

Planning and Highways Committee

Tuesday 28 June 2016 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Chris Rosling-Josephs (Chair), Peter Rippon (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Dawn Dale, Tony Damms, Roger Davison, Adam Hurst, Dianne Hurst, Joe Otten, Zahira Naz, Peter Price and Zoe Sykes

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
28 JUNE 2016**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)
Minutes of the meeting of the Committee held on 7 June 2016
- 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. Applications Under Various Acts/Regulations** (Pages 9 - 58)
Report of the Head of Planning
- 8. Enforcement of Planning Control: 72 Roebuck Road** (Pages 59 - 66)
Report of the Head of Planning
- 9. Enforcement of Planning Control: Unit B, Old Station Drive** (Pages 67 - 74)
Report of the Head of Planning
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 75 - 78)
Report of the Head Planning
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on 19 July 2016

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 7 June 2016

PRESENT: Councillors , Peter Rippon (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Dawn Dale, Roger Davison, Dianne Hurst, Joe Otten, Peter Price, Chris Rosling-Josephs and Garry Weatherall (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Tony Damms and Councillor Garry Weatherall attended the meeting as the duly appointed substitute. Apologies for absence were also received from Councillors Adam Hurst, Zahira Naz and Zoe Sykes but no substitutes were appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Committee held on 17 and 18 May 2016 were approved as correct records.

5. SITE VISIT

5.1 **RESOLVED:** That the Director of Development Services, in liaison with a Co-Chair, 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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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

(b) following consideration of an amendment to the reasons for refusal, an additional directive and a representation from the applicant's agent and an officer response, all as outlined in a supplementary report circulated at the meeting, consideration of representations at the meeting from the applicant speaking against the officer recommendation to refuse, and notwithstanding the officer's recommendation, an application for planning permission for provision of smoking and seating area with temporary bar and fencing at area to outside of Tank Nightclub, 53-55 Arundel Gate (Case No. 16/01391/FUL) be granted for a temporary two year period subject to the fencing being taken down and stored away outside operational hours;;

(c) subject to the removal of conditions 3,4, 9 and 10, the replacement of condition 5, amendments to conditions 18 and 34, additional Yorkshire Water and Drainage conditions, and an additional directive, all as outlined in a supplementary report circulated at the meeting, an application for planning permission for alterations and change of use of existing office building (including removal of existing upper 2 floors and installation of an additional 3 floors) and erection of new buildings to rear (maximum 10 storeys high) to create mixed use development comprising of 355 student accommodation apartments, with ancillary communal facilities (Sui Generis), and a commercial unit (A1, A3, A4, A5 uses) at ground floor level, landscaped courtyard area, disabled car parking and associated access at land between New Street and North Church Street, West Bar (Case No. 16/01133/FUL) be granted, conditionally;

(d) following consideration of representations at the meeting from a local resident speaking against the application, an application for approval of detail reserved by condition in relation to condition number 12 – Affordable Housing relating to planning permission 13/04204/RG3 at site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/COND9) be granted, conditionally, subject to legal agreement;

(e) (i) following consideration of representations at the meeting from the applicants speaking against the officer recommendation to refuse, and a local resident speaking in support of the officer recommendation, an application for planning permission for retention of raised decking area, timber shed and 2.2m to 2.5m high reed fencing at 25 Armstead Road, Bighton (Case No. 16/00706/FUL) be refused for the reasons outlined in the report and the Director of 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 reduction in the height of the decking to ground level together with a reduction in height of the reed fence so it doesn't exceed the height of the original boundary fence and (ii) the Head of Planning, in consultation with a Co-Chair of this Committee, be granted the power to vary the action authorised in order to achieve the objectives hereby confirmed, including taking any action to resolve any associated breaches of planning control;

(f) following consideration of representations at the meeting from a local resident and a local Ward Councillor speaking against the application, and the applicant speaking in favour of the application, an application for planning permission for single/two-storey rear extension and a detached garage to the rear of the dwelling

house at 55 Causeway Head Road (Case No. 16/00509/FUL) be granted, conditionally;

(g) subject to the inclusion of a revision to the wording for condition 4, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of 181 dwellinghouses with associated highways and landscaping works at land between Harborough Avenue, and Raynald Road and Fretson Road, (Case No. 15/04439/FUL) be granted, conditionally, subject to legal agreement;

(h) following consideration of parking surveys, as outlined in a supplementary report circulated at the meeting, and representations at the meeting from a representative of Walkley Forum, a local resident and a local Ward Councillor speaking against the application, and the applicant's agent speaking in favour of the application, an application for planning permission for demolition of existing buildings and erection of 6 apartments with car parking accommodation (as amended by drawings received 14 April 2016) at Creevela Works, Parsonage Street (Case No. 15/04196/FUL) be granted, conditionally; and

(i) following consideration of an amended recommendation, and subject to the deletion of condition 37, an additional condition 35 and additional directives, all as outlined in a supplementary report circulated at the meeting, and following consideration of representations at the meeting from a local resident, an application for planning permission for mixed used development including demolition of existing single-storey buildings and erection of 20 no. apartments (Use Class C3), change of use of 2 no. existing buildings to create 3 no. commercial units (A1/A3/A4/B1/D2 use) and formation of 1 no. apartment (Use Class C3), provision of 8 no. new parking spaces and change of use of garage premises to management office, residents gym/facilities ancillary to residential accommodation and provision of outdoor courtyard (revised scheme to previously approved 14/01724/FUL) at land and buildings at junction with Dyson Place, Gordon Road (Case No. 15/03890/FUL) be granted, conditionally.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m on Tuesday 28 June 2016 at the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Development Services

Date: 28/06/2016

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
16/00771/FUL (Formerly PP-04788212)	Norton Centre, Sheffield College, Dyche Lane, Sheffield, S8 8BR	13
16/00647/FUL	Manor Site 8, Land At Junction With Fretson Road, Queen Mary Road, Sheffield, S2 1PA	34
16/00325/FUL	The Wharnccliffe Hotel, 127 Bevercotes Road, Sheffield, S5 6HB	49

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 28/06/2016

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	16/00771/FUL (Formerly PP-04788212)
Application Type	Full Planning Application
Proposal	Demolition of all above ground buildings and structures, erection of a retail (Class A1 - food and non-food) units to include ancillary cafe/coffee shop facilities, 3 associated food and beverage units (Class A1, A3, A5) and provision of car parking accommodation, an ATM, a new signal controlled junction to Bochum Parkway, servicing, landscaping, pedestrian access and associated on and off-site works
Location	Norton Centre Sheffield College Dyche Lane Sheffield S8 8BR
Date Received	26/02/2016
Team	South
Applicant/Agent	Quod
Recommendation	Grant Conditionally

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:

115856-DG-0002 Rev B
115856-DG-0002TR1 Rev A
115856-DG-0002TR2 Rev A
115856-DG-0003 Rev B
115856-DG-0003TR1 Rev B
115856-DG-0003TR2 Rev B
115856-DG-0008 Rev A
15-061-PL_01_00_100H - Proposed Building Plan - Block 01
15-061-PL_01_00_101E - Proposed Roof Plan - Block 01
15-061-PL_01_00_200J - Proposed Elevations - Block 01
15-061-PL-00-00-100D - Site Location Plan-A1
15-061-PL-00-00-101D - Existing Site Plan-A1-A1
15-061-PL-00-00-102E - Demolition Plan-A1
15-061-PL-00-00-103AE - Proposed Site Plan-A1
15-061-PL-00-00-104N - Proposed Boundary Treatment Plan-A1
15-061-PL-00-00-106D - Proposed Boundary Treatment Sections-A3
15-061-PL-00-00-107E - Proposed Boundary Treatment Sections Sheet 2-A3
15-061-PL-00-00-108D - Proposed Boundary Treatment Sections Sheet 3-A3
15-061-PL-00-00-109D - Proposed Totem Signage-A3
15-061-PL-00-00-110B - Proposed Boundary Treatment Sections Sheet 4-A3
15-061-PL-00-00-111E - Proposed Site Sections-A0
15-061-PL-00-00-112B - Proposed Electric Substation - Dyche Lane-A3
15-061-PL-00-00-113C - Proposed Boundary Treatment Sections Sheet 5-A3
15-061-PL-02-00-100K - Proposed Building Plan Block 02
15-061-PL-02-00-101F - Proposed Roof Plan - Block 02
15-061-PL-02-00-200M - Proposed Elevations - Block 02
15-061-PL-03-00-100H - Proposed Building Plan
15-061-PL-03-00-101E - Proposed Roof Plan
15-061-PL-03-00-200J - Proposed Elevations
15-061-PL-04-00-100K - Proposed Building Plans & Elevations
Drawing Schedule v3
Let RF MJ 02.06.16
RF15-280L01K
RF15-280L02F
RF15-280L03E
RF15-280L04J
RF15-280L05C
RF15-280L06E
RF15-280L07D
SCI Combined

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. 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. Unless shown not to be feasible and viable, 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.

4. 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.

5. 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.

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

a) been carried out; or

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

Highway Improvements:

Bochum Parkway as shown in principle on dwg 115856-DG-0003

Meadowhead Roundabout as shown in principle on dwg115856-DG-0006

Dyche Lane/Bochum Parkway as shown in principle on dwg 115856-DG-0002

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

7. 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.

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

Reason: In the interests of sustainable development and given that drainage works are 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 in order to ensure that the proposed drainage system will be fit for purpose.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

9. 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.

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

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

11. The buildings shall not be used unless the car parking accommodation for 457 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

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

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

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

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

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

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

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

16. 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.

17. 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.

18. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies CS55

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

The Travel Plan(s) shall include:

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

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

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

20. 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.

21. Before the development is occupied, full details of the proposed acoustic fence, as detailed on the site plan RF15-280L01 revision K, shall have been submitted to and approved by the Local Planning Authority. Thereafter, the acoustic fence shall be retained in accordance with the agreed details.

Reason: In the interest of the amenities of the wider area.

Other Compliance Conditions

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

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

23. 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.

24. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

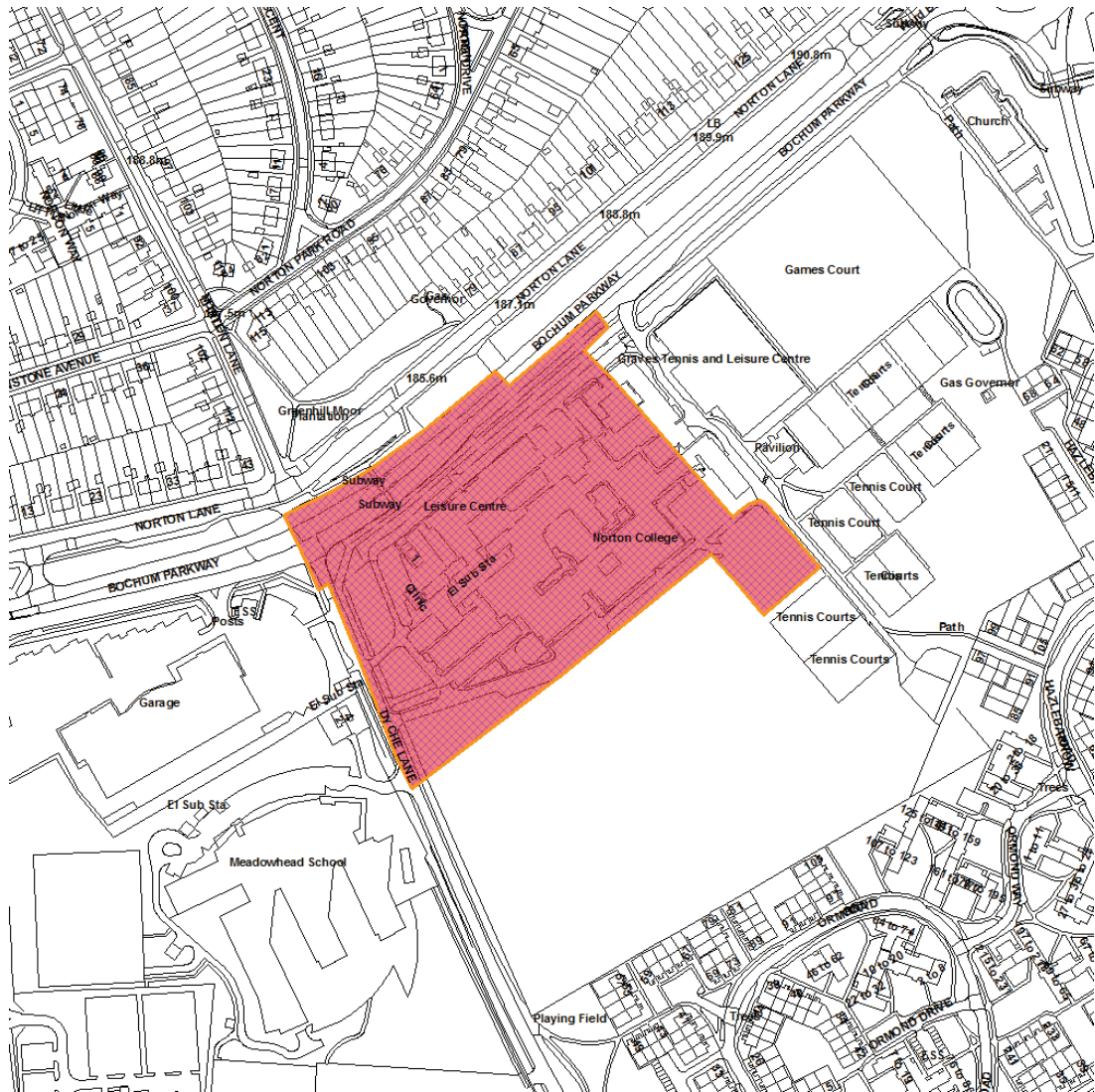
25. To ensure that the proposed development does not negatively impact upon existing shopping centres, the proposal shall be limited to 13,394 sqm (gross) retail (A1) floorspace.

Reason: In order to ensure that the development does not become a major retail development, which is in an out-of-centre location and therefore contrary to paragraphs, 24, 26 and 27 of the National Planning Policy Framework.

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.

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to demolish the existing Norton College and all the above ground buildings and structures and to erect a retail park comprising Class A1 food and non-food units, ancillary cafe/coffee shop facilities, 3 associated food and beverage units (Class A1, A3, A5) and provision of car parking accommodation, an ATM, a new signal controlled junction to Bochum Parkway, servicing, landscaping, pedestrian access and associated on and off-site works. The total floor space of the buildings proposed is 13,394 sqm.

The site is located due south of the city centre approximately 9km from the city centre. The site is accessed from Dyche Lane and a dual carriage way (Bochum Parkway), which is a main arterial road linking the site with the A61 and the A57/A630. These road links provide easy access to the M1.

The site lies opposite residential properties, although directly to the west there is a large car showroom and to the northeast is Graves Leisure Centre. The leisure centre spans around to the rear of the site and directly behind the site there is a large area of open space that is currently being developed by the leisure centre with FA standard football/multi-use pitches.

The site fronts Bochum Parkway and is separated by a grass verge and wrought iron fence. Interspersed along the grass verge are trees of various heights. The current access arrangement for vehicles is off Bochum Parkway and this leads to car parking in between Norton College and the leisure centre. The access off Bochum Parkway is an entrance only and to exit the site the current system leads traffic out around the college site and onto Dyche Lane.

PLANNING HISTORY

The only relevant planning history associated with this application is the pre-application advice that was given in 2015. The pre-application advice outlined the policy requirements that would need to be met should an application for a retail park be submitted.

REPRESENTATIONS

Before the application was submitted the applicant carried out a consultation exercise that had local residents and local Councillors in attendance. This is in line with national planning policy, which promotes community involvement throughout the planning process.

The application was publicised in accordance with the Local Planning Authority's statement of community involvement. Notices were posted at various stages of the process and an advert was put in the local newspaper. The immediate neighbouring properties were also notified of the proposal by a letter.

Representations both supporting and opposing the proposal were received. The applicant has also tried to address, where possible, some of the issues raised and has continued to try and engage with all relevant stakeholders.

In summary, the 2 representations received supporting the proposal stated:

- It will bring benefits to the surrounding area, bringing in revenue and jobs for local people;
- It would be supported by many local residents who have to travel much further to Crystal Peaks and Meadowhall for larger shops;
- It will be used by people who need other facilities in the area;
- The proposal addresses existing traffic concerns regarding congestion and parking with a large car park and a new junction into the site;

In summary, the 11 representations received objecting to the proposal stated:

- High increase in traffic along Bochum Parkway already creates major problems and will only get worse, thus impacting on highway safety;
- The surrounding roads are used as rat runs in the morning and the new junctions will increase this;
- Parking problems exist on Norton Lane as a result of the traffic on Bochum Parkway and servicing of the retail units off Dyche Lane seems chaotic and dangerous for school children crossing the roads;
- The additional traffic will increase noise, light and air pollution;
- Further landscaping/ acoustic barrier should be provided to help improve living conditions;
- The existing retail uses adversely affect the residential community and this will only get worse;
- There are too few car parking spaces;
- The proposal would have an effect on the existing local shops and businesses;
- There is no need for the retail uses in this location and the site should be used for housing;
- The application has not been advertised properly;
- The parcel lockers and ATM will be vulnerable to crime;
- The proposal will have an impact upon the value of the local houses.
- Glare from additional lighting will further affect residents on Norton Lane

Where the above issues are considered pertinent, and relevant, to the full and proper assessment of the planning application, they are discussed further below. Other issues have been considered, but do not carry weight in the determination of planning applications.

A representation from Councillor Steve Ayris has been received and this objects to the proposal and can be summarised as:

- Under provision of car parking and potential to overspill onto the neighbouring streets and the use of these streets as a rat run;
- The proposal would have an adverse impact upon Woodseats District Shopping Centre.

A representation has also been received from Meadowhead School and the applicant has been in dialogue with the school regarding existing traffic issues near the entrance of the school. The issues are related to current enforcement problems and are not considered to be resolvable through this planning application.

PLANNING ASSESSMENT

Policy Issues

The college complex comprises of various buildings set within a hard and soft landscaped grounds. The entire site is designated as a Business Institution Leisure Area within the Unitary Development Plan. As this policy document is currently being superseded by the Sheffield Development Framework, Core Strategy policies are also relevant to this planning assessment.

The main local planning policies are shown below and these have been considered to be in line with the national policy document, the National Planning Policy Framework (NPPF).

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

It is important to acknowledge that the key message that can be taken from the NPPF is a 'presumption in favour of sustainable development'. The document summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role).
UDP Policy (1998)

The site is in a Business Institution Leisure Area where UDP Policy LR3 lists shops, other than small shops, as unacceptable. However this prohibition of retail development should be read in the context of later policies in the NPPF, which adopts a criteria-based approach to out of centre retail development.

Policy S5 on Out of Centre Retail Development sets out criteria for assessing impact on investment in centres and on vitality and viability. As these are similar to the criteria set out in the NPPF and as the NPPF postdates and supersedes the UDP where there is conflict between them, impact issues will be considered below under the NPPF heading.

The Core Strategy

Policy CS14, 'City-wide Distribution of Shopping and Leisure Development' says that 'major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District Centres and their edges'. It defines major development as having more than 2,500 sqm of gross floorspace. The Norton proposal is out of centre and qualifies as 'major non-food retail development' as it has gross non-food retail floorspace of more than 2,500 sqm. However the supporting text to CS14 states that out-of-centre proposals will be considered in the light of current national retail policy and the inspector at the Next (Meadowhall)

Public Inquiry decided that Policy CS14 should be 'applied in the context of the sequential and impact tests contained within the Framework'. This means that the proposal should be assessed against the NPPF's impact and sequential tests.

The NPPF

Paragraph 24 requires out of centre retail development to be subject to the sequential test. This means that main town centre uses should 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.

NPPF para 26 requires development with more than 2,500 sqm of floorspace, such as this, to satisfy impact tests relating to (a) impact on investment and (b) impact on vitality. Paragraph 27 of the NPPF says that where an application fails to satisfy the sequential test or is likely to have 'significant adverse impact' on investment or vitality and viability, it should be refused.

Sequential Test

Neither the NPPF nor the National Planning Guidance gives advice on the extent of the area in which alternative sites should be sought but previous guidance (PPS4 Practice Guidance) has advised that the search should be within the catchment area likely to be served by the proposal. Officers agreed with the applicants that the centres to be considered for the sequential test should be those within the 15 minute catchment area from whose residents most of the proposal's trade is expected to be drawn. This is an area covering most of South and West Sheffield. Therefore sites in the following district centres were examined: Banner Cross, Broomhill, Crookes, Ecclesall Road, Heeley, London Road, Manor Top, Woodseats and Dronfield. It was agreed that local centres should be excluded from the search as retail parks would be inappropriately large for them.

Although the NPPF requires 'flexibility on issues such as format and scale', case law and appeal decisions by the Secretary of State have established that applicants should not be required to disaggregate their proposals and alternative sites must be suitable for the development proposed by the applicant. For example in considering a retail park at Rushden Lakes the Secretary of State considered that the applicant had demonstrated flexibility on format and scale and that 'the whole scheme could not realistically be moved to another location. He agrees with the Inspector that there is no requirement to disaggregate'. So any alternative site to Norton should be able to accommodate a retail park.

Alternative locations

There are two possible alternative more central locations that might accommodate the Norton proposal.

Manor Top

Of the sites in or at the edge of district centres, the 'Boot site' at Manor Top might be considered the most promising. However, its maximum attainable size could be only 2.5 ha. The site would therefore be too small to accommodate the retail

floorspace proposed on the 4.2 ha Norton site. The degree of 'flexibility of scale' required from applicants has not been defined by national guidance or case law, but is unlikely to allow that an alternative site that is only 60% of the size of a proposal site should be considered suitable.

The City Centre

Although the City Centre is outside the 15 minute catchment area that is intended to be served by the proposal, for higher value comparison goods the City Centre has a wide catchment area that would include the Norton catchment. Given the importance attached by PolicyCS14 to strengthening the City Centre through 'a major retail-led, mixed-use regeneration scheme, which will form the New Retail Quarter' the City Centre should also be assessed as an alternative location. The current scheme for the Retail Quarter (15/02917/OUT) has 77,359 sqm of floorspace, so is big enough to accommodate the amount of floorspace at Norton. However the retail park proposed at Norton would be different in format from what is planned in the City Centre. There are no other sites available in the City Centre that are suitable for a retail park.

The applicants report that the retailers likely to take space at Norton want a particular form of retailing for which the Retail Quarter would be unsuitable and that, for most of them, plans for development at Norton are additional rather than an alternative to any plans they have for development in the City Centre. It would not make commercial sense to duplicate their existing City Centre preference. City Centre sites would therefore be unsuitable to accommodate these retailers.

It is therefore considered that the applicants have shown that there are no suitable alternative sites in or at the edge of the centres for the retail park they are proposing and therefore the proposal passes the sequential test.

The NPPF – impact test

Impact on Investment

The only town centre investment proposals are those at (i) Manor Top and (ii) the City Centre. Considering these:

Manor Top

The Manor Boot proposal is 4 miles away. The City Council are advertising a requirement for commercial development to demonstrate strong links with the existing District Centre. It is likely to consist of a smaller scale extension of the district centre and the retailers likely to occupy space on it would have a smaller and more local catchment. For instance, the development of a discount food retailer at Norton would not inhibit a similar discount food retailer at Manor Top since they would have different catchments.

The City Centre

Current City Centre schemes consist of the remaining third stage of The Moor development and the Retail Quarter.

As noted above, retailers likely to take space at Norton are seeking a particular retail format for which the Retail Quarter would be unsuitable. Retailers' plans for development at Norton are additional to what they are planning, or what already exists, in the City Centre.

It is considered that this proposal is unlike either of these in nature or form so is unlikely to impact on investment in them.

Impact on Vitality

The increase in spending expected in the proposal's catchment area between now and 2021 is likely to be around 3 times its likely turnover of £45m.

Assessments of where the impact will fall are inevitably approximate since they depend on a judgement of where the proposal's likely turnover would otherwise have been spent. However it is acknowledged that 'like affects like' and the Retail Assessment (RA) assumes, reasonably, that the proposal is most likely to affect other medium/large food stores and similar retail warehouses and retail parks. Consequently, little of Norton's £45m trade is expected to be drawn from centres that do not have a similar form of store.

The RA estimates that, at the design year of 2018, the centres most likely to be affected are Dronfield, with a reduction in trade of 2.5%, largely from Sainsburys, and Heeley, with a reduction of 2%. The reduction at Heeley would be at the Retail Park and Lidl. The City Centre would lose ½% of its estimated £1,000m trade. The calculations appear reasonable. The NPPF advises that RAs should assess impact for a period up to five years from the time the application is made but by 2021 impacts would be further offset by projected population and spending increases. (Between 2016 and 2021 spending in the catchment area is expected to grow by 10% - Experian figures).

The RA assesses the cumulative impact of the proposal along with developments and commitments in the last 5 years: Next Home and Garden, Asda Beighton Road, Woodside Retail Park, IKEA, Kilner Way, Drakehouse Crescent Retail Park. Developments in the City Centre – Phases 1 and 2 of The Moor – will offset any cumulative impact on the City Centre.

The applicants have examined the health of centres in the catchment area and the City Centre. They show that they are currently vital and viable and that the levels of impact from the Norton development are unlikely to be significant.

Although the proposal is contrary to UDP LR3 and not consistent with CS14, it must be assessed in terms of the more recent NPPF tests of impact and the sequential approach.

The application is considered to be acceptable under the current interpretation of the sequential test and there is no evidence that the Norton development would

result in 'significant adverse impact' on any centre in terms of investment or vitality and viability. It is therefore considered that the principle of the development is acceptable in terms of retail policy.

To ensure that impact on existing centres is limited to what has been assessed, conditions on the permission should be imposed to limit the retail (A1) floorspace to the amount assessed in the RA – 13,394 sqm (gross), should the application be granted consent.

Highways Issues

A Transport Assessment has been carried out in order to determine the likely impact of the proposal on the adjacent highway network. The proposal includes significant alterations to the main access of the site and the provision of 422 customer parking spaces, 35 staff car parking spaces and 42 cycle parking racks.

The TRICS database has been used to make an estimate of the likely trips generated by the proposed development, whilst further studies have been carried out to understand the effect of the proposal on the capacity of the highway network. It is considered that a proportion of the trips will be pass by or diverted trips (ie already on the network). Consequently, this is considered to reduce the impact of the proposal on highway safety and makes the use more sustainable, given that its traffic generation will be frequenting other facilities in the area.

Capacity assessments have been carried out for the following junctions:

Norton Lane Roundabout

The assessment indicates that there will be some increase in queuing at the junction, however the increase in queueing is relatively minor and as such no mitigation measures are considered to be required.

A6102 Bochum Parkway/Dyche Lane and Site Access

The junction operates within capacity for both the existing and proposed scenarios. In order to ensure that the implementation of the new site access can operate acceptably in connection with this junction, modelling has been undertaken with a linked signal arrangement. The results indicate that the linked signal arrangement will operate within acceptable capacity limits. There will be some queuing on Bochum Parkway Westbound, however it is not predicted to impact on the Graves Leisure Centre access.

Meadowhead Roundabout

The assessment indicates a considerable increase in queuing at this junction. As such mitigation measures are proposed which include the localised widening of the Bochum Parkway approach to introduce a fourth lane together with alterations to the roundabout circulatory carriageway, existing toucan crossing and alignment of Bochum Parkway (Eastbound).

Parking Arrangements

The proposed development provides 457 on site parking spaces which is considerably below the Council's maximum parking guidelines. In order to ensure that the proposed level of parking does not cause overspill parking on the surrounding highway a parking accumulation exercise has been carried out. This indicates that on Friday pm peak there will be a maximum occupancy of 54% and on a Saturday peak 83%.

Accessibility

The site is set in a very sustainable location with a bus stop close to the junction where Bochum Parkway meets Dyche Lane. Other bus stops are located along both roads and other bus routes also run along Chesterfield Road to the west of the site. Five bus services run along Bochum Parkway and Dyche Lane and a further 8 bus services run along Chesterfield Road. The services are frequent along Bochum Parkway and Dyche Lane with some services running every 6 minutes during week days.

Cycle and Pedestrian Links

Policies BE10, CS54 and CS55 seek to incrementally improve pedestrian and cycle links, where it is reasonable to do so. The proposal would provide cycle parking within the site and the arrangement of the car parking within the site is designed so as not to conflict greatly with other modes of transport. A cycle network runs along Bochum Parkway and improvements to the cycle networks are proposed along Dyche Lane. The proposed changes link the site to the wider networks and it is considered that the proposal complies with these policies.

Servicing

The main service access will be from Dyche Lane and in order for larger vehicles to acceptably negotiate the Dyche Lane/Bochum Parkway junction, some minor alterations will be made.

The information and evidence included in the Transport Assessment is considered to demonstrate that the parking arrangements are acceptable for the numbers considered to be using the facilities at varying times. It is considered that the proposal does promote sustainable modes of travel and would not be severely detrimental to the safe flow of vehicular traffic in and around the site. Consequently, it is considered that the proposal has demonstrated that it is acceptable in terms of policies CS53.

Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS63, CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to meet BREEAM very good standards. The applicant has outlined in the supporting information that this cannot be achieved as the proposal would have to understand all the end users requirements. The proposal can meet the BREEAM very good certification for the building shell only and this is considered to be satisfactory in this instance. The proposal would incorporate sustainable measures such as a green wall and solar panels; furthermore, the building's envelope is to have high u-values. The changes do go a significant way to achieving the aims of the policy and, on balance, the proposal in this respect is considered to be acceptable.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposal includes the provision of solar panels and highly efficient technologies are to be used for the fittings. The proposal has identified the need to provide the highest quality building envelope and use highly efficient technologies.

Guideline CC1 of the Climate Change Supplementary Planning Document, requires developments to incorporate a green roof which covers at least 80% of the total roof area, where it is compatible with other design and conservation considerations, and where viable. The application has not included a green roof as the design has also incorporated solar panels which, due to operating requirements, need to be placed on the roof. Moreover, whilst not providing all the benefits of a green roof, the provision of the green wall is welcomed and a good compromise when taken together with the incorporation of solar panels. The design, although not strictly in accordance with guideline CC1, is considered to provide a diverse arrangement of sustainable measures and is considered to be acceptable in this instance.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water runoff to be reduced by design measures such as attenuation or permeable paving. The scheme incorporates various landscaped areas and the plans include sustainable drainage systems; such works include permeable paving and areas that could potentially be used for the siting of balancing ponds that would limit the flow of surface water run-off to an acceptable rate.

The proposal is not considered to have an adverse effect upon the area in terms of surface water run-off and the inclusion of sustainable drainage areas within the site is considered to help balance out the proposal when it is compared with the existing development. Such measures needed to comply with this policy are considered to be achievable through the proposed design and the fine details can be secured by a suitable planning condition attached to any approval.

Design Considerations

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the

surrounding local character and be visually attractive as a result of good architecture.

Policy CF8 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed. This is reinforced by policy BE5 which states that the new buildings should complement the scale, form and architectural style of surrounding buildings. Policy CS74 also seeks high quality developments
Amended drawings have been received that have made slight changes to the design. The drawings have made changes that relate to comments and requests made by officers, local residents and end users.

The application seeks the comprehensive re-development of the site, including significant improvements to the Bochum Parkway. The site will have a main access from Bochum Parkway with a new multi way traffic signalling junction sited approximately halfway across the front of the site. A service access point is taken from Dyche Lane.

The site will comprise of 12 units that are arranged into four blocks. The units are sited around the car parking area and all the units would have common architectural features and styles. The two units that are closest to Bochum Parkway have included green walls to soften the appearance of the units and improve the relationship between the proposal and the wide public footpath, which is characterised by grass verges and various mature trees.

All the units would use a variety of materials including grey composite cladding, timber rainscreen panelling and aluminium curtain walls. The designs incorporate indicated signage areas and further small green walls. The composition of materials, together with built form and scale, are considered to be sympathetic to the surrounding sites. The colours and materials proposed link the site with the neighbouring car dealership and leisure centre and it is not considered that the proposal would appear incongruous within the street.

The site has been laid out in a rational way that is permeable and links well to the neighbouring facilities. The car park has been amended and it is considered that the layout provides safe routes through to the shops for pedestrians.

The design has proposed further trees to be planted within and around the site and the use of soft landscaping and materials such as the timber cladding and green walls blend the proposed design with the surrounding area.

The layout, scale, built form, materials and overall design are considered to be appropriate for this site. It is considered that the design is sustainable and compatible with the overall character and appearance of the wider area. Consequently, the design of the proposed scheme is satisfactory with regards to all planning policies BE5, BE6, BE7, BE17, CF8, CS74 and the NPPF.

Landscaping and Ecology

The proposal involves the removal of various trees and areas of soft landscaping. An assessment of the ecology and landscaping within the site has been carried out. Furthermore, after feedback from the Local Planning Authority and local residents, amended plans have been received proposing more landscaping to be planted in and around the site.

The proposal has incorporated various green walls and further planting of trees in and around the site. The soft landscaping would further the ability of the site to provide areas for biodiversity and overall, the proposal is considered to be acceptable in this respect. Moreover, investigations are being made into whether the areas identified for balancing ponds can be provided and these would help with biodiversity in the site.

The arboricultural impact assessment has identified protection measures for the trees to be retained and these measures should be the subject of a condition. The retention, replanting and green design of the proposed development ensure that the proposal is not considered to severely harm the green character of the wider area. The proposal is therefore considered to be acceptable with regards to policy CF8

Living Conditions of Neighbouring Residents

Policies CF8 and GE24 seek to protect the living conditions of any neighbouring residents. The proposed development is site a significant distance from all neighbouring residents and it is set in between large commercial properties on the south side of Bochum Parkway.

The proposal is not considered to be of a scale and massing that would be harmful to the living conditions of any neighbouring properties in terms of loss of light/outlook overbearing/overshadowing. Furthermore, it is not considered that the proposal would give rise to any loss of privacy.

Concerns have been raised by local residents that the proposal would increase light pollution and glare from building and car park lighting and from vehicular movements around the proposed new junction. The dwellings are set a significant distance from the site and the dual carriageway is already well lit. The proposal is well designed and has minimised the numbers of lights proposed. Furthermore, as a significant amount of traffic to the site will be from vehicles that are already on the highway, as discussed previously, it is not considered that the proposal would significantly impact upon local living conditions. Consequently, the proposal is of a design that is satisfactory in this regard and with respect to paragraph 125 of the NPPF.

A noise impact assessment has been carried out and the noise sensitive receptors have been identified. The site is on a busy arterial road and the proposed changes are not considered to be detrimental to the living conditions of any neighbouring resident, subject to mitigation measures being incorporated in the design. Subject to conditions securing the mitigation measures, the proposal is considered to be acceptable in this respect of UDP policy CF8 and GE24.

The living conditions of all neighbouring properties are not considered to be compromised as a result of this proposal and, as such, the proposal is considered to be satisfactory with regards to UDP policy CF8.

Air Quality

Policy GE23 "air pollution" of the UDP sets out that development will only be permitted where sensitive uses would not be affected by air pollution.

Core Strategy Policy CS66 "Air Quality" is also relevant and stipulates that action to protect air quality will be taken in all areas of the city, especially where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The whole of the City's urban area is designated as an Air Quality Management Area (AQMA). An air quality assessment has been carried out in support of the application in order to assess the impact of the proposed development on the AQMA. The report uses a dispersion model to predict pollutant concentrations and concludes that there will be a negligible impact on both NO₂ and PM₁₀ concentrations and on the AQMA as a whole. Furthermore, NO₂ and PM₁₀ concentrations are identified as being below the maximum target Air Quality Standard and as such the development would not be harmful to air quality.

The report suggests that mitigation measures are employed during construction in order to reduce emissions and these will be secured by condition.

Community Infrastructure Levy (CIL)

The site proposes to demolish existing buildings and replace them with structures that have a combined total floorspace of less than the existing college buildings. Each unit is less than 3000 square metres in size and, accordingly, the proposal is not liable to the Community Infrastructure Levy.

Public Art

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

The proposal has various public footpaths within it and it is considered that there are ways that public art could be integrated within the scheme that would have very low cost; for instance, signage/artwork promoting health walks that use the existing/ improved links around the site.

A condition will be attached to any approval to ensure that an element of public art is included in the development.

SUMMARY AND RECOMMENDATION

Although the proposal is in the strictest sense contrary to UDP LR3 and, not consistent with CS14, it must be assessed in terms of the more recent NPPF tests of impact and the sequential approach.

Paragraph 27 of the NPPF says that where an application fails to satisfy the sequential test or is likely to have 'significant adverse impact' on investment or vitality and viability, it should be refused. The application is considered to be acceptable under the current interpretation of the sequential test and there is no evidence that the Norton development would result in 'significant adverse impact' on any centre in terms of investment or vitality and viability. The principle of the proposal is therefore deemed to be acceptable in terms of retail policy.

The design is considered to be of a high quality and reinforces the character of the area by linking the site to the immediate neighbouring uses, chiefly the leisure centre, car showroom and school. The proposal is not considered to give rise to any amenity issues, due to the design and siting and with the inclusion of a green wall and further planting and landscaping, the proposal is considered to respect the green character of the wider area.

The proposal has evidenced how the new retail units would not severely affect the local transport network. The layout of the car park and re-arrangement of the junction into the site is considered to be satisfactory and an improvement upon the current highway layout. From the evidence provided, it is considered that in highway terms, the proposal acceptable in terms of both local and national planning policies.

The proposal represents a sustainable re-development of a brownfield site that is of a satisfactory design. It is considered that the proposal would be acceptable in terms of local and national planning policies and, consequently, the application is therefore recommended for approval.

Case Number	16/00647/FUL
Application Type	Full Planning Application
Proposal	Erection of 103 dwellinghouses and laying out of associated roads
Location	Manor Site 8 Land At Junction With Fretson Road Queen Mary Road Sheffield S2 1PA
Date Received	17/02/2016
Team	City Centre and East
Applicant/Agent	Gleeson Developments Ltd - Mr Steve Gamble
Recommendation	Grant Conditionally Legal 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:

Site Location Plan
Layout Plan 466/3-F
Layout Plan with brick colours 466/3-E
Level Change Plan 466/13B
Street Elevations 466/4-B
Street Elevations 466/5
201 Rural Elevations 13/201-Rev E
201 plan only 201/1F
202 Rural Elevations 13/202-9 Rev E
202 plan only 200/1F
301 Rural Elevations 13/301-8 Rev D
301 plan only 301/1G
302 Rural Elevations 13/302-9 RevD
302 plan only 302 /1G

304 Rural Elevations 13/304-10 Rev E
304 plan only 304/1E
307 Rural Elevations 13/307-10 Rev E
307 plan only 307/1B
309 Rural Elevations 13/309-10 Rev C
309 plan only 309/1E
311 Rural Elevations 13/311-8 Rev B
311 plan only 311/1A
401 Rural Elevations 13/401-9 Rev C
401 plan only 401 1G
403 Rural Elevations 13/403-9 Rev B
403 plan only 403 1H
404 Rural Elevations 13/404-9 Rev B
404 plan only 404/1F
Detached Garage SD 701
Double Garage SD 702
Post and Wire Fence 0282 SD 103
Timber fence 0282 SD 100 Rev A
Gravel Drive 0282 SD 712 Rev A
Mesh Hedge 0282 SD 107 Rev A

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. 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.

4. Before any development commences the mitigation works to the trees to be retained, as listed in paragraphs 4.3 and 4.4 of the Arboricultural Impact Assessment, shall be carried out by a qualified arboriculturalist.

Reason: In order to retain the existing trees 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. No development shall commence until a tree protection fence designed in accordance with BS 5837, 2005 has been erected on the root protection zone as identified on the Rosetta drawing 2616/1 of the trees to be retained. 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.

7. No development shall take place until details of the proposed means of disposal of surface water drainage within the site, including details of any balancing works, model results and arrangements for surface water infrastructure management for the lifetime of the development have been submitted to and approved 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 unless specifically agreed in writing by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in the interests of minimising the risk of flooding.

8. 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.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

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

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

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

- a) Be based on the findings of approved noise survey (ref: MM2219/15413, rev: 2, dated: 02/16, prepared by: Spectrum Acoustic Consultants)
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

- 11. No development shall take place until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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

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

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

- 14. Prior to construction of the housing details of the external materials and colour finishes excluding the facing bricks which are approved as part of this consent shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

- 15. 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.

16. Prior to the occupation of the houses adjoining the bungalows that are accessed off Archdale Close, details of the treatment of the common boundaries with those bungalows shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the relevant houses are occupied.

Reason: In the interests of protecting the privacy of adjoining residential occupiers.

Other Compliance Conditions

17. The Travel Plan shall be implemented in accordance with the actions and delivery targets listed in the plan.

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

18. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and 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.

19. 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.

20. Construction within the root protection zone of the trees to be retained shall be carried out in accordance with paragraph 3.4.6 of the Arboricultural Impact Assessment and new drives and paths within these areas shall be constructed of porous materials. In addition any excavation works within the root protection zone of the trees to be retained shall be monitored by a qualified arboriculturalist and any roots encountered shall be treated in accordance with paragraph 4.2 of the Arboricultural Impact Assessment.

Reason: In order to retain the existing trees in the interests of the visual amenity of the area.

Attention is Drawn to the Following Directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free

download from the 'resource' pages of the Institute of Lighting Professionals' website.

2. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
3. 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.

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

The notice should be sent to:-

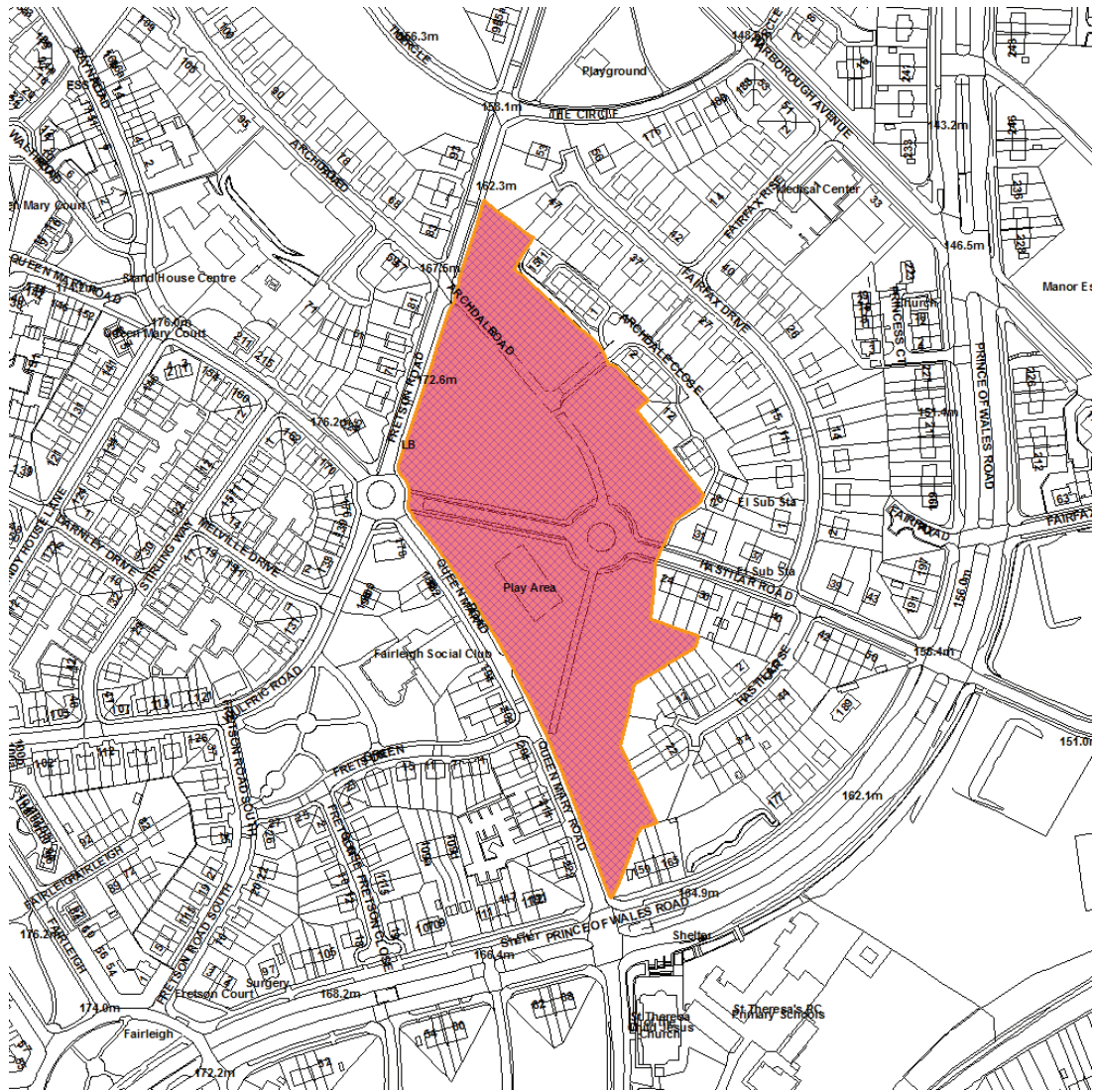
Sheffield City Council
Town Hall
Penistone Street
Sheffield
S1 2HH

For the attention of Mr P Vickers

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

5. 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.
6. 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.
7. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION AND PROPOSAL

The application site is approximately 2.8 hectares and was previously developed for housing. It has been cleared and vacant for at least 10 years. The site generally slopes from south-west to the north-east falling by approximately 10m from the Queen Mary Road/Fretson Road roundabout to the adjoining bungalows on Archdale Close. The site is dissected by the historic road network and whilst it mainly comprises of grassland there are a number of mature trees either side of Archdale Close. There is a run-down multi-games area on the southern part of the site. The site is surrounded by housing; mainly 2 storey semis but with some terraced units and bungalows to the north on Archdale Close. The Fairleigh Social Club is situated to the south-west of the site on the opposite side of Fretson Road.

The application is seeking permission to develop 103 houses of which 27 are two bedroom units, 65 have three bedrooms and 11 have four bedrooms.

SUMMARY OF REPRESENTATIONS

None received.

The applicant carried out a community consultation event prior to the submission of this application, in accordance with the Statement of Community Involvement.

PLANNING ASSESSMENT

Policy

The application is identified as a proposed housing site in the Unitary Development Plan (UDP). Under Policy H13 (Housing), open space and small shops, community facilities and residential institutions (provided they occupy a small part of the site) are the only acceptable uses.

In the Sheffield Development Framework Pre-Submission Proposals Map the site lies within a housing area and is identified as an allocated site. Required uses are housing or residential institutions. Policy J1 states that required uses should cover at least 80% of the site area. The proposal is consistent with this allocation although it has little weight as the Council is working on a new Local Plan.

Core Strategy (CS) Policy CS 23 states that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. This policy clearly supports the proposal.

Policy CS24 seeks to maximise the use of previously developed land for housing. Although the application site has been cleared for some time it still retains the highway infrastructure from the previous development. It is considered that this policy supports the application.

Policy CS 25 identifies priority sites for releasing housing. The priority locations include housing renewal areas. The site lies within one of these areas.

Policy CS 26 seeks to secure the efficient use of land. This promotes a density of 30-50 dwellings per hectare in this location. The density of the development proposed is approximately 38 dwellings per hectare which is consistent with this policy.

An Informal Planning Advice Note has been prepared which provides guidance for housing development on the site.

The National Planning Policy Framework (NPPF) promotes sustainable development. Proposals that accord with the development plan should be approved without delay. A key objective of the NPPF is to boost significantly the supply of housing.

In conclusion the proposed land use is strongly supported by the relevant development plan policies.

Sustainability

The scheme will develop a brownfield site within the urban area. The site is reasonably served by public transport with bus stops on Queen Mary Road within 250m of the site, with the highest frequency service being half hourly. There are also schools, medical services and shops relatively close to the site.

Core Strategy Policy CS 64 seeks to ensure that new buildings are designed to reduce greenhouse gas emissions and function in a changing climate. The applicant has explained that they have a fabric first approach to design whereby the energy efficiency of the houses is enhanced rather than installing renewable energy. They have advised that average fabric efficiency exceeds regulation by 8.5%. The applicant has explained how they have designed the dwellings to maximise natural light and natural ventilation. They will install water efficient sanitaryware and materials will be sustainably sourced. Recycling of materials during construction across their sites in the north of England achieves an average of 90%. Given the above it is concluded that the scheme meets the terms of policy CS 64.

Core Strategy Policy CS 65 says that significant developments will be required, unless this can be shown not to be feasible and viable, to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The applicant has argued that in this case the cost of providing 10% renewable energy would be in the order of £3,800 per dwelling and in this low value area this could not be met without rendering the scheme unviable. It is known that this is a marginal site and a previous scheme was withdrawn on viability grounds in 2008. Given the case put forward it is accepted that it is not viable to provide 10% renewable energy on the site.

Affordable Housing

The application site is within the Manor/Abourthorne/Gleadless affordable housing market area where there is no requirement for an affordable housing contribution.

Whilst there is no requirement for affordable housing the applicant has advised that they focus on the construction of low cost homes for people on low incomes in areas of industrial decline, economic and social deprivation. They advise that during 2014 the profile of purchasers on comparable sites is that approx. 80% are first time buyers, approx. 80% move from Council/housing association and private rented properties and approx. 70% already live within 3 miles of the development. They have indicated that their proposed net selling price will start from £95,000.

Community Infrastructure Levy (CIL)

The site is covered by a £30 per square metre CIL charge.

Recreation Mitigation

Pooled contributions for open space have been replaced by the Community Infrastructure Levy. However this does not prevent contributions being sought to for site specific mitigation.

Core Strategy Policy CS 47 says that development that would result in the loss of open space will only be permitted where replacement open space would be provided in the local area. The development will result in the loss of a run-down multi-games area. The informal planning advice note prepared for this site supports the provision of an off- site contribution to improve open space in the locality. The applicant has agreed to a contribution of £50,000 which will be secured by a S106 to improve open space off-site within the locality of the development. This will be used in accordance with priorities set at the local community level.

Economic Impact

The applicant has estimated that development will help to sustain or create 154 Full Time Equivalent Direct Job Years (approx. 38 FTE jobs per year) over the course of the 4 year construction phase. They also estimate that the development will help to sustain indirect jobs in the wider community/supply chain. The applicant has estimated that the development will generate £9m of direct spend from building activity.

The applicant has drawn attention to the additional spending in the local area due to the spending power of the new residents.

They have also pointed out that the Council will benefit from a land receipt from the development and additional Council tax. They also refer to the substantial New Homes Bonus Payment which will arise from the development. Whilst these later points and the CIL payment can be noted it is considered that they are not relevant to the planning decision as they do not help to make the development acceptable in this case.

Local Employment

The applicant states that they are committed to providing local jobs for local people and will offer priority employment to those living within 2 miles of the site.

The applicant has confirmed that they are happy to submit a local employment strategy in order to maximise the benefit to the local community from construction. This is to be secured by a condition.

Access

The proposed highway network largely follows the existing road layout. The junction of Archdale Road with both Fretson Road and Queen Mary Road is to be realigned slightly. Archdale Road will be widened to provide a 5.5m wide carriageway and two 2m footpaths. The roundabout at the junction of Hastilar Road Archdale Road will be replaced with a priority junction and Archdale Road and Archdale Close will be a priority junction with raised tables at both locations to calm traffic. Hastilar Road stops short of the Queen Mary Road/Fretson Road roundabout and a link to the junction is provided for pedestrians only. The western part of the Hastilar Road and a new section of highway linking Hastilar Road to Archdale Road will be shared surface along with two small culs de sac.

The highway officer is satisfied with the amended road and footpath layout and considers that it will operate safely and can adequately accommodate the traffic generated by the development. The road alignment and the raised tables should help to ensure traffic speeds are maintained at acceptable levels for a residential area.

Parking throughout the scheme is provided within individual house plots. Each house has a minimum of 2 off-street spaces generally with one space in a garage and one space in front of the garage. Initially all the drives were to be finished in gravel although the first 1.5m is hard surfaced to reduce gravel spreading on to the highway. Following discussions, the applicant has agreed to hard surface the steeper drives and shared surfaces. The parking provision is in line with the Council's guidelines and considered to be adequate to serve the development.

Footpaths are provided on the Fretson Road and Queen Mary Road frontages and on both sides of Archdale Road. Archdale Close and the southern section of Hastilar Road will have footpaths on one side and there are 4 shared surface housing courtyards. The existing footpath to Archdale Close on the eastern edge of the site is retained.

The proposed footpath network will ensure the development is well connected to surrounding housing and residents will have the opportunity to walk to local services and public transport. The surrounding residential road network provides the opportunity to make journeys by bicycle. As stated above, the site is reasonably well served by public transport. It can therefore be concluded that the site is accessible by a range of transport options.

A travel plan has been submitted in support of the application the main objective of which is to encourage sustainable travel to the site. There is a commitment in the travel plan to appoint a travel plan co-ordinator. Travel options will be promoted at

the sales stage and information provided to all new residents on occupation. This will include promoting walking, cycling and public transport and car sharing options. The plan incorporates a target to secure a 10% reduction in the proportion of residents driving a car or van over a five year period. Annual travel surveys will be undertaken 12 months after the baseline survey until full occupation of the scheme. The travel plan states that dedicated cycle storage will be provided at every dwelling which in this case will be within the garage.

Design

The surrounding area is characterised by two storey houses faced in brick with pitched roofs. Houses generally address the street and front gardens are secured by metal railings, hedges and brick walls with railings. Car parking is generally provided in curtilage although there is also on-street parking and parking provided in secure courtyards.

The proposed housing layout responds to and reinforces the existing street network. Housing is laid out in perimeter blocks that address the street. Houses have been provided with in-curtilage parking and garages which produce a connected built form and stronger enclosure to the street. Some of the buildings are positioned relatively close to the back edge of footpath whilst others are set back further from the frontage. The majority of the existing trees on the Archdale Road frontage are to be retained. The housing generally steps up or down with the contours. The scale and siting of housing responds to the existing character and is considered to be satisfactory. The retention of the mature trees is to be welcomed as they are attractive features and will help to integrate the development with its surroundings.

The applicant is proposing hedge planting supported on plastic mesh fencing with timber posts for the Queen Mary and Fretson Road frontages. The Archdale Road frontage to the properties is to be defined with low shrub planting whilst elsewhere the site the frontages to the houses will be entirely open.

The quality and form of the boundary treatment has been an area of contention between officers and the applicant. Your officers have sought to negotiate more robust brick walls with railings to the main road frontages and key focal points with hedges and metal railings to the secondary frontages. The objective has been to lift the quality of the development and provide a more robust definition between public and private areas.

The applicant considers their more open boundary treatment proposals will encourage ownership of the street and thereby reduce crime. However your officers are not convinced and consider this is outweighed by the negative impacts of reduced enclosure to the street, increased prominence of parking and bin storage in the street and the lower visual quality of the boundary treatment proposed.

The final boundary treatment proposals are a compromise which will provide some limited enclosure and are considered to be fairly low quality by your officers. However the visual harm will not be so great that it justifies resisting the application

and, in any case, is outweighed by the visual benefits of developing this unused site for housing.

The proposed houses are two storeys high and of a simple traditional design with brick faced elevations and pitched tiled roofs. There is a mixture of single and two storey houses around the site, many of which have been built in the last 20/30 years. Most of the existing houses are typical suburban houses that could be located anywhere. Whilst officers have encouraged a more distinctive contemporary design with larger scale units positioned around the key focal points the applicant has a limited number of house types and is unwilling to depart from their tried and tested designs.

Whilst the proposed housing designs are not particularly high quality or distinctive they will be in keeping with the surrounding character and there is no strong case for resisting the proposal on design grounds.

Landscaping

The applicant has submitted a tree survey. There are a number of mature trees which have a significant visual impact that are located either side of Archdale Road. These are mainly London Plane trees between 12 and 17m high. The trees are mainly categorised 'B' which means they are of moderate quality and have an estimated life expectancy of at least 20 years. The majority of the rest of the trees within the site are category 'C' trees which means that they will not usually be retained where they may adversely affect the layout.

The layout proposes the retention of most of the 'B' category trees except 3 along Archdale Road which are affected by road improvements and house plots. An assessment has been submitted to consider the impact of the proposed development on the trees to be retained. This recommends areas of no dig construction beneath the canopy of the retained trees, new drives to be constructed of permeable paving to allow water penetration to roots, lifting the crowns of trees overhanging highways and drives and reducing the canopy to minimise interference with dwellings. Excavation works to trees should be monitored by a qualified arboriculturalist. Conditions are proposed to secure these mitigation works.

A detailed landscape plan has not been submitted with the application. However the layout plan shows new hedge and shrub planting to the front gardens of the properties adjoining Queen Mary Road and Fretson Road and Archdale Road. New tree planting is proposed on the road frontages with most front gardens being turfed.

The retention of most of the existing higher value trees is to be welcomed and the new landscaping will help to soften the appearance of the development and enhance the street scene.

Drainage/Flood Risk

The application site is located in flood zone 1 (low risk) and there is no requirement for the development to undertake sequential or exception tests. The flood risk assessment concludes that the site is a low risk of flooding from other sources. The development will however increase the impermeable area from an estimated 37% to 50% which will increase run-off volumes.

The flood risk assessment confirms that the sub-soil conditions do not support the use of soakaways.

The surface water run-off from the site will be directed to the public sewer with no run-off restriction. The public sewer will drain to an attenuation pond in the Pipworth Recreation Ground which the council is procuring. This will attenuate the run-off before it enters the Carbrook thereby preventing flooding downstream. The Sustainable Drainage scheme being developed in the Pipworth Recreation Ground will attenuate the run-off from a number of housing sites within the Manor area. A S106 agreement will secure a contribution from this development towards the construction cost of the scheme which is proportionate to the scale of development.

The developer has agreed to enter into a S106 agreement to cover their contribution to the scheme.

Land Contamination

Some elevated levels of contaminants were found in the topsoil/made ground. The topsoil is not considered to be suitable for re-use. Where this is to remain a clean permeable 600mm capping layer will be required in garden and landscaped areas. The Environmental Health Officer is satisfied that the site can be safely developed and conditions are proposed to ensure the appropriate remediation is undertaken.

Noise

A noise assessment has been carried out. This concludes that the primary source of noise is road traffic. It concludes that suitable indoor ambient noise can be provided across the majority of the site with standard double glazing and trickle ventilators. In the most exposed locations such as the properties close to Prince of Wales Road it would be necessary to install acoustic trickle ventilators. Across most of the site noise levels in garden areas fall within guidelines but in some areas it slightly exceeds the guidelines. However levels are expected to fall below guidelines following the development as the new housing will provide additional screening. Conditions are proposed to ensure that appropriate internal noise levels are achieved.

SUMMARY AND RECOMMENDATION

The proposal is supported by development plan policy and will secure the regeneration of a long vacant site with relatively low cost, much needed housing. This weighs heavily in favour of the scheme. The application site is sustainably located being reasonably well served by public transport with shops and services

located nearby. The access and parking arrangements for the development are considered to be satisfactory and the scheme will have good pedestrian connectivity with its surroundings. The scale and positioning of the housing responds to the local character, reinforces the historic street pattern and will provide natural surveillance of the streets. Whilst the design of the housing is not ground breaking it is in keeping with the local character. The boundary treatment is considered to be fairly low quality which is a negative aspect of the scheme. However this is not so significant as to justify resisting the proposal. Therefore it is recommended that planning permission be granted conditionally subject to the applicant entering into a S106 agreement to secure the following heads of terms.

Heads of Terms

A contribution towards the provision and future maintenance of the Manor Sustainable Drainage Scheme that is proportionate to the number of houses that will be served.

A contribution of £50,000 towards the provision or improvement of off-site public open space within the vicinity of the site

Case Number	16/00325/FUL
Application Type	Full Planning Application
Proposal	Alterations to building for use as 2 HMO's (Houses in multiple occupation) (20 bedspaces) and provision of basement parking area.
Location	The Wharnccliffe Hotel 127 Bevercotes Road Sheffield S5 6HB
Date Received	19/02/2016
Team	City Centre and East
Applicant/Agent	Simon Eccles
Recommendation	Grant Conditionally

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:

J25-21-012 Rev F
J25-21-014 Rev F
J25-21-020 Rev F
J25-21-021 Rev F
J25-21-022 Rev F
J25-21-023 Rev F
J25-21-025 Rev F

Reason: In order to define the permission

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

Other Compliance Conditions

3. The building shall not be used unless the car parking accommodation for 5 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

4. The proposed facing materials to the front boundary wall shall match the facing materials to the existing building.

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

5. Before the first occupation of the building hereby permitted the lower casement of the ground floor windows on the rear elevation of the building serving bedrooms and ensuite bathrooms G5 and G6 as shown on approved plan shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

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

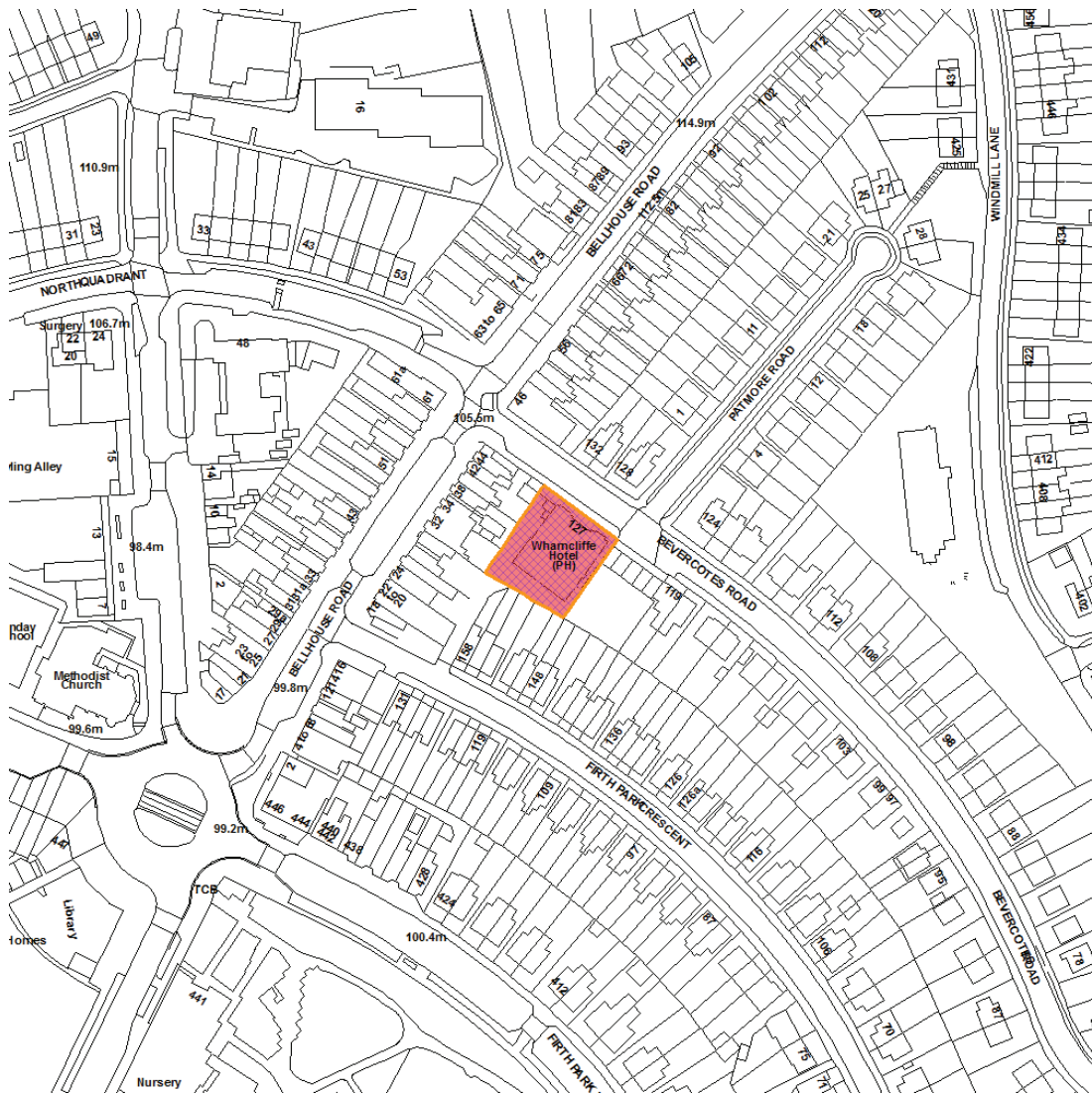
Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield.

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. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email

snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

Site Location



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LOCATION AND PROPOSAL

The application site relates to the former Wharnccliffe Hotel public house, a large detached brick built property sited to the southern side of Bevercotes Road. The building which has been substantially extended to the rear incorporates a large basement with direct access to a private drive leading onto Firth Park Crescent. The basement was formerly in use as a private gym.

The building is located within the Firth Park District Shopping Centre. Land to the east is occupied by a vacant two storey building formerly in use as private garaging with vehicular access from both Bevercotes Road to the north and Firth Park Crescent to the south. Both of these highways are essentially residential in character with a mix of semi-detached and terraced properties.

Planning permission is sought to use the former public house as two houses in multiple occupation (HMO) with 20 bed spaces in total (Sui Generis). (1 x 9 bedrooms on the ground floor & 1 x 11 bedrooms over the first and second floors). The basement level will be used for off road parking and ancillary storage. This is a reduced scheme from that first submitted to the council which proposed 30 bed spaces in three HMOs with no off road parking.

RELEVANT PLANNING HISTORY

The Planning Committee previously approved an application to use the adjacent two storey building as a community centre earlier this year. This permission has not been implemented.

SUMMARY OF REPRESENTATIONS

32 letters of objection were received in respect of the original application for 3 HMOS with 30 bedrooms and no off road parking. The letters raise concern that:

- Firth Park is facing numerous challenges including a high crime rate and needs a strong stable community. The accommodation would most likely attract homeless, unemployed, transient and temporary residents and not nurses as indicated by the applicant;
- There are existing parking problems in the Firth Park area and adding an additional 30 bed spaces will increase the problem. It is unreasonable to presume that residents and their visitors will not have cars. (If nurses are to occupy the building then a car is a necessity due to shift work);
- There has been little notification to local residents;
- Building works have already commenced on site, suggesting that the proposal is a foregone conclusion;
- The proposal results in the loss of a popular public house. Although closed the building was capable of reuse as a pub with little work;

- The plans in reality indicate one large HMO with 30 bed spaces with insufficient cooking and communal facilities. The basement accommodation raises concerns in the event of fire;
- A 2m fence will make the building look like a prison rather than a residential building and will be an eyesore for the neighbours;
- There is no internal lift and no bin storage shown on the plans;
- There is no outside space for residents to use;
- Proposal will impact on house prices in the area;
- There are potential safeguarding concerns with approved community centre.

Following receipt of amended plans an additional 4 letters have been received which reiterate the previous comments and raise additional concerns in respect of the safety of the basement parking area. In addition comment is made that the security fencing to the rear of the property will block access to the parking area of the previously approved community centre on the adjoining land.

PLANNING ASSESSMENT

Land Use Issues

The site lies within a designated District Shopping Centre. Policy S7 of the UDP states that Sui Generis uses should be assessed on their own merits subject to the provisions of Policy S10.

Policy S10 states that such a use will be permitted provided that it does not lead to a concentration of uses which would prejudice the dominance of the preferred retail use. There is no retail dominance issue in this case as the proposal will not result in the loss of an A1 (retail) unit, which is the 'preferred' use for the Local Shopping Centre. It is noted that within the Firth Park District Centre there is a mix of retail units and the use of this building to a non-A1 use will not impact on the retail character of the immediate area. The residential nature of the proposal is in keeping with the established residential character of both Bevercotes Road and Firth Park Crescent. The principle of the development is therefore considered acceptable, subject to the consideration of other UDP policies.

Policy CS41 'Creating Mixed Communities' seeks to ensure that mixed communities are promoted by limiting conversions to HMO's where the community is already imbalanced by a concentration of uses or where the development would create an imbalance. The objectives of the policy will be met by limiting the amount of HMO's where 20% of residences within 200 metres of the application site are shared housing. An assessment of shared housing concentration within 200 metres of the application site has shown that only 4% are in shared occupation and as such the change of use to shared housing is considered acceptable.

Amenity Issues

Policy S10 seeks to ensure that development would not cause occupiers of nearby residential property to suffer unacceptable living conditions.

Policy H5 'Flats, bed sitters and shared housing' seeks to ensure that living conditions would be satisfactory for occupants of the accommodation and their immediate neighbours.

Due to the slope of the site the ground floor level of the accommodation is elevated in relation to residential property on Firth Park Crescent giving the potential for unacceptable overlooking of neighbouring property. This concern is increased by the proximity of the ground floor accommodation to the rear boundary with these neighbouring dwellings and limited separation distances from original window openings on the rear elevation of the building.

In view of the concern the internal layout of the ground floor accommodation has been amended to ensure that the main outlook from the ground floor bedrooms is towards the side of the building with the lower part of the existing ground floor rear facing windows being obscurely glazed to prevent overlooking.

There are no overlooking concerns of residential property from the remainder of the windows in the building.

The access to the ground floor HMO will be taken from the existing main entrance on the front of the building. Access to the first /second floor HMO will be from the door on the side of the building accessed via an existing elevated walkway from the front of the building. The use of this existing walkway raises no amenity issues in respect of neighbouring property.

The proposed layout has been checked by Private Housing Standards who have confirmed that the proposed bedrooms meet current space standards. The bedrooms all have acceptable outlook and provide a suitable living space for future residents.

It is noted that the nature of the site prohibits the provision of external amenity space for future residents. In determining the application the council needs to balance the need of future residents against the desire to bring this vacant building back into a viable use to the benefit of the wider area. In this respect whilst the lack of external amenity space is not ideal there is public open space close to Firth Park Centre which future residents can use if desired.

Design and security Issues

Policy S10 requires new development to be well designed and to be of a scale and nature appropriate to the site

The existing windows in the building have already been replaced with UPVC replacements. Proposed alterations to the fabric of the building include a single new side facing ground floor window, a new door to the cycle store, the removal of

a fire escape and single storey extension on the rear elevation of the building and creation of a vehicular access opening into the basement area. None of the proposed external alterations impact on the character and appearance of the original building.

The existing building and land to the rear are subject to ongoing anti-social behaviour. The rear of the site is hidden from public view and easily accessible from both Bevercotes Road and Firth Park Crescent. As part of the proposal the applicant intends to secure the site by the erection of 2m high wall/railings along both the Bevercotes Road frontage of the site and across the rear access drive to the benefit of both local residents and future occupiers of the building.

The new boundary treatment to the Bevercotes Road frontage will be a brick wall with black steel railing to match the general appearance of other front boundaries in the locality. This will not detract from the visual amenities of the locality.

Bin storage will be provided on the Bevercotes Road frontage and screened from the highway by the proposed boundary treatment.

Highways Issues

Policy S10 seeks to ensure that development provides safe access to the highway network, appropriate off street parking and does not endanger pedestrian safety.

Policy H5 aims to ensure that there would be appropriate off road parking for the needs of people living there.

The proposal includes off road parking provision for 5 cars within the basement level of the building which complies with current highway parking standards for shared housing. The parking area will be accessed via the existing private access drive onto Firth Park Crescent and located behind security fencing to the benefit of future residents. The building is also conveniently located with regard to public transport access, with bus routes along Bellhouse Road and secure cycle parking will be provided within the building.

In light of the above the proposed development is not considered to give rise to any highways issues, particularly bearing in mind the authorised use of the premises as a public house, which would be expected to give rise to much higher traffic generation than the proposed use.

Other issues

Much comment has been made by local residents about who will occupy the building. The applicant has indicated that the accommodation will be let to nurses from the Northern General Hospital. The planning system cannot stipulate who tenants of a building should be and it would be unreasonable of the council to resist the application for this reason.

The council is aware that the applicant has commenced work on the building. Works include the replacement of windows and the erection of internal partitions

within the building. The applicant has been advised that all works in the absence of planning approval are entirely at his own risk.

In line with the Council's Statement of Community Involvement all local residents who abut the site have been notified of the proposal and a site notice has been displayed on the site. All local residents who made a representation on the original scheme have been advised of the amended scheme.

No lift is proposed but level access is available to all of the proposed ground floor HMO area.

The impact on the proposed community centre within the neighbouring former garage building is a matter for the management of the community centre. This is not a material consideration in the determination of this application.

The remaining issues raised in the representations have been considered but are not material to the determination of this application.

SUMMARY AND RECOMMENDATION

The proposed use of the building as two HMOs (Sui Generis) is considered acceptable within this accessible area on the edge of the Firth Park shopping area. It is considered that the proposed shared housing will not generate amenity issues or parking levels which would be detrimental to the existing residential character of the area, particularly bearing in mind the existing authorised use of the building as a public house.

The proposed upgrade of the building with associated security measures will benefit the local area helping to reduce levels of anti-social behaviour to the benefit of local residents.

The proposal is considered satisfactory with regards to relevant policies and is recommended for approval subject to the listed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Head of Planning

Date: 28th June 2016

Subject: ENFORCEMENT REPORT

Author of Report: Abby Wilson 0114 2037647

Summary:

Unauthorised change of use from residential (C3) to commercial Storage (B8) with provision of unauthorised shipping container.

Reasons for Recommendations

The change of use from C3 to B8 is not supported by the Unitary Development Plan, policy H10. The outbuildings are unauthorised by means of their use and the shipping container is not supported under UDP policy BE5 AND H14 AND Core Strategy CS74

Recommendations:

That authority be given to 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 removal of the shipping container and to cease the use of the land for the storage of builders materials and equipment.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL WITH PROVISION OF UNAUTHORISED SHIPPING CONTAINER.

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 The report relates to No.72 Roebuck Road. NO.72 is a large brick two storey dwelling house which is set above the highway. The main amenity space for this property is to the rear which is accessed to the side of the property as a driveway.

The street scene consists of both traditional terraced properties and large detached and semi-detached properties. The property is located within a wholly residential area, designated as Housing in the adopted Unitary Development Plan.

- 2.2 The site is used as a House in Multiple Occupation with approved plans to convert the basement into a separate flat. The conversion commenced some time ago but work has ceased on the conversion and it remains incomplete.
- 2.3 The garden has been subdivided to provide an enclosed area for the storage of builders materials and equipment at the rear of the property. The driveway at the side of the property leads to a hard surfaced area used for residents parking and offers some amenity space for the current tenants. This space is also surrounded by building materials and equipment plus a large shed, used for non-residential storage. To the rear of the garden space lies the enclosed area which has been fenced off with a locked gate to restrict access, including restricting access to the residents of the property.
- 2.4 There is an old wooden shed within this enclosed area and a shipping container that was added in 2015. Both the container and shed are used to store building materials and equipment for the owners construction business. Materials are also stored in the open on this area of land.

- 2.5 It may be claimed that some of the materials are in conjunction with the development of the basement, however by the owners own admission, the majority is storage is for his construction work.

A Planning Contravention Notice (PCN) was served but was not returned, the owner however did meet on site with Officers to discuss the issues raised. He agreed to begin tidying up the site and to remove items and not to bring any new items for storage to the yard. A follow up visit was to be arranged after several months to enable officers to view progress.

- 2.6 A skip arrived on site and some materials have been cleared however a significant amount of construction material remains on both the land open to residents and within the enclosed area at the rear, including the unauthorised shipping container and sheds. No work appears to have been carried out at the basement, which too is filled with similar building materials and equipment.
- 2.7 The land can be viewed from the rear of several adjoining properties and visits throughout the day are made by builders to access equipment and materials.
- 2.8 Several attempts have been made to rearrange a follow up visit but the owner has failed to respond.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 There has been an unauthorised change of use from residential, Use Class C3, to Use Class B8, storage and distribution. The outbuildings do not benefit from permitted development rights as they are not incidental to the enjoyment of the dwellinghouse.
- 3.2 The change of use is detrimental to the visual amenities of neighbouring properties, the storage of materials is unsightly and not in keeping with the residential nature of the area, as is the shipping container that is large and industrial in appearance. The tenants at 72 Roebuck Road have restricted amenity space due to the storage, limiting usable land to the area designated for car parking.
- 3.3 The use also involves frequent visits to the site by trades people to access materials and tools. This is disruptive to tenants and to neighbouring properties on what is a narrow side road.
- 3.4 The changes are not supported within the Unitary Development Plan, policies BE5 and H10, H14 AND Core Strategy CS74.
- 3.5 Should the B8 Use cease, the timber outhouses would benefit from permitted development rights, becoming incidental to the enjoyment of the dwellinghouse. The storage container/ shipping container however would remain unauthorised. UDP policy BE5 states good design and materials should be expected in new buildings. The container does not meet these

requirements and would not be viewed favourably. BE5 also states that temporary buildings will only be permitted where they are required to meet short term operational needs and would not be in prominent locations or conservation areas. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

3.6 UDP policy for land use in housing areas states that development will depend on the effects on people living there. The overriding concern of policies within Housing Areas is creating or preserving a good quality environment for present and future residents. It is felt that the change of use is detrimental to the amenities of local residents.

3.7 Class use B8 is not supported within UDP Policy H10, Development in Housing Areas. The preferred use is class use C3 residential housing, warehouses and open storage (B8) are an unacceptable land use.

4. REPRESENTATIONS.

4.1 There has been one written complaint regarding the appearance of the site and the nuisance caused by tradesmen visiting during the day to collect and deposit materials stored on the site.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the storage container and building materials not used in connection to the conversion of the basement and to open the fenced area and outbuildings for use incidental to the dwellinghouse. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

6.1 There are no equal opportunity issues arising from the recommendations in this report.

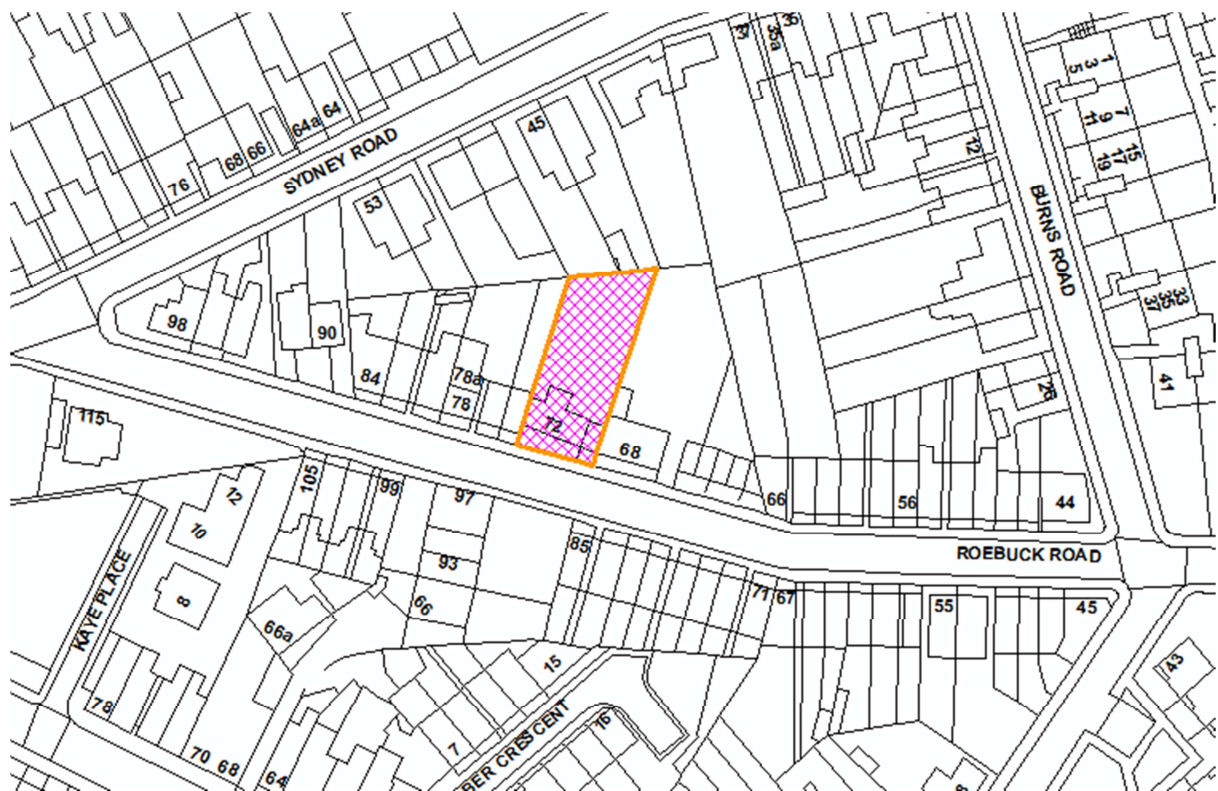
7 FINANCIAL IMPLICATIONS

7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved "unreasonably" in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

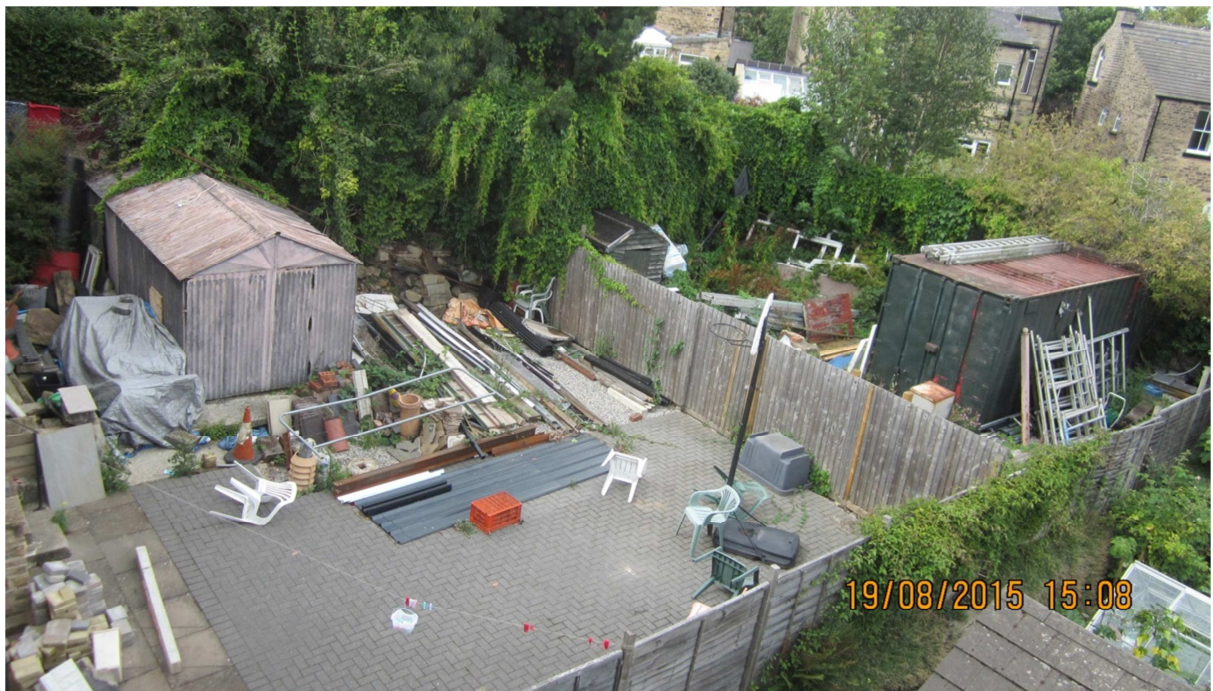
8.0 RECOMMENDATIONS

- 8.1 That the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the storage container and cease using the land for the storage of building materials.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



August 2015 Rear garden



Enclosed Area May 2016





Within site accessible to residents



Driveway at side of property.





SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Head of Planning

Date: 28 June 2016

Subject: Enforcement Report

Author of Report: Abby Wilson

Summary:

Unauthorised erection of a fence enclosure at Unit B Old Station Drive, S7 2PY

Reasons for Recommendations

Enclosure does not benefit from permitted development rights and as such the enclosure is unauthorised. The enclosure is in conflict with UDP policies MU8, M11, G10 and G17

Recommendations:

That authority be given to 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 removal of the additional fence enclosure..

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED FENCE AT UNIT B OLD STATION DRIVE

1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 Old Station Drive is a no-through road off Archer Road in S7.
- 2.2 The site is located in a Mixed Use Area as identified in the Unitary Development Plan (UDP). The Road leads to the rear deliveries entrance of Tesco Extra supermarket. There are several industrial units on Old Station Drive including haulage companies and car repairs. There is also an NHS office and clinic and a residential use at the entrance to Old Station Drive. To the rear of the site lies a main rail route and the road sits between the two large supermarkets Sainsbury's supermarket on Archer Road and Tesco Extra on Abbeydale Road.
- 2.3 The Sheaf Valley Walk runs along the side of Tesco Extra and joins a section of Old Station Drive south west of Unit B approximately 30 metres away from the related site. The walk has been illustrated on the attached plan.
- 2.4 The industrial units are generally enclosed by metal palisade security fencing ranging from 1.75m and 3 metres in height. The open palisade offers uniformity along the street and offers transparency for highway users.
- 2.5 In addition to this palisade, the unit known as Unit B has added a corrugated solid screening with a wooden frame for rigidity. The screening is 3 metres in height along the fenced areas and 2.5 metres at the gate. It has been attached to the inside of the original 1.7m metre high palisade with the wooden frame fronting the highway. The additional fence screening encloses the North elevation fronting the highway, the west elevation bordering a neighbouring unit and the rear of the site. The east elevation neighbouring Unit D, is as existing. The

additional fence screening is untidy in appearance and due to its height and solid screen, draws attention to the unit along a road which is generally tidy and uniform in appearance.

- 2.6 The site is occupied by ADS Scaffolding, storing scaffolding equipment and company vehicles. By the nature of the business, little activity takes place on the site.
- 2.7 ADS Scaffolding were initially contacted in 2013 and later in 2014 with regards to removing the fence following a complaint regarding the appearance of the fence. It transpired that the fence height was increased to prevent further thefts from the yard. It was explained that they could apply to increase the height of the fencing with an alternative proposal, using for example palisade to an increased height, similar to fencing at neighbouring units. No further correspondence response was received..

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 Enclosures over 1 metre in height at the highway and over 2 metre in height at any other location do not benefit from permitted development rights and as such the enclosure is unauthorised.
- 3.2 The site is located within the Archer Road Mixed Use Area, MU8, as defined within the UDP.
- 3.3 Unitary Development Plan Policy M11 states new development be well designed and of a scale and nature appropriate to the site; and comply with policies for the Built and Green environment, as appropriate. The fence enclosure is of poor design and is out of keeping with the tidy appearance of the street.
- 3.4 Policy MU8 is concerned with the open spaces adjoining the river which is particularly important for the riverside walk.
- 3.5 The Sheaf Walk forms part of a Green link in the city protected under Policy G10, Green Network, which states that the green links will be enhanced by encouraging development that increases their value for wildlife and recreation. Development is carefully considered surrounding green links to enhance recreational use and the close proximity and appearance of the fence enclosure is detrimental to the visual amenities of the riverside walk. Since the complaint was received, deciduous vegetation has grown overhanging the highway. The vegetation mitigates some of the visual harm of the enclosure at the front elevation during spring and summer months however the vegetation is a temporary feature that could be removed at anytime, and has less impact during winter months.

3.6 G17 states as part of the development of the Green Network , all rivers and streams will be protected and enhanced for the benefit of wildlife and where appropriate, for public access and recreation.

3.7 The photographs, below, show the property in question and demonstrate the visual harm that is considered unacceptable in this area.

4. REPRESENTATIONS.

4.1 There has been one written complaint regarding the appearance of the fence from a tenancy on the road.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the corrugated screen fencing to make good the harm caused by the unauthorised development. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

6 EQUAL OPPORTUNITIES

6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

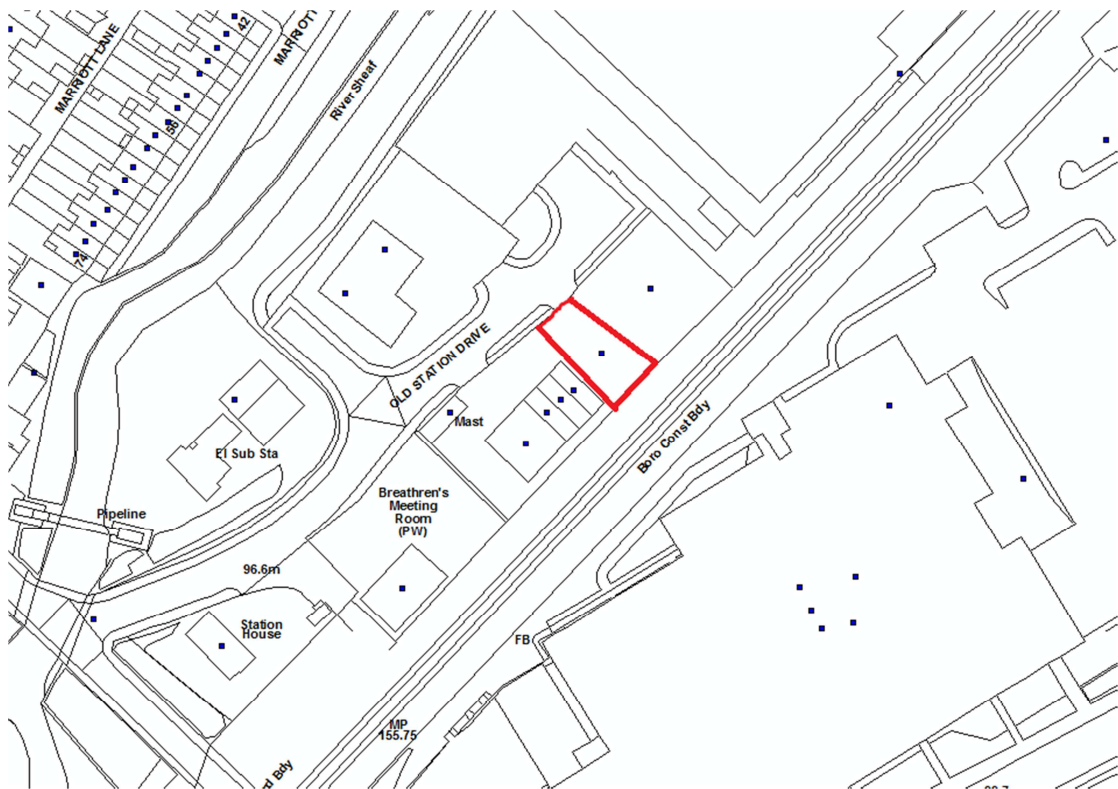
7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

8.0 RECOMMENDATIONS

8.1 That the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised enclosure at Unit B Old Station Drive.

8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



Site Photos



Figure 1 example of fencing on Old Station Drive



Figure 2 Elevation fronting highway



Figure 3 fencing in relation to Sheaf River Walk



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 28 June 2016

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
28 JUNE 2016

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 advertisement consent for a freestanding 48 sheet LED advertising unit at Motorpoint Arena Broughton Lane Sheffield S9 2DF (Case No 16/00108/HOARD)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the conversion of part of flower shop to flat (re-submission of 14/04166/FUL) at Katie Peckett 884 Ecclesall Road Sheffield S11 8TP (Case No 15/04040/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) To report that an appeal against the decision of the Council at its meeting of 1 December 2015 to refuse planning consent with enforcement action for the Construction of glass balustrade to rear of dwellinghouse (Retrospective) at 30 Stainton Road Sheffield S11 7AX (Case No 15/03156/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the balustrade on the living conditions of neighbouring occupiers, in respect of privacy.

She agreed with the Council that although overlooking in terraced situations was not unusual, the presence of a high level balustrade to the dormer window offers more extensive and wide ranging views than a normal window, with particular impact on no's 32 Stainton Road, and 89 Rustlings Road, and therefore agreed the balustrade was harmful, and contrary to Policy H14 of the UDP, so dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for alterations and extension to outbuilding to form an annexe for a dependent relative (re-submission of 14/02542/FUL) at 2 Bank Farm Bank Lane Sheffield S36 3SS (Case No 15/02972/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were; a) whether the development would be inappropriate development in the Green Belt; b) its effect on the openness and visual amenity of the Green Belt; and c) if inappropriate, whether the harm was clearly outweighed by other considerations sufficient to amount to the very special circumstances needed to justify the development.

The NPPF and Sheffield UDP Policy GE6 set out that the extension or alteration of a building in the Green Belt may not be inappropriate provided it does not result in disproportionate additions over and above the size of the original building and are minor additions. The proposal would increase the size of the original building floorspace by approximately 160% and the overall volume by a similar amount. The Inspector did not find this to be a modest increase or within the bounds of tolerance and so concluded that the proposal conflicts with both the NPPF and the UDP

The NPPF and UDP policy GE9 state that the re-use of a building in the Green Belt may not be inappropriate provided that the building is of permanent and substantial construction. preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. However, the building would be more than doubled in size and only the rear wall of the original building would remain visible along with a later conservatory. The Inspector considered that this did not represent a reuse of the building and so was contrary to the NPPF and UDP policy. The development was a disproportionate addition and so comprised inappropriate development in the Green Belt and, by definition, harmful to the Green Belt

The proposed extensions would result in additional built form extending into the currently undeveloped garden area. This would lead to some loss of openness conflicting with one of the main aims of Green Belt policies. It would be seen against rising ground and would not be readily visible from public viewpoints so would only have a modest impact on the visual amenity of the Green Belt

The Inspector considered the fact that the accommodation to be provided would be for an elderly relative but was of the opinion that the same or similar circumstances could apply to many other properties or persons living in the Green Belt so could only give the personal circumstances limited weight. Consistent with this, the Secretary of State issues a planning policy statement on Green Belt protection in August 2015 setting out the government's policy that personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The Inspector considered the matters of the design of the building being in keeping with other nearby buildings and the fact that there were no highway issues arising but felt that these did not add weight in favour of the proposal, merely added no weight against it.

Overall, the Inspector considered the proposal to be inappropriate development harming the openness of the Green Belt and its character and appearance contrary to national and local policy and so dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for the use of dwellinghouse as a house in multiple occupation (Use Class C4) and alterations to roof space to form additional living accommodation at 77 Duchess Road Sheffield S2 4BL (Case No 15/03842/FUL) was allowed subject to conditions.

Officer Comment:-

As the Council had no issue with the roof alterations the Inspector identified the main issue as being whether the proposal complied with national and local policies aimed at creating balanced communities having regard to the current level of shared housing in the area.

The proposal would provide a six bedroom Class C4 property in the portion of the Fringe Industry and Business Area that is more residential in character. The Inspector notes that the property falls within an Article 4 Direction where Permitted Development rights for a change of use from C3 to C4 have been removed and that the Council's Core Strategy Policy CS41 seeks to limit the proportion of shared housing within 200m of an application site to 20% as a method of achieving balanced communities.

The Council's evidence showed that 27% of properties within a 200m radius were in shared housing use. If the large purpose built student accommodation at 'The Anvil' was removed from the calculation this would reduce to 19.7%.

He considered the case to be very marginal and on the basis that the dwelling was in close proximity to commercial uses so unlikely to attract family use, and that it is only by including The Anvil the figure exceeds the policy threshold, the appeal proposal would not conflict to a significant degree with the aim of creating balanced communities.

He therefore allowed the appeal,

5.0 RECOMMENDATIONS

That the report be noted

Mike Hayden
Head of Planning

28 June 2016