

Planning and Highways Committee

Tuesday 24 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
24 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 3 March 2015
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Confirmation of Tree Preservation Order 396: Site of 28 Beech Hill Road** (Pages 11 - 22)
Report of the Director of Regeneration and Development Services
- 8. Applications Under Various Acts/Regulations** (Pages 23 - 256)
Report of the Director of Regeneration and Development Services
- 9. Enforcement of Planning Control: Rear of 784 Attercliffe Road** (Pages 257 - 262)
Report of the Director of Regeneration and Development Services
- 10. Outstanding Debt Under Section 106 of the Town and Country Planning Act 1990 - 260 to 262 Langsett Road** (Pages 263 - 266)
Report of the Director of Regeneration and Development Services
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 267 - 272)
Report of the Director of Regeneration and Development Services
- 12. Date of Next Meeting**

The next meeting of the Committee will be held on 14 April 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, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 3 March 2015

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

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1. APOLOGIES FOR ABSENCE

1.1 Apologies were received from Councillors Bob Johnson and Joyce Wright, but no substitutes were provided.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 10 February 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 20 January 2015.

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 23 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 as shown in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or

the Council for any other purpose;

(b) having heard representations at the meeting from a local resident speaking against the development, an application for planning permission for the erection of a dwellinghouse and single-storey side/rear extension to an existing dwellinghouse (Amended scheme to 14/01848/FUL) at High Bank Eckington Road (Case No. 15/00146/FUL) be granted, conditionally, subject to (i) Condition 5 being amended by the addition of the word “not” prior to the word “projecting” and (ii) an additional Directive being attached advising the applicant that the site had been identified as potentially contaminated land under Part 2A of the Environmental Protection Act 1990 and that the responsibility for safe development and occupancy of the site rested with the developer, as detailed in a supplementary report circulated at the meeting;

(c) having noted an update to the report now submitted from the Environmental Protection Service in respect of the number of complaints to the Police non-emergency telephone number 101, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the use of a restaurant (Class A3) as a restaurant/drinking establishment (Class A3/A4) at D Michaels 543 Ecclesall Road (Case No. 14/04521/CHU) be granted, conditionally, subject to amendments to Conditions 4, 6 and 7, as detailed in the aforementioned supplementary report circulated;

(d) having (i) noted (A) an amendment to the report now submitted in respect of substituting the road “Granville Road” for references to “City Road” under “Location and Proposal” and “Design Issues” (Pages 46 and 48), (B) additional representations and (C) that the incorrect plan numbers had been referenced under Condition 2, all as detailed in a supplementary report circulated at the meeting and (ii) an additional public representation objecting to the development, reported orally at the meeting by the Director of Regeneration and Development Services, an application for planning permission for alterations to a 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 at 84 Norfolk Road (Case No. 14/04495/FUL) be granted, conditionally, subject to Condition 2 being amended in respect of the plans relating to the development, as detailed in the aforementioned supplementary report;

(e) (i) having (A) noted additional representations from a local ward Councillor in support of the development and from the Broomhill Action and Neighbourhood Group objecting to the development, as detailed in a supplementary report circulated at the meeting and (B) heard a representation at the meeting from a local resident speaking against the development and (ii) notwithstanding the officer’s recommendation, an application for planning permission for the demolition and rebuilding of the existing north east boundary wall at 20 Hallamgate Road (Case No. 14/04476/FUL) be refused as the Committee consider that the existing boundary wall made a positive contribution to the character and appearance of the Broomhill Conservation Area which would be lost by the proposed design of the replacement wall, as such there was no public benefit or justification for its removal;

(f) having noted amendments to plot 7, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of 41 dwellinghouses and associated car parking accommodation and landscaping works (Phase 2) on land between Maltravers Place and Whites Lane Cricket Inn Road (Case No. 14/04287/FUL) be granted, conditionally, subject to (i) (A) Condition 2 being amended in respect of the plans relating to the development (B) the completion of a legal agreement, with payment made in two phases, all as detailed in the aforementioned supplementary report and (ii) the advertising of proposed highway closures in connection with the scheme, and (A) no objection be raised to the proposed stopping-up of the areas of highway shown hatched on the Plan No. 14/04287/FUL-STOP_UP subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that may be affected and (B) authority be given to the Director of Legal and Governance to take all necessary action on the matter under the relevant powers contained within Section 257 of the Town and Country Planning Act 1990;

(g) having noted the consultation update from the Environment Agency, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of 34 dwellings with associated car parking accommodation and landscaping works (Phase 3) on land at Maltravers Way (Case No. 14/04277/FUL) be granted, conditionally, subject to (i) (A) Condition 2 being amended in respect of the plans relating to the development and (B) an additional condition being attached in respect of the retained substation on the site, as detailed in the aforementioned supplementary report and (ii) the advertising of proposed highway closures in connection with the scheme, and (A) no objection be raised to the proposed stopping-up of the areas of highway shown hatched on the Plan No. 14/04277/FUL-STOP_UP subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that may be affected and (B) authority be given to the Director of Legal and Governance to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990;

(h) having heard representations at the meeting from the owner of an adjacent company speaking against the development and from the applicant's agent speaking in support of the development, an application for planning permission for the part demolition and erection of a mixed use development, incorporating 138 studio apartments with associated works, landscaping and ancillary facilities plus a commercial unit (Use Class A3/B1) in a retained element of the existing building at W W Laycock and Sons Ltd at 33 to 41 Suffolk Road (Case No. 14/03505/FUL) be granted, conditionally, subject to (i) amendments to Conditions 3, 4, 5, 10, 14, 15, 16, 18, 20, 27, 34, 37, 39, 42, 43 and 44, (ii) Directive 3 being deleted, all as detailed in a supplementary report circulated at the meeting and (iii) the completion of a legal agreement;

(i) having noted an officer update on various options for improving the light to the adjacent White Rose Works, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the demolition of the 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) at the former Eon Works, Earl Street (Case No. 14/02979/FUL) be granted, conditionally, subject to the completion of a legal agreement and an additional condition in respect of demolition works;

(j) having (i) noted (A) the additional representations and the officer's response and (B) the officer's revised recommendation in respect of adding a dual recommendation with regard to the legal agreement, all as detailed in a supplementary report circulated at the meeting and (ii) heard representations from a local Councillor, the Chair of the Sharrow Vale Community Association and a local resident speaking at the meeting against the development and from the applicant's agent speaking at the meeting for the development, an application for planning permission for a mixed use development, including the demolition of existing single-storey buildings and erection of 20 apartments (Use Class C3), change of use of the 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 a management office, residents gym and facilities ancillary to residential accommodation on land and buildings at the junction with Dyson Place and Gordon Road (Case No. 14/01724/FUL) be granted, conditionally, subject to (I) an additional Condition in respect of restricting, other than for emergency purposes, pedestrian access/egress with regard to the development from Ashford Road and (II) the completion of a legal agreement, but in the event that the legal agreement is not concluded by 24 March 2015, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted; and

(k) having (i) noted additional representations and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard additional representations from, a local ward Councillor at the meeting objecting to the development, an application for planning permission for the demolition of a petrol filling station and erection of a retail development (Use Class A1) with access, car parking, servicing and associated works at the BP Crosspool Garage, 459 Manchester Road, Fulwood (Case No. 14/01275/FUL) be granted, conditionally.

8. ENFORCEMENT OF PLANNING CONTROL: 215 TO 219 FULWOOD ROAD

- 8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised roller shutter in front of the main recessed door at 215 to 219 Fulwood Road. The report stated that the property was located in a row of shops within the Broomhill Conservation area and that the owner of the property had been informed that, whilst the shutter fitted was considered detrimental to the amenities of the streetscene, planning permission was required to install such a shutter. It was explained that, whilst the owner had indicated that planning permission would be sought for an alternative and more acceptable method of securing the entrance to the property, a planning application had not been submitted and a response had not been received to a Section 330 Notice that had been served.

8.2 An assessment of the breach of control indicated that the shutter did not respect the character of the building or that of properties in the immediate vicinity, with regard to the negative impact it had on the street scene and as such was considered contrary to Policy BE5 and S10 of the Unitary Development Plan.

8.3 **RESOLVED:** That (a) the Director of Regeneration & Development Services and 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 to 219 Fulwood Road; and

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

9. ENFORCEMENT OF PLANNING CONTROL: 166 ABBEYDALE ROAD

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised timber canopy on the front of 166 Abbeydale Road. The report stated that the building was located within a local shopping centre and that the timber and plywood canopy had been fixed above the property's display window. It was explained that the owner had been informed planning permission was required to erect the canopy and that, whilst it had been indicated the structure would be removed, the canopy was still in place.

9.2 An assessment of the breach of control indicated that the canopy was visually intrusive and did not respect the character of the building or that of properties in the immediate vicinity, in view of the materials used in its construction and as such was considered contrary to Policy BE5 and S10 of the Unitary Development Plan.

9.3 **RESOLVED:** That (a) 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; and

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

10. ENFORCEMENT OF PLANNING CONTROL: 20 HALLAMGATE ROAD

10.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of quadruple garages at 20 Hallamgate Road not being built in accordance with the approved plans. The report stated that planning permission related to a single-storey rear extension to a dwellinghouse and erection of new quadruple garages and re-roofing of an existing house (Case No. 13/02297/FUL). An investigation of the failure to comply with the approved plans found that the eaves of the garage had been increased by 0.30 metres.

- 10.2 An assessment of the breach of control found that it had not compromised the design of the garage building or that it would be out of character within the conservation area. Also, due to the garage being sited next to an access road, the increase in the eaves height did not result in any significant overshadowing of the neighbouring property with regard their amenity space and property windows.
- 10.3 The Director of Regeneration and Development Services reported on additional representations received from Broomhill Action and Neighbourhood Group in respect of concerns over the planning history of the site and requesting enforcement action to be taken in respect of the breach of the planning control, as detailed in a supplementary report circulated at the meeting.
- 10.4 The Committee also heard a representation at the meeting from an adjacent resident objecting to the increase in the eaves height of the garage by 300mm, as it was not in accordance with the approved plan and asking that enforcement action be taken in respect of the breach of planning control. In response, the Director of Regeneration and Development Services explained that although the eaves height of the garage had been increased by 300mm, when seen in context of the possible impact on neighbours and the Conservation Area, in view of the distance, the increased height was considered not to be sufficient enough to recommend taking enforcement action on this occasion.
- 10.5 **RESOLVED:** That, as detailed in the report now submitted, no further action be taken with regard to the breach of planning control concerning planning permission Case No. 13/02297/FUL in respect of the eaves height of the quadruple garage at 20 Hallamgate Road.

11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

12. DATE OF NEXT MEETING

- 12.1 It was noted that the next meeting of the Committee will be held on Tuesday 24 March 2015 at 2.00 pm at the Town Hall.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of Regeneration and Development Services

Date: 24th March 2015

Subject: Tree Preservation Order

Author of Report: Richard Cannon, Legal Services
(on behalf of Sam Thorn, Planning Division: Urban Design & Environmental Planning)

Summary: To Confirm Tree Preservation Order 396 at the site of Front Garden of 28 Beech Hill Road, Sheffield, S10 2SB

Reasons for Recommendations

No objections received to the Order.

Recommendations

That no objections having being received, Tree Preservation Order 396 made on 6th October, 2014 in respect of trees on land at the site of Front Garden of 28 Beech Hill Road, Sheffield, S10 2SB, be confirmed as an Unopposed Order.

Background Papers:

- 1) Tree Preservation Order 396 (includes Order plan)
- 2) General Location Plan
- 3) Notification letter sent to interested parties (example)

Category of Report: OPEN

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Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 396 (2014)
Front Garden of 28 Beech Hill Road, Sheffield

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 396 (2014) – Front Garden of 28 Beech Hill Road, Sheffield

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(bb) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

269/Ans 2/41

Dated this 6th day of October, 2014

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)



[Signature]
Duly Authorised Signatory

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Fagus sylvatica (Beech)	OS Grid Ref: SK 335869

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
	None	

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

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TREE SCHEDULE

○ TREE SPECIFIED INDIVIDUALLY (Encircled in black on the map)

T1 Fagus sylvatica (Beech)

TREES SPECIFIED BY REFERENCE TO A GROUP - None

TREES SPECIFIED BY REFERENCE TO AN AREA - None

TREES SPECIFIED BY REFERENCE TO WOODLAND - None

OS Grid Reference SK 335869

SHEFFIELD CITY COUNCIL
 PLACE
 REGENERATION & DEVELOPMENT SERVICES
 DIRECTOR: David Caulfield

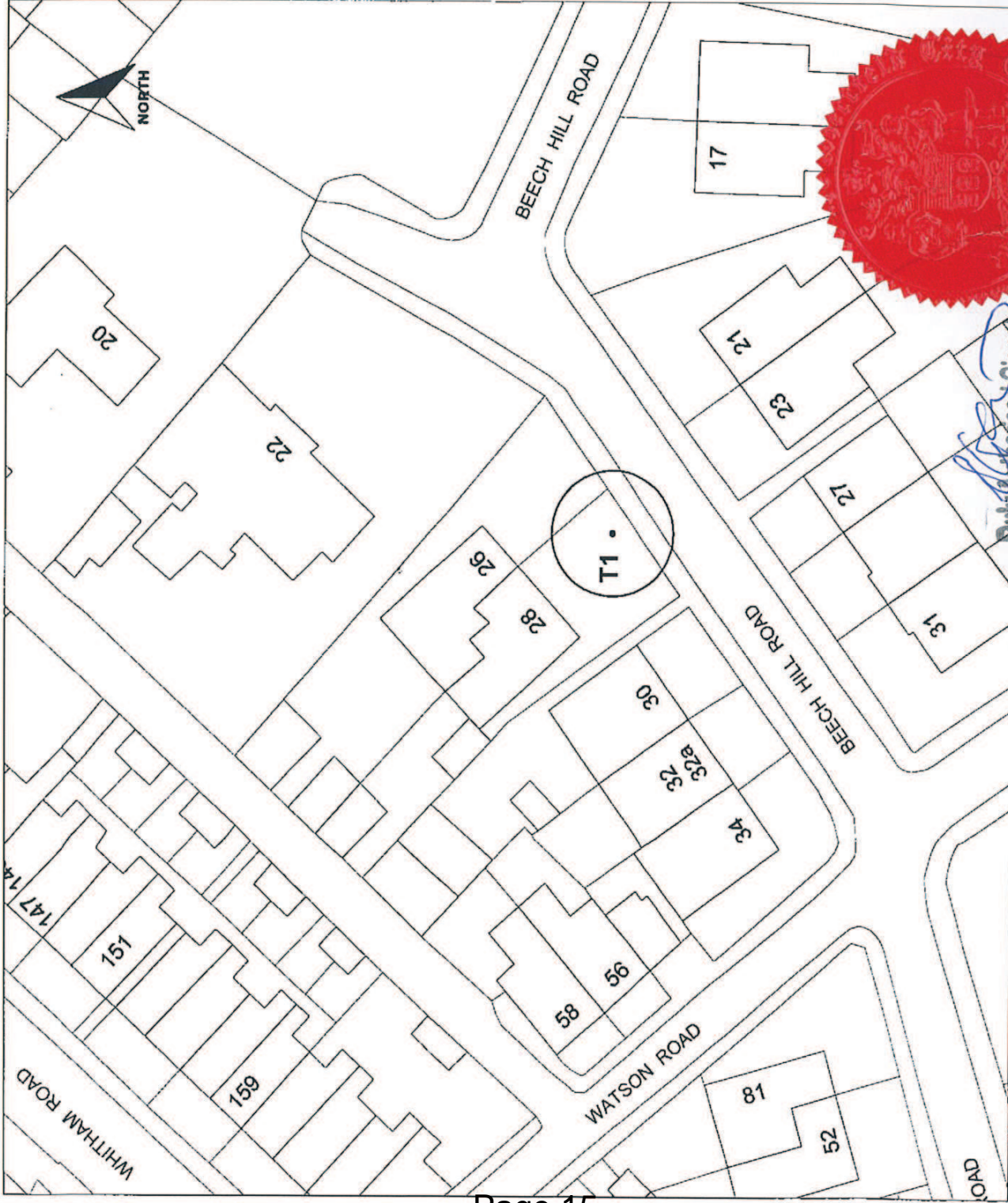
TREE PRESERVATION ORDER
 No. 396

TITLE: 28 BEECH HILL ROAD, BROOMHILL, S10 2SB

SCALE: 1:500 @ A4

Branch: KH County: City Date: OCT 2014

Drawing No: A4/UEJ/808/396



14/284/693

Resources: Legal Services

Interim Director of Legal and Governance: Gillian Duckworth
Town Hall SHEFFIELD S1 2HH DX: 10580 SHEFFIELD
Tel: 0114 2734034 Fax: 0114 2734051
Email: richard.cannon@sheffield.gov.uk
Website: www.sheffield.gov.uk



The Owner/Occupier
26 Beech Hill Road
Sheffield
S10 2SB

Your Ref:

Our Ref: LS/RC/69885

Date: 6th October 2014

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir/Madam,

**Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Tree Preservation Order No 396
Front Garden of 28 Beech Hill Road, Sheffield**

THIS IS A FORMAL NOTICE to let you know that on the 6th of October 2014 Sheffield City Council made the above Tree Preservation Order.

In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule of the Order and shown on the map without the Council's consent. A copy of the said Order is available for inspection at the First Stop Reception, Sheffield City Council, Town Hall Pinstone Street, Sheffield S1 2HH during normal office hours or can be viewed on the Council's web site www.sheffield.gov.uk/your-city-council/legal-services/legal-orders/tree-preservation-orders.

Some explanatory guidance on tree preservation orders is given in the leaflet, Protect Trees: A Guide to Tree Preservation Orders, produced by the Department of Communities and Local Government, which can be obtained by telephoning 0114 2734034.

The Council have made the order because:

- 1) The tree is of significant amenity value and
- 2) The tree is considered to be under possible threat because of works proposed at 28 Beech Hill Road.

The Order took effect on a provisional basis, on the 6th of October 2014. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations to the Authority about any of the trees, groups of trees or woodlands specified in the order in accordance with Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

It should be noted that any objection or representation with regard to the order must be made in writing to the Legal Services Department, Legal and Governance, Sheffield City Council, Town Hall, Pinstone Street, Sheffield S1 2HH Quoting ref: LS/RC/69885 no later than 7th of November 2014.

All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

A further notice will be issued when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact me on the above mentioned telephone number.

Yours faithfully,

A handwritten signature in black ink that reads "R. Cannon". The signature is written in a cursive, slightly slanted style.

RICHARD CANNON
Professional Officer

Enc. Copy Order, Copy Order Plan

2012 No. 605

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Tree

Preservation)(England)

Regulations 2012

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation

5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time

that, in the ordinary course of post, it would be delivered to them not later than that

date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in

respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

5

(2) The authority may treat as duly made objections and representations which do not comply

with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance

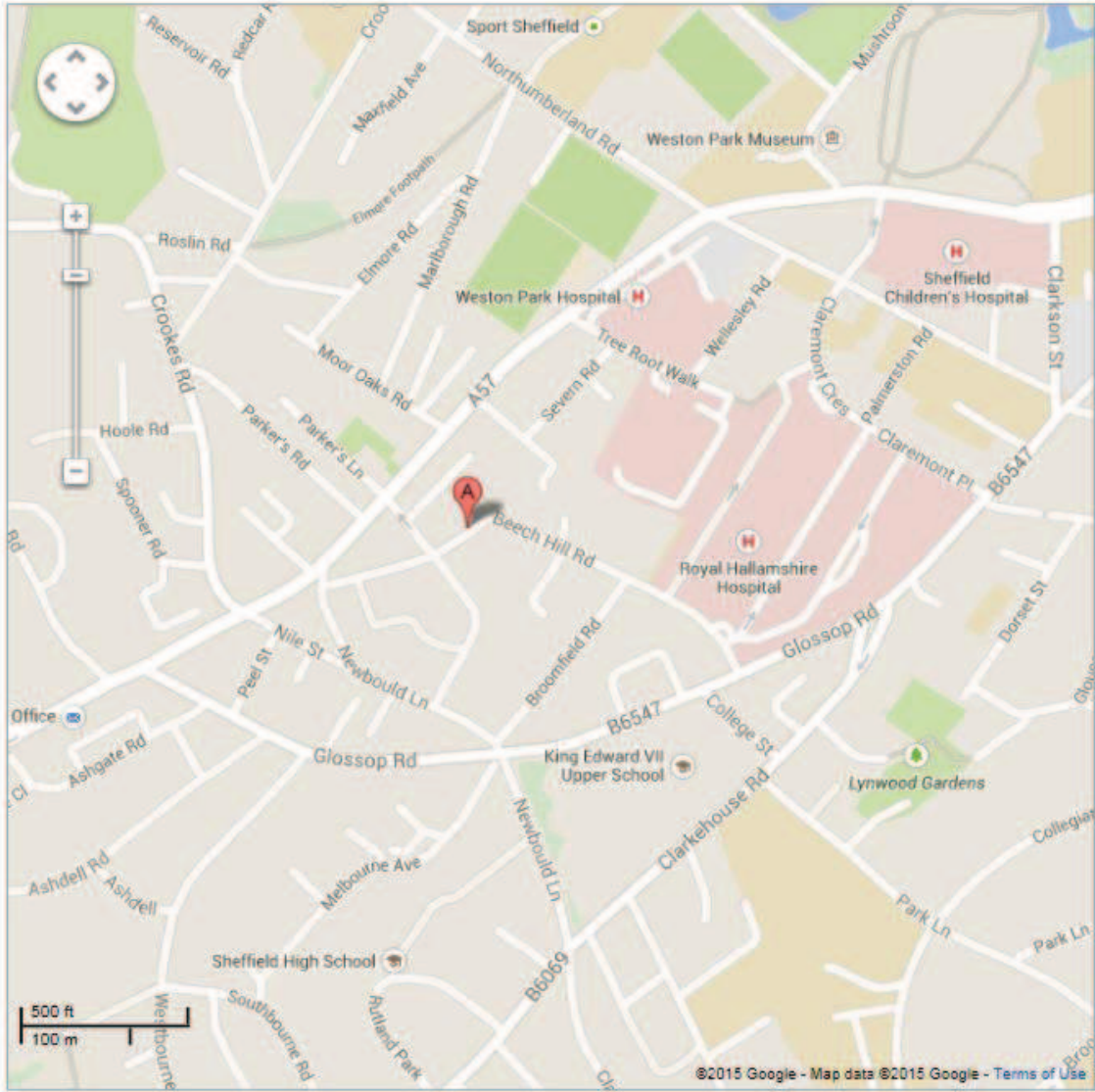
with those requirements could not reasonably have been expected.

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Address **28 Beech Hill Rd**
Sheffield, South Yorkshire S10
2SB, UK

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Regeneration and Development Services

Date: 24/03/2015

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond

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.
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14/04293/FUL (Formerly PP-03813076)	205 Tom Lane Sheffield S10 3PH	35
14/04152/FUL (Formerly PP-03791076)	Site Of Elm Tree Public House 980 City Road Sheffield S12 2AB	48
14/03876/FUL (Formerly PP-03734291)	Land Between 25 And 27 Charnock Hall Road Sheffield S12 3HF	63
14/03846/FUL (Formerly PP-03664442)	Site Of 252 Deer Park Road Sheffield S6 5NH	75
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14/03473/FUL (Formerly PP-03643449)	162-170 Devonshire Street Sheffield S3 7SG	130
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 24/03/2015

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	15/00179/FUL
Application Type	Full Planning Application
Proposal	Single-storey rear extension to dwellinghouse (re-submission)
Location	7 Victoria Road Broomhall Sheffield S10 2DJ
Date Received	16/01/2015
Team	South
Applicant/Agent	House Extension Design 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:

HED/352/14/a

'Elevation on F' received by the Local Planning Authority on 16th January 2015.

Reason: In order to define the permission.

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

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

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a stone built stone semi-detached property with a slate roof located in the Broomhall Conservation Area. The property is a good example dating from the Victorian period, and therefore contributes positively to the overall character of the Conservation Area.

The street scene of Victoria Road is characterised by stone built dwellings from the Victorian period set within generous curtilages.

The property is set well back from the highway and there are no significant differences in natural ground level between the application property and its neighbours.

To the rear of the property there is an existing detached outbuilding.

The application seeks permission to erect a single storey side/rear extension. This would effectively infill a section to the rear of the property between the boundary with No.5, an existing offshoot at the rear of the house and a detached garage to the rear of the property. The footprint of the structure would measure 4.4 metres by 8.9 metres, the latter being the projection from the existing rear elevation.

The extension would have a flat roof with a monopitch element on its south elevation the former featuring two glazed lanterns. The extension would be constructed in stone and the mono-pitch elements would be in natural slate. The south elevation would feature full height glazed bi-fold doors and a matching single glazed door.

RELEVANT PLANNING HISTORY

Several applications have been received relating to works to trees within the curtilage but the more recent planning history relating to the dwelling itself includes:

Permission was granted in 2005 (05/02048/FUL) for alterations to basement to form ancillary living accommodation to dwellinghouse.

An application for a single storey rear extension of slightly lesser dimensions was withdrawn in 2015 (14/04404/FUL) as the Applicant wished to revise the plans as per the current application.

SUMMARY OF REPRESENTATIONS

The proposal was publicised in line with the Local Planning Authority's Statement of Community Involvement and a site notice was posted outside the property. No representations have been received in connection with this application.

PLANNING ASSESSMENT

Policy Issues

As the application property is situated within a Housing Area, a Conservation Area, and an Area of Special Character. The most relevant planning policies are specified in Unitary Development Plan policies H14, BE5 and BE16.

Policy CS74 of the adopted Core Strategy further reinforces the need for high quality designs that respect the character and built form of the surrounding area.

Design Issues

Policies H14 and BE5 of the UDP seek high quality designs that enable a proposal to fit comfortably within their surroundings without being detrimental to the visual amenities of the area.

Policy BE16 of the UDP also seeks high quality designs, but relates more specifically to proposals within the Conservation Areas. It states that development should preserve and/or enhance the character of the Conservation Area. This sentiment is further echoed in Core Strategy policy CS74 and the Supplementary Planning Guidance: Designing House Extensions.

Environmental considerations

The scale and design, and detailing are considered sympathetic to the dwelling. The extension would not be visible from the public domain, or to any significant degree from any neighbouring curtilage and as such would have a neutral effect on the character of the Area of Special Character/Conservation Area.

It is noted that the glazed panels to the new south elevation will be set within upvc frames, a material that is often resisted in Conservation Areas. However, the rear of the property already features some upvc window frames and it is not considered that sufficient grounds for refusal arise from this aspect.

Having regard to all of the above the proposal is considered to be acceptable in terms of UDP policies BE5, BE16, H14 and Core Strategy policy CS74.

Amenity Issues

Supplementary Planning Guidance 'Designing House Extensions' guideline 5 states that single storey extensions erected adjacent a neighbouring property should not project more than 3 metres beyond the rear elevation of that property.

However, in this case the boundary treatment between No.5 and the application dwelling adjacent the proposal consists of a 3 metre high stone wall which projects from the existing rear elevation to a point well beyond the extent of the proposed extension. Hence, whilst the lantern tops may be marginally visible from the neighbouring curtilage the proposal as a whole will have no adverse effect on neighbouring amenity

Given the above, the proposal is not considered to give rise to any amenity issues and is considered to be acceptable in terms of UDP policies H14.

SUMMARY AND RECOMMENDATION

The design of the proposal is considered to have a minimal impact upon the character of the original dwelling or the Broomhall Conservation Area. The proposal would be sited in such a way as to have a no impact upon the amenity of

neighbouring properties and accordingly, it is considered that the UDP policies H14, BE5, BE16 and Core Strategy policy CS74 have been complied with.

In light of the above, the proposal is considered to be acceptable and recommended for conditional approval.

Case Number	14/04293/FUL (Formerly PP-03813076)
Application Type	Full Planning Application
Proposal	Alterations to roof, two-storey side extension, single-storey front extension, erection of a carport and erection of a new boundary fence
Location	205 Tom LaneSheffieldS10 3PH
Date Received	22/11/2014
Team	West and North
Applicant/Agent	LSO Architects 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:

A14-120 03rev C Proposed plans / site plan received 3/3/15

A14- 01A Proposed Garden Layout received 22/11/14 (garden layout only)Building footprint superseded

Full garden layout received 22/11/14(garden layout only)Building footprint superseded

Reason: In order to define the permission.

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

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

- 4 Large scale details showing the junction between the timber cladding and rendered finish elements at a minimum of scale 1:20 shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences

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

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

- 5 The Upper floor windows on the east and south elevations shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of them shall at any time be glazed with clear.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the Upper floor rear (south) elevation of the extension hereby permitted without the prior written approval of the Local Planning Authority.

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

- 7 The flat roofed area formed as part of this extension shall not at any time be used as a terrace or installed with balustrade.

Reason; In the interest of the amenity of the occupants of neighbouring properties

- 8 Notwithstanding the detail on the submitted plans, a landscape plan detailing proposed hard and soft landscaping, including fencing alignment and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. The approved works shall be implemented in accordance with the approved details prior to the development being used.

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

Attention is drawn to the following directives:

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

- The applicant is advised that the shed will need planning permission if the height exceeds 2.5 metres.

Site Location



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LOCATION AND PROPOSAL

The application site is a corner plot located on the corner of Tom Lane and Hillcote Drive. The site is occupied by a pitched roofed bungalow with a flat roof partial front projection. The house is constructed from brick, art stone and render.

The immediate context is mixed. The houses on Hillcote Drive and the west side of Tom Lane are dormer style properties, rising up the hill to more modern properties. On the north side of Tom Lane are a mix of older terraces and semi detached properties and to the east of the site are detached properties. There are a variety of extensions additions and building styles. The properties all have pitched roofs. The materials vary and include brick, render and some stone.

The plot is seen in dual context being visible from both highways it abuts and the site is prominent as it occupies a corner site and is located on a corner when travelling along Tom Lane.

The applicant is seeking consent to substantially remodel / rebuild the existing bungalow. This involves removing the existing roof and replacing with a flat roof and a two storey / first floor extension to the western side of the house. The front of the house is to be extended and the rear is to be remodelled and marginally extended. The scheme involves landscaping the garden and a new boundary treatment and garden structures.

RELEVANT PLANNING HISTORY

None relevant

SUMMARY OF REPRESENTATIONS

11 neighbouring properties have written to comment on this scheme. 10 of these object and one is a letter of comment. Further to this the agent has submitted a response to the comments originally raised. This has prompted 3 further letters commenting on the agents submission.

A further round of notification has taken place, based on revised plan and 4 letters of representation have been received from neighbours who have previously commented.

The comments raised are summarised below;

Objection / comments arising from original consultation . This consists of 10 letters of objection and 1 letter of comment

- Loss of view
- Overlooking
- The scheme is out of character (looks like a city office block)
- The plot was built with a bungalow specifically to soften the corner. A two storey property would appear built up and overcrowded.
- The wall up to the boundary would be detrimental to the appearance of Hillcote Drive and remove the open character of the plot.

- Objection is raised to the increase in height, this would dominate the corner and be detrimental to the character of the area, particularly older terraced housing.
- Objection to the materials (black finish)
- Loss of light and view of sky
- Reference is made to the refusal of 12/00420 at 203 Tom Lane
- The height and form of the structure, combined with the level difference would reduce light and view. Concern is also raised regarding loss of light to habitable rooms via garage.(203 Tom Lane)
- The windows would have an area greater than 25 % of the floor area of the room.
- Query is raised as to whether the flat roof could be used as a terrace
- The increased footprint is out of proportion with the overall plot
- Concern about highway safety due to intensification of property, eg increase in traffic and insufficient on site parking, highway safety during construction
- Assurance required that works will not start before 7.30 am and items associated with construction will not be stored on verges
- Concerns about the extent of neighbour notification.

Following the receipt of the above representations, the agent has submitted a supporting submission summarised below;

- Design is subjective, there are a number of individually designed houses on the road and wider area. The existing bungalow is not of architectural merit.
- The majority remains single storey
- The height increase is 1.2 metres with the two storey element confined in its footprint.
- The removal of the existing pitch would allow more not less light to neighbours
- The development of the original plot dates back to the 1970s – policy has changed.
- The driveway would accommodate 3 cars
- The rear garden would remain at 120 sq. m. usable garden area would be retained.

- Separation distances are 18.5 at the minimum. The houses are angled.
- The scheme has been designed to comply with the 45 degree angle required by planning.
- There is no intension to have a door to the roof
- The proposed windows do not directly overlook No 203
- 25% glazing issue is not connected with planning.
- The scheme intends to renovate and extend. The design is striking and contemporary and would add to the variety of housing styles in the area.

Additional comments following architects comments have been received from 3 neighbours which have previously commented ;

- Other contemporary houses are not in the immediate area and are regarded as being more compatible with the character. The context of this site us Victorian, Edwardian and 1960s'/ 1970's housing. Concerns about design earlier raised are reiterated. Policy CS74 is referred to.
- Reiterate concerns of height, its impact and loss of openness and overshadowing impact
- The development is significantly different from others which have been allowed
- There is concern that despite the architects comments, more mass would be presented and this would be brought forward
- Continued concern about highway safety, the provision for 3 cars is disputed.
- The boundary line is being moved right up to Hillcote Drive which represents further intrusion to residents.
- Concerns are maintained regarding loss of privacy
- Reference is made to the SPG- in terms interpretation and accuracy in which the agent has commented
- Comment is made regarding extent of neighbour notification
- Issue is again raised about the 25% glazing rule
- Concerns reiterated regarding loss of view
- Local residents do not share the applicants / architects view that the scheme would improve / benefit the area.

- Concern is raised about the agents approach and response

The plans have been subsequently amended and the following comments have been received from 3 neighbours (4 letters), who have previously commented. They continue to object and have made the following additional comments;

- The revised scheme does not address concerns that the size, height and design is out of keeping with both existing streets
- There is a slightly greater separation distance between the side elevation and Hillcote Drive, however size of openings and proximity remain a concern, when there was no window previously existing on this elevation at this height. The guidelines do not give the required privacy. Concerns continue to be raised regarding overlooking and the size and proximity of the development to neighbouring windows
- Neighbours comments have been dismissed. Neighbours are not consulted by the agent /applicant.
- Continued concern regarding loss of view
- Concern regarding loss of value to existing houses.
- Concern continues to be raised regarding light loss
- Concern is reiterated about the windows at ground level in 205s garden and as to whether the proposed development would allow these to remain unobstructed.
- Concern is raised regarding the height of the termination of the flue in relation to neighbouring property.
- Query is raised as to whether a site visit has been carried out and invitation made to view this from third party property
- Query is raised as to Urban Designs views on the scheme
- Concern is raised regarding the short time scale to comment on amendments

PLANNING ASSESSMENT

The site falls within a Housing Area as allocated in the Sheffield Unitary Development Plan Policy H14 is applicable and seeks to ensure new development is well designed and in scale and character with neighbouring buildings. It also seeks to protect residential amenity and prevent overdevelopment and ensure highway safety is maintained.

Policy BE5 seeks to ensure good design. The policy details that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of existing buildings. The policy also states that special architectural treatment should be given to corner sites to create a lively and interesting environment.

Core Strategy Policy CS74 seeks to promote high quality design which is expected to respect and enhance the distinct features of city's neighbourhoods including views and vistas, townscape and landscape character of neighbourhoods and their scale, layout, built forms, building styles and materials.

Paragraphs 58 and 60 of the NPPF are also particularly relevant in seeking development to respond to the local character and history and reflect the identity of surroundings and their materials, whilst not preventing or discouraging appropriate innovation. The NPPF is clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however appropriate to seek to promote or reinforce local distinctiveness.

Supplementary Planning Guidance on Designing House Extensions is also applicable.

Character and Design

The development would take the bungalow to two storeys with a flat roof. This would be 1.2 metres higher than the ridge of the existing. Raising the height to two storeys is compatible with the scale of other buildings in the area, which are predominantly two storey. The height of the scheme would not be out of character or harmful in this context.

The form of the extensions does change the massing presented, however to some extent the removal of the existing pitch represents a reduction in part, however the height and form of the extension increases this over the two storey element. Nevertheless the scheme presents no greater massing than other two storey dwellings in the locality and would not appear overly dominant or out of proportion.

The character of the streetscene is that it is made up of a mixture of house styles from a variety of eras, there is no strong uniformity in the streetscene, with the house being viewed in the immediate context of the dormer style properties on Hillcote Drive which then extend up Tom Lane on the western side and the more traditional , but still varied property styles opposite and to the east on Tom Lane. The proposed development would represent the introduction of a contemporary style of development into the streetscene with a flat roofed form. Whilst there are no other flat roofed houses in the streetscene, the variety of style of housing in the

immediate context of the site means that this form would not appear harmful to the street, particularly given that the scale and massing reflects that of the locality. The materials are proposed to be black brick, white render and timber cladding. There is no strong distinctive material palette in the locality with there being a range of materials. There are examples of render, however there is no dark brick or timber cladding, whilst this is the case, the introduction of these materials would not be harmful to the appearance of the area and would be appropriate to the style of house being developed. Concern has been raised that the scheme resembles a commercial building rather than residential, whilst the contemporary style is a new offering to this street, the design is compatible with the residential character of the area.

The existing bungalow itself is not of architectural merit and does not strongly influence the character of the area. The scheme presented offers visual interest to a corner site. The scale and massing are appropriate and the elevations are broken up with glazed elements and a simple pallet of materials which are acceptable in their application. The levels of the site are lower than Hillcote Drive, meaning that the two storey side extension would be built off this lower level and together when coupled with any boundary treatment would soften the impact when viewed from Hillcote Drive.

The scheme has been amended positively during the course of the application with the front car port element being removed. This ensures that the scheme does not interrupt the flow of the corner as the road bends and does not appear overly intrusive in the street. The two storey side extension, towards Hillcote Drive has been scaled back, so that it no longer abuts the highway and projects to a lesser extend towards Hillcote Drive, than originally proposed. The scheme now has an acceptable visual impact when viewed from this highway and does not appear overly dominant. Glazing has also been incorporated to break up the elevations and care has been taken to ensure that this does not create unacceptable impacts to neighbours.

The scheme does involve increasing the footprint of the dwelling and increasing the height. The extension to the footprint is however not excessive and the partial second storey is not out of character in the area. The rear garden depth is relatively short however the plot is wide. The amount of rear garden space retained is more than adequate to serve the property. The site would not appear overdeveloped as a result of the scheme and would serve the needs of occupants of the dwelling.

In summary the scheme is compatible in scale and character in this location, whilst the contemporary architectural style is a new introduction to the street, this adds interest and the NPPF makes it clear that policies and decisions should not attempt to impose particular styles or tastes. The varied character and material palette in the area means that the scheme does not erode a particular local distinctiveness.

In terms of design the scheme is compliant with policies H14, BE5, CS74, the NPPF and Supplementary Planning Guidance on Designing House Extensions.

Landscaping changes

The scheme involves landscaping the garden. The majority of these works do not require planning consent. The only elements which do are the replacement fence adjacent to Hillcote Drive, as this would be higher than 1 metre and the outdoor fireplace due to its height. Due to the level difference the height would appear 1.6 metres from Hillcote Drive. This is acceptable. The extent of this fencing has changed due to the changes in the building footprint during the course of the application. It is understood that this will extend to the side of the new side extension. A final hard and soft landscaping scheme can be controlled through condition. The fire place would not extend beyond the height of the fence and is acceptable.

Amenity

The side extension contains full height glazed windows, which are approximately 21 metres away from the habitable room windows of the properties on Hillcote Drive, at the closest measurement. This is across a highway and compliant with the SPG guidance. Concern has been raised through representation regarding this, however refusal could not be substantiated on this basis, the relationship is comparable to many examples across the city and is typical of what one would expect in an urban area.

The east facing windows at first floor are all shown to be obscured. Which would prevent overlooking to No 203 Tom Lane. At ground floor the windows are secondary and, whilst the windows are long, the existing boundary treatment relative to the floor level would prevent overly intrusive views.

The amended plans now show one obscured window to the rear at first floor. This has been reintroduced to break up the appearance of the first floor. The ground floor glazing will be screened by boundary treatment and have the same outlook as existing windows in the bungalow.

The forward facing windows would face the highway and road junction and are sufficient distance from neighbours so that unacceptable overlooking issues would not arise.

A condition can be attached to prevent the flat roof being used as an outdoor terrace.

The scheme involves raising the height of the dwelling 1.2 metres above the existing ridge height. The form of the extension is such that a greater mass would be presented. The development is however over the 12 metre separation distance given in Guideline 5 of the Supplementary Planning Guidance on Designing House

Extensions. The site is lower than the properties opposite on Hillcote Drive and at a similar level to the property to the rear of the site. The neighbouring property of 203 is situated at a lower level and set back from the highway further than the applicant's property. 203 has been extended forward and has some side facing windows at ground and first floor. The habitable rooms these serve all have additional front facing windows. The separation distance is approximately 15 metres to the two storey element. This exceeds the guideline, furthermore there are alternative openings to rooms facing. This is acceptable. There is a front facing habitable room window at ground floor. The space this serves is also served by a further window facing the rear. The application dwelling would be extended forward at single storey and would be elevated. This extended element would be 10 – 12 metres from the ground floor, forward facing habitable room window of No 203 and would be positioned to the north west. Due to the orientation significant overshadowing would not arise and the distance and angle of this extension would not appear excessively dominant when viewed from this window. The other habitable room windows, as detailed above have alternative outlooks. The impact on this property is acceptable in terms of overbearing and overshadowing.

Highways

The plans indicate that 2 off street parking spaces will be provided. The site currently has 2 spaces plus a garage, however garages are not relied on as being used for parking. The scheme shows the number of bedrooms increasing by one, bringing the property from a 3 to 4 bed roomed property. 2 spaces for a property this size is acceptable. The intensification of the use of the site would have a negligible impact on vehicle movements and parking demand and would not significantly impact on highway safety.

RESPONSE TO REPRESENTATIONS

Many issues raised through representation have been discussed in the main body of the report. Other issues are discussed below;

- Loss of view is not a material planning consideration. The above mentioned policies do discuss views and vistas, these relate to important public views. This development does not significantly affect these.
- Representation is made regarding the reasons behind the design of the existing house on that plot. Whilst this may have been the case at that time, this current scheme is assessed against the current policy available at this time.
- Reference is made to the refusal of 12/00420 at 203 Tom Lane – The relationship and scheme is of a different nature to this application.

- Concern is also raised regarding loss of light to habitable rooms via garage.(203 Tom Lane)- A wood store is shown abutting the boundary of 203 Tom Lane, in the rear garden. This does not need planning permission. A shed is also shown on the rear boundary, again providing this is below 2.5 metres in height then planning permission will not be required for this.
- Comment is raised that the windows would have an area greater than 25 % of the floor area of the room. – this is not a planning issue.
- Assurance required that works will not start before 7.30 am and items associated with construction will not be stored on verges –Conditions limiting construction hours are not attached to schemes of this scale as they are unnecessary and unreasonable. Any obstruction to the highway ie storage of materials on verges can be dealt with under separate legislation. A condition is unnecessary and therefore cannot be attached.
- Concerns have been raised about the extent of neighbour notification. – This is limited to immediate neighbours who are directly affected by the scheme. Adequate neighbour consultation has been undertaken, which is consistent with national requirements and standard practice within the Department.
- The boundary line is being moved right up to Hillcote Drive which represents further intrusion to residents. – The boundary line remains as per the existing plot, however the side wall of the building is moving towards Hillcote Drive. The impact of this is accessed above.
- Concern is raised about the agents approach and response – This is not a material planning consideration.
- Concern regarding loss of value to existing houses. – This is not a material planning consideration.
- Concern is reiterated about the windows at ground level in 205s garden and as to whether the proposed development would allow these to remain unobstructed. – It is unclear if this comment is referring to the impact of the proposed windows in the side elevation of the development or the impact on windows in the side of No 203 as a result of development in the garden of 205. – These issues have been discussed above.
- Concern is raised regarding the height of the termination of the flue in relation to neighbouring property – Such a flue can be installed using permitted development rights. There is no reason to resist this or remove PD rights.

- Query is raised as to whether a site visit has been carried out and invitation made to view this from third party property – A site visit has been carried out to assess the scheme. The relationship is clearly visible from an external site visit to fully appreciate the impact of the scheme.
- Query is raised as to Urban Designs views on the scheme – verbal input has been provided which has influenced the final scheme presented.
- Concern is raised regarding the short time scale to comment on amendments – A time frame of 14 days has been provided to comment on amended plans. This is standard practice and is reasonable given that parties are aware of the application and the changes are amendments rather than a fundamentally different scheme. We need to balance the opportunity to comment whilst not unduly delaying determination.

SUMMARY AND RECOMMENDATION

The scheme is for the remodelling and extension of a bungalow to for a contemporary extended dwelling. The introduction of a contemporary design would appear notable in this streetscene as the housing stock is established, however due to the mixture of house styles and their form and materials , there is not a distinct unique or strong character in this streetscene. The scheme is appropriate in scale, mass, materials and design and would not erode the character of the area nor would it appear obtrusive in the streetscene. The corner plot position means that the resulting scheme would be visible and prominent in the street and add to the visual interest of the area. The scheme would not cause visual harm and is acceptable in terms of design and appearance. The scheme has been carefully designed to minimise the impact on surrounding residential properties and would not result in unacceptable overlooking or overbearing or overshadowing implications. The plot can adequately cope with the additional accommodation without appearing or becoming overdeveloped. The level of parking proposed is adequate for the size of the extended house. Subject to the attached conditions the scheme is compliant with policies H14, BE5, CS74 and Supplementary Planning Guidance on Designing House Extensions. The recommendation is to approve subject to the attached conditions.

Case Number	14/04152/FUL (Formerly PP-03791076)
Application Type	Full Planning Application
Proposal	Demolition of public house and construction of petrol filling station and jet wash facility
Location	Site Of Elm Tree Public House980 City RoadSheffieldS12 2AB
Date Received	12/11/2014
Team	City Centre and East
Applicant/Agent	Pegasus Group 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:

Drawing Numbers:

A1483/MT (PA)01 Rev P1,
A1483/MT (PA)02 Rev P1,
A1483/MT(PA)03 Rev P2,
A1483/MT (PA)04 Rev P2,
A1483/MT (PA)05 Rev P2,
A1483/MT (PA)06 Rev P2,
A1483/MT (PA)08 Rev P1,
A1483/MT (PA)09,
A1483/MT (4 in 1 unit) Rev P1,

Reason: In order to define the permission.

- 3 0The petrol station shall be used for the above-mentioned purpose only between 06.30 hours and 23.30 hours on any day.

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

- 4 Prior to the use of the petrol station commencing all works detailed in Environmental Noise Survey and Petrol Filling Station Noise Assessment, ref: RF84983/NIA, dated: 07/11/14, prepared by: Noise Solutions Ltd, which form part of a scheme to protect the occupiers of adjacent dwellings from noise, shall have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

- 5 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 locality and occupiers of adjoining property.

- 6 No deliveries to the site shall be carried out between the hours of 21:00 to 07:00 hours Monday to Saturday and 16:00 to 09:00 hours Sundays and Public Holidays.

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

- 7 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried out within the site of the development between 21:00 hours and 07:00 hours Monday to Saturday and between 16:00 hours and 09:00 hours on Sundays and Public Holidays.

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

- 8 Amplified sound shall only be played within the site in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary;

- a) as a 15 minute LAeq, and;
- b) at any one third octave band centre frequency as a 15 minute LZeq

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

- 9 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.

- 10 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.

- 11 Details of the proposed external materials for the boundary wall to City Road 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.

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

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

- 13 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:

Details of parking layby reconfiguration on City Road.

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

- 14 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.

- 15 The site 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.

- 16 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.

- 17 The site shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the petrol filling station commencing, and shall thereafter be retained.

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

- 18 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

- 19 The lighting column located adjacent to the eastern boundary to the site shall be fitted with back shield in order to reduce the light spill to the residential properties located to the east of the site.

Reason; In the interest of the amenities of occupiers of adjoining properties.

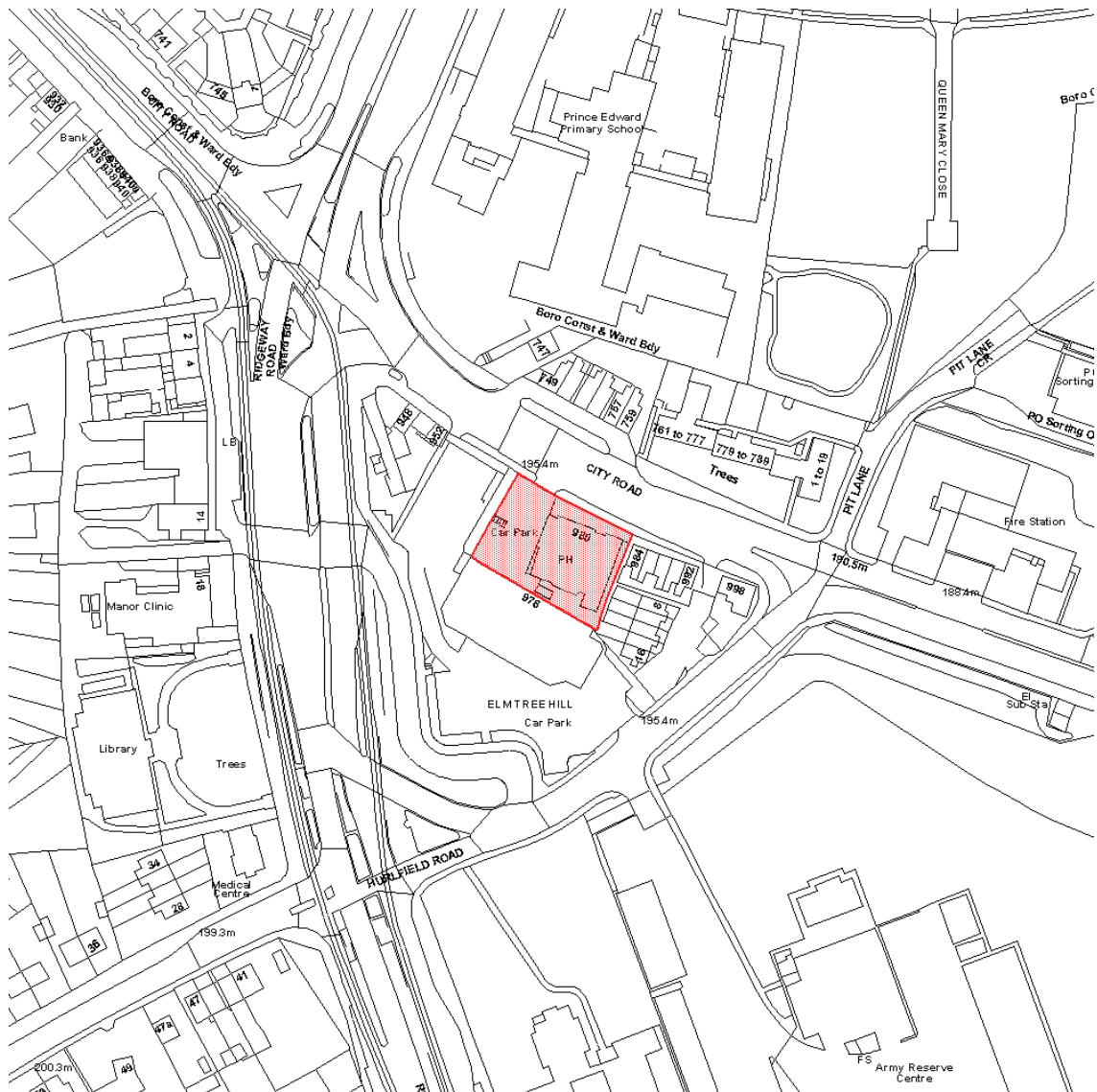
Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various

people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.

3. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
5. 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.
6. 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

Site Location



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LOCATION AND PROPOSAL

The application site is located at Manor Top on a triangular island site defined by City Road, Hurlfield Road and Ridgeway Road. Within the island site there is an Asda Supermarket, some two storey shops, terraced housing and a vacant public house.

The application is seeking permission to demolish the vacant Elm Tree public house and replace it with a fully automated petrol station. The existing building is two storeys high with a pitched multi-gabled slate covered roof. It is faced in brick with mock Tudor black and white panelling and timber at first floor level.

The building faces on to City Road but is set back approximately 5m behind a parking area. The ground floor openings are boarded up with galvanised steel panels and doors. The application site includes a parking/servicing area to the west side of the public house.

To the south of the site is an Asda Supermarket which is elevated one storey above the application site. To the west there is a ramped walkway linking City Road with the entrance to the Supermarket, there is also an area of car parking to the west of the ramp. To the east there is a terrace of brick houses facing on to City Road and to the rear of this a terrace of 1970/80s houses which face towards Hurlfield Road with back gardens that adjoin the site.

The application is seeking permission for a petrol station with 12 pumps. These are located in the centre of the site beneath a 5.3m high canopy. Although originally proposed as a 24 hour operation the applicant has confirmed that they are happy to operate the facility between 06.30 and 23.30 hours on any day. There will be no kiosk on site. It will operate an at-pump car payment system, meaning that it will not be possible for customers to pay with cash. The facility will only be operated when there are trained competent persons available at the adjacent store. If due to unforeseen circumstances a competent person is not available the site will be closed. Staff will be in attendance on the forecourt to cover opening and closing procedures and for limited periods at peak trading times to assist with customer transactions and to monitor forecourt operations. Outside of these periods there will be periodic inspections, such as hourly walk overs. Customer assistance will always be available via a telephone help point which will be linked to the store manager who carries a mobile.

Signage on the pumps will advise customers to use the Help Point if they require assistance and in the event of a spillage, fire or damage to a pump, the advice is to smash the glass at the emergency point to shut down the site. Adjacent to this is a smash-to-open glass cabinet containing fire extinguishers and a sand bucket. Communication with the forecourt is managed by a remote monitoring company. This company has the ability to communicate with the customer on the forecourt via the Help Phone and the phone handset within the Emergency Box located alongside the forecourt. They have visibility and control of the forecourt via dedicated CCTV and can also communicate through the forecourt tannoy system. There are set procedures for dealing with different circumstances which might arise. This company also has the ability to close the forecourt pumps down remotely if necessary, but cannot re-activate the pumps.

Vehicles will enter the site at the western side of the City Road frontage and will leave at the eastern end of the same frontage. A jet wash is proposed on the western part of the site, set back from the City Road frontage. An air/water unit and vac unit originally located adjacent to the eastern boundary by the housing has been repositioned next to the jet wash. A 2.3m high close boarded fence is to be

erected along the full length of the eastern boundary. CCTV cameras and lighting columns are to be provided midway along the western and eastern boundaries and a lighting column is also proposed midway along the southern boundary. The site will have two CCTV systems. One monitors the entry and exit points and the other monitors activity around the pumps.

Asda point out that they have over 80 of these “unmanned sites” and they consider that because there are no cash sales/kiosks this reduces the attractiveness of the site for antisocial behaviour.

RELEVANT PLANNING HISTORY

Outline planning permission was granted in February 2013 for demolition of the public house and erection of a retail building on a similar site to the public house, 11/00809/OUT

SUMMARY OF REPRESENTATIONS

Five objections and one representation not objecting to the scheme have been received.

The ‘no objection’ refers to the public house having no architectural merit and being in a poor state of repair.

The following objections have been received:

- Additional traffic will worsen congestion on the gyratory.
- The access is too close to the Manor Top lights creating an additional hazard as motorists change lanes. Traffic crossing lanes to access the site will be dangerous.
- It will create an additional danger for people who cross City Road without using the pedestrian lights, particularly when the school relocates.
- Traffic will grind to a halt when a petrol delivery is being made.
- Unclear impact of the proposal on parking outside the City Road properties.
- No need for petrol station as there are already 4 nearby.
- Site is too close to residential properties and it will exacerbate pollution and noise, create fumes and cause disturbance night and day. Attention is drawn to a Jamaica Government Web site setting out planning criteria for location of Petrol Stations which ASDA and the Council should take into account.
- Lights will shine in nearby homes.
- Concern about safety issues arising from an unattended site as there would appear to be no supervision outside the supermarket opening hours. The site could be a target for vandalism and there are also fire risks.
- Attention is drawn to a Daily Mail press release about the hazards of living near to a petrol station.
- Safety concerns about the underground tanks given the Coal Authority objection.

- Will limits be imposed on delivery hours; ASDA has previously disregarded limits on deliveries to the supermarket.
- Acoustic fence should not damage the stone wall adjoining the back gardens of residential properties.
- Previous approval for a retail unit on the site would be better or for ASDA to provide home ware or a George clothes outlet.
- Some objectors acknowledge that the demolition of the Public House would improve the appearance of the site and help to address the pigeon roosting problem.

The applicant held a one day public consultation event in the adjoining Asda store on the 2.2.2015 after the application was submitted. The event was a mixture of information giving and a petition inviting shoppers to express support for the proposal. The petition is signed by 128 customers and the applicant has said that anecdotally this represented between 85% and 90% of those who were approached by the consultation team. There is however no option within the petition to object to the scheme. The applicant has advised that some shoppers provided feedback on highway access and noise impacts on the nearest residents but positive comments were made about flexibility and competitive fuel prices. A further community liaison session is being organised for the 17th March with surrounding households and ward councillors.

Correspondence has been received from an objector to the scheme commenting on the petition. They consider the number of customers signing the petition is a small proportion of the total number of customers on the survey day. They point out that 29 of the signatures to the petition live locally and the rest are not affected by the proposal. There should have been an option for those against the petition. The staff undertaking the survey had no knowledge of the scheme and were unable to explain the details of the scheme.

In your officers view the petition seems to have been aimed at promoting the scheme rather providing a balanced presentation of the planning impacts and therefore members are advised to give it limited weight.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework (NPPF) seeks to promote sustainable development which is made up of the economic, social and environmental roles. The economic role is concerned with contributing to a strong and responsive economy. The social role is concerned with supporting a vibrant and health community, creating a high quality built environment with accessible local services. The environmental role is about protecting and enhancing the built environment and historic environment. The presumption in favour of sustainable development

means approving development that accords with the development plan and where the development plan is silent or out-of- date granting planning permission unless the adverse impacts would significantly outweigh the benefits when assessed against the policies in the framework as a whole.

The NPPF says that planning policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Core Strategy Policy CS 38 is concerned with the vision for Manor Top District Centre. It says that renewal and where possible expansion of Manor Top District Centre will be promoted with a wider range of retail and other services. Priority will be given to improving its appearance and accessibility. The commentary on this policy talks about the centre offering a limited range of retail and other services which means that residents have to travel further to meet their needs. It refers to the need for a superstore but that this may not be achievable due to the transport impact. It says that this may point towards smaller scale mixed development.

The site falls within the Manor Top District Centre as identified in the Unitary Development Plan Proposals Map. Unitary Development Plan Policy S7 identifies shops as the preferred use although petrol filling stations are acceptable on Strategic Roads.

Policy T15 is titled the 'Strategic Road Network', it says that traffic will be concentrated on to a limited number of roads whose main purpose will be to carry large volumes of both public and private traffic. City Road is identified as a 'Future Deletion from the Strategic Road Network but remains as a Bus Priority Route.

Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that new development will be permitted provided that it would;

- Not lead to a dominance of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre, and

The Sheffield Development Framework Pre-Submission Proposals Map shows the site falls within the District Centre. Policy H1 identified shops and community facilities as preferred uses with changes of uses from shops or community facilities being acceptable at street level frontage only if;

- More than half the length of frontage of units in the centre within 50m either side of the shop would still be in use as shops or community facilities; and
- It would displace facilities that are needed to serve an important shopping or community role; and
- It would not harm the vitality and viability of the centre;
- Or where a significant proportion of the units in the centre are vacant;

- It has been shown that the unit would not be viable for use as a shop or community facility; and
- The change of use would significantly increase the vitality and viability of the centre.

The NPPF provides general support to the economic activity that will be generated by the development and provision of an accessible local service. Given that the site is not on a Strategic Road network the proposed use needs to be considered on its merits in terms of Unitary Development Plan Policy S7. It is not contrary to Policy S10 in that the existing public house use is not a preferred use therefore the proposal will not prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre. The impact on residential amenity, the built environment and the impact on traffic safety are considered in detail below.

The Sheffield Development Framework has limited weight as the Council has decided to produce a new Local Plan.

Amenity Impact

Unitary Development Plan Policy S10 states new development will be permitted provided it would;

- Not cause residents to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety; and
- Provide, where appropriate, an environmental buffer to shield sensitive land uses.

The applicant has commissioned a noise assessment. Background noise has been surveyed at the nearest noise sensitive property which is 984 City Road. Typical noise levels attributable to a petrol filling station were established by noise survey data from a comparable site. This includes noise from vehicle pass-by, vehicle engine noise, noise from doors being slammed and noise from the Air Pump. Predicted noise levels have been calculated using worst case peak hour of 107 vehicles using the petrol station although the applicant considers it is unlikely that more than 5 vehicles per hour will use the petrol filling station during the night-time period of 23.00 to 07.00. It has been assessed that two door slams will be associated with each vehicle event and that during the daytime peak hour the air/water facilities will be used every 10 minutes and a maximum of once per hour during the night-time period.

One jet wash event has been included in the night time calculations. The predictions show the worst case predicted noise levels at the nearest noise sensitive property during the daytime period to be -3 dB below the existing average LA90 (dB) background level. The night-time worst case is -1 dB below the background. The applicant's consultants conclude that the noise levels meet the

relevant internal and external guidance. Fuel delivery noise has not been predicted, which is expected to occur 3 to 5 times per week. As tankers will not need to reverse and fuel is expelled by gravity the noise consultants have concluded that the delivery noise is not likely to contribute significantly to the existing noise environment. The noise assessment was submitted before the applicant decided to amend the opening hours.

The Council's Environmental Protection Service has confirmed that the noise assessment is satisfactory. Given that the predicted noise levels are less than the background levels they consider there is no basis for resisting the application based on noise from the petrol filling station operations. The applicant has not assessed people noise that is noise from voices, people using mobile phones etc. However it is considered that unlikely to be at a level that would cause dis-amenity to local residents, particularly given there is no shop/kiosk on site therefore the likelihood of youths hanging around is significantly reduced.

Given that transport assessment demonstrates that the majority of the trips to the site will be diverted or bypass trips and the number of new trips generated is less than the trigger for an air quality assessment it is concluded that the impact on pollution would not be so significant as to justify refusing planning permission.

It is not possible or realistic to provide a wide landscape buffer on the site such as between the petrol station and the housing. The applicant has however relocated some of the potential noise generating equipment away from the boundary with the housing and provided a screen fence. Some perimeter landscaping is provided along the eastern boundary of the site where it adjoins the housing. The applicant has provided sufficient information to demonstrate that the health and safety risks will be properly managed through their normal operating procedures.

Access Issues

Unitary Development Plan Policy S10 states that new development should be served adequately by transport facilities, provide safe access to the highway network, provide appropriate off-street parking and not endanger pedestrians.

Trip generation rates have been calculated and ASDA anticipate the peak hourly demand during the peak trading week to be 107 vehicles. Data from other stores suggest that 70% of transactions at store petrol filling stations are associated with an existing shopping trip. This suggests that 75 of the 107 trips would be existing customers diverted following a trip to the store and 32 trips would be new trips. Utilising TRICS data the maximum number of additional trips is predicted to be slightly different, 20 in the weekday peak hours and 27 in the weekend peak hour. The applicant says these figures are likely to be an overestimate as there will be an element of pass-by trips. The applicant estimates that up to 30% of the above trips will be pass-by trips. The applicant considers the distribution of existing trips will

be broadly in line with the existing traffic patterns to the store and the fact that traffic can approach the site from all directions will dilute the overall impact.

A transport statement includes a diagram which shows the swept path for a standard articulated tanker which shows that it can manoeuvre within the site. Tanker deliveries would be expected to be scheduled outside the peak period but this does not necessarily mean outside of the normal operating hours.

The site is located in a busy gyratory system at Manor Top and is a derelict former public house, with car park. The highway officer is satisfied with the transport statement and considers that the traffic generated by the development can be accommodated on the highway network without significantly worsening congestion. The access and servicing arrangements are considered to be satisfactory the highway officer considers that the petrol station is located sufficient distance from the Manor Top junction for drivers to change lanes safely. There are signal controlled pedestrian crossing facilities close to the site at the Prince of Wales Road and Hurlfield Road junctions and these provide ample opportunities for pedestrians to cross the road safely. The development is likely to result in the loss of 2/3 parking spaces from the layby outside the City Road residential properties. The parking within this layby is not allocated to any particular property and is public parking. Whilst the reduction in parking will make it more difficult for residents to park in front of their properties this is not considered to be sufficient justification for opposing this application.

Design Issues

The NPPF says that good design is key aspect of sustainable development and should contribute to making places better. It says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Core Strategy Policy CS74 is concerned with 'Design Principles'. It states that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

- The townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

Unitary Development Policy S10 is concerned with 'Conditions on Development in Shopping Areas'. It states that new development will be permitted provided that it would be well designed and of a scale and nature appropriate to the site.

The triangular island of which the application site forms part is dominated by the road traffic noise and the wide busy highways which bound the site. The

townscape character of the street frontage of this block has been undermined by car parking provided to serve the supermarket and buildings set back from the street frontage, by vacant shops or shops with roller shutters closed most of the day and by the boarded up Elm Tree Public House.

The demolition of the public house will result in the loss of a building of no great architectural merit which is currently detracting from the area due to the fact that it is boarded up at ground floor level. The existing building is vacant and likely to deteriorate further over time. However it will be replaced with a development that largely consists of hard surfacing and a canopy. This form of development along with the frequent movement of vehicles into and out of the site would further undermine the character of the City Road street frontage and the quality of the pedestrian environment. The existing building occupies approximately two thirds of the frontage whilst the petrol station will create a largely open frontage with almost twice as much of the pavement along the frontage used for vehicular access points. The petrol station would deliver little to the shopping centre in terms of enlivening the frontage or creating an attractive built form. The frequent vehicle movements into and out of the site would detract further from the pedestrian environment of what is a busy pedestrian route along City Road frontage of the site from the residential areas to east of the site.

On a site such as this development would normally be expected to deliver a high quality strong built form to the back edge of the City Road footpath with active uses at ground level. The design would be expected to minimise the impact of vehicular access points and the impact of car parking in the street scene.

The applicant has agreed to provide a wall and railing between the access points on the City Road frontage. This will be approximately 1.4m high and will be faced in brickwork with metal railings between piers. It will help to create an edge to the site and back edge of footpath and provide some screening of the concrete forecourt.

It is concluded that the development does not represent good design and does not contribute positively to place making. It fails to take the opportunities available for improving the character and quality of the area and the way it functions. It does not respect and enhance the distinctive features of the city and its layout built form, building styles and materials. It is therefore concluded that the design is contrary to the NPPF, Core Strategy and Unitary Development Plan design policies

Coal mining history

The applicant's initial submission included coal mining information but this was not considered to be adequate by the Coal Authority to address the coal mining legacy. Therefore they objected to the proposal. However further information has been supplied which recommends drilling to establish the presence of underground workings. The Coal Authority recommends that the Council imposes a condition to

require these investigations and any subsequent remedial works to be undertaken. Subject to this they have no objection to the proposal.

Light spill

The applicant has produced a light spill diagram so that the impact of the floodlighting on neighbouring residential properties can be considered. This shows that whilst there is some light spill into the gardens of the adjoining properties the levels at the dwelling facades are relatively low at 2 to 11 lux. These can be reduced further by fitting a back shield to the light nearest the houses and this is covered by a planning condition.

SUMMARY AND RECOMMENDATION

The development will regenerate a vacant site and deliver an accessible local service. The proposed use is not considered to be contrary to the development plan in land use terms. There are no reasons for opposing the application on traffic safety or congestion grounds and the environmental information submitted with the application shows that it should not have a significant impact on residential amenity. On the other hand the development is considered to be contrary to national and local design policies in that a petrol filling station with its open frontage and associated vehicular activity does not contribute positively to place making in this prominent town centre site. However given the negative environmental impact of the existing vacant public house and the eroded environmental quality of this urban block it is concluded on balance when taking into account the benefits of the development that these negative environmental impacts are not sufficient to justify refusing planning permission. The application is therefore recommended for approval subject to the listed conditions.

Case Number	14/03876/FUL (Formerly PP-03734291)
Application Type	Full Planning Application
Proposal	Erection of two-storey building to form two apartments (amended plans) including car parking space and landscaping and removal of Tree Preservation Order
Location	Land Between 25 And 27 Charnock Hall Road Sheffield S12 3HF
Date Received	16/10/2014
Team	City Centre and East
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

Subject to:

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

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

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

The development must be carried out in complete accordance with the following approved documents: plan reference number:

Floor plans and elevations Dwg No: A1_01 revision G
Existing and Proposed section Dwg No: AS02 rev B
Weddle's tree protection plan Dwg No. CHR 03 rev B

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 residential accommodation shall not be used unless the car parking accommodation for one vehicle 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 residential accommodation shall not be used unless the covered secure cycle parking accommodation for two cycles 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 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 No works shall commence on site unless the retained cherry tree is protected in accordance BS 5837:2012 as shown on Weddles tree protection plan Dwg No: CHR 03 rev B in ac. The tree protection measures shall remain in place throughout the construction process.

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

- 8 The development shall not be occupied unless the replacement extra heavy standard trees shown on Dwg No: A1_01 have been provided in accordance with the approved drawing.

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

- 9 The development shall not be occupied unless the following highways improvements have been carried out;

Widening to 2 metres and tarmac surfacing of the public footpath link between Charnock Hall Road and Charnock Grove for the entire length of the application site boundary.

Reason; In the interests of pedestrian safety and the amenities of the locality.

- 10 The dwelling shall not be occupied unless the approved boundary treatment (retaining wall and railing) which is shown on the plans has been erected in accordance the approved in details.

Reason; In the interests of the amenities of the locality and occupiers of the proposed dwelling.

- 11 The residential accommodation shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

Attention is drawn to the following directives:

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

Site Location



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LOCATION AND PROPOSAL

The site is located on Charnock Hall Road, which is predominantly residential in nature and characterised by semi-detached two storey dwellings.

The site fronts Charnock Hall Road with residential property to south and east. Running immediately adjacent to the northern boundary of the site is a footpath which links Charnock Hall Road and Charnock Grove, beyond the footpath is an extended semi-detached dwelling. Other than an existing stone retaining wall which is approximately 0.6 metres high, there is no other physical barrier separating the footpath from the development site.

The application site is in a Housing Area, as allocated in the adopted Sheffield Unitary Development Plan (UDP). There are three existing mature cherry trees on the site which are currently protected by a Tree Preservation Order (TPO).

This application seeks permission to erect two 2 bedroom flats in a two storey block and seeks permission to remove two of the three trees covered by the existing TPO in order to accommodate the development.

RELEVANT PLANNING HISTORY

01/00962/FUL – Erection of a bungalow – Refused

05/03323/FUL - This relates to the adjacent site by the same developer - erection of 4 apartments in 2 x 2 storey blocks with associated car parking (as amended drawings and tree survey received on 23 June 2006) – Granted Conditionally. This approval involved the removal of three trees covered by TPO.

07/00509/FUL – Also on the adjacent site - erection of 4 flats – Granted Conditionally

SUMMARY OF REPRESENTATIONS

Following direct consultation and the posting of site notices informing residents of the proposed development and proposed removal of the existing TPO a total of 17 letters (including more than one letter from the same addresses) have been received. 14 of these letters object to the scheme, 1 is in support of the scheme and 1 is neutral.

The objections can be summarised as follows:

- Overlooking of neighbouring properties.
- Safeguarding issues from overlooking.
- Blocking out of light.
- Current parking difficulties and safety concerns would be exacerbated. The Road is part of a bus route.
- Proposal would involve loss of trees in an open space, covered by a Tree Preservation Order.
- The planting of additional trees would cause parking, highways and pedestrian safety issues and damage existing parking spaces and would not be a safe distance (7 metres recommended) from existing buildings which could result in foundation damage.
- Some web sites suggest that a safe distance for planting Rowan trees is up to 11 metres from existing property, particularly where there is heavy clay soil as is the case here and the Building Regulations Approved Document C gives general guidance on shrinkage or swelling for clay, the effects of which can be increased by the presence of trees as they draw moisture out of the subsoils.

- Gates between the rear garden areas of the application site and 27A Charnock Hall Road will increase crime issues.
- The proposed trees are out of place as there are no large trees on the frontage of any properties in this part of Charnock Hall Road. They will block natural light from the proposed house and the existing adjacent houses (23 and 25)
- The site is protected by a Tree Preservation Order and should be retained as open space.
- Trees should have been replaced on the application site as part of the development of a neighbouring site.
- Planning permission was previously refused on this site for a bungalow and should now not be accepted for four flats.
- The safety of people using the footpath would be compromised by the erection of a fence along the site boundary. The footpath is already used by young people who loiter and take drugs and discourage people from using the footpath, the addition of a fence would compound these issues encouraging crime and disorder.
- The proposed building extends beyond the front and back of the neighbouring property.
- The building is located on higher ground than neighbouring property and would overdominate and overshadow neighbouring properties.
- The proposal would be contrary to national policy as it does not improve the character of the area.
- Small open spaces should not be built upon as they provide a setting for TPO trees.
- The health of the trees has not been independently verified.
- The trees provide a habitat for birds.
- If the site is developed the estate will become another overdeveloped housing area.
- Concern regarding addition of windows, loss of privacy, and loss of enjoyment of garden space.
- Impact on property values.
- The land was gifted to the community as open space and should be retained,
- Comments made in support included:
 - This land is good for development
 - The existing 3 trees cause a slip hazard on the footpath when leaves and conkers fall
 - The land is a rubbish dump and is in permanent shade so nothing grows on it under the trees
 - The trees are far too big for the area and the land has no defined use

PLANNING ASSESSMENT

Policy Issues

The site is in an allocated Housing Area as defined in the adopted Sheffield UDP. Policy H10 identifies housing (use class C3) as the preferred use of land in the policy area and as such the proposed use of the site for two flats (use class C3) complies with Policy H10.

The site is considered to be an informal area of open space and therefore must be considered against Policy CS47 of the Core Strategy (CS) which reflects the guidance contained in the NPPF. Policy CS47 states that open space should be protected from development where;

- Part a) It would result in a quantitative shortage in the local area,
- Part b) It would result in the loss of high quality open space and
- Part c) People in the area would be denied easy or safe access to a local park or small informal open space.

An open space assessment has been undertaken which has identified that open space provision in the area is currently below the recommended standard of 7.02 hectares per 1000 population. As such the proposed development is technically contrary to part a) of Policy CS47. However the site is not considered to be a high quality or well used open space, it is in private ownership and is not considered to provide any existing recreational function for residents that would warrant its retention. Residents have access to high quality open space in the form of a community park off Carter Hall Lane located approximately 380 metres to the east of the application site.

Development of open space is also precluded if the criteria given in Policy LR5 of the UDP are not met by a development. The significant loss of mature trees or a resulting over-development of the site which would harm the character of an area are the relevant criteria within Policy LR5.

In addition to the quantitative assessment of open space, it should also be noted that the site is in private ownership and is not well used, largely due to its limited size and position adjacent to the highway between two existing residential dwellings. As such the site is considered to have very limited amenity value in recreation and visual amenity terms. The site forms a break in an otherwise consistent street scene characterised by semi-detached and detached dwellings. The site does not occupy an overly prominent position in the street scene and the loss of two of the existing poor quality TPO trees from the site is not considered to significantly harm the character of the area or appearance of the streetscene. The proposed development is not considered to result in an overdevelopment of the site and the proposed scheme would retain one of the existing trees and provide new replacement tree planting which is considered to benefit the streetscene and character of the area in the longer term. As such despite the quantitative shortage of open space the redevelopment of the site is considered acceptable for the

above reasons and is not considered to conflict with the provisions of Policies LR5 of the UDP, CS 47 of the CS and the NPPF.

Design Issues

Policies H5 and H14 of the UDP seek to ensure that new development is well designed and of a scale and nature appropriate to the site.

The elevations are constructed of brick at ground floor with a rendered first floor. The streetscene comprises of brick and rendered dwellings and the design of the development follows the aesthetic of two recently constructed blocks of flats immediately to the south of the site. The proposal incorporates a pitched roof and an entrance from the street and to the side of the dwelling facing the footpath. The car parking area to the frontage will be block paved and a new planting bed and tree planting will be incorporated which is considered to enhance the setting and appearance of the site. As such the proposal will not appear out of character and is considered to contribute to the appearance of the street scene. The proposal therefore complies with Policies H5 and H14.

Amenity Issues

A number of concerns have been raised by residents regarding overlooking, overshadowing and overdominance issues. As such, the layout of the flats has been amended during the consideration of the application to minimise any perceived impact.

The rear elevation remains 10 metres from the angled rear boundary of the site which accords with the principles set out in the Council's Supplementary Planning Guidance on Designing House Extensions which are designed to prevent any harmful overlooking. Any perception of overlooking would be further reduced by the retained Cherry Tree and the new extra heavy standard tree planting along the rear boundary. A distance of 20.7 metres is retained between first floor and ground floor direct facing windows of the application site and No. 63 Charnock Grove located to the rear of the site. Although the separation distance is very slightly below the 21 m distance recommended in the SPG, taking account of the above, the proposal is not considered to result in any harmful overlooking. The kitchen window of the first floor flat could also be obscured to prevent any perception of overlooking as outlook is provided to the kitchen/living area from the window in the front elevation of the building.

There is not considered to be any overlooking to the rear from the ground floor flat as the existing boundary treatment will obscure any views to the rear. The first floor window on the side elevation of the proposed development facing No. 27A Charnock Hall Road can be obscured to remove any perception of overlooking.

The primary orientation of the property is to the front and rear of the site. The rear windows are not considered to give any unacceptable oblique views of

neighbouring gardens to the north and south of the site and the windows and doors on the north elevation of the building face the footpath and gable end of No. 25 Charnock Hall Road and do not therefore give rise to any harmful overlooking.

No. 27A Charnock Hall Road which is located immediately to the south of the site has a bedroom window at first floor level which relies on outlook and natural light from the application site. No. 27A was designed in this way as first floor windows were not allowed in the rear elevation due to overlooking issues. The current application site was also in the same ownership as the applicant at the time of the previous approval application (07/00509/FUL) and was to act as accessible amenity space for residents of No.27. The proposed building has been designed to take account of the relationship between the properties with the rear projection of the proposed building set 6.5 metres from the side window of No. 27A. Although there will be a degree of overlooking of the application site from No.27A the rear garden of the application site was originally designed to be a shared amenity area and will continue to function in this way.

Due to the sloping topography of this part of Charnock Hall Road the application site is located approximately 600 mm higher than No.25 Charnock Hall Road. However the proposed development is located approximately 3.56 metres from side elevation of No. 25 which has previously been extended in the past forming a two storey side extension. The overall ridge height of the building is only 700 mm higher than No. 25 and the proposed separation distance is considered adequate to prevent any unacceptable overbearing issues.

The proposed development is located due south of No. 25 Charnock Hall Road, the relative orientation is such that this relationship may give rise to a loss of mid to late afternoon sunlight, primarily during winter months when the sun is lower in the sky. However the proposed relationship between No. 25 and the application site is a common suburban housing layout where properties are located alongside each other fronting the highway. The proposed flats would be 3.6 metres away from the boundary with No.25 and only projects approximately 600 mm beyond the front and 800 mm beyond the rear elevation of No.25. As such the level of direct sunlight, which would be expected to be lost, would not be considered to lead to a significantly harmful impact adequate to support a reason for refusal. No. 25 also has a large rear extension which spans almost the entire rear elevation of the dwelling projecting approximately 3 metres from the rear elevation. As such the impact of any overshadowing on the garden area immediately to the rear of No. 25 is lessened as this part of the site has already been developed.

The proposed layout and window arrangements of the apartments are considered to provide acceptable natural lighting and outlook for future residents. The on-site amenity space will also provide residents with some useable communal space. As such the amenities of future residents are considered acceptable. The proposal is

considered to avoid any harmful impact upon the amenities of neighbouring dwellings, and therefore considered to comply with Policy H14.

Landscape and tree Issues

Policy GE15 requires trees and woodland to be encouraged and protected by criteria (b), which requires developers to retain mature trees wherever possible, and replace any trees which are lost.

There are three cherry trees currently on site protected by way of a TPO. The applicant has submitted a tree report in support of the application which has identified that two of the three cherry trees currently protected by the TPO are in poor condition with evidence of stem decay and therefore the long term life expectancy of the trees is limited. The Council's landscape section has reviewed the tree report and has no objections to the removal of the two diseased trees subject to the planting of replacement species elsewhere on site. The applicant has indicated that one of the existing cherry trees will be retained in the proposed rear garden area and a total of 6 new extra heavy standard trees will be planted on site. Three of the proposed trees will be located in the rear garden and three on the site frontage in planting areas. Given the relatively short anticipated life expectancy of the two cherry trees it is considered the replacement extra heavy standards trees would offer the opportunity to benefit the street scene in the longer term.

It is considered that proposed removal of two of the existing three cherry trees covered by the TPO is acceptable. Given that only one of the TPO trees will be retained on site, it will no longer form part of a group and the fact that it is not considered to be a species of significant value in its own right it is recommended that the existing TPO is removed from the site.

In light of the above the proposal is considered to comply with Policy GE15 and is acceptable from a landscape perspective.

Highway Safety Issues

The Council's car parking standards would require up to 4 car parking spaces to be provided on site (2 spaces per flat). The provision of 4 parking spaces is a maximum standard and if provided would render the site undevelopable. The applicant is proposing only 1 car parking space to be provided, clearly this is below the Council's maximum standards, however the site is in a highly sustainable and accessible location which allows a relaxation in the parking standards. The No. 51 (high frequency) bus service runs along Charnock Hall Road linking Charnock with Lodge Moor via the City Centre. The application site is also a short walk from Supertram services which run on White Lane, where there are also local shopping facilities including a small supermarket. Therefore taking account of the above and the relatively limited size of the accommodation the provision of one car parking space is considered acceptable. There is adequate visibility to enable cars

reversing out of the proposed space to see on-coming vehicles without endangering pedestrian or highway safety. The applicant has proposed two covered secure cycle parking spaces to the rear of the building which is welcomed.

The existing footpath which runs along the northern part of the site boundary linking Charnock Hall Road and Charnock Grove is only approximately 1.5 metres in width. Where possible a public right of way should be widened to 3m in width. However in this case this is not considered reasonable particularly as the remaining section of footpath beyond the site boundary is only approximately 2 metres in width.

On this basis it is considered that the widening of the footpath to 2m would be acceptable. In addition to the proposed widening, the applicant has indicated that a 1.8 metre high railing set behind a new retaining wall is proposed. The railing is permeable which will encourage a degree of natural surveillance of the footpath, minimising any perceived safety issues for users of the footpath. The layout and design of the properties also address the footpath with the entrance door to the ground floor flat and secondary windows overlooking the footpath located in the side elevation which will increase the perception of natural surveillance of the footpath.

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

RESPONSE TO REPRESENTATIONS

The application must be considered against current policies. Previous refusals of planning permission on the site, whilst being a material consideration, do not prevent the consideration of future development proposals.

Trees are common features in the street and if planted and maintained properly do not give rise to safety issues.

Three replacement trees should have been planted in the rear garden area of the application site as compensation for the loss of TPO trees when the neighbouring development was constructed. Only two of the required trees were planted and not to the required standard. The replacement trees will be provided as part of this application and three additional trees will be planted to compensate for the loss of two of the existing three trees covered by the TPO on the application site.

The impact on property values is not a planning issues.

The relationship of the proposed development with dwellings on the opposite side of the street is a normal relationship, no different than as the existing properties on Charnock Hall Road and as such is not considered to give rise to any harmful overlooking.

There is no evidence to suggest that the proposal will give rise to any safeguarding issues.

All other issues are covered in the main body of the report.

SUMMARY AND RECOMMENDATION

The proposal seeks planning permission to erect two 2 bedroom flats in a two storey building and the removal of an existing TPO to accommodate the development.

Assessment of the application is subject to the provisions of UDP Policies H5, H10, H14 and GE15 of the UDP, Policy CS47 of the Core Strategy and the NPPF. Although quantitative open space provision is below recommended standards in the catchment area, the open space is not considered to perform a valuable open space function, it is of a very limited size and is in private ownership and as such the loss of this relatively poor quality space is not considered to harm the character of the area or amenities of residents who have easy access to other public open spaces in close proximity to the site.

Two of the three existing cherry trees located on site are in very poor condition and are proposed to be removed and the existing TPO which protects them revoked. One of the existing cherry trees will be retained and 6 replacement tree species are to be planted on the site, which are considered to offer greater long term benefits to the character of the area and appearance of the street scene than the retention of the existing poor quality specimens.

The proposed building is considered to be in keeping with the current street scene. It is considered to avoid having a harmful impact upon the amenities of neighbouring dwellings, by over-dominance, overbearing, overshadowing or overlooking/loss of privacy.

Although only one car parking space is proposed the site is in a highly sustainable location with access to the high frequency transport services (tram and bus) and local shopping facilities, as such it is considered to be acceptable in highway safety terms. The footpath link between Charnock Hall Road and Charnock Grove will also be widened to 2 metres improving pedestrian routes in the area.

In light of the above the proposal is considered to comply with adopted local and national planning policies and it is recommended that planning permission is granted for the development subject to the listed conditions and that the existing Tree Preservation Order is revoked.

Case Number	14/03846/FUL (Formerly PP-03664442)
Application Type	Full Planning Application
Proposal	Erection of 14 residential flats in a 3-storey block
Location	Site Of 252 Deer Park RoadSheffieldS6 5NH
Date Received	15/10/2014
Team	West and North
Applicant/Agent	JUMP Architects
Recommendation	Grant Conditionally Legal Agreement

Subject to:

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

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:

99 Rev A Site Plan received 19/2/15

101 Rev B - Site layout, floor plans and bin store received 19/2/15

102 - REV B Elevations and Sections received 19/2/15

103- Rev B - Site Sections received 19/2/15

104 REV B Views and detail elevations received 19/2/15

105 Rev A Site Sections North South East and West received 19/2/15

Design and Access statement received 12/2/15

Reason: In order to define the permission.

- 3 Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the

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

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

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

Window and doors

Juliette balconies

Reveal depths of windows and doors

Canopies

Roof details including parapet flashings and soffits

wall and soffit treatment to vehicular entrance through building

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

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

- 5 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 6 Prior to the commencement of development full details of the design of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The store shall be erected in accordance with the agreed details prior to the occupation of the development.

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

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

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

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

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

- 9 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.

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

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

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

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

- 12 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.

- 13 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.

- 14 No development shall commence until intrusive site investigations have taken place to establish if the coal mining legacy poses risk and the risk assessment shall have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigation confirms the need for remedial works to treat the areas of shallow mining then then a scheme of remedial works shall also be submitted and approved in writing by the Local Planning Authority.

Any approved works shall be undertaken prior to the commencement of development.

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 the interests of the safety and stability of the development.

- 15 The flats hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any flat 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.

- 16 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.

- 17 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 The proposed green roof(s) (vegetated roof system) shall cover a minimum area of 80% of the roof and shall be provided prior to the use of the building 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. Unless an alternative specification is approved the green roof shall include a substrate based growing medium of 80mm minimum depth and incorporating 15 - 25% compost or other organic material and the vegetation type shall be herbaceous plants. The plant sward 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.

- 23 Prior to the commencement of development full details of bat or bird boxes, including type, design, location and number shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed prior to the occupation of the development and retained thereafter. Within 1 month of their installation evidence shall be submitted to the Local Planning Authority including photographs of the boxes in situ.

Reason; In the interests of enhanced biodiversity

- 24 The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans. Prior to its installation details of proposed surfacing , drainage, illumination and marking out shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

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

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

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

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

- 27 The 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.

- 28 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.

- 29 The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

- 30 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

- 31 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. 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 / hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

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

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. 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. 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.

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. The applicant is advised to read the consultation response from Northern Powergrid and note their requirements and organise any necessary alterations / diversions to comply with their requirements.

Site Location



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LOCATION AND PROPOSAL

The application site is located on Deer Park Road and is currently occupied by a building, formerly the Deerstalker pub, now used as a gym with car parking in front. There is an existing flat within the building. The character of the area is residential with detached / semi detached two storey houses and bungalows located to the south at a significantly lower level on Spoonhill Road. To the east at a lower level is a residential home, which is set at a lower level down an embankment with mature trees. The site includes some of this embankment. Immediately to the west abutting the site and Deer Park Road is a small area of mature trees and grass land. To the north west across Deer Park Road are two storey terraces and to the

north abutting the site is grassed amenity space with bungalows. The scheme involves the demolition of the existing building on site and the new development to consist of a single three storey flat roofed block which would accommodate 14 two bed roomed apartments. Car parking is proposed to the rear of the building with the access being taken through the centre of the building. Amenity space is proposed between the building and the car park. The site consists of the existing flat area occupied by the building and car park. The plans show that this will extend to the east of the car park by several metres and involve raising the land levels to retain the land.

The scheme has been revised slightly during the course of the application to accommodate a serviceable bin store. This has involved relocating the building slightly to the east, which has resulted in the rear wall of the block coming back into the site towards the south east. Additional information has also been submitted relating to level changes to facilitate the car park.

RELEVANT PLANNING HISTORY

Applications 09/02549/FUL and 10/00046/FUL granted the use of the pub as a gym in 2009 and 2010. This use has been implemented.

The applicant has also made pre-application submissions and received advice residential development on this site prior to this current application.

SUMMARY OF REPRESENTATIONS

17 letters of representation have been received across two rounds of neighbour consultation with 14 being received as a result of the initial consultation and a further 3 from neighbours who had previously commented. These include 14 letters of objection, 1 letter of support and comment from Loxley Valley Protection Society. The points raised are summarised below;

Points raised in objection;

- The scheme is out of character with existing buildings contrary to policy H14
- The mix of materials tries to disguise the height and size of the building
- Too big and imposing, an eyesore
- Concern about height at 3 storey
- The flats would appear 5 / 6 storey from properties on Spoonhill Road due to the level difference between Spoonhill Road and the site
- There is little opportunity for landscaping as the development fits tight to the side boundaries
- There is not room for these flats

- Objection is raised to loss of privacy and overlooking to properties. Specifically to properties on Deer Park Road, Spoon Hill Road. Concern is raised regarding the Juliette balconies.
- Loss of light
- The scheme would cause overshadowing and overbearing to neighbouring properties.
- Loss of view and openness
- Generation of increased pollution, noise and waste management issues
- The concentration of the development will have a detrimental impact on the community as it will congest the area
- Access would be dangerous as on bend and also particularly for vehicles exiting the site due to the proximity to the highway and the brow of the hill. This would be dangerous to road users and pedestrians.
- Concern about proximity to bus stops in terms of highway safety
- Concern about increased volume of traffic
- Existing problems already arise with traffic flow and parking due to the gym and impact this will have on pedestrians including school children
- The parking arrangement and allocation would not encourage parking within the plot unless for a long stay, this would transfer parking to the highway. This would be particularly true for visitors, deliveries and service personnel.
- Concern is raised regarding parking for emergency services
- Concern is raised regarding noise and dirt and disruption to traffic during the construction phase
- Concern that snow and ice will not be cleared from the car park and parking will transfer to the highway.
- Planning permission has already been refused twice
- Concern about reduction in house value

Additional points raised from second round of neighbour notification:

- Previous concerns reiterated
- This would be a loss of a successful business which provides young people with something to do and keeps them off the streets.
- The location of the bin store tight up against the rear boundary would result in a health hazards, smells and vermin.

- Concern is also raised about the cycle store being tight up against the rear boundary and affecting the stability of the boundary wall causing a hazard.
- Both the cycle store and bin store would be imposing and impact on privacy.
- Car park is of little use as access is to the front
- Objection is raised to the provision of the cycle parking as it would not benefit many people
- There is no input from the emergency services
- Face to face discussions would be preferable than to having to write in about this scheme.

Comments made in support

- Will be visually compatible
- Privacy to neighbours will not be affected unlike the existing building
- Adequate parking

Loxley Valley Protection Society:

the view LVPS was that this was quite a well thought out development working with the shape & characteristics as well as the trees on & around the site of a building which no longer has a viable use within the housing area, concerns about its height, overlooking & overbearing have emerged with the objections of the neighbours – query is raised if any amendments could be made to overcome these objections, eg by tree planting to screen with flats and assist with privacy issues.

PLANNING ASSESSMENT

Policy

The site is located in Housing Area as allocated in the Sheffield UDP. Policy H10 details housing as being the preferred development type. Policy H14 is also applicable and sets out Conditions on Development in Housing Areas.

Policy H5 is applicable and seeks to ensure that the concentration of flats would not cause serious nuisance to existing residents, ensure that living conditions are satisfactory for occupants of the accommodation and immediate neighbours and there is appropriate of street parking accommodation to meet the needs of the development. This will be assessed below.

Core Strategy policy CS24 is applicable and seeks to maximise the use of previously developed land for new housing. As the site is located on previously developed land the scheme contributes to the aims of this policy.

Core Strategy policy CS26 seeks to make efficient use of land for new homes, and sets out appropriate density ranges for different areas. In this location, which is

close to a high frequency public transport route, the appropriate density range is 40 - 60 dwellings per hectare. The proposal represents a density of 75 dwellings per hectare which is above this. The policy details that densities outside these ranges will be allowed where they achieve good design, reflect the character of the area or protect a sensitive area. Policies BE5 and CS74 are also concerned with detailed design principles.

Visual Impact and Design

The character of the area is residential. The site is open and occupied by a two storey building with open land to either side. The housing on the opposite side of Deerpark Road is set back and formed of two storey terraces. In the wider vicinity the buildings are predominantly two storey with some bungalows. In the area abutting the site is a mixture of building types with there being terraces on Deer Park Road, semis and detached properties on Spoonhill Road detached properties on Stanwood Mews and to the east a two storey large block which is a residential home. In the wider context are the tall blocks of flats which can be seen in the background when travelling along Deer Park Road. There is no strong character to the area and the principle of the introduction of a development of this type is acceptable given the mixed character of the area.

As the site is stand alone and there are no buildings on either side the then offers greater flexibility in terms of the form of the building as it does not have to form the continuation of an existing streetscene. The proposed building is 3 storey with a flat roof. Whilst there are no 3 storey buildings in the immediate vicinity, the height of the building is 8.5m high, which is only approximately 1.1 metres higher than the ridge height of the existing building on site. The flat roof design of the building keeps the height to a minimum and the top floor is slightly set back from the storeys below and has a dark cladding elevational treatment so that this reads more as a roofscape. Given that the building is not significantly higher than what is on site at present and the ridge heights of many 2 storey properties then the overall height is considered acceptable. As the building is a single block with a long frontage then the height does add to the massing, however the frontage width is similar to the length of the terrace block formed by 1 – 11 Deer Park Way which back onto Deer Park Road. The building is of acceptable scale and massing.

There is some modelling to the building which is a positive aspect and the vertical proportion of the windows add verticality to the long frontage. The material pallet is simple with brick and dark cladding. This is appropriately applied to break up the building.

The layout of the building within the site has been carefully positioned to acknowledged the highway and the respects the curve of the road. The parking has been positioned to the rear of the building and is well screened from the highway which is a positive design feature. The amenity space has been

somewhat resigned to the remaining areas of land , however there are good sized parcels of space which if landscaped appropriately could create attractive outdoor amenity space. The building does sit tightly across the width of the site, this is a less positive aspect of the scheme, however the context of the site with the trees to one side and grassed land to the other means that the site would not appear overdeveloped and openness in the area would be retained.

The scheme is of appropriate scale , massing, form and is well designed to suit the site. The development would not appear out of character with the area and is therefore compliant with policies H14a and BE5 of the UDP and Core Strategy Policies CS74 and CS26. Due to the above assessment the fact that the development density is above the range recommended in Policy CS26, this is acceptable as the design is good and the impact on the character of the area is acceptable.

Access

Policy H7 seeks to secure a proportion of mobility housing to meet local need. This is reinforced by the Mobility Housing SPG which seeks to secure 25% of mobility housing in new housing developments. The 4 ground floor flats have been designed as mobility units and there is level access to each. In addition there is an appropriate proportion of accessible parking. At present access to the mobility units is via the front entrance which exceeds the travel distance from the parking spaces, however if required then with minor adaptation doors could be added to the rear of the ground floor units and level access provided. The scheme is compliant with the Mobility Housing Policy Requirements.

Landscape

Policy GE15 requires developers to retain mature trees and copses and hedgerows wherever possible and replace any trees which are lost. There are trees beyond the site of the Deer Park Road frontage and also to the east of the site , both within and beyond the site boundary. The layout of the development is such that trees do not need to be removed to facilitate the scheme. Some works are proposed in the Root Protection Areas of the trees, however Officers are satisfied that subject to conditions controlling methods of construction and tree protection during the course of the development, that the mature trees can be retained.

A tree planting and landscaping scheme will be required and controlled by condition. Within this there is scope to incorporate tree planting to the frontage and adjacent to the new retaining wall in the south east corner of the site. The landscaping plan would also cover the areas of amenity space to be created.

The scheme also includes a green roof to the main block, this is welcomed. and will provide ecology and drainage benefits.

The scheme is compliant with the aims of UDP policy GE15.

Ecology

A key principle of the National Planning Policy Statement (NPPF) is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Whilst there is no ecological harm generated through the redevelopment of the site, the scheme should contribute towards halting the decline of biodiversity. The agent has detailed that they will provide bird boxes. Details of these can be controlled through condition. This, together with the provision of the green roof presents a good commitment to enhancing the natural environment.

Sustainability and Drainage

Policies CS64 and CS65 requires new developments to address climate change and employ sustainable design principles. The supporting information submitted confirms that the scheme will be designed to a minimum of Code for Sustainable Homes level 3 and that measures will be included to generate 10% of the predicted energy needs by 10% from renewable sources. These requirements can be secured by appropriate conditions.

Policy CS67 is concerned with flood risk management. A condition will be attached to reduce surface water. Furthermore the scheme includes the provision of green roof, this is welcomed and contributes to the aims of CS67 and complies with Guideline CC1 of the climate change SPG

Amenity

Impact on Existing Neighbours

Taking reference from the Council's Supplementary Planning Guidance on Designing House Extension the usual standard separation distance sought between main facing windows is 21 metres between two storey properties. The Guideline states that this distance may need to be greater where there are level differences and a reduced standard can be applied where windows do not face each other and angled.

The front facing windows and Juliette balconies would face Deer Park Road. The balconies are Juliette, rather than step out balconies and would have a similar outlook to a regular window. At the minimum the distance between the new building and the end of the gardens of these properties is at least 21 metres, with

the dwellings themselves being further separated by their gardens. This is ample separation distance to ensure adequate levels of privacy to these properties

The more sensitive relationship is to the properties on Spoonhill Road. These properties are located approximately a storey and a half lower. The redline site boundary extends beyond the rear of the level area currently on site and encompasses a strip of land beyond this. This arrangement is shown to be kept.

The building would be angled within the site so the rear elevation splays away from these properties rather than directly facing them, nether the less the accommodation is over three storeys and there is a significant land level difference. The closest relationship is to Nos 16 - 18 Spoonhill Road. In terms of the impact from the rear elevation, the closest relationship taken from an upper floor window to the rear boundary of the site is 7.5 metres. This is where the site abuts No 16a. This measurement is taken at an oblique angle. When looking straight out the window the distance to the rear boundary of the site would be more like 10.5 metres. The closest distance between the rear of the proposed development and windows is approximately 20.5 metres and this relationship is not directly facing. Other properties affected by the outlook from the rear elevation of the proposed building have a greater separation distance. At these distances, even taking into account the level difference, the angle of the building is such that direct overlooking between living accommodation would not arise and the relationship and impact on privacy is acceptable. The separation distance to rear gardens is pushing towards the limits of what is acceptable, however given the oblique angle of the building reduces the impact and the level difference means that to a certain extend the views from the upper floors would be over and beyond the houses to the rear and the ground floor screened by boundary treatment.

The closest property is No 18 Spoonhill Road. This is a bungalow which is set back from Spoonhill Road, pushing it towards the rear of the site. The side elevation of the new building is angled towards this house, though not directly facing. All windows in this side elevation are proposed to be frosted, in addition there are intervening mature trees. The scheme would not result in loss of privacy to this property.

The separation distances to properties to the north east and east are sufficient so that significant loss of privacy would not arise.

Land level changes are proposed in the south east corner to facilitate the car parking in that area. These and the proposed retaining structures are of a nature and distance from other property so that significant loss of amenity would not arise.

Overshadowing and Overbearing:

In term of overshadowing and overbearing impacts the usual guideline taken from the SPG details that there should be 12 metres between a main ground floor

window and a new two storey building. Extra storeys and level differences should also be taken into account. The closest separation distances from 8 – 16a Spoonhill Road is approx. 20.5 metres at the closest point. The agent has provided a cross section taken through the point of the ground floor window of No 16a and drawn a 25 degree angle, this is a test taken from BRE guidance to help establish if there is adequate light / sunlight. The eaves of the roof marginally intercepts this line, which does result in some concern regarding light. Whilst this indicates that the scheme is pushing towards the limits of what is acceptable, this intercept is not significant and the building splays away, which reduces the impact as the mass of the building is not constantly presented at this relationship. Furthermore there is an existing building on site which currently has some impact. The building would be to the north of the properties on Spoonhill Road, and therefore not directly in the path of the sun. Consequently the view is that the scheme on balance is acceptable in its relationship to these properties in terms of overshadowing and overbearing.

No 18 is closer, the building would be on elevated land to the north east, therefore not in the direct path of the sun. There are trees which intervene and the new building is angled. The scheme would not result in significant overshadowing implications. In terms of overbearing the site abuts a short section of the rear boundary of this property, the closest windows to the building are obscured, with the closest non frosted window being not directly inline with the building. The trees provide an intervening feature and would screen a good amount of the building impact in terms of overbearing would be acceptable in relation to this property.

Other surrounding properties are located sufficient distance from the site and building so that overbearing or overshadowing issues would not arise.

The bin store has been positioned in place of an existing single storey building on the site. This would not have a significantly greater impact on amenity of neighbours over and above the existing situation.

The cycle store would be positioned on the flat area of the site at the rear. Currently a fence runs along this boundary. Whilst the design of the cycle store has not been provided at this stage, this need not be a high structure and could be accommodated in the location shown without appearing overbearing or overshadowing. The boundary screening and position of these facilities does not raise significant privacy implications

Representation has been made regarding noise, disturbance and pollution. The existing premises is a gym and before that a pub. There has always been a level of activity associated with the site and also vehicle movements in similar locations to that proposed. The use of the site as residential is more compatible with the nature of the location and would not give rise to significant noise. The scheme would provide 14 units, which is not overly intense. Waste provision has been shown on the scheme, and has been designed so it is accessible and serviceable to a

standard required by Waste Management. There is no evidence to suggest that the development would result in pollution or vermin issues. The scheme would comply with the relevant aspects of policy H5 of the UDP.

Amenity of Future Occupants

The internal accommodation is of a size where it is adequate for residents. The units have acceptable light and outlook. There is some concern about the proximity of the cycle store to the rear of the block, and final details of the siting and construction of this will be controlled by condition. The bin store is close to one of the ground floor units, however, the access to this is segregated and the side windows are frosted. This relationship is acceptable.

The amenity space separates the car park from the ground floor units, and whilst the amenity space abuts the units an appropriate landscaping scheme can provide privacy. The amount of amenity space is acceptable and will be appropriate quality as a result of a good landscaping scheme.

The scheme is compliant with policy H5 B of the UDP.

Highways

The site is situated on the inside of a bend giving good visibility for traffic leaving the site. The site currently has vehicular access in a similar location and a large car park. Vehicular movements on to this site are long established. The scheme proposes 18 parking spaces which equates to 1 per unit with additional spaces for visitor spaces at 1 per 4 units. In addition there is provision for cycle parking. The level of parking proposed is acceptable for a development of this size and nature. The scheme is close to a high frequency bus route and the incorporation of cycle parking also encourages the use of alternative modes of travel to the private car. Consequently it is concluded that the scheme would not result in significant highway safety concerns for both pedestrians and other highway users.

Open Space

Policy H16 of the UDP details that for sites less than 1 hectare it will be expected that a contribution should be made towards the provision of recreation space. This is reinforced by SPG on Open Space provision in New Housing Development.

There is a shortage of both formal and informal open space provision in the local area. A 106 contribution of £11,896.50 is being sought towards this.

Education

Core Strategy policy CS43 says that expansion of schools should be funded by developers where there is insufficient local space for demand arising from new housing developments. The Education Provision Interim Planning Guidance provides further guidance on this.

The expected public yield from the development is 3 at primary and 2 at secondary. There is potential space for pupils in local primary school provision. There is forecast to be oversubscription for secondary education in the catchment area and population is rising putting pressure on other neighbouring secondary schools. A 106 agreement to secure £ 38,682 towards secondary education provision is being sought.

RESPONSE TO REPRESENTATIONS

Many of the issues raised have been discussed above. Other issues are raised below;

- Concern is raised regarding noise and dirt and disruption to traffic during the construction phase – A condition has been attached to prevent mud spilling onto the highway. A level of noise and disturbance is inevitable with any building operation and other legislation controls this.
- Planning permission has already been refused twice – This is not the case
- This would be a loss of a successful business which provides young people with something to do and keeps them off the streets. – The business could close with or without this consent. There is no planning justification to refuse the scheme on this basis.
- Face to face discussions would be preferable than to having to written in about this scheme. – The planning consultation process requires written comments to accurately record peoples comments.
- Objection is raised to the provision of the cycle parking as it would not benefit many people – This is a benefit to the scheme it encourages alternative use to the private car, thus reducing demand for car ownership or reducing car trips. This benefits highway safety and also has health and environmental benefits.
- The parking arrangement and allocation would not encourage parking within the plot unless for a long stay, this would transfer parking to the highway. This would be particularly true for visitors, deliveries and service personnel – Residents will prefer to park within the development as this will be more safe and secure than being left on the highway. There is sufficient parking within the development for visitors, whilst some occasional parking may arise on the highway from visitors, deliveries or emergency services, this would not be intensive and occasional. This would not compromise highway safety.

- Concern about proximity to bus stops in terms of highway safety – There is some distance from the bus stop to the entrance, this is adequate. The stop is not a terminus, so there is no excessive waiting. The relationship would not result in significant adverse highway safety implications.
- Concern is raised regarding parking for emergency services. Attendance of emergency services to the site would not be a regular occurrence and servicing can take place from the highway or within the site dependent on the service in attendance.
- Concern that snow and ice will not be cleared from the car park and parking will transfer to the highway. – There is no evidence to suggest that this would be an issue, over and above any other private residence in the city.

Non planning issues

- Loss of view
- Concern about reduction in house value
- The stability of the rear retaining wall
- There is no input from the emergency services- This issues is a non planning issues and would be looked at by Building Regulations

SUMMARY AND RECOMMENDATION

The principle of residential development in this location is acceptable. The scheme makes use of a previously developed site and is of acceptable density. The scheme would be visually acceptable in this location and is acceptable in terms of the impact on the character of the area. The height, scale and massing of the building is acceptable and the layout and design are appropriate.

Whilst the relationship to the properties on Spoonhill Mews due to the level difference does come towards the upper limits of what is considered acceptable in terms of overbearing, the splayed siting of the building, the overall height and position compared to what is already on site means that this relationship is on balance considered to be acceptable. Again the splayed nature of the building means that direct intensive overlooking is minimised. The scheme is considered acceptable in its relationship to neighbouring properties.

The scheme provides adequate amenity for future residents and acceptable parking levels and impacts on highway safety. The scheme will secure an appropriate contribution towards education and open space to meet the needs arising from the development.

The applicants have not at the time of drafting this report submitted the section 106 agreement and therefore the scheme does not at present comply with policies H16 and CS43. The application is considered acceptable in relation all other

matters and compliant with policies H10, H14, H5, H7, H16 BE5, GE15 of the UDP and policies CS24, CS26, CS64, CS65, CS67 and CS43 of the Core Strategy and the NPPF and therefore a dual recommendation is appropriate in this case.

It is recommended that the Board grant planning permission conditionally subject to a legal agreement to secure a financial contribution of £11,896.50 towards open space provision to comply with H16 and £ 38,682 towards Education in line with policy CS43.

In the event that a satisfactory S106 planning obligation covering the Heads of Term set out in the preceding paragraph is not concluded before 14th May 2015 (in order to meet the Government's target time for the determination of the application), it is recommended that the application be refused for the failure to make adequate provision in this regard.

Case Number 14/03493/FUL (Formerly PP-03667733)

Application Type Full Planning Application

Proposal Change of use of former Abbey Glen Laundry building to form 20 apartments and erection of a 3 storey building to form 9 apartments, 1 live /work unit and 2 Offices and erection of 16 terraced houses/ townhouses

Location Abbey Glen Ltd67 Coniston RoadSheffieldS8 0UT

Date Received 19/09/2014

Team South

Applicant/Agent Tatlow Stancer Architects

Recommendation Grant Conditionally Legal Agreement

Subject to:

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

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 (Tatlow Stancer):

14924 A1_10 Rev E (ground floor layout)
14924 A1_11 Rev D (first floor layout)
14924 A1_12 Rev D (second floor layout)
14924 A1_13 Rev D (third floor layout)
14924 A1_14 Rev B (roof plans)
14924 A1_15 (elevations/sections) (excluding dwelling adjoining Coniston Terrace)
14924 A1_16(elevations/sections)
14924 A1_20 Rev C (Block A plans)
14924 A1_21 Rev C (Block A plans)
14924 A1_22 Rev A (Block A roof plan)
14924 A1_23 Rev B (Block A elevations)
14924 A1_30 Rev D (Block B plans)
14924 A1_31 Rev C (Block B elevations)

14924 A1_35 Rev C (Block C plans)
14924 A1_36 Rev B (Block C plans)
14924 A3_17 Rev B (Coniston Terrace elevations)
14924 A1_40 (Block D plans/elevations/sections)
14924 A1_45 (Block E plans/elevations)

Flood Risk Assessment (Eastwood & Partners - August 2014; ref 36867-002)

Reason: In order to define the permission.

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

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

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

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

- 5 Unless an alternative timescale is agreed in writing, the development shall not be commenced unless a vehicle restraint parapet to the River Sheaf bridge at Rydal Road has been provided in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority and thereafter such restraint parapet shall be retained.

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

- 6 The development shall not be commenced unless a scheme detailing the new flood defences works has been submitted to and approved in writing by the Local Planning Authority. The main defences along the River Sheaf shall be set no lower than 80.15mAOD and shall cover the extent of the site on both river banks and form a bridge parapet at the end of Coniston Terrace. The access road shall be ramped to a height of 300mm and shall tie into the flood wall along the River Sheaf and the new end dwelling fronting Langdale Road. The flood defences works shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority prior to commencement of the development and shall thereafter be retained.

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

- 7 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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

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

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

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

- 10 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.

- 11 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.

- 12 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.

- 13 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people, including mobility housing and access to the buildings and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such 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.

- 14 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.

- 15 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
External wall construction
Eaves and verges
Balconies
Glazed screens
Entrance canopies
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.

- 16 The development shall be carried out in complete accordance with the submitted Flood Risk Assessment and the following mitigation measures detailed therein:
- Finished floor levels for residential use shall be set no lower than 79.55mAOD.
 - Finished floor levels for the ground floor of the building fronting Little London Rd shall be set no lower than 150mm above adjacent ground levels.
 - The foundations of the new properties shall be constructed so that the existing riverside retaining walls to the River Sheaf can be removed and replaced without affecting the structural integrity of the new buildings
 - A minimum 3 metre easement shall be maintained between the riverside retaining walls and the new buildings, with the exception of the 2 x 1.5 metre pinch points indicated on the approved plans.
 - Production of a flood evacuation plan for the development, including details of safe access and egress arrangements during a flood and provision for subscription to the Environment Agency's Flood Warning Service.
 - Flood resilience techniques to the car park and residential lobby area to the building fronting Little London Road.
 - Flood proofing of all residential utility services up to 79.62mAOD.

Such flood mitigation measures shall be fully implemented prior to occupation of the development.

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

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

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

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

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

- 19 No construction of buildings or other structures shall take place unless measures to permanently remove or fill in the redundant 975mm diameter sewer that is laid within the site have been implemented in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure satisfactory drainage arrangements.

- 21 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water 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.

- 22 The buildings shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the buildings commencing, and shall thereafter be retained.

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

- 23 The buildings shall not be used unless the car parking accommodation for 37 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.

- 24 The buildings shall not be used unless the cycle parking accommodation for 28 cycles 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).

- 25 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.

- 26 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

- 27 Prior to the occupation of the proposed dwellings all works detailed in Blue Tree Acoustics Noise Assessment report dated 19 August 2014 (ref 2276.11/1) which form part of a scheme to protect future occupiers of the dwellings from noise shall have been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

- 28 The live/work unit shall not be occupied unless sound insulation measures have been implemented, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the approved sound insulation measures shall be retained.

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

- 29 The first floor apartment at the junction of Coniston Road and Coniston Terrace shall not be occupied unless 1800mm obscure glazed panels have been provided to the perimeter of the external terrace in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved panels shall be retained.

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

- 30 The dwellings shall not be used unless details of the proposed bin collection arrangements, including any designated collection area(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse and recycling bins shall be stored for collection within the approved area(s).

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

- 31 Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to

Fridays, and between 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.

- 32 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.

- 33 The construction of the 4 townhouses at the junction of Rydal Road and Langdale Road shall only be carried out in conjunction with the remainder of the site.

Reason: To develop the 4 townhouses in isolation cannot be justified having regard to national and local planning policies relating to flood risk.

- 34 An otter holt shall be provided in an agreed location and in accordance with full details to have first been submitted to and approved in writing by the Local Planning Authority. Such otter holt shall be provided within a timescale to be agreed in writing by the Local Planning Authority prior to the development being occupied.

Reason: In the interests of promoting biodiversity.

- 35 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevation of the elevation of the townhouse adjoining Coniston Terrace without the prior written approval of the Local Planning Authority.

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

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A, B and E), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, roof enlargements, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the buildings shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property and to ensure that adequate external amenity space is available bearing in mind the restricted curtilages of the dwellings.

- 37 Before the first occupation of the first floor apartments facing the boundary with the rear of dwellings in Langdale Road, the bedroom windows facing that boundary shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any parts of the windows that are less than 1.7 metres above the floor of the rooms in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

Attention is drawn to the following directives:

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

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

3. 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

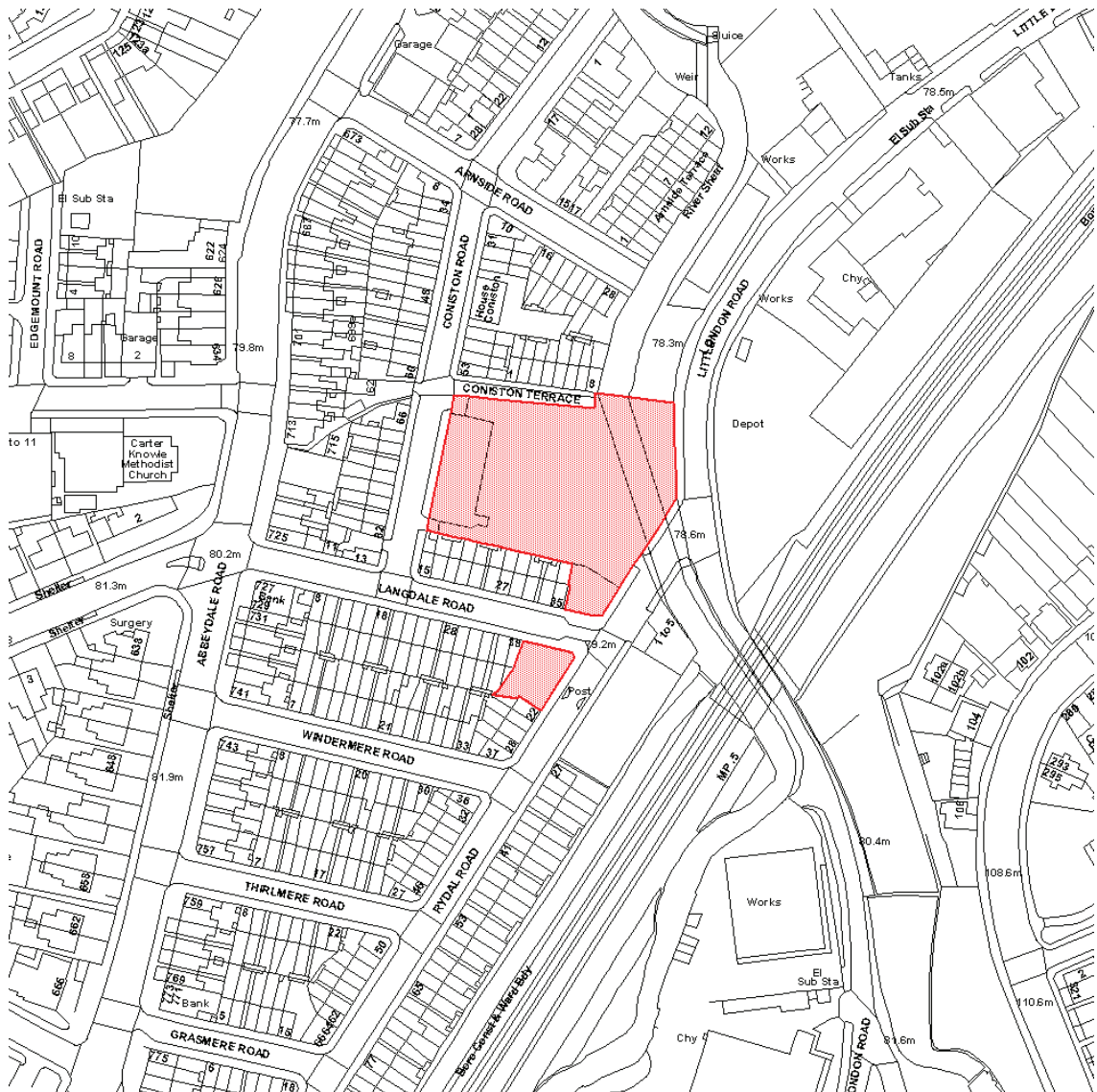
Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

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. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
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 Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
9. Formal consent regarding works affecting the water course must be obtained from the Council's Development Services, Land Drainage Group, 2-10 Carbrook Hall Road, Sheffield, S9 2DB (Telephone Sheffield 2735847) before work on site commence.
10. Formal consent for the discharge to the river and for the outfall structural design must be obtained from the Council's Department of Design and Building Services (Drainage and Bridges Division), 2-10 Carbrook Hall Road, Sheffield, S9 2DB (Telephone Sheffield 2734456) before work on site commences.
11. All drainage must be passed through a suitable petrol/oil interceptor prior to discharge from the site. These matters will be covered in the Building Act submission.
12. Where a direct discharge to a water course is contemplated, or the proposal lies within a water catchment area, it will be necessary to provide a secondary form of treatment (a filter) to the satisfaction of the Main Drainage Section.

Site Location



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LOCATION AND PROPOSAL

The application relates to the former Abbey Glen Laundry which has been vacant since 2006. The site is level and has boundaries with Coniston Road, Langdale Road, Coniston Terrace, Rydal Road and Little London Road. A small plot of land (approximately 14m x 10m) at the junction of Rydal Road and Langdale Road is also included in the application. The total site area is approximately 0.3 hectare (2998m²).

Prior to recent demolition works, the main site was almost entirely covered by buildings with the exception of the service yard area which was accessed from Rydal Road and is bounded by approx 2m high brick walls. The demolished

buildings were of varying scale and quality and appear to have post dated the primary building which has been retained. This c1900 building is a substantial two storey structure which abuts the back edge of the footway in Coniston Road. It is red brick with a slate roof and large ground floor window openings. The building is taller than the Victorian terraces of dwellings adjoining and opposite the site. The former reception area is within this building and there is vehicular access through a covered way.

The demolished buildings included several shed-like structures with brick walls and corrugated roofs. The side elevations of the sheds abutted the no-through-road in Coniston Terrace. There is a terrace of dwellings on the opposite side of Coniston Terrace. A further series of sheds were located towards the Rydal Road/Little London Road frontage. The River Sheaf was culverted beneath these buildings but has now been reopened in preparation for the proposed development.

The small rear gardens of terraced dwellings in Langdale Road adjoin the southern boundary. An open car park directly adjoins the site in Little London Road. This car park serves Stokes Paints (opposite). Play Arena (children's play centre) is located in a former warehouse adjoining Stokes Paints and includes a large car park/secure yard. There is a car service/MOT/repair business (PLM Auto Centre) on the opposite side of Rydal Road. A railway bridge crosses Little London Road approximately 90m to the south-east of the site.

The smaller plot of land has previously been used as a car park in connection with the laundry. It adjoins the blank end elevations of traditional terraced housing in both highways. The land has security fencing to the road frontages and is increasingly overgrown.

The application proposes the conversion of the remaining original building to form 20 apartments. This involves remodelling and raising the roof to provide accommodation on 3 levels and raising the level of the former basement of the building which will provide undercroft car parking. The proposals include a contemporary terrace of 9 three storey townhouses fronting the river, a terrace of 3 townhouses adjoining the existing terrace in Langdale Road and a terrace of 4 townhouses on the former car park adjoining the existing terrace in Rydal Road. Also included is a 3/4 storey building on the opposite side of the river fronting Little London Road. This building includes 9 apartments, a live/work unit and 2 small offices, with undercroft car parking accessed from Little London Road.

Vehicular access is proposed from Rydal Road with further car parking and a shared surface being provided between the rear of the existing building and the front of the terrace of 9 dwellings. The undercroft parking in the original building will be accessed via a ramp from the shared surface.

RELEVANT PLANNING HISTORY

Outline planning permission for residential development of the laundry site was first granted in 2006 (ref 05/00252/OUT). No indicative layout was submitted and all matters were reserved for subsequent approval. The permission was not pursued to reserved matters stage and consequently expired in March 2009.

A further outline planning permission was granted in May 2012 (ref 11/02890/OUT). The description was more specific, being for 17 dwellinghouses, 3 apartments and 5 live/work units with associated landscaping, riverside walk and car parking. The proposals included demolition of all the buildings and all matters were reserved with the exception of the means of vehicular access which is in the same location as the current proposals. The permission expires on 1 May 2015.

Prior notification in respect of the demolition of the buildings (with the exception of the retained main building) was received in June 2014 (ref 14/01807/DPN). A detailed method statement was submitted and it was therefore determined that prior approval of the details was not necessary.

SUMMARY OF REPRESENTATIONS

8 representations have been received from local residents. None object to the principle of housing development on this site but a number of concerns are raised, as summarised below.

Design

- need for development to fit in with existing traditional houses e.g. red brick
- welcome retention of building facade but would like to see a more sympathetic development rather than a focus on maximising profits for developers
- understands modern industrial appearance on main site but would like to see new houses on Langdale Road reflecting original brickwork of existing properties
- prefer to see red brick in walls facing Coniston Terrace rather than blue-black

Traffic and Parking

- concerned about increase in traffic in reasonably quiet roads
- impact on street parking which is already problematic due to Abbeydale Road restrictions, causing people to park in streets behind
- greatly increase traffic flow in general neighbourhood
- insufficient parking spaces provided - a lot of properties may have more than one car and office workers will need more parking
- Non-locals currently use side streets for parking and customers of tyre business at corner of Langdale/Coniston Road also queue on surrounding roads creating quite a lot of traffic and issues with parking already
- concern that access for emergency services will be restricted due to excessive on street parking narrowing carriageways - could put residents at risk
- roads are already under a lot of strain and desperately need repairing - would they cope with extra traffic generated from new development?
- Langdale Road already plagued by drivers illegally driving through 'No Entry' point - real issue as those drivers often speed up to make manoeuvre which has negative implications for residents and pedestrians - what will be done to alleviate this problem?

Residential Amenity

- creating a ghetto of Coniston terrace may increase anti-social behaviour such as drug dealing - Coniston Terrace made up of 8 two-up, three-down terraced houses, approx 3m from existing boundary wall - road narrows towards river-end and is very private - consequently has been subject to a lot of anti-social activity as it creates an ideal hiding place for youths to gather outside properties causing nuisance and being abusive to residents
- welcomed previous application which would have enhanced area and given a more open space to Coniston Terrace but new proposal appears to have overbearing impact making it much darker due to increased height of new building - more likely to attract antisocial element from which this street has been suffering in the past
- height of new building will affect privacy and daylight as distance between existing house (7 Coniston Terrace) and new building is less than 5 metres
- new building appears higher than houses in Coniston Terrace - will block light to front windows (7 Coniston Terrace)
- overall height will be overbearing on Coniston Terrace which will feel hemmed in
- worried about having massive block of apartments just across our houses (Coniston Terrace) which will make street even narrower and result in loss of a considerable amount of light
- overlooking from raised garden - loss of privacy and increased noise to Coniston Terrace
- overlooking and increased noise from development due to lower wall further along Coniston Terrace
- gable end of Block B will face property (No6) at much increased height to existing wall - loss of light and overshadowing to front of property
- siting and curvature of office building across the river will block out any light which may have been gained by opening up the river and also cause loss of privacy due to overlooking
- request that wall to rear of properties in Langdale Road is built to the level above the existing outhouses to retain privacy - will now overlook new private road and car park meaning that people walking by will have full view into rear yard and house - would be quite happy if this meant removing outhouses in the process

Other Matters

- support for development of site for housing
- supported previous approved application which was much more of an enhancement to the area with housing set back from Coniston Terrace and a larger area of much needed green space which would have opened up Coniston Terrace, helping with issue of anti-social behaviour and maintaining privacy and light
- impact on local resources, doctors, schools etc
- number of dwellings appear to be overdevelopment of area
- will be too many residents - fail to see how cramming in houses will improve quality of life

- not clear what is proposed where river wall at end of Coniston Terrace has been removed - will risk of flooding increase as Terrace is at a lower level?
- would fully support an amended and downscaled version of these plans, which address issues stated above
- concerns about impact that demolition works have had on property in Coniston Terrace (No8) - gable vulnerable to damage

A resident from outside Sheffield has also made representations:

- supports redevelopment of derelict building and vacant brownfield site - derelict property sticks out like a sore thumb when arriving in Sheffield by train as rear of site faces main railway line
- far too many derelict buildings in Sheffield - this one is serious eyesore in present condition
- front and side elevations of Block D should be red brick to match rest of street and of more traditional design
- support introduction of soft landscaping and opening out River Sheaf through the application site
- in line with local and national planning policy

Councillor Nikki Bond has made representations on behalf of residents she has spoken to in Coniston Road/Terrace:

- local residents generally supportive of proposal to change use of laundry but there are a number of concerns to be taken into account and addressed, including:
 - noise and dust from building works
 - increased traffic on an already busy road
 - problems with parking
 - reduced privacy due to size of windows
 - flood risk due to location next to river
 - concern about severe loss of light and overbearing effect on Coniston Terrace due to increased height of already tall wall
 - concern that people might try to use Coniston Terrace as an access point to the development
 - some of development not in keeping with character of street
 - a lot of housing proposed in comparison to previous planning permission
 - threefold population increase that development will bring requires adequate parking spaces
 - query about location of windows that would overlook Coniston Terrace
- asides from these concerns, most people are happy that laundry frontage will be kept and felt this was important for heritage reasons, and another person wondered if development might help tackle problems with anti-social behaviour by increasing amount of light and footfall in area

PLANNING ASSESSMENT

Policy

The majority of the site lies within a Housing Area as defined in the Unitary Development Plan (UDP). The land on the east bank of the river culvert (fronting Little London Road) is within a Fringe Industry and Business Area (FIBA). In the Local Plan Draft Proposals Map the entire site is in a Housing policy area.

In the Council's Strategic Flood Risk Assessment, the site is within Flood Zone 3(a) which means there is a 'high probability' of flooding.

The proposals must be tested against relevant policies in the UDP and the Local Plan Core Strategy. The National Planning Policy Framework (NPPF) provides the context for considering the Council's policies. The NPPF has no significant implications for this proposal over and above those in the UDP and Core Strategy.

The Local Plan City Policies and Sites (pre-submission version) document also contains relevant policies but carries very limited weight as the document is not adopted and is not currently intended to be submitted to the Government for scrutiny. It is therefore not considered in detail here. However, the document has no significant additional implications for this proposal.

The adopted Supplementary Planning Guidance (SPG) "Designing House Extensions" is not strictly relevant to this new-build scheme but provides relevant guidelines in considering the impact on residential amenity.

The adopted Supplementary Planning Document "Climate Change and Design" is also relevant as are the Interim Planning Guidance documents relating to provision for Education, Affordable Housing, Mobility Housing and Open Space.

Policies and guidelines in the aforementioned documents are referred to as relevant in the sections that follow. The NPPF is not considered in detail as it is generally consistent with the local policies referred to.

Principle of Proposed Development

The most relevant policies are:

- H10 (Development in Housing Areas)
- IB6 (Development in Fringe Industry and Business Areas)
- CS3 (Locations for Office Development)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)

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

Housing uses (Class C3) are the preferred land use in Housing Areas in accordance with Policy H10. Housing uses are listed as 'acceptable' in FIBA's in accordance with Policy IB6. The former use of the site as a commercial laundry falls outside the scope of the Use Classes Order but did include processes that would not generally be considered desirable in a Housing Area. Notwithstanding

this, the main laundry activities were well screened from the surrounding dwellings in Coniston Road, Coniston Terrace and Langdale Road.

In land use terms, residential development is therefore acceptable in principle and preferable to the former laundry use within the Housing Area. The principle of demolition of all the existing/former buildings and redevelopment for housing and live/work units has previously been accepted in the granting of the extant outline planning permission (ref 11/02890/OUT).

The layout includes 1 x live/work unit and 2 x small offices (together with 9 apartments) on the part of the site within the FIBA. Whilst Policy IB6 lists offices (Class B1) as an acceptable use in FIBA's, the later Policy CS3 targets office development to the City Centre and its edge. The policy requires 65% of new office development to be located there. Currently only around 59% is being proposed and the proposals will not help to meet the policy requirement. Furthermore, the site is not in one of the office locations specified in that policy. However, the offices are very small scale and in a location close to high frequency public transport routes in Abbeydale Road and Chesterfield Road.

The use provides an appropriate transition between the two land use policy areas, could potentially add to local employment opportunities and will not undermine the preferred office locations.

Density and Mix

The most relevant policies are:

- CS22 (Scale of the Requirement for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)
- CS41 (Creating Mixed Communities)
- H5 (Flats, Bed-sitters and Shared Housing)
- H7 (Mobility Housing)

The proposals represent a residential density of approximately 153 units per hectare. This is significantly above the density range quoted in Core Strategy Policy CS26 which suggests that development in the order of 40-60 dwellings per hectare would be appropriate in this location. However, Policy CS26 permits densities outside the quoted ranges where proposals achieve good design, reflect the character of the area or protect a sensitive area.

The density is inflated by the number of apartments in the scheme (30 including the live/work unit), 20 of which are proposed in the conversion of the existing building. The 16 terraced houses in the proposed layout are on plots that are comparable to the existing housing in the immediate area. The area is characterised by traditional terraced properties in a tight street pattern with a density of approximately 140 units per hectare.

Overall, the proposals represent an efficient form of land use that is acceptable in the context of the density in the immediate area in accordance with Policy CS26.

The proposals will also contribute to housing supply which will assist in delivering Core Strategy Policy CS22.

Policy CS41 requires provision for a broad range of smaller households in the City Centre and other highly accessible locations, such as this site. It requires no more than half the new homes in larger developments to consist of a single house type. For the purpose of CS41 'larger developments' are defined as those consisting of 60 or more new dwellings and a 'single house type' is defined as one with the same number of bedrooms and of the same design or generally similar characteristics. Policy H5(a) permits flats developments where a concentration of such uses would not cause serious nuisance to existing residents.

The mix of residential accommodation is as follows:

Houses - 15 x 3 beds; 1 x 2 beds

Apartments - 19 x 2 beds (including 1 x live/work unit); 10 x 1 bed

Studios - 1

Despite being below the policy definition of a 'larger development', the proposals include a good mix of 1, 2 and 3 bed units and the proposals are therefore consistent with the aims of Policy CS41.

14 units are laid out to mobility housing criteria as specified in the SPG "Mobility Housing". This equates to approximately 30.5% provision which comfortably exceeds the minimum guideline of 25% provision set out in Policy H7. However, it should be noted that all such provision is restricted to the apartments. None of the houses meet mobility housing standards. This is unfortunate but does not contravene H7 and takes account of the need to achieve specific finished floor levels in the houses relative to flood risk.

Sustainability

The NPPF, SPD "Climate Change and Design" and the following Core Strategy Policies are most relevant:

CS23 (Locations for New Housing)

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

CS63 (Responses to Climate Change)

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

CS65 (Renewable Energy and Carbon Reduction)

CS67 (Flood Risk Management)

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

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

The site is in a sustainable location, being previously developed land in an easily accessible location close to shops, services and regular public transport in Abbeydale Road. It is also within an established neighbourhood with a strong sense of community. These principles reflect the over-arching objectives of Policy CS63 and are also reflected in Policy CS23 which places the main focus for new housing developments on suitable, sustainably located sites within the urban area with an emphasis on supporting urban regeneration and making efficient use of land and infrastructure; and Policy CS24 which gives priority to the development of previously developed sites.

Policy CS64 requires the development to be designed to achieve a minimum Level 3 of the Code for Sustainable Homes. The supporting submissions indicate that the development aims to achieve Level 4. It is noted that the architect's practice have Code Assessor qualification and this assertion is therefore unlikely to have been made lightly. The Level 4 aspiration is a welcome improvement and demonstrates the commitment of the applicant to sustainability.

A ground source heat pump is proposed to be installed and will supply the heating demand for the converted building and the new build apartments/offices. This, together with proposals for integrated photovoltaic panels will comfortably exceed the requirement in Policy CS65 for a minimum 10% of predicted energy needs to be met through decentralised and renewable or low carbon energy. Guideline CS2 of the SPD "Climate Change and Design" supports Policy CS65.

The supporting submissions also confirm that the buildings will have exceptional levels of insulation and low air leakage throughout. Thermal bridging will be avoided and highly thermally efficient double glazed windows will be installed throughout. Other energy efficiency measures include highly efficient condensing boilers and energy efficient lighting.

Guideline CS1 of the SPD requires green roofs to be provided in all larger developments (i.e. 10 or more dwellings) provided they are compatible with other design considerations and are viable. In this instance, a contemporary form of development is proposed but the design defers to the surrounding context by providing traditional dual pitched roofs which are a strong feature in the area. This precludes any provision for green roofs but, in these circumstances, is acceptable in accordance with the relevant guideline.

The proposals are expected to reduce the impact of flood water in the immediate area in accordance with Policy CS67. This matter is discussed in the Flood Risk section below.

The river culvert will be opened as part of the proposals (these works have already been commenced). This provides potential to improve biodiversity in accordance with Policy CS63. In accordance with this objective, the applicant has agreed to provide an otter holt as part of the proposals.

Overall, and notwithstanding the flood risk considerations, the proposals are a sustainable form of development which make good use of an increasingly derelict site within the residential neighbourhood.

Flood Risk

The NPPF and the following UDP and Core Strategy policies are most relevant:

GE20 (Flood Defence)
CS67 (Flood Risk Management)

The quoted policies seek to reduce the extent and impact of flooding and are consistent with national policy in the NPPF. Policy CS67 states that housing in areas with a high probability of flooding will not be permitted before 2016/2017.

The Strategic Flood Risk Assessment for Sheffield locates the site predominantly within Flood Zone 3a, which means that it has a high probability of flooding (1% annual probability or greater). The Coniston Road frontage and the sites fronting Rydal Road and Langdale Road are in Flood Zone 2 ('medium probability'). The NPPF and the supporting Technical Guidance maintain previous policy requirements for the sequential testing of sites at risk of flooding. The objective is to steer development to sites at lower risk of flooding. Sequential testing is not applied to conversions of existing buildings but should be applied in respect of the new build elements of the scheme.

In this instance, the Sequential Test has not been passed. There are a number of sites within the City that could potentially accommodate the proposed development and are in locations at lower risk of flooding. These include the former Abbeydale Grange School site and the Bannerdale Centre site.

The Exception Test should only be applied if the Sequential Test is satisfied. The NPPF (para.102) states:

"For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must 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, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted."

In strict accordance with the NPPF, the Exception Test should not be applied when the Sequential Test shows that other sites in lower risk areas are available. However, there are significant benefits to the scheme that merit consideration.

Previous sections of the report have considered the scheme in terms of location, density and potential contribution to the surrounding Housing Area. In addition, the proposed offices and live/work unit will provide an opportunity for small/start up business to be located within a sustainable area in close proximity to existing business. The regeneration of the vacant brownfield site is a benefit for the appearance of the area and the retention and re-use of the high quality redundant laundry building is a significant benefit, representing a particularly sustainable form of development that maintains a historic connection with the surrounding area and prevents the building from becoming derelict.

Collectively, these matters are considered to amount to wider sustainability benefits that potentially outweigh the flood risk concerns.

A site specific flood risk assessment (FRA) has been submitted and, subject to the recommendations in the FRA being implemented. The Environment Agency (EA) have raised no objection on flood risk grounds.

The FRA states that records indicate that there was localised flooding in 1958 and 1973 but not in 1991 or in the severe storms of 2007. The EA's flood prediction data has been updated since the previous application was considered in 2012. The data indicates a 1 in 200 year flood level of 79.27mAOD at the upstream end of the culvert and 78.10mAOD at the downstream end.

The existing site levels vary from 78.66m AOD to 79.13m AOD with those to the east of the river being lower than those to the west. The surrounding ground levels also fall towards the north, generally following the river. The Rydal Road and Little London Road junction is at about 78.6m AOD, reducing by approx 400mm along Little London Road at the north end of the site (78.2m AOD) where the former culvert opened up again. Levels rise up Rydal Road by about 600mm at the junction with Langdale Road (79.2m AOD) and rise up again to the junction with Abbeydale Road (80.2m AOD). Levels fall along Coniston Road between Langdale Road (79.7m AOD) and Coniston Terrace (78.6m AOD).

The former culvert length under the building is approximately 49m. Opening up of the culvert allows the predicted level at the south-eastern edge of the site to be interpolated as 79.02mAOD. This does not allow for the increase in flow capacity as a result of opening up the culvert. Consequently, 79.02mAOD can be taken to be the design flood level for the site and is equal to the 1 in 100 year plus climate change flood level.

The minimum residential floor level of 79.55mAOD will ensure that the units will be adequately protected. The basement level of the former laundry building will be below the predicted flood level and mitigation measures are therefore required. These include a sump with provision for the pumped discharge of flood water, flood resilient finishes, electrics at ceiling level, pedestrian exits at either end of the building and warning notices that the basement is vulnerable to flooding.

It is not feasible to set a building floor level at the 1 in 100 years plus 30% flood level on the eastern part of the site (Block C) as it would be impossible to achieve

access at this location with the necessary increase in floor levels. No habitable accommodation is proposed at ground floor level and the car parking will be set at least 150mm above existing road level. However, it is possible that this block could be isolated by floodwater and a flood evacuation plan therefore needs to be secured by planning condition.

Whilst it has been demonstrated that the dwellings and offices would not be at risk of flooding, the ability to safely access and egress the building in the event of a flood is a key consideration. A detailed evacuation plan can be conditioned. The exit routes from the converted building and the terraced houses will be via Coniston Road and/or Coniston Terrace to higher ground to the west. These routes lie in Flood Zone 2. An assessment provided with the previous application indicates that there are no significant trip hazards, barriers or other obstructions in the surrounding highways. The only level differences occur at kerb edges or at access points, neither of which would represent a significant hazard, partly due to the shallow depth of the kerbs. Buildings are predominantly built up to the back edge of the footways, clearly identifying the street pattern.

In the event of flooding, the most significant risk would appear to arise from the potential for gullies and manhole covers to be lifted, creating a hazard that has been known to lead to fatalities. The evacuation plan will need to identify the location of such features and warn occupiers accordingly. This could be achieved by providing maps to each property. A requirement for subscription to the EA's Flood Warning System is also appropriate.

The route from Block C (Little London Road) will be south along Little London Road to higher ground to the east. A flood wall has been constructed on the opposite side of Little London Road. The wall will have been designed to ensure that it exceeds the 1 in 100 year flood water level by between 150mm and 300mm. The height of the wall gives an indication that the flood level outside the site in Little London Road will be a maximum of 375mm above the footway level and more typically between 75mm and 225mm. This depth of flood water is potentially hazardous and cannot be recommended. However, the flash nature of flooding in the Sheaf Valley results in flood waters rising and falling quickly such that flooding can be of short duration. In these circumstances, the EA have advised that, in the event of extreme flood, it would be acceptable for refuge to be taken in the building at first floor level. This is far from ideal but, on balance, is considered acceptable having regard to the financial viability which would not be possible without development on the Little London Road frontage.

A flood wall to a height of 80.15mAOD is proposed to the bank of the opened culvert and will continue along the initial section of the access from Rydal Road which will then be ramped to protect the main body of the site and Coniston Terrace. These measures are incorporated on the advice of the EA.

A significant benefit of the proposals is the ability to reduce flood risk through the opening the river culvert which will increase the river capacity adjacent the existing bridge in Rydal Road. Opening the culvert is also consistent with UDP policy GE17 (Rivers and Streams) which encourages such re-openings. Past flooding is suggested to be possibly due to the previous culvert constriction. The surface

water discharge rate from the site will also be reduced by a combination of permeable surface treatments, grey water recycling and restricted flow on the drainage systems. A 30% reduction on the previous rate of discharge will be an enhancement and complies with Policy CS67.

Overall, the proposals demonstrate that the dwellings and offices will not be at risk of flooding and adequate provision will be made for evacuation. The development will not result in any direction of flood water to existing properties and the opening of the culvert and increased capacity of the river through the opening of the culvert should reduce the risk of flooding in the immediate vicinity of the site. In these circumstances, there is no conflict with relevant elements of Policies GE20 and CS67.

Drainage

The most relevant policy is:

CS67 (Flood Risk Management)

Surface water discharge should be reduced by a minimum of 30% in the redevelopment of brownfield sites in accordance with Policy CS67. There will be a significant reduction in building footprint compared to the existing development and permeable surfaces will further reduce the rate of discharge.

Overall, surface water discharge will be reduced in accordance with the relevant provisions in Policy CS67. Full details can be conditioned.

A redundant 975mm sewer crossing the site will be filled in as part of the development.

Design

The most relevant policies are:

BE5 (Building Design and Siting)

BE6 (Landscape Design)

H14 (Conditions on Development in Housing Areas)

H15 (Design of New Housing Developments)

IB9 (Conditions on Development in Industry and Business Areas)

CS74 (Design Principles)

The main laundry building fronting Coniston Road is to be retained and will provide 3 floors of accommodation over the basement car park. The ground floor level will be raised internally by approx 1000mm in order to satisfy flood risk issues. In order to make the refurbishment viable an additional floor level is created. This is predominantly in the existing roof space but requires the roof to be raised approx 1200mm. The elevation has a staggered line at roof level, with the majority of the elevation being set back approx 1300mm from the main front elevation. Large window treatments successfully mix new with old and reduce the overall massing of the roof extension. The existing eaves line is retained on the front elevation but

is punctuated on the rear elevation in order to accommodate a stair core. Overall, the design complements rather than detracts from the original building.

The 9 new build townhouses will back onto the newly opened culvert. This 2.5 storey terrace is a contemporary interpretation of the traditional terraced housing surrounding the site and will follow a staggered building line to respond to the alignment of the river. The ground floor layouts are open plan with projecting front entrances. The rear elevations (facing the river) include angled projections and large openings at roof level which add visual interest and a distinct character. The buildings are proposed to be finished in smooth blue brick with feature black cladding panels, natural slate roofs and aluminium doors and windows. The end dwelling has been reduced in height so as not to be overbearing on Coniston Terrace. This dwelling will have a mono pitch roof which leans against the gable elevation of the adjoining dwelling. The gable of the dwelling at the opposite end of the terrace includes windows to ensure visual interest adjacent the access road. Overall, the new terrace is a well thought out response to the surrounding built environment and will sit comfortably with its neighbours.

The proposed town houses on either side of the junction of Langdale Road and Rydal Road compliment the existing terraced properties. The design and materials are very similar to the 9 townhouses. The eaves and ridge lines continue those of the existing terrace properties.

The 4 proposed townhouses on the separated site at the junction of Langdale Road and Rydal Road reflect the adjoining terrace in Rydal Road and will be finished in red brick with natural slate roofs and aluminium opening treatments.

The building proposed between the river and Little London Road is 3.5 storeys with the live/work and office units on the top floor above 2 storeys of apartments and an undercroft car park. The building includes 3 gable features slightly set back from the main facade and provides an effective transition between the commercial and residential areas. The palette of materials reflects those on the 9 townhouses.

The existing site contains no natural landscape features other than the river which will be opened up to provide significant visual amenity. The layout makes provision for soft landscaping, including trees adjacent the boundaries with Coniston Terrace and the rear of dwellings in Langdale Road. A detailed planting scheme can be conditioned.

Overall, the scale and massing of the buildings is sympathetic to the surroundings and the design and proposed construction materials are very good quality. The proposals therefore comply with Policies BE5, H14(a), H15, IB9(c) and CS74. It is acknowledged that the blue brick construction of the dwellings fronting Langdale Road and adjoining Coniston Terrace is not in keeping with the red brick of the existing terraces. However, the blue brick helps to define the contemporary take on the traditional form and will tie in to the new development behind. The dwellings will have natural slate roofs. The Rydal Road townhouses are separated from the new development by the highway in Langdale Road. The more traditional approach, including red brick, is appropriate in this location.

Residential Amenity - Future Occupiers

The most relevant policies are:

- H5 (Flats, Bed-sitters and Shared Housing)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)

The dwellings will all have a good standard of internal amenity. With the exception of 2 bedrooms in the laundry conversion and one bedroom in the reduced height end townhouse, all habitable rooms will have a good quality outlook. The apartment bedrooms referred to will be served by obscure glazed windows and clear glazed rooflights and so will benefit from plenty of natural light. Given the constraints of converting the existing building, and the amendments to reduce the impact of the new townhouse on Coniston Terrace, these relatively small compromises on outlook are considered acceptable.

The townhouses have small rear garden areas and those within the main site and in Langdale Road will have small roof terraces. The external amenity space is below the normal 50m² requirement but is consistent with the grain of development in the area and the design makes the best use of the available space. The main block of townhouses will also have small front garden areas which will add to amenity for those residents.

13 of the 20 apartments in the converted building have no external amenity space. The remainder have balconies, terraces or small garden areas. Communal external space is limited to approximately 68m². However, the space is not well located, being immediately adjacent the ramp to the undercroft parking, and it is therefore unlikely that this space would provide any significant utility for the new residents. The location of the open space is informed by the need to provide access to the undercroft parking without dominating the centre of the interior of the site by the position of the ramp. The apartments fronting Little London Road have Juliette balconies but no external amenity space.

The absence of any meaningful amenity space to serve the majority of the apartments would not normally be acceptable. There is no public open space in the immediate vicinity to provide any compensation. This situation is contrary to Policy H15(b) which requires new housing developments to provide adequate gardens or communal open space. However, there are significant benefits in developing this site, including the potential alleviation of flood risk and the regeneration of the increasingly derelict site. A reduced scheme with increased external amenity space is not expected to be economically viable and it is inevitable that some compromises are needed. In this particular set of circumstances, it is considered that the lack of amenity space is, on balance, outweighed by the benefits. Future residents will be making a lifestyle choice and need to consider whether the conditions are appropriate for their individual needs. The circumstances are so site specific that this approach will not set any form of benchmark for considering similar proposals on other sites.

The separation distance between the apartments in the laundry building and the new townhouses is approximately 17.2m at the narrowest point. However, the facing elevations of the townhouses contain only stairwell and secondary bedroom windows and privacy will not be unduly compromised.

A Noise Assessment has been submitted in support of the application. The Assessment concludes that adequate amenity can be provided but sound reduction measures will be required. The block fronting Little London Road is most affected, by road and rail noise. These will be achieved through the building fabric, glazing treatments and ventilation. Full details can be conditioned.

Residential Amenity - Neighbours

The most relevant policies are:

H5 (Flats, Bed-sitters and Shared Housing)
H14 (Conditions on Development in Housing Areas)
SPG "Designing House Extensions"

The front elevation of the laundry building is approximately 12.2m from the front elevations of dwellings on the opposite side of Coniston Road. The residential use will result in more activity at the windows with greater potential for overlooking to and from the existing and proposed dwellings. The separation distance is significantly below the 21m specified in the relevant Guideline in the SPG but it is accepted that front elevations cannot normally expect the same level of privacy as rear elevations and the separation distance is consistent with the remainder of Coniston Road.

The additional accommodation resulting from the raised roof is set back from the main front elevation and will be higher than the dwellings opposite. The line of sight will prevent any views into the existing dwellings. The windows to 2 bedrooms in the end elevation of the laundry building need to be obscure glazed in order to avoid direct overlooking of the rear elevations of the adjoining dwellings in Langdale Road. These windows are existing but the former use can be assumed to have been less intrusive on privacy than the proposed residential use. An existing window in a corner elevation at 45° to the dwellings in Langdale Road will be removed to prevent overlooking. The room in question will be served by another window on the rear elevation.

The originally submitted plans included a 2.5 storey townhouse with gable wall to a height of approximately 9.7m on the boundary with Coniston Terrace. This replaced a former wall which was approximately 5.8m over most of its length along this boundary, reducing to approximately 5.1m towards the east end of the Terrace. The front elevations of the dwellings at the end of Coniston Terrace are only approximately 5m from the wall and the increased height would be too overbearing on those properties. The end townhouse has therefore been reduced by a full storey height and given a single pitch roof which rises to meet the gable of the next dwelling behind. The eaves height at Coniston Terrace is consequently reduced to approximately 5m. This takes account of the raised site levels, which are necessary to counter flood risk, but is a marginal reduction on the height of the

original wall. The roof pitch will rise to meet the adjoining townhouse but this is comparable to the roof pitch of the demolished building, albeit at a different point along the Coniston Terrace boundary. The remainder of the boundary to Coniston Terrace will receive more light than at present due to the reduced height of boundary treatment, full details of which can be conditioned.

An external first floor terrace to an apartment in the laundry building will be screened by obscure glazed panels to prevent any overlooking of the fronts of dwellings in Coniston Terrace and the rear garden areas of dwellings in Coniston Road.

Bedroom windows in the rear elevations of the terrace fronting Rydal Road will have a view over the small rear gardens of existing dwellings in Langdale Road but, with the tight street pattern, these gardens are already overlooked and the proposed layout is consistent with the original street pattern.

Overall, the development minimises the impact on the adjoining properties as far as possible within the constraints of the site and surrounding grain of development. Whilst not strictly in accordance with the SPG guidelines, on balance, the proposals comply with Policy H14(c).

Riverside Access and Ecology Interests

The following policies are most relevant:

GE11 (Nature Conservation and Development)
GE17 (Rivers and Streams)
CS73 (Strategic Green Network)

The scheme has the significant benefit of opening up the river culvert in accordance with the above policies. Unlike in the indicative layout in the previous outline permission, a public riverside walk is not proposed. This is primarily due to viability and the improbability of being able to continue the walk along the riverside between the end of Coniston Terrace and the end of Arnside Road. To include a riverside walk in this location to adoptable standards would almost certainly preclude redevelopment of the relatively narrow strip of land between the river and Little London Road at this point. However, a pathway is provided along the river within the site albeit not to adoptable standard and unlikely to be used by the public as it essentially provides access to the new block of apartments and offices.

A financial contribution for off-site riverside improvements would be sufficient to compensate for the shortfall in on-site provision. However, the scheme has already been shown to be barely viable and priority has been given to securing commuted sums in other policy areas.

The applicant has confirmed that an otter holt will be provided in the river. This feature will be beneficial to wildlife in accordance with Policy CS73.

Highway Matters

The following policies are most relevant:

BE9 (Design for Vehicles)

H5 (Flats, Bed-sitters and Shared Housing)

H14 (Conditions on Development in Housing Areas)

IB9 (Conditions on Development in Industry and Business Areas)

T25 (Car Parking in Residential Areas)

The layout proposes a total of 37 car parking spaces to serve the 46 dwellings and offices. This is a reduction on the originally submitted plans which indicated 46 spaces but did not provide sufficiently for the mobility housing units and included spaces in the undercrofts which would be very difficult to manoeuvre to and from.

The level of provision is significantly below the Car Parking Guidelines which suggest 2 spaces per dwelling plus visitor parking would normally be required. It is also clear that there is a significant demand for on street parking in the surrounding streets due to the absence of off street parking to serve the dense layout of existing dwellings. There is no permit parking scheme operating in the area.

The NPPF (paragraph 39) states that local planning authorities should consider the following factors in setting local parking standards:

- the accessibility of the development;
- the type, mix and use of the development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

On balance, a lower level of provision can be justified as the site is in an area of lower than average car ownership and in close proximity to a range of services, employment and regular public transport routes. Cycle stores for a total of 26 cycles are included in the undercrofts.

In view of the above, there is no material conflict with policies H5(c), H14(d), IB9(f) and T25 which seek to make appropriate provision for parking in residential developments.

The sole means of vehicular access is proposed from Rydal Road. The access road is sufficient for two way traffic and is not required to provide access for fire appliances. It is unlikely that refuse collection vehicles will enter the site and bin collection arrangements therefore need to be managed effectively. Details can be conditioned to ensure compliance with Policy BE9.

Planning Obligations

The NPPF at paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.

It further states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The supporting guidance to the NPPF, the National Planning Guidance (NPG) makes clear that where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

However, the NPG is also clear that where a safeguard (obligation) is necessary to make a particular development acceptable in planning terms, and it cannot be secured, planning permission should not be granted for unacceptable development.

Affordable Housing

The most relevant policy is:

CS40 (Affordable Housing)

The policy requires all new housing developments to make provision for affordable housing where practicable and viable. In accordance with the Interim Planning Guidance (IPG) 'Affordable Housing', this policy applies to all sites with capacity for at least 15 dwellings. In this particular case, a financial credit would be available in respect of the demolition and re-use of the vacant buildings, as prescribed by recent changes to national planning policy and guidance.

An independent viability assessment has been undertaken by the District Valuer. The assessment concludes that the scheme is not sufficiently viable to accommodate any provision for Affordable Housing. Taking into account the nature of the development and the site constraints, the DV advises that a reasonable profit (as required to be applicable by the NPPF) would be 17.5% in this case. The DV advises that a profit of only 11% would be made and that in this context is not sufficient to generate an affordable housing contribution. In these circumstances, Policy CS40 allows for making no provision.

Provision for Open Space

The most relevant policies are:

H16 (Open Space in New Housing Developments)

CS46 (Quantity of Open Space)

There is a significant shortage of formal and informal open space within the catchment of the site. Policy CS46 defines a quantitative shortage as 4 or less hectares per 1,000 population. In this area the overall open space is approximately 0.89ha per 1,000 population which is well below that figure.

Policy H16 and the associated SPG requires additional provision or enhancement of existing open space in the event of a shortage. The site is of insufficient size to accommodate such provision so a commuted sum for off-site provision is appropriate. In accordance with the SPG, a contribution of £60,260.00 is required.

The District Valuer's assessment indicates that the scheme is not sufficiently viable to deliver the full contribution. The applicant has offered to make a 50% contribution (£30,000) and has provided a legal obligation which will secure that payment.

The open space contribution offered is such that the terms of policy H16 are not being fully met, and this policy shortfall is a material consideration that has to be considered alongside all others.

Provision for Education

The most relevant policy is:

CS43 (Schools)

Policy CS43 and the adopted associated Interim Planning Guidance allows for provision of additional school facilities through planning obligations where additional school places are needed to cater for new housing developments. Based on the standard yield calculation, the development is expected to yield 7 pupils for the primary phase and 5 pupils for the secondary phase.

In this instance, the catchment primary schools (Holt House Infants and Carterknowle Juniors) are generally full, with only small numbers of places in certain year groups. Forecasts indicate that the higher population in the area is likely to result in the schools being oversubscribed. The catchment secondary schools (King Egbert and High Storrs) are both oversubscribed and forecasts indicate that this will continue in future year groups. In these circumstances, it is appropriate for provision to be made in accordance with Policy CS63.

As stated previously, the District Valuer's assessment indicates that the scheme is not sufficiently viable to deliver the full (£179,894.00) contribution. The applicant has offered to make a 50% contribution (£90,000) and has provided a legal obligation which will secure that payment.

As per the open space provision, this offer is such that the terms of Policy CS43 are not being fully met, and this shortfall is a material consideration that has to be considered alongside all others.

RESPONSE TO REPRESENTATIONS

The majority of representations are addressed in the sections above. Other representations are considered here:

Repair of roads - this will be undertaken as part of the contractual arrangement with Amey

Abuse of 'no entry' - this is a matter for the Police and is not a matter arising from these proposals.

Anti-social behaviour - again, this is a matter for the Police. However, the proposals will open up the end of Coniston Terrace and reduce the overall height of boundary treatment opposite the dwellings which will result in the feeling of enclosure being less pronounced. If anything, the environment will be less conducive to anti-social activity and more open to surveillance than at present.

Boundary wall to rear of properties in Langdale Road - a minimum 1800mm screen wall can be retained for privacy to this boundary. Details of the boundary treatments are recommended to be conditioned.

Damage during demolition - this is a civil matter. However, the applicant's attention has been drawn to the resident's concerns.

Construction disturbance - environmental legislation can be enforced in the event of undue disturbance/nuisance.

Previous scheme favoured - the previous scheme was intended to establish the principle of residential use prior to marketing the site. The current proposals have been developed having regard to viability. Viability is a material consideration and the District Valuer's assessment demonstrates that the profit margin is relatively narrow. A reduced scheme is unlikely to be viable in current market conditions.

SUMMARY AND RECOMMENDATION

The site straddles the River Sheaf which was culverted at this point but has been opened in preparation for development. The larger part of the site is within a Housing policy area whilst the frontage to Little London Road is within a Fringe Industry and Business Area. Despite the Housing Area designation, residential development is contrary to national and local flood risk policies as the site is in an area with a high probability of flooding. However, there are significant regeneration benefits associated with the scheme and these are considered to outweigh the flood risk issues. The principle of residential development has previously been accepted in granting outline planning permission in May 2012 (ref 11/02890/OUT) and the Environment Agency has raised no objections on flood risk grounds. A Flood Risk Assessment has been submitted and the development has been designed in accordance with the recommendations for protecting the development and the surrounding dwellings from flooding.

The density and mix of units is acceptable in the context of the surrounding area and adequate residential amenity will be maintained for adjoining residents. The retention and conversion of the original laundry building is welcomed and the remainder of the development represents a contemporary response to the traditional built form in the area. The constraints of the site, together with viability constraints in the current economic conditions, have resulted in compromises in several areas. These include external private amenity space and provision for car parking. However, the design quality has not been compromised.

The scale and nature of development is such that Planning Obligations relating to Affordable Housing, Public Open Space and Education provision have been considered, in line with relevant policy guidance. Financial contributions to all three were identified as appropriate however the applicant considered that they would make the scheme unviable.

Appraisal by the District Valuer has confirmed this, and therefore in line with NPPF guidance a flexible approach has been taken to the need for the Obligations. Affordable Housing provision has been determined as unviable, and 50% financial contributions have been negotiated in respect of planning obligations for local open space and education places. The weight to be afforded to this material consideration must then be balanced against all other material considerations relating to the proposed development.

On balance the compromises and policy shortfalls are considered justified having regard to this very specific set of circumstances, and the significant regeneration benefits offered by the scheme, which will not undermine the overall application of the quoted policies and guidelines in considering future proposals for other developments.

It is therefore recommended that planning permission is granted subject to conditions and the quoted planning obligations.

Case Number	14/03473/FUL (Formerly PP-03643449)
Application Type	Full Planning Application
Proposal	Demolition of 162-170 Devonshire Street and erection of a three storey building to form ground floor commercial units (one A1 shop unit and one A3 restaurant/café unit), 2 studio apartments, 6 one bedroom apartments and 4 two bedroom apartments
Location	162-170 Devonshire StreetSheffieldS3 7SG
Date Received	17/09/2014
Team	City Centre and East
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally Legal Agreement

Subject to:

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

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:

2208 (08)001 Proposed Ground and First Floor Plans;
2208 (08)002 Proposed second floor and Roof Plan;
2208 (08)003 Proposed Elevation A;
2208 (08)004 Proposed Elevations B and C;
2208 (08)005 Proposed Elevations D and E;
2208 (08)006 Proposed Elevation F;
2208 (90)001 Proposed Site Plan; and
2208 (21)005 Construction Details all received on 9/3/2015

Reason: In order to define the permission.

- 3 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.

- 4 No development shall commence until details of all proposed external materials and finishes, including samples, 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 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 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 (including frame dimensions, materials, finish and method of opening)
- Window reveals (to a minimum of 100mm)
- Doors
- Shop fronts
- External wall construction
- Brickwork detailing
- Balustrades
- Roof (including ridge, eaves and verges)
- Chimneys
- 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.

- 7 The A3 restaurant unit hereby permitted shall only be used between 0800 hours and 0030 hours on any day.

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

- 8 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 completed development being obtained from decentralised and renewable or low carbon energy.

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

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

- 9 Two mobility Housing Units shall be provided, as shown on the approved plans, in accordance with the Council's Supplementary Planning Guidance 'Mobility Housing'.

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

- 10 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.

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.

- 11 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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

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

- 13 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.

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours).
- c) Where the above internal noise levels cannot be achieved with windows partially open, 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.

- 15 Before the use of the proposed ground floor commercial unit(s) is commenced a scheme of sound attenuation works shall have first been installed and shall be 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 commercial unit to the street to levels not exceeding:
 - i) the existing ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq;
 - ii) any octave band centre frequency by more than 3 dB when measured as a 15 minute linear Leq.
 - c) Be capable of restricting noise breakout from the commercial unit to the residential units above to levels complying with the following:
 - i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
 - ii) Living Rooms: Noise Rating Curve NR35 (0700 to 2300 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.

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

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

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

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

- 18 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.

- 19 Deliveries to the ground floor commercial unit(s) shall be carried out only between the hours of 0700 to 2300 hours Monday to Saturday and 0900 hours to 2300 hours Sundays and Public Holidays.

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

- 20 Movement, sorting or removal of waste bottles, materials or other articles, or movement of skips or bins within the site of the development shall be carried on only between 0700 hours and 2300 hours Monday to Saturday and between 0900 hours and 2300 hours on Sundays and Public Holidays.

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

- 21 No construction shall commence until the actual or potential land contamination and ground gas contamination at the site have been investigated and a Phase 1 Preliminary Risk Assessment Report has 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 investigations 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 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.

- 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 construction commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

- 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 into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

- 26 Prior to the commencement of development, a scheme of intrusive investigations shall be undertaken in order to assess the risk from past coal mining activities. The investigations shall be based upon an approved method statement. Thereafter, a report of the findings of the intrusive site investigations shall be submitted to the Local Planning Authority.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine working, a scheme of remedial works shall be submitted to the Local Planning Authority. The approved remedial works shall then be implemented prior to the commencement of development.

Reason: In order to definitively assess the mining legacy risk and mitigate where necessary.

- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) the A1 retail use hereby permitted shall be used solely for A1 retail use and shall not be used for any other use class.

Reason: In order to protect the vitality and diversity of Devonshire Street.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
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. 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.
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. 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.

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

Site Location



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LOCATION AND PROPOSAL

The application site comprises a row of early 19th century three storey brick built terraced properties located at the western end of Devonshire Street, adjacent the junction with Westhill Lane. These properties comprise of three shops – occupied by The Natural Bed Company, Rare and Racy and Syd and Mallory's Emporium. They face south, towards the public car park at Devonshire Green, and have small yards to the rear bounded by Westhill Lane.

Land on the northern side of Westhill Lane is occupied by ground floor commercial properties fronting onto West Street (largely hot food takeaways and bars), many with living accommodation over. This block, which generally comprises of two to

three storey buildings, is dominated by a seven storey development directly north of the application site.

To the east the site adjoins further terraced properties of a similar era which are occupied by a hairdressers, a vintage jewellery shop, an alternative lifestyle store and a bar/ restaurant. Further along Devonshire Street, at the start of the neighbouring terrace, is the decorative brick and terracotta façade of the grade II listed former Wharncliffe Fireclay Works and showroom (circa.1888)

To the west, on the opposite side of Westhill Lane, is a vacant plot used as car parking in association with the former Varsity public house which fronts onto West Street, and beyond a two storey red brick building occupied by The Bowery public house. Land on the western side of Fitzwilliam Street is dominated by the largely residential mixed use development known as West One.

Planning permission is sought, as amended, for the demolition of 162 to 170 Devonshire Street and the erection of a three storey building to form ground floor commercial space – one A1 shop unit and one A3 restaurants/café unit – with apartments over comprising of 2 studio apartments, 6 one bedroom apartments and 4 two bedroom apartments.

RELEVANT PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

A very large number of representations have been made in relation to the proposed development, all of whom raised objections.

An electronic petition (set up via the 38 Degrees web site) with 18,337 signatures was received in opposition to the proposals. The petition urges the developer to withdraw their plans to demolish 162 to 170 Devonshire Street and to keep the original buildings and independent traders. It states that the establishments threatened have long proven to be a hub of creativity and independent entrepreneurial talent, supporting both artists and creative endeavours which in return attract valuable assets such as investors, students and visitors interested in our city. These local businesses and retailers are an important part of our economy, character and identity. The eradication of these cherished and unique aspects to our landscape, the petitioners believe, would be a crisis both economically and culturally.

A second paper petition with an additional 354 signatures was received. The petitioners object to the demolition of 162 to 170 Devonshire Street and the erection of a three storey commercial building as it will result in the loss of some of Sheffield's most viable independent traders.

In addition to the petitions, 726 written representations were received in relation to the proposed development. They include representations from the Sheffield Conservation Advisory Group, Paul Blomfield MP, Councillor Jillian Creasy, Sheffield Civic Trust and the Hallamshire Historic Buildings Society.

At their meeting on 17th February 2015, the Sheffield Conservation Advisory Group minuted that use of the arguments regarding space, especially the floor level changes and head height requirements, as grounds for demolition and redevelopment were not justified. The Group noted that the properties had been repaired, with grant aid, during the 1980s and that the Urban Design Compendium identified Devonshire Green as a character area, to which this group of buildings made an important contribution. The Group considered that the properties, which appear to date from the 1830s and were originally dwellings, were important buildings and should be retained. They felt that the scheme, as presented, was inadequate and recommend refusal.

The Group considered however, that if the application for demolition was approved, attention must be given to the quality of details of any replacement, notably the proportion and detailing of windows, eaves levels, chimneys and incised stone lintels, of the properties. The Group felt that reclaimed materials, particularly slate, should be used, the frontages should be faced with red brick rather than painted and the development should not be a pastiche. The Group recommended that the Town Hall Conservation Area should be extended along the whole of West Street and Devonshire Street, in order to protect what remains of its nineteenth century character.

Paul Blomfield MP strongly opposes the change in use class to A3 use and considers that the guidelines set out in the Devonshire Quarter Action Plan should be upheld to protect the balance of uses and the area's role as a speciality shopping destination. Mr Blomfield refers to the historic importance of the group of buildings proposed for demolition and the positive contribution they make to the character of the area and the setting of nearby listed buildings and considers that they should be preserved. Finally, he raises concerns about potential overdevelopment, the need for bigger homes and the negative impact cramped accommodation can have on people's health and quality of life.

Cllr Jillian Creasy objected to two aspects of the application: the request to turn any of the units from shops to restaurants or bars; and the large number of one-bed flats proposed rather than more mixed accommodation. She states that the Devonshire Quarter Action Plan and the (draft) City Policies and Sites document say that this area should keep its distinctive character and should not have less than 50% of shops in any length of frontage in order to preserve that usage rather than let it fall below a critical mass where footfall begins to decline. Cllr Creasy

references the (draft) city centre masterplan, which keeps the Devonshire Quarter as a residential enclave, and refers to the growing feeling that for the city centre to work as a community it requires a mix of housing. She suggests that these buildings, facing Devonshire Green and with good local facilities (school, doctor, chemist, hopefully a replacement post office on West St) would be an ideal place for something other than single-bed flats. In addition, Cllr Creasy wants to see the frontages preserved to retain the existing appearance of the site.

Sheffield Civic Trust note that 162 to 170 Devonshire Street forms part of a row of three storey brick buildings singled out for their heritage value by the Council in the Sheffield Urban Design Compendium (2004) and Devonshire Quarter Action Plan (2000), and that they form part of the broader setting of the adjacent Grade II listed Wharnccliffe Fireclay Works and adjoining showroom. They consider that the structural report attached to the application provides little evidence that demolition is necessary on health and safety grounds and it believes that the importance of the scale, proportion and details of these buildings should not be underestimated and that the decision to demolish would have a detrimental effect on the character of Devonshire Street and the setting of the adjacent Grade II listed buildings.

The Trust believe that the proposed apartments would be some of the smallest self-contained units on offer in the city and would be 7 sq m below the minimum guidance produced for the London Housing SPG (2012) and as such constitutes overdevelopment of the site.

The Trust point out that the proposed A3 use contravenes guidance set out in the Devonshire Quarter Action Plan and consider that the current use as shop units (A1) should be preserved to maintain a vibrant mix of uses in the quarter and to prevent it becoming a homogenous area of night-time bars and restaurants.

Sheffield Civic Trust agree that apartments facing the rear could be beneficial to the improvement of a run-down back alley by providing passive surveillance of the area, but raise concerns over the low window sills of units facing the alley resulting from the proposed floor height. They considered that the floor levels would be better raised to give these units some privacy and the height of the rear block raised if required. The pervasive use of black brick is considered oppressive and gloomy in this context.

In the view of the Trust, combining a cycle store with a communal bin store (shared with the restaurant) represents extremely poor provision and non-sustainable planning.

The Trust believe that the new development proposal is a pastiche of the existing buildings and that, to ensure that the external design is a good quality replica to justify demolition, full details at 1:5 scale should be submitted for approval and should include the rebuilding of the chimneys.

Finally, Sheffield Civic Trust conclude that they support new development which seeks to add to, and build upon the unique urban character of the city. But that the widespread public outcry over this application indicates the strong feelings of local people – both in terms of preserving the city's heritage and preventing the Devonshire Quarter from becoming dominated by a homogenous row of A3 units.

The Hallamshire Historic Buildings Society objects to the application to destroy the oldest in this much loved row of buildings, rare examples of combined residential and trade properties associated with the early westerly industrial expansion from the town's pre-industrial core. It feels that assurances (from the architect) that the townscape value of the buildings has been recognised and the historic details of the frontage will be replicated are not borne out in the detail of the application which shows a different layout of windows on the frontage, extra glazing to the side and a modern extension to the rear which is completely out of character with the existing frontage. The character and historic grain of the original buildings would be lost under this scheme, and the new development would at best be a pastiche of the originals. In addition to incurring a loss of townscape value, this development would cause complete loss of unlisted heritage assets and harm to the setting of the neighbouring grade II listed buildings.

The Society considers that, as Devonshire Green is an Area of Special Character, and this special character is no doubt dependent on the presence and character of these buildings, the application should be rejected on the basis of UDP policy BE15.

They also feel that the architect's claim that more A3 use in the Devonshire Quarter is a good thing is not justified, that there is no explanation or statistics to show how more A3 use has contributed to the vitality of the area. But that, for the hundreds of objectors to this application, it is clear that the loss of prized independent businesses and valued heritage would incur a loss of vitality.

The application, say the Society, makes appeal to an alleged 'trend' in SCC local planning policy and the citation of a caveat in the (recently abandoned) Sheffield City Sites and Policies Document (2013) which claims that where a development contributes to 'vitality and viability' it can avoid the restrictions on the balance of A3 versus retail use set out in the Sites and Policies Document. However, a proper reading of the policy shows that the meaning of 'vitality' there is completely at odds with what the architects are wishing for. The relevant wording on p.27 shows that

what is paramount in recent SCC policy here, is the vitality of the area “for shopping”.

The focus on West Street is of course due to the predominance of A3 use there. West Street is however quite different to Devonshire Street in character and the principle of protecting retail and independent retail in particular is arguably more important for Devonshire Street. This row of shops has a special character, which is connected with the size of the premises and their historic nature, but is also something which has slowly evolved alongside the development of Devonshire Green. The Devonshire Quarter Action Plan with its general stipulations of balance of use may not provide what for so many is the desired level of protection to these buildings. However, UDP policy BE15 does protect the buildings as they stand.

The Society state that, however we approach this application, there are no clear public benefits. Socially, the loss of heritage assets and the public outcry over this application show that its approval will cause harm. The structural report states that the building, whilst needing some repairs, is in generally adequate condition. Demolition is in no way suggested for health and safety reasons. Structural repairs to the buildings in the 80s and work replacing the frontage of Rare and racy have already dealt with the main issues, and these works will have been based on more detailed structural surveys than the general one provided with this application.

In the Society's view, the surgery to the other side of the Wharnccliffe Fireclay Works does nothing for these unique and finely decorated buildings and these listed buildings are much more fully appreciated when considered alongside the row which the applicant is seeking to damage. At present, despite the modern frontage of Rare and Racy, which was necessary for structural reasons and detracts slightly, the row of buildings still provides the most sympathetic and harmonious setting within which to appreciate the listed buildings.

Finally, the Society states that, in the absence of clear and convincing economic, environmental or social benefits attached to this scheme, it should be rejected under NPPF para 132 which 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. 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.’

Many of the other objectors raise similar issues in relation to the proposed A3 uses, the loss of the existing buildings and impact on the character of the area. The following are a review of the comments made:

- The buildings proposed for demolition are those that contribute to the city centre's charm and individuality. Their loss will contribute to the current decline.

- Division Street is meant to be an independent shopping area, but in recent years this has increasingly ceased to be the case. The creation of new-build cafe/restaurant units will undoubtedly be too expensive for local, independent business owners and Division Street will soon become like every single high-street in the country.
- Why build more new/shiny/bland units when we have these beautiful characterful buildings that are so rich in Sheffield history.
- The St Pauls area of the city centre has great potential to be the go to place for restaurants and there are plenty of bars in the surrounding area.
- Having a part of the city dedicated to independent businesses acts as a hub for the community and this area is one of the liveliest parts of the city centre because these UNIQUE shops are here.
- Why not build something on one of Sheffield city centre's many vacant, abandoned-looking lots, rather than knock down buildings that people love and that go a long way towards giving Sheffield its character?
- At a time when cities and towns across the country are striving to differentiate themselves from each other it seems like utter madness to demolish one of the truly individual parts of Sheffield.
- As independent and well-loved shops disappear so do the people who visit them. This affects other independent traders in the area, until eventually no one except Sainsbury's can survive.
- Shops like this are part of this city's mental and cultural geography.
- New apartments ought to contain their own parking (2 spaces/flat at least), otherwise the shortage of parking space will be exacerbated.
- Demolition of the proposed buildings would be a seriously detrimental move to the character of Devonshire Green and the centre of Sheffield as a whole.
- Generic blocks of flats and large expensive commercial spaces, such as those built in the nearby West One development offer nothing in terms of character and individually to the city.
- This area is particularly loved by the city's significant student population. Keeping the city centre attractive to students is of vital economic importance in a two University city.
- Devonshire Green often hosts events that involve licenses for high volume music. Developing more housing in the area seems ill thought out as resident will be regularly subjected to high noise levels, new residents will have to be considered in all consultations about future events and as several of the events

currently offer incentives to residents in the local area, increasing the number of residents may also make this scheme less financially viable.

- Architecturally, the current buildings really enhance the character of the surrounding area. They are also well kept and structurally sound so not cost in leaving them.
- Replacement buildings are a bland and soulless piece of identikit brick and glass.
- Demolishing the existing buildings will irreversibly alter the character of the area which directly undermines the principles upon which the regeneration of the Devonshire Quarter was based.
- The proposals are an example of 'creeping placelessness' whereby one place becomes indistinguishable from another through the homogenising effect of multinational chains and the use of non-descript architecture.
- A little historic interest is of value to the community. It does not have to be of great architectural significance, but it should give a flavour of what Sheffield used to be.
- Please focus redevelopment on The Moor, and Castle Market areas of Sheffield as these areas bring Sheffield down. In addition these areas feel unsafe. Investment should be directed in such areas.
- These buildings are of a date and type that is unusual in this area, and add character. Nearby, 146/8 Devonshire Street, is a former tile showroom. This is a splendid building, which is mentioned in architectural tours and should really be Listed, and it would lack context if all the surrounding buildings were modern.
- The development would spoil views from a public space (Devonshire Green).
- The residential element of the proposal would create additional parking and traffic problems.
- More bars and restaurants might increase alcohol-fuelled anti-social behavior very close to existing residential areas.
- The proposals totally undermine the Council's own (relatively recent) vision for the area and their current hopes to raise "cultural tourism" in the city. Who's going to make any effort to spend a weekend here if we end up with little more than Costa and William Hill to offer them?
- I would support compulsory purchase of the area in order to protect it. The building should be listed at the very least.

- City centre rebuilds are becoming increasingly homogenised and without distinction. Devonshire St is attractive, has distinction, and should be supported in its quirkiness.
- For many years several of these shops have helped to cement the image of the 'Devonshire Quarter' as an independent shopping area and was something I always felt Sheffield was really proud of. Doesn't seem to tie in with the city's image of being a hub of independent creative talent.
- The Devonshire Quarter Action Plan says a " maximum 1/3 linear ground floor footage in any given block will be allowed to change to non-shopping". The development is going against the action plan and planning regulations for the Devonshire Quarter shopping streets.
- If we cannot preserve the one Independent retail street in Sheffield based on planning legislation then we are really losing hold of the City Centre Masterplan.
- If the so named 'Independent and Authentic' Devonshire Quarter cannot protect its independent businesses then let's all work together to relocate them to an area where they will be protected from redevelopment and chains.
- These flats do not seem to comply with the plans for the Devonshire Quarter. Un-imaginatively, they have proposed all 1 bed studio apartments. What we have all identified is that we have a lack of city centre living for a families, couples, young professionals, elderly couples etc. The more one bed apartments we have in that area the more it promotes an out of control young 'drinking culture' as it simply caters for students.
- Sheffield's independent heritage hangs in the balance with both 162-170 Devonshire St and a decent share of the CIQ both up for demolition. It is important that the council recognises that once they've been knocked down, there's no returning.
- Considering the amount of business that has been sacrificed to Meadowhall, I would expect the council to understand that independent businesses need to be nurtured rather than cast out in favour of short term money makers such as this. On a purely practical level it makes little sense. On a sentimental level, it gives the impression that the council has little or no interest in preserving Sheffield's history or encouraging cultural growth.
- It is a shame that the city feels the need to constantly relent to urban renewal rather than taking a longer-term approach to development. With the rapid depletion of small shops and local flair, Sheffield is ending up like many small-to-mid sized British cities where there are only (student) flats, cafes, and charity shops.

- To demolish that building would severely impact this " Area of Special Character" visually and would have great detriment to the independent businesses that inhabit it.
- Why therefore could you not make it a condition of planning permission to allow the current tenants to continue trading in the new building.
- The proposed development cannot be regarded as sustainable.
- It is reasonable to assume that tenants in the new building will mainly be chain food/coffee outlets, which will diminish, not increase, the diversity of the area.
- The argument that the replacement building will replicate the current facades is essentially self-defeating; if the appearance of the current facades is what the location requires then there is no case for destroying them.
- Most of the buildings in that area are now of a contemporary design, it would be a great shame to lose a building of such great character.
- NO to homogenised high streets!
- Other cities have it right, and add their offering on brownfield sites in areas in or near the centre (Leeds, Manchester) whilst retaining the character of their quirky areas even when they update them (The Calls in Leeds, Northern Quarter in Manchester).
- The proposed flats will be quickly occupied by students who abandon the area in the summer months and encourage yet more fast food chains and mini-markets.
- Whilst the buildings are structurally in fairly poor condition I do not feel that this warrants the kind of building that is intended to replace it, especially at the rear which is poor quality and overbearing.
- I object to the change of use for this building to A3, currently there already seems to be an oversupply of A3 restaurant/cafes which has already damaged the character of this area.
- Preservation means not just the buildings listed in Pevsner but in retaining modest groupings of buildings that are core elements of a neighbourhood's character.
- The application does not at any point acknowledge Devonshire Green, including 162-170 Devonshire Street, as an 'Area of Special Character'. This area was designated as such in the Unitary Development Plan (UDP) . Furthermore, these particular buildings have been deemed as contributing to that special character. The constraints on development within Areas of Special Character are outlined in BE18 of the UDP. The UDP was adopted as the

statutory development plan for Sheffield in March 1998 and although some UDP policies are partly superseded by Core Strategy policies, BE18 remains in effect and should continue to guide decisions about planning applications. BE18 requires that developments in such areas must 'respect the appearance and character of the Area'. It is clear that the demolition of these buildings and the proposed wholesale 'A3' use of the ground floor of this new development (as set out in the PDS) would not respect the character of the Area.

- Section 4.4 of the Urban Design Compendium sets out the current character of the Devonshire Quarter and, more importantly, the vision for it's future. It states that the row of shops and the Wharncliffe Fireclay Works on Devonshire Street is an important early group of buildings, forming part of a group including the Fitzwilliam to Eldon Street section of West Street. In relation to the vision for the future it states that the Devonshire Quarter will continue to develop as a vibrant 'urban village' within Sheffield city centre, providing a unique residential mixed use area to rival Manchester's Northern Quarter and reinforce Sheffield's position as a leading diverse and competitive European City. The quarter will become an (inter)nationally renowned cultural entertainment destination with specialist retail outlets.
- One must question how any of these visions are upheld by the removal of, amongst other independent retailers, Rare and Racy. This independent book/music store, established in 1969, has been a key player in and supporter of the City's arts and culture.
- It is unclear how further cafes/restaurants could help the Council's vision for the Devonshire Green as an 'urban village' to rival Manchester's Northern Quarter, which generates such vast interest and adoration due to the multitude of specialist shops and independent retailers. If anything, the proposed development is a step in the wrong direction.
- There are existing concerns over noise and behavioral issues associated with late-night venues/restaurants (see Devonshire Quarter Action Plan (2000)). Further A3 uses in this area will contribute further to those problems.
- The application places appropriate weight on Sheffield's City Policies and Sites document (2013) which it acknowledges is not only 'unadopted' but that it 'will now never be adopted'. It therefore seems right that the Council has instead referred those making the application to the Devonshire Quarter Action Plan (2000) which continues to have effect and sensibly imposes an upper limit of 33% on non-retail uses along a linear frontage in the Devonshire Green area.
- This particular site is an important piece of unique Sheffield, that if lost will literally never be replaced. It is not the only place this is happening in the city but in this particular spot it will have a poignant effect on the feel and atmosphere of an area many consider the heart of Sheffield.

- This would be a severe blow not only to Sheffield's cultural routes but also its identity as a whole. This kind of sterilisation of city centres is not a sustainable model for the development of a city.
- The Devonshire Quarter attracts independent business and events due to its existing character and personality, at a time when central government and current trend advocates both small and local business it would seem idiotic to potentially end the business of three such establishments.
- The proposals conflict with National Planning Policy Framework (NPPF) para 21.1 which requires local authorities to set out a clear economic vision and strategy for their area which positively encourages sustainable economic growth and para 23.1 which expects them to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
- Syd and Mallory and Rare and Racy- amongst other independent small businesses on the line for demolition- are a huge part of the massive DIY, arts and design scene in Sheffield, and a major reason creative people come to the city.
- Mary Portas has shown that individual, independent shopping is the future of retail. Shopping malls are no longer the magnets that they were. Devonshire St currently has a character & atmosphere which draws the discerning shopper. To replace it with a bland development would not fit with the council plan to have niche shopping & a mixed retail offer for residents. There are enough restaurants in the area, judging by turnover as they close, there are too many. There is no need for another one.

Non-Planning Issues

The distinction between the planning and non-planning issues raised by objectors to this application is at times blurred and many of the comments (some of which are included in the preceding section) relate to the specific occupants of the retail premises proposed for demolition and many more to the protection of independent traders (as opposed to national chains). The latter is a complex issue discussed in more detail in the Planning Assessment (below).

It is clear, however, that there is no protection in legislation for the individual occupants of buildings as the planning system relates to the development of the use of land and buildings, not to the user. For example, the planning system could do nothing to protect Rare and Racy should the landlord decide not to extend their lease and thereafter let the premises to a hairdresser or other A1 retail premises. This stance was confirmed in the 2005 Office of the Deputy Prime Minister (ODPM) document 'The Planning System: General Principles', which makes clear that the

planning system does not exist to protect the private interests of one person against the activities of another.

Furthermore, while local public opinion has a statutory role to play in the formulation of development plan documents through the process of community involvement, and is a material consideration in the making of a planning decision, the rules are that, in order to be afforded any weight, views expressed on development proposals must be based on material planning considerations.

PLANNING ASSESSMENT

Land Use

The application site lies within the Central Shopping Area as defined in the Unitary Development Plan (UDP). Policy S3 of the UDP states that, on Devonshire Street, shops (Class A1), offices used by the public (class A2), cafes and restaurants (class A3) and housing (class C3) are all preferred uses while policy S10 (Conditions on Development in Shopping Areas) states that new development and changes of use will be permitted provided they do not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area or its principal role as a Shopping Centre; do not cause residents to suffer from unacceptable living conditions; and are well designed and of a scale and nature appropriate to the site.

Therefore, subject to appropriate design details, the development accords with the provisions of the UDP in terms of the proposed uses of land.

Policy CS17 of the Core Strategy (City Centre Quarters) seeks to consolidate the distinctive and fundamental roles of different 'quarters' of the City Centre which, in the Devonshire Quarter, is described as a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses. It can be argued that the proposals comply with the aims of policy CS1.

The Devonshire Quarter Action Plan was adopted as supplementary planning guidance in 2001 and established a ten year vision for the area. It describes how the Devonshire Street/Division Street and West Street/Glossop Road shopping streets provide specialist 'niche' shopping, eating and drinking outlets that are otherwise under-represented in the city centre, but also acknowledges the pressure these areas were under, over a decade ago, from food and drink uses.

At the time, the slightly off-centre location of these shopping streets was seen as beneficial in keeping rents low. But the Plan also describes how one of the inevitable results of success is the tendency of building owners to want to increase rents and introduce larger units.

In an effort to maintain the viability and predominance of specialist shopping uses in the Devonshire Quarter, the Plan proposed that '(O)n Division St/Devonshire St

(whole length) and Carver Street, between West Street and Division Street, a maximum of one third of linear ground floor frontage in any one block will be permitted to change to non-shopping uses.'

The proposed development comprises, as amended, of the erection of a three storey building to form ground floor commercial space – one A1 shop unit and one A3 restaurants/café unit – with apartments over comprising of 2 studio apartments, 6 one bedroom apartments and 4 two bedroom apartments.

The plans, as originally submitted, did not comply with the requirements of the Devonshire Quarter Action Plan as the ground floor proposals indicated a single flexible use restaurant/retail unit which, if occupied by a restaurant, would contravene the maximum one third of the linear ground floor frontage permitted to change to non-shopping uses (proposal 7.2).

The proposals have therefore been amended to incorporate an A1 retail unit which occupies the vast majority of the site frontage, with an entrance to a restaurant unit at the western end of the Devonshire Street façade. The restaurant unit has primary openings facing onto West Hill Lane and a seating area that wraps around the rear of the A1 unit. This arrangement, though a little awkward on plan, retains two thirds of the linear ground floor frontage of the block in shopping use and, on this basis, it is considered that the development could not be resisted on the basis of proposal 7.2 of the Devonshire Quarter Action Plan.

In addition to concerns about the area's specialist shops, the Devonshire Quarter Action Plan references the area's growing student population, the increasing imbalance of such transient residents and the impact of these changes on the area in general, including the dramatic fall in population during holiday periods, the predominance of one age group and lifestyle and the lack of continuity of residents. The Action Plan therefore recommends that a balanced mix of housing types should be encouraged.

This view is upheld by policy CS27 of the Core Strategy (Housing in the City Centre) which states that the success of new housing in the city centre will depend on a broadening of the range of types of accommodation and improving the quality overall. As such, it advises that, in areas including Devonshire Green, residential developments should incorporate a mix of tenures and sizes of unit.

The applicant originally proposed 14 studios and one bedroom apartments on the first and second floors of the development, which may have suited the student market. The amended mix of studios, one and two bedroom apartments is more likely to attract a variety of occupants and is considered to comply with the aims of both the Devonshire Quarter Action Plan and the Core Strategy.

The application site is defined as a previously developed site. The proposals would therefore contribute positively towards achieving the objective of Core

Strategy policy CS24, which seeks to maximise the use of previously developed land for new housing.

Core Strategy policy CS26 (Efficient Use of Housing Land and Accessibility) defines an appropriate level of housing density in the City Centre as more than 70 dwellings per hectare. The proposal for 2 studio apartments, 6 one bedroom apartments and 4 two bedroom apartments represents a density of 223 dwellings per hectare and therefore makes efficient use of land.

On the back of the first City Centre Masterplan which, in 2000, outlined a strategy for Sheffield's regeneration, the 2004 Sheffield City Centre Urban Design Compendium sought significant changes in the quality of future development and public space design in the city centre. Much of the guidance is quarter specific and includes a vision for the future of each area. The Compendium described the continuing development of the Devonshire Quarter as a vibrant urban village, a unique residential mixed use area where city centre living is encouraged together with a variety of specialist retail outlets, cafes, bars and restaurants. Arguably, this mix remains to some extent, particularly on Division Street and Devonshire Street, though the balance of uses, both commercial and residential, is under pressure. Some areas, including West Street and The Plaza (at the northern end of the West One development) have tipped very much in favour of the night time economy. The proposals, however, are considered to comply with the Compendium's vision for the Devonshire Quarter.

Independent Retail

The future of town and city centres and small independent retailers in the face of trends towards fewer larger operators has been a national concern for many decades and interested organisations have published documents which suggest that town centre first policies and localism in retailing need to be further strengthened.

The Federation of Small Businesses reported back in 2007 that city centre redevelopment was squeezing out independent retailers in favour of the big chains and a working group set up following the 2011 government commissioned Mary Portas study of the future of high streets suggested that the vitality and viability of town centres and the future of small retailers would benefit from town centres being designated as nationally significant infrastructure. In 2012, to supplement the Portas work, the Department for Communities and Local Government (CLG) published 'Parades of shops – towards an understanding of performance and prospects'. Focusing on neighbourhood centres, the study recognises the importance of local shops in terms of the contribution of small businesses to economic recovery and growth, and in terms of the contribution of local facilities to sustainable communities.

However, there is limited national planning policy relating specifically to the protection of small shops and independent retailers. The NPPF contains general policies aimed at encouraging job creation but small shops are not explicitly referred to, other than in relation to rural communities. The NPPF does recognise that it is important to have a 'diverse retail offer in town centres', but the contribution that small shops make to this is not mentioned.

Locally, the contraction of Sheffield's city centre (for reasons which include the linear shape of the shopping centre, delays in the delivery of the New Retail Quarter, Meadowhall and the recession) and high vacancy rates, along with a desire to limit the progression of 'clone town', resulted in a 2009 strategy to encourage more small independent initiatives and start-ups onto our high streets. Initially, 'Sheffield Showcase' dressed vacant shopfronts with changing window displays designed and built by students from the Source College and encouraged the temporary re-occupation of vacant retail spaces – the latter has helped to create a small number of successful new businesses including Streetfood Chef and Fatoush. More recently, the Strategy has supported new pop-up stores such as Bird's Yard on Chapel Walk and Common People, now in the Wintergarden. Whilst the Strategy will continue to encourage temporary uses (both retail and workspace) and social enterprise, particularly in the Castlegate, NRQ and Moor areas of the city centre, it is limited in both power and resources. Efforts are concentrated on persuading agents and building owners to routinely consider meanwhile uses instead of boarding up vacant premises until they can be let to their preferred tenants.

The importance of small, specialist retailers and the contribution they make to the character of the area is acknowledged in the Devonshire Quarter Action Plan and the Plan seeks to protect niche retailing by limiting the proportion of non-shopping uses in any one block. However, this does not prevent changes to the retail offer that do not need planning permission, such as the replacement of a shop to another use within the definition of the A1 use class, which includes hairdressers, travel and ticket agencies, post offices, sandwich bars, dry cleaners and internet cafes.

In addition, from 30th May 2013, the government amended the Town and Country Planning (Use Classes) Order to allow buildings with a floor area of up to 150 square metres and with A1, A2, A3, A4, A5, B1, D1 or D2 consent to change use for a single period of up to two years to an A1, A2, A3 or B1 use, again without the need for planning permission. At least one retail unit has changed to a café under this regime.

Therefore, while local initiatives such as Sheffield Showcase can provide support to small independent retailers, neither national legislation nor local strategies currently allow us to protect the independent retailer against market forces and the national chains. In fact, recent changes to permitted development rights have

restricted still further our ability to protect small shops from inappropriate or undesirable changes of use.

Archaeology and the Demolition of the Existing Buildings

The application site falls within an Area of Special Character as defined in the Unitary Development Plan. Policy BE15 of the UDP (Areas and Buildings of Special Architectural or Historic Interest) states that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

More specifically, policy BE18 (Development in Areas of Special Character) expects the retention of buildings, walls, trees, open spaces and other features that contribute to the character of the Area, and new development to respect the appearance and character of the Area.

Whilst BE15 and BE18 are saved policies, the UDP also makes clear that the Area of Special Character designation was given to areas that were likely to become Conservation Areas and that the tighter controls in these areas was designed to safeguard them until such time that their declaration as conservation areas could be considered. However, the UDP was adopted in 1998 and the evidence base that supported its policies is even older. In that time, two Areas of Special Character have been declared as new Conservation Areas and four others have been added to existing Conservation Areas. But there are no proposals to designate further Conservation Areas or to carry an updated Area of Special Character designation forward in the new Local Plan. Whilst it is acknowledged that the site lies in an area with some significant historical character, it may be considered unreasonable to place substantial reliance on the Area of Special Character designation in order to resist the demolition of 162 to 170 Devonshire Street.

Policy BE20 of the UDP (Other Historic Buildings) states that the retention of historic buildings which are of local interest but not listed will be encouraged wherever practicable and the applicant was encouraged to consider the retention of the existing buildings. However, having been discounted by them for a variety of reasons – the internal layout of the buildings is considered to be incompatible with modern retailing, the split level ground floors are difficult in terms of access, and the buildings have significant structural issues which would be costly to remedy, it is considered that policy BE20 is not sufficiently robust to oppose demolition.

The National Planning Policy Framework (NPPF) advises that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment and, in doing so, recognise that heritage

assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

It goes on to say 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. The more important the asset, the greater the weight should be. It also advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement made regarding the scale of any harm or loss and the significance of the heritage asset.

Upon request, an Archaeological Assessment and Building Appraisal (dated January 2015 and prepared by Wessex Archaeology) was submitted in order that we can fully understand the significance of the standing buildings - significance is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

The Appraisal notes that the site comprises a row of terrace shops fronting Devonshire Street, of three storeys plus cellars, dating from the Regency period/early 19th century. The properties have small yards to the rear which are bounded by the historic Westhill Lane. Previously, small-scale industrial workshops were located fronting Westhill Lane, that once shared rear yards with the terrace shops. These buildings were demolished in the late 1940s, and the land left largely undeveloped, with the exception of a small block of garages constructed in the 1950s/60s which was demolished in recent years.

The site is first depicted in any detail on the 1808 Fairbanks map of Sheffield, which shows the extent of the growing town now bordering Rockingham Street. The site is labelled as West Hill, with West Street, Westhill Lane and Broom Hall Lane all laid out by this date. A fairly large building occupies the area directly to the northeast of the site, which is likely to have been a farmstead.

Between 1801 and 1851, the population of Sheffield almost trebled, and growth was especially strong in the 1820s-1830s. On the 1832 Talyer map of Sheffield the farmstead is now absent, Division Street and Devonshire Street are fully laid out and the parcel of land bound by Devonshire Street, Broomhall Street (previously Broom Hall Lane) and Westhill Lane, in which the site is located, is completely developed. Land on the south side of Devonshire Street remains largely clear.

By 1853, the first edition OS map, the buildings forming 162-170 Devonshire Street are clearly depicted as five properties, with a plot of park/garden land to the east and yards to the rear shared by small-scale industrial buildings fronting West Hill Lane to the north. By this date, Eldon Street to the east had also been developed and the plot that would later become the Grade II listed Wharnccliffe Fireclay Works

is shown as developed and occupied by the Fountain Works. The south side of Devonshire Street is also developed with a row of terraces fronting the street, and densely packed back-to-back housing to the south beyond.

There is little change at the site until the 1940s and the onslaught of World War II. During the air raid attacks on Sheffield, the buildings on the corner of Devonshire Street and the western side of Westhill Lane were destroyed along with the buildings on the south side of Devonshire Street between Fitzwilliam Street, Chester Street and Eldon Street. 162-170 Devonshire Street survived the bombings.

Numbers 162-166 were originally three properties, dating to between 1823 and 1832. These comprised of shops fronting Devonshire Street at ground floor, with cellars below and what would have originally served as the living quarters at first and second floors. Number 162 continues to be a single property, as originally constructed, whereas 164-166 have been altered to create one single property. The south elevation fronting Devonshire Street contains three bays, representing the three historic properties, over three storeys. Number 162 appears to have retained some of the original shop front and a terrazzo threshold leading into the shop has also been retained. Number 162 is constructed with original handmade red brick laid in a high status Flemish bond, whereas 164-166 have a modern red brick façade in a basic English bond, dating to the 1980s. The facade was rebuilt due to structural problems with the original elevation. Brick chimney stacks raise above the roof line of numbers 162 and 166.

Internally, each historic property had the same layout, which is largely intact at number 162. But numbers 164 and 166 have been altered to form a single shop and the principal elevation rebuilt, though internally many historic features have been retained.

Numbers 168-170 were originally two properties (with 168 pre-dating 170). The Devonshire Street frontage has been partially rendered and painted white. The ground floor is dominated by a large shop frontage with inset doorway and adjacent window originally serving number 168, and a large window serving number 170. Modern steel ties are also present within the façade.

The west elevation of number 170 fronts Westhill Lane and is constructed of brick but it has been rendered and painted in the same grey and white colour scheme as the southern façade. Two vertical wall braces are also present within the elevation (as is graffiti artwork in the form of playing children and the face of John Peel - painted on the day of his death in 2004). Internally, the two properties have been substantially altered, though the original layout is identifiable and some historic features remain.

The Appraisal uses four types of heritage values, as set out by English Heritage within Conservation Principles Policies and Guidance (2008), to provide a guide to

the assessment of significance of 162-170 Devonshire Street. These heritage values are: Evidential, Historical, Aesthetic; and Communal. The levels of significance used to value the site are:

- Exceptional - important nationally and possibly internationally;
- Considerable - important regionally in the context of the development of commercial and domestic properties in the Devonshire Quarter area and Sheffield as a whole;
- Some - usually of local value but possibly of regional significance for group value;
- Negligible - features which make little contribution to the value of the site, but do not detract; and
- Negative - features which actually detract from the significance of the site.

The assessment draws to the following conclusions:

Heritage Value – Evidential: Some

The architectural designs employed at 162-170 Devonshire Street are typical of the Regency/early 19th century period, with higher status principal street façade comprising Flemish bond brickwork, sash windows detailed with stone sills and lintels, and stone string course. The large shop frontages facing Devonshire Street, with well-proportioned first and second floors above, arose from the established architectural proportions of the Georgian period. However, the principal façade of numbers 164-166 is a modern rebuild which has reduced the building's significance

The buildings have retained historic fabric, features, fixtures and fittings, however they vary in quantity and quality. Number 162 is largely original in form and has retained both a high quantity and quality of fixtures and fitting, whereas numbers 168-170 have lost a substantial amount of original features, fixtures and fittings and the removal of internal walls and individual windows has reduced their significance.

The evidential value of the buildings is further enhanced as they are one of, if not the, oldest surviving commercial and domestic buildings in the central Sheffield area and are considered to be of some local significance.

Heritage Value – Historical: Some

The continued use of the buildings for their original designed purpose, as small independent shops, from the early 19th century to date, illustrates the relationship between design, function and location, and gives the buildings their historical

value. Cessation of this activity within the buildings will diminish their historical value.

Heritage Value – Aesthetic: Some

Numbers 162-170 Devonshire Street have retained much of the original design and layout and they are typical of shops and dwellings of the era. Some of these aspects have been significantly impacted upon internally and the aesthetic value has been negatively impacted on by modern alterations, fixtures and finishes, most notably within numbers 168-170, together with the rebuilding of the southern elevation of numbers 164-166. In addition, the presence of graffiti on the rear (north) elevations, and the fencing off of the neighbouring yard, has severely reduced any aesthetic qualities of the rear elevations.

Heritage Value – Communal: Considerable

Numbers 162-170 Devonshire Street have a strong social value, not only for those who continue to work within the buildings, but also within the wider local community. The social value of the application site has been demonstrated by public interest into the development proposal and formal comments registered to the application.

The Appraisal also explains how the current setting of the asset contributes to the significance of the buildings and explains that their setting has been impacted negatively by the large-scale modern buildings to the west of Fitzwilliam Street, the vacant plot directly to the west of Westhill Lane, and the degradation of the yard to the north. It comments, however, that the trees which run along the length of the car park on the southern side of Devonshire Street will improve the streetscape when mature.

The Appraisal states that the historic setting of the site has changed considerably since the early 19th century, but that the buildings that are the subject of this application have remained relatively unaffected and are now some of the oldest buildings in the area.

The two closest designated heritage assets to the application site are identified as the grade II listed Sewer Gas Lamp at the junction with Westhill Lane and the grade II listed former Wharnccliffe Fireclay Works and adjoining showroom. It considers that the proposed development will have an impact on the setting of these two assets, but that their historic setting has already been substantially impacted on by the erection of modern buildings close by. It also determines that the new development would improve the aesthetics of the immediate area along Westhill Lane, as it respects the scale and massing of former structures that historically fronted Westhill Lane.

The Appraisal concludes that the proposed development will result in the complete loss of the undesignated heritage asset of local importance which constitutes a moderate negative impact and the proposed new build is deemed to have a minor positive impact on the setting and character of the area. Overall, it suggests that the proposed development will have a minor negative impact.

The Appraisal recommends that, should consent for redevelopment be granted, a programme of archaeological works are undertaken that would include an English Heritage Level 3 survey of the standing buildings, and an archaeological evaluation of the land to the rear, in order to mitigate against this loss and to ascertain the extent of any below-ground archaeological remains relating to the former industrial buildings fronting Westhill Lane, or the predating West Hill Farm.

Design and Townscape Issues

Numbers 162 to 170 Devonshire Street are non-designated heritage assets as defined in the NPPF, that is they are not listed and do not lie within a Conservation Area and, as previously described, it is considered that little weight can be given to the Area of Special Character designation. As non-designated heritage assets that have been substantially altered, it is felt that little weight can be given to the retention of the buildings in their own right. However, they are historic buildings of local significance that contribute to the distinctive character of the Devonshire Quarter as well as the setting of the nearby grade II listed Wharnccliffe Works and neighbouring Devonshire Green. It is therefore considered that, in addition to the assessment of their significance, the loss of 162 to 170 Devonshire Street must also be weighed fully against the impact of the proposed replacement development on the character and appearance of the street scene.

Policy BE3 of the UDP (Views and Vistas in the City Centre) advises that development will not be permitted to damage the traditional City Centre skyline or views and vistas which are important to the Centre's character. Arguably, the view of Devonshire Street from Devonshire Green is one of the most distinctive in the city centre - though it is felt that the quality of the view has been eroded by the presence of overly large scale buildings in the background and on the fringes of Devonshire Green.

Policy BE5 (Building Design and Siting) expects good design and the use of good quality materials in all new buildings, and encourages original architecture where it complements the scale, form and architectural style of surrounding buildings.

Saved policy BE17 (Design and Materials in Areas of Special Architectural or Historic Interest) relates to the high standards of design and use of traditional materials expected in Conservation Areas and Areas of Special Character. As described above, it is considered that the failure to re-designate the majority of

Areas of Special Character as Conservation Areas in the period since the UDP was adopted has resulted in little weight being afforded to this policy in relation to Areas of Special Character. However, the requirements of policy BE5 and the sites prominent city centre location offer a strong argument for insisting on good quality design and materials.

Though describing the Green as one of the Quarter's defining features, the Devonshire Quarter Action Plan advises that the area's streetscape is sufficiently varied and robust that a variety of contemporary materials are acceptable provided that the overall form of new development respects the scale and building line of surrounding buildings and suggests that design quality and originality may be more important than mimicking historic detailing.

The Urban Design Compendium identifies the nineteenth century terraced properties overlooking Devonshire Green, including 162 to 170 Devonshire Street, as Unlisted Significant Buildings that contribute to the character of the area and Devonshire Green – the largest public park in the city centre – as a Character Area. It also notes that the row of shops on Devonshire Street, including the Wharnccliffe Fireclay Works, is an important early group of buildings.

The Compendium advises that the Devonshire Quarter should follow a programme of 'repair and recovery', which enhances the existing 'urban village' character of the quarter, while embracing new opportunities and a variety of uses. It suggests that architectural styles will be innovative and contemporary and make a positive contribution to the vibrancy of the quarter, but that the regeneration and refurbishment of existing buildings should provide adaptable space to support the evolution of the quarter over time.

In the distinct character areas of the quarter it recommends that building materials should be sensitive to the character of that area. More generally, new development should be innovative and contemporary in design but should respect, and make a positive contribution to, the scale and proportion of existing built form. Buildings within this quarter should generally be of 2 –5 storeys to reflect the existing building height.

Sustainable development is also a key theme of the Compendium, which promotes flexibility and adaptability, as well as energy efficiency. It describes buildings which are adaptable and capable of responding to changing social and economic needs as, by definition, sustainable.

The Urban Design Compendium clearly values the contribution that the buildings at 162 to 170 Devonshire Street make to the character of the Devonshire Quarter. However, it also recognises that buildings must be capable of adapting to changing needs.

The proposed development involves the replacement of the existing buildings with a reproduction frontage and a modern rear extension to incorporate new retail units at ground floor level and living accommodation over. Early pre-application discussions recommended the re-use of the existing buildings given that they make a contribution to the character of the area. However, this was discounted by the applicant because they consider the internal layout of the buildings to be incompatible with modern retailing, the split level ground floors are difficult in terms of access, and the buildings have significant structural issues which would be costly to resolve.

To support the latter concern, a Structural Condition Report was submitted with the planning application. It was undertaken by Eastwood and Partners in April 2014 and involved a general review of the structural condition of the buildings internally and externally. The inspection was limited to a visual inspection of accessible parts of the premises. No intrusive surveys or examination of hidden parts of the buildings were undertaken.

The findings of the survey can be summarised as follows:

162 Devonshire Street

This is a single width unit with a split level ground floor, a two storey offshot at the rear of the building and a small cellar beneath, although access at the time of the inspection was limited and a full examination was not made.

The front elevation has an exposed Flemish-bond red brick façade above the shop front with a band of ashlar stone at first floor window cill level. The elevation is reasonably straight and plumb. The facing bricks are badly weathered in places with areas of missing pointing. The stone course is also weathered and slightly spalled.

The rear elevation is of exposed red brick. Rear windows have been removed and the openings infilled with brickwork. There is evidence of previous localised repairs to the brickwork.

The roof is duo-pitched with slate covering and there is a slate clad, mono-pitched roof over the offshot.

Internally the ground floor consists of floor boards on timber joists at the lower level and a concrete slab upper level. The condition of the concrete slab is poor with significant cracking at the door threshold.

There is a narrow timber staircase to the first floor retail area. There was no access to the front room at first floor level. The back room at first floor level has a concrete screed finish which is in poor condition with numerous cracks and local areas where the screed is breaking up.

There is a narrow timber staircase to the second floor which is within the roof space. There is a concrete screed finish which has significant cracks, particularly at the door threshold.

The upper floors are not level and are sagging. The floor structures are clearly inadequate for the heavy finishes that have been introduced.

164 – 166 Devonshire Street

This is a double width unit with retail space on the ground and first floor. Access was not possible into the room at second floor level.

The front façade brickwork has been replaced and is in good condition. There is a vertical crack extending from the top of the shop front to the eaves at the party wall junction of the brick facades of numbers 166 and 168, probably due to a lack of bond between the rebuilt façade and the neighbouring property.

The rear elevation is exposed red brick. Rear windows have been removed and the openings infilled with brickwork. There is evidence of previous localised repairs to the brickwork and areas of missing pointing.

Internally the unit has a split level ground floor front to back and between 164 and 166.

There are downstand beams supporting the first floor over the front portion of the ground floor retail areas.

There are narrow timber stairs to the first and second floors. There are significant cracks in the side walls of the stairwells and landings and in the ceilings above.

168 – 170 Devonshire Street

This is a double width unit on the end of the block. The ground floor is retail space and is split level between each unit and within each unit.

The first floor is part retail and part office space. The second floor within the roof space is not readily accessible but has been used in the past.

The front elevation is generally white painted brickwork above the shop front with some patches of white painted render. There are two channel section steel members on the outside face of the wall at second floor level, one vertical and one horizontal, each restrained by a pair of tie rods. There is a vertical timber plate bolted to the outside of the building at the junction with 166, presumably also acting as a tie rod restraint. There is a vertical crack from the eaves to the shop front at the party wall line between 168 and 170. There is clearly a long-standing issue with the stability of the walls.

The gable elevation is painted render which is generally in poor condition. There

are significant cracks in the render and an area of damage in the middle of the wall. There are two timber plates extending from ground level up to about second floor level which are restrained by tie rods at first and second floor level. It was not possible to inspect the anchorages of the tie rods or assess their effectiveness but they appear to have been serviceable for a number of years.

The rear elevation is part painted render and part exposed brickwork. Patch repairs have been carried out. The ground floor rear window has been bricked up.

The roof is duo-pitched with slates. The ridge line is not level, suggesting at least partial failure of some of the roof structure. At the rear of the property there is a step in the roof, creating a jump-gable verge between 168 and 170. The condition of the brickwork on this verge is very poor.

Internally there are a number of relatively minor cracks in the walls and ceilings which are not structurally significant. There is a noticeable sag in the first floor retail area which suggests that the joists may be undersized and/or suffered creep deflection over many years. The condition of the walls and roof timbers that can be seen from the loft hatch are poor.

There is a narrow timber staircase at the back of 168 from ground to first floor level. There is a narrow timber staircase from first floor to the ground floor fire escape at the rear of 170.

The Structural Condition Report concludes that the overall structural condition of the three buildings appears to be generally adequate, but that there are a number of issues with potential to become a significant safety risk in the longer term. These are:

Number 162

The condition of the concrete ground slab
The condition of the upper floors
The condition of the brickwork on the front elevation

Numbers 164 to 166

The cracking in the walls in the stairwell and landings

Numbers 168 to 170

The condition of the front facade and gable wall
The condition of the first floor
The condition of the walls and roof structure above second floor level.

The report advises that, if the properties are to remain in occupancy in the longer term, the above issues would need to be monitored and addressed. Some in particular (the upper floors of 162, and the gable wall, upper floors and roof

structure of 168/170) may require a more detailed assessment in the near future.

In addition, the report identified a number of non-structural issues affecting the occupancy and safe use of the buildings. This included the split level nature of the ground floors in all the properties, which limits access in and around the buildings, plus the impact of the narrow staircases on fire escape and means of access.

The structural report, though limited in its detailed analysis, found that the existing buildings were capable of re-use but that their long term stability would be dependent on some potentially major repair works. It also suggests that, if repaired, there are other factors (including changes in level and narrow staircases) which would affect the future occupancy of these buildings. While these concerns would be highly unlikely to justify the demolition of a listed building or prominent site in a conservation area, the application site does not benefit from any strong policy protection. It is therefore considered that the building's structural issues, though surmountable, must be taken into consideration.

The NPPF advises that the weight we attach to conserving a heritage asset should be proportional to the importance of that asset. As discussed previously, these buildings are classed as non-designated heritage assets that have been substantially altered and are in need of significant structural repair. It is therefore considered that little weight can be given to their retention in their own right. However, as previously described, the loss of these locally significant historic buildings, that contribute to the character of the Devonshire Quarter and the setting of the nearby grade II listed Wharncliffe Works, still needs to be weighed against the impact of the proposed replacement development on the character and appearance of the street scene.

Retention of the façade of the existing buildings was discussed during pre-application discussions as, in theory, this would preserve the existing street scene. However, not only would this be structurally difficult given the condition of the buildings, but the façade has already undergone considerable alteration (the front of numbers 164-166 was replaced with a modern red brick façade during the 1980s), is not in its original form and so is arguably not worthy of retention. Moreover, facadism is rightly frowned upon, both for its irrationality - we usually like our buildings to be designed from the inside out and the exterior should be a logical expression and extension of the interior – and for its tokenistic nod to conservation. But, if facades are valued for contextual or even sentimental reasons, and both may apply in this instance, there ought to be space in our thinking to retain them. It was therefore felt that rebuilding the existing buildings in new materials (another form of facadism) may be an appropriate response in this instance (though arguably a modern interpretation of the existing range would be a more honest approach).

Efforts have therefore been made to encourage the applicant to produce a good quality, authentic reproduction of the buildings fronting onto Devonshire Street in order to preserve the street scene and views of Devonshire Street from the Green, although there are some notable differences between the existing and proposed

facades. The slight increase in floor heights resulted in a larger proportion of brickwork to glazing and so the size of some of the openings has been enlarged to compensate. Similarly, the roof of the proposed development is slightly higher, though this change could be argued to reflect more closely the rising topography of Devonshire Street and certainly does not harm the scheme.

Chimneys, ideally used to ventilate the apartments below, will reflect those that originally projected above the existing building, while the shop fronts are depicted on the application drawings as traditional style, timber shop fronts. Large scale details of most elements of the building, including the chimneys and shop fronts, will be reserved by condition to ensure that they are of an appropriate quality. This will also allow for some variations in the design of elements of the building, the shop fronts for example, which will add richness to the proposals.

The red brick side elevation of the retail units, which fronts West Hill Lane, incorporates new openings which will add both visual interest and passive surveillance to the street. Traditional style openings are introduced at first and second floor levels, while the larger openings at ground floor level are reflective of the simple, punched openings employed on the adjacent extension.

The extension to the rear of the site is three storeys in height, generally terminating (save for the lift overrun) at the eaves level of the Devonshire Street range. It is a simply designed contemporary building clad in black brick. The recessed and largely glazed entrance provides a necessary break between the traditional and modern elements of the build while the oriel style first and second floor windows give rhythm to the otherwise very modest façade not dissimilar in character to the nineteenth century developments that previously dominated the area.

As described above, the loss of the existing undesignated heritage assets must be weighed against the impact of the proposed replacement development on the character and appearance of the street scene. Given that the development, as proposed, retains a front building range similar in scale and proportion to the existing buildings and a façade that is considered to be a good quality reproduction of the existing nineteenth century building range, it is considered that views along Devonshire Street and across the Green will not be harmed. Furthermore, the simple architectural treatment and scale of the contemporary buildings to the rear of the site will significantly improve the Westhill Lane environment. It is therefore considered that the impact of the scheme on the streetscene and surrounding area will be largely positive.

Residential Amenity

Policy S10 of the UDP (Conditions on Development in Shopping Areas) seeks to ensure that the proposal does not cause residents to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health and safety.

The proposed development is affected by noise from multiple commercial and licenced premises in the area, which was addressed in the submitted Noise

Assessment Report (prepared by Blue Tree Acoustics on 20/08/2014). The Environmental Protection Service have confirmed that the report is generally acceptable, though details of the noise mitigation and ventilation scheme of works will require clarification once the ground floor use and building envelope construction details are finalised.

Since the report was produced the adjacent land, on the corner of Westhill Lane and Devonshire Street, has been granted planning permission to be used as an extension to the existing external area of licenced premises at 173-179 West St, formerly the Varsity (application 14/03578/FUL refers). The windows of some of the proposed apartments overlook this site and the potentially elevated noise levels are not fully reflected in the current noise report. If the proposed beer garden is brought into use in the intervening time period to, it is recommended that further monitoring is undertaken and the results be used to inform the detailed design of the scheme of attenuation works. In addition, there is potential for any plant introduced in association with the proposed A3 commercial use to impact upon the amenities of the occupiers of neighbouring properties. A range of conditions are proposed to protect the amenities of existing and proposed residents.

Sustainability

The proposed development is situated in the city centre, a sustainable location well served by public transport and central facilities.

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new developments of 5 dwellings or more should achieve Code for Sustainable Homes Level 3, or equivalent.

Though detailed designs have yet to be produced, the submitted sustainability statement describes the applicant's intentions with regard to energy efficiency and identifies a number of measures which will contribute to it achieving Code for Sustainable Homes Level 3 including highly insulated, air tight construction techniques and the use of low energy technologies such as heat recovery ventilation and heating systems, low energy lighting and lower water consumption taps, baths and showers.

Policy CS 65 (Renewable Energy and Carbon Reduction) requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy. The developer has indicated their intention to generate energy on site and they will consider the use of photo voltaic (pv) panels, solar hot water panels, air source and ground source heat pumps. Compliance with this requirement is reserved by condition.

Access Issues

Policy BE7 of the UDP (Design of Buildings Used by the Public) states that, in all buildings which are to be used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and to appropriate

parking spaces. Other facilities for people with disabilities, or with young children, will also be encouraged, including safe and easy access within the building and between floors. The existing building presents a number of challenges to people with disabilities and, while two of the units have level thresholds, internal changes in level and narrow staircases make movement around the buildings difficult if not impossible. The proposed development achieves level thresholds to all entrances (reserved by condition) whilst a lift in the proposed residential accommodation allows access to the upper floors.

Policy H7 of the UDP (Mobility Housing) states that, in all new or refurbished housing the provision of a proportion of mobility housing to meet local need will be encouraged. Two of the 12 proposed apartments have been identified as mobility units and will be expected to comply with the Council's Mobility Housing Supplementary Planning Guidance.

Open Space Enhancement

Policy H16 of the UDP (Open Space in New Housing Developments) requires that the developer make a financial contribution towards the provision or enhancement of public open space within the vicinity of the application site. The applicant has agreed to enter into a unilateral planning obligation and will pay the Council the sum of £15,738.40.

Coal Mining

The submitted Coal Mining Risk Assessment Report (dated 13 November 2014, produced by Eastwood and Partners) identifies that the application site has been subject to past coal mining activity, namely recorded shallow coal workings.

Notwithstanding the analysis produced in the Coal Mining Risk Assessment which was based, in part, upon the findings of intrusive site investigations on a nearby site, the Coal Authority remains concerned that their records indicate working on this site at a depth of only 9m in 1871. The extraction thickness was recorded as 1.73 m, meaning that the required 10 times seam thickness of competent rock cover will not exist. Based upon this evidence, the Coal Authority considers that it is necessary to undertake further intrusive site investigations on this site in order to definitively assess the mining legacy risk.

On the basis that a condition is imposed to secure further site investigation works prior to commencement of development, the Coal Authority raised no objection to the proposed development.

RESPONSE TO REPRESENTATIONS

The concerns raised by objectors have been addressed in the body of the report. Those relating to non-planning issues – essentially the protection of the individual occupiers of the existing retail premises – have also been responded to.

SUMMARY AND RECOMMENDATION

The proposed demolition of 162 to 170 Devonshire Street and erection of a three storey building to form one A1 shop unit and one A3 restaurants/café unit with apartments over, is considered to largely comply with the requirements of the UDP and the Core Strategy as well as the aims of both the Devonshire Quarter Action Plan and the Sheffield City Centre Urban Design Compendium.

The site's Area of Special Character designation, though understandable at that time, is considered to be problematic as the UDP makes clear that the tighter controls associated with policies BE15 and BE18 were designed to safeguard Areas of Special Character until such time that they could be declared as conservation areas, where appropriate. However, the UDP was adopted in 1998 and the evidence base that supported its policies is now almost 20 years old. In that time, two Areas of Special Character have been declared as new Conservation Areas and four others have been added to existing Conservation Areas, but there are no proposals to designate further Conservation Areas or to carry an updated Area of Special Character designation forward in the new Local Plan. Reliance on the Area of Special Character designation in order to resist the demolition of 162 to 170 Devonshire Street is therefore considered to be unreasonable.

The National Planning Policy Framework (NPPF) advises 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. The more important the asset, the greater the weight should be. It also advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement made regarding the scale of any harm or loss and the significance of the heritage asset.

The existing buildings are undesignated heritage assets of local importance. Alterations to their facades, layout and interiors have had an impact on their significance and thus, the weight that can be given to their conservation is considered to be limited. Set this against the relatively positive impact of the proposed development on the character and appearance of the area, and its general compliance with local planning policies, including the Devonshire Quarter Action Plan proposal to allow only one third of the linear ground floor frontage of a block to change to non-shopping uses, and it is difficult to conclude that there are grounds to refuse the application, as amended.

Finally, and though the occupiers of the existing retail units perfectly reflect the city's aspirations for the Devonshire Quarter and undeniably have a part to play in creating an attractive, viable and varied city centre, the planning system does not exist to protect the private interests of one person against the activities of another and, provided that a retail frontage is retained, the loss of the specific businesses is not a planning matter.

This was confirmed in the companion guide to PPS1: Delivering Sustainable Development, which explains that 'members of the local planning authority are

elected to represent the interests of the whole community in planning matters. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.'

Members are therefore recommended to grant planning permission subject to the proposed conditions and the completion of a legal agreement with the following Heads of Terms.

Heads of Terms

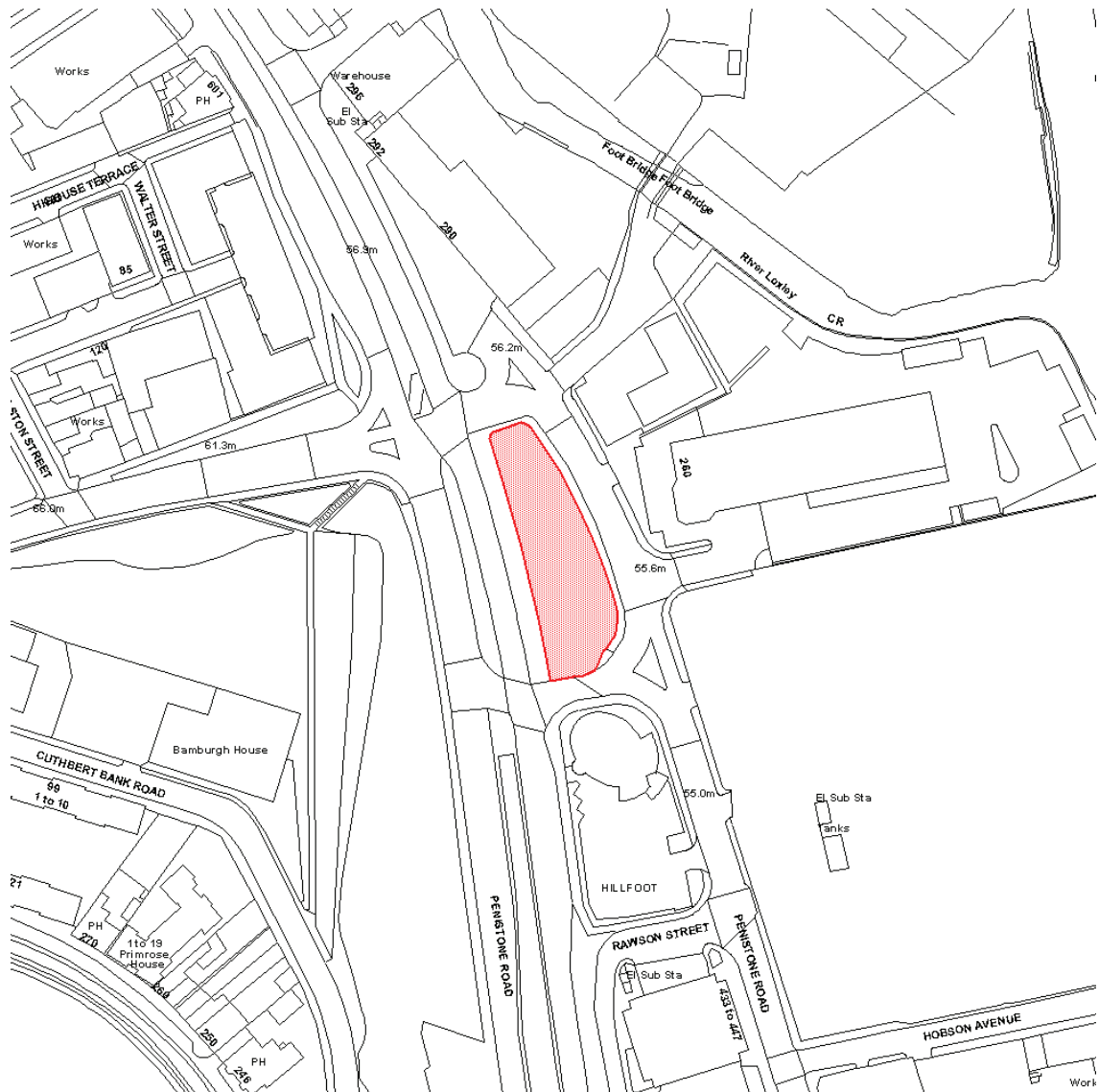
The developer shall make a financial contribution of £15,738.40 towards the provision or enhancement of public open space within the vicinity of the application site in accordance with Policy H16 of the UDP.

Case Number	14/03471/ADV (Formerly PP-03673888)
Application Type	Advertisement Consent Application
Proposal	Retention of trailer mounted L.E.D. advertisement screen
Location	Land OppositeBurrows Toyota260 Penistone RoadOwlertonSheffieldS6 2FQ
Date Received	17/09/2014
Team	West and North
Applicant/Agent	Architectural Design Consultants
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the display of the said LED display is by reason of its prominent siting and bright display, a distraction to the attention of motorists using the adjoining highway. The signage is detrimental to the safety of road users. As such the display is contrary to Policy BE13 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that the display of the said LED display is detrimental to the visual amenities of the locality in that, together with the existing signage displayed on the site, it constitutes an excessive and cluttered display of advertising material and is, therefore, contrary to Policy BE13 of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to a trailer that has been parked on a grassed area to the front of Burrows Toyota car dealership at 260 Penistone Road. On the trailer is a mounted L.E.D. screen which displays adverts for the car dealership. These adverts do not move; however the display refreshes every few seconds with a variety of images, text and backgrounds.

The site is on the edge of an industrial area and is identified on the Unitary Development Plan Proposals Map as being within a General Industry Area.

RELEVANT PLANNING HISTORY

Advertisement consent has been granted for various signs within the site under applications 07/04698/ADV, 06/02425/ADV and 06/01822/ADV.

SUMMARY OF REPRESENTATIONS

No representations have been received.

PLANNING ASSESSMENT

Policy

Unitary Development Plan Policy BE13 – Advertisements sets out that advertisements will be permitted if they would not be a traffic hazard and would not harm the character and appearance of the area.

This approach reflects guidance in Paragraph 67 of the adopted National Planning Policy Framework indicates which states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

Impact upon Highway Safety

The proposed signage is positioned close to traffic lights at the junction of Penistone Road and Bamforth Street. This is one of the main gateways into the city centre and is heavily trafficked.

It is considered that the signage, by way of its brightness, changing colourful display and close proximity to the traffic lights, is a significant distraction to drivers.

Even if the brightness were to be turned down and / or the display made static (such that the image did not change) it is still considered that the display would present a distraction being located so close to the traffic lights.

Impact upon Street Scene

Penistone Road at this point consists of a dual carriageway with a pavement and dedicated cycle path separated from the highway. The signage is displayed on a grassed area adjacent to the highway that is within the boundary of the dealership.

The premises already have numerous advertisements, including totem signs, free-standing signs and banner signs.

It is considered that this additional sign is unnecessary and adds to the cluttered appearance of the site.

ENFORCEMENT

Authority is sought from the Planning Committee, so that if necessary, enforcement action can be taken to remove the display.

SUMMARY AND RECOMMENDATION

Advertisement consent is sought for the retention of a trailer mounted L.E.D. screen within a car dealership adjacent to Penistone Road.

The site is close to traffic lights and the display is bright and colourful.

It is considered that the advertisement is a significant distraction to drivers due to its brightness, the colours of the display and the proximity to the traffic lights.

The car dealership already has numerous signs, which have the benefit of advertisement consent and it is considered that the additional advertisement gives rise to a cluttered appearance to the detriment of the appearance of this main gateway into the city.

It is recommended that advertisement consent be refused and, if the display is not removed within 21 days of the date of decision, enforcement action be taken.

Case Number	14/03356/FUL (Formerly PP-03653163)
Application Type	Full Planning Application
Proposal	Permanent change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays (Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL - Erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and creche (D1)
Location	Units 1 - 2, 3, 8 - 9 And 14The Plaza, West OneFitzwilliam StreetSheffieldS1 4JB
Date Received	09/09/2014
Team	City Centre and East
Applicant/Agent	BNP Paribas Real Estate
Recommendation	Grant Conditionally

Subject to:

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

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

- 2 The type and colour of the facing, roofing and paving materials proposed to be used in the development shall be in accordance with details approved by the Local Planning Authority and samples of the materials shall have been submitted to and approved by the Local Planning Authority.

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

- 3 Before the development is commenced full details and samples of all proposed materials and finishes, roofing materials, facing bricks, masonry, render colours, pavements, planters, roofing systems, fenestration, rainwater goods, timber details, plaques, railings, metalwork handrails, steps/sitting wall ramps and the construction details for the steps/ramps, landscaped

decks, pavements and square shall have been submitted to and approved by the Local Planning Authority.

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

- 4 Before the development is commenced, full drainage details shall have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is drained in an appropriate and satisfactory manner.

- 5 The site shall be developed with separate systems of drainage for foul and surface water on site prior to off-site combined connections.

Reason: To ensure satisfactory drainage arrangements.

- 6 Before the development is commenced full details of the proposed means of disposal of surface water drainage (including details of any balancing work required) shall have been submitted to and approved by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

- 7 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for their disposal.

- 8 Before the development is commenced full details of the proposed sound attenuation measures to ensure adequate noise protection for residents, including full details of the proposed acoustic glazing, acoustic ceilings and acoustic isolation of the A3 units, creche, health and fitness centre, refuse/recycling, lift shafts and plantroom areas shall have been submitted to and approved by the Local Planning Authority and such measures as are agreed shall have been provided on site before the use of the development is commenced.

Reason: Amenities of locality and occupiers of proposed dwellings.

- 9 Before the development is commenced, full details of all external plant and equipment and proposed fume extraction equipment (to include the type of cowl proposed, the height of the flue and the location of the fume extraction system(s) and any sound attenuation equipment proposed thereto) shall have been submitted to and approved by the Local Planning Authority and such equipment as is agreed shall have been provided on site before the buildings are used and retained thereafter.

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

- 10 Before the development is commenced, a contaminated land site report and proposed remediation works shall have been submitted to and approved by the Local Planning Authority and if when the demolition works on site have taken place any further significant unexpected contamination is discovered the Local Planning Authority shall be notified accordingly and full details of any proposed remediation works shall be submitted to and approved by the Local Planning Authority before any further work is commenced. The provisions of the report shall be complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe and proper development of the site.

- 11 Before the development is commenced, full details of the cycle parking provision, bin stores, litter bins, planters, seating, railings, gates, fences or other courtyard or street furniture proposed shall have been submitted to and approved by the Local Planning Authority and such equipment/works as are agreed shall have been provided on site before the use of the site is commenced and thereafter such facilities shall be retained and maintained for the benefit of the residents.

Reason: In the interests of the amenities of locality and occupiers of proposed dwellings.

- 12 Before the development is commenced, full details of the proposed Per Cent for Art Works which should include features such as railings/ handrails, gates, balconies, seating, plaques, planters and sculptures shall have been submitted to and approved by the Local Planning Authority and such works as are agreed shall have been provided on site before the use of the buildings is commenced and shall thereafter be retained.

Reason: This is a key City Centre scheme and a public art contribution is appropriate under the City's Per Cent for Art Policy in the interests of the amenities of the locality.

- 13 Before the use of the development is commenced full details of the proposals to ensure the safety of residents including smartcard access, gates, visitor intercoms and CCTV to internal courtyards and external streets shall have been submitted to and approved by the Local Planning Authority and such details as are agreed shall have been provided before the use of the buildings is commenced and thereafter such safety features shall be retained.

Reason: In the interest of the amenities of locality and occupiers of proposed dwellings.

- 14 Before the development is commenced full details of the proposals for the public and private recycling facilities for the collection of glass, plastic, paper and cardboard for recycling shall have been submitted to and approved by the Local Planning Authority and such details as are agreed shall be

provided before the use of the development is commenced and thereafter such recycling facilities shall be retained for the benefit of residents.

Reason: In order to comply with the Council's policies with regard to recycling and waste collection.

- 15 Before the development is commenced, full details of the measures proposed for the conservation of energy shall have been submitted to and approved by the Local Planning Authority and such energy conservation measures as are agreed shall have been provided before the use is commenced and thereafter such energy conservation measures shall be retained and maintained for the benefit of the residents.

Reason: In order to comply with the Council's policies with regard to energy efficiency.

- 16 Before the development is commenced, full details of the proposed feature lighting, nightlighting and street lighting proposed both within the courtyards and onto Cavendish Street and Fitzwilliam Street, Broomhall Street and Convent Walk shall have been submitted to and approved by the Local Planning Authority and the use shall not be commenced until such feature lighting, nightlighting and street lighting, as are agreed have been provided and thereafter retained and maintained for the benefit of the residents.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

- 17 Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the commencement of the use of any part of the development and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced to the satisfaction of the Local Planning Authority.

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

- 18 Before work on site is commenced, full details of suitable access and facilities for disabled persons, both to and within the building and also within the curtilage of the site, shall have been submitted to and approved by the Local Planning Authority and the building shall not be used unless such access and facilities have been provided to the satisfaction of the Local Planning Authority and thereafter such 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.

- 19 Any deliveries to the retail units shall take place only between 0800 hours and 1800 hours Mondays to Saturdays with no deliveries on Sundays or Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

- 20 (a) Units 1-2 and 3, shall only be used between 0800 hours and 0030 hours the following day on Sundays, Mondays, Tuesdays and Wednesdays; between 0800 hours and 0100 hours the following day on Thursdays; and between 0800 hours and 0130 hours the following day on Fridays and Saturdays and the day immediately before a Bank Holiday
(b) Units 8 and 9 shall only be used between 0800 hours and 0030 hours the following day on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays; and between 0800 hours and 0100 hours the following day on Fridays and Saturdays and any day immediately before a Bank Holiday
(c) Unit 14 shall only be used between 0800 and 0030 hours the following day on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays; and between 0800 hours and 0130 hours the following day on Fridays and Saturdays and any day immediately before a Bank Holiday
(d) All other restaurant/café units in the plaza shall only be used between 0800 hours and 2330 hours Monday to Saturday and between 0800 hours and 2300 hours on Sundays, in line with the original planning permission.
(e) After 2300 hours on any day customers to Units 1-2 shall not be allowed to use the two fire exits or the side entrance to the Plaza which shall be kept closed and shall only use the main entrance to Fitzwilliam Street.
(f) The previously approved outdoor seating areas shall only be used between 0900 hours and 2230 hours on any day.
(g) Before the above hours of operation commence a detailed management strategy to prevent noise and disturbance issues arising in the plaza shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved management strategy shall remain in force at all times and shall not be altered or deviated from without the prior authorisation of the Local Planning Authority.

- 21 Before the use of any of the proposed retail units, the health club, the creche and medical centre is commenced, full details of the proposed shop fronts (to include 1:20 details of curved shop fronts and kiosks) including a scheme to ensure the proposed coordinated signage, the level access proposals and the facilities proposed for disabled persons, staff and public use shall have been submitted to and approved by the Local Planning Authority and such details as are approved shall have been provided on site and shall be retained and maintained thereafter.

Reason: In order to ensure disabled access and to protect visual amenities.

- 22 No more than 33% of the proposed retail units/floorspace shall be occupied by A3 (food and drink) units.

Reason: In order to comply with the Devonshire Quarter Action Plan Policies.

- 23 Before the use of the development is commenced, full details of the proposed water recycling facilities for grey water and rainwater harvesting for toilet flushing and landscape watering shall have been submitted to and approved by the Local Planning Authority and such water recycling facilities as are approved shall have been provided on site and shall thereafter be retained and maintained.

Reason: In order to comply with the policies of the Devonshire Quarter Action Plan.

- 24 The development shall not be begun until either:
- a) improvement works (which expression shall include traffic control pedestrian safety measures) to the highways specified below have been carried out to enable such highways to accommodate the increase in traffic, which in the opinion of the Local Planning Authority will be generated by the development or
 - b) details have been submitted to and approved by the Local Planning Authority of arrangements which will secure that such improvement works will be carried out prior to any part of the development being used. The specified highways are:

1. Fitzwilliam Street
2. Junction of Devonshire Street with Fitzwilliam Street
3. Broomhall Street
4. Broomspring Lane
5. Cavendish Street
6. Bolton Street
7. Realignment of the public footpath across Devonshire Green at its junction with Fitzwilliam Street
8. Realignment of the cycle track across Devonshire Green at its junction with Fitzwilliam Street
9. Convent Walk.

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

- 25 Before the development commences all redundant vehicular crossings shall be permanently stopped up and reinstated as footway and kerb to the satisfaction of the Local Planning Authority.

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

- 26 Details shall be submitted to and approved by the Local Planning Authority to ensure no surface water from the site discharges onto the adjacent highway.

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

- 27 Before the development is commenced, details of servicing arrangements for refuse collection shall be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of traffic safety and amenities of locality.
- 28 All servicing for the retail units shall be carried out from the service bays on Fitzwilliam Street (except for the shops on Broomhall Street which shall be serviced from the new service bay on Cavendish Street).
- Reason: In the interests of traffic safety.
- 29 Before any part of the development is brought into use the car parking accommodation shown on the approved plan shall be provided and thereafter retained.
- Reason: In the interests of traffic safety and amenities of locality.
- 30 The gates and barrier to the car park shall be set back a minimum of 5 metres from the back edge of the footway.
- Reason: In the interests of traffic safety and amenities of locality.
- 31 Before the development is commenced, details of the car park access, gates and barriers shall be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of traffic safety and amenities of the locality.
- 32 Before the development is brought into use details of the management of the on-site parking facilities shall be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of traffic safety and amenities of the locality.
- 33 The ramps within the car park shall not exceed a maximum gradient of 1 in 7.
- Reason: In the interests of traffic safety and amenities of the locality.
- 34 The car park shall be lit to a minimum luminance of 120 lux.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 35 Before the development is brought into use, the cycle parking accommodation shown on the approved plan shall be provided and thereafter retained.
- Reason: In the interests of traffic safety and the amenities of the locality.

- 36 Before the development is commenced, details of the boundary treatment shall be submitted to and approved by the Local Planning Authority.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 37 The footway to the Fitzwilliam Street frontage shall have a minimum width of 2 metres.
- Reason: In the interests of pedestrian safety.
- 38 Before the development is commenced, arrangements shall be entered into relating to the loss of on-street parking, including the removal/ relocation of on-street equipment.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 39 Before the use of the development is commenced, details of the replacement street lighting shall have been submitted to and approved by the Local Planning Authority on the following:-
- a) Fitzwilliam Street
 - b) Broomhall Street
 - c) Cavendish Street
 - d) Convent Walk
- Reason: In the interests of traffic safety and the amenities of the locality.
- 40 Before the development is commenced, details of the means of ingress and egress for vehicles engaged in construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to approved points of ingress and egress. Ingress and egress for such vehicles shall be obtained only from the approved points.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 41 Before the development is commenced details shall be submitted to and approved of the proposals to prevent the deposit of mud/debris on the highway.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 42 Before the development is commenced, full details of the glazed shop window areas shall have been submitted to and approved by the Local Planning Authority and such shop window areas as are agreed shall have been provided and thereafter such shop window areas shall be retained, decorated and maintained for the purpose of shop window displays.
- Reason: In the interests of the visual amenities of the locality.

- 43 Before the use of the proposed car park is commenced, full details shall have been submitted to and approved by the Local Planning Authority of the proposed car pool for 20 smart cars/hire vehicles and such details as are agreed shall have been provided on site and thereafter such car pool facilities shall be retained and maintained for the benefit of the residents.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

- 44 Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the health and fitness suite shall be used solely for the use hereby permitted and shall not be used for any other purpose within Class D2 without the prior approval of the Local Planning Authority.

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

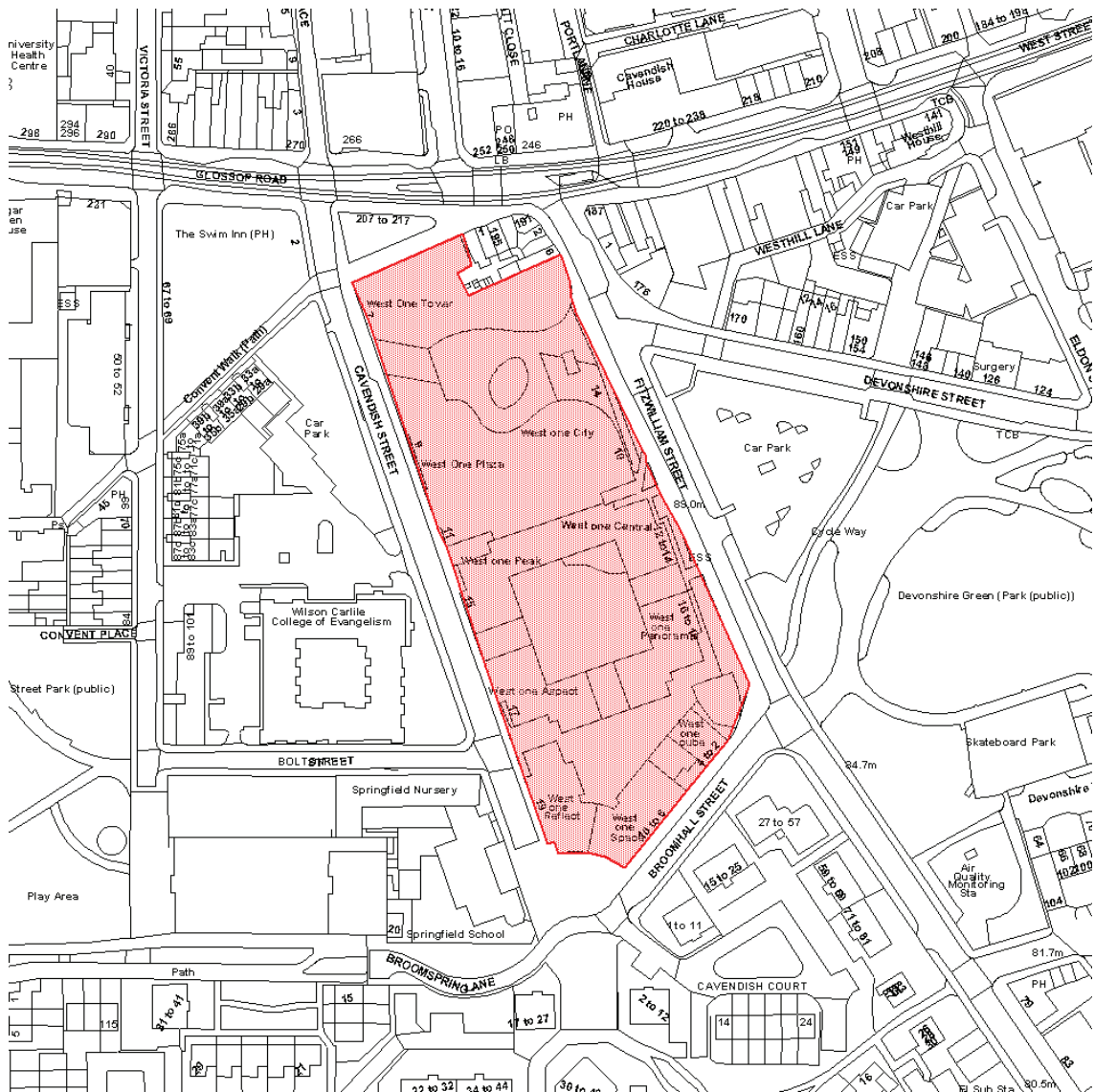
- 45 Before the use of the proposed car park is commenced, the proposed car pool spaces and disabled persons parking spaces indicated on the plans shall have been clearly signed as such and such spaces and signage shall thereafter be retained for the purposes of car pool and disabled parking.

Reason: To ensure that satisfactory parking provision is provided, retained and appropriately signed.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. The applicant is advised that condition Nos 1 to 19 and 21 to 45 were imposed by planning permission No. 00/01269/FUL and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of units 1 - 2, 3, 8-9 and 14 which are located within the ground floor retail/commercial centre of the Plaza at the northern end of the largely residential West One complex which is located between Fitzwilliam Street and Cavendish Street. Units 1 and 2 are occupied by Revolution, Unit 3 is occupied by Anchorage, Units 8-9 are occupied by Las Iguanas and Unit 14 is occupied by The Hop. Units 1-2, 3, and 14 are all currently classified as bars (use class A4) although Unit 3 does have a large upstairs eating area with smaller downstairs bar. Las Iguanas is a restaurant with bar area (use class A3).

Members may recall that they granted consent, against officer recommendation, in October 2013 to allow the above highlighted premises to open between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months.

This application seeks a permanent extension of opening hours. During the consideration of the application the applicant has proposed some minor alterations to the hours of opening of specific units as follows:

- Revolution (Units 1 and 2) and Anchorage (Unit 3) 0800 to 0100 hours the following day on Thursdays and 0800 to 0130 hours the following day on Fridays and Saturdays.
- Las Iguanas (Units 8 and 9) 0800 to 0000 hours on Thursdays and 0800 to 0100 hours the following day on Fridays and Saturdays.
- The Hop (Unit 14) 0800 to 0030 the following day on Thursdays and 0800 to 0130 hours the following day on Fridays and Saturdays

RELEVANT PLANNING HISTORY

There is extensive planning history relating to this site including various changes of use applications and variation of hours of operation of the premises in West One. The most relevant planning history is set out below:

13/02529/FUL - Change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL - Erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and creche (D1) – Granted conditionally.

12/03296/FUL - Change of opening hours to allow opening between 0800 and 0130 (the following day) on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under section 73 to vary condition 20 (opening hours) of planning permission ref. 00/01269/FUL) - Refused

12/01985/FUL - A Section 73 application to change the opening hours of units 1, 2, 3 and 14 to 0800 - 0030 the following day on Mondays to Wednesdays, 0800 - 0130 the following day on Thursdays to Saturdays, and 0900 - 0030 the following day on Sundays and Public Holidays was refused in September 2012.

11/02150/CHU - A Section 73 application to vary conditions 3 and 7 to extend opening hours to 0800-0030 the following day Mondays to Saturdays and 0900-0030 the following day Sundays and Public Holidays and to allow playing of live music until 0000 hours on Fridays, Saturdays, Sundays before a bank holiday and Christmas Eve was granted on 6th September 2011.

00/01269/FUL - The West One application, for the erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and crèche (D1) (amended scheme) was granted planning permission on 22 February 2001. Condition 20 of the approval stated that any A3 (food and drink) units should only be used between 0800 hours and 2330 hours Monday to Saturday and between 0900 hours and 2300 hours on Sundays and Bank Holidays (in the interests of the amenities of the locality and occupiers of adjoining property). Condition 22 required no more than 33% of the proposed retail units/floorspace to be occupied by A3 units (In order to comply with the Devonshire Quarter Action Plan Policies).

SUMMARY OF REPRESENTATIONS

In total 35 letters of representation have been received in connection with the proposed change in opening hours.

23 letters of objection were received, including one on behalf of the Glossop Road Baths Resident's Association and the Sheffield City Centre Residents Association (SCRAGG).

Objectors to the scheme raised the following concerns:

- Music can be heard clearly in the flat above 'The Hop' which makes it difficult to sleep.
- Many of the residents of West One are students and noise can be heard in communal spaces.
- This is a residential area and occupants experience high levels of noise pollution from the bars in question.
- Noise levels have become much worse over the last year particularly between 12-2am.
- The assumption that a lack of complaints means that residents are happy is ludicrous. Complaints need to be made in the middle of the night and doing so means that residents do not get back to sleep.
- The extension of opening hours damages the quality of life in West One.
- Allowing the extension of opening hours damages the quality of city living.
- It is necessary for windows to be open for ventilation purposes. Noise from the plaza is especially loud when windows are open and is still disturbing with windows closed.
- My apartment is on the 5th floor and noise and talking can be clearly heard in the apartment.

- Since the extension of opening hours people tend to linger in the plaza into the early hours - singing, chanting and shouting is the norm.
- The opening of The Hop and Anchorage has led to an increase in footfall and noise.
- Residents should be protected from noise at unsociable hours, music volumes from the bars is very high and has seriously affected sleeping, working and living conditions in the apartment.
- Doors are left open to 'The Hop' and Vodka Revolution on a regular basis causing noise disturbance.
- Blocking both ends of the plaza with a structure would enable better control of the area as people could be requested to leave.
- Allowing the extension of hours goes against the late night closing guidance damaging the quality of life of residents.
- Drinkers have been in the plaza until 0100 hours which is two and a half hours after they should vacate the area. The police have been called to remove drinkers; however the bars have slipped back and allowed people to drink in the outside area until late in the evening.
- It is not right to claim there is no disturbance on the basis of a lack of complaints to Environmental Protection Services.
- Not enough residents have been consulted.
- There is no way of controlling the noise when people come out of bars, shout and cause disturbance.
- On site management do not deal with noisy patrons.
- Rubbish left in the streets is an eyesore.
- Taxis create traffic in front of the property. Taxis are often parked illegally and hinder residents reaching their own spaces
- West Street and Division Street function as a 'Leisure Circuit' if the extension of hours is granted West One will be an extension of the 'circuit'.
- The city council should encourage city living by appropriate management of premises.

Tenants and residents Glossop Road Baths

- The apartments are within 100 metres of West One and the extension of hours has blighted our apartments and those in West One.

- The character of the plaza has been changed to a night time economy reducing living standards for residents.
- Commercial interest should not take precedent over 530 resident's right to a night's sleep.
- A long term strategy to protected residents by fixing opening hours is required.
- Lack of registered complaints is not a measure of satisfaction with the noise problems.

SCRAGG

- The previous decision to allow an extension of hours was a serious mistake as West One is residential zone where late night uses should cease by 0030 hours, the decision was made against officer recommendation.
- Comparisons with recent permanent extension of hours at Tiger Bar on West Street are irrelevant as Tiger Bar is not in a residential zone.
- The granting of a trial period extension to hours does not infer that a permanent extension should be granted.
- Conditions which require the external drinking areas to be vacated by 2230 are regularly flouted with people remaining outside until 0100 hours
- Doors are often left open allow music to break out from the bars.
- Live music is often played until 0030 hours
- As the conditions laid down in the trial period have not been complied with it would be illogical to grant a permanent extension.
- The good practice measures referred to in the applicant's supporting information to minimise noise, reduce noise outbreak and to ensure that no noisy behaviour takes place are not taking place.
- A number of complaints have been made to management of the venues and door staff and one resident has made 3 complaints to the 101 service since July.
- The noise situation has become so intolerable for some residents that some moved out over the summer.
- The 101 service is not effective at recording or responding to complaints.
- The bar owners took premises in a residential area knowing the regulations and restrictions on them. If the bar owners are struggling to compete with other venues they should try and attract earlier evening trade.
- The extension of opening hours over the last year has affected the quality of residents' life and the application should be refused.

10 letters of support have been received. The supporters of the scheme put forward the following points:

- Increased planning hours have maintained the trading levels of Las Iguanas. With the increased number of bars and restaurants and longer trading hours, people are dining out later and these trading hours are necessary to enable the use to continue trading in this location.

- As a landlord of several apartments in West One I have never had a report of noise and complaints from tenants. Occupants actually choose to live in this accommodation due to its proximity to the bars and restaurants and other uses with late hours such as the Bowery and Wick at Both Ends both of which close at 0200 hours.
- West One is a successful and sought after residential location due to its location and proximity of bars, restaurants and amenities.
- There is 24 hour management on site and all bars and restaurants are responsibly run and well managed.
- In the 12 months since the extended opening hours there has not been a complaint to the letting/management company.
- This time last year the plaza had vacant units, however since last year there has been a noticeable improvement in trade in the plaza, with a number of empty units now let to a supermarket/deli, café and design/printers.
- West One should be an active vibrant location and it should open and trade when there is customer demand.

PLANNING ASSESSMENT

The Unitary Development Plan (UDP) for Sheffield (1998) pre-dates the West One development which was granted planning permission in 2001. Consequently, the northern half of the Plaza lies largely within the Central Shopping Area and the southern half lies within a Housing Area as defined in the UDP. Policy S3 of the UDP (Development in the Central Shopping Area) defines food and drink outlets as a preferred use in Shopping Areas. However, Policy S10 (Conditions on Development in Shopping Areas), states that new development should not cause residents to suffer from unacceptable living conditions.

Policy H10 of the UDP (Development in Housing Areas) describes housing as the preferred use of land in Housing Areas, and advises that food and drink uses are considered to be acceptable provided that they do not cause disturbance to people living nearby. Similarly, Policy H14 (Conditions on Development in Housing Areas) states that new development or changes of use will be permitted provided that they are small in scale and do not threaten the residential character of the area, or lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby.

Policy CS17 (City Centre Quarters) part f of the Core Strategy identifies the Devonshire Quarter as a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses together with the city centre's largest green space, Devonshire Green.

In April 2004, in order to guide housing development in the City Centre and limit the potential conflict between the growing population of residents and late night uses, the Council adopted the City Centre Living Strategy (CCLS).

Guideline 8 of the Strategy expects planning submissions involving potentially noisy uses to submit a scheme of works to address noise problems. It states that 'planning consent will be refused for developments that are unable, through design, technical measures or separation, to prevent noise and disturbance from affecting residents'.

Guideline 10 of the CCLS identified the Devonshire Quarter as an area of the city in which the amenity of residents, during night-time hours, is important and so, for developments involving pubs, bars and restaurants, it recommends restrictions on opening hours in order to prevent undue disturbance. The Interim Planning Guidance on Night Time Uses (NTU) was adopted in October 2005 in order to help the Planning Service deal with applications for development relating to night time uses in the face of the changing liquor licensing legislation. Whilst acknowledging that people living in the city centre cannot expect to experience the same levels of quiet as the more suburban parts of the city, the NTU guidance aims to protect the living conditions of residents by limiting the opportunities for noise and disturbance that might directly affect them.

Guideline 1 of the NTU guidance identifies specific areas in the city centre where there is a need to provide a greater level of protection against noise and disturbance and recommends that, in these controlled areas, a 0030 closing time will normally be applied for pubs and clubs (and takeaways). The later opening of restaurant/cafe uses is much less of an issue as they tend to have little impact on nearby residents. The two areas where opening hours are more vigorously controlled are the Heart of the City/Cathedral Quarter and the section of the Devonshire Quarter to the west of Fitzwilliam Street, including West One.

Guideline 2 of the NTU guidance advises that leisure, and food and drink uses will only be allowed if conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance, and that they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area. It also states that the Council will take into account the cumulative harmful effect of existing leisure and entertainment uses.

National policy contained within the NPPF identifies that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. The NPPF also seeks to promote competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres. The policy recognises that residential development can play an important role in ensuring the vitality of centres.

Emerging Policy

As the conflicts between city centre residents and increasingly late night uses continue, emerging policy in the Sheffield Local Plan gives an indication of future

policy direction. On the Pre-submission Proposals Map (2013), the application site falls within a Central Housing Area. Policy H1 of the Pre-Submission City Policies and Sites (2013) states that housing is a preferred use here, but as part of a mix of uses that are compatible with residential. Applications for drinking establishments in the Central Housing Area will be decided on their merits, whilst Policy C3 (Safeguarding Sensitive Uses from Nuisance) states that development should not cause occupants of any residential accommodation to suffer from nuisance that would be harmful to living conditions and that, in areas where commercial premises stay open late at night and cause a nuisance to residents, zones will be designated (in a Supplementary Planning Document, see paragraph 4.13) where the number, scale and times of opening of late night uses will be limited.

Work has started on a new Local Plan which will include a review of the Core Strategy, but take forward many of the policies from the Pre-submission draft, including the ones referenced above. Once adopted, a Supplementary Planning Document can be produced which will replace the Night Time Uses Interim Planning Guidance (IPG). This will be an opportunity to designate zones in the areas listed in Policy C3 and not just the City Centre as is currently the case.

This means we can only give very limited weight to Policy C3 in decision making in accordance with NPPF paragraph 216, but make a judgement based on UDP Policy S10 about whether the proposal is compatible with residential use.

Noise and Amenity Issues

The purpose of granting a temporary extension of opening hours is to establish if the permanent operation of the premises would give rise to any noise and disturbance issues which would significantly affect the amenity of residents.

The proposed permanent extension of opening hours of The Hop, Revolution Bar and Anchorage exceed the 0030 hours closing time restrictions for pubs and bars suggested by Guideline 1 of the Interim NTU guidance. Las Iguanas which occupies Units 8 and 9 is a restaurant and therefore is not considered to breach Guideline 1 of the NTU guidance.

Following the granting of the 12 month temporary extension of hours of operation, the Council's Environmental Protection Service (EPS) have not received any direct complaints relating to noise associated with the extended hours of operation of the premises involved in this application.

Three recorded complaints were made to EPS in the last 12 months with an additional complaint being made to the 101 out of hour's noise service. The complaints relate to the use of the outside seating areas beyond current restrictions and regarding premises operating with doors wedged open, allowing noise to escape. The council's EPS consider these issues relate to non-compliance with existing planning conditions or premises licenses and are not necessarily as the result of later hours of opening.

It is acknowledged that the lack of registered complaints to the 101 service or the Council's EPS does not infer that there have not been any noise and disturbance

issues in the last 12 months. It is acknowledged that there are issues with the 101 reporting service, which often require residents to inconveniently wait up for a number of hours in the hope that an investigating officer is available to visit the property involved and witness the noise issues. A number of objections have been made as part of this planning application which indicates that residents have experienced an increase in noise and disturbance during the temporary period of extended operating hours.

Fitzwilliam Street forms the boundary between the Devonshire Quarter Controlled opening area where operating hours of premises are restricted to 00:30 hours and the rest of the city centre where hours of use are not so tightly controlled.

During the consideration of this application Case officers have undertaken late night site visits on three separate occasions during November and in the run up to the traditionally busier Christmas period in December. On each visit the bars and restaurants concerned were relatively quiet and there was no significant noise breakout from any of the premises. The focus of activity was on Fitzwilliam Street where there was a regular flow of vehicular traffic along Fitzwilliam Street heading towards Division Street and West Street. In addition taxis were waiting close to the site frontage on Fitzwilliam Street. Pedestrian flows and activity were moderate with people entering and exiting the bars, particularly the Hop and Revolution, which front Fitzwilliam Street, with customers coming from or leaving to go towards West Street and Division Street. There was no considerable street noise associated with the coming and going of customers to the West One Plaza despite the fact that there was activity in the street associated with customers smoking outside the premises and outside the Bowery on the opposite side of Fitzwilliam Street. On all three site visits there was a noticeable 'winding down' in activity associated with West One around 0100 hours. Footfall through the plaza throughout the evening and into the early hours of the morning was very limited with the occasional customer leaving Las Iguanas and The Anchorage.

In the case of the West One Plaza, The primary frontages and main entrances to the Hop and Revolution Bars are onto Fitzwilliam Street where there are already high background noise levels until late in the evening, primarily associated with traffic movements. Fitzwilliam Street also forms the boundary between The Devonshire Quarter NTU area and the rest of the city centre where hours of use of pubs and bars are not so tightly controlled. The Bowery which is located immediately opposite the site on the other side of Fitzwilliam Street is permitted to open until 0230 hours.

The applicant has submitted a noise report in support of this application which monitored noise at two locations; the entrance to the Plaza between Revolution and The Hop and on the opposite side of Fitzwilliam Street adjacent to The Bowery (bar) between 2355 and 0205 hours. The assessment reports that noise levels remained relatively constant throughout the survey period (venues within the plaza closed at 0030) with the primary source of noise affecting both monitoring positions being road traffic and activity associated with Taxis waiting outside the application

site on Fitzwilliam Street, which is to be expected given the location of the monitoring equipment close to the busy junction of Fitzwilliam Street/Division Street and West Street.

Taking account of the already high background noise levels and established street activity that residents facing Fitzwilliam Street are exposed to, the permanent extension of opening hours of The Hop and Revolution Bar are not considered to give rise to any significant increase in noise and disturbance that would warrant the refusal of planning permission. Controls over live entertainment within The Hop will remain and any issues to do with noise breakout or structure borne noise associated with live music being played in the venue will continue to be dealt with through the Environmental Protection and Licensing Services.

It is acknowledged that the noise created by customers outside licensed premises has generally increased since the advent of the smoking ban. The most sensitive part of West One from a noise perspective is considered to be the residential accommodation which faces into the Plaza, it is unlike most of the other residential accommodation affected by the noise from the late night economy on nearby Division Street and West Street and is to an extent shielded from passing traffic noise (both pedestrian and vehicle) as a result of the design of the plaza. Therefore, any noise associated with venues in the Plaza which the residents who face into the Plaza can hear is likely to come from the customers of, and breakout noise from, the licensed premises in the West One complex. There are at least three separate smoking areas within the Plaza. However as noted earlier in the report, Las Iguanas operates as a restaurant with small ancillary bar area and is therefore not subject to the blanket hours of use restrictions imposed by Guideline 1 of the NTU guidance. Las Iguanas does have a large outside seating area, however given the nature of its operation and the fact it is a restaurant use it is not considered to give rise to any significant noise and disturbance issues as a result of its operation and as such the proposed extension of its operating hours is considered acceptable.

The remaining unit which seeks a permanent extension of opening hours is the Anchorage which has a small ground floor bar with larger first floor restaurant/eating area. The Anchorage is located within the central part of the plaza and therefore has the greatest potential to attract customers into the central plaza increasing footfall and as such the potential for increased noise and disturbance for the residential premises located above. The proposed extended operating hours of the other units considered under this application also have the potential to increase footfall and activity in the plaza area and movement through the plaza between Cavendish Street and Fitzwilliam Street. The applicant has consent to enclose the Cavendish Street end of the Plaza which would eliminate the potential for people to cut through the plaza in the early hours of the morning causing disturbance, however as yet this development has not been implemented.

The applicant has as part of this application also considered options to create a physical barrier across the Fitzwilliam Street frontage of the plaza which could be closed after certain hours to prevent access. However this option has been discounted by the applicant as architecturally it is not considered a suitable solution and it is considered that if access to the Plaza from Fitzwilliam Street was denied

by a physical barrier after a prescribed time it could be considered as a catalyst for conflict which in turn could give rise to additional noise and disturbance. In addition a physical barrier would cause operational issues for the Anchorage and Las Iguanas whose main access is taken from within the plaza. As noted earlier in the report footfall in the plaza was very limited when case officers did night time visits and the applicant has provided some information from the Anchorage which demonstrates that the number of customers coming to the premises after 0030 hours is very limited.

Notwithstanding the above, the applicant has put forward a series of alternative measures in order to minimise noise and disturbance from the extended operating hours of the premises. These measures take the form of a draft management strategy as follows;

- a) Door staff are to be instructed to operate a no loitering, no smoking in the Plaza policy after 00.30 hours. This will be rigorously enforced by door staff.
- b) Las Iguanas to disperse customers through their rear doors onto Cavendish Street after 0030 hours.
- c) Reduction in opening hours to Las Iguanas to be 0000 hours on Thursdays and 0100 hours on Fridays and Saturdays and The Hop to be reduced to 0030 on Thursdays.
- d) CCTV cameras and coverage to West One Plaza to be improved and expanded with new cameras and better coverage. This will allow more effective policing of the Plaza.
- e) Visible and prominent signage to be located in key areas of the Plaza notifying patrons of restrictions, wording to be agreed.
- f) In addition to individual premises door staff, West One concierge staff are to patrol the Plaza between 0030 hours and 0200 hours to ensure the above highlighted restrictions are adhered to. They will regularly patrol during the period 0030 hours to 0230 hours and record the time of the patrol and numbers of people passing through. This information can be supplied to the Council at any time should this be required.
- g) All residents in West One and neighbouring Glossop Road Baths to be advised in writing of the procedures and provided with telephone numbers and email addresses of Concierge (24 hours) and owners, (not 24 hours) to ensure there is a clear and definable mechanism to report any disturbance. The Concierge can then assess and act upon such contact immediately.

After careful consideration it is felt that the above measures will satisfactorily control and minimise any potential noise and disturbance associated with the extended operating hours of the venues covered by this planning application and represents an ongoing commitment from the owners of West One.

SUMMARY AND RECOMMENDATION

Members will recall that they granted a temporary extension of operating hours of Revolution (Units 1 and 2), The Anchorage (Unit 3), Las Iguanas (Units 8 and 9) and The Hop (Unit 14) in October 2013.

Following the expiry of the temporary consent the applicant is now seeking a permanent extension of hours with some slight reduction in the operating hours of the units as follows:

- Revolution (Units 1 and 2) and Anchorage (Unit 3) 0800 to 0100 hours the following day on Thursdays and 0800 to 0130 hours the following day on Fridays and Saturdays.
- Las Iguanas (Units 8 and 9) 0800 to 0000 hours on Thursdays and 0800 to 0100 hours the following day on Fridays and Saturdays.
- The Hop (Unit 14) 0800 to 1230 the following day on Thursdays and 0800 to 0130 hours the following day on Fridays and Saturdays

The Unitary Development Plan (UDP) for Sheffield (1998) pre-dates the West One development which was granted planning permission in 2001. Consequently, the northern half of the Plaza lies largely within the Central Shopping Area and the southern half lies within a Housing Area as defined in the UDP. The site falls within the Devonshire area of the Night time uses (NTU) Interim Planning Guidance where A4 (bar) uses are expected to close by 0030 hours. The boundary of the Devonshire Area of the NTU is Fitzwilliam Street from where the main entrance into West One is taken and where two of the units concerned have their main frontages and entrances.

Whilst the policy position provides a clear statement in respect of hours of use specified in the Devonshire NTU area, applications still have to be determined on their individual merits after assessing all material considerations. It is not the case that policies should be slavishly adhered to if there are good reasons and evidence to suggest an alternative approach.

Following the granting of the previous temporary permission the merits of a permanent extension of operating hours have to be considered in light of the impact the proposal might have on the living conditions of adjacent residents. The Council's Environmental Protection Service has identified that they do not consider the proposed extended hours of operation to have led to any instances of noise disturbance or resulting complaints, and any complaints that have been received in the last 12 months have been as a result of the non-compliance with existing planning conditions and premises license conditions rather than the extended opening hours.

Case officers have carried out a number of night time visits and have not witnessed any instances of unacceptable noise and disturbance associated with the extended

hours of operation. The applicant has submitted their own noise assessment which demonstrates that the main noise source is from road traffic movements outside the site on Fitzwilliam Street. It is acknowledged that Fitzwilliam Street is a very busy thoroughfare in the city centre with people and traffic movements taking place continually throughout the night and into the early hours of the morning. The noise generated from these traffic movements and associated street noise cannot necessarily be solely attributed to the extended operating hours of premises in West One. In fact there are premises located immediately opposite that are permitted to open until 0230 hours. Taking account of the already high background noise levels on Fitzwilliam Street it is considered that the proposed extended hours of operation of The Hop and Revolution Bar would not give rise to any significant harmful noise and disturbance which would warrant a refusal of planning permission.

In addition to the above the two other units which are the subject of this application are not considered to give rise to any unacceptable noise and disturbance issues. Las Iguas is a restaurant and therefore not subject to the hours of use restrictions suggested by the NTU guidance and its operation is not considered to give rise to any noise and disturbance. The Anchorage is a bar with restaurant area and although has the potential to draw people into the plaza late in the evening the applicants have provided evidence that footfall is minimal after 0030 hours.

In addition the applicant is proposing to put in place a series of new and significant management measures which will limit the potential for noise and disturbance in the plaza area which includes robust, monitoring and reporting measures.

Clearly the Council's preferred position would be to undertake a formal review of the adopted Night Time Uses guidance and produce a supplementary planning document following public consultation in order to guide night time hours of operation in the Devonshire Area but unfortunately such a process is unlikely to be progressed in the short to medium term future (1-2 years) and therefore the current extension of operating hours must be considered on its merits and in light of current evidence.

It is recognised that a balance must be struck between city centre living and an active night-time economy and, whilst the clear policy position set out in the Interim night time uses IPG is acknowledged, in this case it is considered that the proposed permanent extension of operating hours following a 12 month trial (and taking account of the revisions made since the original submission, including the proposed management and monitoring plan) would not give rise to any significant noise and disturbance issues which would warrant the refusal of planning permission.

In light of the above the proposal is considered acceptable and it is therefore recommended that planning permission is granted.

Case Number	14/00133/FUL (Formerly PP-03083544)
Application Type	Full Planning Application
Proposal	Erection of convenience foodstore (Use Class A1) with associated car parking accommodation and landscaping works, partial demolition of existing buildings and use of remaining building (No. 335) as part of proposed foodstore
Location	335 And 337 Ecclesall Road SouthSheffieldS11 9PW
Date Received	20/01/2014
Team	South
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 (Archer Architects):
3309(P)503 Rev B (site layout (excluding pedestrian routes))
3309(P)103 (floor plans)
3309(P)203 Rev B (elevations)
3309(P)210 Rev A (sections)

Reason: In order to define the permission.

- 3 Prior to any work commencing on site full technical details of the proposed vehicular access shall have been 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 the interests of the safety of road users.

- 4 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.

- 5 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.

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

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

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

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

- 8 The 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.

- 9 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.

- 10 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 convenience foodstore 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.

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

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

- 12 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.

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the convenience foodstore shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

- 19 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
Entrance canopies
Rainwater goods
Acoustic fence

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

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

- 20 Notwithstanding the details shown on the submitted plans, full details of alternative pedestrian routes to and from the entrances to the building and alternative cycle parking facilities shall be submitted to and approved in writing prior to the marking out of the car park. The approved alternative pedestrian routes and cycle parking facilities shall be provided prior to the use of the store commencing and shall thereafter be retained.

Reason: In the interests of pedestrian safety.

- 21 The convenience store shall not be used unless a 2m high acoustic fence has been provided to the boundary adjoining No. 333 Ecclesall Road South in accordance with the submitted plans and further details to have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the acoustic fence shall be retained.

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

- 22 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.

- 23 No externally mounted plant or equipment, nor grilles, ducts, vents for similar internal equipment, shall come into operation until details of the plant or equipment serving the development hereby permitted, and any mitigation measures to achieve the requirements of this condition, are submitted to and approved in writing by the Local Planning Authority. Once installed such

plant or equipment shall not be altered without the prior written consent of the Local Planning Authority. The rating level of the noise emitted from the plant or equipment shall not exceed 38dBA between 0700 and 2300 hours and 34dBA at any other time. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:2014.

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

- 24 Prior to the use hereby approved being commenced, a detailed plan and accompanying Noise Validation Assessment shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall demonstrate that any noise associated with the ancillary/staff welfare use of No. 335 Ecclesall Road South shall not be transmitted through the party wall with No. 333 Ecclesall Road South at a level that would be detrimental to the amenities of the occupiers of that dwelling.

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

- 25 No vinyl graphics or other applications that would alter the external appearance of the building shall be applied to the windows in the front elevation of No. 335 Ecclesall Road South without the prior consent of the Local Planning Authority.

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

- 26 The convenience foodstore shall not be used unless the car parking accommodation for 9 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.

- 27 The convenience foodstore shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the convenience foodstore commencing, and shall thereafter be retained.

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

- 28 The convenience foodstore 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.

- 29 There shall be no gates or barriers erected at the means of access to the site.
- Reason: To ensure access is available at all times.
- 30 Prior to the use of the convenience foodstore commencing a detailed Delivery Management Plan shall have been submitted to and approved in writing by the Local Planning Authority and thereafter all servicing of the site shall be carried out in accordance with the agreed Delivery Management Plan.
- Reason: In the interests of highway safety and the amenities of the locality.
- 31 The site shall only be serviced by delivery vehicles not exceeding 10.35m in length.
- Reason: In the interests of highway safety and the amenities of the locality.
- 32 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.
- Reason: In order to mitigate against the risk of flooding.
- 33 Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the site. Thereafter the hard surfacing shall be implemented in accordance with approved details.
- Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.
- 34 The convenience foodstore shall only be open for business between 0700 hours and 2300 hours on any day.
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

- 35 Deliveries to and collections from the building shall be carried out only between 0700 hours and 1900 hours (Mondays - Saturdays) and 0900 hours and 1800 hours (Sundays and Public Holidays)

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

- 36 No. 335 Ecclesall Road South shall not be used for the storage or movement of caged goods or utilised as a sales area.

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

Attention is drawn to the following directives:

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

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

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

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

Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
7. 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.

8. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
9. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
10. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
11. The developer's attention is drawn to:
 - (i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and
 - (ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

12. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development

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

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

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

Site Location



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LOCATION AND PROPOSAL

The site comprises a semi-detached dwelling (No335) and a former car repair/M.O.T. garage (No337). Both buildings have been vacant for a number of years. No335 is an inter-wars 2.5 storey dwelling which is predominantly rendered with brick detailing and a rosemary tiled gabled roof. The front garden is almost entirely hard surfaced behind an approx 900mm high random stone boundary wall. Vehicular access is shared with the former garage at No337. The rear garden area is at a lower level.

The former garage at No337 is single storey at the front and, due to level differences, has two storeys at the rear. The building has a dual pitched rosemary

tiled roof and is stone fronted with timber detailing to the front gable and painted brick side walls. There is a forecourt and canopy to the front of the building and an enclosed fully surfaced yard to the rear. The rear yard is accessed from a private driveway adjoining the side boundary (Parkhead Court) over which the garage use is understood to have had a right of way.

Parkhead Court gives access to two detached bungalows to the rear of the application site. On the opposite side of the driveway are 2 x 2 storey properties, both in use as takeaway hot food shops with living accommodation above (Nos 339 and 341). These properties adjoin a car park serving the Toby Carvery (former 'Wheatsheaf' public house). There is a gym and a further car park to the rear of the Carvery. Parkhead cricket ground lies adjacent the driveway access to these facilities close to the Ecclesall Road South/Abbey Lane junction.

On the opposite side of Ecclesall Road South is a Spar convenience store with living accommodation above. This property has car parking for approximately 5 cars to the front and adjoins Parkhead Crescent. It adjoins residential property to the north in Ecclesall Road South. On the opposite side of Parkhead Crescent is a small public car park (approx 8/9 spaces) behind which is a row of cottages in commercial uses. The occupiers include a children's nursery, hair and beauty salons, a physiotherapy/wellness studio and a café/bistro. Parkhead Crescent is a residential street.

The application is to demolish No337 and redevelop the site for a convenience food store (Class A1) with associated car parking provision and landscaping. The proposed gross internal floor space is 276m² and the net retail area is 164m². The number of car parking spaces has been reduced from 11 to 9 during the course of the application. The new building will be linked to No335, which will provide an associated office and staff welfare facilities at ground floor level. The supporting Design and Access Statement indicates that the first floor will be 'capped off for maintenance access only.'

RELEVANT PLANNING HISTORY

Planning permission for a convenience store (gross floorspace 399m² / net retail area 279m²) with an ATM facility and 8 car parking spaces was refused in September 2012 (ref 12/01397/FUL). As in the current proposals, the semi-detached house would have been linked to the food store and used as ancillary space in association with the new store. The reasons for refusal were:

1. The Local Planning Authority consider that the proposals fail to incorporate adequate off street car parking and servicing facilities to meet the needs of the development and, in consequence, the proposals would have a detrimental impact upon the free and safe flow of traffic on Ecclesall Road South contrary to Policies S5, S10, S11, H14, BE9, T22 and T28 of the Unitary Development Plan and Policy CS51 of the Core Strategy.
2. The Local Planning Authority consider that owing to the layout and extent of the proposed development, the proposals would result in an excessive level of noise, disturbance and loss of amenity for occupiers of existing neighbouring

property. As such the proposal is contrary to Policies S10 and H14 of the Unitary Development Plan and CS74 of the Core Strategy.

Prior to the 2012 application, planning permission for a retail unit (net retail area 227m²) with 2 apartments over and a total of 12 car parking spaces to serve the shop, flats and house (no335) had been refused in June 2009 (ref 08/04799/FUL). The building would have been 2 storeys at the front and 3 storeys at the rear. 5 car parking spaces were proposed to the front of the store with a further 4 spaces to the rear accessed by a driveway between the food store and the dwelling at No335. The food store would have been serviced using the access and parking area at the front of the building. The reasons for refusal were:

1. The Local Planning Authority consider that owing to the size, form and extent of proposed development, the proposals would constitute an overdevelopment and over-intensification of use of a site of restricted dimensions which would result in an unacceptable loss of outlook, privacy and excessive level of noise, disturbance and loss of amenity for occupiers of existing neighbouring residential property and for occupiers of the proposed flats. As such the proposal is contrary to the aims of policies S10 and H5 of the Unitary Development Plan for Sheffield.

2. The Local Planning Authority consider that the proposals fail to incorporate adequate off street parking and servicing facilities to meet the needs of the development and in consequence the proposals would have a detrimental impact upon the free and safe flow of traffic on Ecclesall Road South, contrary to policies S5, S11, BE9, T22 and T28 of the Sheffield Unitary Development Plan 1998.

Planning permission for the conversion of No335 to form 2 x 2 bed duplex apartments and to replace No337 with a 3 storey building (plus roofspace) accommodating 8 flats with 10 parking spaces was granted on 5 March 2015 (ref 14/00134/FUL). Planning permission for a similar residential scheme, together with a further building at the rear of the site providing garaging with a single apartment above, had previously been granted in 2005 (ref 04/04659/FUL). The permission was renewed in December 2010 (ref 10/03170/FULR) but was not implemented and expired in December 2013.

SUMMARY OF REPRESENTATIONS

A 2753 signature petition has been submitted with the statement 'we object to the above planning application for a Tesco store on the old Parkhead garage premises'.

102 representations have been received objecting to the proposals. The objections are summarised below:

Traffic, Parking and Servicing:

- insufficient provision for car parking will result in on street parking
- may be more convenient for customers to park on street than in car park

- 40mph speed limit in Ecclesall Road South with hazards in immediate area due to volume of traffic, cars stopping at existing shops, children's nursery and takeaways – additional stopping will create further hazard
- Customers and delivery vehicles already park illegally when visiting Spar shop
- Having vehicles entering and exiting from a single access point opposite established Spar car park will hinder vision and seriously disrupt traffic. Right turns exiting would be particularly dangerous. It can currently take over 5 minutes to exit Parkhead Crescent by car and traffic over recent years is getting heavier. Having vehicles from across the road doing a mirror of the exit from Parkhead Crescent or Spar store could have hazardous, perhaps even fatal, consequences
- Close to traffic lights at Abbey Lane, Parkhead Road junction, pedestrian crossing used by school children; and bus stops
- School children congregate at Spar and do not need further temptation to cross road at this point
- Danger to pedestrians and cyclists as cars enter car park – large number of school children who do not use the pedestrian crossings and cross outside proposed store will be at risk
- Right turn into site will result in vehicles stopping in middle of road just beyond crossing and will obstruct visibility
- Already extremely difficult to join traffic flow on main road in rush hour at point beyond brow of slight incline – additional traffic will exacerbate problems, especially exiting Parkhead Crescent and Parkhead Court
- Increase in traffic and manoeuvring, including lorries, detrimental to road safety and free and safe flow of traffic
- Cars manoeuvring to or from the 3 spaces in front of 335 will cut across pathway of vehicles entering site – potentially hazardous and will cause traffic backing up on main road
- Parking bay close to entrance is potentially vulnerable and most customers may choose not to use it
- Customer parking likely to be taken up by staff
- 337 forecourt used by customers for adjoining takeaways at night
- Spar staff park on street in Parkhead Crescent, nursery parents often block drives and Toby Carvery customers use Crescent as overspill car park – extra pressure from Tesco store
- Loss of parking to serve Panache (hairdresser)
- Store clearly targeted at commuters in this location – custom mainly car borne rather than on foot
- Most of population density within walking distance is on opposite side of Ecclesall Road South – will result in more road crossings and most direct route being taken rather than pedestrian crossings
- Servicing from road will result in illegal parking and neighbours driveways being blocked if more than one delivery at a time – also potential for deliveries to other businesses arriving at same time
- Servicing likely from kerbside rather than 3 point turn proposed, due to tight delivery timescales
- Will reduce visibility from neighbouring driveways during deliveries
- Traffic congestion due to convergence of several road junctions, together with large public house and restaurant, takeaways, cricket ground, nursery school and shops, including mini-supermarket with branch Post Office

- Decrease in parking compared to previous proposals when servicing is taking place (loss of 4 spaces to allow deliveries)
- Danger to pedestrians in car park from cars reversing
- Delivery Management Plan virtually impossible to monitor
- Smaller store does not mean there will be less associated traffic
- Suggested one car every 3 minutes is unreliable – could be 4 or 5 arriving or leaving at same time
- Could result in need for lights at Knowle Lane and Bents Road junctions to handle increased traffic in area

Design, Scale and Character:

- Overdevelopment of small site and totally out of keeping with character of surroundings – does not complement scale, form or architectural style of existing buildings
- incorporating attached semi will enlarge store compared to 2012 application and result in increased activity
- design, form and extent no better than previous schemes – will still cause unacceptable loss of amenity for neighbours
- setting building back does not respect building line or add anything architecturally
- formulaic design not appropriate to setting
- difficult to judge true impact without details of windows, materials and signage
- need to protect culvert and improve water retention – permeable surfacing suggested
- adjoining 3 storey buildings not replicated or enhanced by this development
- does not fit in with attractive and mainly residential road
- loss of boundary wall and hedge and new 2m high fence at 333 will detract from character and visual amenity
- overdevelop area in close proximity to ancient woodland (Ecclesall Woods)

Amenity Issues:

- will create air pollution, noise and nuisance for neighbours and waste and water resource issues for environment
- will affect safety and security of nearby/neighbouring properties in Ecclesall Road South as access to rear of those properties will be made easier
- 2 metre high fence may reduce level of noise to ground floor rooms (No333) but will provide little or no beneficial effect in bedrooms where impact of deliveries and customer traffic will be most acutely felt late at night and early in morning
- impinge on privacy of neighbours environment – increased movements, bin collections, lighting and activity
- will change quiet, peaceful evenings of immediate neighbourhood forever
- any ATM will result in 24 hour use and extra features inconsistent with residential area close to Green Belt and a Conservation Area (CCTV, ram-raided bollards, signage and additional traffic)
- noise consultant's report is updated version of 2012 report and little or no change in assessment conclusions, which were previously rejected by planning officers – no certainty having regard to variable background noise levels and landscape buffer not considered to fully resolve noise issue; no change in noise

- impact from customer parking – relationship between car parking and 333 and external plant and 1 Parkhead Court broadly unchanged and previous concerns must therefore apply
- noise from external plant, especially if in constant use
- increased light pollution
- result in litter
- increased security risk – e.g. theft from store or ATM
- unacceptable for adjoining semi to be attached to a supermarket
- late opening may encourage undesirable groups to congregate – frightening for older residents
- deliveries should only be permitted between 0900 and 1600 hours
- sites behind could suffer interference from electrical signals

Shopping Facilities:

- convenience store with post office and newspapers opposite (Spar) is adequate for local needs – proposal could impact on viability of community asset
- essential that Spar stays as incorporates Post Office facility which could not survive on stand-alone basis
- impact on trade of local shops – will lead to closure of valued shops and loss of jobs
- 2 x Tesco stores within 5 mins drive, together with a Co-op and Sainsbury's. 20 big name supermarkets of various sizes within 2 miles of site – area already very well served
- Tesco at Abbeydale Road South resulted in nearby Spar shop closing and remaining unoccupied
- Insufficient population to support two stores (Spar and Tesco)
- If granted, Tesco may try to expand as they have done at Totley, Berkeley Precinct and West Street
- This development not 'sustainable' if it causes other shops to close
- Should support local privately owned shops that give excellent service

Other Matters:

- 2 previous Tesco proposals have been rejected with intense local opposition (petitions etc) – further application is total disregard for public/Council opinion
- Confirmation that no right of way to site over Parkhead Court
- issues no different to previous plans
- more housing needed, not more supermarkets
- inappropriate change of use of house to commercial use
- lack of use of all but ground floor of 335 is blatant misuse – desperate need for housing stock – better restored to family home
- damage to environment and stream that runs beneath Ecclesall Road South and under proposed development (note – another resident confirms that the stream runs alongside the car park to the Spar shop opposite)
- against local and national planning policies to convert a perfectly good house into part of a supermarket in current housing shortage
- support for concurrent application for flats (14/00134/FUL)
- proposals involve 2 sites (335 and 337) and should be subject to separate applications

- pre-application advice should be made available to public access
- various comments and interpretations of details in application form and associated correspondence
- Tesco has allowed house to remain vacant and site to deteriorate – have chosen not to secure or maintain buildings
- Doubts cast on impartiality of consultants reports, which is also out of date and contains inaccuracies – should not be taken at face value
- Job creation figures misleading – states more than previous (larger) proposed store
- Further alcohol outlet will fuel potential for anti-social behaviour
- Will not help local economy – will bring outside manager and no paper rounds for local youngsters in formative years
- potential for empty buildings resulting from associated shop closures to become play dens for school children
- precedent for change of use from houses to shops
- difficulty in enforcing planning restrictions (conditions)
- objections to continual repeat applications for similar proposals

3 representations have been received from residents in support of the proposals (2 are from the same household):

- lack of shopping facilities in area
- traffic couldn't be much worse at rush hours and can't see any risk to cyclists or pedestrians
- prefer a line of independent shops but an additional store would improve convenience/facilities in area
- requests to also see café, post office, card shop, gallery, bar, cinema and anything that would add something other than houses to suburbia
- will renovate a derelict site and improve look of area
- will provide competition for monopoly held by shop opposite and increase range of goods and choice
- will potentially attract other shops to area
- will continue to use existing convenience store but Tesco would add to what can be bought without using car
- parking, traffic congestion, safety and disturbance issues seem to be addressed by new application and are all present, to a greater or lesser extent, at the existing convenience store
- significant catchment area where a new store with wider range of stock should reduce car usage and pollution – have to travel to more distant stores at present
- great to be able to walk to a shop that sells a reasonable range of high quality foodstuffs – nothing like this is available in existing Parkhead convenience store and will be enormous benefit to community

Councillor Roger Davison has made representation:

- site is not in a main road shopping centre – nearby shops stand back from road and there is off road parking

- insufficient parking provisions – parking would have to be on main road or using other businesses parking spaces
- Large delivery lorries would have to deliver from main road – driveway at side is privately owned by two residences occupied by retired couples and is unsuitable for commercial use. Residents would not give permission for its use
- road is a main thoroughfare and carries a large volume of traffic. Large numbers of children cross the road to get to School
- right hand turn for residents from Parkhead Crescent is difficult and would be made worse by extra parking opposite
- agrees with all findings in highway consultant's report submitted in 2012 (DLP Transportation, on behalf of objectors) and no reason to change that view in revised proposals
- site would be ideal for residencies but not a mixed development as put forward in this plan – essentially a residential area that needs extra living accommodation, not an extra shop

Nick Clegg MP has also written. He asks for his constituent's objections to be taken into consideration:

- third application by Tesco; main concerns are increased traffic and parking
- parking would be on main road or using other businesses parking spaces – insufficient parking on site
- right hand turn from Parkhead Crescent is difficult and would be made worse by extra parking opposite
- large delivery lorries would have to deliver from main road – no permission to use private driveway (Parkhead Court)
- additional traffic will be dangerous for school children crossing Ecclesall Road South

PLANNING ASSESSMENT

Policy

No337 (garage) lies within a Local Shopping Centre (LSC) as defined in the Unitary Development Plan (UDP). The house (No335) is within a Housing Area. These policy areas are carried forward in the Local Plan Draft Proposals Map albeit with LSC's being re-labelled as Neighbourhood Centres. No special designations affect the site.

The following UDP and Local Plan Core Strategy policies are most relevant in considering these proposals:

- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)
- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE7 (Design of Buildings Used by the Public)
- BE9 (Design for Vehicles)
- S7 (Development in District and Local Shopping Centres)

S10 (Conditions on Development in Shopping Areas)
S11 (Design of Retail Development)
T22 (Private Car Parking in New Development)
T28 (Transport Infrastructure and Development)
CS39 (Neighbourhood Centres)
CS51 (Transport Priorities)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS67 (Flood Risk Management)
CS74 (Design Principles)

The National Planning Policy Framework (NPPF) is relevant and provides the context for considering the Council's policies. The quoted policies are referred to in the following sections of this report.

The Local Plan City Policies and Sites (pre-submission version) document also contains relevant policies but carries very limited weight as the document is not adopted and is not currently intended to be submitted to the Government for scrutiny. It is therefore not considered in detail here.

Principle of Proposed Development

The following local policies are most relevant:

H10 (Development in Housing Areas)
H14 (Conditions on Development in Housing Areas)
S7 (Development in District and Local Shopping Centres)
CS39 (Neighbourhood Centres)

The former garage (No337) lies within the LSC and proposed Neighbourhood Centre. Retail shops (Class A1) are the preferred land use in Shopping Areas in accordance with Policy S7. Policy CS39 encourages new development for local shops and community facilities in Neighbourhood Centres to serve the everyday needs of the community.

Whilst the City Policies and Sites document cannot be given any significant weight it is worth noting that Policy C4 (Development in District and Neighbourhood Centres) states that the scale of shopping proposals should be appropriate to the scale and type of the Centre. For planning policy purposes, the proposed development is defined as a 'small shop' (i.e. not more than 280m² gross floor space).

The NPPF (paragraph 23) sets out the criteria for ensuring the vitality of town centres (this term includes local shopping centres). The NPPF says that local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

The proposed development will have a positive impact on the primary function of the LSC, adding to the retail offer and promoting competition in addition to

removing a long term vacant and increasingly derelict building which currently makes no contribution to the Centre.

Housing (Class C3) uses are the preferred land use in Housing Areas in accordance with Policy H10. The conversion of No335 from a single dwelling to ancillary accommodation associated with the proposed convenience store therefore represents the loss of a 'preferred' land use as specified in Policy H10. However, retail uses (Class A1) are listed as 'acceptable' in Policy H10. Policy H14(i) permits non-housing uses in Housing Areas provided that they would occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Area. As the dwellinghouse is located immediately adjacent the Local Shopping Centre and has traditionally been associated with the former garage use, its use as ancillary accommodation for the convenience store will not have any significant impact on the character or appearance of the Housing Area. Consequently, there is no conflict with Policy H14(i). As the retail sales area is wholly within the LSC, the ancillary accommodation does not require sequential testing against 'in centre' sites.

In view of the above, the proposals are in accordance with the policies quoted above.

Design

The following policies are most relevant:

- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE7 (Design of Buildings Used by the Public)
- H14 (Conditions on Development in Housing Areas)
- S10 (Conditions on Development in Shopping Areas)
- S11 (Design of Retail Development)
- CS74 (Design Principles)

Policy S10(d) requires new development to be well designed and of a scale and nature appropriate to the site. Policy H14(a) sets out a similar requirement for new development in housing areas.

Policies BE5 and CS74 require good quality design in new developments and Policies BE7 and S11 require provision for all users. S11 also requires shop fronts to be in keeping with the building and street scene.

The design and layout features two main components, these being the new sales area building and the retention and change of use of the house.

The existing house would be retained with no alterations to the exterior other than the demolition of an attached domestic garage. Opaque or vinyl film would be likely to be attached to the interior of the windows which would alter the domestic appearance. However, such treatments would not constitute 'development'. Notwithstanding this, details of any such treatments could be controlled by a

suitably worded planning condition. All staff facilities and refuse facilities would be contained at ground floor level within the former dwelling.

The proposed new building is 'L' shaped with the main front elevation set back approximately 1.2m from the front elevation of No335. The remainder of the front elevation is set back approximately 7.5m from the front of No335 and links to that building at the rear corner. The design has been amended during the course of the application. The elevations are proposed to be constructed in a mixture of red/brown brick and render to reflect the materials of No335. A flat roof is proposed with a front parapet, projecting flat canopy and aluminium doors and display windows. The building would extend towards the rear of the site to a similar line of the rear elevation of the existing former garage.

The new building is of modest proportions relative to the originally submitted plans and the plans that are the subject of the two previous refusals. The flat roof conflicts with the character of the steep pitched roofs of the adjoining properties. Nevertheless, the building will sit comfortably in the street scene which includes a variety of buildings adjacent and opposite the site. The lower form of the proposed building and the recessed goods entrance will allow the adjoining dwelling to remain suitably defined. The set back from the front elevation allows a visual transition between old and new.

The frontage is laid out to provide 3 parking spaces in front of No335 in the existing hard surfaced area, 2 parking spaces (including a disabled bay) in the recess and 4 parking spaces perpendicular to Parkhead Court. Visually, the arrangement is no more car-dominated than the previous use and good quality hard landscaping will help to soften the appearance. There is also the opportunity to provide additional boundary treatment to the site frontage adjacent the 4 parking spaces. Such treatment can be conditioned if planning permission is granted.

Overall, the site layout and the design of the new building are considered to be of acceptable quality in accordance with Policies BE5, H14(a), S10(d) and CS74.

The shop front is well designed. Level access will be provided to the shop entrance and the automatic sliding doors will ensure ease of access for all users. Clearly distinguishable pedestrian routes are also indicated in the layout, although there is some concern about the practicality of these routes (see Highway Matters below). On balance, the proposals comply with relevant criteria in Policies BE7 and S11.

Policy BE6 requires existing landscape features to be integrated in new developments wherever possible. Opportunities for landscaping are limited but the proposals make provision to retain the existing mature hedges to the front and side boundaries of No335, although a 2m high acoustic timber fence is proposed in front of the hedge to the side boundary. There are opportunities for landscaping to the rear boundary but such treatment will have no presence in the public domain.

Sustainability

The following policies are most relevant:

CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS67 (Flood Risk Management)

Achieving sustainable development is at the centre of Government policy in the NPPF. The above policies are consistent with this theme.

The proposals will bring a long term vacant building back into use and will re-use a brownfield site. The site is sustainably located, being predominantly within a LSC and on a Strategic Road as defined in the UDP. Regular public transport services run past the site and there are bus stops nearby. These factors are consistent with Policy CS63 which seeks to locate new development sustainably.

The proposals for No335 will leave a substantial part of the building vacant which, in its own right, is not regarded as sustainable. However, the re-use of the site overall outweighs this concern and there is no policy foundation for refusal on the grounds of the limited remaining vacant portion of No335.

Policy CS64 requires new buildings to be designed to reduce carbon emissions and use resources sustainably. The new building is well designed and the modern construction will be energy efficient in accordance with the requirements of the Building Regulations. As the building will have less than 500m² gross floorspace, there is no policy requirement to achieve a BREEAM 'very good' rating or to incorporate renewable/low carbon energy or a 'green roof'.

Suitable landscaping and permeable hard surfaces will reduce the rate of surface water discharge relative to the current site layout. A minimum 30% reduction on the previous discharge rate can be conditioned in accordance with Policy CS67.

Residential Amenity

The following policies are most relevant:

H14 (Conditions on Development in Housing Areas)
S10 (Conditions on Development in Shopping Areas)

The supporting submissions indicate that condensing and air conditioning units would be located to the rear of the building. This is a quiet area away from the background noise of Ecclesall Road South. The submitted Noise Assessment indicates that the lowest measured background noise levels were 38dB LA90 during the daytime and 34dB LA90 at night. It is likely that the condensing plant would be operating constantly to keep the store's coolers and freezers operating.

The 2012 application was refused partly on the grounds of noise and disturbance to residents although the precise source of noise is not identified in the relevant reason for refusal. Nevertheless, the report to Committee noted that the plant would be disturbing to residents in Parkhead Court and to No333 Ecclesall Road South.

This proposal increases the separation between the rear of the building and the rear boundary to approximately 15m compared to the 2012 proposal. The facing elevation of No2 Parkhead Court is at a distance of approximately 35m. The Noise Assessment acknowledges that the plant is likely to need to be attenuated. The layout is such that a substantial enclosure could be accommodated without any adverse impact if required. The Environmental Protection Service advises that a combination of a suitable enclosure, together with appropriately specified equipment should be capable of maintaining adequate residential amenity for these properties. Similarly, an appropriate enclosure can deflect sound, preventing disturbance to the garden of No333 which was a concern in the 2012 application. With the appropriate measures in place, adequate residential amenity can be maintained in accordance with Policy S10(b).

Also of concern is the potential for disturbance to No333 as a result of the use of No335 as a 'back of store' facility. The store is intended to operate between 07.00 and 23.00 hours daily. This means there would be activity for 16 hours a day while the shop was open but there would also be additional activity associated with preparing to open and after closing. This activity would not be limited to noise from within the building but also from delivery vehicles and staff who would arrive earlier than 07.00 hours to open up. The noise from this, particularly first thing in the morning and late at night, has the potential to disturb the adjoining neighbours to the detriment of their quality of life. Staff arrivals and activity outside at the front and rear would be particularly audible at very quiet times of the day.

To address these concerns, the application proposes the provision of increased sound attenuation to the party wall. The internal treatment involves the construction of a secondary wall with a cavity. Details have been submitted but scope for modification of the final construction is prudent following a detailed investigation of the existing party wall structure when work on site commences. Full details can be conditioned and will rely on an over-specification to be certain that adequate attenuation will be provided. This is due to the inability to condition validation of the measures from the adjoining dwelling which would require access to a building over which the applicant has no control.

The provision of a 2m high acoustic fence adjacent the hedge to the boundary with No333 is also proposed. Externally, the acoustic fence would reduce noise disturbance at ground floor level but would not prevent noise travelling upwards towards the bedrooms at first floor level in No333. This would include noise associated with delivery vehicles, particularly when reversing.

Unlike the 2012 proposals, the actual unloading of the vehicles will be shielded by the side wall of No335 which forms a buffer between the recessed goods entrance and No333. However, the delivery hours proposed in the Noise Assessment (0700 – 2300 hours) are considered too broad and likely to result in unreasonable disturbance to the immediately adjoining residents early in the morning and late at night. If planning permission is granted, it is recommended that the delivery hours are restricted to between 0700 and 1900 hours (Mon-Sat) and 0900 and 1800 hours (Sun) when background levels will have increased and the neighbours are less likely to be sleeping. The store is significantly smaller than the previous

proposal and staff numbers can be expected to be reduced accordingly with reduced potential for disturbance.

It is a material consideration that the former garage use could be reinstated without the protection of any planning conditions. Such use could include potentially noisy garage activity, and the arrival and departure of service vehicles (breakdown trucks etc) at unsocial hours.

In the above circumstances, and with appropriate planning conditions, it is considered on balance that adequate residential amenity can be retained in accordance with Policy H14(k).

Highway Matters

The following policies are most relevant:

- BE9 (Design for Vehicles)
- H14 (Conditions on Development in Housing Areas)
- S10 (Conditions on Development in Shopping Areas)
- T22 (Private Car Parking in New Development)
- T28 (Transport Infrastructure and Development)

Policies H14(d) and S10(f) require new development to provide safe access to the highway, appropriate off street parking and to ensure that there should be no danger to pedestrians. Policy BE9 requires a safe layout for all vehicles and pedestrians, including adequate provision for service vehicles. Policy T22 expects the provision of sufficient off-street parking to meet the needs of the development.

Policy T28 requires new development that would generate high levels of travel to be located only where it can be adequately served by the existing highway network. The development cannot be described as a major traffic generator in its own right but nevertheless is adequately served by existing public transport and infrastructure, being on a Strategic Road (A625) with regular bus services. The proposals therefore comply with Policy T28.

The key issues relate to car parking provision, servicing provision and vehicle/pedestrian access. These are considered in turn:

Car Parking

There is evidence of heavy demand for parking by people using the various facilities in the LSC and any shortage of space to serve the convenience store could exacerbate this problem. It is worth noting that the former garage forecourt currently appears to be used for informal parking. This is no doubt unauthorised by the applicant and the applicant has a right to prevent access if so minded. Any informal parking displaced from the site would be likely to exacerbate demand elsewhere. The loss of unauthorised private car parking is entirely reasonable and should not be given any weight in considering the development of this site. However, it would increase demand for parking elsewhere in or around the LSC and it is therefore important that the proposals do not further exacerbate such

demand through failing to make adequate provision for the needs of the development.

The proposals provide a total of 9 customer parking spaces, including one disabled bay. 3 of these are located on the already extensively hard surfaced area in front of the house, 4 are to the opposite side boundary adjoining Parkhead Court and the remaining 2 will be within the recessed area between the side of the house and the main retail area. 2 cycle spaces are indicated in front of the house, although one of the spaces appears likely to obstruct the staff entrance. There is scope for a single space to be provided adjacent the return of the retail elevation as an alternative. The parking spaces would cater for both staff and customers. In comparison to the 2012 proposals, the car parking is increased by one space and the cycle parking is decreased by 2 spaces.

The maximum provision recommended in the Council's adopted Car Parking Guidelines equates to 14 car parking spaces and 2 cycle parking spaces. This is subject to consideration of the location and traffic generation.

The Transport Statement (TS) submitted in support of the proposals is based on the provision of 11 car parking spaces, rather than the 9 spaces proposed in the final plans. There is also some discrepancy in the size of the convenience store. The TS refers to a gross floor area of 376m² whilst the plans indicate a significantly smaller unit (276m²).

A separate Transport Statement has been carried out by another highway consultant on behalf of local residents. This TS is based on the application proposals and draws different conclusions to the applicant's TS.

The applicant's TS estimates a total of 60 and 78 arrivals/departures over the 1 hour peak periods in the mornings and afternoons, respectively. The residents' TS estimates 37 and 54 arrivals/departures, respectively. These estimates are calculated using the TRICS database. The respective TS's use the figures to estimate car parking accumulation. The applicant's TS indicates a maximum accumulation of 9 cars whereas the residents' TS indicates 11 cars.

Due to the differing estimates, the Highway Authority has undertaken the same exercise using sites which are considered to be appropriate and using the proposed gross floor area of 276m². The results estimate arrivals/departures of 44 and 66 vehicles in the respective peak periods and maximum accumulation of 8 cars.

The NPPF (para.32) states that "Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe".

In terms of highway capacity, the level of traffic estimated is not considered to have a material impact on the operation of the highway. In terms of car parking, the provision proposed is sufficient to accommodate the estimated likely parking demand. Even if there is a potential shortfall of up to 2 spaces at the store's busiest times, as suggested in the residents' TS, this could not be considered to have a 'severe' impact that would justify refusing planning permission.

In view of the above, the proposals are considered to comply with relevant criteria in Policies S10(f) and H14(d) and there is no conflict with the (maximum) Car Parking Guidelines.

Servicing

Unlike the 2012 proposals, this scheme makes provision for servicing within the site. A swept path analysis shows that a 10.35m long rigid service vehicle can enter and leave the site in a forward gear. However, advance warning of deliveries will be crucial as the manoeuvre relies on 4 of the 9 parking spaces not being in use. Due to the nature of the store, cars are only expected to park for very short periods. Servicing should therefore be possible within the site subject to effective management. A Delivery Management Plan (DMP) is therefore necessary and is included in the submitted Transport Statement.

The DMP confirms that deliveries will be consolidated to one delivery from a larger vehicle each morning and one third party delivery on 4 afternoons each week. However, there is no indication of how the car park will be managed to ensure that servicing can be carried out as proposed. Further management details can be secured by condition if planning permission is granted.

Whilst a Delivery Management Plan is required, a degree of caution is necessary. The Management Plan will need to be tailored to the eventual operator, which has not been confirmed at present, and is liable to change over the lifetime of the development. It is technically possible to enforce servicing to be carried out in accordance with an approved Management Plan. However recent experience of similar arrangements elsewhere in the City is such that this requires a significant amount of monitoring. Effective servicing will, in this instance, rely on the relevant car parking spaces being empty of vehicles when delivery vehicles arrive. Deliveries from large vehicles at unsocial hours would be disturbing for the adjoining residents and it will therefore be necessary for servicing to take place whilst the store is open.

Notwithstanding these concerns, the servicing arrangements are a significant improvement on the 2012 application which proposed a service lay-by to the frontage of the site. Refusal on the grounds of the proposed servicing arrangements would be difficult to successfully defend in the event of an appeal as enforcement of an approved Management Plan would prevent any significant problems in highway safety terms.

On balance, the servicing arrangements are therefore considered acceptable, if not ideal, in accordance with UDP Policy BE9(c).

Vehicle and Pedestrian Access

The vehicular access allows two vehicles to pass and pedestrian routes are marked out in the layout to give access to the store entrance and the staff entrance. However, the pedestrian routes are directly in front of the parking spaces which could lead to conflict between pedestrians and cars manoeuvring

from spaces. In practice, pedestrians can be expected to walk across the main car park taking the most direct route to the store entrance. It would be prudent to condition an alternative pedestrian layout which provides greater intervisibility for pedestrians and motorists.

On balance, and with minor amendments to the pedestrian routes, the access arrangements are considered acceptable in accordance with Policies S10(f) and H14(d).

RESPONSE TO REPRESENTATIONS

The majority of concerns are addressed in the sections above. Whilst the concerns raised about the impact on other shops are acknowledged, and could well have some merit, the thrust of national policy in the NPPF (para.23) is to promote competitive town centres which provide customer choice and a diverse retail offer. To refuse planning permission on the grounds of competition would be contrary to the NPPF.

SUMMARY AND RECOMMENDATION

The site is the former car repair garage (No337) and adjoining semi-detached house (No335) together with associated front and rear hard surfaces and gardens. The garage lies within a Local Shopping Centre whilst the house is in a Housing Area as defined in the UDP. The proposal is to demolish the garage and replace it with a convenience store with parking and servicing at the front. The house would be used for purposes ancillary to the store, although the upper floors would remain vacant. Two applications for similar proposals have previously been refused planning permission, in 2009 and 2012 respectively.

The principle of the proposed use is acceptable and represents a 'preferred' (retail) use in the LSC. The design and appearance of the building is also acceptable and the proposals will bring a long term vacant property back into beneficial use and regenerate an increasingly derelict brownfield site. In these respects, the proposals represent a sustainable form of development.

The retail floorspace is significantly smaller than in the previous proposals for the site and, whilst the 9 proposed car parking spaces represent a shortfall of 5 spaces relative to the maximum number recommended in the Council's Car Parking Guidelines, the level of provision is anticipated to be sufficient to meet demand for the majority of the day. The worst case scenario is anticipated to be a shortfall of up to 2 spaces over a 4 hour period. This is unlikely to have any significant adverse impact on the highway network and is therefore insufficient grounds for refusal of planning permission. Pedestrian routes are defined within the site but there is potential for conflict with vehicles in the car park. Revisions to the layout markings can be conditioned to improve safety.

Unlike the previous proposals, the servicing arrangements can now be accommodated wholly within the site but this will require a commitment to managing the car park effectively to ensure that space is available when deliveries arrive.

With an appropriate Delivery Management Plan and conditions to prevent deliveries very early in the mornings or late at night, adequate residential amenity can be maintained for the adjoining property. To prevent any internal disturbance from the staff facilities in the former house, a scheme of sound attenuation works to the party wall can be conditioned. Plant associated with the development is proposed to be located to the rear of the store and can be suitably attenuated to protect amenity for residents in Parkhead Court.

On balance, the proposals are considered to adequately address the reasons for refusal on the previous applications and comply, or are capable of complying with the quoted policies. It is therefore recommended that planning permission is granted subject to conditions.

Case Number	13/03896/CHU
Application Type	Planning Application for Change of Use
Proposal	Change of use of floor 1-9 to residential (Use Class C4 - shared student accommodation) creating 17 apartments
Location	The Tower2 Furnival SquareSheffieldS1 4QL
Date Received	13/11/2013
Team	City Centre and East
Applicant/Agent	Cordonier 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 no. PL02, received 13.11.2013;
- Drawing no. PL04 Rev D, emailed 12.03.2015;
- Drawing no. PL05 Rev B, notwithstanding the window detail shown on the north facing, splay elevation, emailed 29.01.2015;
- Drawing no. PL06 Rev B, notwithstanding the window detail shown on the north facing, splay elevation), emailed 29.01.2015;
- Drawing no. PL07 Rev C, notwithstanding the window detail shown on the north facing, splay elevation, emailed 29.01.2015;
- Drawing no. PL09 Rev C, emailed 12.03.2015;
- Drawing no. PL10 Rev B, emailed 12.03.2015;
- Drawing no. PL12 Rev C, emailed 29.01.2015;
- Drawing no. PL08 Rev A, emailed 20.01.2015;
- Drawing no. PL11, emailed 06.03.2014;
- Drawing no. PL01 Rev E, emailed 12.03.2015;
- Drawing no. M01, notwithstanding the detail relating to bedroom 5, emailed 14.01.2015;
- Drawing no. PL13 Rev D, emailed 12.03.2015;
- Drawing no. PL15 Rev A, emailed 12.03.2015; and

- Sustainability Statement, emailed 13.03.2014.

Reason: In order to define the permission.

- 3 The 8 designated mobility bedrooms and ancillary shower room/wc facilities for people with disabilities shall be provided in accordance with the approved floor plans and thereafter such bedrooms and facilities shall be retained.

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

- 4 The window treatment proposed on the third floor of the north-west facing elevation, as indicated on drawing no. PL06 Rev B is not approved. Before the development is commenced, details of an alternative treatment to these windows shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with the approved details.

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

- 5 The window treatment proposed on the third, fourth, five, sixth, seventh, and eighth floor of the north facing elevation, as indicated on drawing nos. PL05 Rev B, PL06 Rev B and PL07 Rev C is not approved. Before the development is commenced, details of an alternative treatment to these windows shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with the approved details.

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

- 6 The tiled façade shall be repaired/reinstated with matching tiles upon the installation of the windows.

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

- 7 All the proposed windows shall be framed in a bronze colour finish, powder coated, aluminium.

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

- 8 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.
- b) 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).

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.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

- 9 Before the use of the development is commenced, Validation Testing of the sound attenuation works shall 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 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.

(NB. The required Validation Testing is separate from, and in addition to, any tests required to comply with Building Regulations in relation to Approved Document E; Resistance to the passage of sound).

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

- 10 The shared student accommodation shall not be used unless the car parking accommodation for 2 cars designated for people with disabilities 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.

- 11 The proposed bin store facility, as indicated on the approved drawing PL01 Rev E, shall be provided and thereafter retained.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

- 12 The proposed cycle parking accommodation, as indicated on the approved drawing PL01 Rev E, shall be provided and thereafter retained.

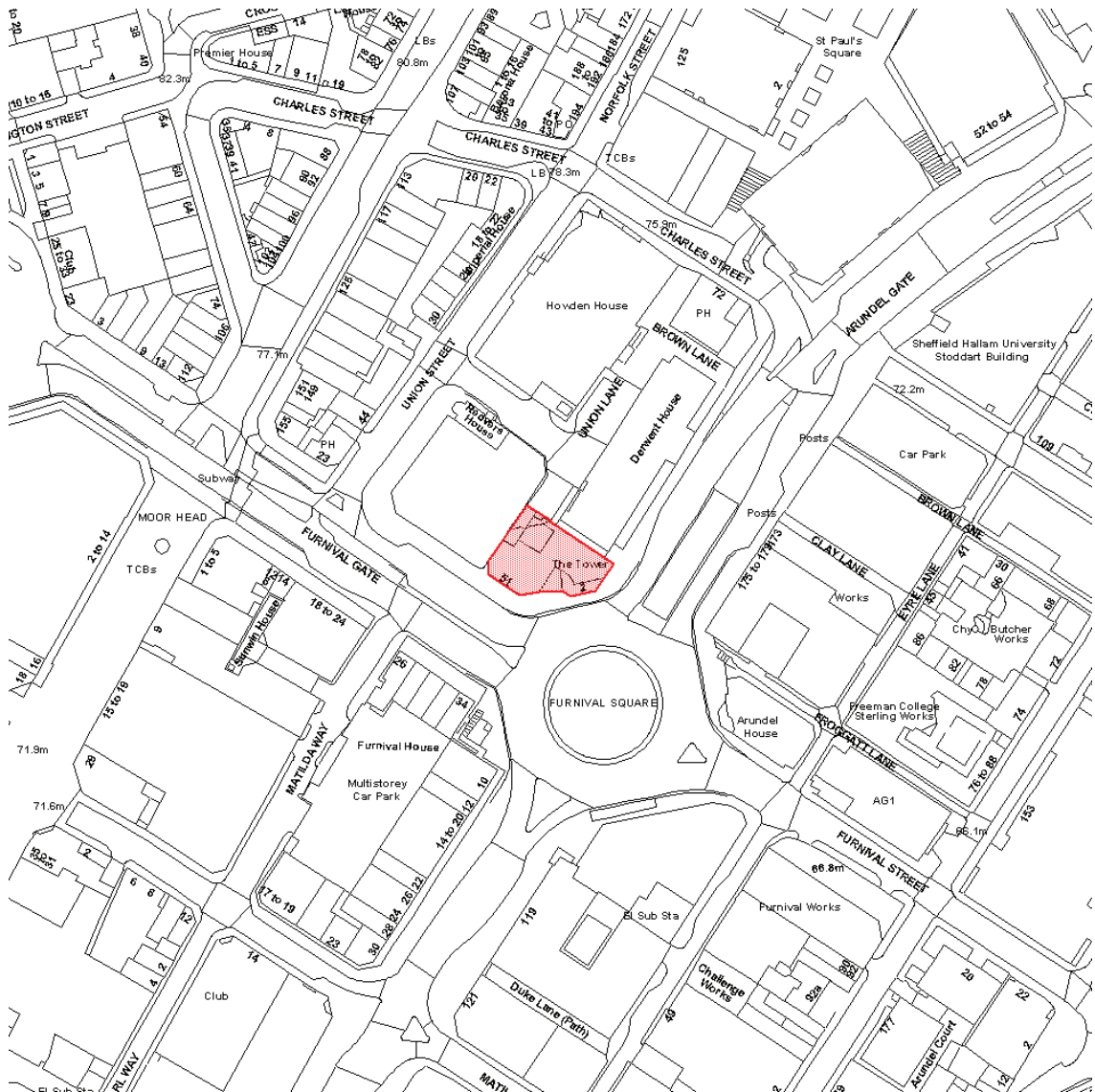
Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

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 site lies within the Central Shopping Area and relates to a 10-storey block, known as 'The Tower' and a two-storey block fronting onto Arundel Gate. The building occupies a prominent corner position, on the north side of Furnival Gate, fronting onto Furnival Square traffic island, at the junction with Arundel Gate. Occupying part of the ground floor on the Furnival Gate frontage is a food outlet 'Bobo Express', which has recently opened. Upper floors are in office use, albeit not well occupied. The ground and mezzanine level of the east part of the building is occupied by 'Rendevu' bar and nightclub (known as 2 Furnival Square).

The building has a distinctive angular form with a façade which is faced in a red/brown vertical tile. Rows of repetitive bands of glazing extend around the main tower building, denoting each floor level. A pedestrian entrance with a ramped approach is set back, positioned within a recessed corner at the junction where the 10 storey and 2-storey building join. The two-storey building is faced in the same tile and comprises of a recessed ground floor, roller shuttered frontage set beneath a heavy canopy which forms the first floor. Glazing is minimal and comes in the form of 3 vertical windows at first floor level, facing onto Arundel Gate.

The area immediately surrounding the application site is mainly commercial in use. Adjoining the site, to the north-west is Redvers House, a multi-storey block, which contains the retail premises of 'Currys' at ground floor level, and upper floors are vacant offices. To the north-east is Derwent House, which is also used as offices. On the opposite side of Furnival Gate are ground floor retail units with vacant offices above and opposite the traffic island, to the south, is Jury's Inn Hotel.

Planning permission is sought to convert floors 1 to 9 (inclusive) from office accommodation to student cluster flats. A total of 79 bedspaces will be provided within 17 apartments, each of which will vary in size between 3 and 6 bedspaces. The extent of the works will comprise of stripping out the bulk of the interior and carrying out a full internal re-fit, with some re-configuration around the central core of the building where there are lifts, stairwells and wc facilities. External alterations are proposed, in the form of the installation of 13 additional windows, in the elevations of the east part of the building (the two-storey projection).

RELEVANT PLANNING HISTORY

There are a number of planning applications relating to this site, the most relevant of which are provided below.

51 Furnival Gate:

12/03289/CHU – Use of ground floor unit as a restaurant (Class A3 use) or a hot food take-away (Class A5) – Planning permission was granted in June 2014 subject to a number of conditions.

14/03139/COND – Application to approve details relating to conditions imposed on planning permission 12/03289/CHU, regarding fume extraction, sound insulation measures and amplified music. The details were approved in 27.11.2014.

2 Furnival Square (premises of 'Rendevu', formerly known as 'The Limit'):

11/01842/FUL - Use of ground floor and mezzanine floor for Class A3 (restaurant) and A4 (drinking establishment) purposes, including the provision of a bar, internal and outdoor seating and a dance floor to be used for dancing and an occasional stage for bands. Alterations to shop front and installation of plant/ductwork and bin stores to rear – Granted Conditionally – 26.09.2011.

11/03478/COND – Application to approve details relating to conditions imposed on planning permission 11/01842/FUL, regarding sound attenuation, validation test,

no externally mounted equipment, fume extraction, details of furniture and enclosure and entrance doors – Details approved – 05.12.2011.

12/02471/FUL – To allow additional hours of use Mondays to Thursdays 0900 hours to 0400 hours the following day (Application under section 73 to vary condition no. 2 (opening hours) as imposed by planning permission 11/01842/FUL – Granted Conditionally – 26.09.2011. The new general hours of opening are now, Mondays to Saturdays – 0900 hours to 0400 hours (the following day), and Sundays and Public Holidays – 0900 hours to 2400 hours.

12/01330/CHU – Use of first floor of building as a karaoke bar (Class D2) in association with the existing ground floor bar/restaurant (Class A3/A4) – Granted Conditionally – 21.06.2012.

12/02453/FUL – Change of opening hours to 0900 – 0400 hours (the following day) on Mondays to Thursdays (Application under Section 73 to vary condition 4 (opening hours) as imposed by planning permission 12/01330/CHU – Granted Conditionally – 27.09.2012.

12/01330/CHU – 2 Furnival Square - Use of first floor of building as a karaoke bar (Class D2) in association with the existing ground floor bar/restaurant (Class A3/A4) – Granted Conditionally - 21.06.2012.

SUMMARY OF REPRESENTATIONS

The application has been advertised (28.11.2013) and site notices displayed. Following neighbour notification, 1 letter of objection has been received from a representative of a business occupying part of the office accommodation within the building. The following comments/issues have been raised:-

- Concerned that unless a firm assurance is given that no changes would be made whilst we reside in the property, we have strong objections to the proposals;
- Loss of employment premises, which conflicts with the Government guidance (NPPF);
- Would have to relocate at considerable expense and inconvenience causing disruption to staff and clients;
- Security of high tech equipment and staff as a result of any partial conversion of the building;
- Noise from student accommodation; and
- Image and effect on visitors to business.

South Yorkshire Police has responded and provided some advice, to ensure that the proposed development creates a safe environment.

PLANNING ASSESSMENT

Land Use Policy

It is necessary to assess the development against relevant local planning policies, which are those contained within the Unitary Development Plan (UDP) and the Local Development Framework, Core Strategy (March 2012). The development proposes a change of use of floors 1 to 9 of the building, which are partially occupied and in use as offices, to 17 student cluster flats, providing 79 bedspaces. Student cluster flats do not fall within any particular Use Class and thus, are considered to be a 'sui generis' use, which shall be determined on its own merits.

The site lies within the Central Shopping Area as defined in the Unitary Development Plan and as such, Policies S3 and S10 are relevant. UDP policy S3, which relates to 'Development in the Central Shopping Area' states that, other than on ground floor frontages in the Retail Core, shops (Class A1 use), offices used by the public (Class A2 use), and food and drink outlets are the preferred uses in the Central Shopping Area, with business uses (Class B1), residential institutions (Class C2), and leisure and recreation (Class D2) being uses considered to be acceptable. Policy S3 also identifies housing (Class C3) and hostels as being acceptable uses, subject to satisfying appropriate UDP Policy, which in this case will be Policy S10, which relates to 'Conditions on Development in Shopping Areas'. Owing to the very nature of the proposed development, being residential in character, the proposed use is considered acceptable in principle.

UDP Policy S10 states that new development or change of use would only be permitted where it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre; and would not cause residents of housing, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety. The Policy also requires that the proposed development should be well designed and of a scale and nature appropriate to the site; and should also be adequately served by transport facilities.

The site is located in the 'Heart of the City', which is identified as being a 'Priority Office Area', as set out in Policy CS4a in the Core Strategy. Policy CS4 seeks to promote and encourage office uses in these areas, as well as other complimentary uses. The delivery of the Priority Office Areas will be through several mechanisms, including development management, as set out in the Core Strategy in Appendix 1.

The draft City Policies and Sites in Policy H1 sets out in more detail how the Priority Office Areas are to be delivered. While the City Policies and Sites has not been adopted, it is still appropriate to use as a mechanism for implementing the Core Strategy. A minimum of 60% of office use is required in these areas, and currently the proportion of office use in the sub area is 71.7%. The proposed change of use from offices to residential will reduce the proportion of office use to 64.5%, which is marginally above the 60% target. Although this reduction in office space is not desirable, it is within the limits of the policy requirement.

The Priority Office Area is identified as being within an area that is particularly suited to prestige office accommodation. The design and layout of the existing building would make it difficult to achieve prestigious office accommodation. It is considered, given the circumstances relating to the inherent building design and the resulting proportion of office space, greater flexibility can be applied and the

loss of office space, which is not considered to be significant, is acceptable in this case.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part A of CS41 seeks to provide a broad range of smaller households in the City, with no more than half of the new homes in larger developments (large developments being defined as 60 or more dwellings) consisting of a single house type. The proposed development will provide 100% cluster flats, which although a single house type, they will vary in size, ranging from 3, 4, 5 and 6 bedrooomed units. Although a single house type is proposed, given the variety in size of units, it does offer the opportunity to adapt the accommodation to create a wider variety of house types. Whilst the tenure will be 100% student focused, given the site's proximity to Sheffield Hallam University campus, using the site for student accommodation would be appropriate, and the benefits of providing such accommodation in a sustainable location outweigh the disbenefits of not providing a wider mix of residential accommodation.

Part (d) of the policy seeks to limit new or conversions to hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create an imbalance. In order to comply with Policy CS41, no more than 20% of residences within 200 metres of the application site should be shared housing. The concentration of shared properties is currently at 21%, which will increase to a density of 23% upon completion of 3 other developments within the vicinity. The proposal will raise the density to 25%. Although the proposed development will exceed the 20% threshold and thus, will be contrary to Part d, it is not considered that an additional 2% increase will have a detrimental effect on the local community.

It is therefore considered that a pragmatic approach be taken in considering whether a 2% increase in the concentration of shared housing is acceptable or not. The provision of student accommodation in close proximity to the University campus is desirable and within this context, it is unlikely that a community would develop within 200 metres of the site. On this basis, it is considered that, whilst not wholly compliant with Policy CS41, the proposed development will provide wider benefits and as such, is considered acceptable.

Design and Visual Amenity Issues

The proposal seeks to make some changes to the external fabric of the building and therefore it is necessary to reiterate the guidance set out in relevant UDP and Core Strategy Policies. In this case, UDP Policy BE5, 'Building Design and Siting' and Core Strategy Policy CS74 'Design Principles' apply.

Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. Development should respect the scale, form, detail and materials of the original building; and the design should take account of the natural and built features of the site; and the design,

orientation and layout of developments should encourage the conservation of energy and other natural resources.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

The extent of the proposed works to the exterior of the building is not significant. Thirteen windows are proposed to be installed, at first floor level, within the splay elevations of the two-storey building. The windows will all be of the same design, incorporating a vertically proportioned, single glazed panel, which will have a sill height, consistent with the existing three vertical windows of the east facing elevation of the building. The window frames will be aluminium, powder coated in the same bronze colour finish as the existing. The windows will be recessed 100 mm within the façade such that it will allow the reveals to be tile hung, which will provide a quality finish.

The design of the windows is considered acceptable and although they do not replicate the same proportions as the existing three windows, they will reflect the proportions of the windows in the tower block. The majority of the windows will be visible in the same view as the tower, and repeating this detail will provide some continuity along the frontage. The windows are appropriately positioned within the elevations and will provide some visual breaks in an otherwise blank frontage.

In the north facing, splay elevation, facing towards Redvers House, it is proposed that a set of existing high level windows on the second floor of the building, be enlarged, by lowering the sill height. The design of the windows will reflect the same fenestration pattern, proportions and materials as existing, and thus, will blend into the elevation. This is particularly welcomed as the new windows will increase the amount of light into main habitable rooms in an otherwise dark corner of the building.

A black opaque film is proposed on the third floor of the building, along the north-west facing elevation, fronting onto the roof of the adjacent Curry's building. This is not considered to be an appropriate treatment to the façade and as such, this detail will not be approved. A condition will be imposed requiring this section of the elevation to remain in situ or an alternative form of treatment be sought.

Sustainability

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings and conversions of existing buildings be designed to reduce emissions of greenhouse gases and function in a changing climate. Of particular relevance are section(a)

which requires all developments to achieve a high standard of energy efficiency; and (b) make the best use of solar energy, passive heating and cooling, natural light and natural ventilation. All conversions of existing buildings must also be designed to use resources sustainably, including minimising water consumption and maximising water re-cycling; re-using existing buildings where possible; designing buildings flexibly to allow a variety of possible future uses; using sustainable materials wherever possible; and minimising waste, promoting recycling, during construction and occupation. To satisfy this policy, all new developments of 5 or more dwellings should achieve Code for Sustainable Homes Level 3 as a minimum and all non-residential developments over 500 sq metres should achieve a BREEAM rating of Very Good.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments (that being new developments of 5 dwellings or more) should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy; and generate further renewable or low carbon energy or design appropriately in order to achieve a 20% reduction on the development's predicted carbon dioxide emissions.

The building covers 100% of the footprint and therefore does not benefit from any additional curtilage space. There is limited space within the basement, where bin storage, car parking accommodation for disabled persons and cycle provision will be located. The use of ground or air source heat pumps have been explored but this would prove difficult owing to the restricted nature of the building. Neither is there a desire to introduce externally mounted plant and equipment which will have a detrimental impact on the appearance of this prominent building.

It is proposed that the building will be upgraded/appropriately insulated to comply with Part L of the Building Regulations 2010, which will improve the thermal efficiency of the building. It is also intended to use a high performance electric boiler for hot water and heating and LED lamp technology will be used wherever possible within the flats and within common areas.

The site is located within a highly sustainable location, with various modes of transport available. The development will facilitate the re-use of some floors which are vacant, which is desirable.

The requirements to meet Policies CS64 and CS65 relates to proposals where significant physical changes are required. The proposed development will involve a re-fit of nine floors, which will inevitably result in substantial works, but not of significance. Furthermore, the proposal does represent a change of use, and as such, there will be no requirement to meet BREEAM Very Good or Code for Sustainable Homes Level 3.

Amenity Issues

It is necessary to assess the application in terms of the impact on residential amenity. UDP Policy S10 is relevant to note in this case. Policy S10 states that residents or visitors in any hotel, hostel, residential institution or housing should not

suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.

Noise and Disturbance

The proposal seeks to provide residential accommodation within an existing building where there is a restaurant/hot food takeaway and a late night bar/nightclub, both of which operate until late into the evening and through to the following morning. There are also 3 nightclubs within the vicinity; 'The Vertigo' and 'The Code' which are located on Eyre Street and 'The Plug' on a neighbouring street, all of which operate until 0600 hours at weekends. A significant night time problem is street noise caused by people and traffic.

Typical street noise which is likely to occur, will be generated by visitors to the neighbouring night time venues, people talking and loitering outside the premises, mobile phones, and associated noise from car doors slamming and car engines. The site also experiences a high volume of traffic noise into the early hours, in particular taxis have been highlighted as one of the main sources of noise. Arundel Gate is also a road that is heavily trafficked by buses and other vehicles. The background noise levels are therefore relatively high into the late evening, which will potentially impact on the future residents of the apartments. Of particular concern, is the potential for sound ingress to main habitable rooms, especially at first floor level, of elevations fronting onto the main pedestrian routes of Arundel Gate and Furnival Gate as these units will be the most affected by street noise. There is also potential for structure bone noise from the existing restaurant and late night bar 'Rendevu', however, it is noted that conditions attached to planning approvals for these premises, have been discharged, which does suggest that any noise transmission within the building will have been addressed.

The Council's Environmental Protection Service (EPS), does not object to the proposed development, subject to appropriate conditions being imposed requiring satisfactory internal noise levels being achieved. A noise survey will be carried out to establish the noise sources and noise levels and appropriate mitigation measures relating to the building fabric and installation of appropriate acoustic glazing and ventilation are likely to be required.

The proposed residential accommodation does not serve to provide family accommodation but will be occupied by transient residents. Given the site's city centre location, it is not expected that the same level of amenity will be achieved as other parts of the City. The principle of allowing residential accommodation adjacent to typically noisy uses is not unacceptable and there are a number of sites within the City where such developments co-exist, and satisfactory living conditions are achieved. It is considered, in this instance, that future occupants will not be adversely affected and as such, the proposed development will accord with UDP Policy S10.

Amenities of Future Residents

The proposal will provide residential accommodation in the form of cluster apartments, which will vary in size. Each of the clusters will be served with an ancillary open plan kitchen/dining/living room, which are positioned along the west half of the tower block. The bedrooms will be distributed around the periphery of the buildings, some of which will be provided with en-suite facilities. Natural daylight will be provided to all rooms, although owing to the orientation of and position of surrounding buildings, it is inevitable that some degree of overshadowing will occur.

The residential bed spaces will be provided with adequate outlook, with no significant amount of overlooking from neighbouring office accommodation. The introduction of obscure glazing will alleviate any overlooking which may occur from the adjacent offices, in particular Redvers House.

Adequate bin storage and cycle storage will be provided together with laundry facilities and games room within the basement.

Mobility/Access Issues

UDP Policy H7 encourages the provision of a proportion of mobility housing in all new or refurbished housing except where the physical characteristics of a site or existing buildings make it impracticable.

The proposed scheme will provide a total of 8 disabled bedrooms, which relates to approx. 10% of the total bed spaces provided. Sufficient accessible bedspaces will be provided to meet BS8300 which is the primary adopted guidance for student housing, hotels and all overnight accommodation.

One bedroom will be provided on floors one to eight. One bedroom will be fitted out with an en-suite shower room/wc and seven units will be to mobility standard but with adjacent disabled wcs.

The basement car park is restrictive in size and although no general car parking accommodation will be provided, two designated car parking spaces will be provided for people with disabilities.

The building benefits from a stepped and ramped approach to the main pedestrian entrance, providing a level access into the building. The building is served with 2 existing lifts, which will be retained. Whilst such facilities are unlikely to comply with the latest British Standards, it is not considered reasonable to require all the existing facilities to be upgraded to the latest standard. There would be a requirement to meet current Building Regulations standards which will ensure that adequate means of access will be retained.

In this regard, it is considered that a reasonable and pragmatic approach has been taken and as such, the proposal is considered acceptable and will accord with UDP Policy H7.

Highway Issues

Policy T25 aims to regulate car parking to ensure on-street parking problems are not worsened and as such states that on-street parking will be restricted as necessary; and encourages land owners to provide suitable off-street parking within their curtilage, wherever possible.

The proposed development does not raise any serious highway concerns. The proposal will provide two spaces designated for people with disabilities. Owing to the restricted size of the basement, it is not possible to provide more car parking accommodation. Given the site's city centre location, it is considered that there are opportunities available for alternative modes of travel. Furthermore, provision will also be made for cycle parking within the basement of the building and the development will be designated as car-free.

No highway objections have been received and subject to the imposition of appropriate conditions, the proposed development will accord with UDP Policy T25.

Affordable Housing

Core Strategy Policy CS40 requires developers of all new housing developments to contribute towards the provision of affordable housing where this is practicable and financially viable. Further new guidance exists, in the form of a 2014 update of the Interim Planning Guidance (IPG), which covers the period between the adoption of the Local Plan Core Strategy and adoption of Community Infrastructure Levy (CIL) and associated Planning Obligations Supplementary Planning Document (SPD). The Guidance should be read alongside Policy CS40.

Guideline G2 of the updated IPG, sets out the expected level of affordable housing provision for each Affordable Housing Market Area. The site falls within the City Centre, where there is no requirement to provide a contribution to affordable housing and as such, no further consideration is required in this regard.

Open Space Contribution

In accordance with Policy H16 of the UDP, the developer is required to make a contribution towards the provision of open space, in lieu of direct open space provision. This is calculated on figures taken from the City Centre Living Strategy, which recognises that there is a shortfall of open space in the city centre. The City Centre Breathing Spaces Strategy builds on this guidance and provides a clear vision on how the Council will improve and expand the City centre open spaces, identifying specific projects that the contributions will be spent on to the direct benefit of residents such as will be the case here.

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990, will be required to secure a contribution. In this case, the total contribution amounts to £65,502.85.

RESPONSE TO REPRESENTATIONS

The points raised in the objection letter are not all planning issues, however in respect of other issues, the following response is provided:-

- Loss of employment premises, which conflicts with the Government guidance (NPPF) – This has been addressed earlier in the report. Core Strategy Policy CS4 serves to ensure that sufficient office accommodation remains available within the City.
- Noise from student accommodation – The proposal seeks to develop floors 1-9 and not just part of the building. Therefore it is unlikely that this situation would arise.
- Image and effect on visitors to business – refer above.
- Security of high tech equipment and staff as a result of any partial conversion of the building – refer above.

SUMMARY AND RECOMMENDATION

The use of the upper floors of the building for student accommodation is considered acceptable in principle. The proposed development will not result in a significant loss of office accommodation and thus will not stifle the economic viability of the City Centre.

The location of the building and its proximity to a late night bar and restaurant/takeaway does raise concern in respect of the potential for noise disturbance, for future residents. It is acknowledged that residents of the proposed apartments will be subject to some degree of noise by virtue of its city centre location and proximity to a heavily trafficked roundabout. Traffic noise and street activity will occur. However, the residential accommodation will be above street level and subject to appropriate sound attenuation measures being implemented, it is considered that satisfactory living conditions will be achieved and future residents will not be adversely affected.

The alterations and installation of windows proposed to the building are considered acceptable, such that they will not compromise the visual appearance of the building.

There are no significant highway implications arising from the proposed development.

For the reasons set out above, the proposed development is considered acceptable and will accord with Unitary Development Plan Policies S3, S10, BE5, H7, H16, and T25 and Core Strategy Policies CS4, CS40, CS41, CS64, CS65 and CS74. The application is therefore recommended for approval subject to the completion of a legal agreement.

Heads of Terms

The developer shall pay the sum of £65,502.85 towards the provision or enhancement of open space in the city centre in accordance with Policy H16 of the Unitary Development Plan, the City Centre Living Strategy and the Breathing Spaces Strategy.

Case Number 13/02131/FUL (Formerly PP-02732235)
Application Type Full Planning Application
Proposal Erection of a dwellinghouse with integral garage
Location Land At Rear Of 2Slack Fields LaneSheffieldS35 0DU
Date Received 27/06/2013
Team West and North
Applicant/Agent Martin H Seddon Limited
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:

SK01 Location plan,
SK02 Existing site plan,
SK03 C Proposed site plan,
SK04 D Proposed site plan,
SK05 D Proposed lower floor,
SK06 B Proposed ground floor,
SK07A proposed first floor,
SK08 E North elevation,
SK09 E East elevation,
SK10 E west elevation,
SK11 E south elevation,
SK12C working section A-A,
SK13 Tree survey,
SK14 C Driveway and drainage proposal,
SK17 Proposed roof plans
SK18 Floor plans comparison (lower and ground floor),
SK19 Floor plans comparison (first floor),
SK46 North elevation from Storth Lane,
SK47 Existing section 1-1,
SK48 Proposed section 1-1,

SK49 East sectional elevation (from new driveway),
Arboricultural reports dated 2 April 2014 and 28 October 2014 and letter
dated 5 September 2014
Design and access statement June 2013

Reason: In order to define the permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

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

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

- 5 The 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.

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

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

- 7 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and

the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

- 8 Prior to the commencement of development, details of an ecological survey shall have been submitted to and agreed in writing by the Local Planning Authority and any remedial measures required shall be implemented and retained thereafter.

Reason; In order to ensure that no harmful effects are caused to the interest of nature conservation in the locality as a result of the proposed development

- 9 Before the development is commenced, full construction details of the vehicular access/drive, longitudinal & cross sections in relation to Storth Lane (including a dilapidation survey of the retaining structure, and any structural calculations and remedial works), and addressing the following elements, shall have been submitted to and approved in writing by the Local Planning Authority. The access/drive shall have been constructed in accordance with the approved details prior to occupation of the dwelling:

- (a) Sight lines at the drive entrance, with no obstruction above a height of 600 mm;
- (b) Surfacing, sealing and drainage;
- (c) A maximum gradient of 1 in 12;
- (d) A construction specification capable of carrying a fire appliance, and;
- (e) Vehicle barrier, masked by vegetation, to the Storth Lane edge of the drive.

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

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

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

Highway Improvements:

Traffic regulation order on Storth Lane promoting speed reductions.

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.

- 11 Prior to the occupation of the development, the car parking accommodation shall have been provided as indicated on the approved plan to the satisfaction of the Local Planning Authority, and retained and maintained for the sole purpose intended thereafter.

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

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

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

- 13 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.

- 14 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:

Timber cladding
Door
Window reveals
Roof eaves
Boundary walls

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

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

- 15 Building operations shall not commence until details of surfaces water and sewage disposal proposals serving the site have been submitted to and approved by the LPA.

Reason; To ensure satisfactory drainage arrangements

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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to

apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. 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 forms part of the large extended garden area of Damosel House. It occupies a steep hillside position above Storth Lane. A retaining wall backed by several mature trees marks the boundary of the property on the Storth Lane side. On the opposite side of the lane are houses, set at a much lower level, in Damosel Close. The nearest house to the site, however, is No.11 Storth Lane, which stands to the west in a similar elevated position to the application site. Storth Lane marks the boundary of the Green Belt and a designated Area of High Landscape Value (in both of which the application lies). However, the application is surrounded by residential properties all of which are also within the Green Belt and Area of High Landscape Value.

Planning permission is being sought for the erection of a new modern detached dwelling with integral garage, construction of a new shared access driveway including a new retaining wall, construction of external hard landscaped terraces, including retaining gabion walls and the introduction of soft landscaping including tree planting and shrubbery. The proposal siting shows the proposed house close to the existing house (Damosel House) and with its main aspect to the north (looking towards Glen Howe Park, rather than towards neighbouring houses). The house will be over three storeys, which includes a basement level. The paved access drive would be almost level, supported on the hillside by a retaining wall. Landscaped areas around the proposed dwelling have been shown.

RELEVANT PLANNING HISTORY

92/0678P (92/01149/OUT) -for the erection of 1 dwelling and garage. Refused and subsequently part approved and part dismissed (access) at appeal in 1992.

93/0107P (93/00378/OUT) -for the erection of 1 dwelling with integral garage (Amended Scheme). Granted in 1993.

94/0221P (94/00755/REM) for the erection of 1 dwelling and garage (Approval of Outstanding Reserved Matters). Reserved Matters Approved Conditionally in 1994.

9A/0467/P (00/01127/OUT) - for the erection of 1 dwelling with integral garage (As amended plan No. 12499 11.07.2001). Granted conditionally in 2001.

03/00490/FUL -for the erection of 1 dwelling and garage (amended plans received 25.7.03 and 1.7.04). Refused in 2003. The reason for refusal is outlined below;

The Council considers that the proposed dwelling will, by reason of its size and massing, have an adverse impact on the visual amenity of the locality and the surrounding landscape, especially when viewed from Storth Lane close to Glen

Howe Park. As such, the proposal is contrary to Policies GE4 of the Unitary Development Plan.

05/00095/OUT - for the erection of 1 dwelling with integral garage (As amended plan No 12499 11/7/01) (Renewal of outline planning permission- Application under Section 73 (Amended Site Plan). Granted in 2005. Application was to renew condition 02 of 9A/0467/P (00/01127/OUT), which was for the extension of time for the reserved matters to be approved.

08/02069/FUL -for the erection of 1 dwelling. Refused in 2008. This planning application was recommended for approval by the planning officer but was refused by the West and North Planning and Highways Area Board on 10 July 2008. The reasons for refusal are listed below:

1. The Council considers that the proposed dwelling will, by reason of its size and massing, be out of scale with the character in the locality and as such will have an adverse impact on the visual amenity of the locality and the surrounding landscape, which is in an Area of High Landscape Value, especially when viewed from Storth Lane close to Glen Howe Park. As such, the proposal is contrary to Policies GE4 and GE8 of the Sheffield Unitary Development Plan (UDP) and Planning Policy Guidance Note 2. (PPG2).
2. The Council considers that the proposed dwellinghouse would be an overdevelopment of a site in a sensitive location within the Green Belt and as such is contrary to Policy GE4 of the UDP.
3. The Council considers that the proposed development would result in the loss of trees, due to the proposed proximity of the access drive to the trees and also the potential for the future loss of trees due to the proximity of the dwellinghouse and patio area to the trees within the site, causing a loss of light and outlook and leading to pressure for their removal. This will detract from the visual amenity of the site and the wider landscape, contrary to Policies GE4 and GE8 of the UDP.
4. The Council considers that the use of materials proposed for the development is inappropriate and does not complement the surrounding buildings, contrary to Policy BE5 of the UDP.

The applicant has taken note of the Council's reasons for refusal and addressed each before submitting the current application.

SUMMARY OF REPRESENTATIONS

18 letters of objections have been received with 1 letter which includes 4 separate representations and 1 letter from Councillor Wood. Objections raised are summarised below:

- concern over scale of the proposal

- proposed materials not in-keeping with the area
- impact upon the locality in particular the landscaped areas
- impact on wildlife
- potential drainage issues
- loss of privacy
- concern with integration with locality
- increase in flood risk
- disturbance from light from vehicles leaving and entering the site
- similar designed dwelling constructed at Spring Grove Gardens is considered an eyesore
- local area is used for education purpose for school trips and by walkers, the proposed development will ruin its landscaped setting
- no significant contribution to the local housing stock
- highway issues
- impact on trees during construction
- concern regards with impact of the 3-storey building
- impact during construction and removal of the amount of earth will cause problems
- current planning application is similar to the 2008 planning application which was subsequently refused
- other non-planning issues
-

Bradfield Parish Council - recommend refusal as consider the site in Green belt, the shared access could be problematic, the development is too large and there is a potential loss of mature trees from the site.

PLANNING ASSESSMENT

Although the site is within Green Belt and an Area of High Landscape value, the principle of development on this land has been established by the Inspector's findings previously where the proposal was accepted as infilling. PPG2 has since be abolished and the new NPPF states amongst other things that limited infilling in villages is not inappropriate within the Green Belt and therefore a decision to refuse permission on the basis of harm to the Green Belt or to the Area of High Landscape value would be unlikely to be defensible in the event of a further appeal. As such the current application will consider the remaining issues of design and siting, impact on the amenity of adjoining properties, landscape and highways.

The site is within the Green Belt adjacent to the urbanised area of Wharnccliffe Side. Although new building within the green belt is considered inappropriate under national policy, there are exceptions and limited infilling within a village is one of them. More specifically in policy terms, Unitary Development Plan policy GE5 allows new houses in the Green Belt, other than those needed to support agricultural and other acceptable uses within the confines of a substantially developed road frontage. Storth Lane is defined in the Unitary Development Plan

as a substantially developed road frontage. Policy GE4 requires that new development in the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. Sheffield Local Plan policy G6 applies the same criteria as policy GE5, but also requires that acceptable uses must respect the distinctive character of the area.

In principle, the site's development is considered to be appropriate

Design and Siting

This is a very difficult site because of its physical configuration and steep gradients, the existence of several mature trees and the sensitivity of the location on the fringe of a very attractive protected landscape. In Areas of High Landscape Value, the overriding consideration, as set out in UDP Policy GE8, is the protection, and wherever possible, the enhancement, of the character and appearance of the landscape.

The NPPF, alongside the policy CS74 suggest that new development should ensure that the natural topography, green network, landforms, woodlands and so forth is taken into account when new developments are designed. On balance with the NPPF policy CS74 states that new development should respect the scale, grain and context of the surrounding site. Policy GE4 further endorses and requires that new development in the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. Sheffield UDP Policy G6 applies the same criteria as Policy GE5, but also requires that acceptable uses must respect the distinctive character of the area.

The proposed dwelling is of a contemporary design, plans show a split level; dwelling, three storeys at the front, facing north and two storeys at the rear facing Damosel House (south). The number of floor levels and the positions are similar to the previously approved application. The footprint of the proposed dwelling has slightly decreased, in relation to the previous refused scheme. Plans submitted show the overall height to be reduced by approx. 0.5m alongside the length of the dwelling which has also be reduced by approx. 2.5m. The width has not altered significantly from the previously approved plans, but does show slight increase in some areas and slight decrease in others, generally the adjustments counter balances the original approval.

The lower level of the dwelling, the basement level, will largely be cut into the excavated site due to the land constraints and as such will sit comfortably within the site. It will be built in stone which will soften the outlook. In order to break up the, longitudinal frontage of the dwelling that faces the main rural aspect, the architects have staggered the front building line and introduced a pallet of different materials to certain parts of the frontage which consist of wood cladding and stone, which have been carefully thought-out for their positioning. An attractive front open terrace area and landscaped area have also been shown.

As the proposed scheme has been reduced in size, the overall scale, form and siting of the proposed development is acceptable, albeit its slight changes in design from the previous approval. The proposed dwelling sits lower than Damosel House this illustrates that the size and scale is not inappropriate and complies with the objectives of Policy CS74.

The open terrace area and landscaped area adds visual interest to the dwelling such that it is considered to integrate well with its surroundings and complies with the objectives in policy GE4 and GE8 which seeks to conserve and enhance the landscape and the natural environment. The proposal would comply with the Framework and UDP Green Belt policies, notably UDP policy GE5 which permits the infilling of a single plot within the confines of an existing village, group of buildings or substantially developed frontage. There would be no conflict with Core Strategy policy CS71 (protecting the Green Belt).

The applicant's agents have sought to achieve the minimum in terms of engineering operations and retaining structures. The three-storey building, will sit, well below Damosel House which would still form the dominant skyline feature and from most vantage points, it would be framed and (for part of the year) screened by mature trees.

It is considered that the proposed scheme works well with its surrounding and does not impinge upon the open environment or its neighbouring properties significantly. The proposed dwelling is of good quality design and respects the immediate surrounding area, which is in compliance with Policy CS74.

The proposed materials are shown to be for the upper level cedar cladding horizontal panels and the lower level stone, with natural slate roof, the proposed openings will be of timber; the proposed materials will complement the temporary design of the dwelling and will sit well within its immediate vicinity.

Looking in more detail, the design does appear to utilise the site's assets; being steeply sloping, the building is located at the top of the site, avoiding harm to the majority of the site's trees and doing so without causing privacy and overlooking issues at first glance.

Policy CS26 of the SDF Core Strategy advises that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Subject to the character of the area being protected, densities will vary according to the accessibility of locations. In this case, the application form states that the site area extends to 00.15 hectares and the development proposes one dwelling, which results in a density of 0.016 dwellings per hectare. This accords with the objectives of Policy CS26 and it is therefore considered that the proposed development does make efficient use of the

land and does not represent overdevelopment such that a refusal on this ground could not be substantiated.

In principle, the site's development is considered to be appropriate.

Urban Design officers although have raised concern with the proposed scheme and have suggested that the design and, materials are not sufficient quality for such a sensitive location and therefore the application would be considered to represent poor design, they have also acknowledge the fact that a refusal alone on this basis cannot be justified.

Impact on the Locality and Neighbouring Properties.

With regard to site layout and the relationship to adjoining residential properties, the Council presently has no specific guidelines in relation to the construction of new dwellings. However, the privacy and distance standards set out in the Supplementary Planning Guidance Note 'Designing House Extensions' are considered relevant. SPG Guideline 4 requires a minimum separation distance of 10 metres from a rear elevation to a rear boundary for the reason of privacy as well as amenity. SPG Guideline 5 recommends that two storey structures should not be placed within 12 metres of main aspect ground floor windows in neighbouring dwellings and also notes that an extension built up to or near a boundary with another property is in danger of being overbearing. SPG Guideline 6 advises that to protect and maintain minimum levels of privacy a minimum distance of 21 metres between facing main windows should be achieved, which may need to be greater on sloping land or where a dwelling is higher than surrounding properties.

The proposed house would stand approximately 27-29 metres away from the adjacent properties in Damosel Close, which exceeds the minimum distance set out in Guideline 6. Moreover, the view from windows facing in that direction (which consists of a bedroom window at second floor level and a kitchen window at first floor level) would be over their rooftops. Two ground floor patio doors and one first floor patio door will face No.11 Storth Lane; however, they will not face directly into the No.11, as No.11 will be situated approx. 2m in front of the proposed and will largely be screened by mature vegetation, with a distance of approx.19m.

The proposed dwelling will have no significant impact on the living conditions of the occupiers of Damosel House. Due to the land constraints of the site, the proposed dwelling will be significantly below the ridge level of Damosel House and set away at a distance of approximately 2m from the boundary. There will be no overlooking, as only roof lights have been shown to the rear elevation facing Damosel House and basement level windows will face a retaining wall.

It is clear that the proposed dwelling will have no detrimental impact upon the living conditions of its immediate neighbouring properties in terms of overlooking,

overbearing or loss of light, due to its positioning. The proposal meets the council's guidelines for distance set out in SPG.

Highways Issues

The access arrangements for the current application are similar to the principles established for 05/00095/OUT, and are therefore difficult to contest in highway terms. The existing access to Damosel House will be adapted and shared by the proposed dwelling. The alignment of the new drive is slightly closer to the boundary retaining structure, which runs along Storth Lane. Highways DM officers have raised no objections.

Cross-sections and long-sections need to be submitted before construction works are commenced to ensure the structure remains unaffected, this will be conditioned. It is considered that the alignment of the new drive would be passable by a fire vehicle.

The speed limit along Storth Lane and visibility from the Damosel House access can be conditioned.

Landscape Issues.

There has been previous concern about the loss of mature trees on the

Storth Lane boundary. Landscape Officers have recommended that these should be retained. A condition will be imposed to retain the trees, as they are important for the visual amenity of the locality and green belt landscape. A condition will be imposed to suggest that a tree report be submitted and approved before any work commences. Landscape Officers have also recommended conditions for hard and soft landscape details and maintenance for 5 years; tree protection details submitted and an arboricultural method statement.

Drainage Issues

Conditions will be imposed to provide adequate drainage details

SUMMARY AND RECOMMENDATION

The principle of developing this Green Belt site is well established. It was accepted as an infill site by a Planning Inspector in 1992 and subsequently approved by the Council on that basis in 1993, 2001, 2003 and 2005. Notwithstanding the introduction of the NPPF, there has been no significant change in the principle of Green Belt Policy and in any event, Paragraph 89 of the Framework includes "limited infilling in villages" as an exception to otherwise inappropriate built development. The proposal would comply with the Framework and UDP Green Belt policies, notably UDP policy GE5 which permits the infilling of a single plot

within the confines of an existing village, group of buildings or substantially developed frontage. There would be no conflict with Core Strategy policy CS71.

The open terrace area and landscaped area adds visual interest to the dwelling such that it is considered to integrate well with its surroundings and complies with the objectives in policy GE4 and GE8 which seeks to conserve and enhance the landscape and the natural environment.

The proposed scheme has been reduced in size, the overall scale, form and siting of the proposed development is acceptable, albeit its slight changes in design from the previous approval. The proposed dwelling sits lower than Damosel House this illustrates that the size and scale is not inappropriate and complies with the objectives of Policy CS74.

It is considered that the reduced and modified design details are acceptable. The proposed house will harmonise with neighbouring properties without dominating the surroundings. Much of the natural vegetation will be retained to offset its visual impact. Furthermore, the access proposals will not significantly affect traffic conditions in Storth Lane, and there would be no adverse effect on the living conditions of neighbours.

Relevant UDP policies have been complied with and as such, it is therefore recommended that full permission should be granted subject to conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 March 2015

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised use of yard for the storage of scaffolding materials, general building materials and machinery and the unauthorised erection of gates at the rear of 784 Attercliffe Road

Reasons for Recommendations:

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.

Recommendations:

That the Director of Regeneration and Development Services or Head of Planning be authorised to take all necessary steps, including, enforcement action, service of a Stop Notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the yard for a scaffolding and storage business and the removal of all scaffolding materials associated with the business and all other building materials and machinery from the yard together with the unauthorised gates.

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

Background Papers:

Category of Report: OPEN

24 MARCH 2015

ENFORCEMENT REPORT

UNAUTHORISED USE OF YARD FOR THE STORAGE OF SCAFFOLDING MATERIALS, GENERAL BUILDING MATERIALS AND MACHINERY AND THE UNAUTHORISED ERECTION OF GATES AT THE REAR OF 784 ATTERCLIFFE ROAD.

1. PURPOSE OF THE REPORT

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 AND BREACH

2.1 The property is a three storey former public house building with a rear yard which is accessed from Worksop Road. The building is located in a Local Shopping Centre and an Area of Special Character as designated in the Unitary Development Plan (UDP). The property is also within close proximity of the former Don Valley Stadium site.

2.2 A complaint has been received regarding the storage of scaffolding in the yard and the safety concerns of the yard being used in this way. Officers have visited the site and found that the rear yard is being used as a separate business by a scaffolding company for the storage of scaffolding and other building materials and machines along with a scaffolding lorry. Since the initial visit a large gate has also been erected at the entrance to the yard.

2.3 The owner and the occupier have been contacted and have been asked to stop this use and a Section 330 Notice has also been served to the owner of the property. To date, no response has been received with regards to the Section 330 Notice and the use has not stopped.

2.4 The occupier of the yard has stated that this use as open storage has occurred for more than 10 years. Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for a change of use, the onus is on the owner or occupier to prove this. The occupier has been invited to produce this evidence. However, to date no evidence has been submitted. The Planning Service have carried out an investigation and found photographic evidence dating back to 14 December 2010

showing a clear site with no scaffolding or any other building materials being stored on this site.

- 2.5 The area around the site is a mixture of commercial and residential uses. The rear of the neighbouring property at 774 Attercliffe Road whose rear yard is adjacent to 784 is also being investigated for change of use to a car repair business.
3. ASSESSMENT OF BREACH OF CONTROL
- 3.1 The site is located within a Local Shopping Centre and an Area of Special Character as designated in the UDP.
- 3.2 The use of the rear yard for the storage of scaffolding would be a change of use of the rear yard from a yard in connection with the public house to a separate use as open storage which falls within Use Class B8.
- 3.3 Unitary Development Plan Policy S7 'Development in District and Local Shopping Centres' states that Open Storage is an unacceptable use within this area. As this type of use is not compatible with the centre's shopping function and would harm the environment for people who shop, work or live nearby.
- 3.4 Unitary Development Plan Policy S10 'Conditions on Development in Shopping Areas' states that uses should not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety and also states that new development should be well designed with buildings of a scale and nature appropriate to the site. It should also provide a safe access to the highway network and appropriate off-street parking and not endanger pedestrians.
- 3.5 Fences or gates above one metre in height when adjacent to a highway used by vehicles (including the footpath of such a highway) require planning permission.
- 3.6 Unitary Development Plan Policies BE5, BE17, BE18 and Sheffield Development Framework Core Strategy Policy CS74 all seek to ensure good quality and design of the development which compliments the scale and character of the area.
- 3.7 It is considered that the use of the rear yard for the storage of scaffolding and building materials and machinery is an unacceptable use in this Local Shopping Centre Area and Area of Special Character. The loading and unloading of materials and equipment to and from the back of vehicles could be a source of excessive noise and disturbance and the storage also harms the appearance and character of the area. Furthermore large vehicles reversing in and out of the yard near a junction and with poor visibility of the footpath and road is a potential hazard for pedestrians and other road users, and with the impending

sensitive uses close to this site, this type of use would be considered unacceptable. If a retrospective planning application was to be submitted the application would be refused.

- 3.8 It is also considered that the height, location and appearance of the gate is out of keeping with the character of the area.
- 3.9 The photographs below show the property in question and illustrates that the use and the erection of the gates is unacceptable in this area from a visual amenity perspective.



4. REPRESENTATIONS

- 4.1 One complaint has been received regarding the use as a scaffolding yard and the safety of the materials that have been stored around the property causing potential danger to members of the general public. The Health and Safety Executive have been informed of the safety concerns raised.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue an Enforcement Notice. In this case such a Notice would require the cessation of the use of the yard as for open storage and remove all the materials and machinery associated with the storage business and all other materials and machinery and the removal of the gates. There is a right of appeal to the Planning

inspectorate against the service of an Enforcement Notice. However, it is considered that Council would be able to defend any such appeal.

- 5.2 Section 183 of the Town and Country Planning Act 1990 provides for the service of a Stop Notice in conjunction with an Enforcement Notice (S172). The Stop Notice would take effect within 3 days following the date of service, and an offence would be committed for failure to comply with the Stop Notice. In this case it is not considered appropriate to serve a Stop Notice unless the use intensifies before the Enforcement Notice comes into effect; such a Notice could be served to stop the use. A successful appeal against a Stop Notice can lead to costs against the Council for any losses incurred because work was stopped, but only if there was found to be no breach of planning control, or the Notice was withdrawn.

6 EQUAL OPPORTUNITIES

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

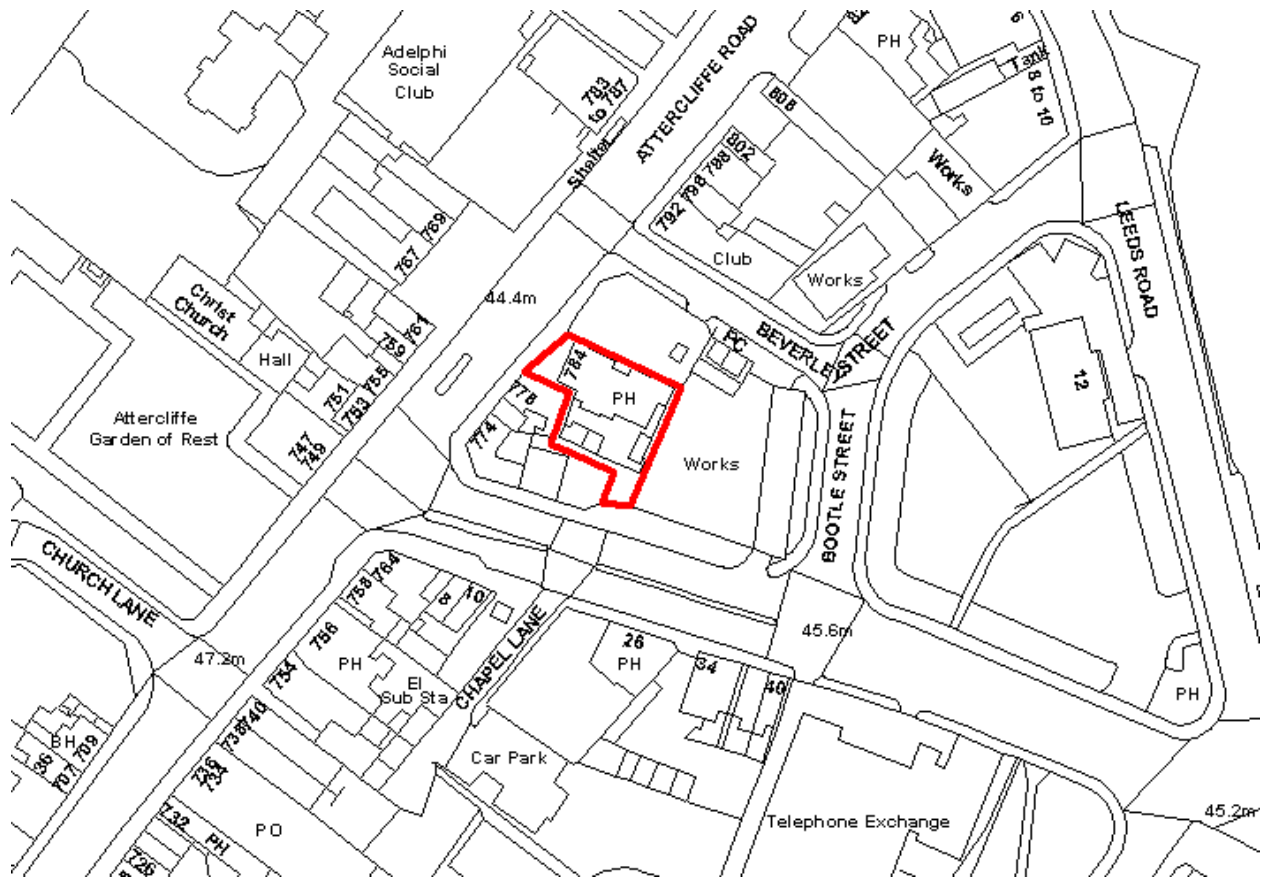
7. FINANCIAL IMPLICATIONS

- 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 made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8. RECOMMENDATION

- 8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take all necessary steps, including, enforcement action, service of a Stop Notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the yard for a scaffolding and storage business and the removal of all scaffolding materials associated with the business, all other building materials, machinery from the yard and the unauthorised gates.
- 8.2 The Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

PLAN



Maria Duffy
Interim Head of Planning

13 March 2015



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Development Services

Date: 24 March 2015

Subject: Enforcement Report

Author of Report: John Williamson

Summary:

To provide an update and recommendation to Members on an outstanding debt under Section 106 of the Town and Country Planning Act 1990 (as amended)

Reasons for Recommendations

Following exhaustive but unsuccessful debt recovery actions, Legal advice has been received relating to the possibility of success of any further action.

Recommendations:

That, in relation to the outstanding debt of £20,764.80 under Section 106,, Members endorse the recommendation to write of the outstanding debt

Background Papers:

Category of Report: OPEN

24 March 2015

ENFORCEMENT REPORT ON AN OUTSTANDING DEBT UNDER SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT 1990

1.0 INTRODUCTION

Members will recall that reports were presented to the previous Area Planning and Highways Committees in December 2010 explaining what measures were being put in place to try to recover developer contributions secured through the signing of Section 106 legal agreements, but where the developer had gone into liquidation or there were complications in the legal agreement that resulted in the contributions being unpaid beyond the trigger point inserted into the agreement.

- 1.1 The reports highlighted the fact that, where all avenues available to the Council to recover the outstanding contributions had been exhausted, the debt may have to be written off, but the individual cases would be reported to the Committee for a final decision. This report relates to such a case.
- 1.2 Members will be aware that a complete review of Section 106 procedures has taken place that resulted in revised processes being adopted in an attempt to prevent instances such as this occurring in the future. This includes a requirement for land ownership to be proven at the time of signing the agreement, to a level accepted by civil courts and a full quarterly review of outstanding development subject of legal agreements and the involvement of Legal services in case reviews.

2.0 PLANNING PERMISSION 05/02961/FUL

- 2.1 Planning permission was granted on 1 December 2005 for the erection of 18 flats on a site at 260-262 Langsett Road. A legal agreement was signed that required:
 - 2.1.1 “The owners shall pay to the Council {on or before the commencement of any development within the meaning of clause 2.2} the sum of £20,764 to be used by the Council towards the provision of recreation space in the locality of the site. This shall be provided in accordance with the principles set out in the Council’s supplementary planning guidance “Open Space provision in new Housing Development”.
- 2.2 The development has been completed and occupied for a considerable time but the agreed contribution has not been paid. The original developer went into liquidation and the current owner has been pursued but has not cleared

the debt. Discussions have taken place with the Council's Debt Recovery team and Legal Services and on examination of the legal agreement, it was found that it had not been properly executed and, as a result, the liability did not pass with the land as the deed had not been validly entered into. This means that the current owners are not responsible for the debt.

2.3 Based on the evidence and legal advice received it is recommended that no further enforcement action is taken and that the debt is written off as there are no other options available to recover the sum owed.

3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are no equal opportunities implications arising from the report

4.0 FINANCIAL IMPLICATIONS

4.1 The financial implications relate to the loss of a £20,764 contribution towards the enhancement of open space in the locality of the development. No specific site or project had been identified for this contribution. There is no implication for the core funding of the Council

5.0 RECOMMENDATION

5.1 That Members endorse the writing off of the outstanding Section 106 debt of £20,764 in relation to planning application 05/02961FUL and that the Director of Finance is advised accordingly.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 24 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
24 March 2014

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a dwellinghouse at Land Between 12 And 14 Cooks Wood Road Sheffield S3 9AB (Case No 14/02823/OUT)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant conditionally planning permission for erection of first-floor side extension above existing single-storey side extension and new roof lights at 18 Cobnar Avenue (Case No. 14/03272/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for installation of a digital advertising/information (Transvision) screen within the concourse of Sheffield Railway Station at Sheffield Midland Station Sheaf Street Sheffield S1 2BP (Case No. 14/03957/LBC)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the decision of the Council at its meeting of 11 March 2014 to refuse planning consent for erection of 9 apartments with associated undercroft car parking accommodation (As amended by plans received 26/02/2014) at Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH (Case No.13/03930/FUL) was dismissed.

Officer Comment:-

The Inspector identified the key issues as being:-

- a) The effect the development would have on the appearance and character of its surroundings; and
- b) Whether the scheme was overdevelopment, resulting in poor living conditions for existing and future residents

In terms of a) the Inspector agreed with the Council's view that the scale of the development was not out of character but that the blank façade at street level, created by an enclosed parking area and vehicle entrance to it was a harmful introduction to the street scene, in marked contrast with the surroundings, presenting a blank façade to passers-by. The Inspector did not accept that other more traditional examples of vehicle entrances nearby gave justification for this element, and agreed with the Council that such examples should not be followed if local and national design policy objectives are to be achieved.

He also agreed with the Council that the rear elevation of the property, visible from neighbouring dwellings includes features which appear incongruous and present an unbalanced design.

He concluded on a) that the scheme was contrary to the aims of UDP policy H14(a); Core Strategy Policy CS74; and part 7 of the NPPF.

In terms of b) he accepted the Council's position that there would be no loss of amenity for existing neighbouring residents. He further agreed that proposed measures, including high level and narrow, angled and screened windows, to avoid overlooking of neighbouring residents resulted in poor outlook for occupants of three of the flats, and would further limit daylight and sunlight entering those rooms.

In addition, he agreed with the Council that the proximity of windows to the shared external amenity space and to the storage and waste handling areas of the club to the south (Pointing Dog) would give rise to noise and disturbance for future occupants. Whilst he noted this could be solved by mechanical ventilation and fixed windows, he agreed this was another feature that was indicative of overdevelopment, not associated with the sustainable development aims of the NPPF.

He did not agree with the Council's position that the fumes and odours from extraction equipment associated with the club would affect the use of balconies, feeling that this could be controlled by other legislation.

Finally on b) he agreed with the Council that the level of private and shared amenity space associated with the development would not meet local standards (South Yorkshire Residential Design Guide) and the shared amenity space would be subject to overlooking and disturbance from neighbouring residents and from the plant on the kitchen roof to the Pointing Dog.

In summary on b) the Inspector considered the accumulation of several negative amenity factors would represent poor quality development that would not meet aspirations of local and national planning policy, strongly indicating overdevelopment of the site.

He dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for erection of a dwellinghouse at 10 Perkyn Terrace Sheffield S5 0AN (Case No14/02291/FUL) was allowed conditionally.

Officer Comment:-

The Inspector recognised that the area is characterised by a uniform urban grain comprised of regularly spaced semis and four-unit terraces with a consistent building line.

The appeal site is a corner plot but the new house would be set back to respect the building lines on both streets and the style, although detached, would reflect that of the adjoining properties according to the Inspector.

The Inspector failed to mention the lack of a back garden area and considered that the presence of a larger side garden was appropriate and that the erection of a 2 metre high fence around this corner plot, fronting the highway, would not adversely impact on the character of the area.

Your officers are disappointed by this conclusion as it is considered that this will lead to a gradual erosion of character in the wider area, where there are many open corner plots which give a spacious feel to the estate.

In addition to concluding that the design and layout of the property was acceptable the Inspector considered that there would be no adverse impact on the living conditions of adjoining properties and that the parking provision proposed was adequate to serve the development.

5.0 APPEAL – ENFORCEMENT NOTICE

(i) An appeal against the service of an enforcement notice on 9th April 2014 to secure the removal of an unauthorised wall and reinstatement of land at land between 1 to 3 and 5 to 7 Dover Road, Sheffield S11 8RH was dismissed

Officer Comment:-

This enforcement appeal was submitted under grounds a), c), and f).

The ground c) appeal is that there is no breach of planning control

There was dispute between the Council and the appellant over whether the works were within the envelope of works approved for a retaining feature and landscape works under a previous application. The Inspector concluded that the works had gone beyond that permitted by the previous approval and constituted development that required planning permission.

The ground c) appeal therefore failed.

The ground a) appeal is that planning permission should be granted for the works, and the Inspector identified the main issue to be whether the works had a harmful impact upon the character and appearance of the surroundings.

The Inspector noted that the grey concrete block wall had a utilitarian and harsh appearance which due to its extent and height (4m) has a significant visual impact on the surrounding area. He therefore agreed with the Council that the 'monolithic structure' seriously detracts from the quality and character of its surroundings. Implementation of the approved embankment would screen part of the wall (its base) but leave significant elements exposed, and as such he did not grant planning permission, and the ground a) appeal failed.

The ground f) appeal is that the steps required in the enforcement notice are excessive.

The appellant claimed the removal of the wall was excessive and the harm could be overcome by lesser steps. The Inspector in part agreed, in that the provision of the approved embankment and fair facing the remaining wall in an appropriate material would make the development acceptable.

The ground f) appeal succeeded to that limited extent and the Inspector varied the Notice to reflect this.

The revised notice requires the formation of the approved embankment; and the replacement of the concrete block wall with a wall of natural sandstone, capped with natural sandstone similar to that used on neighbouring buildings.

The appellant has 6 months from 17 February to comply.

6.0 RECOMMENDATIONS

That the report be noted

Maria Duffy
Acting Head of Planning

24 March 2015

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