

# Planning and Highways Committee

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**Tuesday 29 September 2015 at 2.00 pm**

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

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Alan Law (Chair), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
29 SEPTEMBER 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
Minutes of the meeting of the Committee held on 4 September, 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. Tree Preservation Order No. 400: 2 Tapton Park Mount** (Pages 9 - 16)  
Report of the Director of Regeneration & Development Services
- 8. Tree Preservation Order No. 401: 297 Western Bank** (Pages 17 - 24)  
Report of the Director of Regeneration & Development Services
- 9. Tree Preservation Order No. 402: 110 Ivy Park Road** (Pages 25 - 30)  
Report of the Director of Regeneration & Development Services
- 10. Tree Preservation Order No. 403: Land at Storth Lane, Adjoining Slack Fields Lane, Wharncliffe Side** (Pages 31 - 42)  
Report of the Director of Regeneration & Development Services
- 11. Applications Under Various Acts/Regulations** (Pages 43 - 144)  
Report of the Director of Regeneration and Development Services
- 12. Record of Planning Appeal Submissions and Decisions** (Pages 145 - 150)  
Report of the Director of Regeneration and Development Services
- 13. Date of Next Meeting**  
The next meeting of the Committee will be held on 20 October, 2015

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 4 September 2015

**PRESENT:** Councillors Alan Law (Chair), Ian Auckland (Substitute Member), David Baker, John Booker (Substitute Member), Tony Damms, Roger Davison, Adam Hurst, Bryan Lodge, Peter Price, Peter Rippon, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Jack Clarkson and Denise Reaney and Councillors John Booker and Ian Auckland attended as the duly appointed substitutes. Apologies for absence were also received from Councillors Nasima Akther and Ibrar Hussain but no substitutes were appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Ian Auckland declared a personal interest in respect of representations he had made as a local Ward Councillor on the proposed development for the demolition of a library and erection of a three storey building to provide medical centre, public library and pharmacy, with associated car parking accommodation and landscaping works at Woodseats Library, Chesterfield Road (Case No. 15/01149/FUL). Councillor Auckland stated that he had not predetermined his views and would consider the application with an open mind and therefore participate in its determination.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 18 August 2015 were approved as a correct record.

**5. SITE VISIT**

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

**6. PROPOSED DIVERSION OF PART OF THE PUBLIC FOOTPATH ON THE WEST SIDE OF HALLAM PRIMARY SCHOOL, FULWOOD**

6.1 The Director of Regeneration and Development Services submitted a report

seeking authority to process a Public Footpath Diversion Order required to divert part of the adopted public footpath linking Redmires Road and Public Footpath No SHE/297 at Hallam Primary School. The report stated that the proposed Order, which would realign one of the footpaths that runs through the west side of the school site, was required to facilitate a development at the school under Planning Permission Case No. 14/02000/RG3.

6.2 **RESOLVED:** That (a) no objections be raised to the proposed diversion of the adopted public footpath SHE/297 at Hallam Primary School, Fulwood, as shown on the plan now submitted, subject to satisfactory arrangements being made with the Statutory Undertakers in connection with any of their mains and services that may be affected; and

(b) authority be given to the Director of Legal and Governance to:

(i) take all necessary action to divert the aforementioned footpath by Order under the powers contained within Section 257 of the Town and Country Planning Act 1990;

(ii) confirm the Order as an unopposed Order in the event of no objections being received, or any objections received being resolved and withdrawn; and

(iii) submit the Order to the Secretary of State for confirmation in the event that any objections received cannot be resolved.

## 7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 15/02098/FUL and 14/02979/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) heard oral representations at the meeting from the applicant's representative supporting the proposed development and (ii) noted additional representations and the officer's response, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the retention of a garage converted into a bedsit apartment at 234 Barnsley Road (Case No. 15/02771/FUL) be refused for the reasons detailed in the report now submitted, with authority given to (A) the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the cessation of the unauthorised use of the outbuilding as a dwelling at 234 Barnsley Road and (B) the Head of Planning, in liaison with a Co-Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(c) having heard an oral representation at the meeting from a representative of the school speaking in support of the proposed development, an application for planning permission for the erection of a 2/3/4 storey building, including associated infrastructure and landscaping, to form a University Technical College (School) at the site off Don Valley Stadium, Worksop Road (land off old Hall Road) (Case No. 15/02570/FUL), be granted, conditionally, subject to Condition 2 being amended with the addition of Plan No. SUTC-ZO-ZZ-DR-L-000001-S2-P9, as detailed in a supplementary report circulated at the meeting;

(d) having (i) heard an oral representation at the meeting from the applicant's representative speaking in favour of the proposed development and (ii) noted an amendment to the report now submitted in respect of the Community Infrastructure Levy (Page 80), requiring the square metre rate to be reduced by the substitution of the amount of "£30 per square metre" for the figure of "£50 per square metre" and the substitution of the total levy amount of "£304,000" for the amount of "506,000", as detailed in a supplementary report circulated at the meeting, an application for planning permission for the demolition of the existing buildings and erection of a 6, 7, 8 storey student residential block, with associated landscaping and associated works at Princess Works, Scotland Street (Case No. 15/01794/FUL) be granted, conditionally, subject to Condition 29 being amended with the addition of a 6<sup>th</sup> requirement regarding the treatment of the exposed side elevation of the retained garage building, as detailed in the aforementioned supplementary report;

(e) having heard an oral representation at the meeting from a local Ward Councillor seeking to secure amendments to the proposed application details and from a representative of the medical centre speaking in support of the proposed development, an application for planning permission for the demolition of a library and the erection of a three-storey building to provide a medical centre, public library and pharmacy, with associated car parking accommodation and landscaping works at Woodseats Library, Chesterfield Road (Case No. 15/01149/FUL) be granted, conditionally;

(f) having heard oral representations at the meeting from a local resident seeking to secure amendments to the proposed application details and from the applicant's representative speaking in support of the development, an application for planning permission for the erection of a 4-storey building to form 6 x 2 bedroom apartments with off-street basement car parking and provision of amenity space on land between 1 to 3 and 5 and 7 Dover Road (Case No. 15/01006/FUL) be granted, conditionally, subject to (i) Condition 2 being amended by the substitution of (A) "Plan No. 121 P 1.08 Rev D" for "Plan No. 121 P 1.08 Rev C" and (B) "Plan No. 121 P 1.03 Rev C" for "Plan No. 121 P 1.03 Rev B", (ii) Condition 9 being amended with the addition of the words "exposed wall on the" after the words "fair face the" and (iii) Condition 12 by the addition of the word "cars" prior to the words "as shown", as detailed in a supplementary report circulated at the meeting.

## **8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a

summary of the reasons given by the Secretary of State in his decision.

**9. DATE OF NEXT MEETING**

- 9.1 It was noted that the next meeting of the Committee will be held on Tuesday 29 September 2015, at 2.00 pm, at the Town Hall.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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

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**Date:** 29 September 2015

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**Subject:** Tree Preservation Order No. 400,  
2 Tapton Park Mount, Sheffield, S10 3FH

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**Author of Report:** Andrew Conwill, Urban and Environmental Design  
Team

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**Summary:** To seek confirmation of Tree Preservation Order No.  
400

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**Reasons for Recommendation**

To protect trees of visual amenity value to the locality

**Recommendations** Tree Preservation Order No. 400 should be confirmed.

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**Background Papers:** A) Tree Preservation Order No. 400 and map attached.

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 29<sup>th</sup> SEPTEMBER 2015

#### TREE PRESERVATION ORDER NO. 400 2 TAPTON PARK MOUNT, SHEFFIELD, S10 3FH

##### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 400.

##### 2.0 BACKGROUND

2.1 Tree Preservation Order No.400 was made on 7<sup>th</sup> April 2015 upon trees in the garden of 2 Tapton Park Mount. A copy of the order with its accompanying map is attached as Appendix A.

2.1 2 Tapton Park Mount is located within the Ranmoor Conservation Area and on the 22<sup>nd</sup> December 2014 notice (Tree Notice 14/04707/TCA) was received to remove a mature pine tree located in the house's rear garden which fronts Tapton Park Road.

2.2 Reasons given in the notice for removal were that roots are lifting patio paving stones and the tree is tall and causes the applicant concern during high winds.

2.3 The pine tree was found to be in good order and of amenity value to the Ranmoor Conservation Area and locality and Tree Preservation Order No. 400 was made to retain the pine tree. It was noted that a tree root was lifting patio paving flags and the applicant was informed in tree decision notice 14/04707/TCA that the City Council as Local Planning Authority had no objection to the root's removal to enable the laying of various paving flags.

2.4 Three other mature pine trees within the garden have also been included in the order because of their amenity value to the Ranmoor Conservation Area and locality. Two further pine trees and a sycamore tree within the rear garden have been omitted from the order because of their condition or limited amenity value.

2.5 No objections to the order have been received.

##### 3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are no equal opportunities implications.

##### 4.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

4.1 There are no property implications.

4.2 Protection of trees detailed in Tree Preservation Order No. 400 will benefit the visual amenity of the local environment.

#### 5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

#### 6.0 LEGAL IMPLICATIONS

6.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).

6.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

6.3 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

6.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.400.

#### 7.0 RECOMMENDATION

7.1 Recommend Tree Preservation Order No.400 be confirmed.

Maria Duffy  
Interim Head of Planning

29<sup>th</sup> September 2015

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 400 (2015)**  
**2 Tapton Park Mount Sheffield S10 3FH**

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 400 (2015) – 2 Tapton Park Mount, Sheffield S10 3FH.

**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.

Dated this 7<sup>th</sup> day of April, 2015

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



*Duly Authorised Signatory*

15 / 372 / 1237

**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	Pinus Species (Pine)	OS Grid Ref:
T2	Pinus Species (Pine)	SK 43193863
T3	Pinus Species (Pine)	
T4	Pinus Species (Pine)	

**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	

**Notes:**

The use of this data acts as agreement to the following statements:  
 Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted.  
 This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights. Ordnance Survey 100018816 2015

**TREE SCHEDULE**

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

- T1 PINUS SPECIES (PINE)
- T2 PINUS SPECIES (PINE)
- T3 PINUS SPECIES (PINE)
- T4 PINUS SPECIES (PINE)

TREES SPECIFIED BY REFERENCE TO A GROUP - None

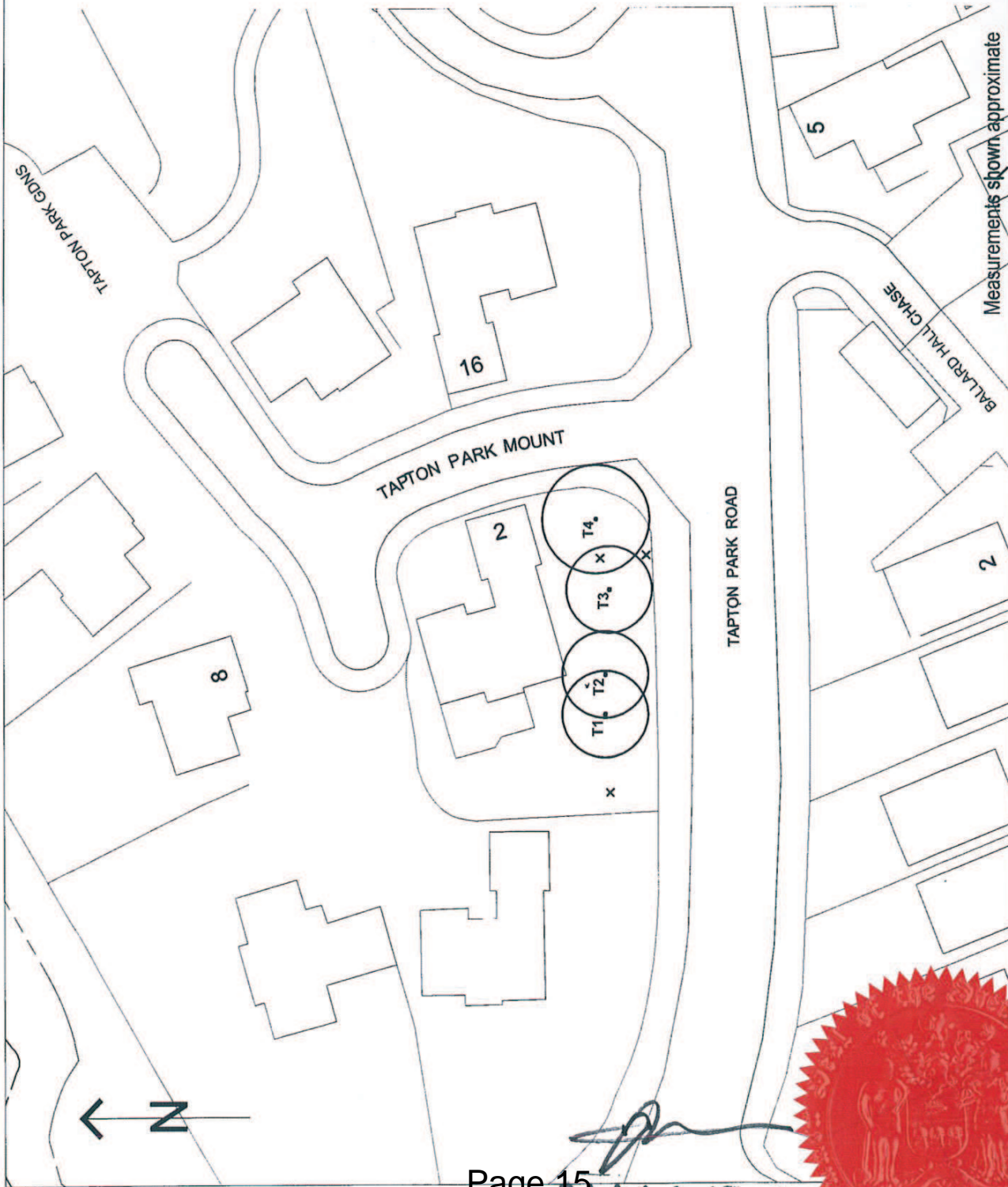
TREES SPECIFIED BY REFERENCE TO AN AREA - None

TREES SPECIFIED BY REFERENCE TO WOODLAND - None

TREE EXCLUDED FROM THE ORDER (shown with a cross on the plan) x

OS Grid Reference SK 43193863

SHEFFIELD CITY COUNCIL PLACE	
REGENERATION & DEVELOPMENT SERVICES	
SCHEME <b>TREE PRESERVATION ORDER</b> No. 400	
TITLE <b>2 TAPTON PARK MOUNT</b> S10 3FH	
SCALE <b>1:500 @ A4</b>	
Drawn By KH	Checked By Date 2.4.2015
Drawing No. <b>A4/JUED/808/400</b>	



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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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

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**Date:** 29 September 2015

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**Subject:** Tree Preservation Order No. 401,  
297 Western Bank, Sheffield, S10 2TJ

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**Author of Report:** Andrew Conwill, Urban and Environmental Design  
Team

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**Summary:** To seek confirmation of Tree Preservation Order No.  
401.

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality.

**Recommendations** Tree Preservation Order No. 401 should be confirmed.

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**Background Papers:** A) Tree Preservation Order No. 401 and map attached.

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 29<sup>TH</sup> SEPTEMBER 2015

#### TREE PRESERVATION ORDER NO. 401 297 WESTERN BANK, SHEFFIELD, S10 2TJ

##### 1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No. 401.

##### 2.0 BACKGROUND

- 2.1 Tree Preservation Order No.401 was made on 23<sup>rd</sup> April 2015 to protect a very large mature Oriental Plane tree in the front garden of 297 Western Bank. A copy of the order with its accompanying map is attached as Appendix A.
- 2.2 297 Western Bank is located within the Northumberland Conservation Area and on the 17<sup>th</sup> March 2015 notice (Tree Notice 15/00952/TCA) was received to remove the Oriental Plane tree.
- 2.3 Reasons given in the notice for removal are to prevent further damage to the property and for the safety of residents at the property. A structural inspection report prepared by JKM Building Design Ltd was submitted as part of the tree notice.
- 2.4 JKM Building Design Ltd structural inspection report was referred to Sheffield City Council's Structural and Public Safety Team for comment. The report was considered to be inconclusive in its findings and provides insufficient information to determine the tree's influence upon the property.
- 2.5 The tree has been inspected by Sheffield City Council's, Trees and Woodlands Team. The tree's overall condition was considered to be good with a long life expectancy and the applicant's concern for the safety of residents at the property can be alleviated by pruning works to the tree.
- 2.6 No objections to the order have been received.

##### 3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The tree is very large and is a prominent landscape feature. The tree is located next to Western Bank a main highway route into the city in an area of high public use and is considered to be of high visual amenity value to the locality and Northumberland Road Conservation Area.

##### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

## 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no property implications based on the information provided.

5.2 Protection of the tree detailed in Tree Preservation Order No.401 will benefit the visual amenity of the local environment.

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

## 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 The local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.401.

## 8.0 RECOMMENDATION

8.1 Recommend Tree Preservation Order No.401 be confirmed.

Maria Duffy  
Interim Head of Planning

29<sup>th</sup> September 2015

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 401 (2015)**  
**297 Western Bank, Sheffield, S10 2TJ**

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 401 (2015) – 297 Western Bank, Sheffield, S10 2TJ.

**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.

Dated this 23<sup>rd</sup> day of April, 2015

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



Duly Authorised Signatory



15/387/1284

## 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	Platanus Orientalis (Oriental Plane)	OS Grid Ref: SK 43383872

#### 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	

**NOTES / REVISIONS:**

**Notes:**

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**TREE SCHEDULE**

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

**T1 PLATANUS ORIENTALIS (ORIENTAL PLANE)**

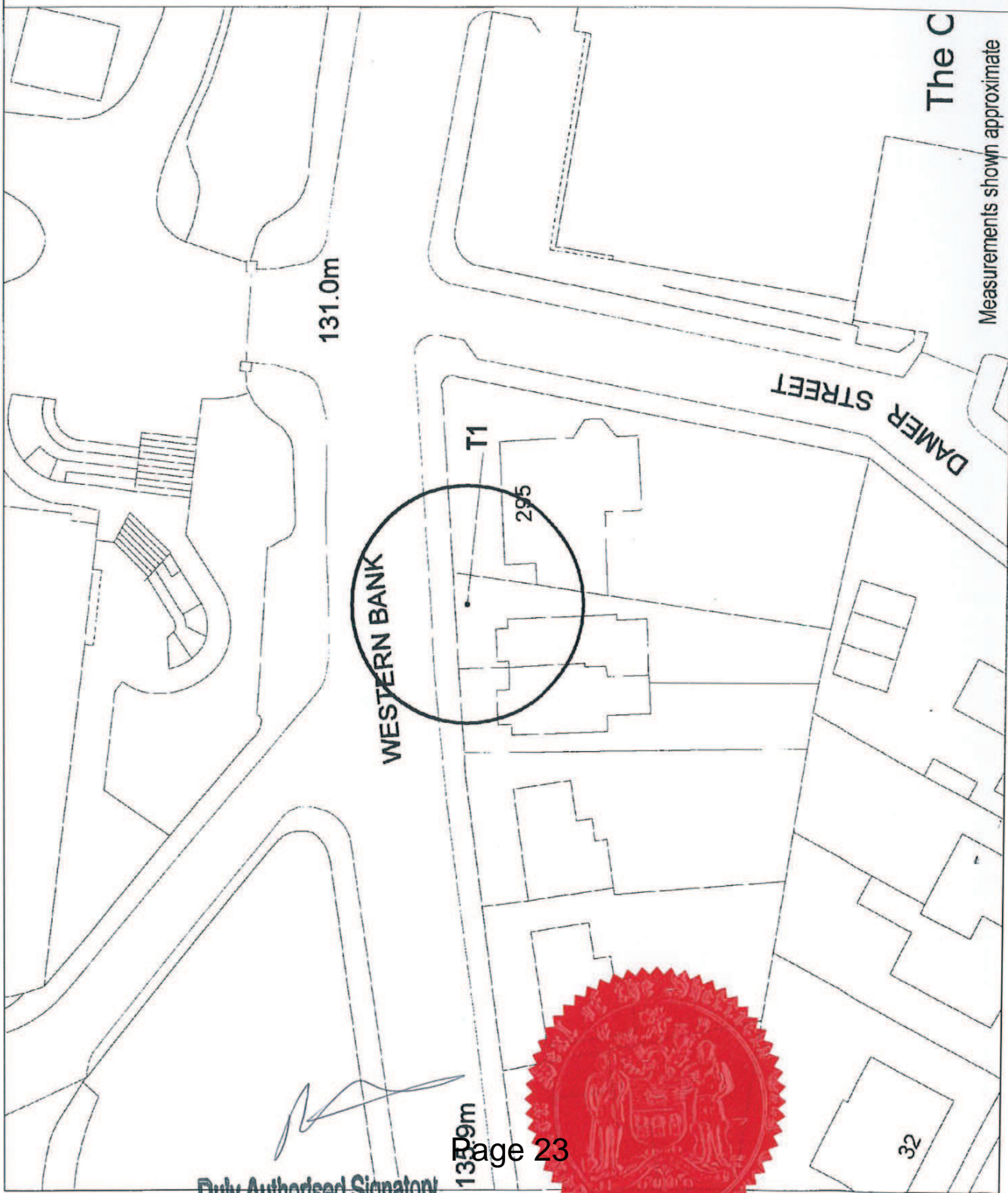
TREES SPECIFIED BY REFERENCE TO A GROUP - None

TREES SPECIFIED BY REFERENCE TO AN AREA - None

TREES SPECIFIED BY REFERENCE TO WOODLAND - None

OS Grid Reference SK43383872

<b>SHEFFIELD CITY COUNCIL</b>		
<b>PLACE</b>		
REGENERATION & DEVELOPMENT SERVICES		
<b>SCHEME</b>		
<b>TREE PRESERVATION ORDER</b>		
No. 401		
<b>TITLE</b>		
297 WESTERN BANK		
S10 2TJ		
<b>SCALE</b>		
1:500 @ A4		
Drawn By: [ ]	Checked By: [ ]	Date: 22/02/15
<b>Drawing No:</b>		
A4/JED/808/401		



Duly Authorised Signatory

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

---

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

---

**Date:** 29<sup>th</sup> September 2015

---

**Subject:** Tree Preservation Order Nr. 402  
110 Ivy Park Road, Sheffield, S10 3LD

---

**Author of Report:** Ian Stanyon, Urban and Environmental Design

---

**Summary:** To seek confirmation of Tree Preservation Order Nr. 402

---

#### Reasons for Recommendations

To protect a tree of visual amenity to the locality.

**Recommendations** Tree Preservation Order No.402 should be confirmed.

**Background Papers:** A) Tree Preservation Order No. 402 and drawing attached

---

**Category of Report:** OPEN

---

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

29<sup>th</sup> SEPTEMBER 2015

#### TREE PRESERVATION ORDER NR. 402

110 IVY PARK ROAD, SHEFFIELD, S10 3LD

#### 1.0 PURPOSE OF REPORT

1.1 To seek confirmation of Tree Preservation Order Nr.402.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 402 was served on 23rd April 2015 to protect a mature pine in the front garden of 110 Ivy Park Road, Sheffield. A copy of the Order with its accompanying map is attached as Appendix A.

2.2 The property 110 Ivy Park Road, Sheffield is located within the Ranmoor conservation area. A notification of proposed works to trees in a conservation area (Tree notice 15/02185/TCA) was received on 15<sup>th</sup> February 2015 to remove a mature pine tree located in the front garden fronting Ivy Park Road and Carsick Hill Road.

2.3 Reasons given were that the tree roots were lifting the driveway.

2.4 Root damage to the adjacent driveway referred to in the notice is considered insufficient reason to remove the tree. It is noted however, that The City Council as Local Planning Authority has no objection to the root being pruned to enable the relaying of the drive way.

2.5 The recommendation from the landscape officer was to refuse the application on the grounds that loss of the tree would affect visual amenity in the conservation area and therefore it is recommended that the TPO be confirmed.

2.6 No objections to the order have been received.

#### 3.0 VISUAL AMENITY ASESSMENT

3.1 The Pine tree is a prominent landscape feature that occupies a corner position in the front garden of the property at the junction of Ivy Park Road and Carsick Hill Road. It is highly visible from the surrounding public area and is considered to be of high visual amenity value to the locality and Ranmoor Conservation Area.

#### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

#### 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no property implications.

5.2 Protection of trees detailed in Tree Preservation Order No. 402 will benefit the visual amenity of the local environment

#### 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications

## 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.402.

## 8.0 RECOMMENDATIONS

8.1 Recommend Tree Preservation Order Nr.402 be confirmed.

Maria Duffy  
Interim Head of Planning

29<sup>th</sup> September 2015

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 402 (2015)**  
**110 Ivy Park Road, Sheffield, S10 3LD**

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 402 (2015) – 110 Ivy Park Road, Sheffield, S10 3LD.

**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.



Dated this 23<sup>rd</sup> day of April, 2015

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



Duly Authorised Signatory

15/387/1285

### 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	Pinus Species (Pine)	OS Grid Ref: SK 4311 3866

##### 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	

**NOTES / REVISIONS:**

**Notes:**

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**TREE SCHEDULE**

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

T1 PINUS SPECIES (PINE)

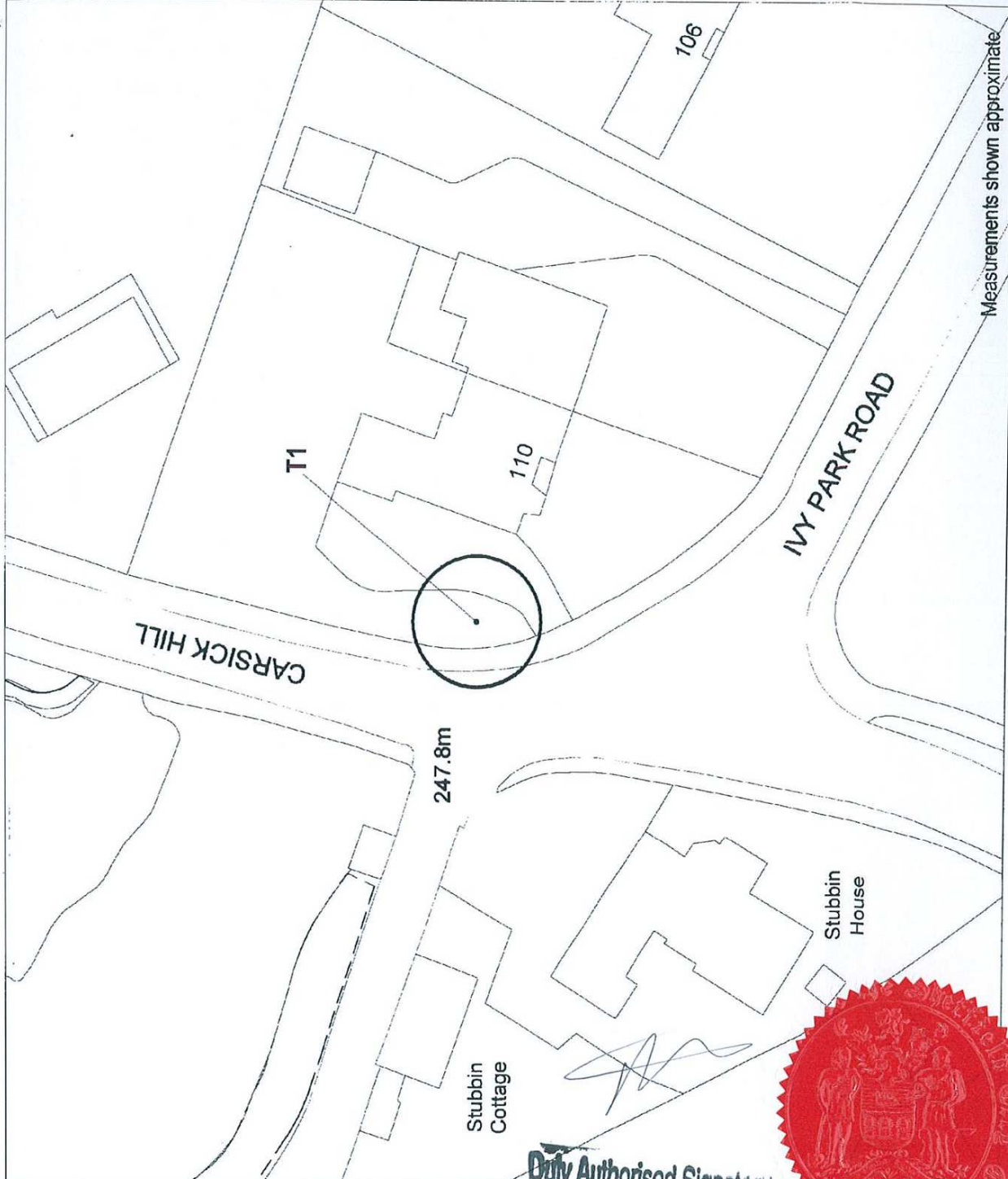
TREES SPECIFIED BY REFERENCE TO A GROUP - None

TREES SPECIFIED BY REFERENCE TO AN AREA - None

TREES SPECIFIED BY REFERENCE TO WOODLAND - None

OS Grid Reference SK 4311 3866

<b>SHEFFIELD CITY COUNCIL</b>	
PLACE	
REGENERATION & DEVELOPMENT SERVICES	
SCHEME:	
<b>TREE PRESERVATION ORDER</b>	
No. 402	
TITLE:	110 IVY PARK ROAD
	S10 3LD
SCALE:	1:500 @ A4
Drawn By:	Checked By:
RI	Date: 22/1/2015
Drawing No:	
A4/JED/808/402	



Stubbin Cottage

Stubbin House

247.8m

T1

110

106

CARSICK HILL

IVY PARK ROAD

Measurements shown approximate

Duly Authorised Signatory  
 15/387/1285





## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

---

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

---

**Date:** 29<sup>th</sup> September 2015

---

**Subject:** Tree Preservation Order Nr. 403  
Land at Storth Lane, Wharnccliffe Side

---

**Author of Report:** Jack Foxall, Urban and Environmental Design

---

**Summary:** To seek confirmation of Tree Preservation Order Nr. 403

---

#### Reasons for Recommendations

To protect four trees of visual amenity to the locality.

**Recommendations** Tree Preservation Order No.403 should be confirmed.

**Background Papers:** A) Tree Preservation Order No. 403 and map attached.

B) Letter of Support attached.

---

**Category of Report:** OPEN

---

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 29<sup>th</sup> SEPTEMBER 2015

#### TREE PRESERVATION ORDER NO. 403

Land at Storth Lane, adjoining Slack Fields Lane, Wharnccliffe Side

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 403.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order No.403 was made on 28<sup>th</sup> April 2015, on trees at land at Storth Lane, Wharnccliffe Side. A copy of the order with its accompanying map is attached as Appendix A.

2.1 Planning application reference 13/02131/FUL had been submitted for this site and was being considered by the Council at the time the Tree Preservation Order was made. The importance of retaining existing trees and measures to be incorporated into the proposed development in order to protect trees had been discussed at length with the applicant.

2.2 The Council received reports that the developer of the site was stating to potential buyers that existing trees could be removed or heavily pollarded.

2.3 Four trees along the Storth Lane boundary were found to be in good order and of significant amenity value to the local area, and Tree Preservation Order No. 403 was made to retain these trees.

2.4 Two trees on the Storth Lane boundary were omitted from the Order because of relatively poor structure due to the close proximity of neighbouring trees and issues with cavities.

2.5 No objections to the Order have been received.

2.6 One letter of support for the Order has been received, and is attached as Appendix B.

#### 3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are no equal opportunities implications.

#### 4.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

4.1 There are no property implications.

4.2 Protection of trees detailed in Tree Preservation Order No. 403 will benefit the visual amenity of the local environment.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6.0 LEGAL IMPLICATIONS

6.1 A local authority has a duty to ensure that, where appropriate, adequate provision is made for the preservation or planting of trees when granting planning permission for any development. This may be achieved by the imposition of conditions.

6.2 Where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a Tree Preservation Order (TPO) to either give effect to those conditions or otherwise (sections 197 and 198, Town and Country Planning Act 1990).

6.3 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

6.4 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

6.5 A local authority may only confirm an order after considering any representations made in respect of that order. One representation, which supports the making of Tree Preservation Order No.403, has been received.

7.0 RECOMMENDATION

7.1 Recommend Tree Preservation Order No.403 be confirmed.

Maria Duffy  
Interim Head of Planning

29<sup>th</sup> September 2015

## **Appendix A - Tree Preservation Order No 403 (2015)**

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 403 (2015)**  
**Land at Storth Lane, Wharnccliffe Side, 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 403 (2015) – Land at Storth Lane, Wharnccliffe Side, 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.

Dated this 28<sup>th</sup> day of April, 2015

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



Duly Authorised Signatory

15/389/1296

## 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	Acer pseudoplatanus (Sycamore)	OS Grid Ref: SK 4297 3942
T2	Quercus species (Oak)	
T3	Quercus species (Oak)	
T4	Fraxinus excelsior (Ash)	

#### 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**

TREES SPECIFIED INDIVIDUALLY (Encircled in black on the map)

- T1 *Acer pseudoplatanus* (Sycamore)
- T2 *Quercus species* (Oak)
- T3 *Quercus species* (Oak)
- T4 *Fraxinus excelsior* (Ash)

TREES SPECIFIED BY REFERENCE TO A GROUP: None

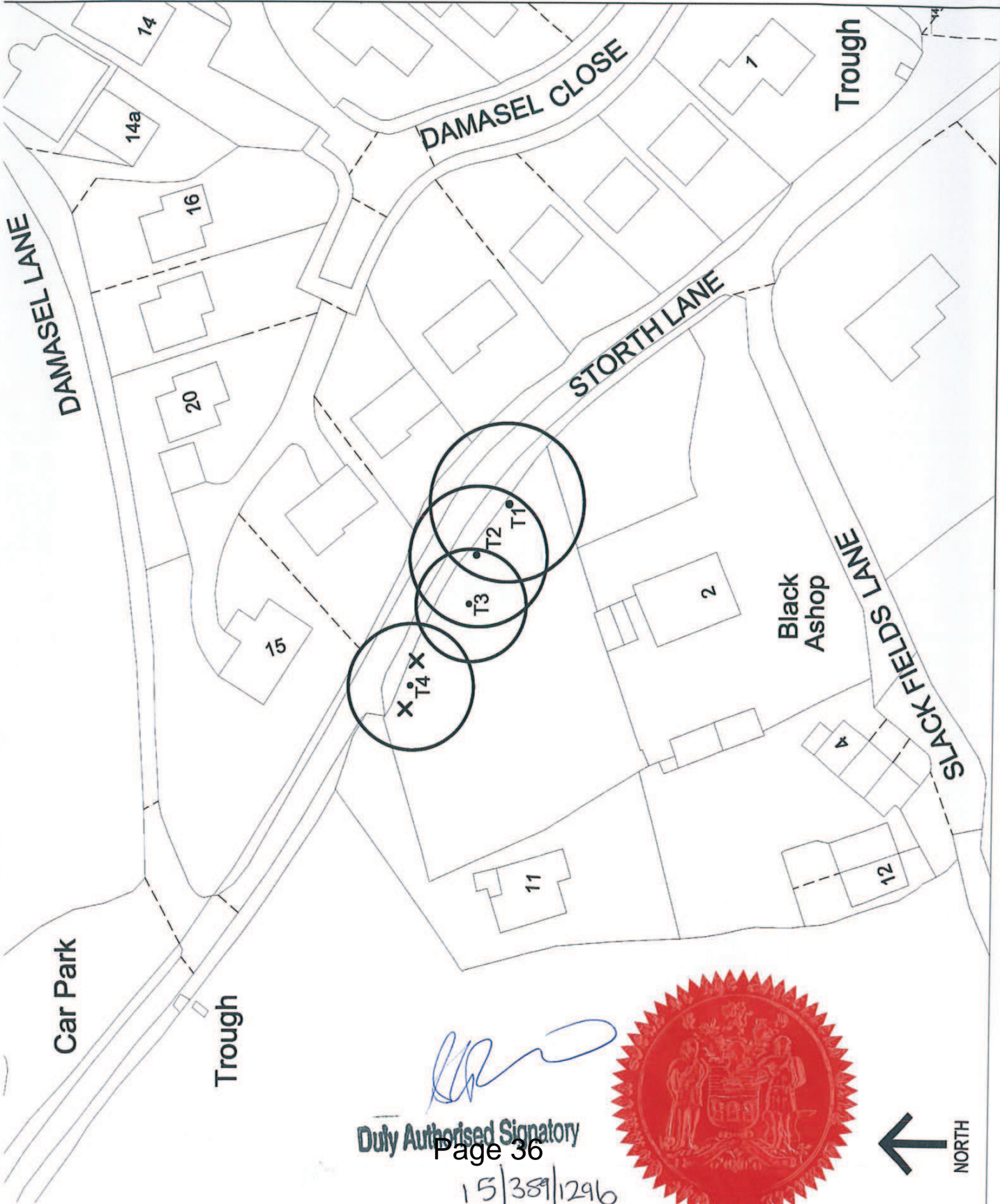
TREES SPECIFIED BY REFERENCE TO AN AREA: None

TREES SPECIFIED BY REFERENCE TO WOODLAND: None

TREES EXCLUDED FROM ORDER (Shown with a cross on the map)

OS Grid Reference 4297 3942

SHEFFIELD CITY COUNCIL	
DEVELOPMENT SERVICES	
DATE:	TREE PRESERVATION ORDER No. 808/1403
TITLE:	LAND AT STORTH LANE WHARFCLIFFE SIDE, SHEFFIELD
PERMITS:	PLACE
SCALE:	1:500 @ A3
DATE:	APRIL 2015
FILE NO:	A3/UEJ/808/1403



*[Signature]*  
 Duly Authorised Signatory  
 Page 36  
 15/389/1296





**Appendix B - Letter of Support, B & R Price, 28 May 2015**

Your Ref: LS/RC/71958

13 Damasel Close  
Wharncliffe Side  
Sheffield  
S35 0EJ

28th May 2015

Legal Services Department  
Legal and Governance  
Sheffield City Council  
Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

Dear Sir/Madam

**Re: Ref: LS/RC/71958. Tree Preservation Order No 403 – Land at Storth Lane, Wharncliffe Side, Sheffield**

Further your letter of 28<sup>th</sup> April we are writing to express our strong support for the Tree Preservation Order and urge it to be confirmed for a number of reasons:

We are very concerned that these trees are in real danger of removal and/or damage following the Planning Committee decision to grant permission for the building of a house on the site in which they stand.

These trees afford a significant amenity benefit to the locality. They, along with the existing protected trees on the other side of Storth Lane provide for a beautiful and balanced tree lined main pedestrian and vehicular access route into Glen Howe Park. Glen Howe Park is the only designated Historical Park in the northern part of the city. They will make an ongoing contribution to the enhancement of this public asset.

They make a very valuable contribution to the appearance of the wider area. They are in, and very visible from, the Green Belt Area of High Landscape Value and integral to it's character. As such they are a very important part of the landscape for the many visitors to the park, walkers as well as residents of Wharncliffe Side.

The immediate locality is teeming with birds. Bats have been identified on the site. This highly protected species may be using these trees for roosting, foraging or commuting between other habitats. The trees should be protected to enable them to continue to enhance the wildlife habitat locally.

They will, following any building on the site, form a very important role in screening to mitigate some of the visual impact. This will be especially significant for us and our neighbours on Damasel Close in addition to the other residents and visitors to the area.

However we are concerned that only four trees have been identified for protection. We request that this Order be modified to cover two additional mature Ash trees either side of T4 on the Tree Schedule. These appear to be of equal stature and value to T4 and will certainly support all the points we've made above. We can see no reason why these aren't included.

In 1992 the Council refused planning permission for a bungalow/dwelling on the site behind these trees. The applicants appealed and the appointed Planning Inspector in his 27 January 1993 decision letter considered that the trees a single house would be only acceptable...

...'provided that the handsome trees along the Storth Lane frontage were preserved.'...

Please find attached copy of the letter with the sentence highlighted. This report (which you may not have been aware of) clearly supports this view and we would urge you to take into consideration.

Yours sincerely

A handwritten signature in black ink that reads "Bryan Ruth Price". The signature is written in a cursive, flowing style.

Bryan & Ruth Price



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No 0272-218769  
GTN 1374

G Roland Adamson  
Ivy Cottage  
Charing Hill  
Charing  
ASHFORD  
Kent  
TN 27 0 LX

Your Ref: GRA/244

Our Ref: T/APP/J4423/A/92/213651/P7

Date:

27 JAN 1993

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY R HORSFIELD ESQ.  
APPLICATION NO:92/0678P

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Sheffield City Council to refuse outline planning permission for the erection of a bungalow/dwelling with an integral garage on part of the site of Damosel House, Slackfields Lane, Wharncliffe Side, Sheffield. I have considered the written representations made by you and by the council, those made by interested persons and those made directly to the council and forwarded to me. I inspected the site on 12 January 1993.

2. Although the application appeared to reserve all details of the proposal for subsequent approval, it expressly stated that the construction of a new access to a highway was involved and a new access to Storth Lane was shown on Drawing No.GRA/244/1. No indication was given that that drawing was illustrative only and the council considered it as part of the application. Indeed, the visual impact of the access shown on that plan was one of the reasons for their refusal of permission. Drawing No.GRA/244/1A, prepared for the appeal, provides, instead, for the construction of a long driveway through your client's garden and the use of the existing access from Damosel House to Slackfields Lane, a route which could only be achieved by enlarging the appeal site.

3. Given that the access details shown on the submitted drawing attracted considerable comment and objection, I consider that it could be prejudicial to the interests of third parties if I were to consider this appeal on the basis of an enlarged site and a substantially different location for the access, especially as there has been no formal opportunity for representations to be made in respect of those suggested amendments of the original proposal. I have, therefore, determined the appeal in relation to the site as originally defined and the application as framed.

4. Wharncliffe Side is a small settlement in the Don Valley about 5 miles north of Sheffield. Most of it is excluded from

the green belt which contains the northward sprawl of the city but the appeal site, along with a number of existing houses on the south-western fringe of the village, lies just within the green belt. You say that the site makes no contribution to the green belt and that the boundary of the latter should be amended when the city's unitary development plan is prepared. However, you accept that the site is currently within an approved green belt and I shall give full weight to the relevant policy of the adopted Green Belt Plan. From the representations made and my inspection of the site and its surroundings, I consider that the main issues in this case are whether the development proposed would harm the appearance and purposes of the Sheffield Green Belt and the character and appearance of the immediate locality.

5. Policy GB3 of the Green Belt Plan reflects the advice of Planning Policy Guidance Note 2 that, normally, new buildings should not be allowed in green belts except for agriculture, forestry and other uses appropriate to a rural area. It does, nevertheless, allow for the infilling of single plots within existing groups of buildings. The appeal site is part of a disused orchard on the north side and within the curtilage of your client's house. There is a modern house immediately to the west of the site and the new houses in Damasel Close contain it to the north and east. Whether viewed from the adjacent Storth Lane or from Don Avenue on the opposite side of Tinker Brook, it appears to me to form a single plot within an existing group of buildings and, consequently, I do not consider that the erection of a house on it would conflict, in principle, with Policy GB3.

6. Nor do I consider that a single house on the plot would harm the visual amenities of the green belt or the character and appearance of the immediate locality, provided that the handsome trees along the Storth Lane frontage were preserved. From the most obvious viewpoints to the north, the eye is very much drawn by the yellowish brickwork of the houses in Damasel Close, by Damasel House and Black Ashop immediately to the south of the site and by the substantial houses along Green Lane and Owler Gate on the rising ground further to the south. One more house would not be at all prominent in this setting. However, the construction of an access to Storth Lane would, in my view, not only involve additional use of a steep and narrow road, something which concerns nearby residents, but would also result, as feared by the council, in the loss of an attractive wall and trees.

7. Concerns have also been expressed by nearby residents about the overlooking of their homes, the removal of trees prior to the appeal and the disturbance of drainage. I do not consider that there need be any significant degree of overlooking of houses in Damasel Close, particularly if care were taken with the details of the design of the dwelling. The gardens and windows of those houses are, in any case, already more closely overlooked from Storth Lane than they would be from a dwelling on the appeal site. The trees in question were not, as I understand it, the subject of a tree preservation order and, although there appears to be some disagreement as to whether the site can be adequately drained, I note that the council made no reference to any problem

of that kind in refusing permission. Furthermore, a condition attached to a grant of consent could require the submission of a drainage scheme for their consideration before works started.

8. I have considered all other matters raised in representations but find none of them to be so compelling as to alter the balance of my conclusions on the main issues in this case. It follows that, so far as I am concerned, the only reason for not granting permission for your client's proposal is the potential impact of a new access from the site to Storth Lane. I appreciate that you have shown how that problem might be overcome and I note that the revised access would be acceptable to the council in their role as highway authority. However, I have explained why it would not be proper for me to give formal consideration to an alternative scheme which would involve enlarging the appeal site, building a driveway opposite houses some way from the access first proposed and greater use of an access to Slackfields Lane, which would not have been affected at all by the original access arrangements.

9. For that one reason, and in exercise of powers transferred to me, I hereby dismiss this appeal.

I am Sir  
Your obedient Servant

A handwritten signature in cursive script that reads "James Wilson". The signature is written in dark ink and is positioned below the typed name.

JAMES WILSON BA(Hons) FRTPI  
Inspector

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

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

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**Date:** 29/09/2015

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

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**Author of Report:** Lucy Bond and Chris Heeley 2734218

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**Summary:**

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#### Reasons for Recommendations

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

**Recommendations:**

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**Background Papers:**

**Category of Report:** OPEN





Application No.	Location	Page No.
15/01746/ADV	Sahib Restaurant 138 West Street City Centre Sheffield S1 4ES	<b>47</b>
15/01504/FUL (Formerly PP-04145252)	Site Of King Ecgberts Upper School Furniss Avenue Sheffield S17 3QN	<b>53</b>
15/01180/FUL	245 Ecclesall Road Sheffield S11 8JE	<b>85</b>
15/00277/OUT (Formerly PP-03788587)	Land Between Drake House Crescent And Eckington Way Drake House Way Sheffield S20 7JJ	<b>118</b>



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 29/09/2015

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	15/01746/ADV
Application Type	Advertisement Consent Application
Proposal	1 No. illuminated fascia sign
Location	Sahib Restaurant, 138 West Street, City Centre, Sheffield, S1 4ES
Date Received	13/05/2015
Team	City Centre and East
Applicant/Agent	Mr T Khawaja
Recommendation	Refuse with Enforcement Action
Date of Recommendation	29 September 2015

Subject to:

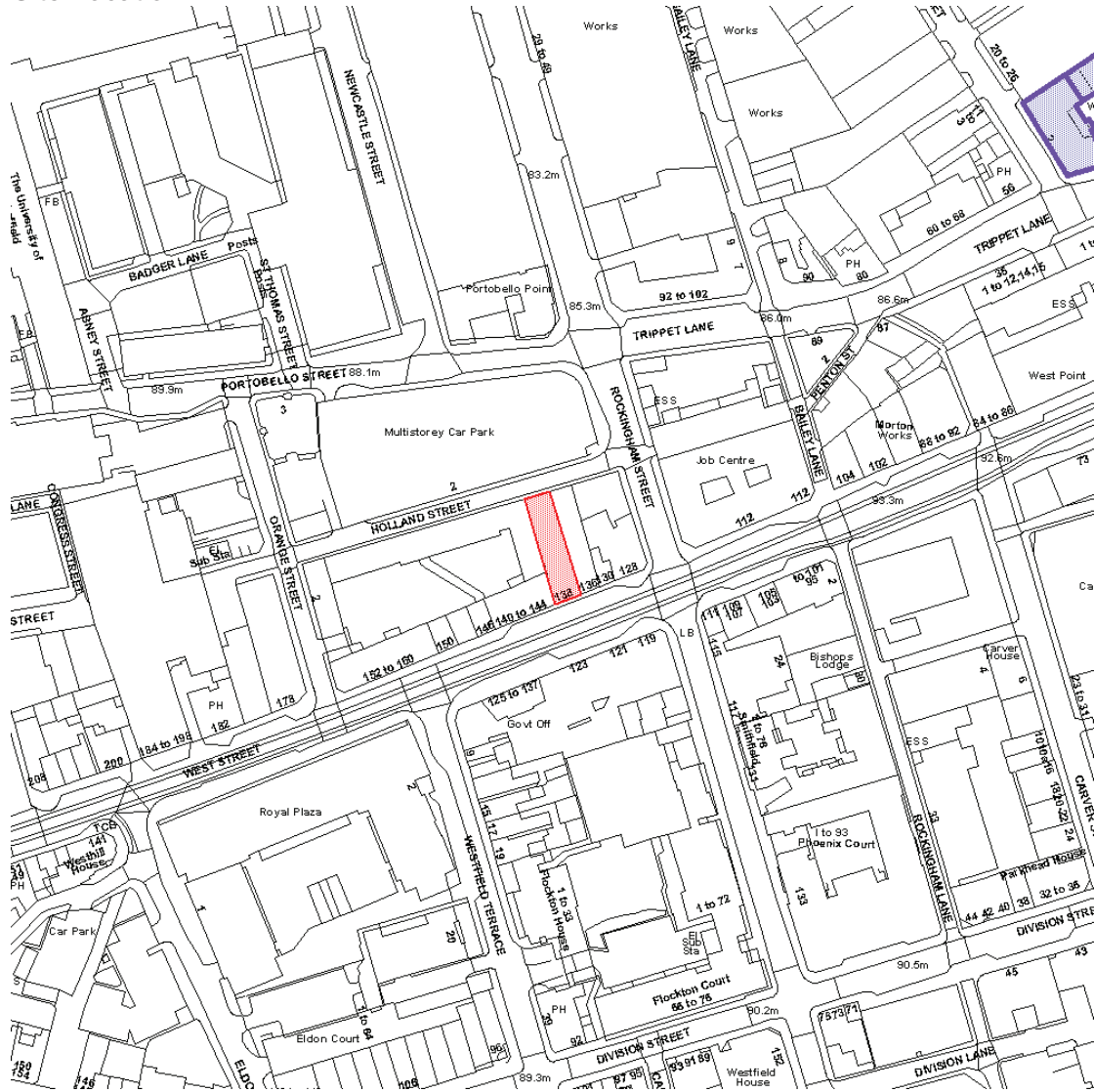
- 1 The Local Planning Authority considers that given the scale, design and siting of the fascia sign it is entirely out of character with the existing building and the wider locality, with particular note made to the adjacent City Centre Conservation Area from which it is clearly viewed. The sign is therefore considered to be contrary to Paragraph 67 of the National Planning Policy Framework, Policy BE13 (Advertisements) and Policy BE16 (Development

in Conservation Areas) within the adopted Sheffield Unitary Development Plan.

Attention is Drawn to the Following Directives:

1. The Director of Development Services or Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the sign. The Local Planning Authority will be writing separately on this matter.
2. The applicant is advised that this application has been refused for the reasons stated above and taking into account the signage details received on 15 May 2015.
3. Despite the Local Planning Authority trying to negotiate in a positive and proactive manner during the life of the application the proposal has shown insufficient regard for policy requirement(s), so it has not been possible to reach an agreed solution.

# Site Location



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## LOCATION AND PROPOSAL

The application site is located on the northern side of West Street, close to the junction with Rockingham Street. It comprises of a ground floor restaurant/takeaway within a four storey building, the upper floors of which are in residential use. The unit is flanked on both sides by late night bars (West Street Live and Lava Lounge) and given the city centre location there are a variety of commercial uses in the vicinity.

The applicant is seeking retrospective advertisement consent to retain an illuminated fascia sign on the building. The sign, which is internally illuminated, measures 1.79 metres in height and 4 metres in width.

The site is located within the Central Shopping Area as defined by the Sheffield Unitary Development Plan. In addition, the City Centre Conservation Area is set approximately 25 metres to the east and an Area of Special Character bounds the site to the immediate west.

## RELEVANT PLANNING HISTORY

Historically the unit has been used as a restaurant and a recent change of use application (14/01103/CHU) allowed a combined use of restaurant and takeaway (A3/A5).

## SUMMARY OF REPRESENTATIONS

None received.

## PLANNING ASSESSMENT

### Visual Impact

Paragraph 67 of the National Planning Policy Framework states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.'

Policy BE13 (Advertisements) within the UDP sets out criteria that should be met for internally illuminated fascia signs to be considered as acceptable. In this regard BE13 states that such signage should not harm the character or appearance of the area due to size, colour or intensity of light.

Policy BE16 (Development in Conservation Areas) within the UDP states that developments that affect the setting of a conservation area should preserve or enhance the character or appearance of the area.

The proposed sign clearly stands out against other fascia signs in the vicinity principally because of its size, measuring 7.16 square metres. The result is a sign that is notably disproportionate when considered in the context of the existing

façade. Indeed the sign is a similar size to the shop front that sits below and the large residential windows above. There are no special characteristics or circumstances on the existing fascia that justify such an approach.

In addition, other elements of the overall signage design increases the level of prominence and the uncomfortable relationship with the existing facia and surroundings. These include:

- The box nature of the sign standing proud of the façade.
- The siting of the sign resulting in it screening the top glazing bar within the shop front and extending beyond the side glazing bars.

Given the above, the current sign is considered to be entirely out of character with the existing building and the wider locality, with particular note made to the adjacent City Centre Conservation Area from which it is clearly viewed. The sign is therefore considered to be contrary to Paragraph 67 of the National Planning Policy Framework, Policy BE13 (Advertisements) and Policy BE16 (Development in Conservation Areas) within the adopted Sheffield Unitary Development Plan.

#### Highways

Policy BE13 (Advertisements) within the UDP sets out criteria that should be met for internally illuminated fascia signs to be considered as acceptable. In this regard BE13 states that such signage should not be a traffic hazard.

Although the signage is illuminated, this is static in nature and not excessive in terms of luminance.

The proposal therefore creates no highway concerns.

#### Enforcement

It is requested that the Director of Regeneration and Development Services or Head of Planning be authorised to take all necessary steps, including, enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the signage.

It is also requested that 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.

#### SUMMARY AND RECOMMENDATION

Given the scale, design and siting of the fascia sign the Local Planning Authority considers it to be entirely out of character with the existing building and the wider locality, with particular note made to the adjacent City Centre Conservation Area from which it is clearly viewed. The sign is therefore considered to be contrary to Paragraph 67 of the National Planning Policy Framework, Policy BE13

(Advertisements) and Policy BE16 (Development in Conservation Areas) within the adopted Sheffield Unitary Development Plan.

The recommendation is therefore to refuse the fascia sign and sanction the enforcement procedures detailed within the above assessment.



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Case Number	15/01504/FUL (Formerly PP-04145252)
Application Type	Full Planning Application
Proposal	Erection of 58 dwellinghouses and 6 affordable housing apartments, public open space and alterations to public highway
Location	Site Of King Ecgberts Upper School Furniss Avenue Sheffield S17 3QN
Date Received	28/04/2015
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject Unilateral Agreement

Subject to:

**Time limit for Commencement of Development**

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.

**Approved/Refused Plan(s)**

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

3656/10 Rev E (site layout) (excluding boundary treatments to plots 2-8; 42-43; 45-52; and 60-63)

3656/12 (street scene - View B only)

3656/13 Rev A (sections and street scene)

3656/15 Rev A (boundary treatments)

3656/PD/01 (Bardale floor plans)

3656/PD/02 Rev A (Bardale elevations)

3656/PD/03 Rev B (Oak house type)

3656/PD/04 Rev A (Fulford floor plans)

3656/PD/26 (Fulford floor plans - plots 35/36)

3656/PD/05 Rev B (Fulford elevations)

3656/PD/27 Rev A (Fulford elevations - plot 35)  
3656/PD/08 Rev A (Higham/Rowsley floor plans)  
3656/PD/16 (Higham/Rowsley floor plans - plots 33/34)  
3656/PD/09 Rev B (Higham/Rowsley elevations)  
3656/PD/17 Rev A (Higham/Rowsley floor plans - plots 33/34)  
3656/PD/10 Rev A (Grassington house type)  
3656/PD/18 Rev A (Grassington house type - plots 43/58/59)  
3656/PD/19 Rev A (Grassington house type - plots 41/42)  
3656/PD/11 Rev B (Mayfield floor plans)  
3656/PD/20 (Mayfield floor plans - plot 6)  
3656/PD/22 (Mayfield floor plans - plot 57)  
3656/PD/12 Rev C (Mayfield elevations)  
3656/PD/21 Rev A (Mayfield elevations - plots 6/44)  
3656/PD/23 Rev A (Mayfield elevations - plot 57)  
3656/PD/13 Rev B (Deighton floor plans)  
3656/PD/24 Rev A (Deighton floor plans - plot 53)  
3656/PD/14 Rev B (Deighton elevations)  
3656/PD/25 Rev A (Deighton elevations - plot 53)  
3656/PD/15 Rev A (garages)  
SuDS Audit/Overview (Eastwood \_ Partners 21/07/2015)

Reason: In order to define the permission.

#### **Pre-Commencement Condition(s)**

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

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

5. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

7. 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, including the permanent stopping up and reinstatement to kerb and footway of all redundant accesses, 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. Notwithstanding the approved boundary treatments, alternative details of the boundary treatments to Plots 2-8; 42-43; 45-52; and 60-63 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 and the dwellings shall not be used unless the approved boundary treatments have been provided in accordance with the approved details and thereafter such boundary treatments shall be retained.

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

9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

10. 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.

11. 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.

12. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the routing and management of vehicles to avoid conflict with school opening and closing times and arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only by the approved routes and at the approved points.

Reason: In the interests of protecting school students and the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

#### **Pre-Occupancy and Other Stage of Development Condition(s)**

13. The apartments shall not be used unless the cycle parking accommodation shown on the approved plans has been provided in accordance with further details to have first been submitted to and approved in writing by the Local Planning Authority and thereafter such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Core Strategy Policy CS53.

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

Reason: To ensure the maintenance and management of the open space areas.

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

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 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.

17. 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.

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

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

19. 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.

20. 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.

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 access road to the adjoining school playing field shall not be used unless treatment to prevent unauthorised vehicular access to the playing field has been erected in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. Thereafter such treatment shall be retained.

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

### **Other Compliance Conditions**

23. All private drives shall be constructed with permeable/porous surfaces unless otherwise approved in writing by the Local Planning Authority. Thereafter the permeable/porous surfaces shall be retained.

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

24. The development shall incorporate bird nesting boxes and bat boxes in accordance with details to have been submitted to and approved in writing by the Local Planning Authority. The approved bird nesting boxes and bat boxes shall be provided prior to the occupation of the dwellings, or within an alternative time frame agreed in writing by the Local Planning Authority, and shall thereafter be retained.

Reason: In the interests of promoting biodiversity.

25. Surface water and foul drainage shall drain to separate systems.
- Reason: To ensure satisfactory drainage arrangements.
26. 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.
27. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- Reason: In order to ensure that any contamination of the land is properly dealt with.
28. The gradient of the access road shall not exceed 1:20 for the first 10 metres from Furniss Avenue, unless otherwise approved by the Local Planning Authority.
- Reason: In the interests of the safety of road users.
29. The gradient of the driveways to the dwellings shall not exceed 1:12 unless otherwise approved by the Local Planning Authority.
- Reason: In the interests of the safety of road users.
30. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.
- Reason: In the interests of the visual amenities of the locality.
31. The proposed green roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation

works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

33. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement to the roof of the dwellings to Plots 2, 3, 20, 21, 24, 25, 28, 29, 32 and 33 which would otherwise be permitted by Class B to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

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 dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
3. 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. 0730 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 SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

4. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).
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. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit [www.livingroofs.org](http://www.livingroofs.org) or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
7. You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.
8. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a

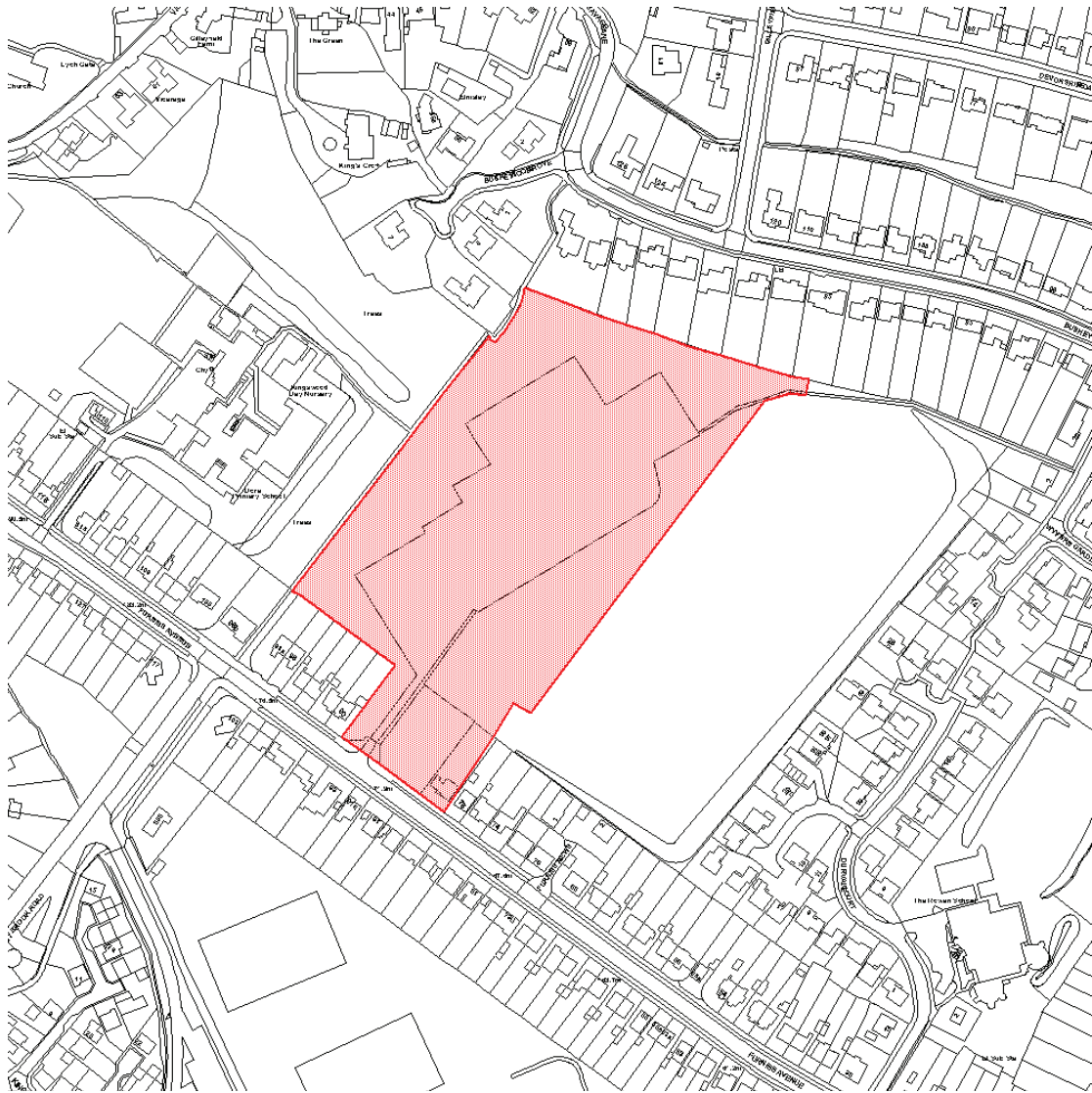
fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

9. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
10. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
11. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

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

## Site Location



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## LOCATION AND PROPOSAL

The site is part of the former King Egbert School (Mercia site) which is currently owned by the Council and is surplus to requirements. The school was replaced on the Wessex site off Totley Brook Road approximately 12 years ago, and the old school was demolished shortly afterwards. A former caretaker's house close to the Furniss Avenue frontage was demolished approximately 4 years ago. Since the demolitions, the site has been neglected and is becoming increasingly overgrown.

The site covers approximately 2.84 hectares and has a frontage of approximately 50 metres to Furniss Avenue. It adjoins housing in Furniss Avenue and Bushey Wood Road to the north and south, a school playing field to the east and an adopted public footpath to the west. Beyond the public footpath is a large area of informal open space (Kings Croft), Dore Primary School and Kingswood Day Nursery.

There are a number of trees within and adjoining the site. Most notable are 2 individual mature Oaks towards the eastern boundary, a group of 4 Norway Maple/Poplar towards the northern boundary, a group of 4 Silver Birch/Alder within the more central area, several groups of trees and individual specimens to the southern boundary, some of which are in adjoining gardens, and several individual Silver Birch towards the Furniss Avenue road frontage.

The playing field to the east of the application site has been retained for use in connection with the new King Egbert School. It is also used by the wider community outside school hours.

The land rises to the north and west. Vehicular access is taken from Furniss Avenue. An unadopted public footpath links Furniss Avenue and Wyvern Gardens and runs close to the boundary with the playing field. The adopted footpath to the west of the site links Furniss Avenue with Bushey Wood Road. The footpath is channelled at the northern end between the private gardens to dwellings in Bushey Wood Road and Bushey Wood Grove, respectively. An informal grass pathway links the adopted and unadopted footpaths at the northern end of the site.

The application proposes a total of 64 dwellings comprising a mix of 3; 4 and 5 bedroom detached and semi-detached houses and a block of 6 x 2 bedroom flats. The flats represent a proportion of the Affordable Housing contribution, the remainder of which will be provided off site. Access to the site will be taken from Furniss Avenue at the mid-point of the road frontage. The layout includes diversion of two footpath routes within the site and the provision of a new vehicular access to allow maintenance of the playing field.

The proposals have been amended during the course of the application to improve the road layout and footpath connections at the northern end of the site, reposition several plots to the rear of the existing dwellings in Furniss Avenue and to remove originally proposed landscaping from an area not included in the land sale.

## RELEVANT PLANNING HISTORY

Outline planning permission for 65 dwellinghouses was granted in November 2013 (ref 13/02249/RG3) prior to marketing the site. Approval was granted for the means of vehicular access, layout and scale of development with the appearance of the dwellings and the landscaping details being reserved for subsequent approval. The location and style of dwellings within the plots was purely indicative but the scale was approved at heights of 2 and 3 storeys with the 3 storey accommodation being predominantly in the roof spaces.

A condition attached to the 2013 permission required an affordable housing contribution equivalent to 30% of the floor space of the development or an alternative percentage based on the viability of the scheme. The condition also required a minimum of 6 affordable housing units to be provided on site. The indicative plans showed 6 x 2 bedroom houses to meet the on site contribution. The indicative plans showed 6 x 2 bedroom houses as an on site contribution to affordable housing.

Planning permission to develop the site to provide 106 dwellings had previously been refused in 2007 (ref 06/02772/FUL) and an appeal was subsequently dismissed following a Public Inquiry. Refusal was on the grounds of poor quality design and layout, including the relationship with the playing field, footpath links and car parking, together with insufficient provision for inclusive access and the potential impact on trees. The Inspector upheld the issues relating to inclusive access and trees but did not uphold the Council's concerns about design and general layout. Criticism was also levelled at the Council's failure to produce a Planning Development Brief prior to marketing the site.

Prior to that outline planning permission for the residential development of the site had been granted in 2001 (ref 00/01441/OUT) and an application for full planning permission for 89 dwellings was withdrawn in April 2006 (ref. 05/04521/FUL). The withdrawal was due to officers concerns about the development combined with the applicant's desire to review the site following a takeover of the relevant house building company.

Planning permission for the replacement King Egbert School was granted in 2002 (ref 02/03231/FUL).

The demolition of the caretaker's dwelling was granted in September 2011 (ref 11/02614/DPNRG3). The boundary planting (tall leylandii) was conditioned to be retained in order to maintain visual amenity in the period between demolition and redevelopment. This is still in place.

## SUMMARY OF REPRESENTATIONS

Original Submission

9 representations have been received from local residents (2 from same person):

#### Scale/Mix:

- Substantial height of Bardale apartments and Fulford house types (plots 9-14) which contradict Planning Brief that stated new development to be in keeping with existing scale, generally two storeys – 3 storeys are contrary to current housing and too tall in relation to two storey dwellings in Furniss Ave – should be moved further from boundaries
- Significant shortage of 'cheaper' properties in Dore, including for downsizing – would benefit from more single and two storey properties

#### Residential Amenity:

- Vital that trees screening Furniss Avenue gardens are subject to strong safeguards –attractive Silver Birch trees along entrance drive should also be retained
- Severe impact on outlook and privacy of almost all homes around the site – height of dwellings will lose privacy and block views from houses in Furniss Avenue – view already affected by development at Dore School
- Requests confirmation that house behind 97 Bushey Wood Road will not invade privacy – appears higher on sectional drawings than expected and previously assured

#### Infrastructure:

- Impact on already overloaded local infrastructure – could be around 250 new residents
- more environmentally friendly solution by building fewer homes which will improve appearance of site without overloading infrastructure and further compromising road safety
- Impact on local schools – Dore Primary and King Ecgbert already oversubscribed – adding 60 houses designed for families could have unsustainable impact – what provision does application have to fund increase in school places?
- Impact on local GP surgery – already long wait for appointments – developer should fund expansion

#### Traffic/Pedestrian Safety:

- Dore Village already close to impassable, particularly in school run, with Furniss Avenue often completely blocked – inevitable increase in road traffic will make matters worse including air pollution and road safety
- Concern at lack of visitor parking for use in connection with sports field in evenings and at weekends – will inevitably use Furniss Ave and possibly Bushey Wood Rd as car parks which will inconvenience residents, potentially obscure turn out from new development and potentially block bus route
- Existing well trodden footpaths towards northern boundary are used to access schools – requests condition that footpath routes are maintained in same location at all times during construction

Other:

- Accepts development of underused and unattractive brownfield site – number of dwellings seems reasonable and preferable to larger numbers previously applied for (2006) but still has reservations (above)
- Query re site boundary – includes land not included in previous application

Dore Village Society has made representations:

- 3 storey virtual terrace to north-east boundary unacceptable – prevents vistas from public footpath across the Sheaf Valley to Bradway and Derbyshire countryside beyond being enjoyed by local community
- Boundary fence to north-east boundary will physically enclose footpath, removing openness and enjoyment of use
- Will damage amenity of Kings Croft open space due to visual enclosure
- Adverse impact on character and setting of Dore Conservation Area due to siting of 3 storey dwellings – views are integral to special architectural and historic interest
- Layout does not establish a strong sense of space or completely inclusive arrangement of dwelling units – fragmented arrangement along rear boundary of Bushey Wood Road; cramped and constrained environment for proposed flats and their parking area due to proposed retaining wall to public footpath and a pair of dwellings is isolated by the estate road and turn backs on dwellings to rear – location of social housing appears contrary to Govt and Council's aims for mixed development
- Continuity of proposed footpath link at northern end is unnecessarily disrupted by highway crossings
- Proximity of dwellings to rear of Bushey Wood Road dwellings will cause of loss of privacy in gardens and will harm neighbourhood character by reducing open aspect and amenity of adjoining residents
- Inadequate provision for school and community parking associated with use of playing field – on-street parking will be damaging to new residents
- (references to the National Planning Policy Framework (paragraphs 56-58; 66 and 129) and the UDP (Policies BE1; BE2; BE15; and H14) are quoted in the representation)

Councillor Martin Smith has made representation:

- Concerns about height and massing of buildings to north-west boundary, particularly the row of semi-detached houses – height, coupled with minimum separation, effectively creates a terrace that will dominate this location – this part of the design is inappropriate and quite unlike anything else in the area
- Lack of off-street parking near sports field will lead to significant problems for new residents and footballers
- Any planning permission should include condition to maintain access to playing field from Furniss Avenue at all times and a requirement for a traffic management plan before work begins on site, including HGV ban during school pick-up/drop-off – Furniss Ave incredibly busy due to 3 schools and

lessons need to be learnt from absence of such a plan associated with development at Rowan School

Councillor Colin Ross has confirmed his support for Councillor Smith's comments and also notes the need for toilet and storage facilities to be provided for the playing fields as the present circumstances are not sustainable once housing is developed on the site.

Councillor Joe Otten confirms that his views reflect Councillor Smith's comments in respect of parking for and access to the sports field, and the transport plan.

#### Amended Submission

6 representations have been received following consultation about the amended plans.

2 of the representations (from the same person) relate to a current situation where access from a private rear garden has been blocked. This concern is not directly connected to the application proposals and the concern has been passed on to the landowner for investigation.

The remaining representations are summarised below:

- 2 large houses will overlook 99 Bushey Wood Road and take away all privacy – height should be reduced and windows obscure glazed
- Single storey properties preferred at bottom of gardens (Bushey Wood Road)
- Requests confirmation that houses backing on to 97 and 99 Bushey Wood Road have been lowered to maintain privacy
- Acknowledges improvements in layout relative to Furniss Avenue but disappointed that the flats and houses have not moved further from the boundary to reduce the overall height
- Previous concerns about trees, traffic and impact on local infrastructure remain relevant
- Amendments still show determination to move away from the agreed Planning Brief and retain affordable housing (flats) at rear of Furniss Avenue
- Flats moved to highest point – will give new residents panoramic views, including direct visual access into Dore School
- Why is there a need for the bunching of affordable homes? – Furniss Avenue has managed for 80 years without high rise and there is a plethora of affordable homes at the nearby Totley Brook estate
- No objection to building new homes but wishes to live in peace with neighbours and not be conscious of being overlooked – requests affordable homes to be moved downhill



## PLANNING ASSESSMENT

### Policy

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The Housing designation is retained in the Sheffield Local Plan (SLP) Draft Proposals Map. The site is not included in any special designations but the boundary of the Dore Conservation Area includes the Kings Croft open space on the opposite side of the public footpath to the north-east boundary of the site. This part of the boundary of the Conservation Area extends over a distance of approximately 60m alongside the footpath.

The most relevant UDP and SLP Core Strategy policies are:

- BE5 (Building Design and Siting)
- BE6 (Landscape Design)
- BE9 (Design for Vehicles)
- BE10 (Design of Streets, Pedestrian Routes, Cycleways and Public Spaces)
- BE12 (Public Art)
- GE10 (Green Network)
- GE11 (Nature Conservation and Development)
- GE15 (Trees and Woodland)
- H7 (Mobility Housing)
- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)
- H16 (Open Space in New Housing Developments)
- T8 (Pedestrian Routes)
- T25 (Car Parking in Residential Areas)
- CS22 (Scale of the Requirement for New Housing)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)
- CS31 (Housing in the South West Area)
- CS40 (Affordable Housing)
- CS41 (Creating Mixed Communities)
- CS43 (Schools)
- CS53 (Management of Demand for Travel)
- CS63 (Responses to Climate Change)
- CS64 (Climate Change, Resources and Sustainable Design of Developments)
- CS65 (Renewable Energy and Carbon Reduction)
- CS67 (Flood Risk Management)
- CS74 (Design Principles)

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

only. However, the CPS policies generally raise no issues over and above those contained in the quoted UDP and Core Strategy policies.

The site is allocated for Housing (Use Class C3) or Residential Institutions (Class C2) in the CPS. Some degree of weight can be given to this allocation in the absence of any objection to the Housing allocation. However, there remains an unresolved objection to the absence of any requirement for car parking provision for the adjoining playing field in the conditions attached to the Housing allocation.

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

The following documents are also relevant:

- Supplementary Planning Guidance “Designing House Extensions”. Whilst not strictly applicable to these proposals, the guiding principles for protecting residential amenity are relevant.
- Interim Planning Guidance “Affordable Housing”
- Supplementary Planning Guidance “Mobility Housing”
- Supplementary Planning Document “Climate Change and Design”

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

A Planning and Design Brief for the site was prepared as part of the Local Growth Fund programme. The Brief was publicly consulted on between October and December 2012 and was subsequently approved by Members of the Planning Committee in March 2013. As such, it remains a material consideration in determining this application.

#### Principle of Proposed Development

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies. A key thread throughout the NPPF is a presumption in favour of sustainable development.

The NPPF sets out 12 Core Principles (para.17) which include encouraging the re-use of previously developed land. The Core Principles also seek to secure high quality design and a good standard of amenity for existing and future occupiers of land and buildings

The NPPF (para.47) requires local planning authorities to identify specific deliverable sites sufficient to provide a 5 year supply of housing. Paragraph 50 says that local authorities should plan to deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

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

Housing uses are preferred in accordance with UDP Policy H10 and the site has been allocated for Housing or Residential Institutions in the CPS. The approved Planning and Design Brief relates to the development of the site for Housing and the principle of residential development been accepted in previous applications, most recently in the extant outline planning permission for 65 dwellings (ref 13/02249/RG3).

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

#### Housing Density

The density proposed equates to 22.5 units per hectare. This is significantly below the 30-50 density normally expected within this type of location as set out in Core Strategy Policy CS26 but is only marginally lower than the density in the extant planning permission (22.8/ha). The policy provides scope for densities outside the normal range where they achieve good design, reflect the character of an area or protect a sensitive area. Policy CS31 adds weight to the consideration of lower density schemes by giving priority to safeguarding and enhancing the areas of character in the South West Area.

This part of Dore cannot be described as having any particularly distinct townscape. It generally comprises detached and semi-detached houses fronting the main routes (Furniss Avenue and Bushey Wood Road) between the centre of Dore and Abbeydale Road South. These properties follow generally strong building lines and have long rear gardens. There are also smaller estate developments with cul-de-sacs off a spine road (eg. Wyvern Gardens and Kings Coppice).

Densities in the immediate area are typically around 12-15 units/ha with a density of approx 20 units/ha in Durvale Court/Wyvern Gardens (opposite side of the playing fields). There are also higher density schemes such as in the newer developments around Totley Brook Road (30 units/ha) and the development at the end of King Ecgbert Road (44 units/ha).

The proposed layout has its own identity which draws on local characteristics without reflecting the surrounding developments. Despite the low density, plot sizes are relatively small and there is a variety of house types ranging from 2 to 5 bedrooms.

In this context, the lower density cannot be reasonably justified on the grounds that it is necessary in order to reflect local character. It is worth noting that the higher

density scheme proposed in 2006 had a density of 37.3 units/ha and was not considered harmful to the character of the area in the subsequent appeal decision.

Notwithstanding the above, the scheme does achieve good design, particularly through the inclusion of several green spaces. The green spaces cover approximately 15% of the site area, marginally more than in the 2013 permission. They are included in order to create focal points and visual amenity within the development whilst maintaining green links and a view between the open spaces to the east and west of the site. The green spaces significantly contribute to the quality of the layout and broadly accord with requirements set out in the approved Planning Brief for the site. A higher density scheme would require the loss of green space and/or the inclusion of more apartments in lieu of a variety of house types. These factors would result in a lower quality environment.

In view of the above, it is considered that the lower density scheme remains justified in this instance.

#### Housing Mix

The proposals are broadly representative of the results of specialist research into the current housing market which was commissioned prior to the submission of the 2013 application and indicated a market preference for larger family housing (3+ bedrooms) with a smaller number of 5 bed properties. The proposals comprise:

- 6 x 2 bed apartments
- 28 x 3/4 bed houses
- 18 x 4 bed houses
- 12 x 5 bed houses

Core Strategy Policy CS41 promotes mixed communities by encouraging housing developments to meet a range of needs including a mix of prices, sizes, types and tenures. The policy includes a requirement for homes for larger households, especially families, in areas outside the City Centre and other highly accessible locations.

The proposals create a good mix of housing with opportunities for different sized households albeit with the 2 bed units being exclusively for Affordable Housing. In these respects the proposals comply with Policy CS41.

25% of units would normally be required to meet 'mobility housing' standards in accordance with UDP Policy H7 and the Supplementary Planning Guidance "Mobility Housing". However, a Ministerial Statement issued in March 2015 prevents local planning authorities from setting any additional local technical standards relating to the construction, internal layout or performance of new dwellings. The government has created a new system which includes optional new national space standards that will complement the existing Building Regulations. This effectively supersedes Policy H7 and prevents any requirement for mobility housing from 1 October 2015, the date on or around which the decision is likely to be issued.

## Affordable Housing

Core Strategy Policy CS40 requires a contribution towards Affordable Housing, subject to financial viability. The associated Interim Planning Guidance “Affordable Housing” (IPG) seeks to provide a contribution of 30% which should normally be provided on site. An off-site contribution can be accepted if it would have a better outcome for overall Affordable Housing provision.

In considering the 2013 outline application, it was noted that the nearby Totley Brook and New Totley estates provide the potential to deliver a much higher number of units off-site than the policy requirement would allow to be provided on-site. However, it was considered unlikely that the full contribution could be spent within these areas within the 5 year timescale that would be included in any legal obligation. It was therefore agreed and conditioned that a minimum of 6 affordable housing units would be provided within the development with the remaining contribution to be provided off site through a commuted sum (subject to viability testing).

The proposals include on-site provision of 6 x 2 bed apartments (equivalent to a contribution of £759,402) and a commuted sum of £2,841,150 for off-site provision (equivalent to 45 houses). The level of provision equates to 18.4% which is significantly below the minimum 30% required to comply with the IPG.

The NPPF at paragraph 173 states that “to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....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”.

Where proposed provision for affordable housing falls short of the policy requirement, the viability of the scheme is routinely independently assessed by the District Valuer (DV) in line with the stance in the NPPF. In this instance, the DV has concluded that the level of provision is appropriate having regard to the costs of development, reasonable profit margins and, importantly, the purchase price for the site.

However, the DV’s report indicates that a total contribution equivalent to 30% (£5,856,917 including the value of the 6 on-site units) could be delivered whilst retaining scheme viability with, importantly, a reasonable land value, and reasonable developer profit. In these circumstances a full 30% contribution is therefore considered necessary in order to meet the requirements of Policy CS40.

The developer’s offer leaves a shortfall of £2,256,365. Given that any agreed purchase price (land value) should consider any planning obligations, the full affordable housing contribution would typically reduce the capital receipt payable to the landowner. However, in this instance, this sum will still be paid to the Council as landowner of the site as part of the capital receipt.

The Council is in the unique position of being able to reinvest money from the sale of the site. In addition to the £2,841,150 contribution towards the delivery of

affordable housing in the local area, the shortfall of £2,256,365 is recommended to be committed from the capital receipt to the Council's Local Growth Fund to promote housing delivery and economic regeneration.

The Council receives New Homes Bonus funding from Central Government that is allocated to a Local Growth Fund. The Local Growth Fund Investment Strategy sets out the strategy to increase available housing by delivering more new homes and reducing the number of long term empty properties. It aims to do this by addressing the key challenges and opportunities which affect housing delivery in the City, including:

- Overall land supply and choice of sites
- Housing market conditions and site viability
- Affordability and availability of mortgage finance
- Place-making
- Long term empty properties
- Design quality
- Economic regeneration
- Restarting the City Centre Housing Market

Investment is prioritised to projects which deliver significant impact in terms of increasing housing delivery and the ability to bring empty homes back into use. The more new housing that is delivered the more funding the Council receives by way of New Homes Bonus which goes back into the Local Growth Fund to promote the delivery of more housing and regeneration.

By providing additional funding of £2,256,365 from the capital receipt for the site for this housing delivery strategy, the development will overall provide £5,856,917 towards housing projects both in the delivery of a significant proportion of affordable housing, and additional funding for the Local Growth Fund. This potentially equates to the full 30% requirement in line with Policy CS40 and the IPG.

The Council is committed to ensuring that a sum equivalent to the shortfall, and resulting from the sale of the site, is made available for assisting the delivery of the Local Growth Fund Investment Strategy.

Therefore, despite the shortfall in affordable housing contribution as part of the application proposals and consequent conflict with policy CS40, commitment of the shortfall from the capital receipt to the Local Growth Fund will result in the full 30% contribution being directed to affordable housing or a combination of affordable housing and other housing delivery initiatives as set out in the Local Growth Fund Investment Strategy. This is similar to the circumstances in which a reduced level of affordable housing provision was accepted in proposals for housing development at Matthews Lane, also on former Council land (ref 13/02892/FUL). In considering this approach, significant weight is recommended to be given to the benefits of early commencement of a good quality housing scheme in a climate where there is significant pressure to the delivery of housing supply and having regard to the current shortfall in such delivery.

## Design and Layout

The site presents several constraints. Most notable are the difference in levels, particularly to the north and west boundaries; the location of important trees; the single point available for vehicular access; the need to maintain access to the playing field; and the need to maintain public footpath links.

The layout has been designed to accommodate the constraints described above whilst providing a good standard of residential amenity for future occupiers, maintaining good pedestrian links, several green spaces with associated opportunities for wildlife, and ensuring that views across the site remain available albeit more restricted than at present. Inevitably some compromises have had to be made in order to achieve a viable scheme at a justifiable density.

The existing site levels are such that there is an approximately 4.5 metres level difference between the level of the public footpath to the north-west boundary and the level of the former school building and hard play areas. The design response includes 3 storey height semi-detached dwellings adjoining the public footpath to the north-west. Whereas the indicative details at outline stage indicated split-level units which exploited the existing levels at this boundary, the current proposals reduce the existing ground levels to allow a full 3 storey height. The overall height of these dwellings is approximately 11.4m and the height above the footpath is approximately 7.4m which is lower than the overall height of the smallest 2 storey property. In practice, the dwellings will read as 1.5 – 2 storey dwellings in views across Kings Croft open space within the Dore Conservation Area towards the adjoining public footpath. In addition, the dwellings will be set back some 11m from the footpath and will have rear gardens on two levels which removes any requirement for retaining structures along the majority of the footpath.

It is inevitable that boundary screening will be required to the rear gardens adjoining the public footpath. A brick plinth with brick piers infilled with timber fence panels to an overall height of 1.8m is proposed. Subject to appropriate materials and finishing treatment, this treatment is considered sufficient to maintain a high quality public realm whilst providing the necessary privacy to the rear of the new dwellings. 1.5m vertical railings are proposed to the rear of the apartment block.

The apartment block has been pulled away from its original position within 4m of the boundary with the public footpath and rotated through 90°. It is now approximately 12m from the footpath. The ground level has been reduced by approximately 2m at the boundary and a gabion wall is proposed to retain the footpath at this point, over a distance of approximately 24m. Whilst the impact in views from the footpath will be greater than in relation to the houses referred to in the foregoing paragraph, the relationship is acceptable and the apartments will not be overbearing on the footpath.

An approximately 21.5m wide area of open space will be maintained between Plots 34 and 35 which will allow views through the development towards the King's Croft within the Dore Conservation Area and includes pedestrian access to that open space. The lowered ground levels and the open space in this part of the site are

considered to adequately protect the setting of the Conservation Area in accordance with the guiding principles in UDP Policy BE16 (Development in Conservation Areas).

The approved Planning Brief states that new development should be in keeping with the scale of the existing houses, generally 2 storeys with a pitched roof. The development includes a mix of 2 and 3 storey units, the majority of the 3 storey units being at the higher ground levels, albeit with those levels mostly reduced, with development stepping down in height towards the playing field and Furniss Avenue. Whilst acknowledging that the dwellings surrounding the application site are predominantly 2 storeys high, the footprints and traditional building form are comparable and the overall scale of the dwellings is not inconsistent with development in the wider surrounding area.

The materials have been amended from artificial stone to brick which, subject to appropriate samples, will reflect the predominant materials in the surrounding area. The Rowsley and Higham house types (adjoining the public footpath) will be rendered at ground floor level, beneath brickwork, and this treatment will help in breaking down the massing of the units. A variety of boundary treatments are proposed and amendments were in the process of being negotiated during the writing of this report to ensure clearer definition of boundaries between public and private spaces. These matters can be conditioned if planning permission is granted without resolution.

The 2½ storey dwellings at the site entrance relate adequately to the street scene in Furniss Avenue, framing the entrance to the development, following the strong building line in Furniss Avenue and making a successful transition in height between the existing properties to either side.

The proposed green spaces will provide loose linkages between the south-east and north-west boundaries which will allow views through the development and provide some degree of opportunity for the movement of wildlife.

The proposals provide a coherent road layout with the access point being centred on the Furniss Avenue frontage and the provision of a spine road with a shared surface and private driveways running off it. Road access is provided to the playing field and the applicant has confirmed that a gate will be provided as part of the proposals at the edge of the field to prevent unauthorised vehicular access.

The unadopted public footpath to the south-east boundary will be replaced by an adopted footpath which will run parallel to the playing field, eventually linking to footways within the spine road. The overall route is similar to the existing route. The existing informal route across the top of the site (close to Bushey Wood Road dwellings) will be replaced by a road and footpath links which will join the existing public footpath at a point some 25-30 metres from the existing point.

Northern Power Grid have previously confirmed that there should not be any requirement for a new sub-station.



Overall, the proposals address the site constraints positively, resulting in a good quality scheme that sits comfortably within the local context. The proposals therefore comply with Policies BE5, BE10, GE10, H14, H15, T8 and CS74.

### Sustainability

There is a presumption in favour of sustainable development as set out in the NPPF. The proposals re-use previously developed (brownfield) land and will contribute to the strong local community by providing good quality housing to meet the needs of present and future generations. The site is well located in terms of access to local shops and services and there are regular bus services in Furniss Avenue.

The site is located between two large areas of green space and the proposals provide several areas of green space within the layout which will contribute to maintaining opportunities for biodiversity and the movement of wildlife. A large proportion of the grass bank directly above the playing field is retained in the layout and includes proposed new tree planting. The most important existing trees are retained.

Initial ground investigations previously indicated that the site is likely to be suitable for a sustainable drainage solution (SUDS). SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. Further investigation has concluded that the topography within the layout does not suit incorporating ponds/basins and infiltration testing has shown that soakaways are not a viable option. Accordingly, surface water will be to the main drainage network, which includes partial discharge to a culverted watercourse, with on-site attenuation to ensure a reduced rate of discharge. Permeable paving to private driveways will further assist in reducing surface water run-off in accordance with Policy CS67.

The previous requirement to meet Level 3 of the Code for Sustainable Homes has been withdrawn as a result of the Ministerial Statement referred to earlier. The development is expected to meet at least 10% of its predicted energy needs from renewable or low carbon energy. No firm proposals have been put forward but the requirement can be secured by planning condition.

'Green roofs' are a requirement provided that they are compatible with other design considerations and are viable, in accordance with the Supplementary Planning Document "Climate Change and Design" (SPD). The traditional design of the dwellings (pitch roofs) prevents the inclusion of green roofs on the dwellings. However, green roofs have been negotiated to the garages on 14 plots. These garages are to the rear of the dwellings and, in several instances, will reduce massing at the boundaries to the site. In the circumstances, there is no conflict with Guideline CC1 of the SPD

The above measures reflect the general principles of sustainable development and thereby comply with UDP Policies BE6, GE10, GE11 and GE15 and Core Strategy Policies CS63, CS64, CS65 and CS67.

## Landscape and Ecology

The layout includes several green spaces within the development. Native or wildlife friendly tree planting is indicated within these spaces which are loosely linked and will not impede any movement of wildlife. Tree planting will also soften the front elevations of the closely spaced 3 storey dwellings adjacent the existing public footpath and the appearance will be further softened by hedge planting and shrub borders between the individual driveways to those plots. Consideration has also been given to complementing the hard landscaping which includes contrasting materials to help define the street hierarchy. Full details of the planting and hard surface treatments can be secured by conditions.

A comprehensive Ecological Assessment (EA) has been submitted in support of the application. No protected species have been identified but, as a precaution, a subsequent bat survey has been carried out. No bats were identified emerging from trees identified as having potential for bat activity. Notwithstanding this, these trees are to be retained within the open spaces. The wider context has also been considered, including local sites of conservation interest, and it is concluded that the scheme will not have any detrimental effect for nature conservation.

In view of the above, the proposals comply with UDP Policies BE6, GE10, GE11 and GE15.

## Residential Amenity – Proposed Dwellings

The individual dwellings are well designed to provide good quality living conditions with sufficient separation, outlook and external space to each plot. Private garden areas are a minimum 50m<sup>2</sup> with a number of plots having gardens in excess of 100m<sup>2</sup>. These areas comply with or exceed the best practice specifications in the South Yorkshire Residential Design Guide and comply with UDP Policy H15.

## Residential Amenity – Existing Dwellings

The separation distances between dwellings within the development and between new and existing dwellings meet and generally exceed guidelines as specified in the Supplementary Planning Guidance “Designing House Extensions”. The SPG is not applicable to new dwellings but the guiding principles are relevant as good practice.

The concerns of adjoining residents in Furniss Avenue are noted. Plots 2 and 3 back onto the side boundary of No90 and are two storeys high. The rear gardens to these plots are less than the normally expected 10m length, at approximately 9m depth. The proposed floor levels for the adjacent dwellings are approximately 1m lower than the level of the site at the boundary of no.90 and will assist with limiting overlooking. The 10m is in any event a guideline generally designed to consider the relationship between directly facing properties. Notwithstanding this, No90 has an exceptionally long rear garden (28m) and the two dwellings will be towards the lower end. A former garage at No90 adjoins the boundary directly behind the house and will obscure views of the most private part of the garden when viewed from the new dwellings.

Similarly, there are two dwellings with comparable garden lengths backing onto the rear garden of No80 Furniss Avenue, on the opposite side of the new access road. Finished floor levels here are marginally higher than the boundary with no.80, but not to a degree that would exacerbate overlooking potential or overbearing impact. Views are less well screened on this boundary but direct views of the rear of the dwelling are avoided. A single storey rear extension to No80 was granted planning permission in October 2013 (ref 13//03302/FUL). This extension provides a large kitchen area with large openings on the rear elevation and a blank side elevation. The side elevation will run alongside the adjoining substantial detached double garage (overall height approx 5m) to the new dwelling fronting Furniss Avenue (plot 64) and will prevent the garage being overbearing on that property.

The 3 storey properties directly to the rear of Nos90-98A Furniss Avenue are a minimum 15m from the boundary and 36m to the existing houses. This is well in excess of the separation distance in the indicative outline scheme and well in excess of the 21m separation normally expected in this type of arrangement. In addition the rear boundary is well screened by mature and semi-mature trees. There is sufficient space to ensure that the existing trees will not unreasonably detract from the use of the garden areas and, consequently, there are unlikely to be reasonable requests for future tree removals on amenity grounds.

Negotiations have resulted in the apartment block being rotated through 90° and the associated car parking layout being rearranged. This has resulted in the apartment block being further from the boundary with the dwellings in Furniss Avenue (approx 15.8m) and in excess of 37m from the rear elevations of Nos 98 and 98a Furniss Avenue, with a side elevation facing the boundary. This also significantly improves the utility of the communal external space serving the apartments and reduces any potential for reasonable requests to subsequently remove or prune the trees that form a substantial buffer at the site boundary.

Concerns have been raised by a neighbour about views from the apartments to Dore Primary School. The apartment block is some 48m from the school boundary which is more than adequate to prevent any intrusion. At this distance, there will be no clear views into the classroom block which is on rising ground at the boundary of the school site.

The gardens to the existing dwellings in Bushey Wood Road are all in excess of 25m long (excluding conservatories to Nos107-111) with an approx 2.4m high conifer hedge to the vast majority of the boundary with the application site. The dwellings to plots 39, 42 and 43 directly back onto the boundary with the Bushey Wood Road dwellings with garden lengths of a minimum 12.5m and a minimum separation between proposed and existing rear elevations well in excess of 40m. This is more than sufficient to maintain adequate residential amenity for existing and proposed residents having regard to relevant guidelines in the SPG "Designing House Extensions" where 21m minimum is normally expected in this type of arrangement. The garages to these plots are to the rear of the dwellings and therefore nearer the rear boundary. Although not necessary in terms of residential amenity, the amendments to provide 'green' roofs to the garages further reduces any impact close to the boundary.

The side elevation of a 3 storey dwelling to plot 38 is only 5.2m from the Bushey Wood Road boundary but is some 31m from the main rear elevation of No111 Bushey Wood Road. The ground levels will be reduced by up to 2.7m to accommodate the dwelling which results in the perception from No111 being of a 2 storey dwelling. The side elevation of a 2 storey dwelling to Plot 40 is only approx 3m from the Bushey Wood Road boundary and is a minimum 34m from the main rear elevations of Nos107 and 109. In both instances, blank elevations face the boundary and the dwellings do not run across the entire width of the gardens in Bushey Wood Road. The arrangement is more than sufficient to maintain a good standard of residential amenity.

The rear elevations of the 3 storey dwellings to plots 35-38 are some 33m from the rear elevation of the nearest dwelling in Bushey Wood Grove. The existing public footpath link separates the rear boundary of these plots from the rear of that 2 storey dwelling and the new dwellings are at least 5m below the existing dwelling. Again, the arrangement is more than sufficient to maintain adequate residential amenity.

In view of the above, the proposals comply with UDP Policies H14 and H15.

#### Highway Issues

The road layout provides a safe and efficient layout which is good quality and with a clear hierarchy of streets. Amendments have been negotiated to improve the pedestrian links in accordance with UDP Policies T8 and H15(d) and to ensure that adequate turning provision is made for service vehicles.

The development requires the realignment of two public footpath routes through the site, as shown on the plan "15/01504/FUL Diversion Plan" appended to this report. This will require a Public Path Diversion Order. Accordingly, if Members are minded to grant planning permission, they are also requested to confirm that:

- a. No objections are raised to the proposed footpath diversions shown on the plan "15/01504/FUL Diversion Plan", subject to satisfactory arrangements being made with Statutory Undertakers with regards to any of their mains and services that may be affected.
- b. Legal Services are authorised to take all necessary action on the matter using the powers contained within Section 257 of the Town and Country Planning Act 1990.
- c. Confirm the Order as an unopposed Order, in the event of no objections being received, or any objections being resolved and withdrawn prior to the Order being confirmed.
- d. Submit the Order to the Secretary of State for confirmation in the event that objections are received that cannot be resolved.

A minimum of 2 car parking spaces are provided for each dwelling, with the majority of the larger units having at least 3 spaces. In these respects, the proposals comply with UDP Policies BE9, H14(d) and T25 and with best practice guidance in the South Yorkshire Residential Design Guide.

Community requests for car parking provision for use in connection with non-school use of the playing field were considered in granting the previous outline planning application in 2013. There has been no material change in circumstances since then. The playing field is used outside school hours, particularly weekends, for football matches and other sports. Such use is encouraged and is in line with the Community Use Agreement negotiated when the new King Egbert School was built. The hard standing areas within the application site have been used for informal parking in connection with this use since the old school was demolished. There is no evidence that the school grounds had been used for this purpose prior to vacation of the site.

The approved Planning Brief for the site specifies that visitor parking is required to be provided on a communal basis, which would serve both residents and the users of the adjacent playing field. Based on the number of dwellings this equates to 16 car parking spaces, as 1 visitor parking space is required per 4 dwellings. The Brief notes that this need not simply be accommodated as parking bays but can be accommodated on street within the development assuming the street is wide enough, in lay-bys or as parking bays. The propose layout includes 8 visitor parking bays in addition to scope for at least another 8 spaces provided at the kerbsides without relying on spaces directly in front of the new dwellings. The provision includes bays and kerbside parking within the access road to the playing field. Following consultation with the relevant parties, the applicant has agreed to install a gate at the end of the access road to ensure that there is no unauthorised vehicular access to the playing field. Details of the gate can be conditioned.

Further car parking provision is available at the new school albeit unlikely that it is widely used as it is remote from the playing field. It is acknowledged that, in practice, any excess demand for parking is likely to be accommodated in Furniss Avenue. However, this should not displace residents parking as all properties in Furniss Avenue have off street parking. Nor should it cause any significant disturbance to residents due to the level of separation of dwellings from the carriageway.

Overall, adequate provision is made for vehicles and the proposals accord with UDP Policies BE9, H14(d) and T25 and Core Strategy Policy CS53. A Traffic Management Plan can be conditioned to ensure that disruption to the road network during the construction phase is minimised.

#### Open Space

At least 10% of the layout is given over to informal open space areas. This provision accords with UDP Policy H16 and the associated Supplementary Planning Guidance "Open Space Provision in New Housing Development". The on site open space will be required to be maintained at the expense of the developer and the supporting submissions indicate that, in the absence of maintenance by the Local Authority, this is likely to pass to a management company. Suitable arrangements can be secured by planning condition.

## Infrastructure

The Community Infrastructure Levy (CIL) is applicable to the application proposals with a levy of £80/sqm. The use of funds generated through CIL is not directly linked to the developments from which they arise or to the provision of specific infrastructure. However, there is a legislative requirement for a percentage (min 15%) of CIL generated by individual developments to be used within the local area in a manner to be agreed in consultation with the local community.

The remainder of the CIL fund will be used in connection with strategic infrastructure needs as identified in the adopted Regulation 123 List. The current List includes funding for additional secondary school places, including in the Dore & Totley area.

NHS Sheffield confirm that the local GP practice has indicated a willingness to accept at least some of the new population onto its list but it may be necessary for the NHS to identify other practices with capacity for the increased population.

## RESPONSE TO REPRESENTATIONS

The points raised in the representations are generally addressed in the Assessment above.

Councillor Ross has requested that toilet and storage facilities are provided for users of the adjoining playing field. Storage facilities should already be available in the container structure that was provided in accordance with the requirement of the planning permission for the new King Ecgbert School.

There may be provision to fund a toilet facility through the percentage of the CIL fund that is allocated to the local area but this will be a decision to be taken in consultation with the local community and the School, rather than a decision for this Committee. Whilst not the responsibility of the developer to enhance the playing field facilities, Bellway have investigated the possibility of a drainage connection to their development. However, it has been concluded that a septic tank is likely to be the most economic option due to likely prohibitive costs associated with the difference in levels between the two sites.

## SUMMARY AND RECOMMENDATION

The site is in a Housing Area as defined in the UDP and is allocated for Housing in the Local Plan City Policies and Sites document (pre-submission version). The proposals provide a good mix of housing, including 6 affordable housing units on site, together with provision for off-site affordable housing. The density is lower than normally expected but appropriate given the constraints of the site and the inclusion of significant areas of informal open space. The proposals represent a sustainable form of development that continues to accord with the approved Design Brief for the site and provides a good quality layout which retains the most important trees on the site. The proposals respond satisfactorily to the existing ground levels and also relate satisfactorily to neighbouring properties and the street scene in Furniss Avenue.

Adequate residential amenity is provided and maintained for new and existing residents and adequate provision is made for vehicles, including on street parking which can be shared with users of the adjoining playing field.

Overall, the proposals comply with the quoted policies and planning documents and it is recommended that planning permission is granted subject to appropriate conditions and completion of a legal agreement to secure the off-site affordable housing contribution.

In respect of the necessary footpath diversions, Members are also requested to confirm that:

- e. No objections are raised to the proposed footpath diversions shown on the plan "15/01504/FUL Diversion Plan", subject to satisfactory arrangements being made with Statutory Undertakers with regards to any of their mains and services that may be affected.
- f. Legal Services are authorised to take all necessary action on the matter using the powers contained within Section 257 of the Town and Country Planning Act 1990.
- g. Confirm the Order as an unopposed Order, in the event of no objections being received, or any objections being resolved and withdrawn prior to the Order being confirmed.
- h. Submit the Order to the Secretary of State for confirmation in the event that objections are received that cannot be resolved.

#### HEADS OF TERMS – LEGAL AGREEMENT

The legal agreement is required to undertake to ensure the following:

-The owner shall provide 6 x 2 bed apartments to be transferred to a Registered Social Landlord prior to more than 50% of the open market housing being occupied.

-The owner shall pay an Affordable Housing Contribution of £2,841,150 – to be paid in equal instalments on completion of the 26<sup>th</sup> and 38<sup>th</sup> dwellings, respectively.



Highway Records  
Regeneration and  
Development Services  
Howden House  
Union Street  
Sheffield  
S1 2SH

Town and Country Planning Act 1990 Section 257  
Proposed diversion of public footpaths  
at Former King Egberts School, Dore, Sheffield.

15/01504/FUL Diversion Plan





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Case Number	15/01180/FUL
Application Type	Full Planning Application
Proposal	Demolition of car showroom and associated buildings and erection of mixed use development comprising four blocks ranging from 6-12 storeys in height to provide 2027m2 of retail space, 130 residential apartments, 44 student cluster flats (209 beds) with subterranean car parking accommodation, associated landscaping works, external bin store, cycle parking and electricity substation
Location	245 Ecclesall RoadSheffieldS11 8JE
Date Received	02/04/2015
Team	South
Applicant/Agent	Crowley Associates
Recommendation	Refuse

Subject to:

- 1 The Local Planning Authority consider that the proposed development is out of scale and character with the immediate surrounding area, where buildings are typically between 4 and 7 storeys high. In particular, the proposed 12 storey block would be located fronting a relatively narrow street (Pomona Street) which has only secondary status in the street pattern hierarchy; and a considerable distance from the junction of Pomona Street with Summerfield Street where a taller building may be considered acceptable. Furthermore, the variation in the massing of the proposed buildings to the Ecclesall Road and Pear Street frontages, which include stepped back top floors of different heights and a single storey height between the blocks fronting Ecclesall Road, results in a built form that does not reinforce the local distinctiveness, which includes a strong edge to perimeter buildings in the street scene. In these respects the proposed development is contrary to UDP Policies BE5(a) and IB9(c); Core Strategy Policy CS74; and Paragraph 58 of the National Planning Policy Framework.
- 2 The east elevation of the proposed building to 'Zone1' includes primary windows to habitable rooms over 10 floor levels. The Local Planning Authority consider that the position of these windows in close proximity to the adjacent car wash site unreasonably and entirely relies on light and outlook, particularly to the bedroom windows, from that site which would prejudice the future redevelopment of that site in a key location on a primary route into and out of the City Centre. In these circumstances, the proposal

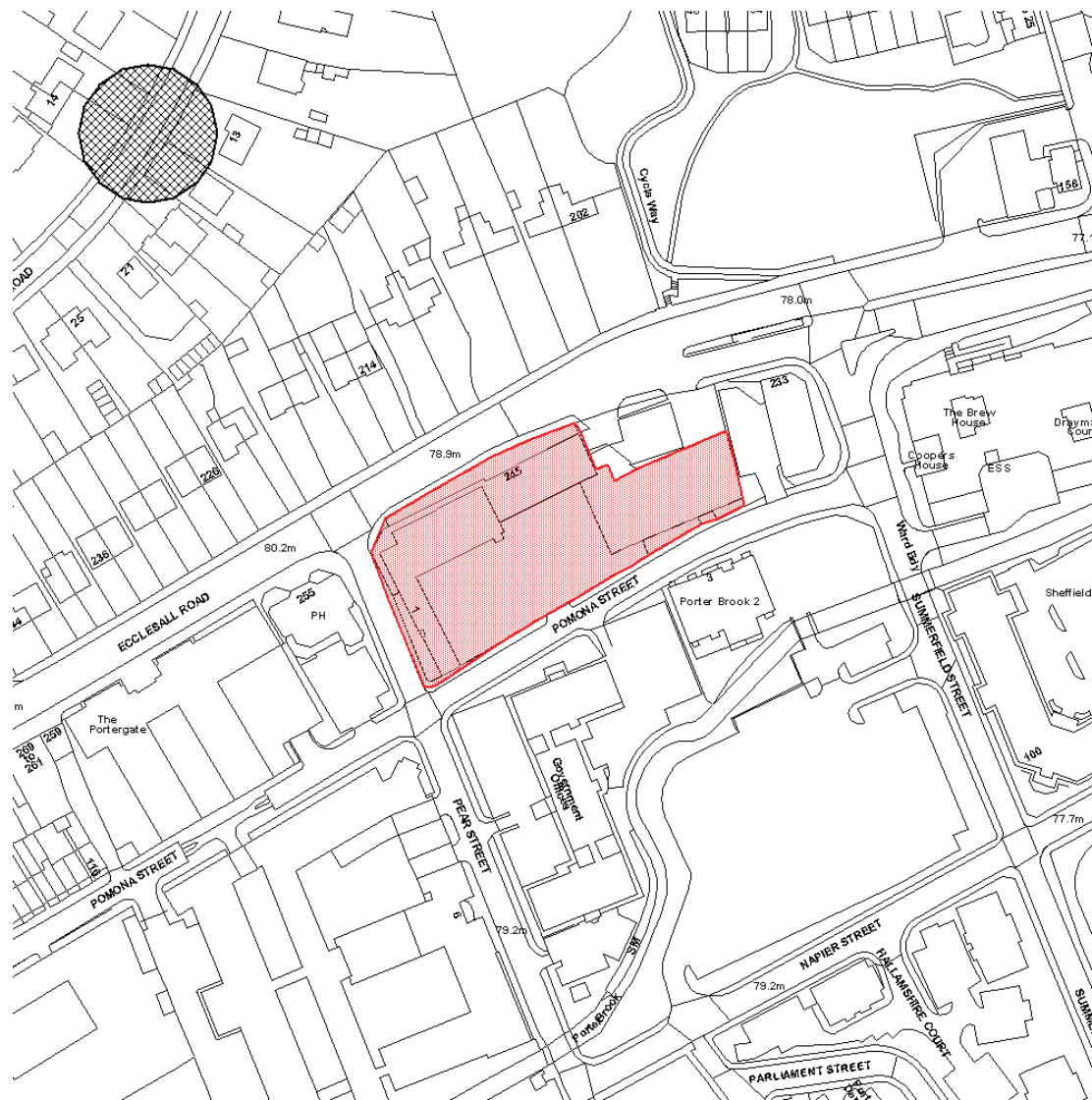
does not represent a sustainable form of development and is contrary to Paragraph 57 and one of the key aims of the National Planning Policy Framework.

- 3 The Local Planning Authority consider that the 12 storey building fronting Pomona Street would be unreasonably overbearing on the 6 storey apartment building directly opposite in Pomona Street to the detriment of occupiers of that building and the proposals are therefore contrary to Policy IB9(b) of the Unitary Development Plan.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner during pre-application discussions, the application still shows such disregard for policy requirement(s), that the Local Planning Authority had no alternative but to refuse consent. We would welcome pre-application discussions on an alternative scheme.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans (Bond Bryan Architects) into account:
  - EMU-BBA-Z0-ZZ-DR-A-01011 Rev P2 (site plan)
  - EMU-BBA-Z1-B1-DR-A-02101 Rev P6 (level -01- basement)
  - EMU-BBA-Z1-LG-DR-A-02101 Rev P7 (lower ground floor)
  - EMU-BBA-Z1-UG-DR-A-02101 Rev P6 (upper ground floor)
  - EMU-BBA-Z1-01-DR-A-02101 Rev P4 (level 01)
  - EMU-BBA-Z1-02-DR-A-02101 Rev P3 (level 02)
  - EMU-BBA-Z1-03-DR-A-02101 Rev P3 (level 03)
  - EMU-BBA-Z1-04-DR-A-02101 Rev P3 (level 04)
  - EMU-BBA-Z1-05-DR-A-02101 Rev P3 (level 05)
  - EMU-BBA-Z1-06-DR-A-02101 Rev P3 (level 06)
  - EMU-BBA-Z1-07-DR-A-02101 Rev P3 (level 07)
  - EMU-BBA-Z1-08-DR-A-02101 Rev P3 (level 08)
  - EMU-BBA-Z1-09-DR-A-02101 Rev P3 (level 09)
  - EMU-BBA-Z1-10-DR-A-02101 Rev P3 (level 10)
  - EMU-BBA-Z1-11-DR-A-02101 Rev P3 (level 11)
  - EMU-BBA-Z1-RF-DR-A-02101 Rev P4 (roof plan)
  - EMU-BBA-Z1-ZZ-DR-A-03101 Rev P3 (zone 1 elevations)
  - EMU-BBA-Z2-ZZ-DR-A-03101 Rev P5 (zone 2 elevations)
  - EMU-BBA-Z3-ZZ-DR-A-03101 Rev P3 (zone 3 elevations)
  - EMU-BBA-Z4-ZZ-DR-A-03101 Rev P3 (zone 4 elevations)
  - EMU-BBA-03001 Rev P3 (elevation AA)
  - EMU-BBA-Z0-ZZ-DR-A-03002 Rev P3 (elevations BB)
  - EMU-BBA-03003 Rev P3 (elevation CC)

# Site Location



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## LOCATION AND PROPOSAL

The application site has frontages to Ecclesall Road, Pear Street and Pomona Street with an area of 0.4 hectares. It is currently occupied by Bamboo Lounge (shisha café), Ashwood (beds and furniture) and Ringinglow Toys (toy shop). The two retail units are currently unauthorised, the premises having formerly been purpose built and occupied by a car dealership.

The structures include a single storey building (former car showroom, now in the retail uses) and large covered area (now partly enclosed and occupied by Bamboo Lounge) behind an open forecourt to the Ecclesall Road frontage. These buildings have a false pitch concealing the flat roofs. There is a two storey brick building with flat roof fronting Pear Street (former ancillary offices) and a large scale brick built ancillary workshop/storage building fronting Pomona Street. There is a large car park (approx. 55 spaces) to the rear with access from Pomona Street. A large tree within the car park has recently been removed.

The building adjoins a hand car wash on the site of a former petrol filling station in Ecclesall Road. Walls enclose the car wash site on 3 sides with the blank brick wall of the workshop building forming the rear boundary. There is a small former petrol sales kiosk to one side. Beyond the car wash is the single storey Kwik-Fit tyre/exhaust centre at the junction of Ecclesall Road with Summerfield Street. The Kwik Fit and car wash sites are excluded from the application site. Otherwise the site encompasses the whole of the land between Pomona Street, Ecclesall Road, Summerfield Street and Pear street.

On the opposite side of the Pear Street junction is Champs Sports Bar which is a two storey building with a single storey side extension fronting Pear Street. On the opposite side of Pomona Street is a c1990 4 storey office block, which is one of three similar units known as Porterbrook House, and a 21st century 6 storey block of apartments. There is a car park between Porterbrook House and the apartment block. A vacant and overgrown site adjoins the opposite side of the apartment block at the Pomona Street/Summerfield Street road junction. The Grade II Listed Bow Works lies further along Pomona Street on the opposite side. This Listed Building is 3 storeys high with a 4 storey 1990s addition at the road junction and along Pear Street. The prevailing character of all the occupied sites at the road junctions in the immediate surrounding area is defined by buildings marked with design emphasis or height, such as the 1990s addition at the corner of Bow Works.

Ecclesall Road is dualled outside the car wash towards the City Centre and tapers to single carriageways outside the application site. On the opposite side of Ecclesall Road are large late Victorian dwellings which are set well back from the road with large front gardens containing tall mature trees. The trees predominantly screen the dwellings in the street scene.

The application proposes the demolition of all the buildings on the site and the erection of a mixed retail and residential development. The proposed development comprises 6 no. retail units (Class A1) (ranging from 90sqm to 572sqm -total 2206sqm); 130 private apartments (1; 2; 3 and 4 bedrooms); and 44 student cluster apartments (209 bedspaces), together with a total of 113 car parking

spaces and 257 cycle parking spaces. The proposed buildings range from 5 to 12 storeys in height and are set around a central courtyard in 4 distinct zones:

Zone 1 (fronting Ecclesall Road) - 11 storeys, reducing to 8 storeys.

Zone 2 (fronting Pomona Street) - 12 storeys

Zone 3 (fronting Pomona Street) - 6 storeys

Zone 4 (fronting Pear Street; Pomona Street and Ecclesall Road) - 7 storeys, reducing to 5 storeys at the Pomona Street and Ecclesall Road corners

## RELEVANT PLANNING HISTORY

The existing buildings on the site date back to the 1980's. The Kwik-Fit building at the corner of Summerfield Street and Ecclesall Road is from the same period, as is Champ's Sports Bar which was built on the site of the original Pomona public house and has been extended and refurbished in recent years.

The adjoining car wash was formerly a longstanding petrol service station and has been in the current use for approximately 10 years. Planning permission was initially granted for a 6 month trial period in 2005 (ref 05/01066/FUL). A permanent permission followed in 2006 (ref 05/04291/FUL).

The 6 storey apartment block on the opposite side of Pomona Street was granted planning permission on appeal in 2006 (ref 04/03028/FUL).

Planning permission for several residential blocks on the site of the former Gordon Lamb car dealership bounded by Pomona Street, Summerfield Street and Napier Street was granted in 2011 (ref 11/01864/FUL). The blocks ranged between 5 and 10 storeys, with the 10 storey block being located at the junction of Pomona Street with Summerfield Street. The permission expired in June 2015.

Planning permission and listed building consent for large scale extensions to Bow Works, including along the Pear Street frontage was granted in 1991 (refs 91/01224/FUL and 91/01320/LBC).

Porter Brook House was granted planning permission in 1989 (ref 88/03625/FUL). It is currently subject to an application to determine whether prior approval is required in respect of a residential conversion to 105 apartments proposed to be carried out as 'permitted development' under Class O of the General Permitted Development Order 2015 (ref 15/01483/ORPN).

## SUMMARY OF REPRESENTATIONS

17 representations have been received from local residents, all objecting to the proposals. The points raised are summarised below:

## Design/Scale

- developer has taken design a step too far - it's far too tall and should be of equal/similar size to adjacent property - Ecclesall Road does not need high rise developments - keep them in City Centre instead
- area currently a good mixture of student and professionals - new proposal would overpopulate area
- architectural drawings enhance the look of the area in comparison to the current site - however, it seems that developers have become a little greedy and tried to cram in as many flats as possible via cluster flats etc.
- cannot see how anybody living locally would be in support of building a monstrosity on the old Gordon Lamb site - confident the 'cons' far out way 'pros.'
- have been resident of Ecclesall Road for 21 years and seen many changes, latterly for the better, but object to this proposal
- 12 storey building cannot possibly be seen as 'in keeping for the area' - Victorian architecture is 'in keeping' and must be protected by sympathetic development
- Regus office building only given permission as 3 storeys as fronts Ecclesall Rd
- would welcome a smaller development - more modest development, say 4-5 storeys, would probably have my support - but current proposals too large and would overshadow adjacent Wards Brewery complex
- 12 storey building totally out of place in residential area and will spoil character of whole street
- feel that developer has not given any thought whatsoever into making the building fit into it's surrounding area
- tallest buildings closest to this site are 5 storeys while opposite side of Ecclesall Rd consists of lovely Victorian houses - would all be completely overshadowed by this development
- appreciates need that there appears to be for new residential accommodation but if it is to succeed for the long-term it must be sympathetic to surrounding area in terms of building size, materials and future impact on residents, ambiance and business
- proposals do not take account of locality and attempt to turn the area into an extension of the City Centre
- this is not the place for bland, high-rise architecture
- good to see development of a site and removal of a soulless building but height is too great and appears to purposely contradict previous planning policy in area - Finnegan's, Wards brewery development and the Gordon Lamb office block developments were both limited in height and a policy of pitched roofs imposed to be sympathetic with surrounding historic and older buildings such as Bow Works and houses on north side of Ecclesall road - illogical and unfair to discontinue this policy by now allowing monolithic high rise slabs of building
- urges planners to remember another mistake of their predecessors - cities in the sky policy, most of which has been demolished and replaced well before its expected life-span
- there is a place for high rise in a city, but the bottom of Ecclesall Rd is not one of them - the hills of Sheffield make our unique cityscape and if

- the valleys are filled with tall buildings our skyline will be as boring as that of Manchester, Leeds or Derby
- artist's impressions of street- space surrounding the development are purposely misleading
  - concerned that overhanging facades will overshadow the streets and concentrate traffic fumes.
  - why does every larger building in Sheffield have to be fitted with cladding
    - either steel, coloured glass or plastic in colours guaranteed to fade -
    - natural materials have been used in all recent developments in this area
    - cladding is out of character and pandering to a current fetish which will quickly date
  - would like to see development limited to scale of surrounding buildings and constructed with material and design sympathetic to area
  - this is third planning application for this contentious site within last year and again find ourselves having to object to an inappropriate planning application - site sits in valley bottom and any tall buildings will have a negative amenity impact on surrounding properties and on properties sitting higher in the valley
  - limited footprint has led developer to attempt to maximise profit by going high with the design - totally contradicts scale of surrounding properties
  - site very close to a conservation area, and directly across road from a number of two storey Victorian properties - the planning constraints on our (Victorian) properties are strict and proper, and so should they be on any design across the road from us - should have sympathy for the scale of surrounding residential and commercial properties
  - not against the principal of development, but unconstrained design and development will leave inappropriate development for years to come
  - retarded concept dating back to 1950's which will blight rather than enhance the area - drab exposed concrete - will quickly become a slum similar to Kelvin Flats
  - Blocks 1 and 2 far too high - block immediately fronting Ecclesall Rd will have approx 36m vertical face, completely overshadowing street and buildings opposite - would have to look up at over 50\_° angle to see sky
  - Block 2 would have very great impact on building opposite in Pomona St
  - 3D pictures inaccurately minimise impact of massive blocks - give impression of site being at edge of an open park with no garden walls and trees growing out of a very wide pavement, rather than a road of houses
  - Reduction to approximate height of Wards Brewery would be much more acceptable - buildings would form part of coherent line from Velocity Tower via Wards to Victorian shops in Ecclesall Rd
  - 3 of blocks present very strong repeated 'shoebox' design - unattractive and not unlike Park Hill - can appearance and texture of facades be made more interesting?
  - Top storey of blocks 1, 2 and 4 have stark box shape - looks industrial/utilitarian and should be rethought
  - Block 2 uncompromising modern glass tower - apart from height, could provide interesting contrast to nearby buildings
  - Strict policing of quality and detail necessary (eg controversy at St Paul's Tower) - unsure that local authority would ensure compliance

- No link to brick or stone of other buildings close by
- Images suggest façade and shape of top of blocks are rather brutal and completely out of character in established residential area
- Height should be limited to 6 or 7 storeys of close by buildings and with sympathetic design and materials

#### Traffic/Pollution

- 130 flats + 209 beds for students will lead to yet more traffic, pollution, litter and noise
- Ecclesall Rd/Summerfield St corner already overloaded with traffic - jams starting around 15:00 every day - development will exacerbate existing problem
- asthma sufferer will suffer more with yet more traffic pollution
- travelling Ecclesall Rd in rush hour now almost unbearable - majority of students in area drive - adding 100's more would be a disaster
- commute to work via Ecclesall Road every day - rush hour traffic almost unbearable as it is - development of such a large complex will make problem worse
- noise and air pollution will increased at peak travel times
- Should be considered in together with anticipated developments between Pomona St and Napier St - major population increase, noise and traffic
- how is additional parking going to be provided?
- can often take nearly an hour to commute 6 miles with majority of that time spent in traffic on ring road just before Ecclesall Rd - will add even more congestion to road
- bus routes already overcrowded in peak times - will add to these problems and more buses would simply add to congestion
- increased pollution, noise/anti-social behaviour from students and increased traffic congestion - people are likely to avoid Ecclesall Rd area which may impact on commerce
- more recent application proposed for 105 studio apartments on Pear Street - whilst this will not alter the buildings, it will bring further traffic into already restricted space and traffic generated by these proposals would have a more than significant impact in this restricted area

#### Residential Amenity

- overlooking of property on Summerfield Street - loss of privacy, impact on natural light and possibly on property value
- appalled at proposal - monstrosity of 12 storey building would block a lot of the natural light (to Cooper's House, Wards Brewery) - pays a premium to live here and have sun all day on balcony - don't want huge tower block over looking and blocking sunlight
- dread to think how long building works would take and how loud and disruptive it would be
- have lived at Wards Brewery for 8 years - if this development is approved would be forced to leave



- already a great deal of noise from various bars/public houses near Wards Brewery (Sheaf Island / Champs / Nursery Tavern / etc) - increasing population to this extreme amount likely to have negative impact on this part of Ecclesall Rd - noise pollution and antisocial behaviour
- nice to see sky when looking out of windows - a wall of cladding and glass would be the uninspiring view if development allowed
- front rooms will be forever dark, gloomy spaces (220 Ecclesall Rd)
- Noise and air quality reports focus on future residents - long and tall facades may reflect traffic noise towards houses opposite and prevent pollution dispersing

#### Residential Mix

- S11 already overloaded with students - noise and litter will become issues - loutish behaviour and litter further up Ecclesall Road and backstreets is a disgrace
- those of us determined to continue to live in this beautiful residential area have to live with noise nuisance from students and rubbish strewn all over streets - more students will compound problem
- area urgently needs more affordable housing for young families - site ideal for affordable housing complex for local families and hospital/university workers
- overpopulation of immediate area, which at present has a good balance
- student flats being built everywhere - surely don't need more - largest private student halls in Sheffield (The Forge) only a few hundred yards away
- will be provision for over 800 students on the Manor Mill site about 200m from Ecclesall Rd and also notes developments in progress on London Road as well as block built on site of Devonshire pub which still has retail space unoccupied - many other student accommodation sites across City catering for both Universities
- should be considered in conjunction with conversion proposal between Pomona St and Napier St - will result in more than 1321 new residents in area bounded by Pear St/Summerfield St/Pomona St/Pear St

#### Flood Risk

- underground car park takes account of lack of land space, but would have significant impact on the Porter Brook, which has not flooded in this area, but gets extremely full very quickly with high or intense rainfall - increasing built-up area whilst affecting the water-table would put Porter Brook at serious risk of flooding
- surface water run-off would increase - significantly affects nature of stream-flow very quickly indeed
- concerns on impact of subterranean car parking on water table - development is at same level as nearby Porter Brook and will mean an interruption to natural flow of drainage pattern - will almost certainly have implications for properties nearby

## Other

- already empty retail space at bottom of Ecclesall Rd - why build more just to stand empty?
- please don't ruin the lives of people who live in Wards Brewery
- more shops and bars will have detrimental effect on current shops and bars - note former Botanical pub empty for at least 2 years
- have experienced large scale building construction previously with considerable noise starting too early in morning and making concentration very difficult over best part of a year - steps must be taken to avoid noise disturbance to local residents - the smaller the building, the less the length of time it will go on
- proposed landscaping very bland and completely out of character for local area

## A resident from Chesterfield objects:

- any future redevelopment of this site should be more in scale with immediate neighbours and use of local / natural materials - this would improve the setting of nearby Listed Buildings such as former Ward's Brewery
- Ecclesall Road should not become an extension of Moorfoot area. Suggest that any future redevelopment of this site should be more in scale with its immediate neighbours and use of local / natural materials. This would improve the setting of nearby Listed Buildings such as the former Ward's Brewery.

## The Broomhall Park Association objects:

- height of some of blocks out of scale with area - Wards Brewery only 6 storeys maximum; other local commercial buildings are 3-4 storeys; residential Victorian buildings opposite only 2 storeys - welcomes redevelopment of scruffy and dismal site, and no objection to residential accommodation but scale of proposed development is excessive
- student block might be contrary to policy requirements for mixed residential development in this area - there are currently major student redevelopments ongoing locally - acknowledged that students need appropriate living but impact of high density student accommodation in area has already been very considerable with consequence that area has become increasingly unsuitable for families, particularly those with young children
- potential for even more noise emanating from Ecclesall Road - potential use of proposed commercial units may well be for 9-5pm retail but strong likelihood of acquiring licenses for alcohol, music, shisha, etc. - requests conditions to forbid external amplification of music or other entertainment
- traffic congestion and attendant pollution remains serious concern for Ecclesall Road - proposed overdevelopment will only add to problems
- proposed scale of planting pitifully inadequate to mitigate traffic pollution - need more leaf surfaces to absorb pollutants - suggests consultation with University

Councillor Aodan Marken objects:

- major concern on traffic, air quality and parking in Ecclesall Road - Moore St roundabout to Hunters Bar is a slow moving traffic jam from morning rush hour to evening users of restaurants and bars - traffic often backs up to Pear St or Summerfield St and air quality regularly breaches safe EU limits in area
- Summerfield St rush hour queues back from Cemetery Road traffic lights are a significant pinch point - cars could be backing up onto Ecclesall Road if more traffic is generated
- parking is a big issue with few on road spaces at this end of Ecclesall Road - Wards Brewery always has residents seeking parking spaces on the notice boards
- immediate area cannot cope with a significant concentration of new build, high rise, high occupancy developments - Policy CS41(d) applies and this development and other developments in area will create community imbalance
- any development on this site must be much smaller scale - 12 storeys is much too high
- any building should be much more sympathetic to the setting with Victorian housing opposite and high quality Wards Brewery conversion to east
- Ecclesall Road is an important gateway to the City - important to maintain quality of buildings along the whole road - height, design and quality of materials

Pre-Application Community Engagement

As encouraged in the Council's Statement of Community Involvement, the applicant has engaged in public consultation prior to formal submission of the application proposals. Consultation was in the form of a public exhibition. The Planning Statement submitted with the application states that 35 people attended the exhibition and 17 completed a comments form. The following comments are reported to have been received:

- It enhances the local area...love the idea of different building rather than one huge tower (resident and business owner)
- I can see myself living here (local resident)
- No objection to the planned use. Like the overall design (local resident living directly opposite)
- The design is imaginative and I like the variety of housing involved (local resident)
- It's a massive improvement to Ecclesall Road...high spec development long time overdue (local resident)
- looks good and in keeping with the local area and should provide needed accommodation (local resident)
- looks like a well designed scheme which will add to the Ecclesall Road streetscape and bring more life to the bottom end of Ecclesall Road (local business owner)

- This proposal could help link the main part of Ecclesall Road to the city centre. Retail space underneath is excellent (local resident)
- I am thinking of purchasing a unit. This has the potential to be an iconic development that Ecclesall Road needs. A fantastic Proposal (local resident)
- This can't happen soon enough as this will bring lots of life to this area (local resident)
- A visually inspiring and innovative use...an aspirational piece of regeneration which will complete the existing Ecclesall Road frontage and provide economic benefit to the area
- It looks like an ambitious and bold scheme, it's just what the area needs, it'll go a long way to connecting Ecclesall Road to the city centre, great for the area , great for Sheffield (local resident)
- It's good to see development as pleasing on the eye as this (local resident)
- Superb design (local resident)

An emeritus professor of urban policy at the Centre for Health and Social Care Research, Hallam University is reported to have said:

- I support the scheme, height and retail and flat accommodation...helps release family houses in Broomhall

A member of the Broomhall Park Association is reported to have stated:

- An excellent scheme and fingers crossed it is successful

The exhibition is reported to have generated one negative comment:

- Density too high for current area, some elements too tall and out of scale...surrounding roads usually closed with standing traffic, overhanging facades will trap traffic fumes...I hate the current fetish for coloured panels, keep the city centre inside the ring road (local resident)

At the request of officers, the applicant also presented the proposals to the Sheffield Sustainable Development and Design Panel prior to formally submitting the application. The Panel concluded that:

"While welcoming proposals for development on this important site, the Panel did not feel that the proposed scale was justified; particularly the student block which jarred in the street scene.

Further design development was felt necessary to deliver an appropriate scale of block, which could both provide a strong edge to Ecclesall Road with active ground floor uses while also respecting neighbouring sites and the hierarchy of streets"

The Panel supported the varied architectural approach across the site and considered the choice of materials and depth of reveals was 'well handled'. Whilst accepting that there was some benefit to introducing greater height to provide a more urban edge to Ecclesall Road, the proposed height was considered

unacceptable. Of particular concern was the scale of the student block which was not felt to be justified given its position in the street scene and having an uncomfortable relationship with the adjacent block. However, the 'sheer' elevation approach was supported, subject to ensuring retention of the proposed details.

The Panel also felt that "the numerous changes in massing were confusing and weakened the proposals, and agreed that the opportunity should be taken to introduce a strong and consistent edge on Ecclesall Road, perhaps increasing height onto this corner at the expense of elsewhere on the site, such as adjacent to the Conservation Area". There were reservations about the double height set back and a ratio of 5 storeys with 1 setback may produce a stronger edge to the street.

The active frontages were welcomed as an important element in reactivating what has been a significant gap along the street, although further clarification was required regarding the detail of relationships to the footway and the basement car park. The Panel also urged consideration of street trees along the frontage. There was significant concern that the proposal would prevent the adjoining car wash site being developed appropriately in the future.

The proposals have been considered by the Conservation Advisory Group due to the proximity of the development to the Porter Brook Conservation Area and the Grade II Listed Bow Works in particular. The following minute was recorded:

The Group felt that the development was too high and not in sympathy with Ecclesall Road. The Group welcomed the proposed active frontages on Ecclesall Road, but it considered that the development, as presented, would have an adverse impact on the listed Chesterman's Aviva Building, on Pomona Street. The Group felt that the development was unacceptably higher than the development on the former Wards Brewery site, and to a greater extent, the buildings to the west of the site. Its impact would be to extend city centre development into an area whose scale was essentially residential.

Historic England has raised concerns and consider that:

- The height, scale and siting of block fronting Pomona Street and Pear Street will dominate the setting of the designated heritage assets (Bow Works and Porter Brook Conservation Area)
- the architectural treatment and height of the lower and upper ground floors of this block is at odds with the domestic scale of the mid-19th century Listed Building and fails to satisfactorily address the corner of Pomona Street and Pear Street
- not clear from submitted information if the development has adequately addressed the key characteristics of the wider surrounding area - advise that photomontages are undertaken from key points and include wider views as identified in Porter Brook Conservation Area Appraisal
- notes NPPF paragraph 61 which requires planning decisions to address the integration of new development into the historic environment
- notes NPPF paragraph 137 which calls for local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance

- new development will impact on views which contribute to the setting of Bow Works and Porter Brook Conservation Area - advise that amendments are sought to positively respond to the adjacent heritage assets.

## PLANNING ASSESSMENT

### Policy

The site lies within a Fringe Industry and Business Area (FIBA) as defined in the Unitary Development Plan (UDP). The Local Plan Draft Proposals Map defines the site as being within a Business Area. The site also lies predominantly within Flood Zone 3a having regard to the Environment Agency's Flood Maps. This means that there is a 'high probability' of the site being subject to flooding.

The FIBA is sandwiched between the Ecclesall Road and London Road District Shopping Centres and extends between the Waitrose supermarket at the bottom of Ecclesall Road and the shop units above the Regus PorterGate office building beyond Champs on the opposite side of Pear Street. The FIBA also extends south-east to Cemetery Road. Property on the opposite side of Ecclesall Road is within a Housing Area.

The Porter Brook Conservation Area is in close proximity and includes Wards Brewery on the opposite side of Summerfield Street and Bow Works on the opposite side of the Pomona Street/Pear Street junction. Both these buildings are Grade II Listed Buildings.

The following UDP and Local Plan Core Strategy policies are most relevant in considering the merits of the proposals:

BE5 (Building Design and Siting)  
BE6 (Landscape Design)  
BE7 (Design of Buildings Used by the Public)  
BE9 (Design for Vehicles)  
BE12 (Public Art)  
IB6 (Development in Fringe Industry and Business Areas)  
IB9 (Conditions on Development in Industry and Business Areas)  
IB11 (Housing and Residential Institutions in Industry and Business Areas)  
H5 (Flats, Bed-sitters and Shared Housing)  
H7 (Mobility Housing)  
H15 (Design of New Housing Developments)  
S5 (Shop Development outside the Central Shopping Area and District Centres)  
S11 (Design of Retail Development)  
T22 (Private Car Parking in New Development)  
CS23 (Locations for New Housing)  
CS24 (Maximising the Use of Previously Developed Land for New Housing)  
CS26 (Efficient Use of Housing Land and Accessibility)  
CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas)  
CS40 (Affordable Housing)  
CS41 (Creating Mixed Communities)

CS53 (Management of Demand for Travel)  
CS63 (Responses to Climate Change)  
CS64 (Climate Change, Resources and Sustainable Design of Developments)  
CS65 (Renewable Energy and Carbon Reduction)  
CS66 (Air Quality)  
CS67 (Flood Risk Management)  
CS74 (Design Principles)

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

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

The following documents are also relevant:

- Supplementary Planning Guidance "Designing House Extensions". Whilst not strictly applicable to these proposals, the guiding principles for protecting residential amenity are relevant.
- Interim Planning Guidance "Affordable Housing"
- Supplementary Planning Guidance "Mobility Housing"
- Supplementary Planning Document "Climate Change and Design"

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

#### Principle of Proposed Development

The NPPF (para.11) states that "Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."

Class B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) uses are the preferred land use in FIBA's in accordance with UDP Policy IB6. Housing (Class C3) uses are listed as acceptable and shops (Class A1) of more than 280sqm floorspace are listed as unacceptable unless located at the edge of a shopping area. The student accommodation does not fall within the scope of the Use Classes Order and therefore must be considered on its own merits.

Policy IB11(b) permits housing in FIBA's only where it would be next to an existing residential area. The site lies opposite a Housing Area and there are other residential developments within the FIBA.

Policy IB9(a) permits other uses provided that they would not prejudice the dominance of the preferred land uses in the FIBA. The most recent assessment of the balance of uses in the area suggests that preferred uses are slightly under represented. The proposed development does not include any preferred uses, which will continue the deficiency and thereby be contrary to Policy IB9(a).

Core Strategy Policy CS30(a) states that "in the Lower Porter Valley, offices will be promoted, mixed with new housing, including new purpose-built student accommodation as a secondary land use." This was reflected and further continued in the Draft City Policies and Sites that proposed a Business Area designation, where employment uses are promoted along with a limited amount of residential use.

Draft Policy H1 in the draft City Policies and Sites sets out how the balance of uses required by the Core Strategy policy should be delivered. A Business Area should be predominantly used for employment, with residential uses limited to 40% of floorspace within the area. However, the Economic Prosperity and City Region Background Report 2013, identified an issue with the dominance of residential uses in the area, contrary to the draft policy. Ideally, new uses in the area would therefore be employment rather than residential.

The UDP designation takes precedence but the proposed Business Area definition is an indication that general industrial uses are no longer intended to be a dominant form of development in this part of the Lower Porter Valley.

Appendix 1 to the UDP confirms that the balance of land uses takes account of the area at ground level of both existing and committed development. The development proposals include a significant amount of floor space for shop units at ground floor level, with the residential accommodation being predominantly on the upper floors. The exception is the facilities associated with the student accommodation block in Pomona Street (lobby/service areas) which take up a frontage of around 55m.

The shop units effectively replace existing (unauthorised) shop units, and a shisha café (Bamboo Lounge). The former car dealership and ancillary storage/workshop falls outside the scope of the Use Classes Order but can be said to be more consistent with the preferred business and industry uses than the shops and café are.

Overall, the ground floor uses are contrary to Policy IB9 in land use policy terms and there is conflict with Policy CS30 which promotes office developments in this area. However, the shops are at the edge of two main Shopping Centres and will provide opportunities for employment albeit not in the preferred employment sectors. The benefits of redeveloping the under used and unattractive brownfield site with uses that, in principle, are capable of being satisfactorily accommodated in the area are given considerable weight and these benefits are considered to outweigh the land use policy preferences specified in Policy IB9 and CS30a.



## Housing Supply, Density and Mix

The NPPF (para.47) requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer. At present, only a 3.5 years supply can be identified within the City. The site is deemed to be 'deliverable' as the site is within the control of the applicant, the current occupiers are understood to be on short term leases and in these circumstances there has to be a realistic prospect of delivering the scheme within 5 years. Given the current shortfall in housing sites, significant weight must be given to the contribution to housing supply that the development proposals would provide (130 general housing apartments and 44 student cluster apartments - total 174 units).

The proposals comply with Core Strategy Policy CS24 which seeks to maximise the use of previously developed land for new housing. Policy CS26 seeks to make efficient use of land for new housing and sets out appropriate density ranges for new housing in different locations, depending on accessibility.

Much of the site falls within 400m of the inner ring road, which is the boundary of the City Centre for the purposes of this policy. It would therefore be defined as 'near to' the City Centre, with an appropriate density of at least 70 dwellings per hectare. The remainder of the site would be related to the District Centre, with an appropriate density of 50-80 dwellings per hectare. The proposal for 130 apartments and 44 student cluster flats represents a density of 378 dwellings per hectare which is considered acceptable within the context of most of the site being 'near to' the City Centre.

Core Strategy Policy CS41 promotes mixed communities by encouraging housing developments to meet a range of needs including a mix of prices, sizes, types and tenures. The policy includes a requirement for housing for a broad range of smaller households in the City Centre and other highly accessible locations where no more than half the new homes in larger developments should consist of a single house type. A 'single house type' is defined as one with the same number of bedrooms and of the same design or generally similar characteristics. 'Larger developments' are those consisting of 60 or more dwellings. The proposals comprise:

- 19 x 1 bed apartments
- 89 x 2 bed apartments
- 17 x 3 bed apartments
- 5 x 4 bed apartments
- 44 x student cluster apartments

The proposals create a good mix of apartments with opportunities for different sized, predominantly smaller households. In these respects the proposals comply with Policy CS41.

25% of units would normally be required to meet 'mobility housing' standards in accordance with UDP Policy H7 and the Supplementary Planning Guidance "Mobility Housing". However, a Ministerial Statement issued in March 2015 prevents local planning authorities from setting any additional local technical

standards relating to the construction, internal layout or performance of new dwellings. The government has created a new system which includes optional new national space standards that will complement the existing Building Regulations. This effectively supersedes Policy H7 and prevents any requirement for mobility housing from 1 October 2015, the date on or around which the decision is likely to be issued.

### Affordable Housing

Core Strategy Policy CS40 requires a contribution towards Affordable Housing, subject to financial viability. The associated Interim Planning Guidance "Affordable Housing" (IPG) seeks to provide a contribution of 10% which should normally be provided on site. An off-site contribution can be accepted if it would have a better outcome for overall Affordable Housing provision.

The NPPF (para.173) states "to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....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 proposals make no provision for Affordable Housing. Where proposed provision for affordable housing falls short of the policy requirement, the viability of the scheme is routinely independently assessed by the District Valuer (DV). In this instance, the DV has concluded that, allowing for a return on cost of marginally over 15%, the viability of the scheme cannot support any Affordable Housing provision. Where provision is not viable, there is no conflict with Policy CS40.

It should be noted that the DV's assessment had allowed for contributions in respect of provision for Education and Open Space to be made but these requirements are replaced by the Community Infrastructure Levy (CIL) which has been adopted during the lifetime of this application. The CIL rate for this area is based on £30/sqm.

### Flood Risk

The majority of the site lies within Flood Zone 3a (high probability of flooding). A narrow strip along the entire Ecclesall Road frontage and the majority of the Pear Street frontage lies within Flood Zone 2 (medium probability), together with part of the area proposed to be occupied by the 12 storey student block in Pomona Street.

The NPPF (paras.100/101) requires a sequential approach to the location of development to avoid, where possible, flood risk to people and property. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The applicant has considered a number of proposed housing allocation sites and any windfall sites within a 1.75km radius of the application site. Sequential testing would normally be expected on a City-wide basis. The reduced search area is

justified due to the functional requirements of the development, which will be predominately marketed to students and represents an agreed walkable distance for students (for both Sheffield Hallam to Collegiate Crescent and City Campus, and Sheffield University to the Octagon). It is acknowledged that the scheme includes a significant proportion of private residential accommodation, but the applicant states the student element is needed to make the overall scheme viable. Consequently, the student element has led the search area. This is considered a reasonable approach given this particular set of circumstances.

Sequential testing of the identified sites has shown that there are no other reasonably available sites within the search area that are at a lower probability of flooding. The Sequential Test has therefore been passed.

If the Sequential Test is passed, the development must also pass the Exception Test. The NPPF (para.102) states that 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...; 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."

The development will provide wider sustainability benefits, in particular potential economic benefits through job opportunities in construction, retail and student management; and benefits to the local economy from demand created by new occupiers of the development. The extent of the overall sustainability is discussed in subsequent sections.

The Environment Agency (EA) is satisfied with the submitted Flood Risk Assessment (FRA) subject to the development being carried out in accordance with the details thereof. In particular, the finished floor levels must be implemented as specified, with no plant room at basement level. Flood Warning signs are also required to be displayed in the basement and there is a requirement to sign up to the EA's Flood Warning Service.

Locating housing in Flood Zone 3 is contrary to Core Strategy Policy CS67. However, other material planning considerations must be taken into account. The policy states:

"...Where an overriding case remains for developing in a zone with high probability of flooding, development will be permitted only if:

- m. More vulnerable uses, including housing, would be above ground floor level; and
- n. The lower floor levels of any other development with vulnerable equipment would remain dry in the event of flooding; and
- o. The building would be resilient to flood damage; and
- p. Adequate on and off site flood protection measures would be provided...."

In this instance the benefit of the regeneration of the under-used and unattractive site in a highly visible location on a main route into the City Centre can be given

significant weight. It is also acknowledged that the residential accommodation is confined to the upper floors; the Sequential and Exception Tests have been passed and a robust FRA has been submitted showing that the development would be safe and resilient. The depth and duration of flooding would also be relatively low and the basement car park can provide flood storage. Safe evacuation routes should be possible and an Evacuation Plan can be conditioned in the event that planning permission is granted. These factors are sufficient to comply with parts m-p of Policy CS67.

The policy goes on to say "Housing in areas with a high probability of flooding will not be permitted before 2016/17". In view of the significant shortfall in the 5 year housing supply, relaxing this approach can be justified where there is a particularly strong case for development. Overall, the regeneration benefits and the contribution to housing supply are suggested to outweigh the flood risk concerns and the proposals include proposals sufficient to mitigate the impacts of flooding.

#### Ground Conditions

A site investigation report has been submitted in support of the application. A potential pollutant linkage posing a risk to site workers and future site users from petroleum hydrocarbons originating from the adjacent former fuel filling station (car wash) is identified. This is a matter that requires further investigation but should be capable of satisfactory resolution through appropriate planning conditions.

#### Retail - Sequential Test

The NPPF (para.24) states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

The site represents an 'edge of centre' location and is in a highly accessible location which is well connected to the District Centres and City Centre and is served by high frequency bus routes. Since the site is edge of centre, alternative sites would be preferable only if they were within a Centre.

Neither the NPPF nor the associated National Planning Practice Guidance (NPPG) specifies which Centres should be considered, although previous guidance has suggested that the relevant centres in which to search for sites will depend on the plan strategy, the nature and scale of the development, and the catchment that it seeks to serve. Since no occupiers have been identified for the scheme it is not known what catchment area the development would serve. It is likely to be similar to that of Ecclesall Road and could be similar to that of London Road and the City Centre. On that basis it was considered that the search should be limited to Ecclesall Road District Centre given that the site is only 120m away and separated

by other main town centre uses, offices and a pub. The benefits it could offer to the centre in terms of environmental improvements and increased vitality could be bettered only by a site within the Ecclesall Road centre itself. Since there are no vacant sites or buildings in the Ecclesall Road centre that could provide the modern retail accommodation that this proposal would provide, the development is considered to have passed the sequential test.

UDP Policy S5 requires all new retail development outside the Central and District shopping centres to be assessed for its impact on those centres. The NPPF postdates the UDP and states (para.26) that an impact assessment should only be required for developments of 2500sqm or more in the absence of a locally set floorspace threshold. The UDP does not set any floorspace threshold and, as this development is below the NPPF threshold, an impact assessment is therefore not required.

If planning permission is granted for the proposal it is recommended that 'permitted development' rights are removed to prevent any uncontrolled subsequent change of use to Class A3 (restaurants that may otherwise be permitted by Class C to Part 3 of the General Permitted Development Order (GPDO)) and may be damaging to the residential environment, including housing opposite the site.

#### Design, Scale and Residential Amenity

The NPPF (para.17) sets out 12 core planning principles which state, amongst other things, that planning should "...not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;(and)...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..."

The NPPF (para.9) states "...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

The NPPF (para.62) states "Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design... In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel."

In line with the above officers engaged in consultation with the applicant over several months prior to the application being submitted. Comprehensive advice was provided as part of this process in advance of the application being submitted and reiterated where necessary throughout the formal application process in order to guide the proposals to a sustainable solution in accordance with national and local policies. The applicant also engaged in a wider consultation process which included exhibiting the plans at a public event prior to submission of the application. The plans have also been presented to the Sheffield Sustainable

Development and Design Panel. The Panel's comments are reported in the Representations section.

The NPPF (para.58) states: "...Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF (para.60) states "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

These national requirements are reflected in Core Strategy Policy CS74 which expects high quality new development that would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including, amongst other things, "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". UDP Policies BE5 and IB9(c) predate Policy CS74 but reflect the aims of CS74 in requiring new development to be well designed and of a scale appropriate to the site and surroundings.

A comprehensive Design and Access Statement (D&A) has been submitted in support of the application proposals. The D&A explains how the design has developed and includes details of options that have been explored prior to arriving at the submitted proposals. It does not explain the client's requirements, which one would expect to drive the proposals, but does consider the opportunities and constraints associated with the location.

The opportunities are stated in the D&A to include creating an active street frontage to Ecclesall Road and extending vibrancy towards the City Centre; infilling the 'missing building' frontage with high quality development; key development of a brownfield site; improving the urban grain; and potential linkage with any future development on the KwikFit site. The constraints are identified as noise and

pollution to the north (Ecclesall Rd) and varied building typologies and heights around the site.

The design has been developed resulting in a development comprising 4 distinct perimeter blocks of varying height and composition. The heights relative to the existing surrounding buildings are as previously described in the Location and Proposal section of the report. The D&A also considers how the two adjoining sites could be developed at some point in the future whilst maintaining a satisfactory relationship with the application proposals.

The design of the individual buildings is of reasonable quality and the varied architectural approach across the site is well considered. The materials are varied and high quality, providing interesting contrasts and successfully making clear definitions between the different elements of the scheme. The majority of the external wall area is proposed to be brick which will vary slightly across the individual zones. Grey tones are proposed to the Ecclesall Road and Pear Street frontages with buff to Zone 3 (Pomona Street). The top floors will have dark cladding panels. The elevations include curtain walling with clear glass and coloured infill panels. The 12 storey block (Pomona Street) is proposed to be finished with a full height curtain walling system. This will result in a building with a crisp, sheer appearance.

The central courtyard provides an enclosed private communal courtyard amenity area with practical utility space amounting to approximately 900sqm. The space is well designed albeit not fully inclusive and appropriate hard and soft landscaping can be secured by condition if planning permission is granted, in accordance with Policy BE6. A number of the private apartments also benefit from recessed balconies which will increase private amenity for the future occupiers.

Lifetime Homes criteria are incorporated in the design and all habitable rooms achieve reasonable space standards and benefit from natural light. A Noise Assessment has been submitted. Whilst there are high background noise levels at day and night, predominantly from highway activity but also associated with Champs, KwikFit and the car wash, it is considered that satisfactory living conditions can be provided with appropriate noise attenuation measures.

Overall, the individual blocks relate well to one another and provide good quality living conditions and satisfactory external amenity for future occupiers sufficient to comply with UDP Policies H5 and H15.

Following negotiation, the plans have been amended to include 'green roofs' to 2 of the 4 blocks. The extent of provision falls short of the minimum 80% roof coverage referred to in Guideline CC1 of the SPD "Climate Change and Design" and there is no evidence to demonstrate that provision is not compatible with design objectives or viability. The applicant considers that green roofs would suffer from weather extremes on the taller blocks which is why provision is restricted to the two lower units. No evidence is given to support this assertion and it is a view which is not shared by experts at Sheffield University following consultation. However, the provision for green roofs is close to 50% and, whilst not strictly in accordance with

the Guideline, greater weight can be given to the regeneration benefits which include measures to mitigate climate change.

Options to secure renewable energy were being considered as the application was submitted but it has subsequently been indicated that there will be a connection to the combined heat and power facility (CHP). The D&A also refers to the buildings being designed to benefit from natural ventilation; solar gain; shading (recessed balconies); increased biodiversity (courtyard planting); better passive heating and cooling as a result of the building having a concrete frame rather than steel; and energy efficiency savings in producing concrete rather than steel.

The D&A commits to achieving a Level 3 Code for Sustainable Homes (CSH) rating with the student accommodation and retail units achieving BREEAM 'very good' as a minimum. These measures are sufficient to comply with the relevant provisions in Policies CS63, CS64 and CS65. However, it should be noted that the previous requirement to meet Level 3 of the Code for Sustainable Homes has been withdrawn as a result of the Ministerial Statement referred to earlier. This prevents any planning requirement to achieve Level 3 CSH from 1 October 2015.

Notwithstanding the quality of the individual elements of the development, the relationship of the development to the surrounding context remains a key concern. The surrounding context is detailed in the Location and Proposal section at the beginning of this report. The tallest context buildings are the 6 storey residential block opposite the proposed 12 storey block in Pomona Street and the 6-7 storeys of Wards Brewery on the opposite side of Summerfield Street. It is acknowledged that planning permission has previously been granted for a 10 storey building at the junction of Pomona Street and Summerfield Street (ref 11/01864/FUL (expired)). This building would have been next to the blank elevation of the existing 6 storey building. A tall building in that location was considered justified due to the corner location of the site which identifies the gateway to the Porter Valley, and signposted the overall site.

Ecclesall Road is considered a primary route in terms of enclosure and street hierarchy, with Summerfield Street being given senior secondary status. The remaining streets, including Pomona Street, form the essential grid of the area and are afforded secondary status. It is fully accepted that a high density residential scheme can be accommodated on the site and that there is merit in introducing greater height to provide a strong urban edge to Ecclesall Road at the back edge of the footway. Views down Ecclesall Road towards the city centre would naturally be expected to culminate in taller buildings, particularly as the road widens to dual carriageway beyond the application site.

The proposed scheme steps up from 7 to 11 storeys between Pear Street and the car wash site. However, the variations in massing, including stepped back top floors of different heights and a drop to single storey between the two blocks, confuses the form and does not provide a strong edge within the street scene. The arrangement is at odds with the vast majority of the larger scale development in the surrounding area, including the 5, 7, 8 and 10 storey blocks previously granted permission on the former Gordon Lamb site.



The 12 storey student block would be located on Pomona Street, some 35m from the junction with Summerfield Street and within 15m of the 6 storey block on the opposite side of Pomona Street, which is a highway of only secondary status in the street hierarchy. The 12 storey block is well designed and could be suited to a strong corner location, such as at the junction of Ecclesall Road and Summerfield Street. However, the building is completely out of scale with its immediate surroundings and is considered inappropriate in this location. To put things in context, the height of the block is approximately 36.5m compared to the approximately 21m height of the 6/7 storeys of the Wards Brewery development adjacent Summerfield Street, and the approximate 19.5m of the 6 storey Pomona Street residential block directly opposite. In these circumstances, the proposals are considered to be out of scale and contrary to Policies BE5, IB9(c) and CS74.

In addition to the location of the 12 storey block some way from a corner where extra height could be accommodated, the building will be overbearing on the 6 storey block across Pomona Street. This secondary street is relatively constrained at approximately 11m width, compared to Summerfield Street at approximately 17m and Ecclesall Road. The impact on the 6 storey block, which has primary accommodation and balconies facing, would result in a significant loss of amenity to occupiers of that block which would be contrary to Policy IB9(b).

Due to flood risk considerations, the potential for level access to the retail units in Ecclesall Road is compromised. A platform lift is provided to the entrance terrace at the east end of the site. The dimensions shown are not sufficient to easily accommodate mobility scooters and the location could be improved so it is more visible. Alternative details can be conditioned if planning permission is granted in order to comply with Policies BE5(i), BE7 and S11(a).

Public art does not appear to have been considered but there is potential for provision, possibly as part of the external terrace works. Such provision can be conditioned to accord with Policy BE12.

It would be beneficial to include street trees as part of the proposals. Street trees are a strong characteristic of Ecclesall Road and such provision would significantly enhance the public realm. The trees would also be beneficial in contributing to air quality. This has been suggested to the applicant but the proposals prefer to rely on tree planters incorporated in the external terrace. Despite being increased in size, the raised planters will not be suitable for trees of appropriate stature to the location. It is recommended that a Grampian condition requiring provision for street trees is imposed if planning permission is granted.

#### Future Development of Adjoining Site

The NPPF (para.57) states that "It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

There is some concern about the impact of the 12 storey block on the future development of the car wash site and, likewise, the impact of future development

of the car wash site on the amenity of occupiers of the 12 storey block. The 12 storey block is between approximately 6.3m and approximately 10.6m of the rear boundary of the car wash.

It is entirely reasonable to consider that the car wash site likely to come forward for development at some point in the next 15 years. The car wash is understood to be on a 25 year lease from 2005 and there is no evidence of any investment in the appearance of the site since planning permission for such use was granted. To disregard this possibility as a material consideration would be short sighted and potentially prejudicial to the quality of future redevelopment of an important primary road frontage.

The car wash site is significantly smaller than the application site and it is important that the proposals do not overly compromise the ability to develop the car wash site at a scale appropriate to its location in Ecclesall Road. Similarly, it will be important to ensure that development of the car wash site does not compromise the ability to provide a suitable taller building on the KwikFit site at some point in the future. These two sites currently present a weak frontage and potentially have a key role to play in strengthening the urban grain at an important point on a major route into and out of the city centre.

It would be extremely beneficial if the application site could be developed in conjunction with the adjoining car wash site and the KwikFit site at the Ecclesall Road and Summerfield Street junction to create a comprehensive scheme that would allow a natural progression towards the city centre, culminating in a tall building at the important Ecclesall Road/Summerfield Street junction. This would potentially be an ideal location for the proposed 12 storey block albeit subject to appropriate measures to mitigate noise disturbance, particularly at the lower levels. The applicant was asked to investigate this possibility in the interests of proactive working to achieve a truly sustainable form of development. However, the supporting submissions confirm that neither of the two businesses concerned is amenable to disposing of the land and so this is clearly not an option at the present time.

As stated earlier, the D&A considers how the car wash and KwikFit sites could potentially be developed if the application proposals are implemented. The potential solutions considered rely on the two sites being developed in conjunction with one another, which cannot be guaranteed. The options involve a very low rise development on the car wash site to complement a tower on the KwikFit site or a stepped form of development, stepping up to the KwikFit site. Both solutions would create a weak frontage on the car wash site.

Notwithstanding the above, the car wash site could potentially accommodate a perimeter block of similar depth to the 12 storey block with amenity space to the rear. The separation distance between facing elevations would be comparable to the distance between the proposed Pomona Street and Ecclesall Road blocks at approximately 15m but the quality of the amenity space would be likely to be compromised by the impact of the height of the buildings in such close proximity.

Of even greater concern is the end elevation of the 11 storey Ecclesall Road block which faces the side boundary of the car wash site. This elevation contains the sole windows to habitable rooms (bedrooms) of 10 flats over 10 floors. Development of the car wash site at an appropriate scale with a strong edge to the road frontage would have a severe and unacceptable impact on the bedrooms through loss of light and an overbearing impact. The living rooms also have large windows on the facing elevation. These rooms are dual aspect and are less of a concern but would need to be treated to prevent outlook onto the car wash which would be lost if a comparable scale building came forward on that site. It is unreasonable to borrow amenity from the adjoining site to such an extent that it compromises the redevelopment of that site. As such, the proposals are not considered to be a sustainable form of development and are therefore not supported having regard to the core principles set out in the NPPF.

#### Impact on Historic Environment

The impact on the Porter Brook Conservation Area is generally considered acceptable. The Conservation Area does not directly adjoin the site but does include the Listed Buildings at Wards Brewery and Bow Works within its boundary. The building has no material impact on the setting of Wards Brewery as a heritage asset due to the separation distances and the two adjoining sites in between.

There is some concern about the impact of the 7 storey block fronting Pear Street on the Grade II Listed Bow Works on the diagonal of the Pear Street and Pomona Street junction and Historic England's comments are noted.

The Pear Street/Pomona Street block reduces to 5 storeys as a result of setting the top two floors back from the corners. Bow Works is between 3 and 4 storeys high with its (1990s) corner feature being somewhere in between. The separation between the two facades is approximately 27m. It is acknowledged that the proposed building steps away from Bow Works and does not adversely affect the historic part of the Listed Building, despite the listing applying to the building as a whole. On balance, the impact can be accepted having regard to the regeneration benefits of the proposals which rely on achieving a relatively high density; and the desire to create a strong perimeter form of development to satisfactorily address views up and down Ecclesall Road.

#### Highway Matters

The NPPF (para.32) states that decisions should take account of, amongst other things, whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and whether safe and suitable access to the site can be achieved for all people. UDP Policy IB9(f) requires new development in FIBA's to be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking and Core Strategy Policy CS53 seeks to manage the demand for travel by, amongst other things, implementing Travel Plans and applying maximum car parking standards. UDP Policy T22 requires developers to make provision for sufficient off-street parking to meet the needs of their development.

The proposals provide 113 car parking spaces, including 10 disabled bays. The standard size spaces will be exclusively for use by the 130 private apartments with no provision being made for the student accommodation or for use in connection with the retail units. 3 of the disabled bays will serve the student accommodation. The level of provision is below that indicated in the UDP Car Parking Guidelines which indicate 1 space per flat plus 1 space for every 4 flats for visitors. However, it is acknowledged that these are maximum standards in accordance with Policy CS53 and the level of provision is considered appropriate considering the highly accessible location and the parking controls in the surrounding area.

The car parking accommodation is provided at basement level with ramped access taken from Pomona Street. The location of the access is considered to be acceptable but it would be beneficial to provide visibility splays to both sides in the interests of pedestrian safety. This was requested but the applicant does not consider it necessary as the footpath will break at the access rather than be designed as a dropped crossing. On balance, the arrangement is sufficiently defined and is therefore considered acceptable and in accordance with UDP Policy BE9(a).

The student units will benefit from 115 cycle parking spaces. The proposals also include 130 cycle parking spaces to serve the private apartments (1 per unit) and 12 spaces to serve the retail units.

Servicing is proposed to be carried out from Pomona Street. This will involve the loss of 3 on street parking spaces which is far from ideal but acceptable considering that servicing from Ecclesall Road should not be encouraged and the development needs to abut the back edge of the footway to achieve a strong design response to the urban location. A Traffic Regulation Order will be required to accommodate the proposed on street servicing arrangement.

The submitted Transport Assessment (TA) considers that the retail units will be an extension to existing provision along Ecclesall Road and will not generate any additional requirement for parking. This may be the case but much will depend on the nature of the occupiers of the shops, particularly the larger units. Nevertheless, it is accepted that the location is highly accessible and within close proximity to a wide range of goods and services. Furthermore, the existing regulations throughout the area will control any demand for on street parking generated by the shop units.

The TA provides a comparison between the traffic estimated to be generated by the existing and proposed use of the site. During the morning peak the existing use is estimated to generate 20 vehicular movements compared to the 50 movements (+30) estimated to be generated by the proposed development. The afternoon peak estimates are 15 and 55, respectively (+40). It is considered that this level of additional traffic would not have a material impact on the operation of the highway network.

Capacity assessments have been undertaken for the junctions in the immediate vicinity. Whilst the development will decrease available capacity at the junctions,

the assessments demonstrate that the reduced capacity is not of such a magnitude as to have a material impact.

A Student Traffic Management Plan is set out in the TA and indicates that arrival and departure times at the start and end of the academic year will be subject to a booking system and 1 hour turnaround times. The principle of the arrangement is acceptable but some refinement may be required. The Management Plan can be included in a Travel Plan which can be conditioned if planning permission is granted.

Overall, the parking provision is considered acceptable and the servicing provision is, on balance, adequate in accordance with the quoted policies.

### Air Quality

The NPPF (para.124) requires planning policies to contribute towards EU limit values or national objectives for pollutants, taking account of Air Quality Management Areas and the cumulative impacts of air quality from individual sites locally. It also requires decisions to be consistent with the Air Quality Action Plan (AQAP). Sheffield's AQAP identifies the whole of the urban area as an Air Quality Management Area.

Core Strategy Policy CS66 relates to air quality and refers to action being taken across the built up area of the city where residents are exposed to levels of pollution above national targets. The policy seeks to achieve protection and improvement of air quality through the AQAP and Local Transport Plan and through decisions about planning applications for significant traffic generating uses.

The submitted Air Quality Assessment (AQA) compares predicted concentrations with the air quality objectives. The results of the assessment indicate that annual mean NO<sub>2</sub> concentrations are likely to be within the objective in 2017 under a worst case scenario at residential receptor locations. Concentrations of PM<sub>10</sub> are also predicted to be well within the annual mean objective level. Based on the evidence it is considered unlikely that there will be exceedances of either short term objectives for NO<sub>2</sub> or PM<sub>10</sub>. No specific mitigation is therefore considered necessary and there is no conflict with Policy CS66.

### Balancing Material Considerations

As stated earlier, the NPPF (para.9) states "...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

The NPPF (para.19) states "Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The previous sections relative to Design and Future Development explain that the proposals do not adequately respond to the local character or reinforce local

distinctiveness. It has also been explained how the proposals borrow amenity from the adjoining car wash site and how that borrowed amenity will affect the ability to redevelop that site in a manner to satisfactorily reinforce local character in an important location on a major route into and out of the city centre. The impact on the occupants of the 6 storey apartment block in Pomona Street is also explained. As a result, the proposals are not considered to represent sustainable development.

It is acknowledged that the development does bring significant benefits in terms of replacing existing poor quality buildings, making very efficient use of a brownfield site, making a significant contribution to housing supply where there is currently a significant shortfall and creating employment, predominantly in the construction phase but also as a result of employment in the retail and facilities management sectors. There are also environmental gains associated with greening the site and providing potential for flood water storage (albeit in the basement which would be inconvenient for residents with cars/cycles).

The benefits must be weighed against the harm caused by the inappropriate scale and massing and the negative impact on the scope for future development.

Significant weight can be given to the removal and replacement of the existing poor quality buildings, albeit those buildings still being in use.

Significant weight can also be given to the contribution to housing supply targets.

The environmental gains are evident but not especially significant and the 'green roof' coverage falls short of the policy requirement.

Officers have been unsuccessful in persuading the applicant to engage in any positive discussion with the Council's Lifelong Learning, Skills and Communities service. That service could assist in preparing a local employment strategy to ensure local job opportunities which could be given some weight in considering economic benefits. The applicant prefers to leave employment matters in the hands of the contractor. It is difficult to justify imposing a condition requiring details of a local employment strategy in the absence of any commitment to entering into one. The contribution to local employment is therefore given reduced weight.

The increased population will no doubt increase spending in the area. However, this is not an area that has suffered significant decline and the nearest District Centre (Ecclesall Road) is evidently thriving well. It can reasonably be assumed that the new occupiers would settle elsewhere in the City and continue to spend to the benefit of other areas. This consideration is therefore given reduced weight.

Officers have worked with the applicant periodically over the last 12 months with a view to achieving a development that is sustainable in terms of respecting local character, reinforcing local distinctiveness, including taking a longer view in protecting the contribution that the adjoining important site can make to the urban environment, and creating a viable scheme that delivers new housing and employment. It would be beneficial to include the 'preferred' employment uses in

the scheme but the absence of Business uses has been accepted rather than raised as a barrier to investment.

Officers have provided advice consistently at every stage of the process. This advice has included suggestions on how the site could be developed to achieve the above objectives without significantly reducing the overall amount of development and without imposing specific architectural styles or tastes.

Given the potential to deliver an alternative scheme that generally achieves the planning objectives and could reinforce local character, without any evidence that viability would be unacceptably compromised, very significant weight is given to the scale and massing issues and the negative impact that this has on the street scene. These factors are consequently considered to outweigh the other considerations.

## SUMMARY AND RECOMMENDATION

The proposals involve the highly efficient mixed use of a brownfield site on an important stretch of Ecclesall Road. The existing buildings are low rise and of limited architectural quality. The proposed mixed scheme includes retail units, private apartments and a 12 storey block of student accommodation. There is already an issue with the dominance of residential uses in the defined Fringe Industry and Business Area but the benefits of redeveloping the under used and unattractive brownfield site with uses that, in principle, are capable of being satisfactorily accommodated are considered to outweigh the land use policy preferences specified in UDP Policy IB9 and Core Strategy Policy CS30a. The proposed density of 378 dwellings per hectare is considered acceptable within the context of most of the site being 'near to' the City Centre and the proposals provide a good mix of residential accommodation in accordance with Policy CS41.

Good quality living conditions can be provided and there is sufficient provision for associated external amenity space. Background noise can be adequately mitigated and the impact on air quality is such that no mitigation is required. Adequate car parking provision is provided, although parking associated with the student accommodation is restricted to 3 disabled bays. Extensive cycle parking is proposed. If planning permission is granted it will need to be designated as 'car free' in order to maintain existing levels of on street parking by withdrawing eligibility for parking permits. Servicing from Pomona Street is not ideal but the necessary loss of 3 parking spaces to facilitate such servicing is not considered to be an overriding issue.

The District Valuer has appraised the development and has confirmed that the 10% policy requirement for Affordable Housing is not deliverable within the viability of the proposals. No provision is therefore made for Affordable Housing.

The majority of the site lies within Flood Zone 3a (high probability of flooding). The proposals have passed the associated Sequential Test to site selection and the Exception Test is also considered to be passed on the grounds of wider sustainability benefits. The proposals demonstrate that flood risk can be

adequately mitigated, including potential for the basement to alleviate flooding in the area.

The proposals have also been subject to the Sequential Test in terms of locations for retail development. The individual circumstances are such that the search area for considering alternative sites has been restricted to the Ecclesall Road District Shopping Centre. There are no vacant sites or buildings in the Centre and the Sequential Test is therefore satisfied.

The design of the individual blocks is of reasonable quality and the varied architectural approach across the site is well considered. The materials are varied and high quality, providing interesting contrasts and successfully making clear definitions between the different elements of the scheme. Overall, the individual blocks relate well to one another. Green roofs are provided to 2 of the blocks, which is below the 80% provision specified in the relevant guideline in the SPD "Climate Change and Design" but greater weight is given to the regeneration benefits.

Despite the quality of the individual elements of the development, the relationship of the development to the surrounding context is considered unacceptable. The 12 storey block is completely out of scale with its immediate surroundings and is considered inappropriate in this location. To put things in context, the height of the block is approximately 36.5m compared to the approximately 21m height of the 7 storeys of Wards Brewery. The 12 storey block will also dominate and be overbearing on the 6 storey apartment block directly opposite in Pomona Street to the detriment of the amenity enjoyed by occupiers of that building.

The variations in massing, including stepped back top floors of different heights and a drop to single storey between the two blocks on the Ecclesall Road frontage, confuses the form and does not provide a strong edge within the street scene. The arrangement is at odds with the vast majority of the larger scale development in the surrounding area.

Furthermore the proposals borrow amenity from the adjoining car wash site in Ecclesall Road and the arrangement will affect the ability to redevelop that site in a manner to satisfactorily reinforce local character in an important location on a major route into and out of the city centre.

The proposals also have some impact on the Grade II Listed Building at Bow Works in Pomona Street. However, the impact can be accepted when balanced against the regeneration benefits which rely on achieving a relatively high density; and the desire to create a strong perimeter form of development.

It is acknowledged that the development does bring significant benefits in terms of replacing existing poor quality buildings, making very efficient use of a brownfield site, making a significant contribution to housing supply where there is currently a significant shortfall and creating employment, predominantly in the construction phase but also as a result of employment in the retail and facilities management sectors.



Given the potential to deliver an alternative scheme that generally achieves the planning objectives without any evidence that viability would be unacceptably compromised, very significant weight is given to the scale, massing and residential amenity issues which are considered to outweigh the other considerations in this instance.

In these circumstances, the proposals are considered to be contrary to Policies BE5, IB9(c) and CS74 and are not fully sustainable in the context of the core planning principles set out in the NPPF. It is therefore recommended that planning permission is refused.

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Case Number	15/00277/OUT (Formerly PP-03788587)
Application Type	Outline Planning Application
Proposal	Retail and leisure scheme with associated customer car parking, landscaping and servicing
Location	Land Between Drake House Crescent And Eckington Way Drake House WaySheffieldS20 7JJ
Date Received	27/01/2015
Team	City Centre and East
Applicant/Agent	Steven Abbott Associates
Recommendation	GRA GC subject to Legal Agreement

Subject to:

#### **Time Limit for Commencement of Development**

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

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

#### **Approved/Refused Plan(s)**

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

Drawing Numbers: 13762-50 Location Plan, 015 proposed site layout, 101 building layouts, 102 building layouts, 103 building layouts, 104 elevations sheet 1, 105 elevations sheet 2, 106 roof plan

Reason: In order to define the permission.

#### **Pre-Commencement Condition(s)**

3. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of landscaping

(matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

4. No development shall commence until the improvements to the highways and verges 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 buildings are brought into use.

Highway/landscape Improvements:

1. Provision of pedestrian crossing points to meet current highway and disabled access standards on the Drake House Crescent and Drake House Way frontages of the site.

- 2 . Landscaping to the strip of land between the highway and the land to be provided to allow highway improvements as shown on plan 13762-015

Prior to the improvement works being carried out, full details shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be carried out in accordance with the approved details.

Reason: To encourage safe pedestrian movement to and from the site and in the interests of the visual amenities of the locality.

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

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

6. 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.

7. 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.

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

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

9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The surface water drainage works shall be achieved by sustainable drainage methods unless this can be shown not to be feasible and no piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details submitted as part of this condition.

Reason: To ensure that the development can be properly drained and in the interests of sustainable development.

10. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the 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 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 and given that such works could be one of the first elements of site infrastructure that must be

installed it is essential that this condition is complied with before the development commences.

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

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

12. No development shall commence until full details of measures to protect the existing trees and shrubs, 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 protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

#### **Pre-Occupancy and other Stage of Development Condition(s)**

13. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

14. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority.

Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

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

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

Reason: In the interests of delivering sustainable forms of transport, in accordance with Core Strategy policy CS53.

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

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

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 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.

17. 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.

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

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

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

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

20. Before any building is occupied details of items 1 to 4 below shall be submitted to and approved by the Local Planning Authority and before construction of the retaining walls commences details of their design shall be submitted to and approved by the Local Planning Authority.

Items for approval

1. Boundary fencing
2. Design of cycle stands and covers.
3. Litter bins.
4. Details of pedestrian crossing points/dropped kerbs and bollards within the site.

Thereafter the approved details shall be implemented before the buildings are occupied.

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

21. The scheme shall make provision for a minimum of 3 electric charging points for vehicles. Prior to the first building being occupied details of the above provision including appropriate signage shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of encouraging sustainable travel to the site and mitigating the air quality impacts of the proposal.

### **Other Compliance Conditions**

22. No more than 70% of sales floorspace in each of the two main units (C and D) shall be used for the sale of non-food goods.

Reason: In the interests of protecting the vitality and viability of existing centres in accordance with the National Planning Policy Framework as the occupation of retail units by operators primarily selling town centre type goods could undermine the vitality and viability of Crystal Peaks Shopping Centre.

23. Total retail (A1) sales area shall not exceed 2435sqm.

Reason; In order to define the permission and ensure that the impact is limited to that assessed under the application in the interests of protecting the vitality and viability of adjacent centres.

24. Units C and D shall not be subdivided to create any single retail A1 unit less than 465 square metres.

Reason: In the interests of protecting the vitality and viability of existing centres in accordance with the National Planning Policy Framework as the sub-division of units into small units could undermine the vitality and viability of Crystal Peaks Shopping Centre.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 3 class A, or any Order revoking or re-enacting that Order, the buildings shall not change from use class A3 to use class A1 without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of protecting the vitality and viability of existing centres in accordance with the National Planning Policy Framework and because the application did not assess the impact of A3 restaurant and cafe buildings being used for A1 retail purposes.

26. A minimum 1.8m wide pedestrian route orientated south east/north west through the outdoor seating area to the frontage of unit F as shown on the approved plans shall be kept clear of obstructions.

Reason: In the interests of providing convenient and safe pedestrian access through the site.

27. The buildings shall not be used unless the cycle parking accommodation for 30 bicycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Core Strategy Policy CS 5.

28. The buildings shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with approved plans. Thereafter, all such areas shall be retained free of all



obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

29. There shall be no gates or barriers erected at the means of vehicular access unless they are in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To ensure access is available at all times.

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

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

31. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

32. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority unless alternative water treatment arrangements have been approved as part of a sustainable drainage scheme.

Reason: Prevent pollution of the water environment.

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

Reason: To ensure satisfactory drainage arrangements.

34. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' for the shell only and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' shell only 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.

35. The construction works shall be carried out in accordance with the London Councils' Best Practice Guidance, November 2006 "The Control of Dust and Emissions from Construction and Demolition".

Reason: In order to minimise the escape of dust and protect local air quality and in the interests of the amenities of adjoining occupiers.

Attention is Drawn to the Following Directives:

1. 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.

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. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

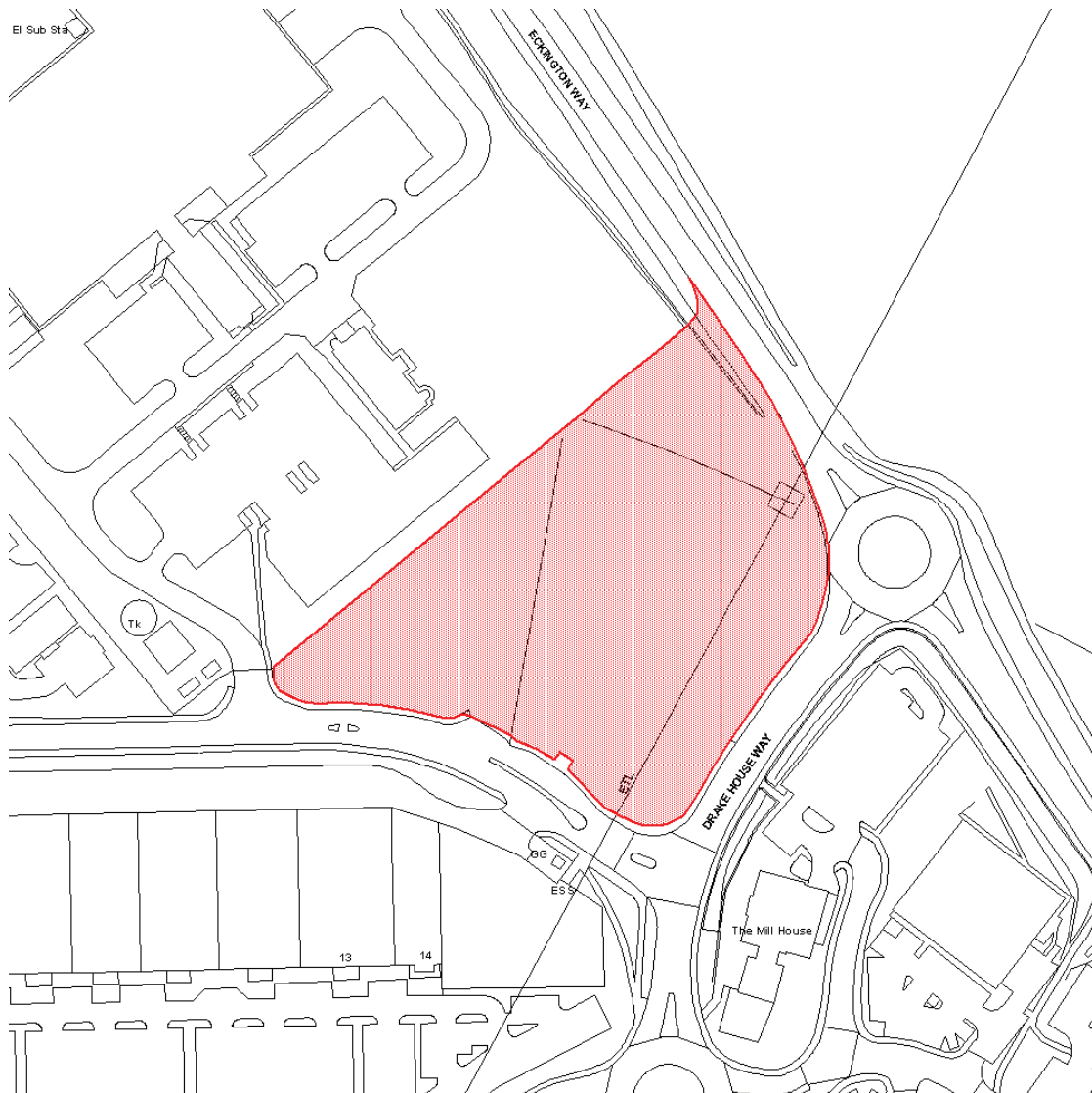
If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

5. The ecology survey identifies stands of Japanese Knotweed on site. The applicant is reminded of their obligations under the Wildlife and Countryside Act, The Environmental Protection Act and Waste Management Licensing Regulations. In addition any vegetation clearance should take place outside of the bird breeding season (End of February to end of August) or if during this period then a qualified person should check the site for breeding birds prior to any vegetation clearance or removal.
6. The Environment Agency recommends that consideration is given to raising finished floor levels above adjacent ground levels to reduce the risk of flooding from surface water.
7. The applicant is advised to take note of the National Grid and Northern Powergrid advice which can be viewed on the on-line application file.
8. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 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 SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

9. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
10. Plant and equipment should be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
11. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The application site comprises of a vacant plot of land of approximately 1.3 hectares located approximately 400m to the north of Crystal Peaks District Shopping Centre. It is covered with rough grassland, scrub and naturally regenerating trees and slopes upwards from south east to north west. There is a large electricity pylon located on the eastern part of the site adjacent to Eckington Way and the power lines traverse the front portion of the site.

The site is bounded by Eckington Way to the east, Drake House Way to the south and Drake House Crescent to the west. To the north is a large food processing plant with Drake House Retail Park, the Drakehouse Mill Public House and a gym to the south west and south east. To the east there are fields and a housing area. The application is in outline and seeking permission for a food store, three retail units and two restaurants to be served by a 175 space car park. Details have been submitted of the site layout, access, and the scale and appearance of the development, landscaping is a reserved matter.

The two largest retail units are positioned on the northern part of the site adjacent to the food processing plant. The largest unit is proposed for a foodstore and has a floor space of 1,742 sqm, it is intended to be occupied by Aldi. Attached to the Aldi store is another retail unit of 1,161 sqm. Adjacent to the Drake House Way/Drake House Crescent junction a drive through Costa Coffee shop (167 sqm) is proposed and a Frankie and Benny's restaurant (409 sqm) next to it. Two small retail units of 93 and 111 sqm are sited next to Drake House Crescent and the site access.

The existing site access off Drake House Crescent will be utilised for both customers and service vehicles.

The proposed building design is contemporary and all the units have mono pitched roofs with over sailing eaves. The larger units are faced in white metal cladding at the upper level and brick or timber cladding below. They have glazed entrances and timber signage features. The smaller units are faced in a combination of white cladding, white render and timber cladding with glazed entrances.

## SUMMARY OF REPRESENTATIONS

Clive Betts MP considers that there is local support for an Aldi store but there is concern about the combined impact of traffic generated by developments in the area. Reference is made to traffic queuing on Moss Way, Eckington Way, around Asda and the Retail Park and also dangerous junctions on Moss Way. The application must be supported by a traffic study and action to deal with congestion that already exists and which will be compounded by further developments. He also considers that the dangerous junctions on Moss Way will be worsened by the development.

Mr Betts considers that the developer should be paying for improvements to mitigate the impact of traffic that the development generates. He acknowledges that the test in the National Planning Policy Framework for refusing development or

requiring improvements is that the residual cumulative impacts must be severe. However he is of the view that the impact of the proposed development should be taken alongside the Asda development and together there is a significant cumulative impact which is already slowing down traffic and will slow it down further if the congestion is not dealt with.

Councillor Mirfin-Boukouris has commented saying she is keen to see details of the parking and the greening of the area with new planting but is not able to support further development unless these factors are taken into consideration along with changes to the access points. She considers that an air quality assessment should be carried out.

Councillor Ian Saunders has commented that the road network is already at capacity especially at the weekend. The roundabout adjacent to the site needs improving and there are tailbacks on Eckington Way in both directions either side of the site and further increases in queuing have the potential to affect the A57. There are also long queues on Waterthorpe Greenway from the Peaks Mount junction to the Asda store, a left turn filter lane to the Drakehouse site would ease these issues at this junction. Local councillors should be involved in proposals that affect the highway to input their local knowledge.

Wilko at Crystal Peaks have objected to the application on the grounds that development will reduce footfall and trade which will have a significant impact on Crystal Peaks. Although the development may create jobs other jobs will be lost elsewhere. The current transport and highway arrangements are not robust enough to service another significant development in the area. It is argued that the current proposal is not sustainable.

The manager of Crystal Peaks commented on the scheme and this was followed up by an objection from consultants acting on behalf of the owners. The grounds of objection are as follows.

- The 2010 household data used in the retail assessment is out of date and more up to date household survey information should have been used.
- The range of sites selected for the sequential assessment is limited.
- The cumulative impact of the proposed retail and leisure development should be given significant weight in the decision making process. The assessment does not consider the cumulative effects of Aldi and Asda on Crystal Peaks.
- The application site should not be considered edge of centre as it falls outside the National Planning Policy Framework definition of edge of centre. The proposal is therefore contrary to policy CS 14 which states that major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District Centres and their edges.
- The level of impact on Iceland and Sainsburys in Crystal Peaks is considered to be unacceptable. Since Asda opened there has been a marked impact on convenience operators within Crystal Peaks. Aldi could be the tipping point in terms of cumulative impact on Crystal Peaks. The centre has suffered from a 6% decline in footfall for the year

to date and anecdotal evidence suggests that Asda has had a significant impact on independent traders in the market place.

- The development will shift trade away from Crystal Peaks to a less accessible location. The site is not well served by alternatives to the car. The walking and cycle routes from the bus station and tram stops are poor due to distance, topography, lack of active frontage and being car dominated. No proposals have been put forward to enhance accessibility between the site and Crystal Peaks or the transport interchange. By diverting trade away from Crystal Peaks there will be a greater reliance on the private car thereby adding to congestion.
- Given the congested local junctions any additional traffic is likely to have a disproportionate effect on delay and queues.

2 neighbour representations have been received objecting on the following grounds;

- The roads are already grid locked at peak time and the proposal will make this worse.
- No need for more supermarkets or restaurants as the area is well served by existing facilities.
- Sheffield City Centre is in decline due to out of centre developments.
- Jobs at Asda will be put at risk.

1 neutral comment has been received supporting the provision of a wider choice of stores and services in the area and the positive impact on the local economy. However it is pointed out there is traffic chaos at peak times and weekends and that this must be addressed if not then further development should not be permitted.

## PLANNING ASSESSMENT

### Policy Issues

Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant policy background comprises of the saved policies of the UDP, the Core Strategy and National Planning Policy Framework (NPPF). The City Policies and Sites document (CPSD) carries limited weight because the Council is not intending to submit the plan to Government.

### General Policy

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Development that accords with the development plan should be approved without delay. Where the plan is absent, silent or relevant policies are out-of-date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole.



The site lies within a General Industry Policy Area in the Unitary Development Plan (UDP) where general industry and warehousing uses are preferred and must make up at least half of the policy area, policy IB9a. This policy approach is superseded by the Core Strategy as policy IB5, 'Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses' did not identify the area as being important for these uses. This was also reflected in the Draft City Policies and Sites General Employment designation that promotes a wider range of employment uses. Therefore there are no objections from an employment policy view point to the proposed uses.

#### Retail Policy

#### UDP Policy

The application site is in a UDP General Industry Area. Policy IB5 lists A3 (food and drink) uses and small shops with less than 280sqm sales area as acceptable here. IB5 lists larger shops as unacceptable unless they are 'edge of centre'. The NPPF's criteria-based approach postdates IB5's outright prohibition of out of centre shops so the proposal should be assessed against NPPF criteria.

#### Core Strategy

Core Strategy policies CS34 'District Centres' and CS39 'Neighbourhood Centres' prefer retail development in existing centres but do not preclude it elsewhere.

#### NPPF Policy

The NPPF criteria require retail development proposals outside centres to

- comply with the sequential approach and
- be assessed for its impact on centres.

#### Sequential test

The sequential approach means that suitable alternative in-centre locations are preferred, followed by edge of centre locations then out of centre locations. Within both the edge of centre and out of centre categories, those that are well connected to the town centre are preferred (NPPF para 24).

NPPF Annex 2 defines 'edge of centre' sites as being less than 300m from the defined primary shopping area of a town centre. Whether or not the proposed site is edge of centre depends on the weight given to the designation of the primary shopping area of Crystal Peaks shown in the CPSD Proposals Map. The site is 500m from this area. However, little weight is to be attached to the designation as preparation of the CPSD has halted. The UDP Proposals Map is therefore the relevant plan. This Map does not identify a primary shopping area in Crystal Peaks so the edge of centre measurement would be from the boundary of the centre itself. The site is 150m away from this boundary. The site is therefore edge of centre.

Recent case law and a decision by the Secretary of State affect how the sequential approach should be undertaken:

- The 'Dundee' Supreme Court judgement shows that the sequential approach applies to the form of development proposed.
- The Secretary of State's Rushden Lakes decision establishes that the sequential approach now applies to the whole scheme. The NPPF no longer requires disaggregation of retail proposals to be considered as part of the sequential approach.

The applicant has considered the availability of alternative sites at Drakehouse Retail Park and Crystal Peaks shopping Centre.

The applicant concludes that the single vacant unit (16) at Drakehouse Retail Park is not large enough to accommodate the whole of the development.

The applicant identifies 8 vacant units within Crystal Peaks shopping centre the largest of which is 550 sqm. As they are spread through the centre they cannot be amalgamated. They also say that Costa coffee are represented in the centre and want dual representation with their separate drive through offer on the application site. They conclude that the floorspace within Crystal Peaks Shopping Centre is not suitable for the development proposed in the application.

The sequential assessment also refers to a potential 1500 sqm extension to Crystal Peaks over the car park on the south side. The applicant's consultants conclude that there is no serious intention to extend the shopping centre and suggest there would be difficulties in accommodating parking required to serve such an extension. They also argue that floorspace would not prove attractive to operators.

Your officers concur with the applicant's conclusions that there are no vacant sites suitable or available for the proposed retail park in its entirety that are either within or at the edge of either Crystal Peaks or Woodhouse, the proposal passes the sequential test.

### Impact

The NPPF (para 26) requires out of centre retail and leisure development to be assessed for its impact on centres if its floorspace exceeds either 2,500 sqm or any other locally set threshold. The proposed floorspace (3,775sqm) exceeds 2,500 sqm and Sheffield has no locally set threshold so a retail impact assessment (RIA) is required. It should assess impact on:

- (i) - investment in centres and
- (ii) - the vitality and viability of centres.

The applicant has submitted an assessment of likely impact on Crystal Peaks and Woodhouse, the nearest centres.

It is accepted that there are no current plans for investment in either centre and the Local Plan does not identify provision for expansion at either centre.

The applicants have shown that by 2018 the food shops most likely to be affected at Crystal Peaks - Sainsburys and Iceland - would lose about 3% of their convenience trade while non- food (comparison) shops at Crystal Peaks would lose about 1%. Woodhouse would lose less than 1% of its convenience and comparison trade. It is accepted that the applicant's calculations appear reasonable.

Asda's opening in March 2014 will already have affected Crystal Peaks' trade. It was estimated to taken 12.5% of convenience trade from Crystal Peaks and a lesser proportion from Woodhouse. However the applicants' RIA shows that both centres remain healthy. Vacancy rates at Crystal Peaks are lower than the national average. There are key national multiple retailers and generally high levels of footfall within the centre.

Government guidance is that retail development should be refused only if it 'is likely to have significant adverse impact' on investment or vitality. The proposal is unlikely to have significant adverse impact on either centre. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. (NPPF paras 14 and 27). The benefits of the proposal include:

- increased consumer choice: some of the proposed operators are not currently at Crystal Peaks
- increase in the availability of local jobs
- the possibility of linked trips with other retails developments, given their proximity to the site:
- Regeneration of a vacant site

## Design and Layout

Unitary Development Plan policy IB9 is concerned with development in industry areas. It says that development should be well designed with buildings and storage of a scale and nature appropriate to the site.

Core Strategy policy CS74 seeks to promote high quality development that respects and takes advantage of the key features of the city including the townscape and landscape character of the city's districts.

The application site is located within an area which is characterised by modern retail and leisure developments that have generally been designed with the buildings facing onto car parks rather than fronting on to the surrounding roads. Site frontages are often well landscaped which tends to soften the impact of parking and the backs of buildings. Many of the buildings are large scale and faced in brickwork and metal cladding.

The site layout is constrained by a large electricity pylon located at the Eckington Way and Drake House Way corner and the overhead cables that restrict building heights on the Drake House Way frontage. The nature of the surrounding highway network also means that the location of the main site access is restricted to a central point on the Drake House Crescent frontage.

The above constraints and the servicing/space requirements leads to the positioning of the larger units on the northern part of the site adjacent to the Northern Foods Factory. The other smaller units have been positioned on the south western part of the site so that they face onto a pedestrian link which crosses the site and links back to a pedestrian connection back to Crystal Peaks Retail Park and ultimately to the covered shopping mall.

The layout of units is a logical response to the site and development constraints and is considered to be acceptable. It will be a continuation of the general character of development in the area with some improvements as some of the units have glazed frontages facing on to the adjacent highways.

Reasonably generous landscape beds are proposed along the site frontages which will mean the site will have a green edge that is characteristic of this part of Mosborough which will also soften the impact of the shared car parking which occupies the south eastern part of the site.

The largest unit is located in the northern corner of the site is intended to be occupied by Aldi. It has been designed with a glazed frontage facing Eckington Way which also wraps around the corner to face on to the car park. The double height glazed frontage will have a significant presence on Eckington Way. A drive through Costa Coffee unit is positioned at the southern corner of the site at the junction of Drake House Crescent and Drake House Way and has a glazed elevation facing Drake House Way. Both the Costa and the adjacent restaurant have been designed with glazed frontages and their entrances facing on to the main pedestrian route into the site.

All the retail units have been designed with mono pitch roofs with over sailing eaves. Those on the northern part of the site are faced in a combination of white horizontal cladding, horizontal timber cladding and brickwork with timber signage features. The units on the southern part are to be faced in white render or horizontal timber cladding. The overall scale of development and building design is fairly typical of out of centre retail developments. The scale and design of the individual buildings is in keeping with surrounding commercial developments and of a reasonable standard. The proposal will replace a green unused site which is not particularly visually appealing with a developed site and given the overall design quality of the scheme it is your officers judgement this will make a positive contribution to the townscape character of the area.

#### Access Issues

One of the core planning principles of the NPPF is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Councils transport priorities are set out in Core Strategy Policy CS51. These are;

- Promoting choice by developing alternatives to the private car
- Maximising accessibility
- Containing congestion levels
- Improving air quality
- Improving road safety
- Supporting economic objectives through demand management measures and sustainable travel initiatives.

#### Highway and Junction Capacity

A transport assessment has been submitted with the application. Traffic surveys were undertaken during the peak hours of 16.30 to 17.30 on Friday and 12.00 to 1300 on Saturday. Five years growth has been added to the base traffic.

Trip Rate Information Computer System database has been used to estimate the level of traffic generated by the development. 85th percentile trip rates have been adopted to ensure a robust assessment. The analysis predicts 148 two way trips in the PM peak and 574 in the Saturday peak. However it is accepted that the total number of trips to a new retail development will not comprise of wholly new trips on the highway network. Many of the trips will already be on the network as they will be passing by the site or linked with trips to other destinations in the area. Account has been taken of transferred, pass-by and diverted trips. In this case the entirely new trips have been assumed to be 25% of the proportion in the weekday peak and 50% of the proportion in the Saturday peak.

The following junctions were considered in the transport assessment.

1 - B6053 Eckington Way/ Drake House Way – roundabout junction.

2 - A57/ B6053 Eckington Way/ Moss Way – roundabout junction

3 - B6053 Eckington Way/ Sevenairs Road/ Waterthorpe Greenway – roundabout junction.

4 - B6053 Eckington Way/ Drake House Lane/ Crystal Peaks Shopping

Centre – roundabout junction.

5 - Drake House Way/ Drake House Retail Park – roundabout junction.

6 - Moss Way/ Drake House Crescent – priority controlled junction.

7 - Waterthorpe Greenway/ Drake House Way – signal controlled junction.

The assessment shows that the impact of the development will be less than 5% in both the PM and Saturday peak periods on all arms of junctions 3, 4, and 7. Detailed operational capacity assessments have been completed for the junctions where the impact of development traffic on individual arms is greater than 5% and the A57/Eckington Way/Moss Way where the impact is slightly below 5% on some arms. The results are summarised below.

#### Drake House Crescent/Site Access

The site access will operate within capacity and there should be no significant queues.

#### Eckington Way/Drake House Way

The Eckington Way/Drake House Way junction is operating near capacity during the PM and Saturday peak periods. The maximum queue length increases from 20 to 26 over two lanes in the PM peak on the Drake House Way leg. In 2020 the average delay per vehicle is on the above leg and is predicted as 127 seconds which is predicted to increase by 25 seconds as a result of the development.

#### Eckington Way /Moss Way/A57

The junction is approaching capacity during both the PM and Saturday peak periods. The analysis shows that the maximum queue increase is 14 vehicles on the A57 West leg during the Saturday peak in 2020. During the Saturday peak, the maximum increase in delay will be on Moss Way when the average delay is predicted to increase from 111 seconds to 156 seconds.

#### Drake House Way/Drake House Retail Park

The results of the future year capacity assessments demonstrate that the junction operates well within capacity during both the PM and Saturday peak periods. The increase in queues as a result of the development is predicted to be minimal.

#### Moss Way/Drake House Crescent

The results of the capacity assessment demonstrate that the junction will operate well within capacity during both the PM and Saturday peak periods with a minimal increase in queues.

## Analysis of impacts

The analysis shows that the Drake House Way/Eckington Way and Moss Way Eckington Way/A57 junctions will be at or over capacity even without the development traffic in 2020. The development traffic will worsen the situation slightly and increase queuing time.

In order to mitigate the development impact the applicant has been asked to provide some land along the site frontage in order to allow for future potential road improvements that would provide increased capacity. There is a desire and need to carry out road improvements within the vicinity of the site to address existing congestion problems. The applicant has agreed to provide between 1 and 3m of the site along part of the Drake House Way and Eckington Way frontages for these purposes.

Your officers conclude that the existing traffic congestion will only be made slightly worse by the traffic generated by the development. Taking into account the number of additional vehicle movements generated by the development at the junctions affected; the increase in delays; the Government guidance prior to the NPPF that a 'significant' impact was considered to be a 5% increase in traffic, it is concluded that the cumulative impact from the development does not meet the tougher test in the NPPF of a 'severe' traffic impact. Therefore whilst the development will worsen delays for motorists on the local network at peak times the impact is not sufficient to justify refusing planning permission. It should be noted that Asda opened in March 2014 and the traffic counts used in the transport assessment are from Sept 2014. Therefore the Asda traffic is already included in the base flows used in the transport assessment. In coming to the judgement that the traffic impact of development will not be 'severe' the cumulative impact of Asda traffic has been taken into account.

Members should note that if in the future the Council does bring forward a highway improvement scheme for the Drake House Way/ Eckington Way roundabout it is likely to result in a reduction of the frontage landscaping. However a minimum of 1.5 -2m of landscaping should be retained which is just about acceptable.

## Accessibility

### Access by Public Transport

South Yorkshire Passenger Transport Executive has advised that the site has excellent access to public transport. The nearest bus stop is situated on the Drake House Crescent frontage but this is only served by two services a day which are laid on for staff at Pennine Foods. There are other high frequency services on Waterthorpe Greenway within 400m of the site. Crystal Peaks Bus Station and Supertram stop are also within 500m and 600m walking distance from the site. However the walking routes to the interchange and tram stop are car dominated and unappealing.

The applicant has submitted a travel plan that seeks to encourage travel to the site by sustainable modes. In this case changing and locker facilities will be provided

for staff, information will be provided to staff and customers to encourage access by sustainable modes, cycle parking facilities are to be provided on the site. Dedicated well lit footpaths will be provided within the site. A travel plan coordinator will be appointed and will promote a car sharing scheme for employees. The travel plan will be monitored and reviewed annually. The submitted Framework Travel Plan is considered to be acceptable and a condition is attached requiring a detailed travel plan to be submitted.

#### Access on foot

The applicant has assessed the pedestrian routes to residential areas around the site and acknowledges that most shopping trips are likely to be by car. They however conclude that there is an opportunity for linked trips between the site and Drakehouse and Crystal Peaks Retail parks. There are adequate footpath connections around the site and the layout incorporates suitable routes for pedestrians to access the individual buildings.

#### Cycle Access

The applicant has identified the cycle connections around the site and concluded that there is the opportunity for employees to access the site by bike. Thirty cycle spaces are proposed in total in two locations next to the Aldi unit and next to one of the restaurants and the smaller retail units. The proposed number and distribution of cycle parking is considered to be sufficient to serve the development.

It is accepted that the pedestrian links from the Crystal Peaks and to the tram and interchange are not ideal as they are constrained by topography and a traffic dominated environment. However there are no obvious improvements that could overcome these issues. The junctions/roundabouts between the site and Crystal Peaks /interchange are served either by signalised crossings or pedestrian crossing islands so that pedestrians can safely traverse these routes. There are reasonable footpath connections with the adjacent retail parks where there is the highest potential for linked trips.

#### Parking

The scheme proposes 175 spaces of which 12 are disabled spaces and 7 are parent and child spaces.

The transport assessment provides a car parking accumulation study based on trip rates for other similar sites. This predicts a maximum weekday accumulation of 97 vehicles and a maximum Saturday accumulation of 96 spaces. This leaves spare capacity to accommodate seasonal peaks and allows for extended stays associated with linked trips to adjacent retail and leisure uses.

The overall parking provision is slightly below the maximum allowed under the Council's parking guidelines and is considered to be acceptable.



## Access and Servicing

Vehicular access for customers and service vehicles will be via the existing access off Drake House Crescent which is an uncontrolled access that allows for all movements. This is considered to be the most appropriate point to access the site as it is the quieter of the roads that adjoins the site. The detailed design of the access is considered to be satisfactory to serve the development. The applicant has produced vehicle track runs which demonstrate that the largest service vehicles likely to access the site can service the buildings. Some of the reversing manoeuvres will be longer than desirable but addressing this concern is likely to have a negative impact on the site layout. It is also considered that the servicing arrangements are unlikely to create serious safety problems. Therefore it is concluded that the submitted arrangements are satisfactory.

## Sustainability

The NPPF advises that sustainable development has three dimensions; these are an economic role, a social role and an environmental role.

The proposal will regenerate an under used site and deliver economic development. It will provide some local employment although new retail jobs are often balanced by jobs lost elsewhere in the longer term. Local people will have improved access to a wider range of services. The application site is considered to be reasonably sustainably located given its accessibility by means other than the private car and due to the potential for linked trips with the adjacent retail developments. The redistribution of some trips from the more sustainably located Crystal Peaks shopping centre is a negative environmental impact as will be the modest increases in congestion that will be a consequence of the development. However this needs to be balanced against the reduced need for local residents to travel further to access the new services being provide on the site.

Policy CS 64 seeks to ensure that new buildings are sustainable by requiring developments over 500 sqm to achieve BREEAM very good. This will be secured by a condition.

Policy CS 65 seeks to ensure that new developments over 500 sqm meet 10% of their predicted energy needs from decentralised and renewable or low carbon energy. This will be secured by a condition and the applicant has advised that solar photovoltaic panels and air source heat pumps are being considered as ways of achieving this.

## Flood Risk Assessment

The lies in flood zone one which is at the lowest risk of flooding. Therefore the proposal passes the sequential approach in terms of flood risk.

Due to ground conditions the applicant's consultants consider the use of soakaways is unsuitable for discharge of surface water. As there are no watercourses near to the site it is proposed to discharge the surface water to the sewer. The drainage system will be designed to restrict run-off to greenfield rates

which will mean that surface water storage to take into account a 1 in 100 year + climate change event will need to be provided on site. Conditions are proposed to ensure that an appropriate surface drainage scheme is designed and with these safeguards in place the proposal will not worsen flooding elsewhere.

## Ecology

National Planning Policy Framework (2012) includes as a key principle the need to conserve and enhance the natural 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'.

The site contains scrub and trees and two hedge lines. The applicant has submitted a phase 1 habitat survey and hedgerow survey in support of the application. The survey shows that the site supports two species poor hedgerows of moderate value, some dense scrub, a small strip of broadleaf woodland, some semi improved grassland and some stands of Japanese knotweed. There is no evidence of protected species on the site. The removal of the hedgerows and scrub will result in the loss of some nesting and foraging habitat for birds and some limited foraging habitat for bats. The loss of habitat can be compensated for by the planting of new native trees and shrub planting within the landscaping scheme.

## Coal Mining

Part of the site lies within a coal mining referral area. This was spotted late in the application process and consequently a response from the Coal Authority is awaited. Members will be updated on progress in the meeting.

## RESPONSE TO REPRESENTATIONS

The criteria we use for assessing if an air quality assessment is required is whether the development will add 60+ vehicle movements in the peak hour and whether it is within 200m of an area where there is an exceedance of the air quality limit value. Whilst the development is likely to hit the vehicles per hour target it is not likely to be close to an area where the limit value is exceeded. There is some information on air quality from diffusion tube monitoring in the local area which suggests that the air quality close to the site is not above the air quality limit values. The Air Quality Officer has confirmed that in his view it is not necessary to submit an air quality assessment to support this application.

Information from the Sheffield Household Survey has been adjusted to reflect changes since the original assessment.

The sequential assessment is reasonable in considering only Crystal Peaks and Woodseats as Aldi have stores at Killamarsh (3 miles away) and Handsworth (4.5 miles) so its intended catchment area would extend to less than 3 miles. Within this area there are only two district centres with sites likely to be suitable for Aldi -

Crystal Peaks and Woodseats. The range of sites considered includes the only possible locations that could accommodate a retail park.

The combined convenience and comparison impact has been considered and in your officers view the cumulative impact along with Asda could not be considered to be 'significantly adverse'.

Policy CS14 only applies to major non-food retail development and proposed non-food element is not major (2500 sqm).

## SUMMARY AND RECOMMENDATION

The proposal is not considered to be in conflict with development plan policy. It passes the sequential approach as there are no sequentially preferable sites in existing centres or edge of centre locations and the retail impact will not be significant adverse.

The proposal will have an adverse impact on congestion but even when taking into account the traffic from Asda which is already on the network the cumulative impact will not be severe.

The site is reasonably sustainably located and there is the potential for linked trips with adjacent retail developments. The scheme will deliver economic development, local jobs and will regenerate an underused development site.

The overall design of the scheme is considered to be in keeping with the character of the area and will make a positive contribution to the townscape. The site can be safely accessed and the layout has been designed to accommodate pedestrian access.

The scheme will improve local choice and access to services and whilst there will be some transfer of movement from the more sustainably accessible Crystal Peaks shopping centre this will be balanced against the reduced need for local residents to travel to access the new services being provided on site.

The negative impacts of increased traffic congestion and the trading impact on Crystal Peaks District shopping centre do not significantly and demonstrably outweigh the benefits of the proposal. Therefore it is recommended that members give officers delegated powers to grant permission for the development subject to no objections being received from the Coal Authority and subject to the applicant entering into a legal agreement to secure the following heads of terms.

### Heads of Terms

An agreement to secure the dedication of the land coloured yellow on a plan 13762-015 for highway improvement works.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 18 September 2015

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
29 September 2015

### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

### 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a two-storey front extension and erection of a summer house to the rear garden at 5 Goathland Road Sheffield S13 7RS (Case No 15/01388/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for erection of dwellinghouse at Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX (Case No 14/03256/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:

1. Whether the proposal amounted to inappropriate development in the Green Belt
2. The effect on the character and appearance of the area
3. Whether it would preserve or enhance the character and appearance of the setting of the adjacent Conservation Area
4. The effect on neighbours living conditions (privacy/outlook)
5. The effect on future residents living conditions (access/servicing)
6. Are there very special circumstances to justify development in the Green Belt

He concluded in respect of 1 that the driveway and turning area would represent inappropriate development, but noted the proposed dwelling and its annexe are outside the Green Belt.

In terms of 2 he noted the open character of the appeal site in contrast to the adjacent dwellings, and its elevated location and agreed with the Council that the development would completely alter this character. He was further

concerned that the design of the buildings were of very little interest or character and were substantial buildings. For these reasons he felt the scheme to be out of character and to be harmful to the setting of the Conservation Area (3).

He regarded the elevated position and scale of the dwelling and garage as overbearing to the rear of properties on Oldwell Close and the high level and proximity of rear facing windows as reducing privacy in the rear gardens of 7 Oldwell Close. In summary on 4 he agreed with the Council that this would harm neighbour's living conditions and represent poor design.

He saw no issue with the proposed access arrangements (5).

With regard to the potential for very special circumstances, he acknowledged that although the access was contrived the site is in a relatively sustainable location, but was not sustainable in other regards (impact on neighbours). He could see little benefit in the location of the dwelling close to the appellant's agricultural holding compared with his existing property at Overcroft Rise, or in the alleged improvements to security. Overall he felt the benefits did not amount to very special circumstances to justify the inappropriate development. (6)

#### 4.0 APPEALS DECISIONS – ALLOWED (with Costs Awarded)

(i) To report that an appeal against the decision of the Council at its meeting of 28 October 2014 to refuse planning consent for demolition of existing building, erection of a new convenience store with 3 x 2 bed apartments above including garages at lower ground floor level and external terrace areas to the first floor and roof area at Carterknowle Food And Wine 264 Carter Knowle Road Sheffield S7 2EB (Case No 14/01453/FUL) has been allowed and the appellants costs claim.

Officer Comment:-

Appeal

The Inspector considered the sole issue to be the effect on highway safety of the proposed parking and servicing arrangements.

The Council's reason for refusal alleged insufficient off street parking and servicing provision would be detrimental to the free and safe flow of traffic and pedestrian safety on Montrose Road and Carter Knowle Road.

The Council's maximum parking guidelines would allow for up to 20 spaces to be provided. 3 spaces were provided in the proposal – one for each 2 bedroom flat in the proposal.

The Inspector noted 'no waiting' traffic management orders on both roads and the presence of speed cushions close to the site, and that there was no evidence of traffic accidents in the preceding 5 years. He also noted the close proximity of the store to a wide residential catchment, allowing visits on foot and the presence of bus stops very close to the site.

He did not accept the evidence put forward by the Council of perceived parking issues at other stores within the city as being comparable, owing to the different characteristics of their locations. In addition, there was no evidence of an existing base traffic and parking problem at the site.

He was therefore satisfied that adequate on-street parking would be available to absorb a moderate increase in vehicle visits, particularly given the sustainable location of the site.

He felt in terms of servicing that a suitable worded condition requiring a management plan could deal adequately with any perceived concerns about conflict with other road users. Overall he therefore found no conflict with policy H14 of the UDP as alleged in the Council's refusal reason.

On other matters raised by local residents he found the building to be appropriately designed, and of a scale consistent with the area; he felt the delivery of three housing units would benefit local housing stock and achieve a satisfactory environment for residents; he considered the impact on local air quality would be imperceptible, and that there was no evidence of harm to local wildlife. He also reaffirmed that the planning system cannot control the future occupants of retail space in response to concerns of occupancy by a supermarket chain.

He therefore allowed the appeal, with conditions imposed.

#### Costs Award

The Appellant's costs application claimed the Council's evidence was vague and subjective, in particular that they relied unreasonably on four 'comparator' sites to justify the refusal that were not realistic comparisons owing to their different context – located on the strategic road network – and that where evidence of heavy parking was produced, this could not be directly attributed to the store in question. They also claimed the Council had given no evidence of existing congestion or parking problems in the area.

The Inspector reaffirmed that Local Planning Authorities are at risk of costs if they do not provide evidence to substantiate each reason for refusal or prevent or delay development which should clearly be permitted. He also confirmed that while Councillors do not have to accept recommendations made by their officers they must give reasonable grounds for a contrary decision and where appropriate are expected to show they have considered imposing conditions to overcome their concerns.



The absence of evidence from the Council of actual traffic flow and speeds at the site or evidence of car movements associated with its previous use did not support its reasoning. He noted the Council Highway officers had raised no objection during the application but in sympathising with members position in the face of local opposition he reaffirmed the view that the extent of local opposition cannot of itself be a reasonable ground for refusal but must be capable of being translated into valid reasons for refusal supported with realistic and specific evidence.

The officer's report had properly addressed the parking considerations and availability of on-street parking, but on appeal the Council was unable to offer evidence to support a lack of availability of on-street parking. The evidence that was submitted was relating to stores which were not comparable, and the justification given for servicing concerns was a matter that could have reasonably been resolved by condition.

The Inspector therefore agreed with the Appellant that the Council had behaved unreasonably such that it had caused unnecessary expense. He awarded full costs to the Appellant, the amount to be determined following a submission from the appellant.

## 5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy  
Acting Head of Planning

*29 September 2015*

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