

Planning and Highways Committee

Tuesday 16 October 2018 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 Dianne Hurst (Chair), Peter Rippon (Chair), David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Alan Law, Robert Murphy, Zahira Naz, Peter Price, Chris Rosling-Josephs and Andrew Sangar

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 Simon Hughes on 0114 273 4014 or email simon.hughes@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
16 OCTOBER 2018**

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 25 September 2018.
- 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**
Report of the Director of City Growth
 - 7a. 70 Gell Street, Sheffield, S3 7QW (Case No. 18/02919/FUL)** (Pages 9 - 18)
 - 7b. Thorncliffe Cricket And Social Club, Lound Side, Sheffield, S35 2US (Case No. 18/02710/FUL)** (Pages 19 - 28)
 - 7c. Curtilage Of Croft House 9 Nook End, Sheffield, S6 6AR (Case No. 18/02353/FUL)** (Pages 29 - 42)
 - 7d. White Acres Farm, Spout Lane, Sheffield, S6 6EF (Case No. 18/02224/FUL)** (Pages 43 - 54)
 - 7e. Sylvester Street, Sheffield, S1 4RN (Case No. 18/01760/FUL)** (Pages 55 - 92)
 - 7f. Express Hand Car Wash, 270 Handsworth Road, Sheffield, S13 9BX (Case No. 18/00266/FUL)** (Pages 93 - 104)
 - 7g. Quarry Motors, The Yard, Rutland Street, Sheffield, S3 9PA (Case No. 16/01375/FUL)** (Pages 105 - 128)
 - 7h. The Players Lounge, 20 Yew Lane, Sheffield, S5 9AN (Case No. 13/00533/CHU)** (Pages 129 - 140)

8. Record of Planning Appeal Submissions and Decisions

(Pages 141 -
144)

Report of the Director of City Growth

9. Date of Next Meeting

The next meeting of the Committee will be held on

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 Audit and 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 25 September 2018

PRESENT: Councillors Dianne Hurst (Chair), Jack Clarkson, Tony Damms, Alan Law, Robert Murphy, Peter Price, Chris Rosling-Josephs, Andrew Sangar and Ian Saunders (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors David Baker, Roger Davison and Peter Rippon. Councillor Ian Saunders attended as the duly appointed substitute for Councillor Peter Rippon.

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 made at the meeting.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 4 September 2018 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Chief Planning Officer, 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. TREE PRESERVATION ORDER 420: SITE OF FORMER BANNERDALE CENTRE, CARTER KNOWLE ROAD

6.1 The Director of City Growth Service submitted a report seeking to confirm Tree Preservation Order No. 420 at the site of Former Bannerdale Centre, Carter Knowle Road. A copy of the Order and the Tree Evaluation Method for Preservation Orders were attached to the report now submitted.

6.2 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 420 made on 8 June 2018 at the site of Former Bannerdale Centre, Carter Knowle Road be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date 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.

7a. TOTLEY PRIMARY SCHOOL, SUNNYVALE ROAD, SHEFFIELD, S17 4FB (CASE NO: 18/02659/RG3)

7a.1 It was reported that this application had been withdrawn and would be deferred to a future meeting when the traffic regulation order position has been clarified.

7b. LAND BETWEEN 94 AND 98 WHEEL LANE, GRENOSIDE, SHEFFIELD, S35 8RN (CASE NO: 18/02229/FUL)

7b.1 It was reported that this application had been withdrawn and would be deferred to a future meeting due to inconsistencies in the plans that needed to be clarified.

7c. STEEL CITY MARKETING LTD, ALLEN STREET, SHEFFIELD, S3 7AW (CASE NO: 18/02192/FUL)

7c.1 Subject to amendments to condition 2 and following consideration of updated plans, all as outlined in a supplementary report circulated at the meeting and following consideration of representations made at the meeting from the architect in support of the application, an application for planning permission for the demolition of existing building and erection of student development (maximum 8 storeys) comprising of 289 studio units, communal facilities and landscaping (amended description) at Steel City Marketing Ltd, Allen Street, Sheffield, S3 7AW (Case No. 18/02192/FUL) be granted, conditionally subject to legal agreement, for the reasons detailed in the report now submitted.

7d. SYLVESTER STREET, SHEFFIELD, S1 4RN (CASE NO: 18/01760/FUL)

7d.1 It was reported that this application had been withdrawn and would be deferred to a future meeting as various issues, including recently released national planning policy guidance prevented Members of the Committee being able to properly consider the report in sufficient time.

7e. 55 TAPTON CRESCENT ROAD, SHEFFIELD, S10 5DB (CASE NO: 18/00762/FUL)

7e.1 Subject to the inclusion of an additional condition as outlined in a supplementary report circulated at the meeting, an application for planning permission for the demolition of existing dwelling house/garage and erection of a replacement single

detached dwellinghouse and 3-storey building to form 3 no. apartments including associated landscaping/works to highway to provide new access at 55 Tapton Crescent Road, Sheffield, S10 5DB (Case No. 18/00762/FUL) be granted, conditionally for the reasons detailed in the report now submitted.

7f. UNIVERSITY OF SHEFFIELD ATHLETIC AND SPORTS GROUND, WARMINSTER ROAD, SHEFFIELD, S8 8PS (CASE NO: 17/03858/FUL)

7f.1 Following consideration of representations at the meeting from a local Ward Member speaking against the application and also speaking in support of the application from the applicant, an application for planning permission for minor-material amendments to provide alternative access and parking arrangements, including re-surfacing and the erection of acoustic fencing, for a temporary period of 18 months to allow the University to operate the new ACP pitches prior to the provision of the northern car park (Application under Section 73 to vary condition 17 - Car parking accommodation provision; as imposed by planning permission 17/00855/FUL), at University of Sheffield Athletic and Sports Ground, Warminster Road, Sheffield, S8 8PS (Case No. 17/03858/FUL) be granted, conditionally for the reasons detailed in the report now submitted.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

8.1 The Committee received and noted a report of the Chief Planning Officer detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decision.

9. DATE OF NEXT MEETING

9.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 16 October 2018 at the Town Hall.

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Case Number	18/02919/FUL (Formerly PP-07160538)
Application Type	Full Planning Application
Proposal	Erection of single-storey rear extension to dwellinghouse including terrace to rear and erection of replacement detached outbuilding to rear
Location	70 Gell Street Sheffield S3 7QW
Date Received	31/07/2018
Team	City Centre and East
Applicant/Agent	Studio Gedye
Recommendation	Grant Conditionally

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:

Drawing Numbers:

18116 - 101 RevC - Site Plan / Roof Plan
18116 - 102 RevF - Lower Ground Floor Plan (Part 1)
18116 - 104 RevC - Upper Ground Floor Plan
18116 - 107 RevF - Section AA Part 1
18116 - 109 RevB - Rear Elevation
18116 - 110 RevB - Side Elevation
18116 - 111 RevB - Side Elevation
18116 - 112 RevA - Outbuilding Front and Rear Elevations

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)

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

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

Other Compliance Conditions

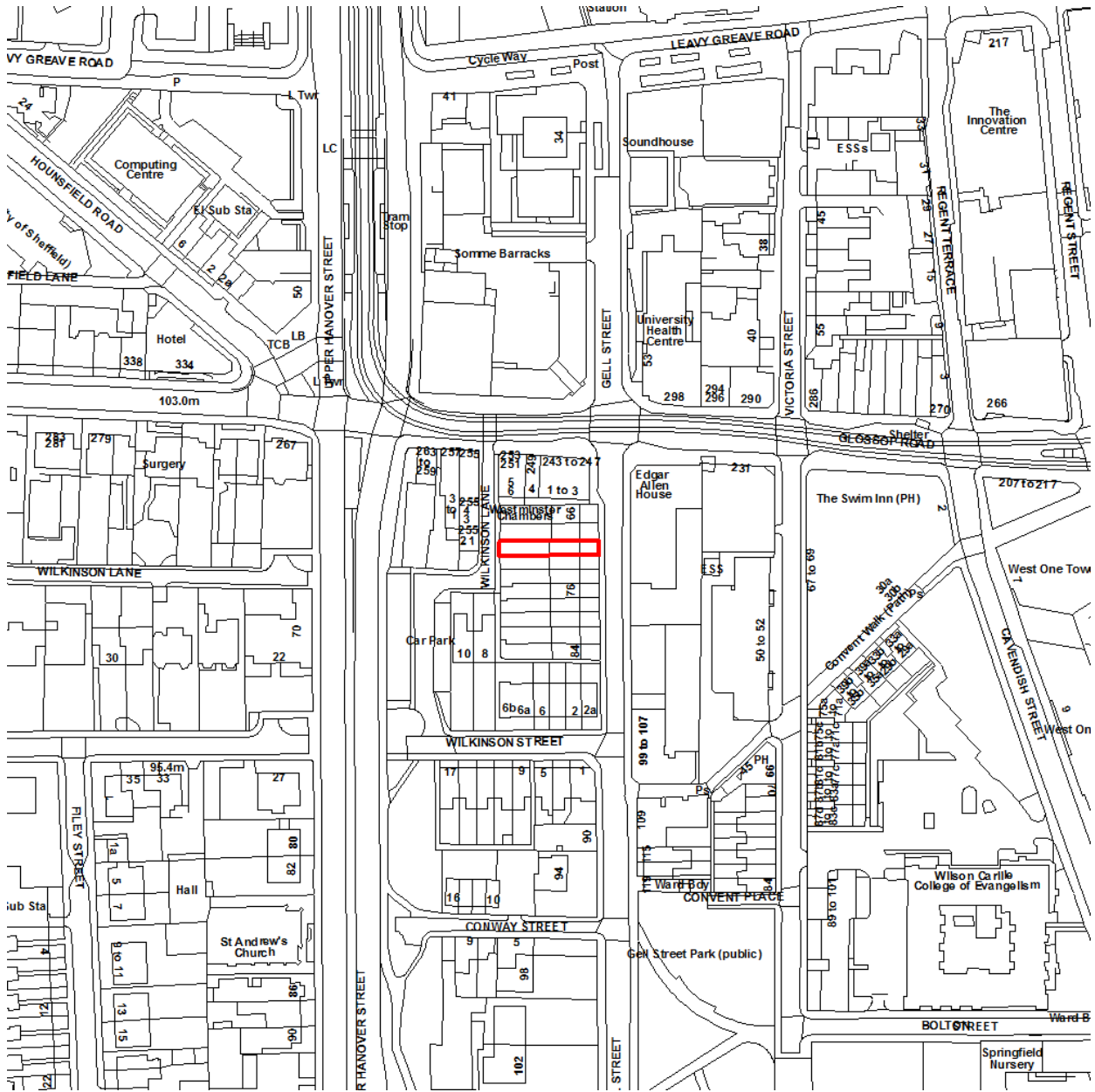
4. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site relates to a mid-terraced property on Gell Street, located off West Street close to the city centre.

The dwelling presents as two storeys to the front elevation facing Gell Street and three storeys (with a fourth storey in the roof space and a basement storey) to the

rear facing the garden. The rear garden is accessed from the basement at lower ground floor level where there is currently a small seating terrace.

From the terrace, the garden area rises gradually towards the rear boundary which is formed by a high brick boundary wall which runs along the extent of the row of terraced properties. The rear boundary wall adjoins an alley running along the rear of the site parallel with Wilkinson Lane. A gate provides access into the alley.

A brick built outbuilding exists at the rear part of the site which appears to be a typical historic feature of these terraced properties.

The side boundary with No. 72 consists of a high brick boundary wall approximately 2.2 metres high immediately to the rear of the site which runs for the full length of the side boundary. The land rises at the rear of these properties towards the rear boundaries. A similar height wall is replicated along the common boundary with No. 68 for an approximate length of 4.8 metres which is replaced with timber fencing for the remainder of the boundary. Both side boundary walls are proposed to be repointed and repaired like for like as part of the scheme of works.

The surrounding area, with the exception of Glossop Road is predominantly residential and is varied containing dwellings of mixed ages, sizes and design.

The site is located in a Housing Area and in the Hanover Conservation Area as designated in the adopted Sheffield Unitary Development Plan.

Permission is sought to erect a single storey extension to the rear of the site which projects 2.7 metres with a further 0.5 metres canopy overhang and will span the extent of the rear elevation between the existing boundary walls.

Additionally a timber outbuilding is proposed to be sited at the rear of the garden which will span the width of the site and will incorporate an opening at its rear which will provide access to the existing alley at the rear of the site formed by a new, widened timber gate. This element of the application has been amended since its first submission following officer concerns in respect of its height and appearance in the Conservation Area.

RELEVANT PLANNING HISTORY

There is no relevant planning history apart from the pruning/removal of trees.

SUMMARY OF REPRESENTATIONS

7 letters have been received from residents of Gell Street objecting to the proposals on the following grounds:

- The Gell Street terrace is labelled as a Key Heritage Asset and one of the oldest run of buildings in the Hanover Conservation Area. It is fundamental to its character and its preservation should be an important priority. A key characteristic is that it was designed without off-shots at the rear which gives a flat rear elevation creating a unique relationship between the west facing

rooms and rear courtyards and gardens. Currently, none of the houses have been extended so this appearance still survives.

- The extension is taller than existing garden walls and would be visible from all other houses within the terrace. The proposed orange zinc colour cladding will add to its prominence.
- An existing French window at first floor level would open onto the flat roof of the proposed extension meaning it is likely to be used as a roof terrace and would directly overlook neighbouring gardens affecting their privacy.
- The proposed enlarged shed is significantly taller than any other shed in the terrace and much taller than the original outbuildings which would have been there. Its orange zinc cladding draws further unnecessary attention to it. Its scale detracts from the appearance and view of the rear of the terrace. From the rear on Wilkinson Lane, the roof line would break the uniformity of the historic walled gardens.
- The proposed roller shutter that provides access to the shed from the rear alleyway is not in keeping with the character of the conservation area.
- Alteration to the drain/sewer services to the property – the extension will be built over the main waste pipes which will restrict access and impact on future maintenance.
- The extent of the proposed repair work to the existing boundary walls is unclear and replacing like for like for two hundred year old bricks could be difficult.
- No. 70 Gell Street has recently been altered with new roof lights facing the front and a substantially enlarged dormer at the rear. Neither of these additions appear on the survey which accompanies this application, giving a misleading appearance of the full scale of changes involved, making a mockery of the Key Heritage Asset status of the terrace.
- The terrace is currently not listed but if it were to be considered for listing in the future it is important to retain as many original features and characteristics of the original form as possible. This application would reduce the historic setting and appearance of the whole terrace for ever and set a dangerous precedent for further development and applications for contemporary extensions.

PLANNING ASSESSMENT

Policy

The National Planning Policy Framework (NPPF) provides the framework for planning policy and development in England. The overarching principle is to ensure that development is sustainable. The local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

The NPPF advises that good design is a key aspect of sustainable development which helps make development acceptable to communities and that planning decisions are sympathetic to local character while not preventing or discouraging appropriate innovation or change.

The NPPF seeks to secure a high standard of amenity for existing and future users of land and buildings.

For development proposals affecting heritage assets local planning authorities should give great weight to the asset's conservation. Any harm to the significance of a heritage asset should require clear and convincing justification and a balanced judgement should be taken having regard to the scale of any harm or loss and the significance of the heritage asset.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the Local Planning Authority's general duty in relation to conservation areas in the exercise of its planning functions. In terms of buildings and land in a conservation area, it requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

The assessment of this application will be tested against these overarching principles as well as the Unitary Development Plan, where Policy H14 (Conditions on Development in Housing Areas); Policy BE5 (Building Design and Siting); and Policy BE16 (Development in Conservation Areas) are relevant in assessing this proposal. Also of relevance is Core Strategy Policy CS74 (Design Principles)

Design

Policy H14 of the UDP requires developments to be well designed and in scale and keeping with the surrounding area. Policy BE5 provides similar instruction, stating that development should be well designed, respect the character of the area and utilise sympathetic design and materials. Core Strategy Policy CS74 is also relevant and states that high quality development will be expected which should respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The roof junction between the existing dwelling and new structure will be formed by a flat glazed strip roof light, beyond which will be a standing seam zinc roof with a slight fall. The extension is proposed to be clad in orange coloured zinc with glazing to the front, including full height opening doors. The choice of materials is high quality and robust, whilst undeniably in contrast to the original building.

Although the proposed materials are not traditional in nature, it is considered that they are an innovative contemporary addition for this location and will provide a clear distinction and an interesting juxtaposition between the old and the new, a technique which is repeated widely when forming extensions to heritage assets.

The amended outbuilding has been reduced in height and the roof form revised to a dual pitched roof which will be clad in slate. The outbuilding will incorporate a projecting, open canopy to its frontage facing the garden.

Although the ridge height will be slightly visible from Wilkinson Lane, it is not considered that this will adversely affect the character of the Conservation Area, given the change in roof materials. The outbuilding is larger in width than the traditional sizes of outbuildings to these terraces. However, it should be borne in mind that an outbuilding of a similar footprint could be installed without planning permission if its height did not exceed 2.5 metres.

The roller shutter proposed in the original plans was considered unacceptable and has been revised with a timber door which, whilst wider than the existing gates along the rear boundary, is much more sympathetic than the roller shutter and is considered to have a neutral impact on the overall character of the conservation area given the rear alley location of this element of the proposals.

Amenity

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

The single storey extension is proposed to project approximately 2.7 metres from the original rear elevation with a further projection by 0.5m of a canopy overhang. This projection not considered to raise any significant amenity issues. Members should note that a projection of 3 metres (with materials that match the original dwelling) would be permitted development, not requiring planning permission.

The existence of relatively tall boundary walls to either side of the extension (separating the site from the neighbouring dwellings) will serve to screen most of the extension. The standing seam will project approximately 390mm at its highest point above the existing wall and although it will be visible it is not considered to create any issues in terms of dominance or create an overbearing effect.

As previously alluded to, a single storey extension which projects 3 metres, with an eaves height of 3 metres and a ridge height of 4 metres, would fall within permitted development rights if it were to be constructed in matching brick and a slate roof. This would potentially have a more dominant effect on the neighbours and is a material consideration in this case.

The outbuilding proposed in the original plans was considered to be out of scale and character and has been amended following officer concerns. The amended plans show a reduction in height. The outbuilding will project approximately 1.9 metres above the boundary wall with No. 72 owing to the rise in land at the rear of the site. The ridge height of the pitched roof will extend above the rear boundary wall by just over 300 mm. It is not considered that the outbuilding will raise any amenity issues owing to the nature of its use and location at the bottom of the garden area.

Although both the single storey extension and the outbuilding will be visible from all other houses on the terrace, longer range views from public vantage points within the conservation area will be very limited. Individual loss of views over and to someone else's land is not a planning consideration.

Concern has been raised in respect of potential access to the flat roof of the extension from the existing French window at first floor level and subsequent loss of privacy to neighbouring residents. It is acknowledged that this could be a potential issue and as such a condition is recommended preventing the roof from being used as a sitting out area.

RESPONSE TO REPRESENTATIONS

Most of the concerns raised by the residents have been referred to in the planning assessment above. Some of the issues raised are not relevant to the consideration of this planning application and these are listed below:

- Any potential future listing of the terrace is not relevant to the determination of this application. The terrace does not have listed building status so this is not a material planning consideration in this case.
- Repair work to the existing boundary walls does not require planning permission and as such is not relevant to the assessment of these proposals.
- Any drainage issues that have been raised do not fall within the remit of this planning application and have no bearing on its outcome. Such matters will be dealt with under the building regulations.

SUMMARY AND RECOMMENDATION

The proposed extension represents a well-designed contemporary addition to this modest terraced property within the Hanover Conservation Area. The use of modern materials clearly creates a deliberate distinction between the old and the new and is handled in a sympathetic way. Views of the extension will be largely confined to the immediately adjoining dwellings rather than more widely within the conservation area. Members are reminded that a similar sized extension built of matching brick and slate would not require planning permission and the local planning authority would have no control over its design. This is a material consideration in the determination of this proposal.

It is acknowledged that the ridge of the outbuilding at the bottom of the garden will rise slightly above the rear boundary wall. Nevertheless this is not considered to result in harm to the character or the conservation area and neither is the slight widening of the original garden gate. Members are also reminded that an outbuilding of 2.5 metres in height could be built here without planning permission and without any control over the choice of materials.

The application as amended is considered to meet the requirements of the local plan (UDP and Core Strategy) and is in accordance with the guidance contained within the National Planning Policy Framework. The extension and outbuilding will not

significantly affect the amenities of neighbouring properties, nor will it adversely affect the overall character of the conservation area. It is not considered that the proposal in its entirety will create any harm to the significance of the building as a heritage asset given the modest nature and scale of the proposals and the well thought out contemporary design. This being the case, it is recommended that the application be approved subject to the listed conditions.

Case Number	18/02710/FUL (Formerly PP-07129732)
Application Type	Full Planning Application
Proposal	Erection of Ball Stop Fencing to the Loundside and northern elevations of the playing field
Location	Thornccliffe Cricket And Social Club Lound Side Sheffield S35 2US
Date Received	16/07/2018
Team	West and North
Applicant/Agent	Thornccliffe Cricket & Social Club Limited
Recommendation	Grant Conditionally

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:

Red-lined Site Location Plan;
Location of New Fencing Layout - Plan;
Location of New Fencing Layout - Lound Side Elevation and Plan View;
Location of New Fencing Layout - Northern Boundary Elevation and Plan View;
Drawing A 008 Detail of Ground Works;
all received on 16.7.18.

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)

3. Within two months of the ball stop fencing being erected, full details of the management and maintenance of the ball stop fencing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the ball stop fencing shall be managed and maintained in accordance with the approved details.

Reason: To provide protection for the occupants of the adjacent dwellings and users of the public highways from ball strike.

Other Compliance Conditions

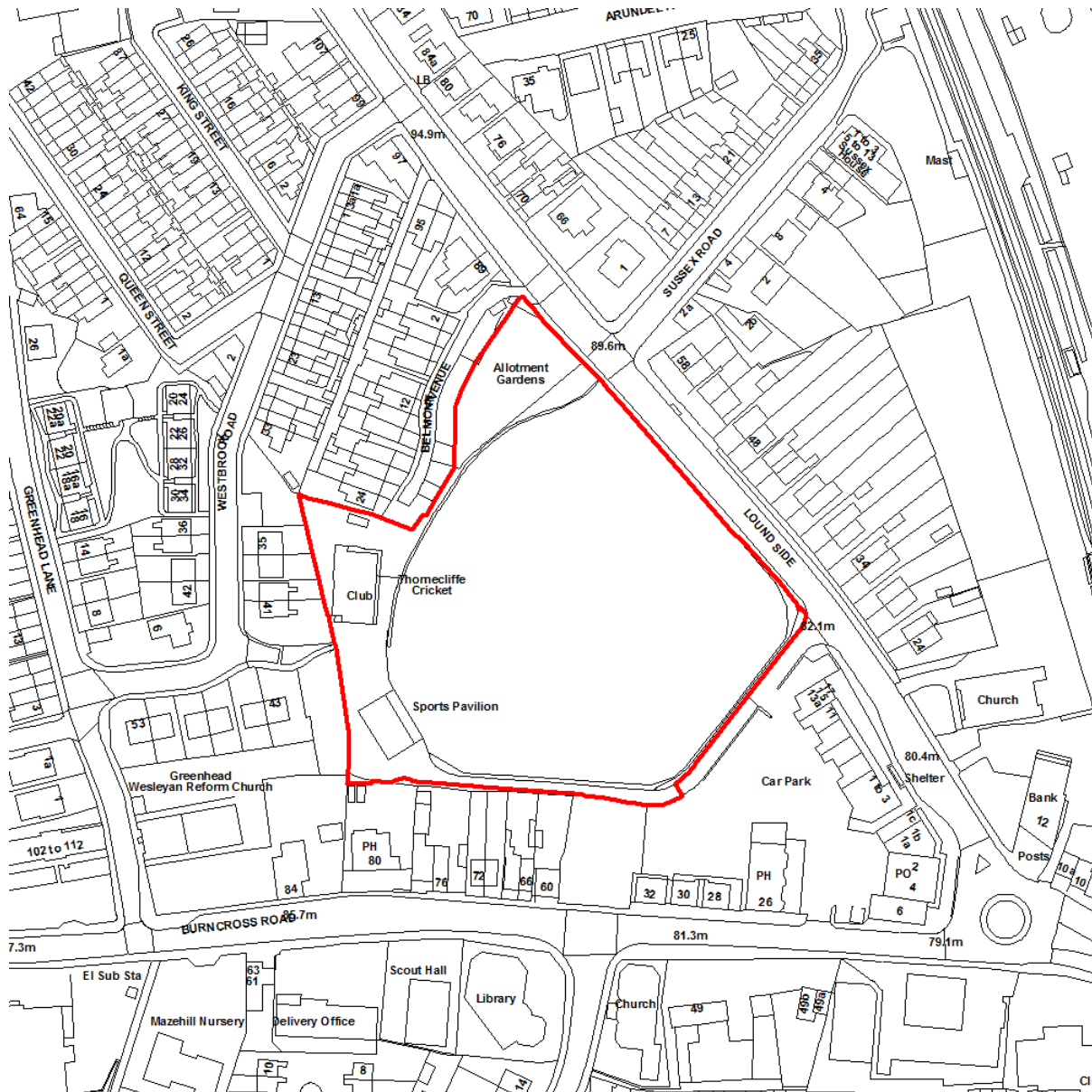
4. Notwithstanding the provisions of the Town and Country Planning (Control Of Advertisements) (England) Regulations 2012 or any Order revoking and re-enacting that Order, no advertisements shall be displayed on either side of the ball stop fencing without the prior written approval of the Local Planning Authority.

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

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

The site is located on the southwest side of Lound Side between the edge of the town centre in Chapeltown and Belmont Avenue to the north.

The site comprises a cricket ground and associated buildings. The land levels gradually rise from the southwest to northeast across the site. A hedge runs along part of the northern boundary. A concrete sectional panel fence and a rigid mesh fencing run alongside the boundary with Lound Side and along the southern and western boundaries. There is also a high hedge on the outside of the fence line on

the southern boundary. The existing boundary fencing varies in height from 3.15 to 3.9 metres high.

There is a small area of allotment gardens on part of the northern boundary at the junction of Lound Side with Belmont Avenue. There are houses on the opposite sides of Lound Side to the northeast and Belmont Avenue to the north.

PROPOSAL

The proposal seeks full planning permission for the erection of ball stop fencing to the boundaries of the cricket field along Lound Side and along the northern boundary of the field.

The fencing would be sited on the field side of the existing boundary fences. The fence posts would have a green painted finish and the colour of the netting between the posts would be black.

The proposed fence along Lound Side would be 70 metres in length. It would be 10 metres high above the perimeter ground level at its southern end and 6 metres high above ground level at its northern end.

The proposed fence on the northern boundary would be 50 metres long and would have a 6 metre high section of fencing 10 metres wide at its western end rising to 10 metres high for the remaining four sections of fencing.

The applicant has submitted a Boundary Risk Assessment Technical Report in support of the proposal.

RELEVANT PLANNING HISTORY

There have been several planning applications previously submitted in respect of various development proposals relating to this site.

In the 1980s and 1990s planning permission was granted for the erection of a pavilion and various extensions to the buildings on the site.

In 2008 advertisement consent was refused for the retention of banner signs to perimeter fence (application no. 07/04078/ADV refers).

In 2012 planning permission was granted for single storey extension to social club and erection of a retaining wall to the rear (application no. 12/02980/FUL refers).

SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letters and display of site notices.

5 representations of objection have been received from residents on Belmont Avenue relating to the following matters:

-never known any balls come over to Belmont Avenue, erection of a permanent fence is disproportionate;

- affect appearance and character of the avenue, would feel caged in;
- effect on bats and bird species;
- no reason to have a fence erected down Belmont Avenue;
- why aren't there any proposals to have the fence erected on the other two sides where there is more vehicle and pedestrian movement;
- will interfere with access to the field;
- should the proposal be passed will there be a condition that forbids advertising boards;
- fencing or netting could be removed when not the cricket season.

5 representations of support have been received from residents on Lound Side relating to the following matters:

- this fence has been needed for a long time;
- health and safety risks, damage to cars, buses and property, numerous buses and vehicles have been hit, neighbours window broken;
- there has been an increase in cricket balls leaving the ground, this happens nearly every match and training session;
- the English Cricket Board and Council's health and safety officer agree.

Ecclesfield Parish Council has no objection.

Representations made relating to prevention and interference of a residents view of the cricket ground and park, effect on private access rights, and effect on house value are not material considerations.

PLANNING ASSESSMENT

Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within an Open Space Area.

The Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map maintains the Open Space designation.

UDP Policies LR4 and LR5 seek to protect Open Space Areas. Core Strategy Policy CS47 seeks to safeguard open space.

The Government's planning policy guidance contained in the National Planning Policy Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless in certain specified instances (NPPF paragraph 97 refers).

The applicant's Boundary Risk Assessment is a desk top study which uses modelling to assess the risk of cricket balls being hit over the boundary of the cricket field to surrounding areas. It assesses the site and distances to ascertain the risk of balls

landing in adjacent areas. The report considers each of the four boundary orientations.

Whilst the cricket square from where balls are hit is located centrally within the cricket field, the distances from it to the boundaries vary due to the irregular shape of the site.

In respect of the north east direction towards Lound Side, the report notes that the distances from the nearest edge of the cricket square to the boundary vary from approximately 36 to 41 metres and states that at these shortest distances a 17/18 metre high fence should stop all but the fastest shots for community level cricket and to reduce all risk a 25 metre high fence would be required however this may not be practical or proportionate.

The report recommends that to significantly reduce the frequency of the risk, mitigation of up to 8 to 10 metre high at the shortest boundary would be required. It notes that this may not stop all shots from landing beyond the boundary but it is believed from the assessment of ball trajectory it will significantly reduce their frequency.

In respect of the northwest direction, the report notes that the shortest distance from the edge of the cricket square to the boundary is approximately 41 metres and states that at this distance a 16 metre high fence should stop all but the fastest shots for community level cricket and to reduce all risk a 25 metre high fence would be required however this may not be practical or proportionate.

The report notes that the ground levels rise to the northern end of the cricket field and the closest part of the square is used by junior players and the height of recommended mitigation could be reduced to approximately 12 metres.

The report notes that ball strikes in the southeast direction do not currently raise issues with the adjacent car parking use although to further reduce risk increasing the height of the current fence could be considered if deemed to be required, and that in the southwest direction where the distance to the boundary is approximately 51 metres the existing mitigation at 3 to 3.5 metres high is a sensible and suitable solution.

The Council's Health and Safety Enforcement Service have advised that following investigations of complaints about the risk from numerous numbers of cricket balls being hit over the boundary fence on Lound Side causing damage to property, there is an associated risk to pedestrians, vehicles and residents and that an increase in height of the boundary fence is the only suitable way to control the associated risk.

Sport England has advised that they have sought the views of the England Cricket Board (ECB) on this proposal. The ECB has commented that they support the planning application, that the club (the applicant) is responding to Sheffield City Council Health and Safety Enforcement department following complaints by neighbours, that the club has a legal obligation to consider duty of care for persons and property where the risk of ball strike is foreseeable, that the club commissioned a ball strike risk assessment to inform the level of risk and mitigation, that the height

of the netting is informed by the risk assessment to provide a practical solution to lowering risk to neighbours to a proportionate level (elimination of risk altogether would require much higher netting but this would not be practicable or proportionate, a permanent solution is necessary, that retractable or demountable netting is not suitable for protection of this scale and creates a management risk.

Sport England have stated that they do not wish to raise an objection to this application subject to a condition to secure that within two months of the ball stop fencing being erected details of its management and maintenance is agreed with the local planning authority after consultation with Sport England.

In this instance the proposed development is for ancillary facilities supporting the principle use of the site as a playing field and would not harm any features of significance, or harm the character of the Open Space Area, or adversely affect the quantity or quality of the playing field.

The proposal complies with UDP Policies LR4 and LR5, Core Strategy Policy CS47, and the Government's planning policy guidance contained in the NPPF.

Impact on the Amenities of Residents and the Locality

There are residential properties opposite the site on Lound Side and Belmont Avenue.

There would be a separation distance of approximately 20 metres from the dwellings on the northeast side of Lound Side to the proposed fence and approximately 13 to 33 metres between the houses on the north side of Belmont Avenue and the proposed fence.

The proposed fencing comprising metal posts up to 10 metres high with up to 10 metre high netting between the posts would be visible within the streetscene and from the residential properties opposite the site. The impact of the proposed fencing is lessened by the slender design of the vertical posts (152mm reducing to 100mm wide), and the relative transparency of the open mesh netting which would have a 50mm gauge mesh.

It is considered that would be sufficient separation distance between the proposed fences and houses opposite the site off Lound Side and Belmont Avenue to ensure that the proposed fence would not over dominate or otherwise harm the living conditions of the residents of these properties.

Whilst the height of the fencing would be visible within the streetscene along both Lound Side and Belmont Avenue it is considered that the design and appearance of the proposed open mesh fencing would significantly reduce its visual impact. The proposal would not significantly harm the character and appearance of the streetscene.

Although the proposal involves two lengths of fencing, one 50 metres long and the other 70 metres long, the extent of the higher fencing now proposed covers only a

small part of the perimeter of the sports ground. It is considered that the proposal would not have a significant impact on wildlife in the locality.

Highway Issues

There are no highway implications to this proposal.

SUMMARY

The UDP Proposals Map identifies the site as being within an Open Space Area.

In this instance the proposed development is for ancillary facilities supporting the principle use of the site as a playing field and would not harm any features of significance, or harm the character of the Open Space Area, or adversely affect the quantity or quality of the playing field.

There are no objections from Sport England.

It is considered that would be sufficient separation distance between the proposed fences and houses opposite the site off Lound Side and Belmont Avenue to ensure that the proposed fence would not over dominate or otherwise harm the living conditions of the residents of these properties.

The proposal would not significantly harm the character and appearance of the streetscene.

There are no highway implications to this proposal.

The proposal complies with UDP Policies LR4 and LR5, Core Strategy Policy CS47, and the Government's planning policy guidance contained in the NPPF.

RECOMMENDATION

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

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Case Number	18/02353/FUL (Formerly PP-07055501)
Application Type	Full Planning Application
Proposal	Erection of 1 no. detached dwellinghouse including integral garage (Amended Plan received 30th August 2018)
Location	Curtilage Of Croft House 9 Nook End Sheffield S6 6AR
Date Received	18/06/2018
Team	West and North
Applicant/Agent	Russell Robinson Architecture
Recommendation	Grant Conditionally

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:-
 - Drawing No. L01 (Location Plan);
 - Drawing No. L02 (Existing Site Plan);
 - Drawing No. L03 (Proposed Site Plan);
 - Drawing No. 01 (Proposed Plans); and
 - Drawing No. 02 (proposed Elevations)

received on the 18 June 2018 and 30 August 2018 from Russell Robinson Architects

Reason: In order to define the permission

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

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

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

7. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

8. Notwithstanding the submitted plans, before the development becomes occupied, splays shall have been provided to each side of the vehicle access off Nook End, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

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. 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.

11. 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.

Other Compliance Conditions

12. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans 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.

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.

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. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

4. 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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INTRODUCTION

The application relates to the lower garden curtilage of Croft House, 9 Nook Lane in Stannington.

Members may recall that two applications to erect two detached dwellinghouses on this site were refused planning permission initially in April 2008, under reference No. 08/00450/FUL, and then again in August 2008, under 08/02576/FUL. Both applications were refused on highway grounds, contrary to the advice of officers, with Members considering that the use

of a substandard access to serve the dwellinghouses off Nook End would impact on vehicle and pedestrian safety.

LOCATION AND PROPOSAL

The Croft House is a detached dwellinghouse that is situated along the south-western side of Nook Lane, an unadopted road that feeds off Stannington Road near its junction with Wood Road. The dwellinghouse is stone and brick constructed with a dual pitched roof.

The curtilage of Croft House is triangular in appearance and covers a very generous area of some 0.175 hectares. The dwellinghouse sits towards the northern section of its plot with the remaining land laid out as garden. Enclosing the rear garden along its side and rear boundaries is mature hedging that provides a good level of natural screening from neighbouring properties. The land slopes in an easterly direction with the land levels being some 2.1m lower at its eastern end.

The property is situated in a Housing Area with the surrounding area made up of an eclectic mix of house types. There are a range of building styles in the vicinity of the proposal site, including brick built semi-detached dwellinghouses, more recently constructed stone dormer bungalows, prefabricated bungalows and traditional stone cottages.

The applicant is seeking full planning permission to erect a 3-bedroomed detached dwellinghouse within the lower garden curtilage of the host property. Access would be taken from Nook End, near to the site's south-eastern tip.

RELEVANT PLANNING HISTORY

08/00450/FUL - Erection of two dwellinghouses, provision of 6 car parking spaces and new vehicular passing point to be constructed on Nook End. This application was refused by Members at the meeting held on the 22 April 2008 following Member's site visit.

08/02576/FUL - Erection of 2 no. dwellinghouses, provision of 6 car parking spaces (resubmission of planning application 08/00450/FUL) (amended description) – Refused 13/08/2008

SUMMARY OF REPRESENTATIONS

Two rounds of consultation have been carried out, the first at the time of the application being submitted in July 2018 and the second in August 2018, the second following amendments being received relating to access arrangements. A summary of all representations received are detailed below:-

First round of consultation – July 2018

Representations from nine properties have been received in response to neighbour notification, all objecting to the application. Some of the residents have written in more than once.

- Highway safety Issues: Nook End is a narrow unmade road/track with no vehicular access at the other end. It is used by pedestrians (dog walkers, horse riders and school children);

- The width of the track is 2-2.2m wide and is 200m in length; Nook End currently accommodates 9 properties (Nos. 2, 9, 30, 32, 34, 36, 38, 40 and 42) Planning guidelines normally only allow for 5 properties to use a private unmade track. If planning is granted, the number using this unmade road would be double the guideline;
- Two similar plans for houses on this site were submitted in 2008 and both were rejected;
- Building on gardens reduces vegetation so increasing CO2 levels. It also reduces drainage and reduces the habitats available for local wildlife including the very important bee and butterfly populations;
- Stannington has many new houses being built including on the site of the former Dyson works. There is no need for an additional house on this garden in the centre of an established area;
- There are no foul drainage pipes running along Nook End. It would not be possible to connect the proposed development to a mains foul drainage system;
- The proposed parking area would not be adequate or safe for the public using the busy footpath. Sight lines would not be adequate. Vehicles reversing out of the property would have no sight along the road;
- The proposed development is very close to the lane boundary which would require substantial excavation and new retaining walls;
- The proposed house would stand very high and overbearing to its surroundings;
- The proposed house would be very close to houses on Stannington Road. Closer than usual planning guidelines;
- Drainage Issues. During wet weather surface water already discharges from the property onto the lane;
- Difficulties during the construction phase. This is the only access to other properties on the lane as well as the footpath;
- The loss of the conifer hedge would affect nesting birds and other species of wildlife;
- Difficulties for emergency services to access the dwellinghouse;
- Security issues;
- Noise and pollution during construction;
- Loss of privacy/loss of views;

Bradfield Parish Council recommends refusal of the application on grounds of overshadowing/overbearing due to the siting of the dwellinghouse close to the common boundary of neighbouring properties. Also raise objections to the development on highway safety grounds.

Loxley Valley Protection Society has raised an objection stating that they support the many neighbour objections to this application. Below is a summary of their objections:-

- The clause in the previous owners sale agreement should prevent the site being developed for housing;
- Previous applications for two dwellings (08/02576/FUL and 0800450/FUL) were refused in 2008 and although the land now seems to be garden rather than paddock there is no automatic presumption that a garden can be built upon;

- Access & highway safety reasons given for the previous refusal;
- The character of the attractive unmade lane with its many older stone properties could be detrimentally changed by further infill;
- The size of the house in relation to the site area makes it appear to be an overdevelopment of the site;
- The loss of trees;
- The granting of this application will be to the detriment of the living conditions of neighbouring residents and the safety of users of the definitive footpath that is Nook End.

Second round of consultation – August 2018

The second round of consultation resulted in representations from seven properties. Without exception, all the complainants have stated that their initial concerns with the development remain, with further comments being received that the development could have an effect on subsidence of neighbouring properties due to the excavation works.

PLANNING ASSESSMENT

Principle of Development – Policy and Land Use

The application site is situated in an area where housing is acceptable under UDP Policy H10. It is also considered that the proposal would not conflict with Core Strategy Policy CS24, which relates to the use of previously developed land for new housing given that the Council is currently achieving a build rate on previously developed land of approximately 95%.

Also of relevance is Policy CS26, which seeks the efficient use of housing land. The site is located in an area where a density in the order of 30 to 50 dwellinghouse per hectare should be achieved. The policy does allow development outside these ranges but only where they achieve good design, reflect the character of an area or protect a sensitive site.

The existing density of the site is approximately 5.7 dwellinghouses per hectare. This is expected given the site area of 0.175 hectare houses a solitary dwellinghouse.

The proposed dwellinghouse would sit within a triangular parcel of land to the southeast of the host property. The site area of the plot would be 428 square metres, with the density being approximately 23.3 dwellinghouses per hectare. While this remains less than the suggested density range set out in Policy CS26, to develop at a higher density would not be appropriate given the character of the area, particular the housing that feeds of Nook End being low density.

Based on the above, it is considered that the proposal to erect a single dwellinghouse on this site is acceptable in principle and would be in general accordance with UDP Policy H10 and not conflict with Core Strategy Policies CS24 and CS26.

Highway Issues

A number of the objections received from neighbouring properties are highway related. Nook End is a single-file private track/lane that provides vehicular access to approximately 7 dwellings. It noticeably narrows down after a fork to the right which serves house number 32. Whilst for vehicles Nook End is a cul-de-sac accessed from Stannington Road, it does actually carry a public right of way that links Stannington Road to High Matlock Road. The objectors consider that the restricted width of Nook End coupled with the increased vehicular activity associated with the proposed new dwelling will unacceptably compromise the safety of pedestrians. They also question whether the applicant has rights of vehicular access along Nook End; point to a previous refusal of planning permission to construct 2 houses with 6 parking spaces off Nook End and; make reference to the Unitary Development Plan which advises road layouts should be to adoptable standards where they serve 5 or more dwellings.

The reason for the refusal of application 08/02576/FUL (the 2 houses and 6 parking spaces) was that it required the use of a substandard access to the highway impacting on vehicle and pedestrian safety and on the amenities of adjoining residents: H14 (d) & (e).

The differences between the refused application and the current application are that the scale of the development has halved. Access for the refused application would have been taken towards the end of Nook End, meaning driving almost the full length. Access to the current application would be taken just beyond the fork serving existing house number 32, significantly shortening the journey along Nook End. The existing properties accessed via Nook End are all substantial. Google Maps seems to indicate 6 vehicles parked within the curtilage of number 32. A further 4 vehicles seem to be parked within the curtilage of number 9. There are a further 5 properties accessed from Nook End, all with their own parking demand and servicing requirements. The development proposal would include an integral garage for a single vehicle and forecourt parking for a further two.

Since the refusal of 08/02576/FUL, the National Planning Policy Framework (NPPF) was published in 2012, amended in July 2018 which states at Paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Even though Nook End is narrow and with no possibility of being brought up to adoptable standards, given its current usage, it would be difficult to argue in officers' opinion that the construction of a single dwellinghouse would severely compromise vehicle and pedestrian safety along Nook End, or the amenities of adjoining residents. Vehicle speeds along the lane are slow and importantly, the applicant has submitted an amended plan that shows a defined pedestrian waiting/passing place for vehicles in front of the proposed entrance gates. This passing place is key in officers' opinion as it would allow for a vehicle to be pulled over safely in the event of a vehicle approaching in the opposite direction. This passing place would benefit all users of Nook End.

It is acknowledged that the application site has been subject to two previous refusals, both refused on highway grounds. However, officers are satisfied that the development of a single dwellinghouse within the lower section of the property's garden would not unduly

harm highway safety to warrant a refusal on highway grounds. The proposal to provide a passing place should help to reduce standing vehicles in the highway when approaching from Stannington Road onto Nook End.

Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Policy H14 (b) seeks new buildings and extensions to be well designed and would be in scale and character with neighbouring buildings.

The proposed dwellinghouse would be 'L' shaped in appearance and positioned relatively central on its plot. Owing to the sloping ground levels, the plans show the house would be partially cut into the garden area, to help reduce the overall scale and massing of the house. It would be two-storey in height, traditionally designed with dual pitched roofs, and designed with an integral garage, porch canopy and raised veranda accessed from the property's ground floor.

It is considered that the proposed dwellinghouse is of acceptable design quality and would not harm the character or appearance of the surrounding area. The surrounding area has a somewhat eclectic mix of house types, with no defined style that is prevalent. The dwellinghouse is considered to be well-proportioned, designed in a traditional style comprising dual pitched roofs, gable walling, stone heads and cills and chimneybreast. The supporting details confirm that the dwellinghouse would be constructed using natural stone with artificial slates, and either grey or cream uPVC windows.

Despite some of the objections raising concerns with the design of the dwellinghouse, it is considered that it is architecturally sound and would not detract from the character and appearance of the area. The dwellinghouse would sit in a good sized plot (approximately 0.05 hectares) that would allow for front, side and rear gardens, and off-street parking provision.

Residential Amenity Issues

Policy H14 relates to conditions that new development or change of use proposals in Housing Areas are required to meet. Part k requires that new development should not lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

It is considered that the sub-division of the plot to provide a second dwellinghouse would not significantly diminish the amenity of the host property or result in sub-standard living conditions of the dwellinghouse's future occupants. The proposed site plans shows that the existing dwellinghouse would continue to be afforded with an extensive garden some 1200 square metres in area, and the proposed property some 250 square metres, far exceeding the minimum requirements set out in SPG Designing House Extensions.

In terms of neighbouring properties' residential amenity, it is considered that the only properties that would be directly affected by the development are the houses situated to the south of the site (Nos. 572-584 Stannington Road). No other properties are considered to be affected by the development including the host property (Croft House), or properties to the north of the site beyond Nook End that are more than 21m away.

In terms of 572-584, these properties all comprise rear gardens that back onto the site with a separation distance of approximately 14m between their respective elevations and the nearest part of the dwellinghouse. The submitted plans show that the proposed dwellinghouse would be set in just of the common boundary (approximately 0.5m and 1m) given the slight splay of the side boundary and with exception two high level rooflights within its southern roofslope, no windows are proposed within its side elevation facing these neighbouring houses.

In view of the above, it is not considered that the development would result in any significant overlooking or loss of outlook that would be harmful to the residential amenity of neighbouring properties. The separation distance between the proposed dwellinghouse and neighbouring properties would exceed the guidance contained in SPG Designing House Extensions. This together with the fact that the dwellinghouse would have no windows within its side elevation and the rooflights being 1.7m above finished floor level should prevent any problems of overlooking. Conditions removing the 'PD' rights on side windows and no part of the rooflights being less than 1.7m above finished floor level should be attached to any grant of planning permission.

Other Issues

Environmental Protection Services (EPS) has advised that they have no significant concerns with the proposal. They have stated that there are no positive indications of likely contamination or ground gas risk, and the site is not in the Coal Authority Development High Risk Area. EPS has however has stated that the end use is sensitive, which includes private landscaped areas with made ground or naturally elevated levels of contaminations being of concern. They therefore recommend that the usual suite of contamination conditions be attached to any grant of condition, and directives for light and construction phase working hours in the interest of protecting the amenity of neighbouring properties.

Yorkshire Water has stated that they have reviewed the details and have no comments to make with regard to the development.

Some of the objectors make comment that they understand that there may be a restriction (covenant) on the land, imposed by a previous owner that housing cannot be built. Members are informed that restrictive covenants on land are not planning matters and as such cannot be given any weight in the determination of this application.

Objections have been received stating that the removal of the hedge will have an effect on ecological value of the site and in particular nesting birds. Members are informed that the hedge can be removed by the applicant at any time regardless of whether an application has been received to develop the site or not. It is however a criminal offence to wilfully remove the hedge during the nesting season (March- August) should it be identified that the hedge is being used by nesting birds.

There is no evidence that officers are aware of that would suggest that the development of the site and proposed engineering operations would lead to any subsidence that would undermine neighbouring properties. In any event, this matter would be assessed at the construction stage and controlled through building control and not planning.

CIL Issues

The development is situated in an area where CIL is liable. The applicant however has stated that the dwellinghouse will be self-build and is claiming self-build exemption.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect a 3-bedroomed storey detached dwellinghouse within the lower garden curtilage of a large detached dwellinghouse in Stannington.

The principle of erecting a house within part of the garden curtilage of The Croft is accepted under Policy H14 of the UDP and Policy CS24 of the Core Strategy and would not prejudice or undermine the Council's targets for the development of previously developed land across the city. While the development would remove part of the garden curtilage of the host property, this property would still benefit from an extensive garden curtilage in excess of 1200 square metres, which in officers' opinion would be more than commensurate to the size of the house.

It is considered that the proposal would not significantly impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed. The applicant agreed to amend the scheme that would allow for a passing place to be constructed in front of the entrance gates. This in officers' opinion would greatly reduce vehicular/pedestrian conflict between vehicles approaching in an easterly direction along Nook End and vehicles turning onto the lane from Stannington Road.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development would be in general accordance with UDP Policies H10, H14 (a) BE5 and Core Strategy Policies CS24, CS26 and CS74 and is recommended for approval subject to the conditions listed.

Case Number	18/02224/FUL (Formerly PP-06997788)
Application Type	Full Planning Application
Proposal	Alterations to part of existing stable block to form a dwellinghouse
Location	White Acres Farm Spout Lane Sheffield S6 6EF
Date Received	09/06/2018
Team	West and North
Applicant/Agent	HPDA
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The proposed development is considered to be inappropriate development in the Green Belt under the terms of Policy GE1, GE3 and GE5 of the Unitary Development Plan, which would cause harm by definition to the openness of the Green Belt. In the absence of very special circumstances to justify a departure from the provisions of the adopted plan on this occasion, the Local Planning Authority consider that the proposal is contrary to UDP Policy GE1, GE3 and GE5, Core Strategy Policy CS71 and to Government Guidance contained in the revised National Planning Planning Framework, paragraphs 143 - 146.
- 2 The Local Planning Authority consider that the proposed development is of poor design which would be detrimental to the character of the Area of High Landscape Value and contrary to the aims of Policies BE5 and GE8 of the Unitary Development Plan, Policy CS74 of the Core Strategy and paragraph 127 of the revised National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Plans and elevations prepared by Rae Connell Associates received on 9th June 2018

Site Location



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LOCATION AND PROPOSAL

The application relates to part of a building within the White Acres Farm livery complex. The building is of blockwork and corrugated cladding construction (thought to be largely asbestos) and is currently used to stable horses, for storage purposes and as a space where the applicant hosts 'pony parties' as part of the livery business.

The property is in open countryside beyond the settlement of Stannington, within a collection of barns and stables. The land slopes steeply down to the north and west and the premises are elevated above the level of Spout Lane as it passes to the west of the site.

The site is identified on the Unitary Development Plan Proposals Map as being within the Green Belt; an Area of High Landscape Value and an Area of Natural History Interest.

Planning permission is sought to convert a proportion of the steel framed portal building (just over a third) into a dwellinghouse. This would have two bedrooms, a bathroom and an open plan living area. The remainder of the building would continue to be used by the livery business.

Externally the part of the building that is to be used as a dwellinghouse would have an off-white rendered finish. New windows and doors would be inserted in the walls. Three sets of patio doors are proposed on the south west elevation, a small window on the rear south east elevation and two new windows and a door on the front north western elevation. A new insulated corrugated steel roof would be erected over the living accommodation.

Internally a new wall would be built to separate the living accommodation from the rest of the barn. Existing breeze block walls would be removed and new partition walls put in place create rooms within the dwellinghouse.

No alterations to the height or size of the building are proposed.

The residential curtilage would be largely confined to the existing yard to the front of the building which is already fenced off as well as a small area to the south west of the building. This is largely screened by existing buildings and the surrounding topography. Car parking would be within the front yard area.

RELEVANT PLANNING HISTORY

The site has been the subject of numerous planning applications.

Most recently the site was the subject of a Public Inquiry which was held on 14 June 2017, 21 – 22 November 2017 and 6 February 2018.

The reason for the Inquiry was to consider three appeals. The applicant had, without planning permission, rebuilt and converted a barn into a dwellinghouse. Planning permission was sought retrospectively for this by application 15/04365/CHU. Members may recall, the application was refused planning permission by the Planning and Highways Committee on 22 November 2016 and authorisation was given for the instigation of enforcement proceedings to return the building to its original conditions (as a three-sided steel framed barn).

An enforcement notice was issued in January 2017 requiring the use of the barn as a dwellinghouse to cease and the building to be restored to its original condition. The enforcement notice was referenced RC/078455.

The appeal against the refusal of planning permission was considered by appeal reference APP/J4423/W/16/3164085 and the appeal against the enforcement notice was considered by appeal reference APP/J4423/C/17/3167164.

Following the Public Inquiry the Planning Inspector dismissed the appeal against refusal of planning permission, finding that the alterations that had taken place were tantamount to the erection of a new dwellinghouse within the Green Belt which is by definition inappropriate development. The Inspector considered the very special circumstances put forward by the appellant (that she needed to live there to care for her sick father); but when weighed in the balance did not feel that these reasons would outweigh the harm to the Green Belt that the development caused.

The Inspector also dismissed the appeal against the enforcement notice. The enforcement notice was upheld, with alterations, and a period of 18 months given in which to comply.

The third element of the Public Inquiry dealt with the refusal of planning permission for the removal of a planning condition (application 16/04457/FUL refers). When planning permission was granted for the use of the agricultural unit as livery stables in 2008 by application 08/02013/CHU, Condition 9 stipulated that no residential accommodation of any kind shall be provided on the site.

This was considered at the Inquiry under appeal reference APP/J4423/W/17/3168260.

The appeal was allowed (and so the condition is no longer imposed). The Inspector found that the condition was neither necessary nor relevant to the development permitted. He set out that the removal of the condition would not in itself enable the provision of residential accommodation, as this would be a material change of use requiring planning permission.

The barn that was the subject of the appeals was granted planning permission under application 96/00307/FUL (formerly 96/0076P). The approval was for a mono-pitched roofed building of block work and metal sheet construction with an open front. This building is immediately to the south west of the site that is the subject of this current planning application.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the proposed development, due to the application being for inappropriate development in the Green Belt.

Loxley Valley Protection Society have objected to the application and have set out that the application for the conversion of part of a stable block into a separate dwelling is in many ways comparable with the previous retrospective application which was refused and then dismissed at appeal.

As with the previous application, there are seemingly no special circumstances to allow this material change of use within the Green Belt. The proposed development would be an inappropriate development within the Green Belt, which if granted could

create a precedent.

In addition representations have been received from 3 local residents. These set out that the building is not in an agricultural use and there are inaccuracies on the application form as to the existing / proposed materials.

To allow the conversion and change of use of this stable building into residential accommodation would set a precedent for other land-owners in the area (and further afield) who have unsuccessfully, tried to obtain permission for residential dwellings in the Green Belt. This would erode the character of the countryside.

The application is contrary to both local and national planning policy and guidance, and also to the adopted supplementary guidance contained in the Loxley Valley Design Statement. The proposal is inappropriate development.

PLANNING ASSESSMENT

Policy Context

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within the Green Belt as well as an Area of High Landscape Value and an Area of Natural History Interest.

The Local Development Plan consists of saved policies from the Sheffield Unitary Development Plan (UDP) which was adopted in March 1998 and the Sheffield Core Strategy, which was adopted in March 2009.

Unitary Development Plan Policy GE1 – Development in the Green Belt sets out that in the Green Belt development will not be permitted, except in very special circumstances, where it would lead to unrestricted growth of the built up area or lead to encroachment of urban development into the countryside.

UDP Policy GE3 sets out that in the Green Belt the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport or recreation and other uses which would comply with Policy GE1.

Policy GE5 stipulates that new housing within the Green Belt, other than those needed to support agriculture and other acceptable uses, will only be permitted where they involve either infilling of a single plot within the confines of a village, group of buildings or substantially developed road frontage, or the erection of a replacement dwelling.

Policy BE5 sets out that good design and the use of good quality materials will be expected in all new and refurbished buildings.

Core Strategy Policy CS71 sets out that 'Countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not

undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages.’

National policy is contained with the National Planning Policy Framework (NPPF), which was revised in July 2018. Specifically paragraphs 143 – 147 deal with proposals affecting the Green Belt.

Paragraph 143 of the revised NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 goes on to state that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

Paragraph 145 sets out that ‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Paragraph 146 of the revised NPPF also sets out that ‘Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

Consideration of Building Works Required

The building has a steel portal frame with a single skin block work wall on the south western elevation to a height of around 1m with corrugated cladding above. The cladding appears to be largely of asbestos with patches that have been repaired with corrugated plastic sheeting. In places there are holes and gaps in the cladding and the building is not water tight. The rear elevation (south east elevation), when viewed externally is all of corrugated asbestos cladding. The barn is dug into the hillside so the lower portion, again to a height of around 1m, is of block work construction (this cannot be seen externally). The roof also appears to be largely of the same asbestos cladding material.

At some point the building has been extended to the front (north west elevation) to provide a series of horse boxes. These are of single skin block work construction with large openings covered by stable doors and ‘window’ openings across which are timber struts. The openings are not glazed.

Internally there is a blockwork wall, built up to the apex of the roof which serves to divide the barn. As part of the proposed development this would be removed and a new wall built to separate the dwelling from the barn. The blockwork walling which divides the horse boxes would also be removed.

It is considered that the works that would be involved to create a dwellinghouse would be tantamount to the erection of a new property.

The cladding to the walls and roof would have to be removed and all that would remain of the original building would, at best, be the steel frame, blockwork to the front elevation (which indeed has large openings that would need to be built up) and blockwork to a height of around 1m to the south western elevation and rear south eastern side.

The wall adjacent to the part of the barn that is to be retained would be new, as would the majority of the walls to the south west and south east where the block work would need to be built up considerably to reach the roof. The plans also indicate an entire new 'inner skin' to all of the walls. Effectively a new dwelling would be constructed within the footprint of part of the barn. All of the internal walls within the proposed dwellinghouse would also be new as would all of the windows and doors.

On the application form the agent has said that the proposed materials for the walls would be natural stone to match existing and the roofing would be of slate, again to match existing. The existing walls and roof, as discussed above are not of slate or stone construction. The submitted plans indicate that the roof would be of insulated corrugated steel construction and the walls would have a rendered finish. It is assumed that they would have to be built first from blockwork.

The works involved are extensive and cannot be characterised merely as improvements or alterations. The development will not alter the size of the building and so is not considered to be an extension. It is considered that the development would not fulfil the exception c) as outlined in paragraph 145 of the revised NPPF. The development would not constitute 'extensions or alterations to a building' and is therefore considered to be inappropriate development within the Green Belt, causing harm by definition. This harm is to be given substantial weight.

When considering the previous planning appeal (which involved the rebuilding of a steel portal framed building with concrete blockwork to a height of around 1m with steel cladding above), the Planning Inspector took the view that the original building 'has been improved out of existence' and the works undertaken to turn the building into a dwellinghouse had resulted in a new building. (para's 8 and 44 of the Appeal Decision notice are of relevance). There are similarities between the works that were carried out to that building and the works required here and so the Inspectors decision is a material consideration.

Paragraph 146 of the revised NPPF also sets out that 'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

At the Public Inquiry the Inspector took the view that, on the basis of past judgements, the proposal involved operation development (as is the case with the

current application) and so the creation of a new dwelling could not fall within the exception of a re-use of a building (paragraph 47 of the Appeal Decision notice refers).*

Given the similarities between the two applications it is considered that the same rule applies here. The applicant is seeking to carry out operational development to the building (re-roofing, building up of walls, insertion of windows and doors, internal partition works), not purely a change of use and so, with the Inspectors decision in mind the development does not meet exception d) as set out in paragraph 146 of the NPPF.

It is considered that the proposal would be inappropriate development within the Green Belt and the proposed development would be tantamount to the erection of a new building within the Green Belt.

UDP Policy GE5 sets out that new houses within the Green Belt, other than those needed to support agriculture or other appropriate uses will not be permitted unless they involve either the infilling of a single plot within the confines of a village or other substantially developed frontage; or the erection of a replacement dwellinghouse.

The proposed dwellinghouse would not house an agricultural or forestry worker (horse livery is not classed to be an agricultural use). Nor is the site deemed to be within the confines of a village or substantially developed road frontage. As such it is considered to be contrary to UDP Policy GE5 and the aims of Core Strategy Policy CS71 which seeks to protect the Green Belt from inappropriate development, through the re-use of land and buildings within the urban areas. As discussed above, the proposal includes operation development and is not considered to simply involve the re-use of a building.

The proposed building would not be greater in height than the existing building and the footprint would remain the same. The building is largely screened from public view by other buildings within the site, trees surrounding the site and the natural lie of the land means that it is well screened. It is therefore considered that the proposed development would not have a greater impact upon openness than the existing building in terms of scale and massing; however this would not detract from the substantial weight that has been given to the inappropriateness of the development when weighed in the balance.

The applicant has not put forward any 'very special circumstances' to justify the development although the accompanying planning statement sets out that the site is not in an isolated location.

As a result of the Public Inquiry it was deemed that the premises were not remote from the settlement of Stannington, which is around 120m away as the crow flies and 500m away along the footpath (paragraphs 57 – 59 of the Inspectors appeal decision deal with the issue of isolation). However this still does not outweigh the harm that the development would cause to the Green Belt.

It is considered that the development of the premises to enable the use of the property for residential purposes would result in urban encroachment into the

countryside and so would be contrary to UDP Policy GE1 and GE5 as well as Core Strategy Policy CS71 and paragraphs 143 -146 of the revised NPPF.

(*At the time of the Public Inquiry the NPPF had not been revised. The appeal decision notice refers to paragraphs 87, 88, 89 and 90 of the NPPF. These have been replaced by paragraphs 143, 144, 145 and 146 of the revised NPPF; however the relevant wording has not materially altered).

Impact Upon Character of Area of High Landscape Value and Design
Green Belt issues aside, it is considered that the proposed dwellinghouse is of poor design.

The proposed development would involve the insertion of a number of new windows and doors. These would not reflect the rural style of the building and the three sets of glazed patio doors on the south west elevation would have a particularly urbanising impact upon the appearance of the building.

The existing asbestos cladding is only proposed to be replaced on part of the building which will result in a partly finished appearance. The use of metal sheeting for the roof and white rendered walls are also uninspiring and not in keeping with the rural character of the area.

Paragraph 127 of the revised NPPF sets out that 'decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment and landscape setting.' It is considered that the development would be contrary to these design principles.

Core Strategy Policy CS74 sets out that 'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city'.

UDP Policy GE8 – Areas of High Landscape Value also sets out that within such areas the protection and enhancement of the landscape will be the overriding consideration.

UDP Policy BE5 also sets out that good design and the use of good quality materials will be expected in new development.

It is considered that the proposed development would not comply with these policies as the development would not enhance the appearance of the area and would look odd having neither the appearance of a barn or a dwellinghouse.

Ecology

The site is within an Area of Natural History Interest. No ecological statement has been provided in support of the application or any measures included within the application as to how the development would increase bio-diversity.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 3 where the contribution is £30 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs. Based on the information submitted, the development would provide 91sqm of new residential floor space. If planning permission were to be given, the CIL contribution in this instance would be approximately £2,730.

SUMMARY AND RECOMMENDATION

Planning permission is sought for alterations to part of an existing stable / barn to create a dwellinghouse. The alterations that would be involved are considered to be significant and, in the view of the Local Planning Authority, the development would be tantamount to the erection of a new dwellinghouse within the Green Belt albeit attached to an existing barn.

The property is not needed to house an agricultural or forestry worker; would not replace an existing dwelling and is not considered to be an infill plot within the confines of a village, the site being within open countryside.

No very special circumstances have been put forward to justify the development other than that the site is not within an isolated location. Nevertheless it is within open countryside in the Green Belt.

The development is of poor design and does not preserve or enhance the Area of High Landscape Value.

The proposed development is deemed to be inappropriate development within the Green Belt setting and is contrary to development plan policy contained within the Unitary Development Plan (UDP Policy GE1, GE3, GE5, GE8 and BE5), Core Strategy (Policy CS71 and CS74) and National Planning Policy Framework (para 127 and 143 – 146).

It is recommended that the application be refused.

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Case Number	18/01760/FUL (Formerly PP-06943096)
Application Type	Full Planning Application
Proposal	Erection of a 5 to 14 storey mixed use development comprising 335 residential units with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking.
Location	Sylvester Street Sheffield S1 4RN
Date Received	04/05/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

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 drawings listed in the Drawing Register produced by Tate and Hindle Design Ltd (Project No. 15089) received on 12 September 2018.

Reason: In order to define the permission.

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

3. Any remediation works outlined in the approved Outline Remediation Strategy (ref: WIE13067-100-S-2-3-2-RS, Issue 2-3-2, dated September 2018 (Waterman)) shall be the subject of a Detailed Remediation Strategy Report which shall have been submitted to and approved in writing by the Local

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

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

4. All development and associated remediation shall proceed in accordance with the recommendations of the approved Detailed Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Detailed 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 Detailed 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 Detailed Remediation Strategy.

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

5. Upon completion of any measures identified in the approved Detailed Remediation Strategy or any approved revised Detailed 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.

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

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

- The timetable for completion of all site investigation and postinvestigation works.

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

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

7. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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.

8. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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.

9. 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.

10. Unless shown not to be feasible and viable, 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, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

11. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

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

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

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

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

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

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

Windows and window reveals
Eaves and parapets
Brickwork detailing
Rainwater goods

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

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

15. A comprehensive and detailed hard and soft landscape scheme for the site, including works to naturalise the Porter Brook river channel, shall be submitted to and approved 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.

The scheme shall include details of the following:

Free standing structures including the substation
Hard landscaping details, including levels, surfacing materials, walls, raised beds, fencing and street furniture
Specification, including construction drawings, of the river channel naturalisation works
Topsoil specification and depths
An accurate planting schedule and planting plan at 1:200 or 1:100 scale
A comprehensive list of species and stock specification

Individual location of specimen trees and shrubs
Maintenance schedule to ensure the successful establishment of the scheme

The landscape scheme shall be carried out in accordance with the approved details prior to the occupation of the development, thereafter the landscaped areas shall be retained. Any failures within that 5 year period shall be replaced in accordance with the approved details unless otherwise authorised in writing.

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

16. Full details of a riverside walkway, including connections to the walkway on adjacent sites, shall be submitted to and approved by the local planning authority before that part of the development commences:. Such details shall include:

- Surface materials;
- Wall and/or balustrade details to the Porter Brook;
- Any necessary repairs/rebuilding or stabilisation works to the existing riverside walls;
- Lighting; and
- Management arrangements, including measures for maintaining public access to the walk at all times.

The riverside walk shall be a minimum of 2.5 metres wide and be completed to adoptable standards and in accordance with the approved details before the development is brought into use.

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

17. The development shall not be used unless the secure cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans. Prior to its provision, full details of the secure cycle parking accommodation and associated cycle maintenance hub, including elevations, layout and the specification and maintenance regime of the green roof, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and delivering sustainable forms of transport.

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

a) Be based on the findings of the Acoustic report by ARUP (ref. Aac/256067-00/R01, dated 2nd May 2018.

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.

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

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

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

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

20. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall be in accordance with Defra document; "Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems" and shall include:

- Plans showing the location of the fume extract
- Acoustic emissions data.
- Details of any filters or other odour abatement equipment.
- Details of the systems required cleaning and maintenance schedule.
- Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

21. No live music or amplified sound shall be played within the A4 use unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall be capable of restricting noise breakout from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;
- (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as an 15 minute LZeq.

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

22. 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.

23. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The footways shall be reconstructed using secondary palette materials in line with Sheffield City Council's Urban Design Compendium.

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

24. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking

permits within the Controlled Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

25. 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.

26. No construction work shall commence until a detailed Employment and Training Strategy, which is designed to maximise local opportunities for employment from the construction phase of development, has been submitted to and approved 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 Compliance Conditions

27. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless the scheme of sound insulation measures detailed in Acoustic report by ARUP (Ref. Aac/256067-00/R01, dated 2nd May 2018) has been implemented and thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

28. The commercial food and drink uses hereby approved (Classes A3, A4 and A5) shall only be used between the hours of 0800 and 2330 Mondays to Saturdays, and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

29. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those

plans 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.

30. Notwithstanding the detail shown on the approved drawing, the sales area within the approved flexible use areas shall not exceed 280 sq metres where a Class A1 use is implemented.

Reason: In order to protect the vitality and viability of the city centre, in accordance with the National Planning Policy Framework (NPPF).

31. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

32. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

1. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6301 or 273 6125
Email: highwayrecords@sheffield.gov.uk

2. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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 Turner
Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 4383
Email: stephen.turner@sheffield.gov.uk

3. Formal consent for the discharge to the river and for the outfall structural design must be obtained from the Council's Development Services, Highways, Flood and Water Management, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2734456) before work on site commences.
4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

5. 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.

6. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

7. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They 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.

8. 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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

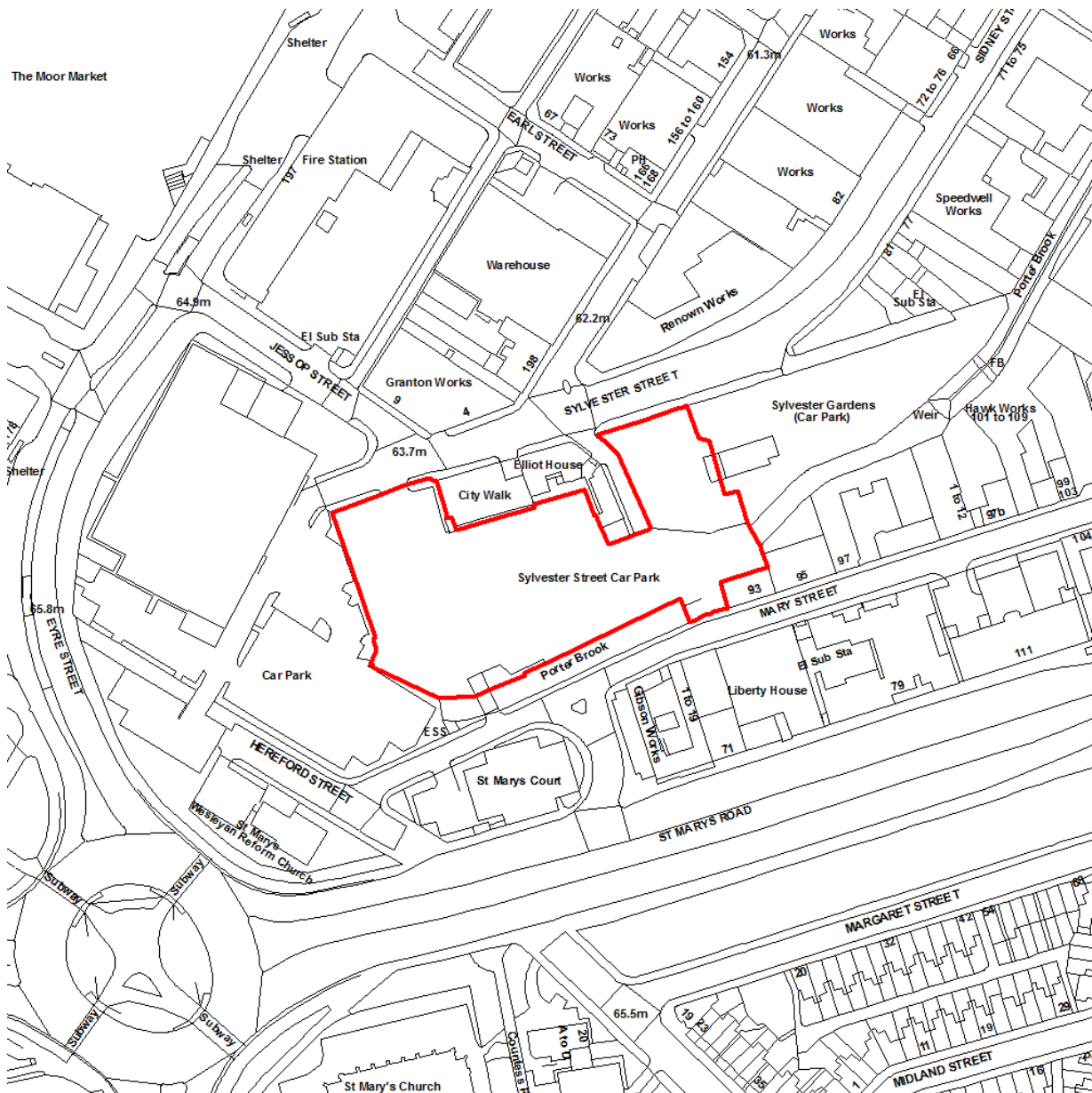
For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

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.

9. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

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

Site Location



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LOCATION AND PROPOSAL

The application site lies between Sylvester Street to the north and Mary Street to the south, at the southern end of the Cultural Industries Quarter (CIQ) Conservation Area. It is currently in use as a surface level car park accessed via an existing access road from Sylvester Street.

The western half of the site is screened from Sylvester Street by the grade II listed Sylvester Works and a 5 and 6 storey residential building known as City

Walk. To the west the site adjoins the car park to Decathlon while the Porter Brook runs to the immediate south of the application site, adjacent Mary Street. To the east the site adjoins land with an extant consent for a mixed use development comprising of a 4, 5 and 6 storey building providing 102 apartments, office accommodation, a cafe/bar and landscaping, including the continuation of a riverside walk along the Porter Brook (06/01918/FUL). It is understood that the new owner of this site intends to build the extant scheme, which was recently granted planning permission for a number of minor material amendments under Section 73 of the Planning Act (17/00604/FUL).

Planning permission was previously granted on the western two thirds of the application site (the land to the west of the car park access road which, until 2008, was occupied by a 2 storey furniture warehouse unit known as Klausssners) for the erection of 137 apartments, 3,191 square metres of commercial space and a café in a building extending up to five and a half storeys (with a double height ground floor), plus car parking and landscaping, including a new public space and riverside walk (07/02595/FUL). This consent is understood to be extant.

Following the sale of the site in 2017, planning permission is now sought for the erection of a 5 to 14 storey Build to Rent development comprising 335 apartments with ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses), landscaping and car parking. Build to Rent is defined (in the National Planning Policy Framework Glossary) as purpose built housing that is typically 100% rented out, which usually offers tenancy agreements of three years or more, is professionally managed and is normally in single ownership and management control.

The scheme comprises of three blocks, A to C. Block A, at the western end of the site, and block B, to the south, are linked to form a large L shaped block which ranges between 7 and 14 storeys in height – a bulky 14 storey tower in the south west corner of the site with 7 storey wings projecting north and east. To the north of block B is a courtyard separating the development from the rear of City Walk and the grade II listed Sylvester Works. The courtyard houses 10 parking spaces (including 4 accessible parking spaces) and cycle storage for 140 bikes.

Block C, at the eastern end of the site, is a 6 storey rectangular block perpendicular to Sylvester Street. The sixth floor is set back almost 7.5 metres from Sylvester Street to form a 5 storey street frontage.

A new public pedestrian route is formed to the south of all three blocks, adjacent to the Porter Brook. It is intended that this walkway will link to neighbouring developments, eventually creating a lengthy riverside walk. Two further pedestrian routes will allow access between Sylvester Street and Mary Street.

RELEVANT PLANNING HISTORY

16/01691/FUL	An application under Section 73 of the Planning Act to allow the continued use of the land as a car park for a further 3 years until
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August 2019 was approved in June 2016 (Application under Section 73 to vary/remove Condition No. 1 (time limit) as imposed by planning permission 13/01633/FUL).

- 13/01633/FUL An application to extend the previously approved car park (below) to the east, to include the site of the former Bernard Works, was approved in August 2013.
- 11/03965/CHU An application for the use of the Klausnners site as a short stay car park was approved in February 2012.
- 07/02595/FUL Planning permission was granted in December 2012 for the redevelopment of the Klausnners site to provide 137 apartments, 3191 sq.metres of commercial space (to include business starter units), a 298 sq.metre A3 Café, and the provision of associated car parking and landscaping including a new public space and riverside walk.
- 07/02617/CAC Conservation area consent was granted for the demolition of the existing building (a former furniture warehouse) in August 2007.

SUMMARY OF REPRESENTATIONS

This application was advertised by way of press and site notice and by neighbour notification.

6 representations were received including 5 letters of support and 1 objection.

Representations from supporters of the scheme were received from 2 neighbours as well as the Secretary of Sheffield City Centre Residents Action Group (SCCRAG), the Executive Director of the Sheffield Chamber of Commerce and the Chair of the Chamber of Commerce's Sheffield Property and Regeneration Committee. The comments made by supporters include:

- The development would bring a site back into active use that has laid derelict for a significant number of years, enlivening the area and stimulating new business.
- Much of the development in the area has been student accommodation. This proposal would see a permanent residential community created which would establish this side of the city centre as a location for further residential development, helping the city maximise the benefits of HS2 and Northern Powerhouse Rail and sustain the Moor Market.
- The proposals would create further business units aimed at the expanding cultural and digital industries in the city.
- The ongoing management of the accommodation would avoid many of the issues with apartment blocks seen elsewhere.
- Proposals to upgrade the Porter Brook and make it publicly accessible builds on similar work done near the UTC on Matilda Street, would boost the area

and potentially help to stimulate the demand to bring other buildings of character back into use.

- Sheffield currently lacks the level of high quality accommodation aimed at the private renter, including graduates and young professionals, leaving us at a disadvantage to other major cities.
- This development would secure another major investment in the city, which is fundamental to us growing our economy and delivering good jobs in the future.
- The proposals make better use of the land.

However the lack of parking was raised as a major concern. SCCRAG consider parking is needed to encourage people to move into this type of residence.

The objector to the scheme is a resident of City Walk. Their concerns include:

- The City Centre is already severely cluttered with a lot of flats in similar buildings.
- Why do you need to cram such a big development on such a small piece of land?
- Block B is too close to City Walk and will block light.
- Block B should be removed to allow for more parking.
- The new development will exacerbate the problems relating to the of lack of parking.
- The proposed bin store is too close to City Walk and will harm the amenities of existing residents.

Historic England

In their consultation response, Historic England note that the application site sits at the edge of the CIQ Conservation Area and across two character areas – the Peripheral Area and the Mary Street Area – and that a Grade II listed building, Sylvester Works, is located outside the application site on the corner of Sylvester Street. They state that any development on the site should respect each character area but acknowledge that development towards the western part of the site would address a slightly different and less historic context.

As, historically, the area would have been densely developed and large areas of open space such as the existing surface car park are uncharacteristic of the area, Historic England welcome development on the site in principle but warn that not all development will have a positive impact. They advise that development needs to take account of the character of the area of back of pavement development, low-medium height, irregular and tightly packed footprints getting looser with more open yards towards the west of the conservation area.

Historic England note that there is considerable development either ongoing or recently completed within the CIQ Conservation Area which varies in style – some are completely new-build whilst others incorporate historic buildings, or elements of historic buildings – but that most conform to a maximum building height of around 6-7 storeys. Historic England consider this is important in respecting the historic

character of the area and the scale of the remaining historic metal trades buildings, whether listed or unlisted.

Historic England were engaged in some pre-application discussion, advising that they would not support initial proposals due to the harmful impact of the scale and massing on the conservation area and setting of the listed building.

Revisions were made which form the scheme currently under consideration. Historic England advise that whilst the revisions have addressed some aspects of their concerns – reducing the height of the blocks to the eastern end of the site which has reduced the overall massing in some views – and they consider the principle of the height stepping up towards the west to be acceptable, they consider the proposals as submitted to cause harm to the character and appearance of the conservation area and, to a lesser extent, the setting and significance of the Grade II listed Sylvester Works. This, they say, is as a result of the discordant scale of the larger blocks which will be experienced dynamically in numerous views as one moves around the conservation area.

Historic England consider the harm caused to be less than substantial in the language of the NPPF, but note that paragraph 132 of the framework requires any harm to designated heritage assets to have a 'clear and convincing justification' and that 'great weight' should be given to the conservation of heritage assets, meaning there is a requirement to assess the necessity of the harm, given the statutory protection afforded to conservation areas and listed buildings. This includes demonstrating that it would not be possible to deliver the benefits of the proposal in a less harmful manner.

Historic England advise that, in determining this application, the local planning authority should be satisfied that it is not be possible to reduce the harm caused to the character and appearance of the conservation area and the setting and significance of the listed building and that, where we are satisfied this is the case, weigh that harm against the public benefits of the scheme as required by paragraph 134 of the NPPF, whilst also having special regard to preserving the character and appearance of the conservation area and setting of the listed building as required by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition Historic England wished to note that they do not agree with the suggestions of the applicant's Planning and Built Heritage Statements that a public benefit of the scheme would *be* "the improvement of the setting of the Grade II listed Sylvester Works and the positive contribution to the CIQ Conservation Area through the provision of a high quality, well managed Build to Rent scheme". Whilst they consider the principle of redevelopment of the site has the potential for enhancement, they have concluded that the current proposals would cause harm to both designated heritage assets and thus, the development cannot be considered a positive, public benefit in this regard.

Conservation Advisory Group

The Conservation Advisory Group considered the proposals at their meeting on 19 June 2018. They felt that the development did not conform with the character of the Conservation Area, or with the recommended height limits of the Urban Design Compendium, and considered that the development was too high even in the lowest parts.

The Group felt that this development would weaken the constraints imposed by the conservation area and that the character of the conservation area would be lost. The argument that the site was in a peripheral zone of the conservation area did not, in the Group's view, lessen the requirement that new development should be bound by the area's character and form, or the limitations imposed in the Urban Design Compendium.

The Group welcomed the proposal to open up the river.

PLANNING ASSESSMENT

Principle of Development – Policy and Land Use

The revised National Planning Policy Framework (NPPF), published on 24 July this year, reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing. From November this year, the presumption in favour of development will apply where the local planning authority cannot identify a 5-year supply of deliverable housing sites (with an appropriate buffer), or where the delivery of housing over the last 3 years has been below 75% of the housing requirement. Sheffield's housing delivery passes the second test but as we are currently unable to demonstrate a 5 year supply of housing, this weighs in favour of the development of this site for residential purposes.

The statutory development plan for Sheffield currently comprises of the Core Strategy (March 2009) and saved policies from the Unitary Development Plan (1998).

The site lies in a Fringe Industry and Business Area as defined in the Unitary Development Plan (UDP). Policy IB6 of the UDP (Development in Fringe Industry and Business Areas) relates to development in such areas and advises that business (B1), general industry (B2) and warehouse uses (B8) are the preferred uses of land but that housing is also considered to be acceptable in principle.

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) expects the preferred uses of land to remain dominant. However, general industry and warehouse uses are no longer preferred in this location, the UDP having been superseded by the more up to date Core Strategy.

Policy CS6 (f) of the Core Strategy (Manufacturing and the City Centre – Transition Areas) identifies the area as one where manufacturing should be encouraged to relocate, while policy CS17 (c) (City Centre Quarters) describes the area as having a wide mix of uses and the main location for the city's

creative and digital industries, one of the key growth clusters for the economy of the City Region.

A little over 690 square metres of non-residential space is proposed at ground floor level comprising of commercial co-working and flexible use space (A1, A2, A3, A4, A5 and B1 uses). This level of commercial space is not significant given the size of the development, however it does go some way to supporting the promotion of business uses in the area. In addition, there are currently sufficient non-residential uses in the area to prevent residential uses from becoming dominant, even if the current proposals are approved. On balance, therefore, the proposals are therefore considered to be acceptable in terms of local plan business and industrial policies.

Other Policy Considerations

Build to Rent

The proposed residential units comprise of Build to Rent accommodation, good quality, professionally managed rented accommodation offering long term tenancies. The submitted Planning Statement describes the scheme as ‘focused on the provision of high quality ancillary amenity provision alongside residential accommodation. Within the proposed development these facilities include a gym, common room, cinema room, communal dining facilities, public and private amenity space (including roof garden) and bike maintenance store area.’

Very recently (on 13 September 2018) the government published new National Planning Policy Guidance (PPG) on Build to Rent. Until now, no distinction has been made between Build to Rent and other C3 housing uses in planning terms. But the PPG, which describes Build to Rent as ‘*a distinct asset class within the private rented sector*’, places new emphasis on considering the need for Build to Rent homes and advises that, if a need is identified, local planning authorities ‘should include a plan policy setting out their approach to promoting and accommodating build to rent’. Such policies are likely to include the circumstances and locations where build to rent developments will be encouraged.

A large part of the new Build to Rent PPG focuses on affordable housing provision – which is discussed later in this report – but the final paragraph also emphasises that, while Build to Rent homes are normally designed, constructed and managed to a high quality standard, individual schemes should still seek to meet ‘relevant local and national planning policy requirements.’

It is acknowledged that there are currently few Build to Rent schemes in Sheffield, and that, this being a relatively new sub-market in private rented residential stock in the UK, we don’t currently have any evidence of need. However, the forthcoming Strategic Housing Market Assessment will take account of Build to Rent and inform any policy requirements for the Local Plan.

Housing Mix and Density

Core Strategy policy CS41 (a) (Creating Mixed Communities) aims to promote the creation of mixed communities by providing for a broad range of smaller households

in the City Centre. It advises that no more than half the new homes in larger developments should consist of a single house type. The proposed mix of accommodation across the three blocks comprises of 44 studios (13%), 191 one bed apartments (57%), 85 two bed apartments (25%) and 15 three bed apartments (5%). Although the number of one bedroom apartments exceeds 50%, the overall mix is considered to be acceptable in this instance given that the nature of the proposed Build to Rent accommodation is likely to be attractive to young professionals in particular.

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

Subject to the character of the area being protected, CS26 advises that densities of at least 70 dwellings per hectare are suitable in the city centre. The density of the proposed development is 568 dwellings per hectare, well in excess of the policy requirement.

Town Centre Uses

The revised NPPF continues to expect local planning authorities to apply a sequential test to main town centre uses not in an existing centre, stating 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.'

The application site lies approximately 85 metres east of the Central Shopping Area (CSA). Any A1 retail units are likely to be small in scale and designed to serve the requirements of existing and proposed local residents – a role that vacant units in the CSA would not fulfil. It is therefore considered unlikely that a small A1 unit in this location would have an adverse effect on the vitality and viability of the city centre, and as such is considered to be acceptable in principle. However, a condition is proposed limiting the sales area within the approved flexible use commercial to no more than 280 square metres where a Class A1 use is implemented.

Design and Heritage Issues

As previously described, the proposed development comprises of three blocks, A to C. Blocks A and B, located adjacent the eastern and southern site boundaries, are linked to form a large L shaped block with 7 storey wings and a 14 storey tower in the south west corner of the site. To the north of block B is a courtyard separating the development from the rear of City Walk and the grade II listed Sylvester Works, which both front Sylvester Street. Block C, at the eastern end of the site, is a largely 6 storey rectangular block perpendicular to Sylvester Street. The development sits entirely within the Cultural Industries Quarter (CIQ) Conservation Area, which was designated in January 2001 as part of a programme to conserve the best areas of the distinctive townscape associated with Sheffield's metal trades.

Policy Context

In relation to design, the NPPF asserts that the creation of high quality buildings and places is fundamental to achieving sustainable development and creates better places in which to live and work (para. 124).

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments, while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Chapter 16 of the NPPF (Conserving and enhancing the historic environment) sets out the Government's policies relating to the historic environment. Paragraph 193 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification' and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (para. 196).

Paragraph 200 also advises local planning authorities to look for opportunities 'to *enhance or better reveal*' the significance of Conservation Areas when dealing with applications for development within their boundaries, treating favourably those proposals that 'preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance).'

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Similarly, section 72 of the Act describes the general duty with respect to conservation areas and states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

UDP policy BE15 (Areas and Buildings of Special Architectural or Historic Interest) expects buildings and areas of special architectural or historic interest, which are an important part of Sheffield's heritage, to be preserved or enhanced and advises that development which is considered to harm the character or appearance of listed buildings or conservation areas will not be permitted.

Policy BE16 of the UDP (Development in Conservation Areas) states that permission will only be given to schemes which preserve or enhance the character or appearance of the Conservation Area while Policy BE19 (Development Affecting Listed Buildings) requires developments which affect the setting of a listed building to preserve the character and appearance of the building and its setting.

The CIQ Conservation Area Appraisal seeks to define the special character of the area. It includes, as required by the Planning Act 1990, proposals for the preservation and enhancement of the conservation area or Area Guidelines. Together, the Appraisal and Area Guidelines form Supplementary Planning Guidance (SPG) to support the UDP and are a material consideration when determining planning applications.

The Appraisal covers the whole of the CIQ Conservation Area and has been subdivided into character areas. The application site lies across two character areas – the Mary Street Area and the Peripheral Area.

The street pattern in the Mary Street Area deviates from the original CIQ grid layout, responding to the natural boundary of the Porter Brook. There is variety in building massing, ranging between 1 and 5 storeys, and street frontages are predominately to the back of pavement.

Sylvester Works is the one listed building in the Mary Street Area. It is a 3 storey brick building circa 1875, with a gabled and hipped slate roof, which was originally built as a cutlery works and is now converted to flats. Other buildings of historic interest in this area are located on the northern side of Mary Street, particularly towards its western end adjacent the application site.

The CIQ's peripheral areas represent the outward face and gateway into the Conservation Area. While the character of the built form in these areas is mixed, they all have strong links, in terms of the street pattern, to the core area.

The Appraisal notes that the public face presented onto the St Mary's Road roundabout retains few clues of the heritage of the area, as it currently comprises of a late twentieth century retail warehouse, office building and car parks. However Hereford Street, close to the roundabout, is the southernmost remnant from the original grid iron plan laid out in the early 1800s.

The Area Guidelines expect new development in the CIQ to respond to the historic urban form of the area, respecting the original grid pattern and plot sizes. New buildings should be built to the back of the pavement and of a scale and form that respects existing development. It advises that important views into and out of the Conservation Area should be retained.

Along Mary Street where, with the exception of modern infill, the buildings are structurally little altered, the guidelines suggest that the emphasis should be on retaining and restoring the window patterns and other architectural details.

Much recent development in the peripheral areas has been inappropriate, in terms of scale and the quality of the design and materials. The main aim of the Guidelines in these areas is to secure a higher quality of development with buildings that define and enclose but do not overshadow the street.

Scale and Massing

The key issue in this instance is the quantum of development that the applicant is seeking to achieve. Given the size of the site, the level of accommodation desired can only be accommodated within an envelope that is considerably greater than the prevailing scale and massing of buildings within the CIQ.

With the exception of a number of properties facing onto the Arundel Gate/Eyre Lane corridor, the majority of buildings within the CIQ are 2 to 4 storeys in height. The buildings proposed range between 5 and 14 storeys.

UDP policies BE15 and BE16 expect the character and appearance of the conservation area to be preserved or enhanced – a position upheld by section 72 of the Act – and scale is a fundamental component of townscape character. However, this development will appear markedly different to its neighbours and tower above the townscape in street views. Furthermore, it is considered that the size of the blocks will have an impact on the relatively narrow spaces and streets they enclose.

In a bid to enhance the legibility of the townscape and to improve vitality and viability, increases in scale above the relatively modest prevailing heights have been supported around the edge of the conservation area, where larger buildings relate better to the greater scale of streets such as Eyre Lane or the Inner Ring Road. Similarly larger buildings have been developed where they visibly mark a significant point within the townscape, such as the intersection of higher order streets or the course of the Porter Brook. But the scale currently proposed exceeds that previously supported for a site within the main body of the conservation area.

As part of the pre-application process, the proposals were significantly amended to redistribute the accommodation across the site, reducing the bulk in the east, where the historic townscape remains more intact, and moving it over to the west, which is currently dominated by surface car parking. The consequence is a 14 storey tower which will appear extensively in views within the CIQ and beyond. The rationale for this includes minimising the impact of the development on the historic townscape by positioning the tower where it will, in time, be associated more with the Decathlon site and the ring road, where a cluster of larger buildings has been supported. Furthermore, the tower marks a potentially new area of publicly accessible open space formed at a bend in the course of the Porter Brook (though part of this open space lies on the adjoining Decathlon site and is not subject to any applications or approvals).

Despite the redistribution of accommodation and articulation of blocks to break down their mass, concerns remain that the main body of the development is bulky and will appear overly large in comparison with its neighbours. The properties on the south side of Mary Street are 3 to 4 storeys high and will face onto the consistent 7 storeys of block B. In mitigation the building line is pulled back from the edge of the Porter Brook to create a south-facing public space and reduce the impact of the scale. However the eastern end of block B and block C (at 6 storeys), in particular, have a much closer relationship with the existing 3 storey buildings and are likely to dominate their surroundings.

At 7 storeys, the height of the northern end of block A, which lies adjacent the 6 storeys of City Walk, is considered to be a reasonable response to Sylvester Street.

However, the applicant's claim that the development would improve the setting of the grade II listed Sylvester Works is disputed. Overall, given block A is separated from the 3 storey listed building by City Walk, it is considered that the impact of the development on the listed building is at best neutral.

Layout and arrangement

The proposed development adopts a perimeter block arrangement, which is considered to be appropriate in the CIQ where buildings are set to the back edge of the footpath, concealing yards and secondary structures to the rear. A more modulated approach is taken to the south-facing elevation of block B as the Brook would traditionally have been enclosed by a relatively informal arrangement of the backs of properties. This articulation helps to maximise the level of accommodation and break down what would otherwise be a continuous 7-storey wall of building.

Materials and detailing

The quality of the architecture proposed is very positive. Generous floor to ceiling windows provide a contemporary appearance to the elevations and permit high levels of natural light into the units. The regular repetition of the window forms reflects that of the traditional metal trade ranges and windows are arranged to produce a clear hierarchy in the elevations, with ground floor public areas expressed with more pronounced openings.

The proposed use of brickwork with limited metal and brick detailing is also welcome and reflective of the surrounding context. Deep reveals will express the robustness of masonry and the selection of a subtle gradation of different brick types, if successfully implemented, should provide sufficient variation to help visually break down the massing of the lower blocks without appearing overly contrived. The selection of brick and specification of mortar would, therefore, be critical.

The architectural approach is of a high quality, the materials appropriate, interesting public spaces are created, back-of-house activities are to be concealed within the body of the perimeter block and the frontage to Sylvester Street reinforced. The key issue is scale, a direct consequence of the quantum of development which the applicant is attempting to accommodate on the site.

The scale of what is proposed is far greater than anything within the surrounding area and, in this sense, is considered to be a poor contextual response. Amendments made throughout the pre-application process have greatly improved the arrangement and massing, and established a strong, clear logic to the layout. However, the quantity sought demands significant bulk, both in terms of the 14 storey height of the tower and in the scale of the lower blocks which are considered to result in some uncomfortable relationships.

The proposed scale, within a context of relatively modest buildings and tight streets, is such that even if this were not a conservation area, it would prove extremely challenging. In reality the CIQ has been designated as a conservation area by the local planning authority and the impact of the proposal on its character and appearance has to be assessed accordingly.

Historic England concluded that the proposals will harm the character and appearance of the conservation area, though the harm caused is less than substantial harm in the terminology of the NPPF.

Despite its many positives, and the fact that the existing car park is a negative element within the conservation area, it is considered that the proposed development does not comply with the aims of UDP policies BE15 and BE16 to preserve or enhance the character or appearance of the Conservation Area, nor the aims of the CIQ Conservation Area Guidelines to respect the scale and form of existing development. Therefore Officers concur with the view that the development will cause harm to the character and appearance, and thereby the significance of the CIQ Conservation Area. This harm could be argued to be less than substantial taking into account the site's position within the conservation area.

Where development leads to less than substantial harm, the NPPF states that 'this harm should be weighed against the public benefits of the proposal.'

In their Planning and Built Heritage Statements the applicant asserts that the scale of the proposed development is necessary to deliver the extensive public benefits provided by the scheme. They say that the public benefits include significant and demonstrable enhancements to the setting of Sylvester Works and the positive impact of the development on the character and appearance of the Conservation Area. However, they also conclude that 'the increased massing of the proposed scheme as part of the existing streetscene within this part of the Conservation Area will cause less than substantial harm to its significance.'

The local planning authority does not agree that the public benefits of the scheme include enhancements to the setting of Sylvester Works and neither do Historic England. At best the impact is neutral.

It should be noted that there are, of course, other benefits of the scheme, including economic benefits (through job creation) and a contribution to the residential offer of the city centre. However, it has to be decided whether these benefits are so substantial as to outweigh the harm caused.

Sustainability

The National Planning Policy Framework 2018 states that the purpose of the planning system is to contribute to the achievement of sustainable development by applying three overarching interdependent objectives: an economic objective; a social objective; and an environmental objective.

The application site is currently used as a car park and generates an income. However its redevelopment will deliver economic regeneration by creating jobs as part of the construction works, the on-going management of the facility and through future commercial uses, some of which may support the areas creative and digital industry focus.

The applicant has confirmed that they are willing to support local employment initiatives as part of the development and a planning condition can secure an employment and training strategy.

In terms of social objectives, the proposed development will help to meet the city's housing needs and to establish a mixed residential community in the CIQ by offering high quality homes for rent. As the site is conveniently located close to a wide range of services and facilities, development in this location will also ensure that residents' social and community needs are well catered for.

The proposed development will contribute to some of the environmental objectives of the NPPF by making more effective use of the land and enhancing the natural environment by making improvements to the Porter Brook and its setting. It should also contribute towards moving to a low carbon economy. However, there are concerns, as previously discussed, that the scheme does not sufficiently protect or enhance the historic environment in which it is set and indeed is considered to have a less than substantial harmful impact on heritage assets.

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings and conversions of existing buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The proposed development is located within easy walking distance of the Central Shopping Area and close to a range of public transport options. Built to modern standards it will be energy efficient, and in order to comply with the requirement for 10% of predicted energy needs to be provided from decentralised and renewable or low carbon energy, roof mounted photovoltaic (PV) panels are proposed on each block.

A green roof is proposed on the cycle store, located within the courtyard to the rear of block B. Green roofs are encouraged by Core Strategy Policy CS64 as they can help to attenuate surface water run-off and improve biodiversity. While the green roof is small in comparison the scale of the overall development, its inclusion is welcomed. Further biodiversity improvements are expected as part of the works to naturalise the Porter Brook.

A condition is proposed to secure the proposed decentralised and renewable or low carbon energy and, generally, many aspects of the proposed development will contribute towards achieving a sustainable development if this application is approved. However, the failure of the scheme to sufficiently protect and enhance the historic environment remains a concern.

Residential Amenity Considerations

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) states that new development and changes of use will be permitted provided that they do not cause residents to suffer from unacceptable living conditions.

The courtyard to the north of block B separates the development from the rear of City Walk and the grade II listed Sylvester Works, both of which front Sylvester Street and are in residential use. The courtyard is a little under 17 metres wide, a separation distance which falls short of the standard 21 metre privacy distance but which is not unusual in urban settings such as this where residents do not expect the same levels of privacy.

Similarly restricted relationships are created across the existing access road from Sylvester Street where block C sits a minimum of 9 metres from habitable room windows in the east facing elevation of Sylvester Works and, to the east, where block C sits approximately 8.5 metres from a small number of west facing windows on the adjacent development (not yet constructed). However, these instances affect a relatively small number of properties, in some cases the properties are separated by highway and, as previously described, reduced levels of privacy are not unusual in urban areas, particularly where it is desirable in character terms to bring development up to the back edge of the footway. In privacy terms, therefore, the proposals are generally considered to be acceptable.

That said, the proposals introduce 7 storeys (including a generous ground floor) 17 metres to the south of existing habitable room windows in City Walk and, to a lesser extent, Sylvester Works. While existing residents do not have a right to a view across the adjoining land, they will experience some loss of light given that blocks B and C (which reaches 14 storeys in height) are orientated to the south and west of the existing buildings. Again, in urban setting, this is not uncommon and the loss of light may not be significant, however the impact of the development on the amenities of neighbouring residents should be acknowledged.

The submitted acoustic report indicates that the dominant noise source in the vicinity of the application site is traffic on Sylvester Street, St. Mary's Road and in the neighbouring Decathlon car park. However, the report concludes that an acceptable living environment can be provided for future residents subject to the installation of a scheme of sound attenuation, details of which are reserved by condition.

Similarly, the proposed range of commercial units is unlikely to have a harmful impact on the amenities of existing and proposed residents subject to appropriate hours of use and controls on the playing of live music and amplified sound.

Noise modelling predictions have shown that the roof terrace located at the seventh floor of Block A would be exposed to daytime and night-time noise levels which are marginally above the external noise levels recommended by the World Health Organisation. The borderline breach is not unexpected, given the site's urban setting and proximity to the ring road, and is not necessarily a significant concern. However, the acoustic report makes reference to a more detailed

assessment of external noise levels in outdoor spaces being undertaken during the detailed design phase.

Landscape and Relationship to the Porter Brook

The proposed development is set back from the Porter Brook to form a riverside walk which, it is expected, will be constructed to adoptable standards and will link with adjoining developments to provide a new pedestrian route, for residents, workers and visitors, the length of the CIQ in accordance with the aims of Core Strategy Policy CS48 (Open Space and Riversides in the City Centre).

Semi-private and public spaces, including an urban garden and river viewing platform, will be provided along the walk. The applicant has also agreed to undertake naturalisation works to the Porter Brook, which will contribute to reducing flood risk as well as enhance bio-diversity and the natural environment.

In addition to the river walk, two north south pedestrian routes are proposed, one between blocks A and B and one between blocks B and C. It is expected that all public routes will be finished in good quality materials and all will be fully accessible.

The riverside walk and associated public amenity spaces addressing the Porter Brook are considered to be positive aspects of this scheme while works to naturalise the river channel would enhance the amenity value of these space, as well as the ecological value of the river corridor. Detailed hard and soft landscaping will be reserved by condition.

Highways

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) expects new development to be adequately served by transport facilities, provide safe access to the highway network and appropriate levels of off-street car parking, while the City Council's Car Parking Guidelines, which are to be interpreted as maximum standards, states that in the city centre up to one space per dwelling is appropriate.

The Guidelines also note that the provision of car parking is important to many developments for operational and commercial reasons, but that the over provision of car parking can be wasteful of expensive land, encourage unnecessary car use and does not always look attractive.

The proposed development incorporates a courtyard with 10 parking spaces (including 4 accessible parking spaces) as well as cycle storage for 140 bikes. The courtyard is accessed from Sylvester Street and is sufficiently large to allow servicing – the submitted drawings show that a refuse vehicle can reverse into the site to enable bin collections to be undertaken off the public highway and that fire tenders will be able to enter and exit the site in a forward gear.

The very low level of parking provision, which is for operational purposes only, means that the development will remain car free and the applicant will be required by condition to ensure that future occupiers are aware that they will not be eligible for

resident parking permits within the designated Permit Parking Zone. However, as on street parking adjacent the site is controlled by parking restrictions and pay and display parking spaces, it is considered very unlikely that any demand for parking space by residents will be displaced onto the local highway network.

Occupants of the proposed development would be within easy walking distance of a range of facilities and public transport options and pedestrian connections will be improved with the incorporation of a further section of riverside walk along the Porter Brook.

The site is currently occupied by a pay and display car park with over 200 spaces and so, while the development will generate trips such as taxis, home deliveries, servicing and refuse collections, vehicle movements to and around the site will be significantly reduced. The impact of the development on the local highway network will be negligible

No alterations are proposed to the layout of the adjoining highway, however the resurfacing of all adjoining footways will be reserved by condition. There is an unused section of adopted highway (a stub of Sylvester Street heading southwards into the site) which will require Stopping Up under Section 247 of the Town and Country Planning Act.

Flood Risk and Drainage

The Porter Brook runs along the southern boundary of the application site, which lies in flood zone 2 and has between a 1 in 100 and 1 in 1000 annual probability of flooding (i.e. Medium Probability).

In accordance with current National Planning Practice Guidance, residential uses are defined as 'more vulnerable' uses, which are acceptable in flood zone 2 subject to a robust Flood Risk Assessment (FRA) and the passing of the sequential test.

The aim of the sequential test is to steer development towards areas with the lowest probability of flooding, in this case flood zone 1. However, it is clear that there are no sites that are large enough and available to accommodate the proposal within the search area i.e within the Cultural Industries Quarter (CIQ). Furthermore, the FRA confirms that the site has not been affected by flooding during the main flood incidents recorded in 1973, 1991 and 2007. The proposals are therefore considered to pass the sequential test.

The Environment Agency (EA) welcomed the applicant's proposals to enhance the Porter Brook by providing landscaped amenity areas and a riverside walkway as part of this development, though they queried whether there was an opportunity to enhance this even further and to comply with the Council's aspirations to de-culvert the Porter Brook. The applicant has since confirmed that further de-culverting is not possible due to structural reasons.

Land Contamination

The application site has been the subject of past industrial activity which poses a

medium risk of pollution to controlled waters and human health, in this instance that risk comes in the form of free product (oil) floating on ground water.

The outline remediation strategy provides some detail in respect of possible remedial measures but makes clear that further details will be provided in a detailed strategy, to be reserved by condition. The Environmental Protection Service is satisfied that, subject to agreed remedial measures, the risks to controlled waters and human health can be adequately mitigated.

Archaeology

The application site has already been evaluated by trial trenching (11 trial pits were excavated in December 2017) and more recently the applicant commissioned archaeological consultants to monitor a phase of geotechnical investigations. This work has confirmed that archaeological evidence from the industrial development of this site – throughout the early 19th century the site was occupied by a grinding workshop (Ward's Wheel), coal yard, saw mills, surgical instrument makers and cutlery workshops – is preserved on the western part of the site and so will need to be considered in relation to the impact of any permitted scheme. The eastern part of the site has poor archaeological preservation of archaeological evidence and further work is not recommended here.

The South Yorkshire Archaeological Service agree with these recommendations and so a condition is proposed to secure further investigation and formal recording of below-ground archaeology ahead of any redevelopment works.

Affordable Housing

The NPPF (revised in July this year) states that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes provided for affordable housing to be available for affordable home ownership. It goes on to say that Build to Rent schemes are exempt from the particular 10% affordable home ownership requirements because affordable housing should be provided, by default, in the form of affordable private rent housing.

Core Strategy policy CS27 (f) (Housing in the City Centre) supports further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, as part of a mix of uses in the CIQ, while policy CS40 sets out the Council's specific policy approach to the provision of affordable housing, together with the Supplementary Planning Document on CIL and Planning Obligations. The application site falls in an area of the city centre where there is a requirement to provide 10% of the units as affordable housing, subject to a viability assessment.

Against this policy context, the National Planning Policy Guidance (PPG) on Viability, which was revised at the same time as the NPPF, confirms that the normal affordable housing provision for Build to Rent schemes should be the provision of units for affordable private rent but suggests, for individual schemes, that developers may propose alternatives to the policy, such as variations to the discount and proportions of affordable private rent units across a development. It also suggests

that a comparison of Build to Rent and Build for Sale schemes may improve viability testing and help negotiate adjustments to the affordable private rent contribution.

Government guidance was firmed up in the new Build to Rent PPG (published on 13 September), which advises that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any Build to Rent scheme and that affordable rents should be at least 20% less than the private market rent. It explains that, as a general rule, the government expects developers to meet their affordable housing requirement by providing affordable private rent homes, but if agreement is reached between a developer and a local planning authority, the requirement can be met by other routes, such as a commuted payment.

At the time the planning application was submitted, the applicant considered that they could not meet the full affordable housing contribution (of 10%), triggering the need for a viability assessment. The assessment generated some debate on detailed matters including:

- The Benchmark Land Value (BLV)
The applicant applied the price paid for the land as the BLV however the correct approach (as determined by case law) is to apply the Existing Use Value Plus (EUV Plus) valuation method, which takes as its starting point the value of the land with its existing use, plus an uplift to reflect the need to incentivise the landowner to sell, i.e. the amount above existing use value (EUV) that goes to the landowner.

Use of the EUV Plus approach is also recommended in the revised National Planning Practice Guidance (July 2018). The NPPG emphasises that the premium or 'Plus' should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.

- Marketing and letting costs
- Debit rates
- Profit allowance
- Purchasers costs (the hypothetical agent's fees, sales fees and most significantly the stamp duty applied to selling on the development post construction)
- Build costs

Following a meeting, and compromise on both sides, the Council's consultant concluded that an affordable housing contribution in the region of £375,000 could be made.

Discussions continued, with further concessions from the applicant relating to valuation and legal costs, yield (the interest or dividend earned on debt or equity) and marketing and letting costs, however they remained concerned about the figures for build costs, arguing that the required quality of development could not be achieved for the applied figure of £147.99 per sq ft, against their appraisal figure of

£154 per sq ft, and they requested that the consultant undertake a sensitivity analysis exercise.

Two scenarios were considered in this exercise: Scenario 1 applied a build cost of £148 per sq ft (the median BCIS rate in July), while scenario 2 applied a build cost of £149 per sq ft (the figure used in the applicant's own viability assessment, minus abnormalities which are accounted for elsewhere in the calculations).

It is worth noting that the median BCIS rate fell again in August to circa £146 per sq ft, but at the time it was felt that this was likely to be a short term trend and so this lower figure was not included in the testing.

The sensitivity testing indicated that an affordable housing contribution in the range of £51,265 to £322,235 could be provided.

The applicant's initial response to the sensitivity testing was to confirm that they were not prepared to make any payment towards affordable housing. They then provided two detailed cost plans from potential local contractors by way of supporting evidence of their build costs. However the submitted cost plans were very basic, devoid of supporting evidence and comprised of quotes, not fixed prices. They also appeared to include some double-counting (of elements allowed for elsewhere in the appraisal). Shortly after, the applicant proposed an affordable housing contribution of £51,265, at the lowest end of the range that followed sensitivity testing and one which equates to a 0.18% contribution, significantly short of the 10% policy requirement.

Build to Rent involves the construction of dwellings specifically for the rental market, a model of accommodation relatively new to Sheffield and one which generally provides its investors with a stable long term income stream and gives tenants high quality accommodation and reliable management. But the benefits of build to rent – high quality accommodation, long term lets, a range of communal facilities and on-site management – can come at a premium, and the new private rental communities are often, on average, more expensive than rental properties nearby. The accommodation within this development is therefore unlikely to be considered affordable (as described in the NPPF Glossary – 'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)').

Given the very recent clear steer from government – that the affordable housing provision in Build to Rent schemes should be the provision of units for affordable private rent – the applicant was asked whether they would consider providing some affordable units for rent. They explained that their Build to Rent model does not offer any discounted market rent and that their existing schemes, which operate successfully across the country, market themselves on being single tenure, market level rent with a single point of entry that is genuinely affordable to 60% of the working population of the city. They also state that the discounted rental model is largely untested outside of London and that the risks associated with it, combined with the limited ability of the scheme to support any form of 'affordable' provision, make the provision of on-site discounted market units untenable.

The applicant then confirmed their affordable housing offer of £51,265, claiming that the sensitivity testing that concluded a contribution between £51,265 and £322,235 could be provided was incorrect in relation to a number of points, including:

- **Build Costs**
They stated that the RICS Build Costs indicate an upward trend only, with no decreases reported in recent years.

- **Marketing costs**
They claimed that these have been under-estimated based on an onward sale cost being applied rather than a figure that reflects the ongoing letting costs of the Build to Rent model.

- **Land Value**
They stated that the figure applied in the appraisal is only 55% of the actual land value paid for the site.

In response to the applicant's comments on build costs, it is acknowledged that the general trend as calculated by RICS indicates that build costs are rising. However, the analysis of general trends covers all types of construction (i.e. residential, commercial, public and infrastructure projects). The viability assessments undertaken by the Council's consultant used more accurate BCIS build costs, which relate specifically to the construction of multi-storey apartment blocks in Sheffield, which fell from £147.99 per sq ft in July to £145.85 per sq ft in August. These same specific figures for apartments, rebased to Sheffield, were used by the applicant in their initial appraisal. However, recognising that the BCIS figures can be subject to short term fluctuations, the sensitivity testing applied a range of £148 to £149 per sq ft.

In relation to marketing costs, the viability assessment allowed a charge of 26% of the gross rent to cover the operator's management costs. Based on their knowledge of other Build to Rent schemes this 26% included marketing costs. In their assessment the applicant applied 26% of the gross rent as a management charge plus an additional 10% allowance for letting fees.

In relation to land value, the NPPF and PPG make absolutely clear that the price paid for land is irrelevant when considering viability.

It is clear that we have reached a position where neither side is likely to fully agree all of the appraisal inputs, and the applicant is not willing to improve on their offer of £51,265 towards affordable housing. However, there are other issues that need to be considered in relation to the provision of Build to Rent accommodation.

The new Build to Rent NPPG discusses what happens if homes within a Build to Rent scheme are sold off into separate ownership. It clearly expects Build to Rent schemes, and the benefits thereof, to remain within the rental sector but accepts that there may be circumstances where a developer needs to sell all or part of a scheme. To allow for such cases it advises local planning authorities to consider a covenant period for the retention of private market rent homes in that tenure and

potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period’.

There is little advice on the length of an appropriate covenant period, but Build to Rent is seen as a viable alternative to home ownership for an increasing number of relatively affluent young people wanting to live in cities and benefit from a range of amenities, and long term tenancies are seen as one of the benefits of Build to Rent. In light of this, in its draft Supplementary Planning Guidance (SPG) on affordable housing and viability, the Greater London Authority (GLA) recommends that Build to Rent homes have minimum three-year tenancies, to be held under a covenant for at least 15 years. A covenant period of 15 years is considered to be reasonable, given that short term sales would cancel out many of the advantages of Build to Rent, but it would not prevent a secondary buyer’s market from developing over the longer term. Moreover, the Build to Rent PPG states that ‘in granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent).’

Where affordable private rent homes are converted to another tenure, the NPPG provides a formula that may be used to calculate the amount of clawback payable. This is not required in this case as no affordable private rent is being provided on site, however the PPG also sets out that it is for local authorities to decide how to structure any clawback arrangements for the sale of private market rent homes in the covenant period. The NPPG suggests that it could be calculated by reference to viability at the time of the original application, **or** viability when the scheme is sold and again makes reference to the value of two sets of figures, one based on Build to Rent and one on Build for Sale. In any case, the NPPG is clear that ‘the sale of homes from a build to rent development should not result in the loss of affordable housing without alternative provision being made.’

Therefore, while the viability assessment undertaken on this application concluded that an affordable housing contribution in the range of £51,265 to £322,235 could be provided now, if permission is granted it is considered that a further assessment should be undertaken in the event that all or part of the build to rent scheme is sold within a recommended 15 year covenant period, to determine the level (if any) of alternative affordable housing provision. This could again take the form of an additional commuted sum.

CIL

The site lies within an area of the city centre where CIL is charged at £30 per square metre.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a 5 to 14 storey Built to Rent scheme in the CIQ Conservation Area with 335 residential units, ancillary communal facilities, ground floor commercial space (A1, A2, A3, A4, A5 and B1 uses) and

landscape improvements including the continuation of the riverside walk along the Porter Brook.

As described above, there are concerns that the main body of the development is bulky and will appear overly large in comparison with neighbouring buildings along Mary Street and in longer views in and out of the conservation area. As a consequence, it is considered that the development will cause less than substantial harm to the character and appearance, and thereby the significance of the CIQ Conservation Area. Where development leads to less than substantial harm, the NPPF requires that harm to be weighed against the public benefits of the scheme.

The NPPF reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing. Housing is considered to be an acceptable use of the application site, a site which has been vacant for 10 years and could itself be considered to cause significant harm to the character and appearance of the conservation area, and as we are currently unable to demonstrate a 5 year supply of housing, this weighs in favour of the development of this site for residential purposes.

The proposed development is suitably laid out and the quality of the architecture is good, moreover the Build to Rent tenure will help to meet the city's housing needs and establish a mixed residential community in the CIQ by offering relatively high numbers of good quality homes for rent, as well as other benefits including jobs and improvements to the Porter Brook. The wider city centre only has an embryonic Build to Rent sector and this proposal has the potential to help establish and stimulate that market. Moreover, an increased, permanent resident population in the city centre will have consequential benefits in terms of footfall and business confidence, in a manner greater than is afforded by (for example) student accommodation.

These are the public benefits that could be considered to outweigh the less than substantial harm caused by the scale of development.

The application site falls in an area of the city centre where there is a requirement to provide 10% of the units as affordable housing, subject to a viability assessment. It is clear that, in the context of recent amendments to the NPPF and PPG, the applicant is exempt from providing 10% affordable home ownership, but that the government expects developers to meet their affordable housing requirement by providing affordable homes for rent.

The applicant has confirmed that they will not be providing any affordable units for rent. A one off financial contribution is an alternative and, following sensitivity testing which indicated that an affordable housing contribution in the range of £51,265 to £322,235 could be provided, the applicant has offered a £51,265 contribution (0.18%) towards affordable housing. This is obviously on the lowest side of the range. The applicant still contends, however, that their assessment of the scheme's viability suggests that a 0% contribution is justified.

Finally, Build to Rent schemes do offer additional benefits in the form of longer tenancies, which the PPG states will provide longer term security and stability for people wishing to settle down within a community, and if these benefits can be

secured by condition, and the applicant agrees that they be held under covenant for a minimum of 15 years – with a suitable clawback arrangement likely to involve a re-running of the viability assessment at a point of sale within the covenant period to determine whether a further affordable housing contribution can be provided – it is considered that the benefits the scheme would, on balance, outweigh the negative aspects, which are the less than substantial harm to the character and appearance, and thereby the significance of the CIQ Conservation Area as well as the low contribution towards affordable housing (of £51,265). On this basis it is recommended that Members grant consent subject to the proposed conditions and the completion of a legal agreement to secure the following Heads of Terms.

It is also recommended that Members grant delegated powers to the Head of Planning/Chief Planning Officer to agree further conditions/heads of terms; amend conditions; and deal with any other minor non-material amendments arising from the proposals provided they do not result in significant planning impacts.

HEADS OF TERMS

1. To pay a financial contribution of £51,265 to the Council towards affordable housing.
2. Covenant to secure the option of 3 year tenancies and the provision of all of the private market rental units for a minimum of 15 years.
3. Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.

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Case Number	18/00266/FUL (Formerly PP-06674993)
Application Type	Full Planning Application
Proposal	Continued use of the site as a car sales forecourt, retention of portable sales building and siting of 4 floodlights
Location	Express Hand Car Wash 270 Handsworth Road Sheffield S13 9BX
Date Received	17/01/2018
Team	City Centre and East
Applicant/Agent	Ravent Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The use hereby approved shall cease on or before 2 years from the date of this decision notice.

Reason: In order to define the permission.

Approved/Refused Plan(s)

2. The use must be operated in complete accordance with the following approved documents:

- Location Plan, scale 1:1250
- Site Layout Plan Rev A, emailed 03.09.2018
- Photo images showing floodlighting

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)

3. Within 2 months of the date of this decision, a boundary fence shall be erected, in accordance with the approved photograph submitted 06.04.2018, along the south-east boundary of the site for a length of 30 metres, from behind an existing car wash facility to the rear boundary of the site and thereafter such boundary fence shall be retained.

Reason: In order to properly contain the site in the interests of the amenities of the locality and occupiers of adjoining property.

4. Within 1 month of the date of this decision the site layout shall be amended in accordance with the amended layout plan Rev A emailed 03.09.2018. This shall include the marking out of 5 customer parking bays and hatch painting of the 6 metre x 35 metre 'running lane' such that it is kept permanently clear of parked vehicles thereafter.

Reason: In order to ensure that there is adequate manouevring and customer parking space on site, in the interests of highway safety.

Other Compliance Conditions

5. The use hereby approved shall only operate between 0800 hours and 1800 hours, Mondays to Saturdays and shall not operate on Sundays or Public Holidays.

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

6. All plant and equipment for the purposes of valeting shall not operate within 15 metres of the rear (south-west) boundary of the site.

Reason: In the interests of occupiers of adjoining properties.

7. Within 1 month of the date of this decision the existing Public Address (PA) tannoy system shall be removed from the premises. At no time thereafter shall a Public Address (PA) tannoy system be operated on this site.

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

8. No other plant or equipment, with the exception of a vacuum cleaner, shall be operated for the purposes of valeting on site, unless full details have been submitted to and approved in writing by the Local Planning Authority and thereafter only such approved plant or equipment shall be used on the site.

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

9. No amplified music shall be played at any time within the site.

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

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 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.

Site Location



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LOCATION AND PROPOSAL

The application site relates to an existing temporary car sales business, which is located on the west side of Handsworth Road. The business has been operating for a number of years and benefited from a temporary (2 years) planning permission (refer 11/01300/CHU) which expired 1st July 2013. The site was vacant at that time but appears to have been re-occupied at some point in 2015 without planning permission being in place.

The original site comprises of a plot measuring 49 metres deep x 22 metres wide, the majority of which is utilised for the display of motor vehicles, but does include a small portable sales building. There is an existing access from Handsworth Road. The rear boundary of the site is marked by a timber fence approx. 1.8 metres high with a limited extent of shrub planting.

The site is bounded by a carpet warehouse to the north which has recently had a boundary wall constructed along the common boundary, a hand car wash business to the south-east, a vacant plot of land to the south, and residential properties to the rear (west) boundary.

This application seeks to continue using the land as a car sales forecourt and to retain a portable building positioned towards the rear of the site.

RELEVANT PLANNING HISTORY

16/04353/FUL – Continuation of use of land as a car sales forecourt, use of part of site for open storage and relocation of cabin – Withdrawn – 18.01.2017.

11/01300/CHU – Continuation of use of existing car park as a car sales forecourt – Granted Conditionally – 16.06.2011. Temporary 2 year consent issued – expired 01.07.2013.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, 8 letters from 4 local residents have been received, together with representations from Councillor Rooney in support of an objector's comments. The Issues raised are summarised below:

- The occupants do not operate in a manner in keeping with the surrounding area.
- The business operates at all hours causing disturbance.
- Noise from people shouting, car engines, car wash equipment and revving of cars.
- A PA system is used at all hours and plays music, which is audible within residential properties during the evening.
- Light pollution from floodlights.
- Frequently burning waste at all hours of the day, causing pollution.
- The site appearance is very untidy; an eyesore.
- Trees have been chopped down and debris and other waste dumped on the site which is visible from residential properties, and will attract vermin.
- The use of the site seems to be extended onto other parts of the site. (NB: This application relates to development within the red line boundary only).
- The business constantly parks cars on the highway which results in pedestrians not being able to cross Handsworth Road safely.
- The business operates in a way that means residents are not able to live peacefully and enjoy their property.
- Overgrowth is a mess and constantly grows through and over the boundary fence.

- Overlooking from people on the site looking into residential property at the rear.
- Parking of cars for sale on the highway prevents spaces being used by visitors and is illegal.
- There is a caravan on site with someone living in it. (NB - The caravan has since been removed).

PLANNING ASSESSMENT

In assessing this application, the main issues to consider are land use policy, visual amenity, effect on residential amenity and highway safety considerations.

Land Use Policy

National Planning Policy Framework

The NPPF expresses a presumption in favour of sustainable development and suggests that development proposals which accord with an up to date development plan should be approved. Where policies are out of date planning permission should be granted unless the application of NPPF policies provides a clear reason for refusal or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The site lies within a designated Business Area, as defined in the Unitary Development Plan. UDP Policy IB7 permits a variety of uses within such areas, but in this case, a car sales use is defined as a 'Sui Generis Use' and therefore should be considered on its own merits, although it is clearly a commercial business use. The site has been previously used for such purposes for a number of years and the last planning permission was granted on a temporary basis of two years. The temporary consent was issued on the basis that there were long-term aspirations for comprehensively developing the site and adjacent land.

UDP Policy IB9 permits changes of use subject to not leading to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. Utilising the land for car sales does not affect the percentage of preferred uses in the area. The site was used as a car park in the past, which is not a preferred use and the continued but temporary use of land for car sales will not prejudice the dominance of preferred uses in the area.

On this basis, the continued use of the site for the purpose of car sales for a temporary period is considered acceptable in principle in land use terms, in compliance with land use policy.

Visual Amenity

UDP Policy IB9 (Conditions on Development in Industry and Business Areas) states that new development should be well designed and be of a scale and nature appropriate to the site.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. Core Strategy Policy CS74 states that high quality development will be expected.

The only built form on the site involves the fact that an existing portable building has been removed and replaced by a new, larger portable building, which has been positioned towards the rear part of the site. The design of the building is fairly typical, comprising a single-storey, flat roofed, rectangular shaped, clad structure with a door and window in the main façade. The design is utilitarian in appearance and whilst it does not serve to enhance the visual appearance of the site, neither is it considered to be visually obtrusive. The building is appropriately sited and of a scale which is acceptable. As it is set well back within the site, it does not appear as a visually dominant feature in the street scene.

The remainder of the site is occupied by cars displayed for sale. The site does appear cramped and disorderly, but this will be partially addressed by the proposed revised layout which needs to be implemented, to facilitate the movement of vehicles within the site. This will result in an overall reduction in the number of vehicles displayed.

Immediately adjacent to the site, to the south-east, is a plot of land which has been cleared and been the subject of a number of complaints from occupiers of neighbouring residential properties. The plot of land does not form part of this application site, although it is acknowledged that it has recently been partially used as an unauthorised overspill for the application site owing to works being completed along the boundary of no. 264 Handsworth Road (carpet warehouse premises), which has necessitated the need to move cars away from the boundary. To contain the site and prevent future spread into this area, it is proposed that a fence be constructed along the length of the south-east boundary from behind an existing car wash facility (no. 270 Handsworth Road). A condition is recommended, requiring the fence to be erected within 2 months should planning permission be granted.

It is acknowledged that the appearance of the site, in its current form, is not particularly attractive and this is why only temporary consent has been granted in the past in order that a more comprehensive form of built development on this strategic route is encouraged in the future. Given the temporary nature of the use and the fact that the site was previously a surface car park it would be difficult to resist the proposal on design grounds. The new sales building is an improvement on the previous one and is appropriately positioned within the site. The site is located within a commercial setting and has a relatively small frontage such that it is not prominent in the street scene. It is on this basis that the proposed development is considered acceptable in visual amenity terms, in compliance with the listed policies.

Amenity Issues

UDP Policy IB9 permits new development or changes of use provided that it will not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The site is set within a predominantly commercial environment, however, there are residential properties at the rear of the site (Parsley Hay Gardens), of which, a number of objections and concerns have been raised by its residents.

The proposal seeks to continue using the site for the sale and display of cars. The existing use generates some noise, owing to customers visiting the premises and the movement of vehicles, when required. This type of noise generated during a typical working day should not be significant and should not give rise to serious noise nuisance, given the existing background noise levels which are dominated by traffic noise.

Noise

A replacement sales office building has been erected towards the rear of the site. The building is occupied by employees and there are visiting members of the public entering and leaving the building. There is inevitably some noise and activity generated by the use of the building. It is considered that the use of this small ancillary building should not result in significant noise and disturbance to the extent that it would have an adverse impact on occupiers of adjacent residential properties positioned to the south-west, at the rear of the site. The building is set 7 metres away from the rear boundary where there is a timber fence and shrubs along its extent. The general activity within the site occurs forward of the building and should not result in unacceptable noise disturbance. There are some cars parked to the rear of the sales building, however it is not considered that this is likely to generate significant noise and activity as a result of customers viewing these particular cars.

Concerns have been expressed about a PA system which currently operates within the site. Objections have been received stating that the PA system is particularly loud and has been used at all times of day, including late into the evening. Initially, it was suggested that its use was for security purposes but this does not appear to have been the case in practice. The matter has been discussed with the landowner and it has been confirmed that it will no longer be used. A condition is recommended, requiring the system to be removed and to confirm that no PA system will be permitted in the future as this is considered to be an unacceptable noise intrusion on adjacent residential properties.

As part of the general operation of the site, there is some valeting of vehicles required. This involves the use of a vacuum cleaner. Whilst the noise generated is notable, it is not considered to be excessive. The background noise levels are high. However, if a Hoover is being used for a protracted length of time and in close proximity to residential properties, it can become a noise nuisance. To ensure that noise levels are not elevated to such a degree that residents of properties positioned to the west (Parsley Hay Gardens) are adversely affected, a condition will be imposed requiring no valeting of vehicles within 15 metres of the rear boundary of the site. This is considered to be a reasonable and pragmatic approach to dealing with this matter.

Hours of Use

The previous planning permission allowed the car sales business to operate between 0900 hours and 1800 hours, Mondays to Saturdays, with no Sunday opening. Letters of objection have raised concerns about the hours of opening and frequently commented that the use has operated beyond these times and throughout the weekend. It is acknowledged that the site lies within a commercial environment, however, given the close proximity of residential properties, late night opening and Sunday opening is not considered acceptable. No enforcement action has been taken to date, owing to the fact that a planning application had been submitted and is being considered.

Nevertheless, in light of the concerns raised above, it is considered that a temporary 2 years consent would be appropriate, permitting the site to operate between the hours of 0900 and 1800 hours, Mondays to Saturdays, with no Sunday or Public Holiday operation. Such hours of use are considered to be appropriate for a commercial environment and strike the right balance between the needs of the business and the amenity of the adjacent residential properties. The site would need to be monitored and enforcement action taken against any breach of the planning conditions.

Floodlighting

Objections have been received in respect of floodlighting on the site, which have resulted in light spillage onto neighbouring residential properties. The said lights have since been removed and 4 replacement lights have been installed. Two lights have been positioned on the front section of the roof of the sales office building. The lights are orientated such that they illuminate the forecourt in front of the sales building only. Two additional lights have been placed on the side gable wall of a building which forms part of the existing car wash facility (no. 270) which is positioned towards the front half of the site. The revised lighting is considered acceptable and no light spillage occurs beyond the site. Occupiers of adjacent sites will not be adversely affected.

Highway Issues

UDP Policy IB9 states that a site should be adequately served by transport facilities and should provide safe access to the highway network and appropriate off-street park.

The site is heavily congested with cars displayed for sale. The Highways Officer has raised concerns about the manoeuvring of cars within the site. Of particular concern is that such manoeuvres should be carried out within the site without the need to reverse out of the site or use the adjacent highway. Amended plans have been received which show a 15 metres long x 6 metres wide running strip to be provided within the site, which will provide sufficient space to manoeuvre vehicles for sale and adequate space for customer parking.

The existing means of vehicular access will be retained and will meet the requirements of the premises.

Additional issues raised by objections relate to the parking of vehicles on the highway. In particular, it has been suggested that cars for sale have been parked on the highway, with some having not been taxed and tested. This is a matter to be enforced by the Police and the DVLA. Furthermore, it is also relevant to note that it is an offence to park vehicles for sale on the highway under the Clean Neighbourhoods and Environment Act 2005.

RESPONSE TO REPRESENTATIONS

Matters relating to rubbish/vermin, burning of waste, noise late at night are issues which are dealt with by the Environmental Protection Service who have the powers under the Environmental Protection Act 1990 to investigate and take appropriate action. These issues have already been reported to them.

Behaviour of individuals on site – This is not a planning issue. However, the landowner has been advised to speak to the tenant to alert them to the ongoing complaints about this issue. Any behaviour which is considered to be indecent would be dealt with by the Police and should be reported accordingly.

SUMMARY AND RECOMMENDATION

In land use terms, the proposal is considered acceptable in principle in this commercial location.

The appearance and operation of the site will improve once the revised layout is implemented. This is proposed to be secured by condition. Failure to comply with the conditions is liable to result in enforcement action being taken to remedy the breach.

The continued use of the site does not raise significant highways concerns, provided that the amended layout is implemented which retains an access route within the site and which will provide sufficient space for the manoeuvring of vehicles.

There have been considerable objections raised in respect of noise, nuisance and the behaviour of individuals. Whilst the latter is not a planning issue, it is acknowledged that it can adversely impact on the amenities of neighbouring residents and has been raised with the landowner. In terms of the noise and activities taking place on the site, this can be controlled through the effective use of planning conditions. Should there be any breach of conditions, appropriate enforcement action can be taken and any future application seeking a permanent use of the site could well be resisted.

In conclusion, the proposed use of the site as a car sales area is considered to be acceptable subject to the controls described in this report. It is therefore considered to be in accordance with the local plan and the guidance contained in the NPPF. On this basis, the proposal is recommended for approval subject to the listed conditions.

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Case Number	16/01375/FUL (Formerly PP-05029427)
Application Type	Full Planning Application
Proposal	Demolition of buildings, change of use of the land to use as a processing and storage facility for the production and recycling of road aggregate including the erection of buildings, plant and equipment (Use Class B2 & B8 - general industrial and storage and distribution) as amended 7.6.17, 28.2.18, 1.3.18, 20.3.18, 17.5.18 and 26.9.18 (amended description and drawings)
Location	Quarry Motors The Yard Rutland Street Sheffield S3 9PA
Date Received	11/04/2016
Team	West and North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

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:

Drawing nos.

A16-105-02 Rev X Existing Site Plan;
received on 11.4.16.

017-011-001 Rev F Proposed Site Plan;
017-011-002 Rev B Site Location Plan;

017-011-003 Rev D GA Plan;
017-011-004 Rev D Proposed North East and North West Elevations;
017-011-005 Rev A Proposed South East and South West Elevations;
all received on 7.6.17.

YK5025-100-001 Rev B Swept Path Analysis Tipper
YK5025-100-002 Rev B Swept Path Analysis Large Tipper
YK5025-100-003 Rev B Extent Of Drop Kerb Widening
all received on 26.9.18

Reason: In order to define the permission.

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

3. 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 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.

4. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

Reason: In the interests of 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.

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

8. Before the development is brought into use, full details of the construction and geometry of the alterations to the vehicular accesses to the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved alterations to the accesses shall be carried out before the use hereby approved is commenced and shall thereafter be retained.

Reason: In the interests of highway safety.

9. Prior to the commencement of roadstone processing and recycling activities hereby permitted, a scheme of noise mitigation and control measures based on the recommendations of Local Planning Authority approved 'Noise Impact Assessment', ref. 11903.01.v3 (Feb 2018) and designed to protect the local amenity at the positions of established and prospective sensitive uses shall have been implemented and shall thereafter be retained. A 'Post-Completion Noise Report' shall have been submitted to and approved in writing by the Local Planning Authority, within one month of normal process operations

commencing. The 'Post-Completion Noise Report' report shall be based on the recommendations of the Local Planning Authority approved 'Noise Impact Assessment, ref. 11903.01.v3 and shall include;

(i) Full details of the physical and operational measures employed to mitigate noise emissions from plant, processes, deliveries and despatch activities.

(ii) Post-completion verification testing of noise emissions, in accordance with an approved method statement.

Verification testing shall be designed to demonstrate that 'rating' noise level from the permitted activities does not exceed the established LA90 background noise level at assessment positions R1 and R2. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works undertaken, a further scheme of sound attenuation works capable of achieving the specified noise levels and based on the recommendations of approved Noise Impact Assessment shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority within three months of the use commencing.

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

10. Prior to the commencement of roadstone processing and recycling activities hereby permitted, details of an Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. All operations shall thereafter be undertaken in accordance with the approved procedures, which shall include the delegation of responsibilities for tasks and checks designed to monitor and control fugitive environmental emissions including; noise, dust, fumes and odours.

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

11. Details of all proposed external finishes, including colour, of the structures, plant and equipment hereby approved shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. Before the development is brought into use, details of the proposed means of disposal of surface and foul water drainage, including any balancing works and off-site works, shall have been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the approved drainage works have been fully constructed in accordance with the approved plans.

Reason: To ensure that the development can be properly drained and to protect the public water supply.

13. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development 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.

14. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

16. No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from, the site outside the following times; 0700 hours to 1730 hours Mondays to Fridays and 0800 hours to 1730 hours on Saturdays, nor at any time on Sundays or Public Holidays.

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

17. The selection and specification of any loading shovel or other on-site mobile plant employed on the site shall be for a quieter operating model fitted with broad-band environmental type reversing alarm, in accordance with the

advice provided in the Local Planning Authority approved 'Noise Impact Assessment, ref. 11903.01.v3; Feb 2018.

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

18. The output of road aggregate from the site shall not exceed 15,600 tonnes per annum.

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

19. The existing boundary walls fronting Rutland Street and Woodside Lane shall be retained other than at the points of access to the site.

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

20. Unless otherwise agreed in writing by the Local Planning authority, no external storage of materials, containers, skips or bins shall take place on the site other than in accordance with the locations shown on approved drawing no. 017-011-001Revision F.

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

21. 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.

22. No gates shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

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 to contact the Environment Agency, Lateral 8 City Walk, Leeds, LS11 9AT (tel: 02030 256 648) regarding the requirements of the Environmental Permitting Regulations 2016.
3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

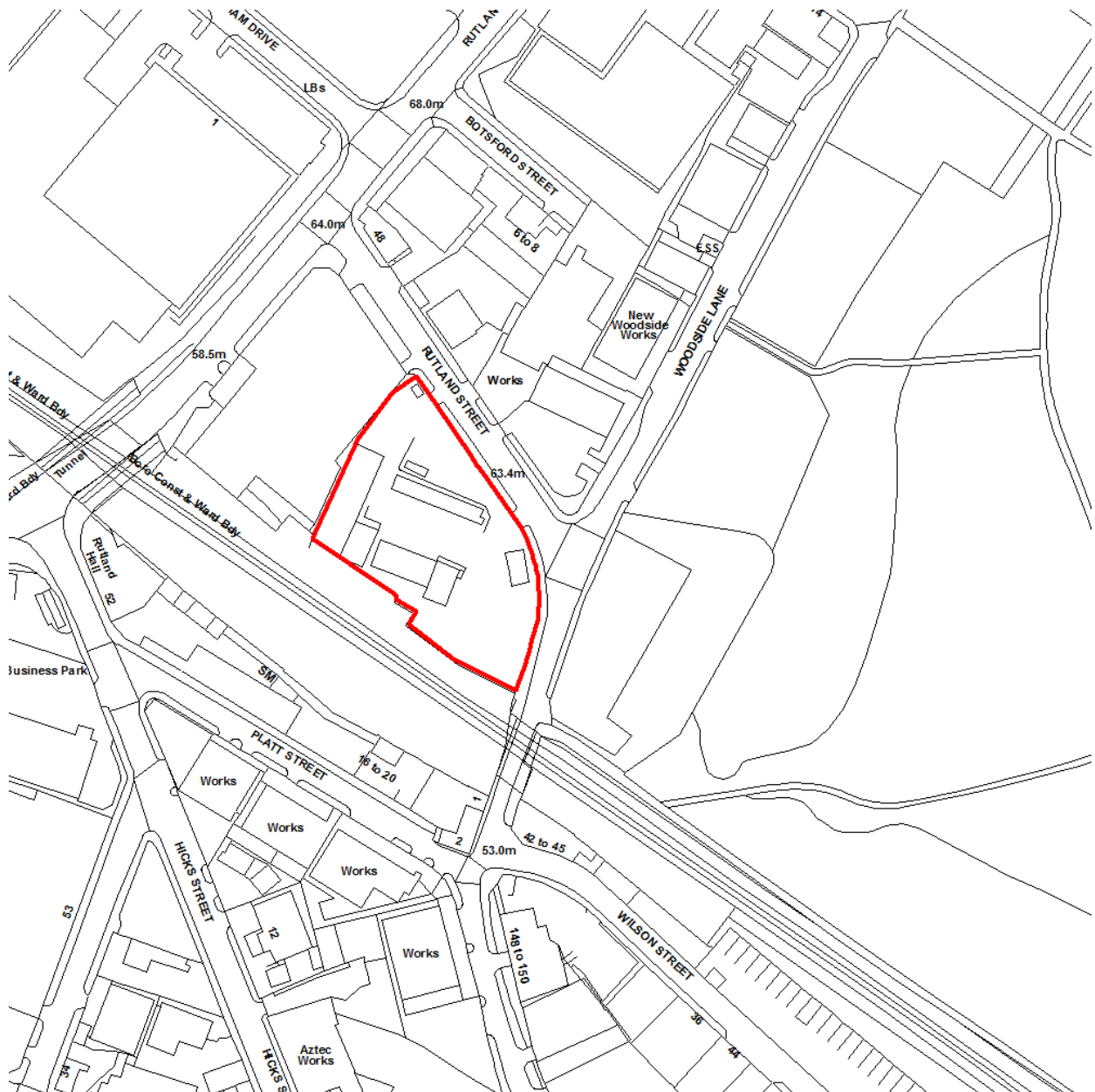
This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

4. The applicant is advised that whilst the proposed access arrangements have been developed with the aim to avoid the need to promote a Traffic Regulation Order, the applicant is advised to contact Mark Simons, Highways Development Control, Sheffield City Council, Howden House, 1 Union Street, Sheffield S1 2HH (0114 273 6950) regarding the requirements for, and the applicant's liability for associated costs of, a small amount of waiting/loading restriction that may be beneficial and in such circumstances.

Site Location



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LOCATION

This site is located on the south side of Rutland Street at its junction with Woodside Lane in a mixed industry and business area off Rutland Road.

The site comprises approximately 0.3 hectares of land and is currently used as a vehicle breakers yard.

The site is bounded by high stone walls to both road frontages with two entrance gates on the Rutland Street frontage.

The existing buildings on the site are generally located on the south and central parts of the site with most of the remainder of the site being used for open storage of vehicles including storage on racks and shipping containers for storing vehicle parts.

Immediately to the west, the site adjoins a large industrial building which fills most of its curtilage. Opposite the site on the north side of Rutland Street are various buildings and yards used for vehicle repair, vehicle spares and vehicle recovery businesses with outside storage of vehicles in their yards.

At the western end of Rutland Street is a public house with living accommodation above.

Opposite the site to the east on Woodside Road is an open yard used for parking and skip storage, beyond which is a belt of trees and the Stanley Fields open space area.

A railway line runs along the southern boundary of the site beyond which is the industry and business area off Neepsend Lane.

PROPOSAL

The proposal seeks full planning permission for the change of use of the land to use as a processing and storage facility for the production and recycling of road aggregate including the erection of buildings, plant and equipment.

Following the original submission of this application, the applicant has provided additional information to clarify the proposal. Details of a building to enclose most of the plant and equipment have been submitted together with details of deliveries/collections, and the tracking of vehicle movements into and out of the site. A noise report and a revision to the hours of operation have also been submitted.

As amended, the proposal seeks to produce both new asphalt and recycled asphalt. The new asphalt would be produced from mixing new aggregates and bitumen. The recycled asphalt would be produced from surplus fresh asphalt that is left over from off-site work. The imported asphalt would be put through a milling machine to breakdown the material after it has cooled and set. This is then put through the tarmac plant with a bitumen rejuvenator additive to produce new asphalt.

The applicant has stated that approximately 300 tonnes of material would be produced weekly on Mondays to Fridays.

The proposal seeks to retain an existing office building on the southwest part of the site, demolish the remaining buildings and erect the main plant and equipment on the southern and central parts of the site.

Proposed building:

- the majority of the processing plant and equipment would be housed within the new building to be sited on the southern part of the site. This building would have a 12.9 metre by 13.4 metre base and would be 10 metres high.
- within the building the plant comprises blender/heaters (to soften the bitumen to bond the aggregates), fans/drying drums (to dry aggregate to ensure efficient bonding), screenings, and compressors.
- this equipment mixes, blends and bonds the product which is then released via a conveyor to the drop hopper.

Proposed plant and equipment:

Outside the processing building on its eastern side there would be:

- a row of supply hoppers (overall 29 metres in length, 2.3 metres wide and 3.7 metres high) and a low level covered conveyor taking the material into the building. These hoppers are fed with aggregate by a loading shovel (mini digger vehicle). The aggregate is then fed via conveyor into the processing equipment housed within the building.

Between the processing building and the southern boundary of the site there would be:

- two cylindrical bitumen storage tanks (each 3 metres diameter and 9 metres high) and a heater (3 metres high).

On the west side of the building there would be:

- two cylindrical bitumen feed tanks (each 2.9 metres in diameter and 14 metres high) with a feed pipe and support structure 15.6 metres high. These feed bitumen into the blenders and processing equipment housed within the building;
- gas scrubbers (5.7 metres by 2.3 metres base and 3.9 metres high) which take the air produced within the processing equipment and scrub to remove any noxious and inappropriate particulates before releasing the gases into the air via the chimney;
- a chimney and extract fan (0.5 metres diameter and 10 metres high);
- a control room building (4 metres by 2.2 metre base and 3 metres high).

On the north side of the building:

- an enclosed conveyor extending out from the building by 18 metres and rising up to 13.8 metres high would take the resultant product up to a finished product hopper above the collection point from where it would be discharged into the lorries collecting the final product. The hoppers and their supporting framework would be 4.4 metres wide as viewed from Rutland Street.

On the eastern side of the site:

- three aggregate storage bays.

The existing boundary walls and vehicle accesses would be retained with the eastern most access being used for ingress, and the westernmost access being for ingress and egress.

Following the submission of the noise report the applicant has stated that the proposal would operate between 0700 and 1730 hours. The applicant has clarified that there would be no operating on Sundays or Bank Holidays, and that there may

be the occasional Saturday but that this is not the main day for undertaking the operation. There would be 5 full time employees.

The applicant has submitted a Planning Statement, a Transport Statement and a Noise Impact Assessment in support of this application.

RELEVANT PLANNING HISTORY

In 2011 retrospective planning permission was granted for the use of the site as an ELV (end of life vehicles) site (application no. 11/02377/CHU refers). A condition of this planning permission restricts the height of open storage of containers to being no higher than the boundary wall where they are within two metres of the boundary wall and elsewhere on the site to being no higher than 2 metres above the height of the boundary wall.

SUMMARY OF REPRESENTATIONS

This application was publicised in 2016 by site notice and by notification letters to adjacent and nearby occupiers. The amendments to the application in 2018 have been publicised by way of site notice and notification letters to adjacent and nearby occupiers.

3 representations of objection were received to the proposals as originally submitted in 2016, including a representation on behalf of 5 local companies, relating to the following matters:

- the current breakers yard occupiers of the site state that if they are unable to operate their business duties from this site their business will no longer exist, will need 6 to 9 months before they can relocate, loss of 14 jobs, could mean related repairs business would cease trading, imperative find other premises before leaving, given sufficient notice will continue to trade;
- Rutland Road is a busy link road servicing the city centre, Rutland Street is approximately 4 metres wide, vehicles park on both sides of the street to attend existing small businesses, the Foresters public house business relies on customer street parking;
- Existing business are light industrial rather than heavy industrial, all require and rely on vehicular and customer access to and along Rutland Street;
- Applicant's exit and entrance is opposite entrance and exit to existing premises and 5 metres from to junction with Woodside Lane;
- Two way heavy vehicle accesses would necessitate parking restrictions and a one way flow which would have detrimental effect on commercial viability of existing businesses;
- Width of Rutland Street not compatible with cars parked and a two way lorry usage, access for heavy goods vehicles would be impracticable if not impossible;
- Entrance and exit from Rutland Street onto Rutland Road would create traffic flow problems and road/pedestrian safety issues;
- Existing gates may have to be substantially widened which could impact on parking and Woodside Lane junction creating access concerns and hazardous traffic issue;

- No mention of vehicle size or tonnage using Rutland Street;
- Traffic plan within the site not fully considered particularly regarding turning manoeuvres, entrance, exit and flow;
- No comprehensive traffic assessment;
- How many vehicles can the site permit at any one time, what is the contingency plan for vehicles unable to enter the site, drawings show two way access on both gates, will there be traffic light system for entrance and exiting, how will private collection vehicles times be enforced, low access bridge has not been addressed;
- Would create consistent noise, vibration, odour and dust during daylight hours, affect economy of current business usage particularly vehicle repairs and renovators/sprayers, an environmental assessment of dispersal of noise and dust is required;
- Applicant's suggest a production of 300 tons per week and 15,000 to 20,000 tons per year which is substantially more, clarification of production required;
- No independent assessment that the site will improve the carbon footprint or whether the use would be environmentally friendly;
- Boundary wall only sufficiently high to obscure the smallest of industrial or commercial buildings;
- Will unduly exceed height of boundary wall.

6 representations of objection, including 2 representations on behalf of 5 local companies, have been received following the submission of additional information in June 2018. These objections relate to the following matters:

- Rutland Street has established businesses, road also used by other businesses within surrounding roads for deliveries, increase in small and large commercial vehicles will have a detrimental effect on all businesses trading on Rutland street and surrounding streets;
- Large vehicles exiting Rutland Street onto Rutland Road will create congestion;
- A traffic regulation order to restrict parking will effect established businesses;
- The proposal will have a negative effect on local businesses;
- Production output figures incorrect, 20,000 tonnes per annum equates to an additional 100 tonnes per week which would result in higher number of lorries collecting and delivering to the site;
- 5 parking spaces for staff seem low;
- This business is unsuitable for the area, why build in an inner city area, not in keeping with changing character of the area;
- The Forest Hotel is a business and residence;
- Area around Rutland Street is being re-developed and is attracting more residential living, entertainment venues, bars, restaurants, commercial shopping, new residential on Stanley Fields, plans for ski village;
- The proposed use may be a potential nuisance if the wider residential project comes to fruition;
- Concerns what this will do for the area of Kelham, these plants are smelly, noisy and work unsociable hours involving a lot of coming and going of heavy trucks;

- The proposal for storage and recycling of road aggregate lies directly adjacent to the Woodside and Stanley Fields development area and with regard to paragraph 180 of the NPPF would present a barrier to the Council's aspirations to redevelop Woodside and Stanley Fields due to amenity issues that would likely arise, would hinder the wide scale strategic delivery of new homes in a sustainable location providing redevelopment opportunities and benefits, the UDP does not reflect the changing character of the area, the Woodside and Stanley Fields Planning and Design Brief (2015) provides the most up to date representation of the character of the area and the preferred redevelopment strategy;
- It will create air and noise pollution;
- No dust assessment carried out, disregarded dust dispersed by lorries transporting the aggregate, dust may be an irritant to health, not taken into account needs of local businesses and sensitivity to dust;
- Health issue of tar odour fumes emitted from the plant not addressed, no reference to an H4 odour management plan;
- How control noise from vehicles;
- The noise assessment report is based on a site not in a built up environment, external noise readings are not accurate for this partially enclosed site, no physical evidence of the containment of noise, takes no account of increased levels of noise to existing businesses, report does not consider potential output or scale of production process and consequent noise levels;
- The site is in an elevated position, highest noise will be emitted from gas burner assessed as 'very high', applicant's do not address this issue, present intermittent noise not comparable with high level of noise from processing plant;
- The applicants submission states that the site will only open occasional Saturdays and states that the facility will be open from 0700 to 1800 hours on Saturdays;
- Buildings will have an impact from some distance, no dimensions supplied for the finished product hopper;
- No notification received or visible notices displayed.

PLANNING ASSESSMENT

Policy Issues

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's National Planning Policy Framework (NPPF) (paragraph 11) states that plans and decisions should apply a presumption in favour of sustainable development, and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole.

The Development Plan

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

The UDP was adopted by the Council in 1998.

The UDP Proposals Map identifies the site as being within a Fringe Industry And Business Area. This Fringe Industry And Business Area includes the various industrial and commercial premises off both sides of Rutland Road south of its junction with Wood Fold and north of the railway line.

Adjoining the northwest side of the Fringe Industry And Business Area, the UDP identifies a Business Area off Wallace Road.

Immediately beyond these areas to the southeast and northwest of this Fringe Industry And Business Area, the UDP identifies the land at Stanley Fields and Parkwood as Open Space, beyond which to the east and north are the Housing Areas off Pitsmoor Road and Cooks Wood Road.

The UDP identifies land immediately south of the railway line as a General Industry Area.

UDP Policy IB6 states that the proposed use of the application site for general industry and for storage and distribution is a preferred use in the Fringe Industry and Business Area (UDP Policy IB6 refers).

The Core Strategy was approved by the Council in 2009.

Core Strategy Policy CS11 relating to employment locations in the north-east urban area states that new opportunities for employment, education and training will be promoted at Parkwood Springs Business Area and at Woodside (along Rutland Road/Oakham Drive). The Core Strategy states that there is demand for more local jobs, which would complement the physical renewal of the area and attract investment, and that these locations, together with Spital Hill, reflect new development opportunities within the area which are particularly accessible for residents of Burngreave.

The proposal is a preferred use in principle and complies with UDP Policy IB6 and Core Strategy Policy CS11.

The site borders the northern fringe of the city centre and an area, part of Kelham/Neepsend, which the Core Strategy identifies as a transition area. The Core Strategy states that in some areas the City Centre is no longer a suitable location for metal industries and related manufacturing because of topography and restricted

accessibility for industrial traffic, and competition from other more suitable and viable uses is increasing pressure for relocation.

This transition is recognised by Core Strategy Policy CS6 which states that manufacturing in city centre transition areas should not expand where it would detract from regeneration of the centre and will be encouraged to relocate providing suitable alternative sites and premises are available in the city. Core Strategy Policy CS17 relating to the distinctive and fundamental roles of different quarters of the city centre states that Kelham/Neepsend is formerly dominated by industry but becoming a focus for new riverside housing and jobs with the Inner Relief Road as a catalyst to redevelopment, and existing small businesses will continue to perform an important economic role for the city as a whole.

The Kelham Neepsend Action Plan

Prior to the adoption of the Core Strategy, Action Plans were prepared for most of the city centre to provide a finer grain of planning policy. One of these, the Kelham Neepsend Action Plan (2008), also included land at Woodside on the eastside of Rutland Road north of the railway line.

The Kelham Neepsend Action Plan stated that in land use terms Woodside would continue to be commercial in nature, that residential is not considered to be an acceptable use, and that the provision of higher quality commercial premises to encourage the retention of existing businesses and to attract businesses to the area would be encouraged.

The application site lies within his area of Woodside.

Draft City Policies and Sites (CPS) Document and Draft Proposals Map

The 2013 Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State.

The Draft Proposals Map identified the application site, together with other land south of Rugby Street, as being within a General Employment Area where general industry and storage are acceptable uses (Draft CPS Policy H1). Land between Rugby Street and Wood Fold was identified as a Flexible Use Area which seeks a mix of housing and other non-industrial uses which are compatible with residential use.

Whilst the proposed development complies with Draft CPS Policy H1, this policy has little weight given that the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are not to be submitted to the Secretary of State.

Stanley Fields Planning and Design Brief

The Stanley Fields open space lies to the east of the application site beyond Woodside Lane.

The 'Land at Stanley Fields, Pitsmoor Road and Pye Bank Road, Woodside Planning and Design Brief' was approved in 2015 and carries weight in the planning process as a material consideration.

This Brief identified opportunities to deliver housing in the area by swapping housing and open space areas to make housing development more viable. The Brief sets out policy criteria for developing on some of Stanley Fields.

Dominance of Industry and Business

UDP Policy IB9 relates to conditions on development in industry and business areas including criterion (a) that the proposed development would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites.

In this instance the proposed development is a preferred general industrial (B2) and storage (B8) use in this Fringe Industry and Business Area and would maintain the dominance of industry and business in the area.

Sustainability

UDP Policy MW6 promotes developments involving recycling and reclamation of suitable waste materials except where they would be incompatible with surrounding uses. Core Strategy Policy CS68 relating to waste development objectives seeks to manage the city's waste more sustainably and encourages reduction and reuse of waste products, and a range of additional treatment facilities mainly in industrial areas to meet the regional apportionment for commercial and industrial waste and other waste streams.

In this instance, the proposed facility includes the recycling of surplus fresh asphalt that is left over from off-site work. The proposal complies with the principles of UDP Policy MW6 and Core Strategy Policy CS68.

Highway and Transportation Issues

UDP Policy IB9(f) seeks to ensure that new development would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

NPPF paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site currently has two gated accesses onto Rutland Street which are shared by vehicles and pedestrians. There is no separate pedestrian access to the site. Either side of the two accesses is the frontage boundary wall.

The main route from the site to the strategic road network is along Rutland Street to its junction with Rutland Road. There is an alternate route to Rutland Road via

Woodside Lane/Rugby Street. The railway bridge over Rutland Street has a height restriction of 4.8 metres.

A secondary route to the southeast of the site via Woodside Lane/Harvest Lane/Mowbray Street to the Inner Ring Road is restricted by a low bridge with a height restriction of 2.7 metres immediately alongside the site.

On-street parking associated with nearby businesses occurs on Rutland Street.

The proposal would generate traffic movements to and from the site, comprising staff vehicles, deliveries and collections.

The applicant has stated that 4 deliveries per day are expected. These would be undertaken outside peak hours (usually midday and afternoon to avoid conflict with collection vehicles) and comprise 1 delivery each day of bitumen and other chemical additives delivered by tanker with the occasional delivery of drums, and 3 deliveries each day of aggregate using a six-wheel rigid vehicle.

Collections would be made via a series of vehicles (usually smaller flat back vans, small lorries and the occasional larger lorry) averaging 8 vehicles in early morning with some returning for secondary collections, and 2 to 3 larger HGVs per day.

5 on-site staff car parking spaces are proposed including one disability space.

There are currently no loading or waiting restrictions along Rutland Road and neighbouring businesses have become accustomed to using the road space for servicing and parking.

The applicant has submitted amended drawings showing revisions to the tracked manoeuvring routes of a large tipper vehicle and a large articulated vehicle entering and leaving the site. The revisions to the swept paths of these vehicles show these vehicles approaching the site eastwards along Rutland Street. The route and manoeuvring shown allows for on-street parking to be retained on both sides of Rutland Street with delivery vehicles driving up the middle of the road.

The revisions show that the existing ingress and egress geometry of the site access will need to be modified to accommodate the revised turning envelope. To accommodate these arrangements the drawing shows the western access widened from 4 metres to 12.5 metres, and the eastern access widened from 5.2 to 8 metres. The widening would occur on the inside of the two accesses.

It is considered that the applicant has demonstrated that, with appropriate access widening, the site can be satisfactorily accessed without impinging on availability of on-street parking on the north side of Rutland Street. The widening of the accesses would result a reduced availability for on-street parking on the south side of Rutland Street, however this reduction is not considered significant and any displacement of on-street parking in the area would not adversely impact on highway safety.

A condition to secure full construction details of the vehicular accesses is required.

Impact on the Streetscene

UDP Policy IB9(c) seeks to ensure that new development would be well designed with buildings and storage of a scale and nature appropriate to the site. UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design in new developments.

The character of the street and immediate area is of commercial and industrial properties.

The existing site is bounded by a stone wall on its frontages to Rutland Street and Woodside Lane. On the Rutland Street frontage this front boundary wall varies in height with the main sections of it being between 2.2 and 2.7 metres high and a short section up to 3.8 metres high. On the Woodside Lane frontage whilst the boundary wall maintains an internal height of approximately 1.5 metres above the application site level, due to the carriageway levels on Woodside Lane declining towards the adjacent railway bridge, the outer face of the boundary wall alongside the railway bridge is up to 6 metres high when viewed from the street. Whilst the boundary wall on these two frontages helps screen part of the site, some of the vehicles and containers stored on the site in association with the existing use of the site are visible above the wall when viewed from the adjacent streets. The car storage racks take up to three vehicles stacked vertically. Most of the shipping containers on the site are double stacked. Several of the containers and flat roofed buildings have vehicle parts stored on top of them.

The adjacent premises to the west comprise a large double ridged building sited close to the frontage with twin gables facing Rutland Street. This building has an eaves height alongside the application site of approximately 7 metres and its two ridges have an overall height of approximately 9.3 and 11 metres above ground level.

The north side of Rutland Street comprises two-storey buildings and high single-storey buildings, most with enclosed yards and high boundary walls.

The proposed development would have a functional industrial appearance, dominated by the large building, plant and equipment. The main impact of the proposal on the streetscene would be the 10 metre high building housing the main processing plant, the enclosed conveyor extending out from the building by 18 metres and rising up to 13.8 metres high together with its supporting structure, the cylindrical containers up to 14 metres high and their 15.6 metres high feed pipe, and the 10 metre high chimney. The proposal represents a continuation of the existing industrial character although it would appear more visually intrusive than the current use of the site.

The proposed building, plant and equipment would be clearly visible above the boundary wall when viewed from the adjacent streets with some limited visual effects being discerned from greater distances in the locality. The siting of the main building and the taller cylindrical containers and equipment towards the centre and rear (southern) parts of the site will reduce their visual impact on the immediate streets. The proposed enclosed conveyor belt and its supporting frame which projects

forward towards the frontage of the site will be more visually intrusive although the tower element of this item of plant/equipment is only 5.7 metres by 4.4 metres wide.

The character of development proposed for the site would remain as industrial. Whilst the height and appearance of the proposed development would have a greater impact on the streetscene than the heights of existing structures on the site, and some of the plant/equipment would be taller than the adjacent buildings, it is considered that the relatively compact siting on the major elements of buildings, plant and equipment towards the centre and rear of the site will ensure that its impact would not be so significant as to cause harm to the visual amenities of the streetscene.

The Stanley Fields Open Space Area is approximately 55 metres to the east of the application site. A belt of trees up to 40 metres wide runs along the western edge of the open space although there are views of the application site from the southwest corner of the open space area where a footpath link runs through a gap between the tree belts. Views of the proposed development from Stanley Fields would be mostly screened by this belt of trees.

Given the fall in ground levels to the south of the railway line, views towards the application site from the industrial and business area to the south, particularly from Rutland Road, Harvest Lane and Hicks Street, are mainly of the supporting walls alongside the railway line and the strip of trees running alongside the southern boundary of the application site. Whilst this strip of trees will screen most of the proposed development, the taller elements of the proposal would be visible above the trees mainly in more distant views of the site.

It is considered that whilst the proposed development would be visible within the streetscene and the surrounding locality, it would not appear particularly intrusive or out of character with the area.

The proposal complies with UDP Policies IB9(c) and IB5 and Core Strategy Policy CS74.

Noise Issues

UDP Policy IB9(b) seeks to ensure that new development in Fringe Industry and Business Areas would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions. UDP Policy IB9(e) seeks to ensure that new development would not harm the quality of the environment to such an extent that other new industry and business development would be discouraged.

UDP policies include Policy GE24 relating to noise pollution which seeks to ensure development will only be permitted where it would not create noise levels which would cause a nuisance, or locate sensitive uses and sources of noise pollution close together.

The noise report submitted by the applicant has assessed the likely noise implications associated with the proposed use. The report has also assessed the

implications on the potential future residential uses in the area at Stanley Fields to the east of the site.

The report states that background noise surveys have been carried out including at locations representative of the residential accommodation above the public house and land on the east side of Woodside Lane during the early morning and notes that the main source of noise was road traffic.

The report states that a similar, fully operational existing asphalt plant was visited to obtain indicative source noise levels. The plant was not enclosed with a building.

The report identifies the main source of noise from the proposed development to be the burners, the centrifugal fan and the loading shovel used to load the aggregate and dust supply hoppers. Other sources of noise would be the conveyors, rotating drying drums, mixer, compressor, filters, vibrating screens, finished product hopper, pumps and motors, and intermittent noise from delivery and collection vehicles.

The source noise survey results identified noise levels significantly above the surveyed background levels.

However, the report acknowledges that the majority of the plant items would be housed within a purpose built building. The aggregate and dust supply hoppers and the collection point would be external to the building.

The noise assessment in the report indicates that the impact of noise breakout from the building would be low (below background at the western end of Rutland Street and on Stanley Fields) apart from on the eastern side of Woodside Lane where there could be a slightly adverse impact (+3dB). When the loading shovel is working externally there could be a slightly adverse impact at the western end of Rutland Street and on Stanley Fields, and a significant adverse impact on the eastern side of Woodside Lane (+4dB, +2dB and +14dB respectively). This is based on a loading shovel with a tonal reversing alarm.

The noise assessment states that the noise from delivery/dispatch vehicle movement is calculated to be below the general plant noise and below the noise levels when loading shovels noise is included.

The Noise report states that the use of internal absorbent linings within the building or any open doors has not been included in this assessment, and that it would be possible to select a quieter model of loading shovel and to use a broad-band environmental type reversing alarm.

The report concludes that the proposal to enclose the plant within a building is likely to provide sufficient sound attenuation providing the sheeting design is as specified and that openings are dealt with in a satisfactory manner, that the conveyor openings can be dealt with by using conveyor covers sealed to the building façade, that typical measures can be used to achieve the noise design target for the centrifugal fan/stack and other items external to the building.

The report also concludes that the proposed plant would have a low noise impact if enclosed apart from at the assessed location immediately to the east of the site, and that further measures could be introduced at a later date if necessary.

It is considered that with suitable mitigation measures the impact on the prospective housing at Stanley Fields can be reduced to minimal levels such that any disamenity will be minimal. These mitigation measures would need to be secured by condition.

The impact of noise on the part of the existing industry and business area to the east between Woodside Lane and Stanley Fields is assessed as slightly adverse. The report notes that this impact could be further reduced with a quieter loading shovel using a broadband reversing alarm. This measure would need to be secured by condition.

The Council's Environmental Protection Service has advised that the assessment is clear that noise from vehicles delivering and collecting is not a significant component of the noise from the site in total. Process noise is the controlling factor for noise emitted from the site.

The variety and technical complexity of the noise report's recommendations will require a significant degree of diligence and competence in their installation and operation to achieve the degree of sound reduction predicted. Given the noise considerations, a condition is recommended to secure pre-commencement reporting of mitigation measures and verification of achievement of noise targets.

Conditions are also recommended to control the hours of the operation and annual output to ensure the proposal operates within the submitted parameters.

It is considered that, subject to the imposition of conditions to secure the control and reduction in noise emissions, the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of existing and future occupants, and occupiers of other premises within the surrounding locality.

The proposal complies with UDP Policies IB9(b), IB9(e) and GE24.

Dust and Odour

The proposed roadstone coating and recycling activity will be subject to regulatory controls exerted under an Environmental Permit. This would be the primary framework for ensuring that any pollution from the activity in the form of emissions to atmosphere, including fugitive dust, fumes and odours, would be managed and that best available techniques would be employed to minimise any such emissions.

The Environment Agency have stated that there is currently an environmental permit in relation to the existing vehicle dismantling facility on the site and that as part of the surrender process the permit holder will have to produce evidence that the permitted activity has had no adverse impact on the condition of the land.

The Environment Agency has advised that they have no objections to the proposal and that the activity is likely to require an environmental permit from the Environment Agency.

It is considered that the management of materials handling, stockpile management, feed hopper transfers, conveyor belt movements and general cleanliness, and procedures for daily visible/odorous emissions checks and responses to adverse weather together with recording of checks and incidents are all matters that would need to be carried out and monitored by the operator during the operation of the facility to ensure there would be no significant impacts from dust and odours on the locality.

The Council's Environmental Protection Service has advised that a condition be imposed to secure an environmental management plan including measures to mitigate dust and odour would provide opportunity to compliment controls over fugitive emissions which will be exercised by the primary regulatory measures required by the Environment Agency.

It is considered that the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of occupants within the surrounding locality.

Impact on the Surrounding Area

In light of the above, it is considered that the proposal would not unduly harm the initiatives to deliver housing and employment in the surrounding areas.

SUMMARY

The UDP Proposals Map (1998) identifies the site as being within a Fringe Industry And Business Area.

The proposal is a preferred use in this Fringe Industry And Business Area.

The Core Strategy (2009), which reflected the transitions occurring in parts of the city, states that new opportunities for employment will be promoted at Woodside (along Rutland Road/Oakham Drive).

The main route from the site to the strategic road network is along Rutland Street to its junction with Rutland Road. On-street parking associated with nearby businesses occurs on Rutland Street.

The applicant has stated that to accommodate the largest vehicles may require some alterations to the access width of the gates and the radii of the footway. The applicant's submissions show that large lorries would need to use the full width of Rutland Street for a short length on entering and exiting the site.

To maintain the availability of on-street parking on Rutland Street, a condition to secure revisions to the accesses to ensure such vehicles can enter and exit the site without the need for on-street parking restrictions is recommended.

It is considered that whilst the height and appearance of the proposed development would have a greater impact on the streetscene, its character would remain as industrial, and its impact would not be so significant as to cause harm to the visual amenities of the street and the surrounding locality.

It is considered that, subject to the imposition of conditions to secure reduction in noise emissions, the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of existing and future occupants, and occupiers of other premises within the surrounding locality.

It is considered that subject to a condition to secure an environmental management plan including measures to mitigate dust and odour, the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of occupants within the surrounding locality.

In light of the above, it is considered that the proposal would not unduly harm the initiatives to deliver housing and employment in the surrounding areas.

The proposal complies with UDP Policy IB6, IB9, MW6, BE5, GE24 and Core Strategy Policy CS11, CS68 and CS74.

RECOMMENDATION

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

Case Number	13/00533/CHU
Application Type	Planning Application for Change of Use
Proposal	Use of building for Class A4 (Drinking Establishments) purposes
Location	The Players Lounge 20 Yew Lane Sheffield S5 9AN
Date Received	14/02/2013
Team	West and North
Applicant/Agent	John Gaunt And Partners
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

Approved/Refused Plan(s)

1. The development shall be carried out in accordance with the following drawings:
 - Site Plan;
 - Drawing No. 004a (Proposed Ground Floor Plan);

received on the 10 May 2013 from John Gaunt and Partners

Reason: In order to define the permission

Pre-Commencement Condition(s)

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

Other Compliance Conditions

2. No live music or amplified sound shall be played outside the building at any time.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

3. The A4 use hereby approved shall only operate between the following hours:

0800 to 2330 (Sunday to Thursday)
0800 and 0030 hours the following day (Friday and Saturday)
0800 and 0030 (New Years Eve).

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

4. No live music or amplified sound shall be played within the building that exceeds the following noise levels when measured at the site boundary:

- (i) The background noise levels by more than 3dB when measured as a 15 minute LAeq, and;
- (ii) Any octave band centre frequency by more than 3 dB when measured as a 15 minute linear Leq

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

5. No drinks shall be consumed or taken outside the confines of the building after 2000 hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

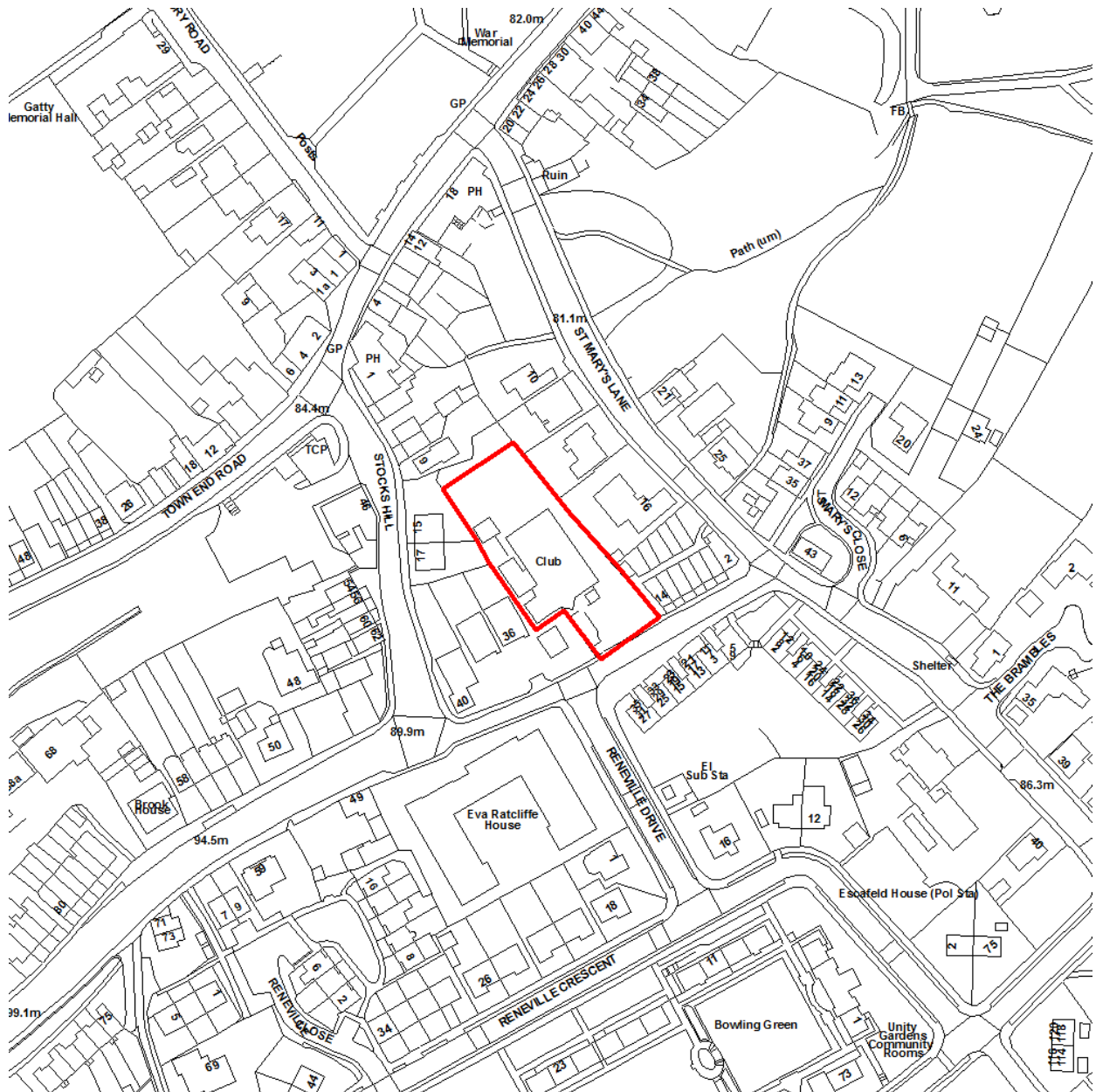
6. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

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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BACKGROUND

The application relates to the Players Lounge in Ecclesfield. The authorised use of the building is a snooker and social club, which falls within Class D2 (assembly and leisure) of the Town and Country Planning Use Classes Order 2010. However, for the last 6 years the premises has been operating as a drinking establishment (Use Class A4) without the benefit of planning permission.

The applicant undertook internal alterations to the premises throughout 2012. These works involved the reconfiguration of the toilets including the installation of disabled toilets, baby changing facilities, reconfiguration of the bar and lobby area, and the construction of a new partition wall to create a separate lounge/restaurant area and snooker room.

A site visit was held by various responsible authorities in January 2013 with attending officers from the police, trading standards, health and safety and the licensing authority. At this meeting, the applicant was advised that the use of the premises as a Sports' Bar was unauthorised and that he should apply for retrospective planning permission to change the use of the premises from D2 (Assembly and Leisure) to A4 (Drinking Establishments).

A review hearing of the premises licence was heard before the Licensing Sub-Committee on the 9th and 15th April 2013 following the premises being closed after a serious incident outside the premises in March 2013. At this hearing, the Committee agreed to lift the premises licence suspension and grant the license subject to a number of conditions being placed on the license. These conditions included the following:-

- The booking contract for pre-arranged private functions must include a responsible adult who must be in attendance;
- The premises shall not hold 18th birthday parties;
- A minimum of 3 SIA registered Door Supervisors must be employed at the premises from 2000 until 30 minutes after the terminal hour on pre-booked functions and on a Friday/Saturday. At least one door supervisor shall be stationed at the entrance to the premises at all times;
- No customers shall be permitted to take glasses outside the premises after 2000;
- No admission to the premises after 2300 hours;
- At intervals of one hour and 30 minutes before the cessation of licensable activities, an announcement shall be broadcast that the premises will be closing and customers arranging a taxi transport should arrange their taxi.

In the applicant's supporting Design and Access Statement, it details that the authorised use as a snooker club has no planning restrictions on hours and can operate without restriction as long as it operates in accordance with the hours allowed on the premises license. Under this change of use application however, the LPA is able to place further restrictions on operating hours if necessary as well as control outside drinking within the site's car parking area and on the designated drinking terrace beyond that restricted by the licensing committee.

LOCATION AND PROPOSAL

The Players Lounge is located on the western side of Yew Lane and is identified in the UDP as being within a Housing Area and Ecclesfield Conservation Area. The site is bounded by residential properties on three sides. A detached house with detached garage lies to its west (36 Yew Lane), an end terrace house lies to its east (14 Yew Lane) and two residential apartment blocks lie across Yew Lane to its south and southwest (Eva Ratcliffe House). Both the dwellinghouses to the side of the site have habitable windows facing the site within their side elevations.

The main bulk of the site is made up of the club, a single storey building and front and rear car parking areas. Situated to the front of the building and along part of the site's south

western boundary are two decked areas. The decked area to the front of the building has been used by patrons of the premises as a smoking shelter for approximately 11 years following the introduction of the smoking ban in July 2007. The other and larger of the two decked areas is situated immediate at the site's entrance off Yew Lane and was constructed in 2010. Both of the decked areas were granted planning permission in October 2010, under reference No. 10/02294/CHU.

The applicant is seeking retrospective planning permission to regularise the use of the premises as a drinking establishment (A4). The proposed opening hours would be in line with the premises license; these being between the hours of 0800 and 2400 (Sunday to Thursday) and hours of 0800 and 0030 (Friday and Saturday). The opening hours now being sought vary from the hours listed on the application form, which sought later opening hours until 0130 hours (Friday and Saturday) and 0200 hours (Public holidays).

RELEVANT PLANNING HISTORY

79/01948/FUL – Alterations and extensions to be used for the purpose of a club with student accommodation above – Granted 12 September 1979

86/00756/LD2 – Use of premises as a snooker club – Planning Not Required – 30 April 1986

86/01099/FUL – Entrance porch – Granted 25 June 1986

86/01906/OUT – Extension to snooker club – Granted 11 February 1987

10/02294/FUL – Retention of raised terraces to front of club – Granted 13 October 2010

SUMMARY OF REPRESENTATIONS

There have been two rounds of neighbour consultation on the application, the first carried out in 2013 and the second round carried out in June 2018.

First round of consultation – March 2013

In 2013, twenty five letters were received, of which twenty four (24) objected to the application and one (1) was in support. Further comments were also received from Ecclesfield Parish Council and a local ward councillor. A summary of all the comments received have been listed below:-

Objection

- Increased noise disturbance;
- Smells, mainly caused by customers smoking cannabis and illegal substances in the car park;
- Public nuisance and anti-social behaviour; (Swearing, fights, urinating and vomiting in public gardens and boundary walls used as a table for drinks etc)
- Litter;
- The premises is more like a nightclub than a drinking establishment;
- Damage to properties and parked vehicles;

Support

The premises is welcoming and great place to socialise. Although living adjacent to the premises at Eva Ratcliffe House, never hear any noise from the premises.

Ecclesfield Parish Council commented that the proposed development would worsen the already existing problem. The suggested opening times (0800 and 0200) question the applicant's claim that the venue is family orientated.

Councillor Steve Wilson stated that there have been concerns over this establishment for some time. Many of the complaints have been about general noise levels from the club, especially late at night when customers are leaving the premises but also through general noise from loud music being played at the premises. Also residents point out that users of the establishment make parking in the residential streets difficult or impossible. There have also been occasions when parked cars have been damaged.

The area around the establishment is residential with flats opposite the site being occupied by elderly persons.

The site is in the centre of the Ecclesfield Conservation Area. The narrowness of the footpaths giving access to the site is an additional danger. It forces people leaving the premises at closing time to spill across the road, in a dangerous mix of young intoxicated pedestrians, taxis trying to take people home, and through traffic.

Many residents consider there is no local need for another drinking establishment, especially one opened so late at night since there are already two other large Pubs in that same block, both of which have more than one downstairs room, and both of which cater for parties.

Many residents consider that if these extended hours are granted it will increase the number of people using the establishment, an increase in the amount of alcohol being consumed on the premises, and a substantial increase in the amount of noise emanated from the premises both while drinks are being served and afterwards when the premises close and the patrons gather waiting for taxis etc. They will be also the opportunity for more serious disturbances residents feel if these hours are granted.

If the planning board is minded to consider alterations to the hours of operations of this establishment, this should be limited to an 11.30pm close all week, without extensions beyond that time at weekends. Residents consider that it would be totally unacceptable that a 02.00am extension should be granted on any occasion as well as the ability to alter these times on 15 occasions per annum.

Second round of consultation – June 2018

The second round of consultation resulted in 14 letters from the occupants of neighbouring properties, 13 of those objecting and one making a neutral comment.

- Carewatch Sheffield have raised concerns about the noise and the number of people drinking outside the flats and surrounding area;

- Residents often feel intimidated, especially at the weekend;
- The Players Lounge is mainly frequented by young people who are invariably extremely noisy at the premises and upon leaving;
- Public nuisance and anti-social behaviour;
- Noise disturbance;
- Even with the current licensing arrangements, the establishment is a complete nightmare affecting the quality of life for residents
- Effect on property values;
- The Council should seriously consider withdrawing the license;
- The recent stabbing outside the premises should be taken into account in the assessment of the application;
- A large number of elderly residents live nearby;
- The roads around the Players Lounge are used by customers of the establishment, as an overspill car park. Vehicles can often be seen parked opposite each other on the narrow roads, making it difficult for traffic to get through. Also the grass verges on Reneville Drive are used as parking areas;

Ecclesfield Parish Council recommends that the application be refused. The Committee have received a high volume of objections from concerned residents and that they should all be taken into account. The parking on the road with members of the public using the establishment is causing serious concerns. The property should revert to the current licence that it holds until this application is approved. EPC would like to know if the incidents surrounding this application have been reported to the Police and that there should be no extension to the opening hours.

PLANNING ASSESSMENT

Principle of Development

The site is identified within the Sheffield Unitary Development Plan as a Housing Area. Under Policy H10, housing is listed as the preferred use with a number of uses including food and drink outlets (A3) listed among a number of acceptable uses.

Members are informed that at the time of the adoption of the UDP in March 1998, drinking establishments (A4) did not fall within its own specific use class as it does today and was included within Use Class A3. It was only until 2007 that drinking establishments were put within its own use class, namely A4.

Under UDP Policy H10, drinking establishments (A4) are included within the number of acceptable uses in Housing Areas. Subject to satisfying the conditions set out in Policy H14, the principle of changing the use of the premises from a snooker and social club (D2) to a drinking establishment (A4) should therefore be viewed acceptable.

Highway Issues

It is not considered that the proposed use raises any significant highway implications. In addition to the site comprising a good sized car park that can accommodate over 20 vehicles, it is considered that the vast majority of visitors to the premises would arrive by

either foot or taxi. Any impact on the adjoining highways as a result of the development is therefore considered to be minimal and not such that would prejudice highway safety.

Residential Amenity Issues

Policy H14 of the UDP relates to conditions that development in housing areas should meet. A requirement of this policy under part (k) is that development or change of uses do not lead to noise, smell excessive traffic levels or other nuisances, or risk to health and safety for people living nearby.

It is considered that the main issues pertaining to this application relate to noise disturbance and public nuisances associated with the use. Members will note that a number of objections have been received in response to this application from residents of neighbouring properties, many of which comment that their residential amenity is being significantly harmed as a result of the use as a drinking establishment with customers congregating outside the premises causing a noise nuisance and public disorder offences. This is evident from the responses received in both rounds of consultation.

Noise disturbance

With regard noise disturbance, officers are satisfied that the fabric of the building and internal works carried out to the building satisfactorily controls any significant noise breakout from the building that would prevent neighbouring properties to suffer from any unacceptable disamenity. It is also noted that none of the objectors have raised any significant concerns with regard to noise emanating from the building when in use.

Of more significance in officers' opinion is the potential noise and disturbance from the premises' external areas and drinking terrace. The properties most affected by the development in officers' opinion are No. 14 and 36 Yew Lane to the west and east of the site respectively and the flats situated immediately across Yew Lane to the south and south east of the site. The nearest of these are situated less than 19m from the application site, which in officers' opinion is not sufficient to mitigate for any noise disturbance generated from customers using the outside external areas. Although during inclement weather the drinking terrace is unlikely to be used, it is considered that when in use, occupants living close to the club could on occasion be subject to noise disturbance that would harm their residential amenity. This is likely to arise as background noise levels are low in this area of Yew Lane during the evening and night-time and therefore any new noise sources would be particularly noticeable to residents.

It is considered necessary therefore that some restriction be placed on any outside drinking and that the smoking area be limited to the covered terrace area immediately in front of the building. It is therefore recommended that the same restriction be applied on outside drinking as that imposed by the Licensing Sub-Committee in April 2013 and a condition be attached that restricts any outside drinking to 2000 hours only. The location of the smoking area can also be adequately controlled by condition. Although it is not possible to control noise from customers entering and leaving the premises, it is considered that a restriction on outside drinking would significantly reduce the likelihood of people congregating outside the premises that could cause a noise disturbance to local residents.

Environmental Protection Services (EPS) has stated that when the Players Lounge began operating as a drinking establishment (A4), they received a number of noise complaints from local residents relating to customers leaving the premises and also drinking on the external decking area. Following discussions with the Designated Premises Supervisor and an increase in Premises Licence conditions for noise control, complaints of noise from residents to EPS have reduced considerably in recent years. In light of the above, EPS has confirmed that they have no objection with the proposal subject to the imposition of conditions that includes the opening hours of the premises being restricted to those agreed by the Council's Licensing committee, namely 1000 to 2330 hours (Sunday), 1000 to 2400 hours (Monday to Thursday) and 1000 to 0030 hours (Friday and Saturday) with no concession on these hours on public holidays except for New Year's Eve. EPS have also recommended that any amplified sound or live music shall only be played within the building and does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade.

Public nuisances and anti-social behaviour

Since the change of use of the premises from a snooker club in 2012, there have been several reported instances of public nuisances and anti-social behaviour at the premises, one of these involving a serious incident in March 2013, and a second serious incident in June 2018, both involving stabbings. However, and as stated above, the number of instances of public nuisance reported to EPS over the last few years has reduced. As Members will appreciate, it is very difficult to control noise made by customers leaving licensed premises in the early hours of the morning. By its very nature, it can be haphazard in its occurrence and difficult to predict due because it results from human behaviour.

South Yorkshire Police (SYP) has commented that the main concern with the proposal is the opening hours and do not wish to see the premises opening beyond the hours specified in the premises license. They have commented that subject to the hours reflecting this license, they have no objection with the proposal to regularise the use as a drinking establishment. In coming to this view, they have detailed that the reports of Crime and Disorder have reduced significantly over the last few years with the South Yorkshire Police Licensing Team having worked alongside the management at various times to ensure improvements in their operation. They do however note that there is still clearly an issue with anti-social behaviour around the premises by their customers and at the very least this creates an increase in noise disturbance. South Yorkshire Police acknowledge however that there appears to be some improvement in recent years and have provided evidence that in 2018, 3 incidents of crime/disorder were reported to South Yorkshire Police, which included criminal damage and a stabbing incident, in 2017 only one incident was reported, in 2016, there were 7 reports, but in 2015, 22 incidents were reported. The general trend seems to suggest that incidents being reported to SYP at the premises have dropped off significantly over the last few years.

It is acknowledged that it has been a while since the application was submitted. In this intervening period, the applicant has amended the opening times of the premises in line with the recommendations of EPS and South Yorkshire Police, something that is evident from the applicant's website and SCC licensing. Although officers accept that incidents of public nuisance and anti-social behaviour on the adjoining streets may continue to occur, it is considered that the earlier closing times of the premises, together with more stricter controls of use has helped to alleviate the likelihood of this. It should however be noted that

regardless of whether planning permission is granted, the Council through its licencing role has the ability to suspend the licence in the event that the applicant is not adhering to the conditions of the licence. As part of the licence process, Members are informed that when considering a premises licence, the licencing authority must consider specific matters that include the prevention of crime and disorder, public safety, and the prevention of public nuisance (anti-social behaviour). As such, with regard to public nuisance, it is for the licensing authority to control rather than through planning control. The focus of planning policies and decision making should be on whether proposed development is an acceptable use of land, rather than the control of processes/practices, which are subject to separate control.

Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions and Policy BE16 ensuring that proposals in Conservation Areas contain sufficient information to enable their impact on the Area to be judged acceptable and would preserve or enhance their character and appearance.

The works that were carried out throughout June 2012 as part of the renovation of the building included no external works. The proposed regularisation of the premises does not therefore raise any concerns with regard the character or appearance of the Conservation Area.

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to regularise the use of the premises as a drinking establishment (Use Class A4). Approval is being sought to open the premises between the hours of 0800 and 2330 (Sunday to Thursday) and 0800 and 0030 (Friday and Saturday).

The property is situated in an area where A4 uses are acceptable under Policy H10 of the UDP. Although it is acknowledged that on occasion, incidents of public nuisances and anti-social behaviour have occurred, the number of incidents reported to both EPS and South Yorkshire Police has significantly reduced.

In line with the recommendations of EPS and South Yorkshire Police, conditions have been attached that would limit the opening hours in line with the premises licence, and a restriction of no outdoor drinking after 2000 hours on any given day. It is considered that these opening hours should prevent any significant disamenity issues that would be harmful to neighbouring properties. It is considered that opening the premises outside these times would extend the potential for noise and disturbance later into the night that could result in greater disamenity to neighbouring properties and should be avoided.

Although it is acknowledged that a number of objections have been received from the residents of neighbouring properties, it is considered that the use with suitable controls can be justified in this location. Both EPS and South Yorkshire Police raise no objection to the proposal on the basis of restricting the premises hours of use, which the applicant has been adhering to since 2013.

For the reasons set out above, and having regard to all other issues, it is considered that the proposal to regularise the use of the premises as a drinking establishment (Use Class A4) is acceptable. It is therefore recommended that planning permission be approved subject to the conditions listed.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 16 October 2018

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

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
16 OCTOBER 2018

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for replacement ground floor front bay window to dwellinghouse (retrospective) 6 Osbourne Road Sheffield S11 9AY (18/00727/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of existing dwellinghouse and erection of a new dwellinghouse Heather Bank Holdworth Lane Sheffield S6 6SN (18/00107/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of disused garage/workshop and erection of 2no. retail units (Use Class A1) and an apartment (Use Class C3) at first floor Rear Of 315 Middlewood Road Sheffield S6 1TG (17/04833/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for application under Section 73 to vary condition 2 (Approved drawings) and to remove condition 7 (Alterations of existing dwelling) of approved planning application 17/01522/FUL to retain the existing dwelling house 6 Chancet Wood View Sheffield S8 7TS (6A Chancet Wood View, S8 7TS) (Case No 18/00432/FUL has been dismissed.

Officer Comment:-

This appeal sought to amend the approved drawings to allow the retention of the existing dwelling on the site in full, without its partial demolition, in addition to constructing a new dwelling immediately adjacent.

The Inspector identified the main issue as the effect of the removal of the condition on the character and appearance of the area.

He noted that whilst the area contains a variety of house types, each in small groups, spacing between dwellings is an important characteristic of the area which creates a distinctive rhythm on each section of Chancet Wood Road.

He considered the partial demolition of the existing dwelling was necessary in order to achieve the appropriate spacing between the existing and proposed (under construction) dwelling and to ensure no harm to the street scene. He therefore concluded the proposal would have an unacceptable and harmful effect on the character of the area in conflict with policies BE5 and H14 of the UDP, CS74 of the Core Strategy and the NPPF.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for two-storey rear and single-storey rear extension to dwellinghouse 95 Horndean Road Sheffield S5 6UJ (Case No 18/00103/FUL) has been allowed.

Officer Comment:-

The proposal consisted of a two storey rear extension and a single storey rear extension. The Inspector considered these two elements to be severable physically and functionally and so issues a split decision.

Single Storey extension

This would not project as far as the structure of the adjoining dwelling and would not cause any issues of loss of privacy or overbearing to neighbours. The Inspector considered the impacts to be acceptable and allowed this part of the appeal.

Two storey extension

The proposed extension would project forward of the rear wall to the extent of the existing rear offshoot. It would bring development closer to the main habitable room windows of the property opposite the development with a distance of approximately 8 metres. This is much less than the 12 metres required in the Supplementary planning guidance. The Inspector considered this to create an intrusive structure creating significant harm to the neighbouring occupiers. For this reason, the Inspector dismissed this part of the appeal.

5.0 RECOMMENDATIONS

That the report be noted.

Rob Murfin
Chief Planning Officer

16 October 2018