicates that these should generally be 3 – 5 storeys, although there is scope to introduce taller buildings at certain locations to improve the urban experience and to create interesting streets, legibility and landmark buildings.

The scheme varies in height; on Suffolk Road the retained building is left at 2 storeys, the adjacent new build element increases to 5 storeys, and the tallest building on the block adjacent to Cross Turner Street that is a maximum of 6 storeys. Despite some initial concerns about the maximum height of the building, amendments and information supplied during the process now satisfies officers. Specifically, pitched roofs have been removed from the 6 storey element and the proposal has been inserted into the 'City Model' computer package to allow the scheme to be viewed from a variety of locations and angles. Furthermore, the applicant has been keen to acknowledge that the development will reflect the scale of the Q-Park building that is situated approximately 100 metres to the north.

In light of the justification put forward and the changes made, it is considered that the overall scale and massing is not unacceptable and the application could not be refused on such grounds. For the reasons given, it is concluded that the intended scale and mass will not have a detrimental impact on the retained building, the character of the conservation area or the CIQ core, and the setting of Columbia Place (Grade II listed building).

- Proposed Design

The retained building will be repaired and re-rendered. Existing window openings will be retained with new timber windows re-instated. The existing archway will incorporate a glazed entrance door feature, which will be recessed so as to

emphasis the original arched opening. A 2 storey glazed link will also be used to address the junction between retained and new elements on the Suffolk Road frontage.

The architectural design of the new build elements is contemporary with strong vertical and horizontal elements. The window openings are generous, well-proportioned and varied in shape. It is indicated that these openings will have deep reveals, which is welcomed.

In terms of materials, the scheme utilises traditional and modern materials. The external elevations will be clad in blue/grey brick with the exception of the gable end of the projecting block on Suffolk Road. The courtyard elevations will be constructed from a white brick to create a lighter internal space. Pitched roofs will be made from metal cladding, which will be expected to be natural zinc in accordance with the palette used elsewhere. The proposed material palette is considered to be acceptable in both architectural and conservation terms.

For the reasons given above, it is considered that the proposed alterations and design is acceptable. Despite the loss of existing buildings it is considered that suitable justification for their removal has been presented and it is acknowledged that the site is in desperate need of regeneration. It has been demonstrated the proposal offers a high quality design, which incorporates the oldest building on the site, and as such will enhance the character and appearance of the site and complement the conservation area in which it sits. It is also concluded that the development will not have a detrimental impact on the listed building situated opposite. Therefore, subject to conditions to ensure the appropriate quality of materials and architectural detailing, it is concluded that the proposal complies with UDP Policies BE5, BE15, BE16 and BE17, and Core Strategy Policy CS74.

5. Sustainability Issues

Policy CS64 (Climate Change, Resources and Sustainable Design of Developments) of the Core Strategy 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 (such as BREEAM 'Very Good'). 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.

It is confirmed that the development will be constructed to BREEAM 'Very Good' standards, which is compliant with Policy CS64. The submission also commits to meeting the 10% on-site renewable energy generation requirements in accordance with Policy CS65.

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. A brown roof system is proposed on top of the development's six storey block, which is acceptable and welcomed. The roof will be visible from the Sheaf Valley Park and hillside to the north.

For the reasons above, it is concluded that the proposals will address the relevant policies and guidelines. Appropriately worded conditions are recommended in order to ensure that these sustainability commitments are fulfilled in the manner proposed.

6. 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.

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

Key considerations in relation to this application are outlook, privacy, outdoor amenity, and noise and disturbance.

Outlook & Daylight

All of the studio apartments within the development have large clear openings and will be naturally ventilated to ensure that internal living environments are lit by natural daylight and are comfortable for future occupiers. The layout and design of the scheme creates a circumstance whereby each studio will face either outwards across the surrounding roads or inwards across the courtyard space. It is also intended that this space be clad in a white brick so as to increase the amount of reflective light within the space. As such, it is considered that this environment is acceptable and there will be reasonable outlook and daylighting for the studios within the development.

Privacy

There are no residential developments on adjacent land and therefore no privacy concerns for those studio units situated on the external elevations of the building. The closest properties are located in Columbia Place but they are situated on the opposite side of Suffolk Road, which given its nature and width is an acceptable relationship.

The main potential for overlooking and privacy issues occur within the inner courtyard space where the distances between studio windows are defined by the position of the perimeter blocks. However, given the arrangement of these blocks and their orientation to each other it is considered that overlooking will be restricted to acceptable levels and privacy will be maintained for occupiers. Given the courtyard arrangement of the development, and the restrictions of the site, it is considered that it would be unreasonable to expect this development to achieve suburban levels of privacy.

The studio units most vulnerable to privacy issues will most likely be those situated at ground floor level within the courtyard space. It is considered that residents could feel uncomfortable when people walk past or socialise within the courtyard space at close proximity to residential windows. However, it is recognised that this layout may also have benefits for the scheme, allowing the opportunity for students to open windows and doors onto courtyard level, thus encouraging interaction with each other and enhancing their residential experience. The space will be a managed environment. For this reason, it is concluded that such an issue does not warrant amendment or refusal of the application.

Amenity Space

There is no private outdoor amenity space proposed as part of this development other than the courtyard. The application does not propose balconies or roof terraces and the amenity facilities for residents are restricted to the communal courtyard area and internal areas, such as the common room and potential café space.

The failure to provide private space is not unusual for a multi-storey student development in a restricted urban location. However, the site is within the boundary of the city centre and close to public spaces and parks. 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.

Noise and Disturbance

The application site is located in a mixed residential and commercial area with moderate background levels throughout the late evening. The predominant noise source is road traffic from Suffolk Road, Fornham Street and Cross Turner Street. Noise as a consequence of the rail movements (including vibration), the nearby commercial uses, entertainment noise, and associated external plant/equipment have also had to be considered due to the character of surrounding land uses. Therefore, the representative noise climate has been the subject of noise surveys and assessment.

The original noise survey submitted was not considered to be satisfactory by the Environmental Protection Service (EPS) and further assessment was required to be undertaken. This assessment also responded to the objections and concerns raised by the adjacent industrial businesses. Following this additional work, the submitted details are considered to be satisfactory and provide the information required to demonstrate that there will not be a significant adverse effect on the health and quality of life of the future residents of the development. It is also considered that the information demonstrates that the existing surrounding land

uses and commercial activity operating in the area at present will not be compromised by the new development.

Within the development, there is the potential for internal noise breakthrough from commercial activity and amplified sound affecting the residential use above (and vice versa). The glazing to habitable rooms and the floor/ceiling structure between these uses is a potential breakthrough point for noise. Therefore, it is considered essential that living rooms and bedrooms are designed to adequately attenuate existing surrounding noise sources and provide suitable internal noise levels.

A suite of conditions are recommended, including a validation requirement, to ensure that noise across all frequency ranges and plant/equipment is attenuated sufficiently to safeguard the amenity of future occupiers of the building. In light of the above, and the content of the reports submitted, the proposal will provide a satisfactory environment for future occupiers.

For the reasons above, it is concluded that the proposals comply with the requirements of Policies H15 and IB9.

7. Disabled Access & Mobility Housing

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

With regard to the student apartments, the submission confirms that 8 studios will be available as mobility units. This equates to 5% of the total apartments, thus complying with policy aspirations for this type of accommodation. Therefore, it is considered that the overall provision is acceptable.

Following amendments, the arrangements for disabled access into and within the building for are generally acceptable.

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

8. 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.

Policy CS23 (Locations for New Housing) of the Core Strategy 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. 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 site is situated within the City Centre and has excellent public transport facilities within close proximity. The site is within 220m of north and southbound bus stops (27 buses per hour) as well as around 600m from the Sheffield Interchange. The railway station and tram stops are approximately 200-250m away. The Heart of the City and University/College buildings are a short walk away. The site, therefore, is considered to represent an appropriate location for new student accommodation in sustainable transport terms.

The proposed development has no car parking for future occupiers. The supporting Transport Statement recognises the site is in a highly accessible location and concludes that a 'car free' development strategy represents a practical and sustainable approach for the proposed student accommodation. It is not anticipated that this scheme will generate any new trips, except those associated with servicing of the site, and it is believed that there would be an overall reduction in traffic demand to/from the site when compared to its extant industrial use. Furthermore, it is considered that a car-free residential concept will be strongly supported by strict parking controls in the area and a lack of 'cheap' 24/7 parking sites in the vicinity. Therefore, the 'car free' arrangement is considered to be acceptable given the nature of the development and its highly sustainable location. 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.

Members may note that the application originally proposed to provide a dedicated loading/servicing area and two disabled car parking spaces on Cross Turner Street. It was intended that these facilities would replace the taxi waiting area on the south side of the street but this has ultimately not proved practical as part of the application. Whilst fewer standing taxis outside the application site would be preferred from a residential amenity point of view, it is considered that the organisation of the spaces available must be looked at as part of a wider rationalisation strategy in relation to the number of taxi spaces and licences in the vicinity of the railway station. This is not the role of this application but is a wider issue for the Council and Network Rail. The removal of the loading bay and disabled spaces is not considered to prejudice the acceptability of the application. A strategy to ensure that servicing of the site occurs on Cross Turner Street at times when the taxi area is quiet will be secured by condition.

The proposed plans include the intention for the applicant to set aside land required by the Council to be able to deliver an increased junction radius scheme at Suffolk Road/Fornham Street in the future. Taking this forward, it is expected that the boundary wall/railing that is proposed to enclose the seating area be amended and re-built (as shown on the plans), and an application be made under S38 of the Highways Act to allow the land to become adopted highway. This work would be undertaken by the applicant but the more complex works to the junction would be undertaken by the Council at some point in the future.

It is expected that the footways adjacent to the application site be upgraded as part of this development in accordance with the specifications set out in Urban Design Compendium. These works will be secured by condition.

Finally, the cycle parking provision is considered to be acceptable. It is intended to provide secure resident cycle parking for over 69 cycles (i.e. at least 1 cycle space per 2 studio units) via double decker cycle parking stands. Further cycle parking for customers of the commercial unit/visitors to student accommodation will be provided to the site's Suffolk Road frontage, adjacent to the café/commercial unit.

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

9. Archaeological Issues

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

There is no archaeological assessment submitted with the application, therefore we do not currently know the significance of the site in such terms. However, the applicant's Heritage Statement does examine the history of the site and describes that the land was not developed until the 1850s when it was built as silver and electro-plating workshops and formed part of a streetscape of worker's housing. Prior to this the land was part of agricultural fields that were part of the Duke of Norfolk's estate.

Given the history, this application has some potential archaeological implications but it is considered that they will not be so significant as to warrant preservation in situ and the re-siting of buildings. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, as mitigation and this is secured by condition to satisfy the requirements of Policy BE22.

10. Flood Risk Issues

The site is within proximity of the Porter Brook and falls predominantly within Flood Zone 2, which means it has a 'medium probability' of fluvial flooding. There is a small area on the Suffolk Road (in the forecourt area in front of the archway entrance) and Cross Turner Street frontages which fall within Flood Zone 3a, which have a 'high probability' of flooding.

Policy CS 67 (Flood Risk Management) of the Core Strategy seeks to reduce the extent and impact of flooding. The policy permits residential development in areas with a medium flood risk probability, subject to a Sequential Test being passed and an acceptable Flood Risk Assessment. Housing in Zone 3a is listed as unacceptable by Policy CS 67 but given the minor encroachment of this area into the site and the flood assessment work undertaken (see below) it is considered that this is not such a significant material consideration to warrant refusal.

With regard to the Sequential Test for this site, the process in this instance has demonstrated that this development cannot be steered to Flood Zone 1 in the

agreed area. Alternative sites in a lower flood area (Zone1) have been considered but the Test indicates that these sites are not sequentially preferable by reason of capacity, availability at this time or appropriate use in line with policy requirements. The application site is considered to be the next reasonable location for this development, subject to the FRA. It is therefore considered that the Sequential Test has been passed. It demonstrates that there are no other reasonably available sites, which offer a lower probability of flooding in the CIQ and Sheaf Valley Quarter of Sheffield City Centre.

With regard to the Exception Test for this site, the applicant has demonstrated that the development will provide wider sustainability benefits because of the redevelopment of the derelict buildings which will contribute to the wider heritage objectives for the area.

A site-specific flood risk assessment has been prepared to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall. Despite raising an initial objection, the Environment Agency has reviewed the amended Flood Risk Assessment and is happy with the details supplied. A condition is recommended to secure mitigation measures in relation to finished floor levels, flood resilient design, the production of flood evacuation plan, and sign up to the EA's Flood Warning Service.

Surface water drainage from the site will be subject to a reduction of at least 30% compared to the existing peak flow. This requirement is consistent with Policy CS 67, which seeks to ensure that new developments significantly limit surface water run-off.

For the reasons given above, the proposal is considered to be acceptable in terms of flood risk and Policy CS 67.

11. Ecology Issues

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

The Phase 1 Ecology Report concludes that the scale and nature of the proposed development will not give rise to any negative impacts to any designated site for nature conservation and confirm that the site has negligible potential to provide habitat for most protected species. It did, however, identify moderate potential to provide habitat for roosting bats but their roosting presence on site has been eliminated following a subsequent follow-up Bat Emergence and Activity Survey Report. A small number of bats forage/commute in the area but this is not identified as a problem as long as best practice measures are recommended to ensure that the development does not have an adverse impact on them. This includes the installation of bat boxes and appropriate lighting.

With regard to birds, the vegetation is dominated by stand of Buddleja and this should be cleared outside of bird breeding season as recommended in the Phase 1 Report.

In light of the above, the proposal is concluded to be consistent with the requirements of Policy GE11 and a condition is recommended to secure the provision of bat boxes in appropriate locations on the building.

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 West' Affordable Housing Market Area where there is an expected developer's contribution of 10% towards affordable housing provision.

The applicant considers that this development will produce limited profit, especially given the retention of the existing building on Suffolk Road and the provision of brown roofs as part of this development. It is advised that the profit level is around 8.14% and not 15%, which is the suggested level of profit to trigger an affordable housing contribution. Therefore, in accordance with the recommendations of the IPG, an Affordable Housing Statement and relevant information has been submitted to and assessed by the District Valuation Office (DVO).

The DVO has reported that the scheme will make a profit and that a full contribution towards affordable housing is justified, which in this instance would be expected to be a financial payment in lieu of on-site provision given the student nature of this development (IPG Policy 3). However, the applicant disagrees with the findings of the DVO and has returned to the DVO on several occasions with additional information to support their case. The DVO, however, has remained clear that the scheme is profitable and has recommended that a contribution of £300,000 should be sought by the Council.

In light of this impasse, and threats by the applicant to walk away from the scheme, officers have negotiated with the applicant and a financial contribution of £135,000 towards the provision of affordable housing has been accepted. In this specific case your officers have chosen to give greater weight to the overall regeneration benefits of redeveloping this long vacant and derelict City Centre site, which has a very prominent position on the Inner Ring Road and is within a conservation area. To put it in context the site is also immediately adjacent to the area of the city centre where a nil contribution is payable.

As stipulated in IPG 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.

For the reasons above, and on balance, it is concluded that this is an acceptable solution in relation to Policy CS 40 and the updated IPG.

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.

13. 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 provide a contribution towards open space in the local area of £114,422.70. The applicant has agreed to this contribution, which will be secured using a legal agreement (S106). Subject to this being completed, it is considered that the development will comply with policies H16 (UDP), CS 45 and CS 46 (Core Strategy).

RESPONSE TO REPRESENTATIONS

It is considered that the objections received have been appropriately addressed and responded to in the relevant sections of the assessment of this application.

SUMMARY AND RECOMMENDATIONS

The redevelopment of the site incorporating its oldest and most important surviving building is welcomed. The complex is in an advanced state of dilapidation and needs urgent attention. Whilst the scheme is not strictly in accordance with land use policy in relation to mixed communities (Policy CS 41) and affordable housing policy (Policy CS40), it is considered that greater weight should be attached to the overall benefits of regenerating a long vacant site with a prominent position on the Inner Ring Road and in the Cultural Industries Quarter Conservation Area.

With regard to the policy shortfalls, as described in detail in the report, it is considered that such matters have been addressed and on balance conclusions have been reached with appropriate justifications made.

The scheme is considered to be acceptable in all other respects and the objections received have been appropriately addressed. Therefore, this application is

recommended for approval subject to the listed conditions and the completion of a legal agreement including the following Heads of Terms:

Heads of Terms

1. A financial contribution in the sum of £114,420.70 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, the City Centre Living Strategy and the 'Breathing Spaces Strategy'.
2. A financial contribution in the sum of £135,000 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.

Case Number	14/02979/FUL (Formerly PP-03588251)
Application Type	Full Planning Application
Proposal	Demolition of former Eon Works and erection of 129 studios and apartments with ground floor ancillary laundry, cinema, gym and commercial unit for retail, café/restaurant and office use (classes A1, A3, B1)
Location	Former Eon Works Earl Street Sheffield S1 4PY
Date Received	08/08/2014
Team	City Centre and East
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally Subject Unilateral 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:
26148 (01) 01 Rev B;
26148, (02) 00 Rev B;
26148 (02) 01 Rev C;
26148, (02) 02 Rev D;
26148, (02) 03 Rev C;
26148 (04) 01 Rev B;
26148. (02) 04 Rev A;
26148. (04) 02 Rev B;

Reason: In order to define the permission.

- 3 Prior to any of the apartments being occupied the following highway improvements shall be carried out, details of which shall have been given prior approval by the Local Planning Authority.

1. Resurfacing of footpaths adjoining the site in accordance with secondary palette in Urban Design Compendium.
2. Reinstatement of redundant crossings as footpath.
3. Improvements to the surfacing/ lighting and provision highway warning/direction signs to Hallam Lane.

Reason: In the interests of the amenities of future occupiers of the development and in the interests facilitating pedestrian/cycle access and safety.

- 4 The building shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the 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.

- 5 The building shall not be used unless the cycle parking accommodation for 36 bicycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 6 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.

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

The Travel Plan shall include:

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

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

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

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

- 8 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.

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

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

- 10 Prior to construction commencing details of the following matters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the apartments are occupied.

1. Juliet balconies and railings to terraces.
2. Depth of window reveals
3. Design of clerestory window to twin studios
4. Secure access arrangements for the cycle store.
5. Design of eaves
6. Design of spandrel panels
7. Design of glazing to atrium
8. Design of balustrade to roof garden
9. Typical elevation of a bay at a scale of 1:20, sections and elevations

Reason: In the interests of the amenity of the locality and the safety of users of the cycle store.

- 11 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.

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

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

- 13 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development will be obtained from decentralised and renewable or low carbon energy;
Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

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

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

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

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

- 16 The proposed green 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. 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 foundation works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

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.

- 18 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation 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 (which shall include an assessment of noise from the White Rose Works), including an approved

method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation 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.

- 19 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.

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

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

- 21 Before the use of the building for Food and Drink purposes is commenced a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall

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

b) Be capable of restricting noise breakout from the Use Class A3 use to the street to levels not exceeding:

- i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
- ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,
- iii) Be capable of restricting noise breakout from the Class A3 use to the flats above to levels complying with the following:
 - Bedrooms: Noise Rating Curve (variable) (2300 TO 0700 hours),
 - Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

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

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

- 22 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.

- 23 Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to use commencing and be thereafter retained and maintained.

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

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

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

- 25 The intrusive investigations recommended in the approved Phase I Preliminary Risk Assessment Report (Eastwood & Partners ref. 37498-001; August 2014) 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 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.

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

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

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

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

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

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

- 29 The café/restaurant (A3) use shall only be used for such purpose between the hours of 0700 to 0030 on any day.

Reason: In the interests of the amenities of future occupiers of the residential units.

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

Reason: To ensure satisfactory drainage arrangements.

- 31 Unless otherwise approved in writing by the local planning authority, 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

- 32 The surface water discharge from the site shall be subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site. 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 per second per hectare is required, or 5l/s in total if the site is smaller than 1 hectare. The detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted and approved by the Local Planning Authority prior to commencement of building.

Reason: To ensure satisfactory drainage arrangements.

Attention is drawn to the following directives:

1. The Environment Agency recommends that the developer considers opportunities to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. They also recommend the developer produce/update a flood evacuation plan. With respect to contamination they recommend that you follow the risk management framework provided in CLR11, Model Procedures for the Management of Land contamination, when dealing with land affected by contamination.
2. The Council's drainage section has advised that the surface water storage could be achieved through the use of green and brown roofs as opposed to underground tanks.

3. The applicant is advised to note the noise concerns raised by the occupier of the White Rose Works. In particular you are advised to consider whether adequate consideration has been given to noise from the presses. This needs to be resolved before specifying a scheme of sound insulation and ventilation.
4. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
5. 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.

6. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

7. 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

8. 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.

9. 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.
10. 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.
11. 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.
12. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to

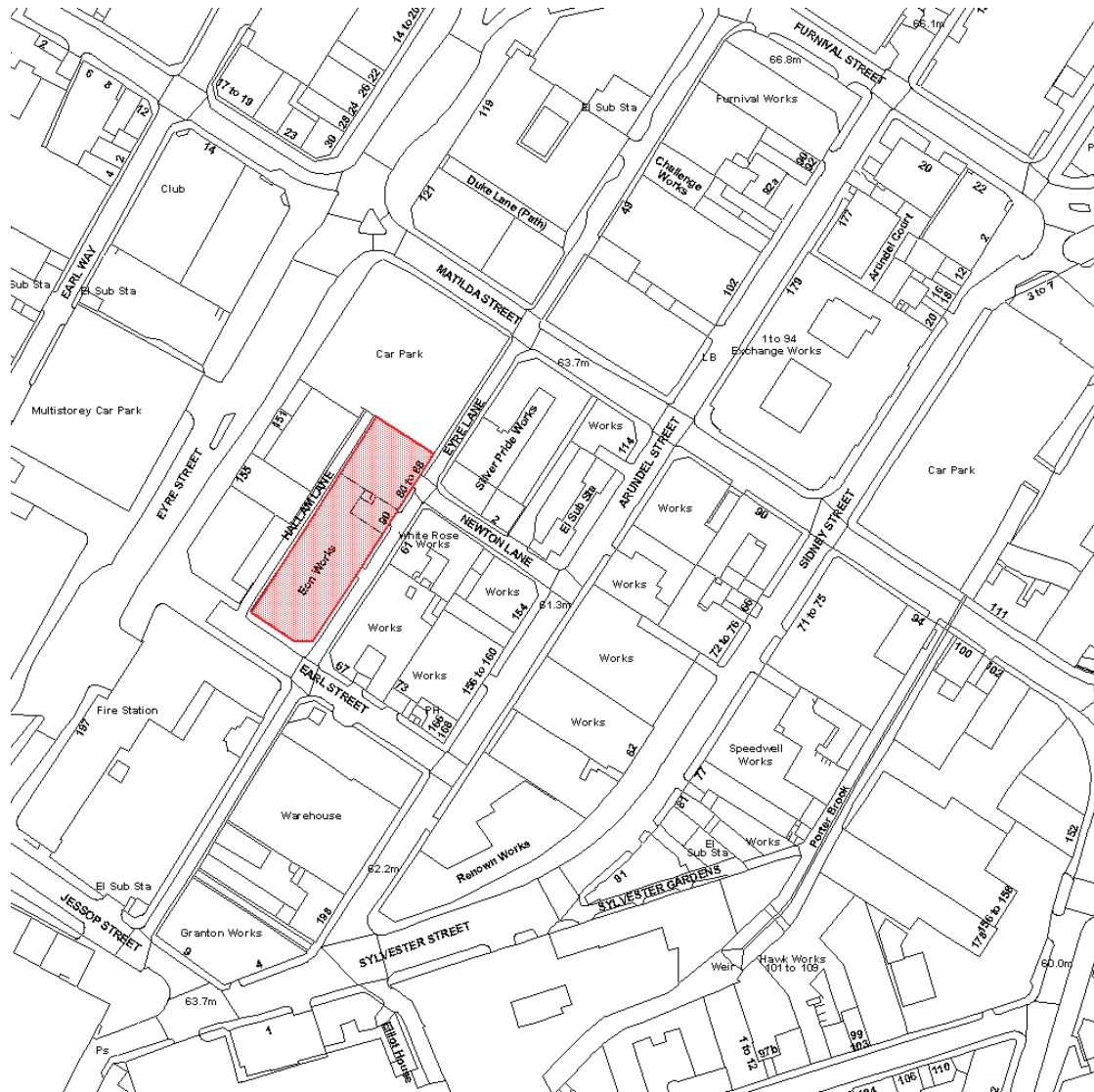
apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

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

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

Site Location



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LOCATION AND PROPOSAL

The application site is in the Cultural Industries Quarter Conservation Area at the junction of Earl Street and Eyre Lane. The western boundary to the site adjoins Hallam Lane which is a narrow cul de sac providing service access to buildings that front on to Eyre Street, these are occupied by an auto centre, a dance studio and offices. To the north the site adjoins land used as a public car park and accessed from Matilda Street. To the east and on the opposite side of Eyre Lane

there is a dance studio, a metal fabrication workshop and cutlery manufacturers. To south and on the opposite side of Earl Street is the new Fire Station.

The application site is occupied by derelict single storey workshops with a two storey office facing Earl Street. The buildings are faced in brick and the workshops have asbestos sheeted roofs. The existing buildings appear to date from the 1940/50s.

The application is seeking permission to redevelop the site with a 4/5 storey building providing, gym, cinema, laundry and retail/restaurant/office unit on the ground floor. The upper floors accommodate 129 residential units, 83 of which are studios, 30 are one bed units and 16 are twin bed units served off a central atrium. There are two pedestrian entrances on Eyre Lane and one on Earl Street. There will be no car parking but a 36 space bike store will be accessed from Hallam Lane. An amenity space of approximately 635 sqm is to be provided on part of the roof with approximately a quarter of the roof space being a brown roof.

The building is 5 storeys high on Earl Street and for half of the Eyre Lane and Hallam Lane elevation. It drops down to 4 floors at this point on Eyre Lane elevation but is retained at 5 storeys on the Hallam Lane elevation although the upper floor is set back 1.5m.

The building design is contemporary with a flat roof. It is divided into a series of regular bays by projecting brick piers. Within these bays there are repeating elements of rectangular brick and glazed panels (standing seam on the upper floor). The key public areas of the building at ground floor level on the Eyre Lane, Hallam Lane and Earl Street frontages are formed by glazed shop fronts. Approximately half the bays on the ground and first floors of the Eyre Lane and Hallam Lane elevations are recessed by approximately 1.5m creating small terraces bounded by railings. Within these recessed bays the walls are faced in white glazed brickwork and Profolite profiled glass. The Hallam Lane and Eyre Lane elevations are split into two elements by a centrally located staircase which is faced in a Profilit profiled glass panel system.

The Earl Street elevation is composed of a solid red brick work element with feature white glazed brick panel and a highly glazed section.

SUMMARY OF REPRESENTATIONS

Six representations have been received. The comments received are as follows;

- The development could acquire rights to light which may affect the development of the adjoining Euro Parks site which abuts the application site.
- Planning permission should be conditioned to ensure the premises are properly noise insulated. The Hype Dance studios is concerned the

incoming residents might complain putting long standing businesses under threat or to additional cost. The White Rose Works opposite the site starts work at 07.30 hours Monday to Saturday during which time fans, machinery and presses are operating. The occupier is concerned that occupiers will complain which could affect operations and have employment implications. They consider bedrooms should not be located on the ground and first floor, windows should be fully sealed and noise and vibration assessments should be undertaken.

- The six storey building will affect light to an adjacent cutlery factory (The White Rose Works) where natural light is critical to the manufacture of highly polished cutlery.
- Following the submission of the sun path analysis they advised that they still have serious concerns that the development will affect natural daylight in the factory/workshop. They consider the sunlight assessment lacks clarity as it does not explain at what time in the afternoon overshadowing will set in.
- The applicant has also offered to install roof lights on the upper floor of the building affected but the objector considers that he has not had sufficient time to consider the implications of this possible solution. He has noted that it would only benefit the top floor and that the manufacturing primarily takes place on the lower floor. He also says that any light gained could be affected by future development and that this solution raises security concerns which his insurers may not accept. However he would be willing to accept a condition requiring the provision of roof lights. They also consider the development will breach their rights to light. (The right to light is not a planning matter as there is a remedy under separate legislation and planning should not duplicate these controls).
- Parking and traffic impacts need to be considered along with any disruption to access during construction. This might affect customers who need to park near to the Hype Dance Studio.
- Existing building is in a poor state of repair and of no architectural merit. The Development should maintain the Cultural Industry Quarters character and appearance. The proposed development sits comfortably with adjacent development.

Sheffield Conservation Advisory Group considered the application at their meeting on 16.9.14 and made the following comments.

The Group felt that the development did not respect its context and it would cause unacceptable damage to the conservation area. The Group considered that the development was too high, the design was inappropriate and the materials were inappropriate in an area of mainly red brick buildings. The Group recommended that there should be some form of ground floor activity within the development, to

reflect the intention that the Cultural Industries Quarter should be a lively area of the City Centre.

PLANNING ASSESSMENT

Policy

The site is located within a Fringe Industry and Business Area in the Unitary Development Plan (UDP), where Business, General Industry and Warehousing uses are preferred and should be dominant. However, this designation is no longer fully appropriate as the Core Strategy policy CS6(f) identifies that manufacturing uses are no longer appropriate in this part of the City Centre.

Policy CS17(c) promotes a mix of uses, particularly related to the creative and digital industries. This is reflected in the proposal within the draft City Policies and Sites to designate the area as a Business Area where employment uses will be promoted through the restriction of residential to no more than 40% of the floorspace in the area (draft Policy H1). The draft City Policies and Sites Background Report on Economic Prosperity and the City Region in paragraphs 7.184 to 7.187 explains that the balance of uses in the area is currently acceptable. This draft policy carries some weight because the Unitary Development Plan designation is now not fully appropriate. Therefore it is concluded that a residential scheme is acceptable in principle.

The commercial unit is to be used for retail, restaurant/café or office use. Retail and office uses are acceptable under both the Unitary Development Plan and Draft City Policies and Sites policies. Food and drink uses are acceptable in Fringe Industry and Business Areas and should be considered on their merits in Business Areas. The National Planning Policy Framework requires out-of-centre retail uses to be assessed in terms of their impact, (if greater than 2500 sqm or a locally set threshold) and against the sequential test. In this case the commercial unit is only 75 sqm and therefore the impact test does not apply. The retail floor space is small and will serve residents in the surrounding area. It will be located only 60m from the central shopping centre and will help to deliver an active frontage to the development. Given this it is considered that the sequential test is not a reason for opposing this application.

The site is previously developed and therefore development here will contribute towards achieving the aims of Core Strategy Policy CS24 which seeks to maximise the use of previously developed land for new housing.

The proposal for 129 studio and 1-bed apartments is on a site of 0.15 hectares would represent a gross density of above 860 dwellings per hectare which, whilst high, is acceptable in this City Centre location, where Core Strategy Policy CS26 requires new housing to be at a density of 70 dwellings per hectare or above.

Core Strategy Policy CS41 aims to ensure development of mixed communities. This will be promoted by providing for a broad range of smaller households in the City Centre where 'no more than half the new homes in large developments should consist of a single house type'. This is defined as no more than 50% of the same house type in schemes of more than 60 new homes. As this proposal is for 129 apartments, and 83 (64%) are studios and 46 (36%) are one bedroom units or twin studios, the proposal does not comply with this part of the policy.

This mix has improved considerably since the original submission when approximately 90% of the units were of a single type. The applicant has been pressed hard to amend the scheme so that the mix is as close as possible to the policy requirement, but he is unable to go further without undermining the overall viability. The applicant has confirmed 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 studios could be reconfigured to create larger units. In light of the above it is concluded on balance that the proposed mix can be supported despite being contrary to policy. This is on the basis that the scheme will deliver much needed residential accommodation in a sustainable location and regenerate a prominent derelict site in the conservation area. It also seems likely that this part of the city with its proximity to the University will appeal to residents seeking smaller short term accommodation.

Policy CS41 also seeks to promote mixed communities by providing purpose-built student accommodation as part of a mixed housing development with a mix of tenures and sizes of unit on larger sites primarily in the City Centre. It also seeks to limit hostels, purpose built student accommodation and housing in multiple occupation where more than 20% of residences within 200m of the site are shared housing.

The applicant has described the accommodation as studios and apartments and the agent has indicated that whilst it would be targeted at foreign students, key workers would not be excluded. The vast majority of the units provide limited living/cooking and eating space and the scheme also includes a communal laundry and cinema space. This leads officers to conclude that this is not designed as long term living accommodation. Currently 36% of accommodation within 200m of the site is shared and this will reduce to 33% taking into account recent consents. As the scheme comprises of self-contained units if it were permitted the percentage of shared or purpose built student accommodation would fall. However in all likelihood there would be an increase in the student population in the area, which the policy is intended to control. The character of student accommodation has changed since the policy was formulated and has moved away from purpose built cluster flats to more self-contained units. However in this case the site is close to the University and there is no significant community to imbalance. Given this and the fact that the development will redevelop a vacant site in the conservation area,

it is considered that there is no basis for resisting the application under this part of the policy.

Affordable Housing

Core Strategy Policy CS40 requires developers of new housing development to contribute towards the provision of affordable housing where practical and financially viable. The Affordable Housing Interim Planning Guidance 2014 locates the site in the City Centre West Affordable Housing Market Area where the expected contribution is equivalent to 10% of the units on the site being transferred at the Transfer Price. That is the price per square metre at which properties will be sold by the developer to a Registered Provider. In this case an off-site commuted sum is considered to be acceptable.

The applicant has agreed to meet the affordable housing policy and provide a contribution of £462,852 in accordance with the guidance. This will be secured by a planning obligation.

Open Space

The City Centre Living Strategy Supplementary Planning Guidance guideline 12 states that in order to provide open space available to the public, developments will be expected to make a financial contribution towards provision or enhancement of open space in line with the City Centre Breathing Spaces Strategy or provide publicly accessible open space as part of their scheme. In this case the scheme does not provide any publicly accessible open space; therefore under the terms of the guidance a contribution is required. Based on the standard formula in the guidance the open space contribution is £158,675 which will be secured by a unilateral obligation.

Conservation area and design issues

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should set out in their plans a positive strategy for the conservation and enjoyment of the historic environment. In developing this strategy they should take account of new development making a positive contribution to local character and distinctiveness. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Unitary Development Plan policy BE16 'Development in Conservation Areas', states that buildings which make a positive contribution to the character of the conservation area will be retained. Redevelopment of sites which detract from the character of the conservation will be encouraged where it would enhance the character or appearance of the area. It states that permission will only be given for proposals which preserve or enhance the character or appearance of the conservation area.

The existing industrial buildings date from the 1930s to 1950s. They largely comprise of single storey red brick buildings with multiple gables facing Eyre Lane and Hallam Lane. There is a two storey works entrance on Earl Street. Some of the original metal frame window openings remain. Part of the roof is missing and the buildings are deteriorating. Whilst the buildings exhibit some characteristics of metal trade buildings they are not of such high architectural or historic merit that their retention is justified. The Urban Design Compendium does not identify the buildings as significant buildings which contribute to the character of the area.

The scheme as originally submitted was 6 storeys high across the whole site. Following negotiations this has been reduced to 5 storeys on the southern half of the site dropping to 4 storeys half way along the Eyre Lane elevation but continuing at 5 storeys on Hallam Lane albeit set back by 1.5m. The buildings around the site are predominantly single or 2 storeys high. The new Fire Station opposite the site on Earl Street and wrapping around the corner onto Eyre Lane is the equivalent of 5 storeys high and the buildings on the opposite side of Hallam Lane and facing onto Eyre Street are between 1 and 3 storeys high.

Officers consider a reasonable case can be made for 5 storey development on the Earl Street frontage as the Fire Station building opposite is of a similar scale and Earl Street provides a secondary link between the Cultural Industries Quarter Conservation Area and the Moor. Stepping the development down to 4 storeys on Eyre Lane ensures the scale of the building responds to the prevailing character. The applicant was also advised to drop the height of the building along the northern part of the Hallam Lane elevation to 4 storeys but have instead set the upper floor back by 1.5m. Hallam Lane is a particularly narrow lane and it is considered that a 5 storey building will appear quite overbearing in this context. Setting back the upper floor is unlikely to have a significant impact on the massing of the scheme. As a result it is considered that the scheme will have a harmful impact on the Hallam Lane frontage of the conservation area. Hallam Lane is a cul de sac which functions as a service area for buildings facing on to Eyre Lane and has very low levels of pedestrian and vehicular traffic. As a result the visual impact and harm caused will be less substantial. Given this it is concluded that the harmful impact is not so severe as to justify refusing planning permission.

The development responds to the character of the conservation area in that it will be sited at the back edge of footpath which is a strong characteristic of development in the area. The fenestration also provides a regular rhythm of repeating windows in a contemporary interpretation. Since the original submission the predominant material has been changed to red brick which is the traditional facing material in the conservation area.

The elevations are divided into series of bays by brick piers and by a glazed stair tower. The spacing of the bays and the fenestration of window openings varies between the two halves of the development. This helps to break down the massing

of the building and create variety. The full height windows to each unit will create visual interest and result in reasonably inviting elevations. The ground floor of Earl Street and the Eyre Lane and Hallam Lane corners contain significant elements of shop front type glazing and the Shop/ restaurant/office and gym uses on the Eyre Lane/Earl Street corner will help to help to create activity and interest at street level. The facing materials are of acceptable quality and the predominant red brickwork is sympathetic to the surroundings. The other materials are glazing, and metal cladding along with window frames coloured dark grey/silver. The use of these contemporary materials with a predominant framework of traditional red brick is considered to be acceptable. Overall the design is considered to be satisfactory and the scheme will make a positive contribution to the street scene.

Flood Risk

The majority of the site lies within flood zone 1 but a small part of the south west corner lies within flood zone 2 where there is a medium probability of flooding. As part of the site is in flood zone 2 the applicant has submitted a sequential assessment to consider whether the development could reasonably be located in a lower flood risk zone. As the development is primarily intended to serve students the search area for alternative sites has been limited to the Cultural Industries Quarter. Six allocated sites have been identified from the City Policies and Sites document, a number of which are not available. The other sites are wholly located within flood zone 2 and therefore cannot be considered to be sequentially preferable. Therefore the proposal is considered to pass the sequential test.

Residential development is classed as more vulnerable development and commercial development as less vulnerable development. More vulnerable and less vulnerable development is compatible with flood zones 1 and 2.

The 1 in 200 year flood level which is taken to be equivalent to the 1 in 100 plus an allowance for climate change is 61.21m at Earl Street and 59.59 in the centre of the site. The site level at the junction of Earl Street and Eyre Lane is 62.69 rising to 63.42 at the junction of Eyre Lane with Hallam Lane. The site levels rise further at the northern end of the site. As the site is approximately 1.5m above the 1 in 100 year flood level with an allowance for climate change the flood risk assessment concludes that the site is not at significant risk of flooding. There is the potential for shallow risk surface water flooding to the building entrance on Earl Street and from fluvial flooding in an extreme storm but this can be addressed by setting the Earl Street entrance at least 300mm above road level and setting other entrance levels a nominal height above road level and no lower than the existing building level.

The existing site is completely impermeable and will remain so following the development. It is expected that infiltration will not be viable due to impermeable ground and historic contamination. In order to deliver a 30% reduction in

reduction in run-off to reduce the risk of flooding from surface water run-off underground storage will be provided.

Yorkshire Water has no objections to the proposal subject to conditions being attached requiring drainage details to be submitted. The Environment Agency has no objections to the proposal. Whilst they have made some recommendations they have not asked for any conditions. The Council's drainage section has no objections subject to a condition restricting the surface water discharge in order to minimise the impact of flooding.

Noise and Amenity Issues

A noise assessment has been submitted with the application. This measured background noise and specifically considered noise from the adjacent dance studios and, the auto repair workshop. Noise from the White Rose Works was not measured as it was not considered to be a principle source of noise at the time of the noise survey. Glazing and ventilation specifications are proposed in the noise assessment.

Whilst the Environmental Protection Officer has some concerns about the noise report these are minor. The officer has advised that the site is suitable for the proposed use and a suitable scheme of attenuation works should be readily available and capable of providing a satisfactory living environment for future occupiers. The proposed conditions establish internal noise levels that will provide a satisfactory noise climate for residents and should minimise the risk of noise complaints. The noise attenuation works will have to be designed to meet these noise levels taking into account noise sources and the noise attenuation works will have to be validated to demonstrate that they achieve the internal noise levels. If the noise levels cannot be achieved with windows partially open the scheme of works will include a system of alternative acoustically treated ventilation. Although noise from White Rose Works has not been measured the Environmental Protection Officer considers that a fairly standard scheme of sound insulation will be sufficient for this site. Should the developer underestimate the noise attenuation works required then it is likely that they will fail the validation condition. This will result in a delay in when residents can move in until the attenuation is upgraded to meet the terms of the conditions.

The latest scheme provides residential accommodation on the ground floor. However these are set back approximately 1.4m from the back edge of footpath with a railing to protect a small hard surfaced terrace. This provides some defensible space and help to protect privacy. Given that the footfall along Eyre Lane is quite low this arrangement is considered to be acceptable.

There is a small amount of amenity space that will be provided on the roof (approximately 625 square metres) to meet some of resident's needs.

Access Issues

The application site is located in the city centre and consequently is well served by shops, services and public transport. In a sustainable location such as this there is no requirement for car parking and none is proposed.

A bicycle store is provided on the ground floor which can accommodate 36 bicycles. The Council's parking guidelines for students are 1 space per two residents. This would suggest 73 spaces should be provided. Whilst the cycle parking provision does not meet the guidelines this is not considered to be sufficient reason for opposing the application.

Level entrances will be provided to the residential accommodation and the commercial units. Lifts will be provided to the upper floor 25% of the units will be mobility apartments. It is therefore concluded that the development will be accessible to people with disabilities.

Sustainability

The application site is a brownfield site and in a sustainable location well served by shops, services and public transport.

The applicant has advised that the 10% of the predicted energy needs will be most likely be met by Photo Voltaic arrays on the roof. This complies with Core Strategy Policy CS 65 which seeks to reduce carbon emissions.

The applicant has confirmed that the development will be designed to level 3 Code for Sustainable Homes and therefore the proposal meets Core Strategy Policy CS64 which seeks to encourage sustainable design.

A brown roof will be provided over approximately 25% of the roof which will provide improved insulation, improve biodiversity and attenuate surface water run-off.

Archaeology

Buildings occupied the plot by 1823, these are likely to have been the Royal Hotel Public House, shops and back-to-back and terraced houses. Cellars belonging to these buildings will have impacted on any earlier archaeological deposits within their footprints. The current buildings on the site were erected between the late 1930s and early 1950s. The archaeological potential within the Site relates primarily to the 19th -century deposits and is considered to be good.

The assessment suggests that the archaeological interest in this site is fairly limited and therefore a condition is proposed to secure some further investigation of the below-ground deposits identified as of potential interest.

Impact on Natural Light

The applicant has carried out a sun path analysis which assesses which part of the building will fall in shadow as a result of the development. It should be noted that since the original objection the Eyre Lane elevation has been reduced in height from six storeys to five/four storeys. The sun path analysis shows that on the 21st of March (vernal equinox), 21st June (longest day), 21st December (shortest day) there is no difference in the amount of building in shadow comparing the existing building with the proposed building at 9am, 12am on all three dates and at 3pm on 21st December. However on 21st of March and 21st of June there is an increase in overshadowing of the Eyre Lane elevation from mid to late afternoon. Therefore there is likely to be some additional impact on the operations at the White Rose Works.

The applicant has been liaising with the occupier of the White Rose Works about the loss of light issue. They have offered to fund some additional roof lights to the first floor of the block of the works adjoining Eyre Lane. This is feasible as this building has a flat roof.

The occupier has raised some concerns about this possible solution which are outlined in the representations section and advised that they need more time to consider the implications. The applicant is continuing to hold discussions with the occupier and officers will report progress verbally at committee.

However it is not clear what level of natural light is required to efficiently undertake existing operations within the White Rose Works or what level of impact the development will have on operations. As it stands there will be plenty of dark days and long periods during the winter when the occupier has to operate using artificial light. It is also not clear how easily any loss of light could be managed by internal reorganisation or adjusting the timing of operations. There is also some overlap between planning concerns and private rights under the Right to Light Act. Given the above it is considered that the planning remit is limited and it is concluded that even if it is not possible to reach agreement on roof lights that the impact of the development on loss of light will not be so severe as to justify refusing planning permission. Therefore given this and the doubts that roof lights will provide a workable solution it is not reasonable to attach conditions requiring these works.

RESPONSE TO REPRESENTATIONS

There are no windows on the elevation that adjoins the Euro Parks site and therefore there is no reason why rights to light should be acquired. The development will result in a 3/4 storey gable wall which should not prejudice the development of this site.

Whilst there is likely to be some disruption during construction parking is not permitted on Eyre Lane adjacent to the site.

SUMMARY AND RECOMMENDATION

The proposal does not conflict with local development plan policy except part a) of policy CS41 which seeks to ensure that not more than half of homes in large developments are of a single house type. There are also some reservations about the massing of the development on the Hallam Lane frontage. The impact on natural light to the White Rose Works is a negative impact but not so severe as to justify resisting the proposal.

However the scheme will regenerate a vacant site within the conservation area and deliver housing in a sustainable location. It will deliver a much needed contribution to affordable housing and meet the Council's sustainable design policies. Subject to the above concerns about massing the detail scheme design is sympathetic to the character of the conservation area and will significantly improve the appearance of the site. The environment is considered to be satisfactory for residential accommodation and the interests of existing businesses will be protected by the proposed noise conditions. Taking the above into account it is concluded that the planning benefits outweigh the harmful impacts and therefore permission should be granted subject to the proposed conditions and subject to the applicant entering into a legal agreement to secure the following heads of terms:

Heads of Terms

1. A contribution of £158,675 to be used for improving open space in the locality in accordance with the Supplementary Planning Guidance 'Open Space Provision in New Housing Development and the City Centre Breathing Spaces Strategy'.
2. A contribution of £462,852 to be used to finance new affordable housing by new building or the purchase, refurbishment or conversion of existing private housing within the City Centre West Affordable Housing Market Area in accordance with the Affordable Housing Interim Planning Guidance 2014 Update.

Case Number	14/01724/FUL (Formerly PP-03377183)
Application Type	Full Planning Application
Proposal	Mixed use development including demolition of existing single-storey buildings and erection of 20 apartments (Use Class C3), change of use of existing buildings to create 2 commercial units (A1/A3/A4/B1/D2 use) and formation of 3 apartments (Use Class C3), and change of use of garage premises to management office, residents gym and facilities ancillary to residential accommodation (Amended description, Amended drawings received 14th November 2014)
Location	Land And Buildings At Junction With Dyson Place Gordon Road SheffieldS11 8XU
Date Received	13/05/2014
Team	South
Applicant/Agent	Axis Architecture
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

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

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

Drawing Title / Reference Number:

- GA PLANS - LEVEL 0 / 26697(02)100 REV C
- GA PLANS - LEVEL 1 / 26697(02)101 REV C
- GA PLANS - LEVEL 2 / 26697(02)102 REV C
- GA PLANS - LEVEL 3 / 26697(02)103 REV B
- ELEVATIONS / 26697(04)02 REV B
- ELEVATIONS / 26697(04)03 REV A
- ELEVATIONS / 26697(04)01 REV A
- ELEVATIONS / 26697(04)04
- ELEVATIONS / 26697(04)05
- SITE SECTIONS / 26697(03)01 REV D,

Reason: In order to define the permission.

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

Windows
Window reveals
Main Entrance Doors
String Course
Rooflights
Eaves and verges
External wall construction
Brickwork detailing
Balconies and Louvre Screens
Roof
Ridge & valleys
Rainwater goods

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

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

- 4 Details of all proposed external materials and finishes (including windows), 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 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.

- 6 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.

- 7 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

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

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

- 9 Details of suitable means of site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, and the accommodation shall not be used / occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 10 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how:

A minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy will be provided

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

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.

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

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

- 12 Details of green/brown roof (vegetated roof system) shall be approved in writing by the Local Planning Authority before that Phase of the development commences. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to that part of the development is commenced. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

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

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

- 14 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer
i.e. a total protected strip width of 6 metres, that crosses the site.

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

- 15 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The surface water discharge rate shall be subject to a reduction, the extent of which will depend on the existing means and rate of discharge.

Reason: To ensure that the development can be properly drained.

- 16 Unless otherwise approved in writing by the local planning authority, 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 17 Prior to the commencement of development details of bat boxes or similar shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development.

- 18 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:
 - i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
 - ii) 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 the octave band centre frequencies 31.5 Hz to 8 kHz.)

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

- 19 Before the use of any portion of the development for commercial or leisure purposes is commenced, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) be capable of restricting noise breakout from any commercial or leisure use to levels not exceeding the LA90 background noise levels by more than 3 dB when measured as a 15 minute LAeq,
 - c) be capable of restricting noise breakout or transmission from any commercial or leisure use to any adjoining or adjacent residential use to comply with the following habitable room internal noise levels:
 - i) Bedrooms: Noise Rating Curve NR25 (23:00 to 07:00 hours),
 - ii) Living Rooms: Noise Rating Curve NR35 (07:00 to 23:00 hours).

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

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

- 20 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.

- 21 Prior to any occupation by A3 / A4 uses details of operations shall be submitted to and approved by the Local Planning Authority of cooking operations / activities to determine whether a odour / fume extraction system will be required. Details of any odour / fume extraction system determined to be required shall then be submitted, as per the requirements of the following condition and shall be installed prior to commencement of the use and shall thereafter be permanently retained.

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

- 22 No externally mounted plant or equipment for heating, cooling, ventilation or fume extraction purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to any building in connection with commercial or leisure uses unless full details thereof, including noise output data, 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.

- 23 No amplified sound shall be broadcast outside any premises in commercial or leisure use, nor shall loudspeakers be fixed at any time outside any such building.

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

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

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

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

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

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

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

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

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

- 28 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has

been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

- 31 No customer shall be permitted to be on the commercial premises outside the following times: 0900 to 2330 hours on Mondays to Saturdays and 0900 to 2300 hours on Sundays.

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

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

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

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

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will

secure that such improvement works will be carried out before the accommodation is/are brought into use.

Highway Improvements: Gordon Road Parking Spaces

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.

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

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

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

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

- 36 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.

- 37 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.

- 38 The development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

- 39 Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles,

including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists. The Travel Plan(s) shall include:

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

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

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

- 40 The residential development shall not be occupied until details of a scheme to establish and promote the Private Car Club has been submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented prior to occupation of the residential accommodation in the new building hereby approved, and permanently retained thereafter.

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) (Policies H5(c), H14 (d) and CS53).

- 41 Prior to the building being brought into use, a Waste Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Such Waste Management Plan shall include means of ensuring that waste is regularly collected and confined to the bin storage area. Additional provision for bins within the cycle storage area shall be identified in the event that the bin store is insufficient to meet the needs of the development. Thereafter waste management shall be in accordance with the approved Waste Management Plan.

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

42 The Residents Gym as shown on the approved drawings shall only be available to residents of the development hereby approved.

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

43 The following windows:
-Windows to West and East Elevation of the New Building, and
-East facing Windows in the converted Mission Hall Building,

shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, the full details of which shall have first been submitted to an approved in writing by the Local Planning Authority.

The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

44 Details of the balcony louvre screens shall be submitted and approved in writing by Local Planning Authority prior to occupation of the new building, the approved measures shall be installed prior to occupation of the accommodation hereby approved and shall be permanently retained thereafter.

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

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

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

Attention is drawn to the following directives:

1. Should bats be discovered on site at any time, works should be halted in the immediate area and an appropriately trained, qualified and licensed bat ecologist consulted immediately.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their

document GN01:2011 'Guidance Notes for the Reduction of Obtrusive Light'. This is to prevent light spillage and light glare causing disamenity to neighbours. This guidance is available from the Institute of Lighting Professionals by free download from their website at:
<https://www.theilp.org.uk/resources/free-resources>.

3. 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.
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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
6. 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

7. 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.

8. 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.
9. 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.
10. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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PROPOSAL AND LOCATION

The application site currently features a number of garages and outbuildings, a disused Mission Hall, two semi-detached dwellings and a commercial mechanics garage. The main body of the site can be accessed from Dyson Place and via a ramp from Gordon Road. The mechanics garage is at the end of Gordon Road, and can be accessed from the road itself. The site lies predominantly within an allocated Housing Area and a small proportion in a Local Shopping Centre.

The site is bordered to the north by retail/commercial units fronting onto Sharrow Vale Road, and to the east, south and west by residential dwellings. The southern boundary is formed by Gordon Road with dwellings on the opposite side.

The area of land is set below the level of Gordon Road by approximately 1 storey, and is generally level.

The surrounding street scene is characterised, mainly by two storey terraced dwellings, although there are some examples of more modern bungalow accommodation. The Sharrow Vale local shopping centre is also a key part of the surrounding character.

The proposal seeks planning permission for a mixed use development, which would comprise the following elements:

- Removal of garages and erection of a four storey accommodation block (three storeys from Gordon Road) to provide 20 x two bedroomed, Class C3 flats.

- Use of mechanic's garage for a resident's gym and management office.

- Use of ex Mission Hall building for a A1/A3/A4/B1/D2 use with a two bedroomed and one bedroomed flat at the 1st floor level, involving addition of dormer structures.

- Use of the pair of semi-detached properties (8 and 9 Dyson Place) to include A1/A3/ A4/ B1/D2 commercial use at the ground floor and 1 x 2 bedroomed, C3 flat, involving addition of dormer windows and a single storey rear extension.

The proposal would involve 5 car parking spaces within its main body, a resident's car club with four cars and allocation of 6 spaces for existing permit holders on Gordon Road (i.e. existing residents).

Proposed materials are as follows:

- red brickwork for Gordon Road frontage

- stone heads and cills

- through colour render

- natural slate to pitched roofs

- metal cladding

- aluminium windows

- timber doors

- galvanised steel frames and timber boards to louvre screens

The scheme was modified through the course of the assessment, whereby one of the apartments was removed from the four storey building. Additionally, the description of the application was amended to exclude reference to student accommodation and instead refer to Class C3 accommodation.

RELEVANT PLANNING HISTORY

There are no records of relevant planning history.

REPRESENTATIONS

Original Submission

In regards to the consultation relating to the application's initially formulated proposal, which proposed student accommodation, a total of 91 representations were received.

The comments can be summarised as follows:

Character Issues

- Improvement of an eye-sore site and the garage generates noise impacts, but scheme has many drawbacks.
- Over-development
- Four storey development is inappropriate and out of character in area. Tall houses on Wayland Road and Ratcliffe Road are not representative of area and represent poor architecture. Conflict with NPPF's para 60 which requires reinforcement of local distinctiveness.
- Height of flats would be out of scale with two storey terraced properties, in height and mass terms and would be most dominant building in the area. Development would not follow contours of the hill.
- Recreational space is not a priority given other provisions in the locality.
- Should be reduced to 2 storeys.
- Development far exceeds 80 dwellings per hectare.
- Policy conflicts with CS31 of the Core Strategy.

Amenity Issues

- Excessive height of proposed flats.
- Loss of light.
- Proposed balconies, will lead to increased noise levels. Valley location will worsen this. Would also undermine privacy

- Already significant noise in the area due to bars/restaurants.
- Impact on privacy of residents on Gordon Road,
- Overlooking to Ashford Road gardens / houses from balconies affecting privacy. (Point made by 33 Ashford Road on behalf of others, also made particularly by Num's 14, 23, 25 Stewart Road, Num's 14, 18, 22, 24 and 26 Ashford Road) . Proposed louvres would not address this, given elevated position.
- Impact on views from Gordon Road and Stewart Road (which have existed for over 100 years), and general outlook.
- Loss of visual amenity.

Student Accommodation Issues

- Flats will provide student accommodation, which will harm character of the residential area, and impact on quality of life of existing residents. Will create imbalance between HMO and non-HMO properties, contravening CS41 of Core Strategy, with limit of 20% in 200m of the site.
- Policy CS41 states mixed communities will be created by providing new purpose-built student accommodation, primarily in the City Centre and areas to the NW and S of the City Centre.
- Applicant's argument that student accommodation is required in area is not correct.
- Currently 56 HMO properties on Stewart Road, and 9 HMO properties on Gordon Road.
- Student lifestyle would conflict with family lifestyle of majority of existing residents (including elderly persons accommodation at Ashvale Road).
- Increased numbers of taxis dropping off / collecting. Anti-social behaviour.
- Overpopulation of area.
- Approval of a large student development could set a precedent, undermining policy of accommodating students near the city centre. Would therefore weaken vitality of city centre.
- Total number of potential occupants would exceed threshold for HMO housing and affordable housing, and should therefore be assessed under those policies.
- Unsure that a management office will be included within the existing garage building.
- More affordable family homes are required, or affordable senior citizen accommodation. Would aid local schools and reduce traffic congestion.

Highways Issues.

-Parking is currently a particular issue due to numbers of HMO properties and high car ownership in the area.

-Ten parking spaces are proposed along Gordon Road, approximately where existing residents currently park (in front of the Gordon Road garages) out of business hours, when the commercial garage doesn't use them, meaning non-permit spaces will be lost.

-Potential for significant additional numbers of cars (potentially 48). There will not be enough space for these occupants to park within near vicinity of the site.

-Many students own cars. Queried if car ownership can be controlled via a legal agreement.

-Current traffic assessment report focuses on working day hours, when most residents take their cars to work. A new survey should be done which considers new residents, management, and staff for the proposed apartments and commercial units.

-Narrowness of Gordon Road. All surrounding roads are cul-de-sacs, so congestion will result. Currently no through traffic, meaning they are not subject to excessive levels of traffic.

-Stewart Road / Gordon Road junction already takes a lot of traffic from garage, houses and turning. Is not able to take any more movements.

-Access from Dyson Place is onto a busy part of Sharrow Vale Road, and is not wide enough for emergency vehicle access. Local junctions are very busy.

-Pedestrian safety issues.

-Scheme blocks off access to Dyson Place from Gordon Road.

-Damage to highways surfacing.

-Increased numbers of vehicles would undermine air quality

-Visits to the site would be likely to increase. Suggested Dyson Place would experience 618% increase in traffic each day.

-Servicing access to commercial uses.

-If existing residents are forced to park away from property, insurance claims may not be honoured.

-Concern regarding rising cost of permit prices.

-Improvements to Stewart Road car park may be necessary, which is poorly laid out.

-Concerns regarding pedestrian and road safety during construction.

Ecology Issues

-Surprised that bat survey found no evidence. Bats seen every evening in the summer months, and always thought bats roost in the old mission hall and possibly roof of the garage.

-Bats thought to fly from the Old Mission Hall and / or current garage building (based on their level of flight).

-Report not considered to be sufficient for LPA to have met its duty, due to various criticisms.

Commercial Use Issues

-No problem with retail units, providing they don't compete with existing retail shops. Would resist more pubs, cafes, restaurants, take-aways, hairdressers, charity shops, newsagents, green grocers, butchers, deli's or confectioneries.

-Query why plans include retail uses in a Housing Area.

-Potential noise generators.

-Shop is likely to be a café from outset.

Other Issues

-Concern regarding waste management / bin storage locations.

-Accessible ground floor accommodation or upper floor lift accessible accommodation for older residents are required in area.

-Sustainability and disabled access features must be incorporated into scheme, current provisions appear inadequate.

-Design would make green roofs difficult to incorporate.

-Design and Access Statement includes numerous errors / inaccuracies.

-Stability of Gordon Road, and dwellings will be undermined.

-Surprised about lack of notices in locality, and inadequate neighbour notification.

-Impacts upon property prices.

-Statement that site is not within a Conservation Area or Area of Special Character is disingenuous. The valley neighbourhood is unique in Sheffield.

-Alternative design options suggested.

Comments have also been received from Sharrow Vale Community Association, which can be summarised as follows:

-Grateful that pre-consultation took place, but feel it's appropriate to lodge an objection.

- Inadequate parking for the proposed residents.

-Student Accommodation, in regards to refuse/recycling, noise levels, anti-social hours.

-Proposal contrary to student housing / HMO policies (CS41).

-Use of commercial buildings for bars / restaurants, lead to noise concerns.

-Students are not the type of customers local shops wish to attract.

-Height of building. Should be reduced to 1.5 storeys.

A representation has also been received from Broomhall Park Association:

-Gross over-development. Buildings are too high and are out of scale.

-An appropriate percentage of affordable housing has not been provided.

Councillor Nikki Bond has commented as follows:

-Scheme contrary to HMO policies.

-Sharrow Vale is a mixed community with independent shops.

-Roads are narrow, and parking is limited.

-Area is densely populated with a mix of students and local residents.

-Scheme out of character in area.

-Will lead to loss of views.

-Impacts on privacy.

-Dyson Place is narrow and there will be difficulties in dealing with lorries and high numbers of cars.

-Inadequate parking.

Paul Blomfield (MP) has written, and comments that the scheme has met with significant opposition on a variety of grounds. It is trusted that views of local residents will be given full consideration. Would add his own voice to these. There are already concerns about the levels of traffic, litter and noise in the Ecclesall

Road area, and further developments, such as the proposal would only add to these.

Amended Submission

Following assessment of the application, it was concluded by Planning Officers that the apartments constituted standard C3 accommodation instead of student accommodation. Whilst it is possible that students could occupy C3 accommodation, the development does not exhibit the form of a residential institution or purpose built student accommodation. Amended drawings were also received, leading to re-notification of neighbours. 29 representations were received, which can be summarised as follows:

- Amendment does not resolve issues.

Design Issues

- Scale and mass onto Gordon Road, out of character with surrounding architecture and topography of area.

- Proposed parapet roof portion is out of character with anything in area.

- Will cause shadowing within Dyson Place.

- Domination of street scene.

- Existing 3 storey buildings are located streets away, and are not relevant.

- Design and Access Statement makes it clear SCC design feedback called for fewer storeys.

- Gordon Road is narrow and gives no justification for taller buildings.

- Area has a valuable character (worthy of conservation area protection), that is not complied with by proposal.

- In 1990's new build at 25 Stewart Road was limited in height terms.

- Alterations harm the appearance.

Amenity Issues

- Loss of light to surrounding properties

- Privacy Issues, including overlooking from balconies, onto neighbouring gardens.

- Bar/restaurant is in an inappropriate area.

- Overshadowing impacts (to Gordon Road properties).

-Case is borderline in Right to Light terms and a full report should be carried out by the developer, and should be factored into assessment of the application.

Highways Issues

-Existing parking congestion.

-Lack of appropriate parking spaces. Would conflict with Council's parking guidelines, which were raised by Council Officers earlier in the application process.

-Parking problems caused outside of permit hours.

-Additional parking on Sharrow Vale Road will affect local businesses.

-Pedestrian safety issues.

-A detailed traffic survey should be prepared.

-Additional parking for residents is not beneficial. There is no current problem with parking on Gordon Road.

-Inadequate cycle parking.

-Exit from Dyson Place is very narrow, and does not give adequate visibility. Usage of Dyson Place would increase due to proposed car club.

-Increased pollution.

-Limited emergency service vehicle access

Student Issues

-Students should be accommodated within city centre.

-Apartments are still intended for students (due to car-free designation). Doubtful that a C3 type of usage could be secured.

-Increased noise, longer hours of activity (parties, taxis, deliveries etc) and open balconies. Will affect enjoyment of homes.

-Core Strategy states area is not suitable for HMO designation (exceeding 20% level).

-No range of accommodation types as required by CS41.

-A student community will detract from locality and Sharrow Vale Road shopping environment.

-Increased litter.

-Increased student/rented accommodation impacts upon local schools.

- Excessive 'to let' signage.
- Amended description is to circumnavigate the council's HMO policies.
- Excessive amount of accommodation / residents.
- Approval would allow future applicants to circumnavigate the HMO policy by proposing two bedroom apartments.

Local Impacts

- Area requires apartments, but not for young singles / couples, but for 'downsizers'.
- Only 40% of local school places are taken by local children. Families should be encouraged into the area.

Ecology Issues

- Bats. Definitely resident in some of the buildings. Derelict warehouse building has not been properly surveyed. Natural England have been notified of proposal.
- Great Crested Newts have lived in and around a neighbouring garden for 30 years. Skylarks have recently been in area.

Sustainability Issues

- Scheme is not sustainable development.
- Scheme should secure more than 10% renewable energy contribution.

Other Issues

- Further family housing is required. Scheme could force existing families out.
- No affordable housing proposed.
- No lift from lower ground level to top floor for access/mobility purposes. Not clear if a ramp would be provided at west end of apartment block to Gordon Road.
- Scheme is not sustainable development.
- Non-residential uses conflict with the Housing Area UDP designation.
- Some concerns have been raised by Environmental Protection Officers regarding noise, contamination and light spillage.
- Scheme is contrary to Local and National Planning Policy.
- Clarification is required regarding the planning use class of the gym facility.

Non Material Issues

- Developer has ignored local people, who entirely object to the scheme.
- Proposal is in close proximity to numerous licensed businesses, and the bar/restaurant is not required.
- Loss of neighbouring property value.

Councillor Nikki Bond has provided representations in relation to the amended details, which can be summarised as:

- Amendments fail to address problems.
- Removing parking facilities doesn't mean tenants won't have cars. Will park on nearby roads.
- Will clearly be marketed to students, so these objections still stand. Student accommodation is out of keeping in area and will have detrimental impact.
- Poor access
- Over-concentration of accommodation.

Sharrow Vale Community Association has made comments, which can be summarised as:

- Revisions have not addressed major objections.
- Increased cars will add to parking and hazards at local junctions, undermining pedestrian safety.
- Making development car free is not acceptable, it will not prevent car ownership.
- Premises will still be occupied by students. Amendment to description is an attempt to circumnavigate HMO policies / licensing system.
- Bar/Restaurant is not appropriate. Many local businesses need studios, workshops and outlets and should be incorporated into locality.
- No mixed, affordable housing with different sized residences. This would support local schools etc.
- Apartment block would be out of character in locality.
- Right to Light expert has been commissioned, as developer / architect has not addressed this issue.
- Certain conditions suggested if consent granted.

Broomhall Park Association has submitted a representation, which can be summarised as:

-Removal of car parking for the proposed residents, is a poor attempt to resolve only a small part of previous objections. Could result in traffic in area being more problematic.

-Overdevelopment of site, contrary to local character.

-Restriction on owner/tenant may not be tenable.

-Introduces a further licensed establishment into area. Contrary to the UDP allocation for this part of Sharrow and Ecclesall Road area.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) includes the following paragraphs which are relevant in terms of overall principles:

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

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

Para 19 states; the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

Para 58 states; Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Planning policies and decisions should aim to ensure that developments:

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

Para 47 states: To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements

with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

Para 49 states: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The site lies within mainly within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The most relevant UDP and Sheffield Local Plan (SLP) Core Strategy policies are:

H5 (Flats, Bed-Sitters and Shared Housing)

H7 (Mobility Housing)

H10 (Development in Housing Areas)

H14 (Conditions on Development in Housing Areas)

H15 (Design of New Housing Developments)

H16 (Open Space in New Housing Developments)

BE5 (Building Design and Siting)

BE18 (Development in Areas of Special Character)

CS22 (Scale of the Requirement for New Housing)

CS23 (Locations for New Housing)

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

CS26 (Efficient Use of Housing Land and Accessibility)

CS31 (Housing in the South West)

CS41 (Creating Mixed Communities)

CS63 (Responses to Climate Change)

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

CS65 (Renewable Energy and Carbon Reduction)

CS74 (Design Principles)

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

Housing is the preferred land use in accordance with Policy H10 (Development in Housing Areas).

H5 'Flats, Bed-Sitters and Shared Housing' states: Planning permission will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if:

(a) a concentration of these uses would not cause serious nuisance to existing residents,

The proposal includes 23 apartments, 6 of which would be accessed from Dyson Place and 17 from Gordon Road. There is no reason to conclude that the flats would cause serious nuisance to existing residents. Whilst 28% of residences within 200m of the application site are occupied as some form of shared housing, a significant proportion of dwellings within the immediate vicinity of the application site are occupied as C3 units. Therefore, the proposal would not be considered to result in a concentration of flats, bedsitters or shared houses. The proposal is considered acceptable in respect of H5 (a).

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

Policy CS26 specifies density ranges for new housing development. Subject to protecting the character of an area, 40 to 60 dwellings per hectare are normally expected in sites near to high-frequency bus routes.

The proposal represents a density of approximately 114 units per hectare. The traditional housing in the area is typically 180 units per hectare in density terms. Whilst the density significantly exceeds the density range in CS26, it does not exceed the density of the surrounding housing which is the primary factor in the context and grain of existing development in the locality.

The building/s incorporating the majority of residential accommodation occupies a relatively limited proportion of the available plot, which contrasts with other properties in the vicinity which are set in small plots. It is therefore considered that it would be difficult to argue that the scheme would represent overdevelopment of the site, or that it was not reflective of the local character and urban grain.

Therefore, the proposal is considered to comply with Policy CS26.

There is no policy requirement for mixed house types in this scale of development and the area includes a range of other accommodation types. The proposal is therefore considered to comply with the provisions of CS41 in this regard.

Housing Supply, Location and Density

The NPPF at para 40 states: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The proposal would clearly contribute towards housing supply as set out in Core Strategy Policy CS22, which specifies the numbers of additional dwellings required over forthcoming years.

Para 14 of the NPPF states that planning permission should be granted in such circumstances unless the adverse impacts of doing so clearly outweigh the benefits. There is current shortfall in the supply of deliverable housing sites.

Policy CS31 'Housing in the South West' states; In South-West Sheffield, priority will be given to safeguarding and enhancing its areas of character. The scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

It continues...Priority is given to safeguarding and enhancing the character of the south-west because of the concentration of attractive and distinctive neighbourhoods, which are one of the reasons for the strong demand for housing here. This area has a strong concentration of features that are distinctive to Sheffield and which should be safeguarded and enhanced... In recent years there has been a tendency to increase the volume of housing here through higher densities, including the construction of apartments, but respecting the character of the area means that the density of new developments should be in keeping with it. In many parts of the south-west, such as the Victorian suburbs and other areas with distinctive townscape, this will place significant limits on higher densities.

The density details above and the 'Design' section below address this issue more fully, concluding that the application responds to the requirements of this policy.

Design

The NPPF in para 9 states; Pursuing sustainable-development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Para 17 states that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Para 58 states: Planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, and respond to local character and history, reflect the identity of local surroundings and

materials, and are visually attractive as a result of good architecture and appropriate landscaping.

Para 59 continues ...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Further, in para 60 it states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Relevant policies in the Sheffield Unitary Development Plan are:

Policy BE5 'Building Design and Siting' states:

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

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

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

(a) a concentration of these uses would not cause serious nuisance to existing residents; and

(b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours; and

(c) there would be appropriate off-street car parking for the needs of the people living there.

Policy H14 'Conditions on Development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

(a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings; and

(c) the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood;

(d) there would be safe access to the highway network, appropriate off-street parking and not endangering pedestrians

H15 'Design of new Housing Developments' states:

The design of new housing developments and residential institutions will be expected to:

(a) provide easy access to homes and circulation around the site for people with disabilities or with prams; and

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

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

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

Gordon Road Elevation and Street Scene

The proposed front elevation onto Gordon Road would appear as 3 storeys. This would incorporate 2 full storey heights, with the 3rd storey being partly incorporated into the roof space. The portion at the western end would be 2 storeys in height, and be flat roofed.

There would be 3 entrance doors separated equidistantly at the street level. The frontage would be setback to incorporate a residential curtilage.

The existing Gordon Road properties are 2 storeys in height, and the eaves of the proposal would be set approximately 1.4m above the eaves of the existing terrace.

The proposal would incorporate a terraced format, mirroring that on the opposite side of the road, and elsewhere within the vicinity and is considered to be of appropriate scale for the street.

Design development was carried out in relation to the upper storey, this has resulted in the enlargement and provision of more window openings to ensure that they sit comfortably with the hierarchy of openings across the elevation.

The large blank areas of brickwork at the 3rd storey level have been replaced by window openings to avoid interruption of the overall composition.

Chimneys have been relocated to be at the side gable positions, and on the front roof pitch, reflecting the predominant arrangement of existing terraces in the neighbourhood.

Amendments were also submitted to provide a 2 storey element facing Gordon Road at the western end of the terrace. It would have a flat roof and be finished in a render treatment. The original version of the elevation continued the terrace at

3storeys in height, and this was considered to represent an awkward transition of a two storey drop to the adjoining bungalow, car-port roof. The amendment is considered to provide a better transition, and whilst there are not examples of flat roofed buildings within the vicinity, this represents only a minor element of the overall design and would not result in the development being considered to be out of character in the locality.

The proposed materials would include red facing brickwork and natural slates. The windows would be slimline aluminium in a colour to be approved subsequently. These materials would, in principle, be considered to be of acceptable appearance.

This element of the design is considered to be consistent with the character of the locality and to have an acceptable impact upon the appearance of the street scene of Gordon Road and Stewart Road.

Courtyard Elevation

The scheme features a courtyard, which would be accessed from Dyson Place, at the north. The main apartment block would be 4 storeys to the courtyard and would incorporate a portion of flat roofing set below the terrace's main ridge. The elevation would feature projecting balconies, and red brickwork and metal cladding.

The courtyard elevation is clearly contemporary in appearance, not seeking to mirror surrounding character but providing a new form of development which would contribute to a sense of vibrancy and activity created by the commercial activities within the re-used buildings. The elevation's contribution to the character of the courtyard is therefore considered to be acceptable.

The courtyard elevation would also be visible from surrounding gardens and dwellings. The views from the surrounding gardens would be from a relatively limited number of rear gardens, from reasonably significant distances, and also from oblique angles. Therefore, the courtyard elevation would be expected to have limited impacts in this regard.

Re-Used Buildings

The alterations to the existing buildings would include dormer additions to the Mission Hall, and dormer additions and a single storey rear extension to the rear of 8 and 9 Dyson Place.

There are 3 dormers proposed to the Mission Hall. These include a single dormer facing eastwards towards Ashford Road. It would rise from eaves level, and include a ridge set approximately half way up the roof slope. It would be centrally positioned across the roof's width. It is considered to be modestly sized and in proportion to the overall roof. Its siting at the eaves is intended to minimise its prominence from Ashford Road properties. It is considered to be in keeping with the appearance of the building.

There would be 2 dormers facing into the site, which would again rise from the eaves level, have curved roofs and be centrally located. They would not be considered to dominate the roof or the buildings contribution to the resulting street scene.

The two dormers to the rear of 8 and 9 Dyson Place would be of subordinate proportions to the existing roof slope and would be appropriately positioned on the roof slope. The single storey rear extension would fill the rear yard area, and would reflect the series of outbuildings and structures to the rear of buildings fronting onto Sharrow Vale Road.

The Mechanics Garage is proposed to be converted to a management office and a resident's gym. The alterations would mainly involve the glazing of openings. Existing brickwork would be cleaned and repainted. Overall, these alterations would not be considered to significantly impact upon the appearance of the buildings.

Overall, the proposal would be considered to be acceptable in design terms, and would meet the requirements of Policies H14, H15, BE5 and CS74 and paras 9 and 58 of the NPPF.

Sustainability

The site is in a sustainable location being within walking distance of the City Centre and Ecclesall Road District Centre. Therefore, the proposal would be an efficient use of a previously developed site.

In design terms Policy CS64 requires the development to achieve Code for Sustainable Homes Level 3 and BREEAM 'Very Good' as a minimum. This does not apply to the conversion of the existing buildings, however, the Agent has been notified of this requirement and its relevance to the new residential accommodation. It is therefore considered appropriate to impose the requirement for Code for Sustainable Homes Level 3 as a condition on any consent granted.

Policy CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The Statement submitted with the application concludes that the 10% provision would be met by the provision of PV arrays on the pitched areas of the roofing. This is considered to be appropriate and should be required by condition.

There would also be scope to include some brown roofing on the flat / parapet roofs set to the rear of the new apartment building. Whilst this would not amount to 80% as required by Guideline CC1 of the Climate Change and Design SPD, this is considered to be acceptable, as the pitched roof nature of the majority of the roof slopes would not facilitate the provision of brown or green roofs. These pitched roofs would be in keeping with the character of the locality, and it is therefore important that they are not removed from the scheme.

Drainage

It is noted that there is a culverted watercourse in the site, which could potentially be a discharge route for surface water if it is proven to be capable of receiving controlled flows. The level of discharge flow which will be acceptable, will depend on whether the culvert is proven to be the existing connection for surface water discharge.

If the culvert is the existing connection for surface water the scheme would be subject to a 30% reduction compared to existing peak flow. If a connection to the culvert is not favourable the surface water discharge would be subject to a reduction of at least 30% compared to existing peak flow if to proven drainage connections, or in the event that existing discharge arrangements are not known then a discharge rate of 5 litres per second will be required.

These reductions would involve the use of sustainable drainage methods where feasible. It is recommended that a condition is added to any approval requiring submission of such drainage measures.

Yorkshire Water have advised that there is 225mm public combined water sewer recorded to cross the site, and have confirmed that the current proposals do not impact on the required easement zone which they advise. They however, suggest that an easement zone is required as part of a condition to deal with potential future structures.

Therefore, conditions regarding surface water management, and agreement of measures to meet CS64 and CCS65 should be added to any approval.

Residential Amenity - Existing Residents

With regard to H14(c), these general principles are supported by Supplementary Planning Guidance (Designing House Extensions) which provides useful parameters for new structures and their relationship to existing houses.

Guideline 5 states that a two storey structure should not be located closer than 12metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased.

Guideline 6 states that dwellings should keep a minimum of 21metres between facing main windows.

Properties on Gordon Road

Separation distances to the houses on the opposite side of Gordon Road would be approximately 14metres. Whilst this would be below the 21metre separation given as part of Guideline 6, it would be commensurate with other separation distances between opposing houses within the vicinity on the street, and involves a view across a street.

The scheme includes windows at the 2nd floor level (when viewed from Gordon Road) set at a higher elevation than the existing Gordon Road property windows, which would represent a relationship not common within the area. However, this relationship would not be considered to lead to detrimental overlooking or privacy impacts, given that it would be across the highway and would be less sensitive to privacy and overlooking impacts. As a result it is not considered that the scheme would have a detrimental impact upon existing Gordon Road residents in this regard.

In terms of overbearing and overshadowing, the proposed terrace's eaves and ridge would exceed the height/s characterising similar relationships within the surrounding streets, by approximately 1.1metres. The separation distance of 14metres would be considered to avoid the scheme having an overbearing relationship. This view is supported by guideline 5 of the SPG, which states that a minimum of 12metres from main aspect windows with the distance being increased by extra storeys. The additional distance generally amounts to an additional 3metres of separation for each additional storey. Since the additional height does not amount to a full extra storey in height terms, the 14metre gap would be considered to achieve an appropriate separation.

The building is located to the north of the neighbouring Gordon Road dwellings. Therefore, overshadowing of these neighbouring properties will not result. The relationship is also very similar to other relationships in the surroundings, and therefore it is not considered that a significant shadowing potential would occur which would be sufficient to support a reason for refusal.

The Applicant's Agent has undertaken an informal 'Right to Light' Survey following requests by Sharrow Vale Community Association. Whilst 'Right to Light' assessments are not material planning considerations, it is helpful to note that the informal survey concluded that the scheme was unlikely to lead to injury to existing Gordon Road properties due to loss of daylight.

There are therefore not considered to be any detrimental impact in light terms as regards Gordon Road properties.

Properties on Ashland Road

The Gordon Road apartment block's east facing elevation would be separated by approximately 18metres from the rear of the nearest Ashford Road properties. The main elevation facing towards these neighbours would be blank, not including any windows. As a result, the east facing elevation would not lead to overlooking opportunities and would not conflict with Guideline 6 of the SPG which requires a separation of 21metres between main facing windows.

The rear elevation of this block would include habitable room windows and balconies. The proposed windows would provide obliquely angled views toward

the rear elevation of the Ashford Road properties, and would not be considered to lead to harmful overlooking or privacy impacts. The balconies at the two upper floors towards the Ashford Road end of the building would include louvre screens. This is intended to prevent any sideward overlooking, and enable obliquely angled views only. Some overlooking of garden space would be expected to be achievable, however, this would be commensurate to views over neighbouring gardens which already exist in the vicinity and are common within urban settings. Consequently, this would not be considered to be detrimental to amenities of the occupiers of neighbouring garden spaces.

In terms of overbearing and overshadowing implications, the separation of 18metres from the proposed building to Ashgate Road neighbours would be considered to result in the scheme avoiding any such impacts. This is supported by SPG guideline 5's requirement of a minimum 12metre separation from main habitable windows to a two storey structure. The proposed building would be approximately 2.5metres above the eaves of the Ashgate Road properties. This additional height would be considered to be acceptable given the additional setback over the guideline's suggested 12metre gap.

The apartment buildings would potentially lead to some loss of light during winter months, it is not considered that that it would be possible to support an argument for refusal based upon this issue given the separation distance/s involved, which would make the relationship commensurate with other relationships within the locality.

The Mission Hall building would incorporate a dormer addition facing towards Ashford Road. This would incorporate stair access and a bathroom/wc. As a result this window is proposed to be obscurely glazed, which would prevent overlooking opportunities towards the rear of existing properties and their garden spaces.

Properties on Stewart Road

The properties on Stewart Road immediately to the west of the site are bungalows. An amendment to the scheme was negotiated through the course of the application to lower the height of the western end of the main apartment building from a total of four storeys to three storeys. This was secured partly in order lessen overbearing impacts upon the occupiers of the Stewart Road bungalows.

The west facing elevation includes 3 windows which would be obscurely glazed, and would not lead to any overlooking opportunities or privacy impacts.

The windows in the rear elevation of the apartment building would be obliquely angled from the rear elevation of the Stewart Road bungalows and their garden spaces. As a result there would not be considered to be a detrimental impact arising from overlooking or privacy loss.

The balconies at the western end of the development would also incorporate louvered screens, which would prevent overlooking and privacy impacts from the balconies involved.

In terms of overbearing and overshadowing impacts the apartment block would be separated by approximately 11metres from the nearest affected windows (at 23 Stewart Road). Whilst this would be below the 12metre separation set out within Guideline 5 of the SPG, it would be set obliquely and would be considered to result in this relationship avoiding a detrimental overbearing impact.

The proposed alterations to 8 and 9 Dyson Place would not be considered to have any impact upon amenities of occupants of Stewart Road properties.

Overall, it is considered that the proposal would not significantly affect existing residential amenity in these respects, and would be considered to satisfy the relevant elements of Policy H14.

Several comments have been received about the loss of views from Gordon Road and Stewart Road properties. However, there is no protection of a view within the planning system. Given that the scheme is not considered to result in overbearing impacts, it is considered to be acceptable in this regard.

General Amenity within Locality

Concerns have been raised about the conflict of student lifestyle/s with the existing population, in terms of noise, comings and goings and litter etc.

It is important to note that the proposal, in its amended form, seeks consent for C3 residential accommodation rather than student accommodation. However, there would be no scope within planning control to prevent the C3 accommodation being occupied by students after the properties are advertised on the open market.

Additionally, there would be no scope to assess the scheme under policy CS41(d) which relates to hostels purpose-built student accommodation and houses in multiple occupation.

As discussed above Policy H5 requires any proposal for flats to avoid a concentration of flats, bed-sitters and multiple sharing of houses which would cause a serious nuisance to existing residents. The proposed flats would not be considered to result in an over-concentration of this type of accommodation, as there is only limited accommodation of this type within the Ashford, Gordon and Stewart Roads. In addition, it would not be possible to definitively conclude that the occupants of the two bedroomed flats would act in a way which conflicted with lifestyles of existing occupiers. It is therefore not considered that the scheme would satisfy the relevant provisions of UDP policy H5 (a) and (b), and it would not be reasonable to refuse the application because it included C3 flats.

Residential Amenity - Future Occupiers

NPPF paragraph 17 (d) states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Additionally, Policy H5(b) states that schemes including flats should provide appropriate living conditions for the occupants.

The flats would be considered to provide adequate opportunities for natural lighting and ventilation opportunity.

The flats would be provided with good outlook onto the courtyard and/or Gordon Road. Those flats which are single aspect would also be considered to be adequately provided for in this regard. The only rooms which would be provided without a direct outlook would be the bedrooms in the converted Mission Hall. They would have roof lights set upwards on the roof slope, and whilst this would not be ideal, they are small flats where the occupants would have access to lounge facilities. Therefore, the non-outlook from these bedrooms would not be considered to represent a reason to resist the application.

External Amenity Space

External amenity space is provided in a number of ways. There are ground level terraces adjacent to the apartment building, a raised lawn area, balconies approximately 3 square metres each and shared areas adjacent to the commercial uses. This would amount to approximately 330 sq m, although the space adjacent to the commercial use may not be particularly valuable in this regard due to its multi-usage.

Whilst the South Yorkshire Residential Design Guide has not been formally adopted by Sheffield City Council it does recognise it as Best Practice Guidance for new build residential schemes and suggests that 'Shared private space for flats must be a minimum of 50 square metres plus an additional 10 square metres per unit either as a balcony space or added to shared private space'. It continues 'Balconies must be a minimum of 3 square metres and provide usable space clear of door swings to count towards the minimum requirement'.

This guidance would require 280 sq m of external amenity space. Whilst the space immediately adjacent to the commercial uses would not make a significant contribution and five of the balconies would be compromised by the swing of the door, the overall provision would be considered to be acceptable.

The site would be provided with appropriate refuse storage facilities, however to ensure efficient operation it is necessary to impose a condition on any approval requiring a refuse management strategy.

Overall, the proposal would be considered to provide appropriate levels of amenity for future occupiers of the scheme, and it is therefore considered it would meet policies H5, H14 and paragraph 17(d) of the National Planning Policy Framework.

Highways

The scheme has one point of vehicular access from Dyson Place. This would give access to 5 parking spaces, and a private car club featuring 4 vehicles within the undercroft element of the building. Servicing to the commercial uses in the main body of the site would be provided by medium to large Transit type vans.

The space at the Gordon Road frontage was initially proposed as 9 angled, parking bays for the development's occupants. However, this was replaced by 6 public (permit) parking spaces that would be available for use by existing residents in the area. It has been confirmed that the development would be car-free with occupants not being able to apply for on-street permits.

Dyson Place would be used as the access/exit and would clearly be relatively narrow. It would be resurfaced, with narrow footways provided either side. This would provide segregation between vehicles and pedestrians, and would prevent any conflict in this regard.

Turning would be available within the site for medium sized Transit type vans. They would therefore leave the site in a forward gear. This would maximise visibility when entering and existing Dyson Place, and would remove any potential conflict between with pedestrian and vehicle users of Sharrow Vale Road.

Parking

The level of off-street parking would be significantly below the parking guidelines for a development of this type, which would require a provision of approximately 1 parking space per dwelling. However, the provision of the private car club facility, and the imposition of a car-free restriction upon any consent granted would be considered to control the level of parking which would be generated by the development.

The car-club would be used by the residents of the new building. The 4 spaces accessed from the courtyard area would be for the use of the users/occupants of the commercial and residential accommodation in the two existing buildings.

The shortfall in the parking provisions would be considered to be dealt with by the provision of the private car-club, which would be required to be set up and operational via a condition upon any consent granted. It should also be taken into consideration that the site is located within easy walking distances of the City Centre and high frequency bus routes and is therefore in a sustainable location.

On this basis, the proposal would be considered to meet the requirements of H5(c) and H14(d) which requires schemes to provide appropriate off-street parking.

Servicing

As stated above it has been clarified that the site could be accessed by smaller to medium Transit type vehicles. This would mean that larger vehicles would have to park on Sharrow Vale Road. Whilst this would not be ideal, it should be considered that this arrangement occurs in relation to the existing retail / commercial units on Sharrow Vale Road and it is therefore not considered that issue would be capable of supporting a reason for refusal.

The re-configuration of parking within Gordon Road would need to be the subject of a Traffic Regulation Order. The cost of which would be £4,500 (excluding signage and lining), and would be payable by the developer, secured by a Grampian condition.

11 secure cycle space would be provided as part of the undercroft level arrangements, which would be considered to represent an acceptable amount in light of the amount of accommodation provided.

Overall, the scheme would be considered to be acceptable in relation to its impacts upon local highway safety, satisfying the requirements of Policy H14(d).

Environmental Protection Issues

It is noted that the proposed residential portions of the development have the potential to be impacted upon by noise, and existing neighbouring residents. Existing noise sources are limited to the kitchen fume extraction system from the Mediterranean restaurant. However, the main potential for loss of amenity would be from the proposed ground floor uses at Dyson Place and the Mission Hall. In order to ensure that a good internal noise environment is provided for future occupiers and existing neighbour's conditions requiring a scheme of noise survey/sound attenuation works should be included on any approval granted. Whilst these would primarily be intended to deal with noise impacts to proposed occupiers, it would also ensure that the amenities of existing neighbours in noise terms were safeguarded.

The use of the mechanics garage as a residents gym and management office would be considered to represent limited scope to impact upon amenities of surrounding residents. The noise survey and sound attenuation conditions covered above would ensure this.

It is also commented that the historic use of the site means that there may be contamination present on the site, and therefore a set of conditions dealing with this are recommended.

The surrounding residential properties would be potentially subject to light spillage and glare and therefore an appropriate directive is recommended.

The application does not propose any opening hours for the commercial uses. It is therefore considered to be appropriate to restrict opening until 11:30pm on Mondays to Saturdays and 11:00pm on Sundays by conditions.

It is therefore concluded that the amenities of future occupiers and existing neighbours would be safeguarded by the proposal in relation to the issues covered here.

The proposal would therefore meet the requirements of Policy H14(k) , which requires proposals to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance to existing residents.

Commercial Use Issues

Policy H10 'Development in Housing Areas', states small shops (not more than 280 sqm sales area), A3 cafes / restaurants, A4 bars, B1 business and D2 Leisure and Recreation Facilities are acceptable uses.

The proposed range of commercial uses would be main town centre uses, as per Annex 2 of the NPPF. Whilst the proposed commercial uses are located in a Housing Area beyond the boundary to the Local Shopping Centre, they are immediately adjacent to it, and would be easily accessible from the main shopping frontage/street. As a result they would be considered to contribute to the vibrancy and vitality of the local shopping centre, and a Sequential Test for town centre developments has not been pursued in this instance. It is therefore concluded that the centre would not be undermined, and therefore the scheme would satisfy the requirements of NPPF para 23 which requires the promotion of competitive town centre environments.

Policy CS3 'Locations for Office Development' specifies locations for office development, which include the City Centre and requires at least 65% of total office development to be in the City Centre. Currently this 65% target is not being achieved and the scheme proposes potentially 246sqm of B1 space. Therefore, whilst the proposal would not help to deliver the strategic aims of this policy it would only fractionally alter the balance and it is important to note that the site is around 160metres from a high frequency bus route and is in a sustainable location. Therefore, whilst this policy would not be complied with, it is not considered that it would be reasonable to resist the granting of consent based upon this issue.

Ecology

A number of representations stating that bats commonly flew / foraged at the site, and were potentially thought to be resident in one of the buildings within the site.

As a result of this the Council's Ecology Unit advised that a Bat Scoping Survey should be provided. This was later prepared and advised that the building at 8 and 9 Dyson Place had "Low to Moderate bat roost potential", with the remaining buildings showing negligible or low potential. As a result the City Ecologist concluded that further emergence surveys were required in relation to 8 and 9 Dyson Place.

The two nocturnal surveys found no evidence of roosting bats and therefore no further surveys were required.

The building is referred to as having gaps and crevices for bats, and whilst no bats were found during the surveys, it is possible that they may be using these spaces. Therefore, it is considered it would be useful for site personnel to be made aware of what to do if bats are found, and therefore a suitable directive is suggested to be included as part of any consent.

The ecology consultants referred to the possibility of incorporating bat boxes, and it is therefore considered that this requirement should be added as a condition.

A neighbour has raised concerns with this approach, stating that as the report was commissioned and had its parameters set by the planning agent, its findings cannot be relied upon, that the report states that the report is solely for use of the planning applicant/agent and is not intended for any other purpose and emergence surveys were carried out in relation to 8-9 Dyson Place which is the only building on this site where no bat sightings have been recorded by neighbours, and is the only building occupied by humans.

In response to these concerns it is important to note the following points. All surveys are paid for by the applicant, just as they pay for other documents supporting applications. Whilst the survey belongs to the applicant it is required to support the application. Since protected species are a material consideration in the planning process, it is necessary to have this information before making a decision. Consultants are unbiased, and their fees are payable whether or not bats are found. Additionally, reports are frequently received where bats are found. Applications can be refused or allowed with a Natural England licence allowing development where bats are found. Ecological consultants follow a code of conduct set by the Chartered Institute of Ecology and Environmental Management, and they follow the 'Bat Conservation Guidelines' 2012 which are also used by Natural England.

Furthermore, bats frequently inhabit buildings where humans live or work and bats often fly around buildings but may actually roost some distance away. The scoping survey looked for evidence of actual roosts; which may include; droppings, insect wings, corpses, scratch marks, squeaking and chattering during the day and clean timber (free of cobwebs), and they would also look for potential features which could allow bats to be accommodated.

On this basis the survey information which has been submitted is considered to be appropriate and in accordance with the relevant guidance. The scoping survey found reason to carry out further work in relation to 8 and 9 Dyson Place, and none of the other buildings. Since no evidence of bats was found, this issue would not present any constraint on the granting of planning permission.

One representation referred to the presence of Great Crested Newts in a neighbouring garden. However, there is no evidence of activity by such species on the application site, and it is not considered likely that the site would be accessible to Great Crested Newts given the significant barriers that exist around the site.

Flood Risk Issues

Since a very small part of the site is located in Flood Zone 2 a short flood risk statement has been provided. The part which is Zone 2 is not being developed and is not the main exit for residents on foot (which would be via Gordon Road). A safe access to and from the main part of the site with a low probability of flooding is provided via steps at the west of the apartment building onto Gordon Road.

Overall, the proposal is considered to be acceptable in this regard meeting Part (I) of Policy CS67 of the Core Strategy which requires developments to ensure safe access to and from an area with low probability of flooding.

Access / Mobility Issues

UDP Policy H7 requires a minimum of 25% of the units proposed to be suitable as mobility housing. The 9 apartments with level access (from Dyson Place and Gordon Road) comply with the provisions of the Mobility Housing Supplementary Planning Guidance, therefore meeting the requirements of policy H7.

The proposals within the main portion of the site are considered to be acceptable, providing appropriate access facilities. Overall, subject to conditions to cover these issues the scheme would be considered to be appropriate.

Affordable Housing

Core Strategy Policy CS40 requires a contribution towards Affordable Housing, subject to financial viability. The 2014 Affordable Housing Interim Planning Guidance seeks to provide a contribution of 10% in this location which should normally be provided on site. An off-site contribution can be accepted if it would have a better outcome for overall Affordable Housing provision.

A statement has been submitted with the application which commits to meeting a 10% contribution. The output figure from this is £127,993, which is considered to be an appropriate contribution. This would be considered to be acceptable, and the scheme would be unacceptable in its absence without a viability case having

been made. Therefore, it is required that it is incorporated within a legal agreement.

Open Space Contributions

Developments of 10 or more houses would be required by Policy H16 of the UDP and the Open Space Provision in New Housing Development SPG, to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area.

An evaluation of local recreation spaces has shown that existing facilities are below minimum guidelines and more provision is required. Overall, 0.43 Ha of open space are available per 1000 population, as compared to the minimum guideline of 6.0 Ha per 1000 population.

As a result, a contribution of £19,317.65 would be required to be made towards the provision of recreation space. It is considered that this contribution would be necessary to make the scheme acceptable, and it is therefore recommended that it should be incorporated as part of the legal agreement.

Education Contributions

The proposal would exceed the threshold of 10 x 2 bedrooomed units above which a proposed development becomes subject to the provisions of the Education Provision Interim Planning Guidance. Policy CS43 of the Core Strategy states that school expansion should be funded by developments where there is insufficient local space for demand arising from new housing.

The closest Primary School is Hunters Bar Infant and Junior, which is shown in all years up to 2017/18, to be undersubscribed, with capacity. The additional primary aged pupils likely to be yielded from the scheme would therefore be able to be accommodated within the catchment school Hunters Bar School.

Future forecasts show that the school would be over-subscribed, and the additional pupils would displace pupils from outside the catchment area to Nether Edge School as their catchment area school. So no contribution is demonstrated to be necessary for Primary provision.

In secondary school terms the population in the High Storrs catchment area is increasing, with the school forecast to be oversubscribed from next year. The additional yield from housing developments will further exacerbate this shortfall. It is also shown that there are insufficient places in the wider area, and all local secondary schools are expected to be full.

Therefore, it is considered that the scheme should make a financial contribution towards the funding of additional places. The total amount based upon the 22 x 2 bed apartments would be £60,346.

This is considered to be appropriate and necessary to make the scheme acceptable. It is therefore recommended that the requirement to make the contribution should be incorporated as part of the legal agreement.

COMMENTS UPON REPRESENTATIONS

The majority of comments have been addressed above. In regards to the remaining points the following comments can be made:

- Whilst alternative suggestions can be made either by Council Officers or local neighbours the submitted scheme is required to be assessed and determined on its own merits.
- The reference to 56 HMO properties on Stewart Road, and 9 HMO properties on Gordon Road would appear to be a mis-count as this virtually represents the numbers of properties on these streets.
- The scheme seeks permission for C3 accommodation, and would not therefore set a precedent for locating students away from the city centre.
- Parking permit costs do not represent a material planning consideration.
- The Stewart Road car park is not related to the current assessment.
- Pedestrian safety during construction would be addressed by conditions requiring the agreement of entry and exit details.
- A planning permission would not be able to resist certain commercial uses on the basis that there is thought to be sufficient provision locally.
- Neighbour notification and site notices was carried out / erected in accordance with the Council's adopted Statement of Community Involvement.
- The floor plans deem the accommodation type to be C3 and it would therefore not be necessary to seek to control this type of accommodation.
- Policy CS41 does not require a range of accommodation types for development of this magnitude.
- Any future 'To Let' signage would be controlled separately under the relevant legislation.
- Sightings of skylarks in the area would not represent a reason to resist the scheme.
- Property value is not a material planning consideration, although some of the issues which contribute to it are material issues and have been assessed in the above report.

SUMMARY AND RECOMMENDATION

The application seeks planning permission for the erection of a building to provide 20, C3 apartments, conversion of the ground floor of the existing buildings to provide A1/A3/A4/B1/D2 uses, and provision of 3 flats in the upper floors of these buildings.

The principle of housing would be considered to be acceptable, as well as the principle of the proposed commercial uses. The scheme would be considered to be acceptable in design terms, reflecting the character of the locality as well as providing more contemporary architecture elsewhere, which would also be appropriate in design terms.

It is considered that the amenities of neighbouring occupiers would be safeguarded by the proposal, as well as providing appropriate amenities for future occupiers. The scheme would be considered to have an acceptable impact upon local highway safety circumstances, and to avoid the generation of on-street parking which would be harmful in this way.

The scheme would be required to make contributions to affordable housing, education and open space provisions, and these would be required to be included within a legal agreement.

It is therefore considered that the proposal would meet the relevant UDP and Core Strategy policies and the relevant paragraphs within the NPPF.

Consequently, it is recommended that the scheme is acceptable and that it should be conditionally approved subject to the completion of a legal agreement to secure a commitment to make a contribution towards affordable housing, open space and education provisions.

HEADS OF TERMS FOR LEGAL AGREEMENT

1. The developer shall pay, on or before the commencement of development, the sum of £19,317.65 to be used by the City Council towards the provision of Open Space within the vicinity of the site.
2. The Owners shall pay the Council, on or before the commencement of development, the sum of £127,993 (one hundred and twenty seven thousand, nine hundred and ninety three pounds) to be used by the Council towards the provision of affordable housing in the City by means of new build, purchase, refurbishment or conversion, according to strategic priorities and in accordance with the principles set out in the Council's interim supplementary planning guidance "Affordable Housing".

3. The developer shall pay, on or before the commencement of development, the sum of £ 60,346 to be used by the City Council towards the provision of Education facilities within the vicinity of the site.

Case Number	14/01275/FUL (Formerly PP-03305763)
Application Type	Full Planning Application
Proposal	Demolition of petrol filling station and erection of retail development (Use Class A1) with access, car parking, servicing and associated works
Location	BP Crosspool Garage 459 Manchester Road Fulwood Sheffield S10 5DS
Date Received	07/04/2014
Team	West and North
Applicant/Agent	EdgePlan 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:

Drawings numbered:

4983(P)503 Rev C
4983(P)203 Rev C
4983(P)103 Rev C
4983(P)502
4983(P)202,

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

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

- 5 Prior to the commencement of the use, full details of a management plan dealing with all deliveries and collections to and from the store, including waste collection shall have been submitted to and agreed in writing by the local Planning Authority and the store shall operate in accordance with such agree plan thereafter.

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

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

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

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

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

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

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

- 9 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/or Core Strategy) Policies.

- 10 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.

- 11 The development shall not be used unless the car parking accommodation, service area and manoeuvring areas have been provided in accordance with the approved plan, surfaced, sealed, drained formally marked out and illuminated in accordance with plans to be submitted and approved in writing by the Local Planning Authority. Such approved details shall be implemented and retained thereafter.

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

- 12 Prior to the commencement of development, full details of the type and location of any trolley store shall have been submitted to and agreed in writing by the Local Planning Authority. The details shall include measures to prevent trolleys from encroaching on to the public highway. Such approved trolley store shall be implemented in accordance with approved details prior to the commencement of the use and retained thereafter.

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

- 13 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.

- 14 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.

- 15 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

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

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

- 17 The building shall be used for the above-mentioned purpose only between 0700 hours and 2300 hours on any day.

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

- 18 All deliveries to and collections from the store shall only be carried out between 0730 and 1930 hours Monday to Friday, between 0800 and 1930 hours on Saturday and between 1000 and 1600 hours on Sundays and bank Holidays.

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

- 19 External plant specifications shall be in accordance with the design and assessment criteria detailed in the approved Noise Report (Crosspool Garage, Selbourne Road/Manchester Road, Sheffield - Rating of Industrial Noise affecting Mixed Industrial and Residential Areas, BS4142: 1997, KR Associates (UK) Ltd, report ref. KR03576, v1.2, 1 April 2014) unless otherwise agreed in writing by the Local Planning Authority.

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

- 20 Prior to the commencement of development, full details, which should include location, height, design and colour of an acoustic fence to be located along part of the application site's west and south west boundaries shall be submitted to and approved in writing by the Local Planning Authority. Such approved fence. Such approved fence shall be implemented prior to the commencement of the use and retained thereafter.

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

- 21 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.

- 22 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.

- 23 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.

- 24 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.

- 25 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.

- 26 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

Attention is drawn to the following directives:

1. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

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

You should apply for a consent to: -

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

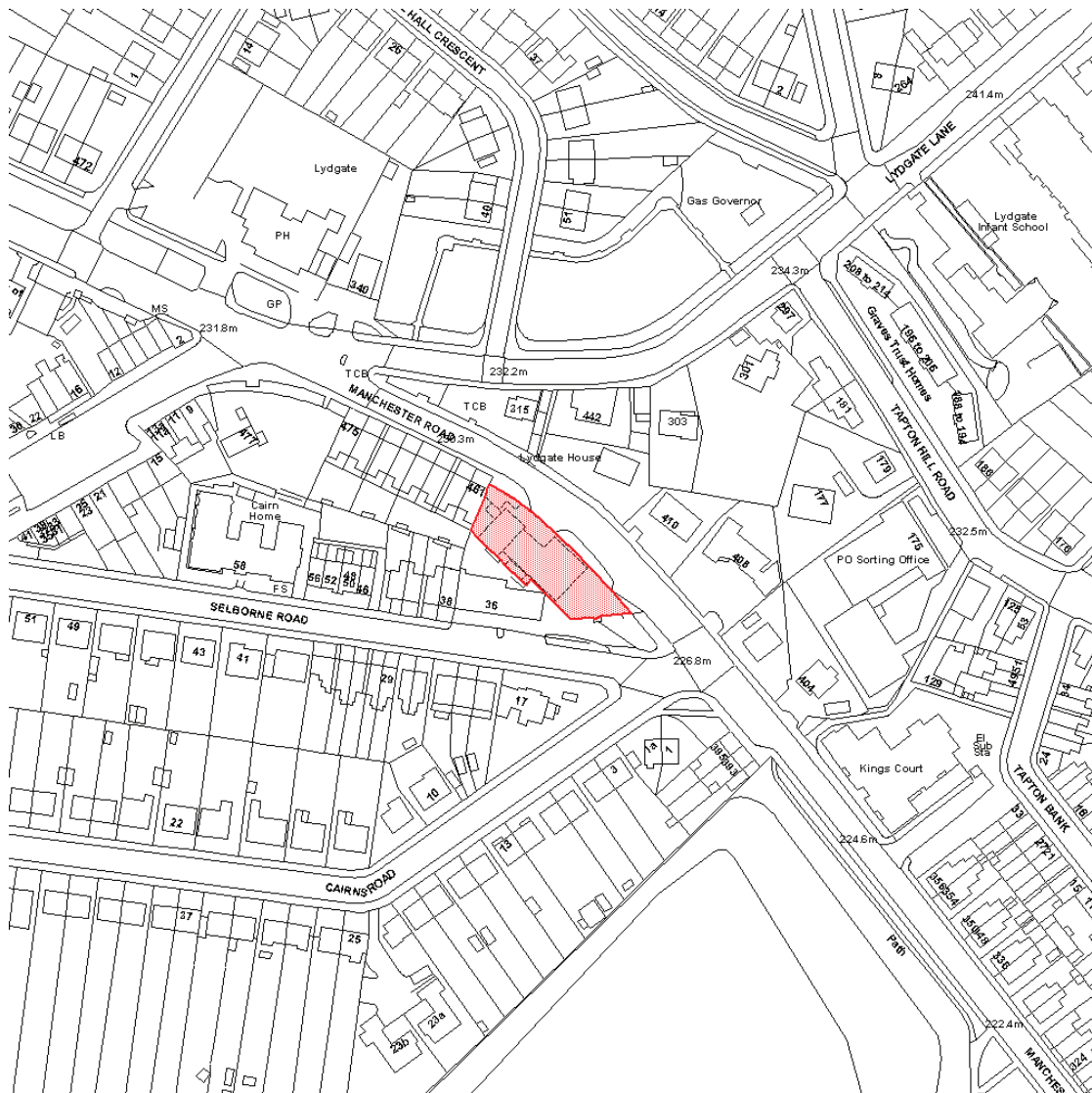
For the attention of Mr S Turner

Tel: (0114) 27 34383

3. 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. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
5. 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.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The BP Crosspool Garage fronts on to Manchester Road and lies close to the junction with Selborne Road. The site is currently occupied by a petrol filling station (PFS) comprising four pump islands beneath a canopy with associated air and water services and a sales kiosk of about 100 square metres. The sales kiosk also trades as a small 'Mace' convenience store.

Vehicle access is taken directly from Manchester Road by way of two access points across the footway providing entrance and exit points. There is a separate pedestrian access at the rear and a small area of landscaping to the rear of the sales kiosk adjoining 461, Manchester Road which forms the end unit in a short terrace of houses. The operating hours for the PFS are 0630 to 2200 hours Mondays to Saturdays and 0630 to 2100 hours Sundays.

Land to the south, which is at a lower level and fronts Selbourne Road is occupied by Crosspool Car Centre who sell cars and a small landscaped area containing trees which is right at the tight corner of Manchester Road and Selbourne Road. On the opposite side of Manchester Road from the site are further dwellings set in mature gardens.

The application site is broadly flat and level although Manchester Road rises slightly along the site frontage. To the east about 100 metres away is the junction of Sandygate Road, Lydgate Lane and Manchester Road around which is situated a local shopping centre. Broomhill District shopping centre is located about 1 km to the east.

Surrounding development apart from the car sales centre is predominantly residential.

This application, as amended, seeks planning permission to demolish the sales kiosk, canopy and pumps and replace these with a new sales building together with 10 parking spaces and facilities for servicing on site.

The new building would have a gross floor area of 354 square metres with a sales area not exceeding 280 sqm at ground floor level. Ancillary staff and storage facilities would be in the first floor and a small area containing plant would be at the rear.

The new building would be at the west end of the site to the side of the adjoining terraced house in approximately the same position as the existing PFS sales kiosk. A new access would be created to the parking and delivery area and a knee rail would be placed along the site boundary. The customer car park would be able to accommodate 9 spaces including one disabled space.

It is anticipated that this will be a general convenience store selling everyday items such as groceries, alcohol, soft drinks, papers and tobacco.

RELEVANT PLANNING HISTORY

11/03549/FUL. Jet wash facility alongside the sales kiosk refused on 9 January 2012 because of noise and disturbance affecting the adjoining property, vehicle manoeuvring and surface water run off.

SUMMARY OF REPRESENTATIONS

15 letters have been received from neighbours although it is noted that five of these are from two households. The comments are set out below:

Noise from increased traffic, air conditioning and refrigeration units would affect nearby houses.

There is not enough on site parking provision and cars will park on the road at the front. Existing on street parking demand is under great pressure already.

Noise and disturbance from delivery vehicles.

Loss of existing on street parking for residents.

The proposed access into the site would have an adverse impact on highways safety.

The traffic would be a danger to pedestrians and schoolchildren.

Crossing the roads in this area is already dangerous and this would make it worse.

The roads are already very busy during school drop of and pick up times and this will make the situation worse.

Traffic turning left and right out of the site will further slow traffic on the surrounding roads.

There will be an increase in the number of pedestrians using the site resulting in extra noise and disturbance.

The appearance of the proposed store is not in keeping with surrounding buildings.

This is a housing area and there is a shopping precinct nearby which is a much more appropriate location for this use.

The application site is very close to houses, there is no regard for immediate neighbours and there will be a loss of privacy.

Loss of light to the gardens of adjoining houses.

This new store is not needed and will have a detrimental impact on the existing local shopping centre.

This is over development of the site by a very intensive commercial use.

This will result in the loss of a PFS.

The existing problem of litter caused by school children will get worse.

The amended drawings make minor improvements only to the building exterior and the service vehicle location.

A petition containing 59 signatures has been received, setting out objections on the following grounds.

Overdevelopment of the site.

Loss of privacy to surrounding houses.

Increase in traffic on a very busy road and traffic will be slowed down because of left and right turns out of the site.

Nuisance to surrounding houses because of traffic and pedestrian increases and increased litter and rubbish.

The parking areas will be very busy and likely to be inadequate for the demand in the area which contains three schools.

Detrimental impact on businesses in the local shopping centre. This is one of the few areas in the city without a large national store.

The scheme has no regard to neighbours and will have an adverse impact on their amenity.

This would be an over intensification of the commercial use of the site and there would be an increase in activity.

Manchester Road and the surrounding roads have numerous parking problems because of location, uses, junctions, schools and heavy traffic particularly at peak periods.

The roads around the site are unable to sustain an increased capacity.

Increase in noise from customers, staff and deliveries.

Late night noise and disturbance including anti-social behaviour.

A second petition has been submitted containing 159 signatures and concern is expressed about the loss of the PFS and replacement by a store because of the impact on traffic, local parking and impact on local traders.

The Right Hon., Nick Clegg MP has written, objecting to the application for the following reasons.

The time allowed to allow people to comment should be extended.

Existing retailers would be adversely affected.

This is the last filling station on the A57 before Glossop so will be an inconvenience to motorists.

There would be an increase in traffic which would impact local schools at peak times.

PLANNING ASSESSMENT

Planning Policy.

The adopted Unitary Development Plan (UDP) shows that the site is designated as a housing policy area. UDP policy H10 says that housing is the preferred use in such areas but small shops having a sales area of less than 280 square metres are also acceptable.

Policy H10 also says that petrol filling stations are amongst a number of uses that are unacceptable in housing areas.

UDP policy S5 deals with shopping development outside the Central Shopping Area and District Centres and permits small shops providing that they do not adversely affect vitality and viability of existing shops.

Core Strategy policy CS34 sets out the District Centres across the city and new shops are encouraged here.

Core Strategy policy CS39 deals with Neighbourhood Centres and here, retailers are encouraged to serve the everyday needs of local people.

Paragraph 24 of the National Planning Policy Framework (NPPF) says that a sequential test for all out of centre retail development sites is required. In this instance, the application site lies 90 metres away from the nearest neighbourhood centre so is classed as an edge of centre site. The applicant's supporting Planning Statement has demonstrated that there are no other alternative sites available within nearby neighbourhood centres so, under the sequential approach, the principle of this proposal is acceptable.

Consequently, the principle of the proposal satisfies relevant planning policy as it is acceptable in terms of location and in terms of vitality and viability, the proposal meets the criteria set out in the NPPF.

Design, Layout and External Appearance.

UDP policy H14 sets out conditions requiring new development in housing areas to be in scale and character with neighbouring buildings and well laid out and designed.

UDP policy BE5 requires good design and the use of good quality materials.

Core Strategy policy CS74 expects high quality design that will respect the city's townscape and character and it should contribute to place making and the creation of attractive, sustainable and successful neighbourhoods.

The existing buildings on the site comprise a large and prominent canopy with a bright yellow edge which occupies the centre of the site and also covers the area behind the kiosk. There are petrol pumps beneath the canopy accessed from Manchester Road and all areas are surfaced in concrete.

The sales kiosk which also serves as a small shop is located at one end of the site and this is a modest flat roofed building with a pale grey exterior.

The existing buildings have little or no visual merit and do not contribute to the character of the area.

The application, as amended, proposes the cessation of the existing use and removal of all buildings on site. A new retail store would be placed at the north west end of the site next to the end of the housing terrace and the remainder of the site would be used for parking. Currently, there are two vehicle accesses into the site and these will be removed and returned to footway only to be replaced with a single access point centrally located between the store and car park.

Delivery vehicle parking would be at the rear of the store.

The new store would have a longer frontage on to Manchester Road of 25 metres as opposed to the 10 metres of the existing kiosk. The elevation here would be single storey comprising a mix of reconstituted stone and glazing. The side elevations would be a mix of the same stone and grey cladding panels. The rear would be largely grey cladding with some stone detailing and this, in part would rise to two storeys.

The pitched roof would be of concrete tiles with the ridge line being about the same height as the eaves line of the adjoining terraced houses and about two metres higher than the existing canopy.

The appearance of the new store would be a significant improvement on the existing buildings and the scale and quality is appropriate at this location. The car park is at an exposed corner which is at a higher level than Selbourne Road at the rear but the corner contains a small group of trees just outside the site boundary which allows the car park to be enclosed between the trees and the store.

New landscaping would be introduced at the rear next to the 2.4 metre high wooden fence which would enclose the delivery vehicle parking area. Along the site frontage would be a knee rail marking the boundary.

There is an area between the existing houses and the proposed store which contains two trees. The trees would be removed to be replaced by new landscaping fronting Manchester Road and this would screen the plant that would be located here.

The design, layout and external appearance satisfies relevant planning policy and is considered to be acceptable.

Sustainability.

Core Strategy policy CS64 says that all new buildings must be designed to reduce emissions of greenhouse gases and use resources sustainably. This includes achieving a high level of energy efficiency, involving solar energy, water re-cycling, using sustainable materials and other means.

Core Strategy policy CS65 says that on all significant developments, at least 10% of predicted energy needs should be from a decentralised and renewable or low

carbon energy. Also, significant development should further reduce predicted energy levels by 20% by way of renewable or low carbon energy technologies.

This application falls outside the definition of significant development so policy CS65 cannot be applied to this application but an Energy Statement has been submitted which confirms that the building will be constructed to meet sustainable criteria.

The end user of this proposal has not been identified so precise construction methods have not yet been identified. However, a list of technologies have been identified including ground and air source heat pumps, photovoltaic panels, wind turbines and the use of biomass or biodiesel.

Due to the scale of the proposal, a condition controlling this issue is not appropriate but it is considered that the building will be constructed in a sustainable manner.

Impact on the Amenities of Local Residents.

UDP policy H14 says that development should not cause environmental pollution that affects the amenities of local residents.

Core Strategy policy CS74 says that new development should contribute to the creation of attractive and successful neighbourhoods.

Immediately to the side of the site, fronting on to Manchester Road are terraced houses and the flank wall of the end terrace directly adjoins the site. Residents here have objected to this application because of potential for overlooking and loss of privacy, the scheme will over dominate houses and rear gardens and there will be an increase in noise and disturbance.

With respect to the potential for overlooking, there are no windows in the side elevation of the end terrace house and none in the proposal. The rear elevation of the proposal would be at an angle of between 5 and 10 degrees to the rear elevation of the end terraced house and the site extends beyond the rear elevation of the house by 3 metres. Access is available to the back of the store but landscaping will prevent staff from getting close enough to look into the garden at the rear of the house.

It is the case that the rear of the store will be visible from the adjoining garden but this would only be an oblique view. The garden is at a lower level than the house and proposal but even taking this into account, the building is so sited that there would be no overshadowing or feeling of being over dominated.

Local residents have also raised the issue of noise and disturbance affecting their amenities but this will be examined in a separate section later in this report.

Access, Parking, Highways and Transportation.

UDP policy H14 says that new development in housing areas should provide safe access to the highways network, provide appropriate off street parking and not

endanger pedestrians. It also says that for non-housing uses, new development should not lead to excessive traffic levels.

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

Local residents are very concerned about the impact the development would have on a number of highways issues including increases in traffic levels, loss of on street parking, insufficient on site parking, servicing, deliveries and other matters.

The current access arrangements into and out of the site comprise two points and both of these will be closed off to allow the creation of a single point of access which would be centrally located along the Manchester Road site frontage. There is sufficient visibility in both directions for a safe exit and the width of the access is such that two way traffic can safely enter and leave the site at the same time.

Local residents are concerned that the proposal will interrupt the free flow of traffic on Manchester Road because of frequent use of the access. There are already frequent vehicle movements associated with the PFS and it considered that proposed vehicle movements for the store would be similar to these. Therefore, disruption to traffic flow is unlikely.

With respect to customer car parking, 9 spaces would be provided including one disabled space. A car park occupancy analysis has been carried out by the applicant which indicates that the car park will be at capacity only infrequently. There was initial concern amongst officers that there would be overspill on to the highway because on site parking was inadequate but the occupancy analysis has resolved this.

An associated concern was that overspill parking on the highway would impede visibility for motorists leaving the site. However, parking next to the access points already takes place and there would be no change in respect to this.

It is possible that even if there is some slight increase in parking on the highway, this is likely to be intermittent and it is the case that the site lies amongst numerous dwellings that are within walking distance. The site is also well serviced by buses.

There are full parking restrictions in front of the terraced houses next to the application site and residents of these houses either park in front of the PFS or on the opposite side of the road where there are no restrictions. There are concerns that the proposal would result in a reduction of parking available to these residents.

The street parking opposite the site would not change. Directly in front of the PFS, parking is available between the two existing access points with full restrictions either side of the accesses and parking and it is possible to park four cars here. As part of this proposal, the position of the yellow lines would remain unaltered so with the loss of one of the access existing points of access, there would be a net increase in on street parking.

Of great concern to officers were the arrangements for delivery vehicles. When the application was submitted, the proposed layout in this respect was considered to be unacceptable as, under original specifications, it was not possible for a delivery vehicle to access the parking area at the rear of the site. Had this not been amended, it is the case that delivery vehicles would park on Manchester Road in front of the site.

The layout of the proposal has since been amended including altering the position of the store and a swept path analysis of delivery vehicles has been submitted. The manoeuvring space available to delivery vehicles which would be restricted to just over 10 metres in length has been eased as a result of this and delivery vehicles will be able to access the space at the rear along as one parking space is coned off.

It will be necessary to control the deliveries and size of vehicles and a condition requiring a management plan will be necessary. It is noted that this approach to controlling deliveries has been used with other similar schemes in Sheffield. It is also the case that there are recent examples of very similar delivery arrangements being accepted in comparable retail schemes elsewhere in the city. Therefore, strong precedents are in place for delivery arrangements as set out in this application.

The access, parking and goods delivery provision satisfies relevant policy criteria and is considered to be acceptable.

Potential for Noise and Disturbance.

UDP policy H14 says that for non-housing uses, new development should not lead to air pollution, noise, smell or other nuisance.

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

Given the close proximity of the application site to houses, there is potential for disamenity from noise and disturbance affecting the houses. A Noise Survey has been submitted in support of the application which addresses this potential. However, weight should be given to the existing use and it is the case that some noise will arise from existing activities on the site mainly arising from vehicle movement, deliveries and waste collection. It is also noted that the hours of operation, opening at 0630 hours each day will mean there is activity on the site from early morning onwards.

The Noise Survey has addressed deliveries, use of the customer car park, customers entering and leaving the store, external refrigeration and air conditioning plant and internal noise and concludes that the proposed use would not have a detrimental impact.

With respect to the service yard containing the plant, this was originally proposed close to the garden of the adjoining house behind the store but this has been

relocated further away from the garden into the area between the side of the store and the flank wall of the house.

The Noise Survey has been assessed by the Director of Environmental Services who accepts the findings although a number of conditions would need to be attached to control the operation of the proposal. The relocation of plant away from the neighbouring garden is an improvement but an acoustic fence should still be provided to protect the adjoining house from noise as the delivery parking area is located behind the store.

Operating hours should be restricted to 0700 to 2300 hours on all days. These times take into consideration existing operating hours and the fact that Manchester Road is very busy with high traffic levels.

Delivery times would be restricted to daytime hours to minimise disturbance and a management plan on servicing would be required. Also, the Noise Survey sets out specifications relating to noise levels and these will be controlled by a condition.

It is considered that the proposal would not have an impact on neighbours that would be significantly worse than the existing use on the site.

Air Quality.

Core Strategy policy CS66 says that action on air quality will be taken throughout the city particularly where residents are in road corridors with high levels of traffic subject to high pollution levels.

In this instance, there are high levels of traffic on Manchester Road, particularly at peak times but the traffic generation for both the existing PFS and the proposed store are comparable so traffic levels would not significantly alter. Therefore, there would be no impact on air quality.

Ground Contamination.

A Ground Contamination Report has been submitted by the applicant but this report does not identify all potential contaminants. However, the site is still operating and it is preferable for site investigation works to take place without any access restrictions. Consequently, a number of conditions would be attached that ensure that a full investigation take place along with any remediation measures if so required.

Disabled Access.

UDP policy BE7 says that buildings which are to be used by the public should be designed to allow access by disabled people and this is echoed in Core Strategy policy CS74 which says that new development should take account of the needs of disabled people.

A disabled parking space is shown close to the entrance which would have a level threshold through doors wide enough to allow a wheelchair to pass through. An

end user has yet to be identified and full disabled access details have been agreed so a condition would be attached requiring disabled access details to be submitted.

RESPONSE TO REPRESENTATIONS

Many of the objections set out earlier in this report have been addressed, particularly those relating to traffic, access, deliveries, parking, noise, impact on neighbours' amenities and the need for the store. However, some further responses are still required.

It is considered that there would not be any increased danger to pedestrians. A significant increase in traffic entering the site is unlikely and there would only be one access point for vehicles which would reduce potential conflict points for pedestrians.

Given the location of the proposed buildings, there would be no significant loss of light affecting neighbours.

With respect to litter from schoolchildren, a condition would be attached requiring litter bins to be provided within the site.

SUMMARY AND RECOMMENDATION

The site is currently in use as a Petrol Filling Station with an associated kiosk and small convenience store and this application seeks planning permission for a retail store and parking. The principle of the development is acceptable because small retail stores are acceptable in housing areas and the applicant has demonstrated that there would be no harm to the existing neighbourhood centre and that there are no better alternative sites. It is noted that the current use is considered to be unacceptable in principle in housing areas.

The design and external appearance are acceptable and the stone frontage would reflect the nearby terraced houses.

The vehicle access into the site is considered to be acceptable and will allow safe movements by cars and delivery vehicles. The parking provision on site is adequate for expected demand and is consistent with provision on similar development elsewhere in the city.

There were concerns about the ability of delivery vehicles to access the site but amendments to the layout and the submission of additional information have resolved this. Again, the provision at this site is similar to that accepted at other similar retail sites in Sheffield.

The proposal would not significantly add to traffic in the area and there would not be a significant impact on existing street parking.

The potential for noise and disturbance has been examined and this would not harm the amenities of neighbours and conditions would control possible noise generation.

All other planning issues have been resolved.

The application, as amended, satisfies relevant planning policy, is considered to be acceptable and is, therefore, recommended for conditional approval.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 3 March 2015

Subject: Enforcement Report
215-219 Fulwood Road

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of an unauthorised roller shutter at 215-217 Fulwood Road.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

INSTALLION OF AN UNAUTHORISED ROLLER SHUTTER IN A CONSERVATION AREA 215 - 219 FULWOOD ROAD S11

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 215-219 Fulwood Road are located in a traditional three storey stoned fronted terrace of mixed use properties in the Broomhill Conservation Area.
- 2.2 The properties are also located within a local shopping centre, as identified in the UDP and are currently being used as a café.
- 2.4 A complaint was received, on 16 July 2013 concerning the installation of a steel roller shutter in front of the recessed main entrance door to 215.
- 2.5 Correspondence was entered into with the owner of 215-219 Fulwood Road informing him that planning permission is required to install a roller shutter on the front of retail premises but that because of the fact the properties are located in a conservation area the one that had been installed was considered as being detrimental to the amenities of the street scene, and that it was unlikely that it would receive planning permission.
- 2.6 The owner responded to this letter, and claimed that the roller shutter was a security measure, designed to prevent antisocial behaviour from taking place in the property's external entrance lobby. He also, as a result of the letter he had received engaged an architect, to design a more appropriated method of protecting the entrance lobby, who contacted the Local Planning Authority to discuss this matter with a view to applying for planning permission for an amended scheme.
- 2.7 However, to date no attempt has been taken by the owner to remove the roller shutter, as requested in the original correspondence, or to

submit an application for an alternative and more acceptable method of securing the entrance so that the needs of this business can continue to be met; nor has he completed and returned the questionnaire to the Section 330 Notice, served on 9 April 2014.

3 ASSESSMENT OF BREACH OF CONTROL

3.1 The property is located within the Broomhill Conservation Area and the District Shopping Area as defined within the UDP.

3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.

3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and all extensions should respect the scale, form, detail and materials of the original building.

3.4 Although roller shutters are often employed, by shops, as a means of additional security, there are ways in which this can be achieved successfully without creating an unacceptable visual impact, using recessed shutter box mechanisms and perforated or grilled shutters.

3.5 However, in this case, although the shutter and box housing the mechanism, have been colour coated to match the remainder of the shop front, the shutter housing is crudely exposed, sits below the bottom of the shop front fascia, and the shutter, itself, presents a solid mass within the shop front when closed.

3.5 In addition this property is situated in the Broomhill Conservation Area in this area, and the works do not respect the character of the building to which it is attached; or that of other properties in the immediate vicinity from a point of view of the negative visual impact the shutter has, particularly when in the closed position, on the visual amenities of the street scene and is, therefore, contrary to policy BE5 and S10 of the UDP.

3.6 The photographs, below, show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1 showing the roller shutter in the open position.



Photograph 2 showing the roller shutter in the close position.



Photograph 3 showing a close up of the roller shutter.



4. REPRESENTATIONS.

4.1 There has been a complaint from a member of the public.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the shutter and housing are in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the roller shutter, and housing, and making good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

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

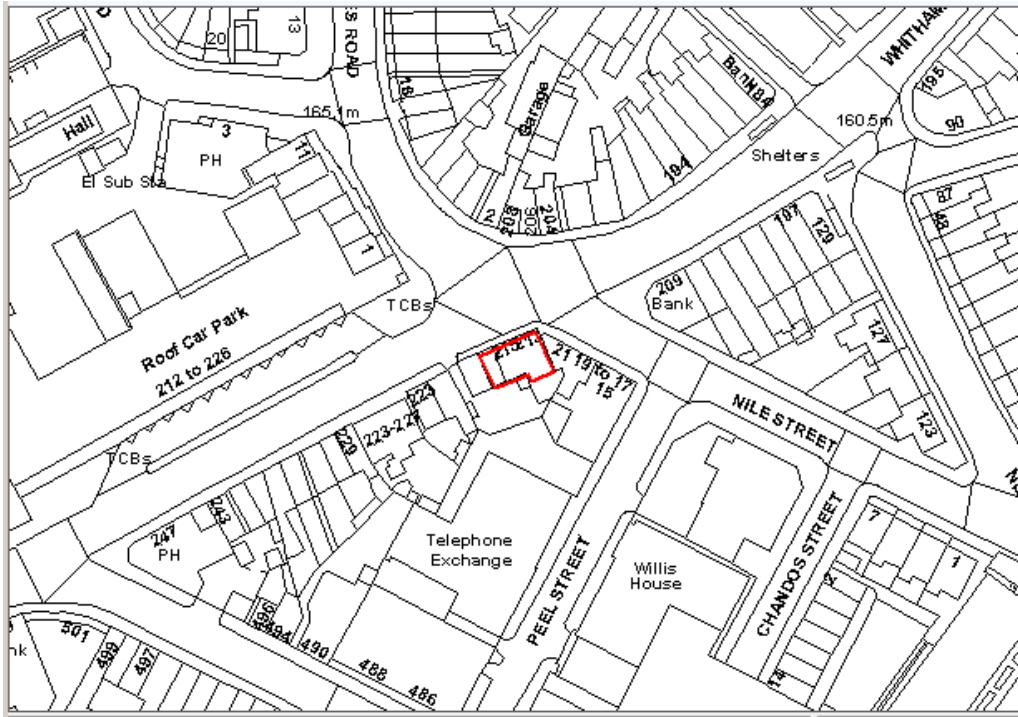
7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised roller shutter and housing at 215-219 Fulwood Road.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Maria Duffy
Head of Planning Service

19/02/2015

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 3 March 2015

Subject: Enforcement Report
166 Abbeydale Road

Author of Report: Fiona Sinclair

Summary: To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

Reasons for Recommendations:

To remedy the breach of Planning Control

Recommendations:

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of an unauthorised canopy at 166 Abbeydale Road.

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

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED TIMBER CANOPY ON THE FRONT OF 166 ABBEYDALE ROAD S7

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 166 Abbeydale Road is a traditionally built two storey terraced property being a mixture of retail use at ground floor and residential at first floor/attic level; and located on the junction between Abbeydale Road and Chippinghouse Road; with the Abbeydale Road street scene, being predominantly commercial in character.
- 2.2 The property is located within a local shopping centre, as identified in the UDP and is currently vacant.
- 2.3 A complaint, from a Planning Enforcement Officer, was received on 26 March 2013 concerning the erection of a timber and plywood canopy that has been fixed above the property's display window on the elevation facing Abbeydale Road.
- 2.4 Correspondence was entered into with the owners of 166 informing them that, planning permission is required to erect a canopy on the front of retail premises but that because of the detrimental effect to the amenities of the street scene, it is unlikely that it would be granted for the one that had been built.
- 2.5 The owner responded to this to this letter, and although they agreed to remove the canopy, this work was not carried out and as a result Section 330 Notices were served on both the occupiers and the owners on 20 February 2014.
- 2.6 To date no attempt has been taken by the owner to remove the canopy as requested in the original correspondence dated 12 April 2013.
- 2.7 The retractable canopy at 164 Abbeydale Road (shown in photographs 1 and 2) has also been investigated but evidence has been found

which suggests it has been in place for over 4 years, and is therefore immune from enforcement action.

- 2.8 Three other canopies have recently been reported to Committee for enforcement authority, resulting in a recent granting of planning permission for a more acceptable retractable canopy at 755 – 757 Abbeydale Road.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The property is located within the Local Shopping Area as defined within the UDP.
- 3.2 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development must not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety and be well designed and of a scale and nature appropriate to the site.
- 3.3 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and all extensions should respect the scale, form, detail and materials of the original building.
- 3.4 Although canopies are often a traditional feature of shops in this area, they tend to be the retractable metal and canvas fascia type that one associates with shops of this type and age. The function of the current canopy is to protect food displayed for sale from the elements. A traditional canopy, of the kind described above, could achieve that aim without harm to the street scene.
- 3.5 However, the canopy, in question, is a rigid timber frame structure with a plywood and felt roof, and is a permanent feature on the property's forecourt making it visually intrusive. It also does not respect character of the property to which it is attached, or that of other properties in the immediate vicinity from a point of view of the materials used in its construction. Therefore the canopy is considered to have a detrimental effect on the visual amenities of the street scene and contrary to policy BE5 and S10 of the UDP.
- 3.6 The photographs, below show the property in question and demonstrate the visual harm is unacceptable in this area.

Photograph 1



Photograph 2



4. REPRESENTATIONS.

- 4.1 One complaint, from a local architect, has been raised with regard to the detrimental visual impact the canopy creates to the street scene.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the canopy is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the canopy to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

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

7 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

- 8.1 That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 166 Abbeydale Road.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Maria Duffy
Head of Planning Service

29/02/2015



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report



Report of: Director of Regeneration & Development Services

Date: 3 March 2015

Subject: Enforcement Report

Author of Report: Deborah Parkinson

Summary: Garage not built in accordance with approved plan. 20 Hallamgate Road, Sheffield S10 1BN

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take no further action with regard to the eaves height of a garage that has been built not in accordance with the approved plans.

Background Papers:

Category of Report: OPEN

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ENFORCEMENT REPORT

BUILDING NOT IN ACCORDANCE WITH THE APPROVED PLANS
14/02579/FUL. SINGLE STOREY REAR EXTENSION TO
DWELLINGHOUSE AND ERECTION OF NEW QUADRUPLE GARAGES
AND RE-ROOFING OF EXISTING HOUSE (RE-SUBMISSION OF
13/02297/FUL (AMENDED PLANS RECEIVED 02/09/2014)
20 HALLAMGATE ROAD, SHEFFIELD S10

1 PURPOSE OF THE REPORT

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

2 BACKGROUND

- 2.1 This property is located within a residential area in the south west of the city and stands within the Broomhill Conservation Area. The garage which is subject to the report is located to the rear corner of the existing dwelling in close proximity to the neighbouring driveway.
- 2.2 The planning service received a complaint from a local resident that the above garage was not being built in accordance with the approved plans. Permission list no: 13/02297/FUL involved the new quadruple garages being built off the existing stone wall. During construction this wall was demolished which meant that the development was now unauthorised. Under planning approval 14/02579/FUL, a new side wall was to be erected and this was to form the side wall of the garage.
- 2.3 Several site visits have taken place and there was enforcement involvement before the submission of the above planning permission as a Temporary Stop Notice had to be served to cease work on the unauthorised development. This notice was complied with fully and only work that was approved on other areas of the site took place while the Notice was in effect.
- 2.4 There has been regular contact with the owners of the property and other local residents who have felt that regular monitoring of the site was necessary to ensure that the approved plans have been adhered to.

2.5 However, on the last check it was found that the eaves height of the garage had been increased to a height of 3.30metres instead of the approved height of 3metres. Although the overall ridge height is as it was approved, standing at 5metres.

3. ASSESSMENT OF THE BREACHES OF CONTROL

3.1 In assessing the breach, weight is given to relevant planning policy. The garage falls within a Housing Area and as such policy H14 part (a) Conditions on Development in Housing Areas within the UDP applies, which states that new development should be well designed and in scale and character with neighbouring buildings. H14 (part c) requires development not to significantly compromise the levels of light enjoyed by residential property. Policy BE16 "Development in Conservation Areas" reinforces this and requires that development should preserve or enhance the character and appearance of the conservation area. Policy CS74 of the Sheffield Core Strategy requires the use of good design, and for development to reflect the built form of the local area.

3.2 The main form of the garage building, comprising the general design, materials, ridge height and ground coverage have all been considered acceptable as part of application reference 14/03674/FUL. The built form deviates slightly from the approved drawings in that additional stonework has been added to the eaves in order to provide a concealed gutter. This comprises of an increase in 300mm over the approved ridge height.

3.3 In terms of the impact on design, the increase in height has resulted in a reduced visible roof-plane on either side (as the ridge height remains at 5m), and slightly taller side walls. The overall form is still considered to be in scale with the site and the main house, given that the ridge height and ground covered remains the same as the approved scheme. The changes are therefore not considered to be out of character nor out of scale with the built form of the local area, and do not compromise the character of the Conservation Area.

3.4 A previous garage scheme, under 14/02418/FUL, was refused planning permission with enforcement action, where the eaves height was 3.3m and the ridge height was 5.4m, whereby the design and heights of the building were considered out of scale with the site and the Conservation Area. However, the increase in the eaves height to 3.3m in the breach is not comparable to this refusal, as the increased eaves height has not increased the ridge height nor the general size and proportions of the front gable, which were the key elements of concern with this case. The size of the front gable remains similar to the previous approval under 14/03674/FUL, as the increase in eaves height is linked to the use of an integral gutter feature as opposed to a wholesale raising of the entire roof.

- 3.5 The increase in height is not outwardly noticeable when compared to what the height would have been had the garage been built to the approved plans, with the breach only discovered with the use of tape measuring equipment to assess the built height. In such circumstance, it is hard to conclude that the scheme is materially different to the approval under 14/03674/FUL.
- 3.6 The materials for the garage are in natural stone, as per the previous approval, and are considered acceptable. The coping elements are in new stonework, which is of suitable quality.
- 3.7 Due to the above, it is concluded that the breach has not compromised the design of the garage building, nor would add a feature that is out of character with the Conservation Area.
- 3.8 The increase in eaves height does not result in any significant overshadowing of neighbouring property, given that it is sited next to an access road, and so does not directly impact private amenity space. It is significantly distant from the closest windows of neighbouring property, over 8 metres.

4. REPRESENTATIONS

- 4.1 Complaints have been received from a local resident and that same resident has been in touch with one of his Councillors due to his concern that planning issues were being overlooked.

Part of the complaint is that two trees have been felled in a Conservation Area and that these were felled without the relevant consent. This matter is being investigated separately.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this instance it an Enforcement Notice could be served if the Local Authority considered that the increase in height of the walls up to the eaves had a detrimental effect on neighbouring properties and if it was felt to be out of style and character with the surrounding buildings. In this case it is officers' opinion that as the ridge height of the garage has not been altered, the increase from 3metres to 3.3metres is minimal and as such we would not find it expedient to take formal enforcement action.
- 5.2 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice, (s172). In this case the Stop Notice would prohibit further unauthorised development, but it is not deemed necessary to serve such a notice at this time as the development has ceased.
- 5.3 Officers also have the option, to recommend that no further action is taken. In a case like this, this recommendation would appear to the most appropriate course of action as although what has been constructed on site differs slightly

to the approved plan, it is officer opinion that this deviation has no negative impact on any third party, or upon the character of the Conservation Area.

6 EQUAL OPPORTUNITIES

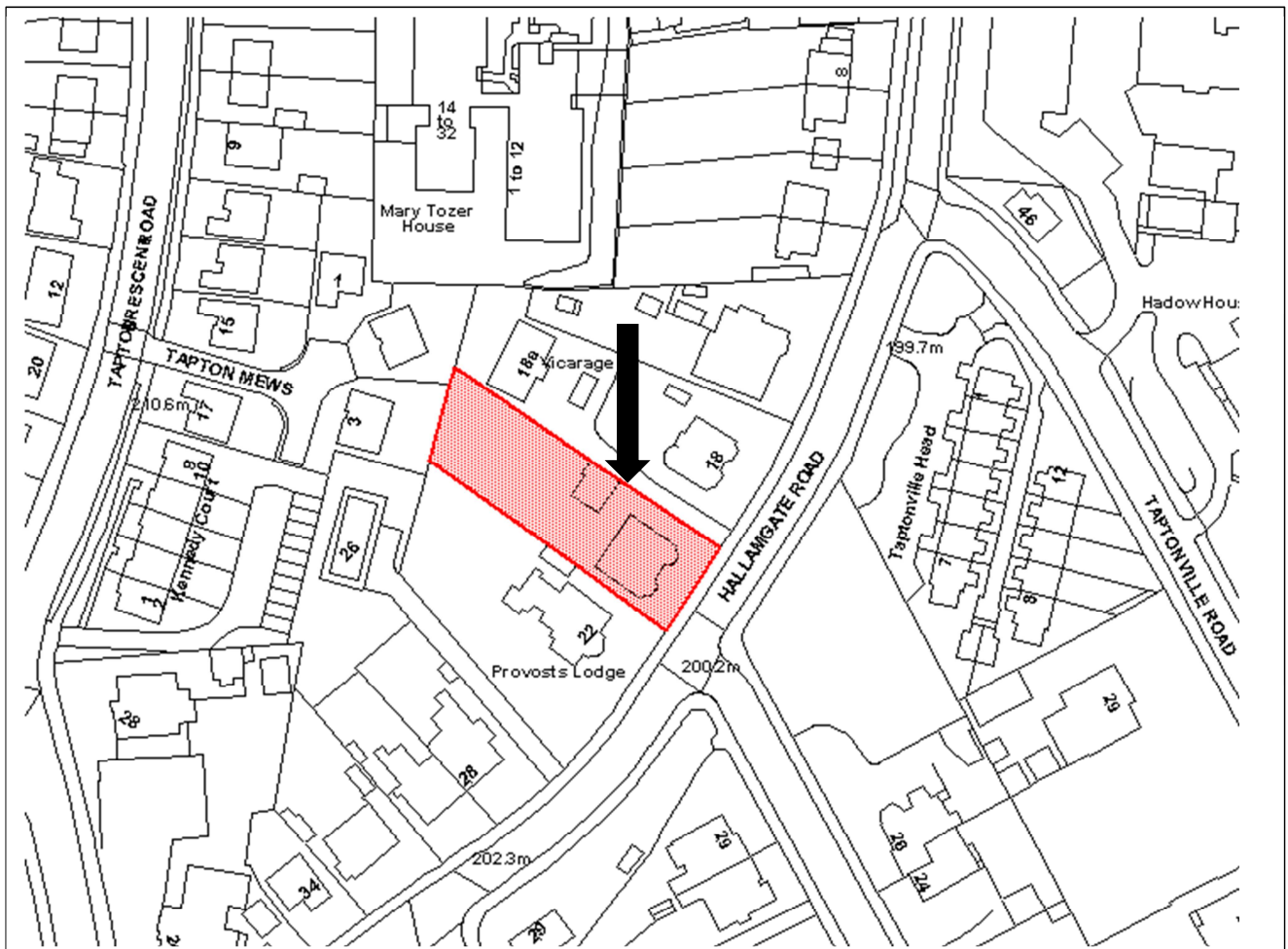
6.1 There are no equal opportunity implications arising from this report.

7 FINANCIAL IMPLICATIONS

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

8. RECOMMENDATIONS

8.1 It is the recommendation of this report to take no further action, with regard to this breach of control, for the reasons set out above.



Site plan for 20 Hallamgate Road, Sheffield, S10 5TN – With arrow showing location



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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 3 March 2015

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
3 March 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 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against planning condition 16 imposed on a planning approval (delegated decision of the Council) for erection of two detached dwellinghouses including access at Curtilage Of 36 And 38 High Street Beighton Sheffield S20 1EA (Case No 14/02620/FUL) was allowed subject to a variation of Condition 16 and the award of costs against the Council..

Officer Comment:-

Condition 16 was imposed on the planning approval to restrict the permitted development rights of the new houses such that they could not erect any extensions without the need for planning permission.

The Inspector concluded that, whilst there was good reason to impose some restrictions on the ability to extend the properties, there were some forms of extension in the General Permitted Development Order that would be acceptable. He considered that the blanket approach to restricting extensions to both of the approved dwellings was unreasonable and necessary and that the Council should have imposed a more bespoke condition to reflect the realities on the ground, which would allow some extensions but remove the right to build extensions that would have an obvious harmful impact to neighbouring dwellings.

The Inspector allowed the appeal with a re-worded version of the original condition to reflect a more bespoke approach bearing in mind the particular circumstances and orientation of the specific properties.

Given that the Inspector concluded that Condition 16 went beyond what was required to achieve its desired objectives and failed to meet the tests of reasonableness and necessity, as set out in the National Planning Practice Guidance he ordered that the Council should pay the costs incurred by the applicant in making the appeal.

3.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

3 March 2015

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