

Planning and Highways Committee

Tuesday 8 February 2022 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 Price, Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

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 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.

****PLEASE NOTE:** Meetings of Planning and Highways Committee have to be held as physical meetings. Social distancing restrictions and other public health safety measures still apply. The Council Chamber can accommodate all Planning and Highways Committee Members, plus officers, and a limited number of members of the public within a safe indoor environment. However, if you would like to attend the meeting, you must register to speak or attend by emailing committee@sheffield.gov.uk 2 clear days in advance of the date of the meeting. This is necessary to facilitate the management of attendance at the meeting to maintain social distancing. In order to ensure safe access and to protect all attendees, you will be required to wear a face covering (unless you have an exemption) at all times while moving about within the venue.

It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting and please do not attend if you have symptoms. You can order tests online to be delivered to your home address, or you can collect tests from a local pharmacy. Further details of these tests and how to obtain them can be accessed here - [Order coronavirus \(COVID-19\) rapid lateral flow tests](#) - GOV.UK (www.gov.uk). We are unable to guarantee entrance to observers, as priority will be given to registered speakers.

To observe the meeting from home, as a member of the public, please click on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made.

Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.brownsword@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
8 FEBRUARY 2022**

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 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)
Minutes of the meeting of the Committee held on 18th January 2022.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 15 - 16)
Report of the Director of City Growth
- 7a. Application No. 20/00414/FUL - Sheffield Car Centre, Eden Park, Penistone Road, Grenoside, Sheffield, S35 8QH** (Pages 17 - 58)
- 7b. Application No. 21/02655/FUL - Land Between 264 And 270 And To Rear Of 270 Handsworth Road, Sheffield, S13 9BX** (Pages 59 - 62)
- 7c. Application No. 21/04597/FUL - Land Between 264 And 270 And To Rear Of 270 Handsworth Road, Sheffield, S13 9BX** (Pages 63 - 78)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 79 - 86)
Report of the Director of City Growth
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 1st March 2022 at 2pm.

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 18 January 2022

PRESENT: Councillors Peter Price (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Dianne Hurst, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Andrew Sangar declared a personal interest in Agenda Item 7, Tree Preservation Order No. 444, 3 Stortholme Mews, Sheffield, S10 3HT, as a local ward member. Councillor Sangar declared that he had not given an opinion or made up his mind on the tree preservation order prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 30th November 2021 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 any 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 NO. 444, 3 STORTHOLME MEWS, SHEFFIELD, S10 3HT

6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.

6.2 The Officer informed Committee that a Section 211 notice for removal of an oak tree had been received with the intention of removing a tree in the Conservation Area. In order to prevent the removal of the tree and others in the area, a Tree Preservation Order was therefore served.

6.3 One objection had been received in respect of the oak tree and its impact on a retaining wall. The Officer had responded that oak trees were uncommon in Ranmoor, the property was newer than the tree and the footings were likely to have been built to an adequate standard such that damage from roots was unlikely. The retaining wall was also structurally sound.

6.4 **RESOLVED:** That Tree Preservation Order No. 444 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 445, 4 STEPPING LANE, SHEFFIELD, S35 8RA

7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.

7.2 The Officer informed Committee a Section 211 notice for works on the tree had been received with the intention of removing the trees in the Conservation Area. In order to prevent the removal of the trees, a Tree Preservation Order was therefore served.

7.3 One objection to the order had been received and the Officer explained to the Committee that the movement to the boundary wall had occurred over many years and there were no other trees of that stature on Middle Lane.

7.4 **RESOLVED:** That Tree Preservation Order No. 445 be confirmed unmodified.

8. PROPOSED DIVERSION OF PUBLIC FOOTPATH BRA\120 OFF CHURCH STREET, OUGHTIBRIDGE, SHEFFIELD, S35

8.1 Mark Reeder (Engineer Highway Records) attended the meeting and presented the report.

8.2 The affected part of footpath BRA\120 had been unlawfully diverted by the landowner approximately 25 years ago and been accepted and used by the public since then. It was considered pragmatic to make an Order to regularise the situation.

8.3 Members raised concerns that landowners had changed the footpath and that the practice should not be encouraged.

8.4 **RESOLVED:** that

1. No objections be raised to the proposed diversion of part of definitive public footpath BRA\120, as shown on the plan at Appendix A to the report,

subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and

2. Authority be given to the Director of Legal and Governance to
 - a. Take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;
 - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

9. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

9a. APPLICATION NO. 20/04453/FUL - LAND ADJACENT 19 - 41, WALKLEY LANE, SHEFFIELD, S6 2NX

- 9a.1 The planning history of the site, an additional representation and an additional condition were included within the supplementary report circulated and summarised at the meeting.
- 9a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 9a.3 Diane Harris and Councillor Bernard Little attended the meeting and spoke against the application.
- 9a.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted including the additional condition and also had regard to representations made during the meeting.
- 9a.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report including the additional condition for the erection of 4 dwellinghouses with parking provision and associated works (amended plans) at Land adjacent 19 - 41 Walkley Lane, Sheffield, S6 2NX (Application No. 20/04453/FUL).

9b. APPLICATION NO. 21/03512/RG3 - SITE OF HEMSWORTH JUNIOR AND INFANT SCHOOL, BLACKSTOCK ROAD, SHEFFIELD, S14 1AA

- 9b.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

9b.2 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

9b.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report for the erection of an old persons independent living (OPIL) accommodation block up to 4-storeys providing 81 residential units together with communal facilities, associated roads, parking, footpaths and landscaping (Application under Regulation 3 - 1992) at the site of Hemsworth Junior and Infant School, Blackstock Road, Sheffield, S14 1AA (Application No. 21/03512/RG3).

9c. APPLICATION NO. 21/00407/FUL - TOTLEY HALL FARM, TOTLEY HALL LANE, SHEFFIELD, S17 4AA

9c.1 An revised condition and additional representations. Along with the officer response were included within the Supplementary Report circulated and summarised at the meeting.

9c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

9c.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.

9c.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the revised condition, for the demolition of cartshed and erection of a dwellinghouse (relating to plot 11 of existing planning permission 18/03187/FUL) at Totley Hall Farm, Totley Hall Lane, Sheffield, S17 4AA (Application No. 21/00407/FUL).

9d. APPLICATION NO. 20/03919/FUL - 2 ROTHERHAM ROAD, HANDSWORTH, SHEFFIELD, S13 9LL

9d.1 A revised condition, additional representations along with the officer response and additional highways comments were included within the Supplementary Report circulated and summarised at the meeting.

9d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

- 9d.3 Tom Vincent attended the meeting and spoke in support of the application.
- 9d.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 9d.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the revised condition, for the demolition of existing buildings and erection of a food store (Use Class E) with associated access, parking and highway improvement works to Rotherham Road and Retford Road at 2 Rotherham Road, Handsworth, Sheffield, S13 9LL (Application No. 20/03919/FUL).

9e. APPLICATION NO. 21/02206/FUL - 39-43 CHARLES STREET AND 186-194 NORFOLK STREET, SHEFFIELD, S1 2HU

- 9e.1 An amended condition and an additional representation were included within the Supplementary Report circulated and summarised at the meeting.
- 9e.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 9e.3 Ann Walton and Stuart Bywater attended the meeting and spoke against the application.
- 9e.4 Jeremy Williams attended the meeting and spoke in support of the application.
- 9e.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 9e.6 Various members voiced their concerns about the impact of the development on the residents of the nearby apartments, some of whom referred to the site visit and it being in their view an unacceptable impact on their living conditions. Some members were critical of the design of the building, whereas some expressed positive views about the design but concern about whether it was the right design in the right place due to the heritage of nearby buildings and it being in the conservation area. The vote in favour of the officer's recommendation to grant the application was lost and members further articulated their potential reasons for refusing the application and after taking advice from the planning officer in that regard.
- 9e.7 **RESOLVED:** That an application for planning permission for the demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with

associated cycle parking (Amended Scheme) at 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU (Application No. 21/02206/FUL) be REFUSED, because Members of the Committee considered that the amenity impact on the residents surrounding the site (in terms of loss of light, loss of outlook and overdominance) was unacceptable due to the scale, massing and siting of the building. They also considered that the less than substantial harm to the heritage assets of the Prudential Assurance listed building and this part of the city centre conservation area was not outweighed by the benefits of the scheme. The mass and bulk of the building was unacceptable in this location, the final wording of the decision notice to be agreed with the Co-Chairs of the Planning and Highways Committee.

10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 10.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received, appeals dismissed, appeals allowed and an enforcement appeal received by the Secretary of State.
- 10.2 The Planning Officer noted that the Secretary of State had allowed an appeal and awarded costs against the Council for the refusal by the Committee of an application at The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE. The Inspector felt that the Committee had wrongly placed greater weight on the status of the public house being an Asset of Community Value and the likelihood of it being brought back into use. The Inspector concluded that the development should reasonably have been permitted, that it was refused on the basis of local knowledge, general and vague assumptions on the prospect of the public house being brought back into community use, and without any evidence to counter the assessments and conclusions made by the applicant. The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs was justified.

11. DATE OF NEXT MEETING

- 11.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 8th February 2022 at 2pm.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 08/02/2022

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Dinah Hope 2039183

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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| Case Number | 20/00414/FUL (Formerly PP-08464445) |
| Application Type | Full Planning Application |
| Proposal | Demolition of car sales building and erection of four/ three-storey block comprising 20 dwellings (Use Class C3), convenience store (Use Class E part a) and 2 commercial units (Use Class E part a, c, e and g) with associated parking and formation of site accesses (Amended Plans received 5th January 2022) |
| Location | Sheffield Car Centre Eden Park Penistone Road Grenoside Sheffield S35 8QH |
| Date Received | 04/02/2020 |
| Team | West and North |
| Applicant/Agent | JR Planning |
| 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 shall be carried out in accordance with the following plans:-
 - Drawing No. 27474 A(00) 01 Revision P1 (Redline Location Plan);
 - Drawing No. 27474 A(01) 02 Revision P5 (Proposed Site Layout/Ground Floor Plan);
 - Drawing No. 27474 A(02) 01 Revision P4 (Proposed Lower Ground Floor and Ground Floor Plans);
 - Drawing No. 27474 A(02) 02 Revision P5 (Proposed 1st and 2nd Floor Plans);
 - Drawing No. 27474 A(03) 02 Revision P1 (Proposed Site Section);
 - Drawing No. 27474 A(04) 01 Revision P4 (Proposed Elevations - Sheet 1);

- Drawing No. 27474 A(04) 02 Revision P2 (Proposed Elevations - Sheet 2);

published on the 6 January 2022

- Drawing No. 27474 A(01) 02 Revision P6 (Proposed Site Layout/Ground Floor Plan);

published on the 21 January 2022

Reason: In order to define the permission

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

3. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

4. 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.

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

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

6. Prior to works commencing on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development; In the interests of highway safety and the amenities of the locality.

Reason: In the interests of highway safety

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 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.

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

9. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:
- a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

Provision of a pedestrian crossing (in conjunction with some sheltered on-street car parking along the western side of Penistone Road) the final location of which would be the subject of frontager consultation; review of Traffic Regulation Order (waiting/loading restrictions); provision of anti-skid carriageway surfacing; review and improvement where necessary of the system of street lighting in the vicinity of the proposed crossing to ensure the correct standard of illumination; any accommodation works to highway drainage, road markings, traffic signs, general street furniture.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

11. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

12. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

13. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site.
 - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
 - c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:
 - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
 - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

14. 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 .
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

15. Before the use of the development is brought into use, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of 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 it is essential for these works to have been carried out before the use commences.

16. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
 - e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).
- The approved equipment shall then 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.

17. 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.

18. 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.

19. Details of a suitable means of site boundary treatment 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 and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

20. 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.

21. Details of the location and storage of shopping trolleys shall be submitted to and approved in writing prior to the convenience store opening. Thereafter the development shall be carried out in accordance with the approved details.

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

22. Notwithstanding the submitted plans, the development shall not be used unless the vehicular access has been modified/upgraded in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- the geometry of the access;
- materials;
- tactile paving; and
- demarcation of the highway boundary.

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

23. Full details of measures to be implemented that would physically prevent shopping trolleys from being able to enter the public highway shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the convenience store being brought into use.

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

24. Notwithstanding the submitted plans and prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle parking accommodation shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved bicycle parking accommodation shall be retained/maintained for the sole purpose intended.

Reason: To ensure that there is sufficient and secure cycle parking provision to meet the needs of the building's future occupiers.

25. Before the development is commenced, full details of the proposed servicing arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- service vehicle types and corresponding swept-path analysis;
- hours of servicing;
- operation of the wheelie bin standing area;
- gate operation;
- measures to prevent deliveries of goods being accepted from any vehicle which has unloaded whilst parked on the public highway, or which has reversed into the access from the public highway.

Thereafter the approved details shall be complied with.

Reason: In the interests of highway safety.

26. Subject to the swept-path analysis referred to in Condition No. 25 above, the development shall not be used unless the car parking accommodation, servicing and manoeuvring areas identified on the approved plan have been surfaced, sealed, drained, formally marked out and illuminated to the satisfaction of the Local Planning Authority. Thereafter the car parking accommodation, servicing and manoeuvring areas shall be retained/maintained.

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

27. A minimum of three electric vehicle charging points shall be provided within the car park, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In order to ensure that the development encourages sustainable modes of transport in the interests of mitigating the effects of climate change.

28. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 112 of the National Planning Policy Framework.

29. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

30. Before the development is commenced, 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 unless otherwise authorised in writing by the Local Planning Authority.

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.

31. Before the use hereby permitted commences, a Lighting Impact Assessment giving details of the impact of light from the development on adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'.

The Lighting Impact Assessment shall include the following:-

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item listed).
- Plan showing horizontal illuminance levels (Eh), showing all buildings within 100 metres.
- Plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres.
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- Proposed operational hours.
- A statement of the need for floodlighting.

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

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

32. Before the use of the development commences, a Lighting Impact Assessment giving details of the impact of light from the development on adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light' and shall include:

- the number of lighting columns, their height, and proposed lighting units;
- drawing showing illuminance levels (a separate drawings for each item listed);
- plan showing horizontal illuminance levels (Eh) and all buildings within 100 metres;
- plan showing vertical illuminance levels (Ev) and all buildings within 100 metres;
- specification of the Environmental Zone of the application site;
- operational hours; and
- statement of the need for floodlighting.

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

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

Other Compliance Conditions

33. 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.

34. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

35. The lower sections of the windows serving Apartment 16 facing north east towards 7 Grenfolds Road shall be glazed with obscure glass and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

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

36. The rear facing windows within the flat face of the oriel windows serving Apartment 8 and facing east towards 7 Grenfolds Road shall be glazed with obscure glass and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

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

37. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 7 litres per second per hectare.

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

38. The larger commercial unit hereby approved (Unit 1) shall be limited to a use falling within part (a) of Class E of the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: To limit the use of the store to the sale of convenience goods only.

39. No less than 50% of the total retail sales area shall be devoted to the sale of convenience goods.

Reason: In the interest of protecting the vitality and viability of neighbouring

District and Local Shopping Centres.

40. No amplified sound shall be played within the commercial uses hereby permitted, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

41. The convenience store shall be used only between 0700 hours and 2300 hours Monday to Saturday and between 0800 hours to 2000 on Sundays and Public Holidays.

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

42. Commercial deliveries to and collections from the building shall be carried out only between 0700 hours and 2100 hours on Mondays to Saturdays and not at all on Sundays and Public Holidays.

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

43. 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 2100 Mondays to Saturdays and between the hours of 0900 to 2100 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. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
2. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.

- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. 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. 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.

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. 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:

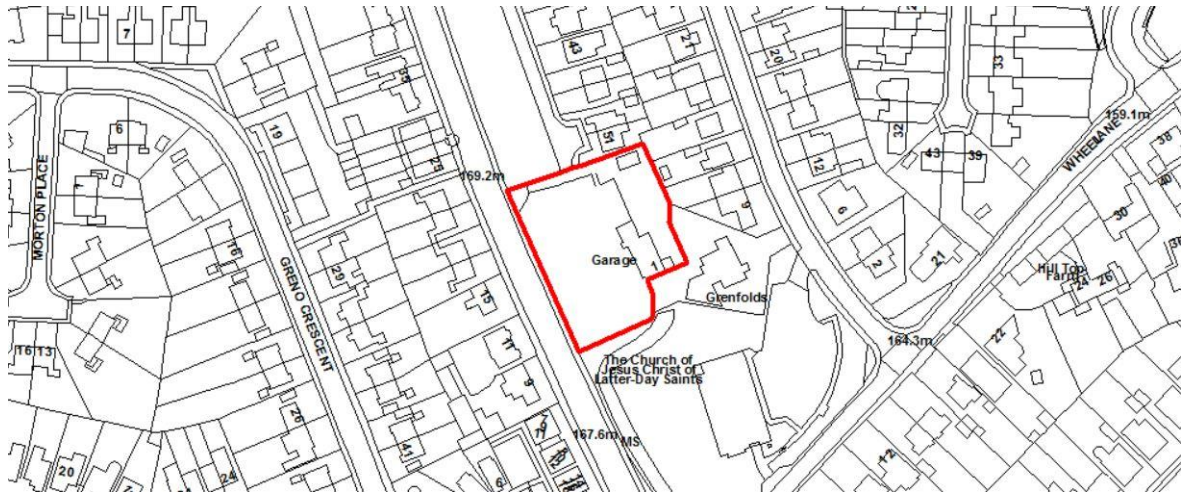
Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

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

7. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:
 - A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
 - Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
 - Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the Guidance Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/new-build-developer-guidance.pdf> and/or contact hello@superfastsouthyorkshire.co.uk

Site Location



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LOCATION AND SITE CHARACTERISTICS

The application site relates to approximately 0.24 hectares of land that is situated on the eastern side of Penistone Road. The site is located within a Housing Area as identified in the Unitary Development Plan (UDP) and is occupied by a used car sales business with ancillary repair and maintenance activities. There is an existing workshop/office building on site set approximately 30 metres back from Penistone Road and a small building in the north-eastern corner. The main building presents itself as single storey flat roofed structure when viewed from Penistone Road, however due to a change in land level at the rear of the site there is a substantial undercroft garage and parking area used for the servicing and storage of vehicles. The undercroft area is accessed via a driveway that runs down the length of the site's northern boundary. The rest of the site is hard standing used for the parking and display of vehicles. Vehicle access is gained from Penistone Road via two separate points at either end of the site frontage. The site's ground levels are quite deceiving from Penistone Road with the existing building hiding the drop in level to the east.

To the north of the site is 51 Rojean Drive, a two storey semi-detached house. Adjoining the site to the east are the rear gardens of properties on Grenfolds Road (no.s 9-15), to its south eastern corner is a bungalow (no.7) and to its south is the Church of Jesus Christ of Latter Day Saints. Opposite the site across Penistone Road are two-storey semi/detached and terraced dwelling houses (11-23 Penistone Road). The Salt Box Lane/Penistone Road crossroads is situated some 80m to its south. A long strip of grassland, which is designated as open space in the UDP, extends between Penistone Road and Rojean Drive to the north.

PROPOSAL

The application seeks full planning permission to demolish the existing buildings on site and erect a split level mixed use development to provide 3 ground floor retail units (Use Class E) and 20 lower ground floor, first and second floor apartments (5 x 1-bed and 15 x 2-bed). The retail units would include a convenience store (350 square metres) and two smaller units, each 93 square metres in area. The larger unit would be restricted to part a) of Use Class E and the two smaller units to parts a), c) e) and g) of Use Class E of the Town and Country Planning Use Classes Order 1987 (as amended). This means that the larger unit would be limited to use as a convenience store (formerly Use Class A1) and the smaller units for either financial services such as an office (formerly Use Class A2), medical or health services such as a dentist or doctor's surgery (formerly Use Class D1) or for research and development (formerly Use Class B1(b)).

On-site parking for 39 vehicles is proposed across the site. The site plan does not indicate the breakdown between the number of parking spaces that would be allocated to the retail units and apartments.

The application has been amended by plans received on the 5 January 2022. The amendments have resulted in the scheme being reduced from 32 units to 20 units, with the majority of the units now being 2-bedroomed.

RELEVANT PLANNING HISTORY

| | |
|-----------------------------|---|
| 05/04663/FUL | Erection of 33 apartments – Withdrawn 29/03/06 |
| 06/02832/FUL car | Erection of 28 apartments in 1 x 3/4 storey block with associated parking accommodation – Approved 22/01/07 |
| 07/00663/FUL | Erection of 18 apartments with convenience store (Use Class A1) on ground floor in 1 x 3/4 storey block with associated car parking accommodation – Approved 12/02/08 |
| 08/05049/FUL application | Application to vary condition 39 (opening hours) of granted 07/00663/FUL – Approved 02/01/09 |
| 11/00064/FUL | Mixed retail development including convenience store (Use Class A1) and three smaller retail units (Use Class A1 or A2) with associated car parking accommodation (Re-submission of 10/02819/FUL) – Approved 03/06/11 |

PROCEDURAL ISSUES

At the time of the application being submitted, retail uses were classified as Use Class A1 in the Town and Country Planning Use Classes Order 1987. In September 2020, the use classes order was significantly amended with retail uses now falling within Use Class E. Under Class E, there is a greater range of uses that includes food and drink, financial and professional services, offices, research and development, light industrial processes, medical or health services and children's day nurseries. On account of this change, and in order to prevent the larger unit being changed to a food and drink or a light industrial use that would now be permitted under the more flexible Use Class E, the description of the application has been amended to reflect the new Use Classes Order, limited to part a) for the larger unit and parts a), c), e) and g) for the two smaller units.

The applicant has agreed to the change in the description and a condition that restricts the uses to that referred to above.

SUMMARY OF REPRESENTATIONS

The application has been subject to two rounds of consultation, the first on submission of the application, and the second on the submission of amended plans. Twenty-seven letters were received in response to the first round of consultation and 19 further letters were received in response to the second round. Of these, 25 oppose the development, one makes comments and one is in support.

Letters of objection have also been received from Ecclesfield Parish Council and the Grenoside Conservation Society. Many of the objectors to the application have written in more than once.

A summary of the representations received are set out below and include comments received from both rounds of consultation:

Against

- While no objection is raised to the provisions of more amenities in the area, the proposed building is unacceptable and will result in overlooking of neighbouring properties.
- Overbearing issues with the building being 4-storeys in height.
- The difference between this development and those already built on the western side of Penistone Road are that these will overlook and tower above the houses and bungalow on Grenfolds Road.
- The development will double the height of the current structure. It is estimated that it will be more than 8m higher than neighbouring properties.
- The development is out of keeping with neighbouring properties.
- The height of the build should not be permitted to be higher than the existing structure.
- Overshadowing and right to light.
- Noise disturbance from cars being parked at the rear of the flats.
- Noise from the late opening hours of the proposed convenience store and early deliveries, which could cause a nuisance.
- Noise from trolleys.
- Increased pollution. Penistone Road is a busy thoroughfare that carries high traffic volumes, including HGVs.
- Lack of parking. The proposed parking spaces will be taken by the new residents leading to parking on adjacent streets. People already park on the car sales side of the road causing obstruction issues.
- Exacerbate parking problems in the area.
- A combination of four roads, traffic lights, and two bus stops, where cars frequently overtake stationary buses, makes this a very hazardous junction for pedestrians to navigate, added to this, access and exits to dwellings and retail units would increase the problem of the traffic flow in Penistone Road.
- Cause significant congestion problems and exacerbate the level of traffic along Penistone Road.
- No need for a convenience store in this location.
- Increased litter.
- The building to be demolished borders 7 Grenfolds Road and it cannot be done without access onto this property. The building is only metres away from this property.
- Health and safety issues including a risk to health by the removal of fuel tanks. Reference is made to a leaking fuel tank and the danger of explosion if disturbed.
- Ground samples taken identified Arsenic which is a cause for concern to local residents. What assurances are going to be made to assure neighbours that disturbing the site is not going to put their health at risk and be a danger to the general locality.
- Anti-social behaviour.
- Grenoside development proposals should be considered very carefully. Infilling could ruin the character of the village, while estate development would

- overwhelm it. There is pressure for development in the village, mainly for housing commuters, but it has been successfully resisted in similar cases.
- The proposed siting of the development is particularly ill-considered.
 - There is no need for this kind of open market housing in the village.
 - The amended scheme does not overcome the overarching concerns raised with the original submission.
 - Commercial units would detract from the village setting.
 - Development will have an impact on small local businesses and the economy.
 - The new islands at the crossroads were such a waste of time and money. When the flats on the council offices site were built this was on condition that traffic lights with pedestrian crossings were installed before any of the properties went on sale, which never happened. The current set up causes such hold ups already, which will be exacerbated by the development.
 - Anyone leaving the site will not be able to turn right across the flow of traffic, which will mean drivers turning left and driving round residential roads to work their way around or doing a 3 point turn.
 - There does not appear to be a delivery plan for the commercial units. Parking spaces will be blocked until the deliveries have been carried out.
 - The existing drains will not cope with another 20 homes and commercial units.
 - The electricity supply in Grenoside is sensitive and may not be able to support the development.
 - The lower ground floor apartments will have limited natural light.
 - The outdoor amenity space is negligible and would be in shade for most of the day, encouraging moss growth
 - The trolley grid seems to have been removed from the revised scheme. Does this mean there will be no shopping trolleys available for the larger commercial unit?
 - Demand for shops is lower because many people have their food delivered online
 - Mental health issues with light being taken away from neighbouring properties.
 - Concerns raised whether young adults or old age pensioners would want to live above shops.
 - The site is remote from places where young adults would like to live, such as Kelham Island.
 - All other large businesses on Penistone/Halifax Road are accessed via a side road. The development would be accessed directly from the main A61 road, and is a short distance from traffic lights/crossroads.
 - Penistone Road is the main route from the city centre to the M1 (Northbound). Adding 3 commercial premises on this major route will have impact local residents and other road users (such as public transport, ambulance and rescue services).
 - Lack of parking. It is expected that some of the two bedroom apartments will have more than one car.
 - Effect on trees within neighbouring properties' gardens.
 - A nearby planning application (Ref: 20/02057/FUL) on Wheel Lane was refused due to height and general massing and this build would be in contradiction of this previously refused application.
 - Impact on existing drainage and foul waste networks. The current sewer network does not have the capacity to accept any additional discharge of surface water.

- An assessment should be carried out to ensure that the development does not lead to damage of neighbouring property fencing.

Support

- The sooner planning permission is given the better it will be for those of us that live at the bottom of the village. At the moment there are no facilities whatsoever in this area. A general store or similar would be an asset to all of us, especially for people who are unable to drive or walk long distances.

Non-planning matters

- Devaluation of neighbouring properties.
- Loss of views.

Ecclesfield Parish Council

The Committee is in full support of the objections raised by residents of neighbouring properties.

- Size and massing of the building especially in relation to properties to the rear on Grenfolds Road.
- Inadequate car parking spaces which will result in parking on neighbouring streets.
- A high volume of visiting cars and delivery lorries.
- The site is on the main A61 trunk road, close to the busy Penistone Road/Wheel Lane junction. Traffic flows will be seriously affected especially traffic turning right.
- The provision of a pedestrian gate leading from Rojean Road will affect the residents living there as customers will park on Rojean Road, an access road which has a narrow carriageway and limited turning space. It is expected that customers will use Rojean Road as Penistone Road, Wheel Lane, Salt Box Lane and Halifax Road have double yellow lines.

Grenoside Conservation Society (first response)

The Society state that the design is out of scale with the area. The developer has achieved not increasing the height of the block by removing the pitched roof of the previous design and replacing it with a flat roof. This now gives the appearance of a warehouse or shopping mall and does not fit in with the semi rural village location. The rear view that many houses on Grenfolds Road and Rojean Road have is 3 storeys. This is extremely overpowering and will be visible for miles around. The building will be a huge block standing alone on the east side of Penistone Road.

The building on site currently is single storey, much smaller and follows the building line of Rojean Road which is continued down Halifax Road.

There is not enough car parking for both home owners and shop users so visitors to the site may have to park on Penistone Road, contributing to major traffic problems on this busy stretch of road, or try to park on Rojean Road which is a very narrow residential

street causing problems for the residents. We feel that the amount of traffic generated by 32 flats will be greater than predicted and will be busiest at peak times when people are going to work and will therefore make this stretch of road even more difficult. The bus services through Grenoside are not good enough to support or encourage people on to them.

Grenoside is an attractive village with a large part of it designated as a conservation area. The village feels very strongly that the character of our village should be retained, as was demonstrated in the responses in the Village Plan questionnaire, and not exploited by commercial overdevelopment. We support the idea of low cost housing but this block is far too big in height.

Grenoside Conservation Society (second response on amended plans)

Grenoside Conservation Society has stated that their objections are the same as for the original submission and previous amendments as the amendments have done very little to change the height and massing of this development and the problems it will cause.

PLANNING ASSESSMENT

Policy Context

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 applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The UDP Proposals Map identifies the site as being within a Housing Area.

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

Assessment of a development proposal also needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide 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.

In terms of Paragraph 11, the Council's revised 5-Year Housing Land Supply Monitoring Report, which was released in August 2021, includes the updated Government's standard methodology and a 35% uplift that should be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4 year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites.

As a consequence, and as there are no 'protected areas or assets of particular importance' affected by the proposal, the 'tilted balance' is engaged and planning applications for housing should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is considered that the main issues relevant to this application are as follows:

- The Principle of Development – Policy and Land Use;
- Highway Matters;
- Design Matters - Effect on the character and appearance of the surrounding area;
- Residential Amenity Matters;
- Noise and Odour Issues;
- Ground Conditions;
- Affordable Housing;
- Flood and Drainage Matters;
- Sustainability Matters;
- Community Infrastructure Levy (CIL); and
- Other Matters
- Titled Balance

The Principle of Development – Policy and Land Use

The applicant is seeking approval to demolish the existing car sales building and erect a three/four storey block that would comprise of three ground floor retail units and 20 lower ground floor, 1st and 2nd floor apartments. The site lies in a designated Housing Area.

As the proposal relates to a mixed use development, the assessment of the development is separated into two sections, the first relating to the provision of retail in this location, and the second relating to the provision of the 20 apartments.

Retail

Under the terms of Policy H10 of the UDP, small shops of less than 280 square metre sales area are deemed acceptable uses in housing areas. The proposed three retail units would have a combined retail floor area of 536 square metres (GIA) comprising,

as described in the Transport Statement, of a convenience store of 350 square metres and two smaller shops of 90 and 92 square metres in size. Regardless, it is evident that individually or combined, the proposal would be greater than that permitted under Policy H10. The development would therefore conflict with this policy.

UDP Policy S5 relates to development outside the central shopping area and district centres.

The first part of Policy S5 relates to retail development on the edge of the Central or District Shopping Centres and so is not relevant to the determination of this application.

The second part of Policy S5 states that retail development, other than within or at the edge of the Central Shopping Area or District Shopping Centres, will be permitted if the proposed development is (a) a small shop; or (b) in or at the edge of a local centre for appropriately sized foodstores and other facilities to serve the day-to-day needs of the local population; or (c) in a retail park subject to Policy S9, or (d) in Meadowhall subject to policy S8.

The proposed development does not satisfy parts (a) to (d) of Policy S5 as it represents a new out-of-centre development which is not of small scale.

The third part of Policy S5 lists criteria that all retail development outside the Central Shopping Area and District Shopping Centres (which the proposal is) must satisfy, including:

- It should not undermine the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development;
- It should not jeopardise private sector investment needed to safeguard the vitality and viability of the shopping centres or put at risk the strategy or proposals for promotion and regeneration of those areas; and
- It should be easily accessible by public and private transport and provide satisfactory access for people with disabilities and people arriving by foot, cycle or public transport; and
- The traffic generated should not result in a significant increase in the number and length of customer trips.

The highways, transport and land use matters identified in Policy S5 are considered in the relevant sections of this report.

Paragraph 86 of the NPPF sets out that decisions should support the role that town centres play at the heart of local communities. Paragraph 87 says that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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. Paragraph 88 states that when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Both UDP policies (H10 and S5) are considered to be inconsistent with government policy set out in paragraphs 86 to 91 of the NPPF as their approach to restricting larger retail developments (of more than 280 sqm) is not consistent with the sequential approach described in the NPPF.

However, as the development plan remains the starting point for decision making, the assessment of this application does consider the cumulative impacts of the proposed retail development in line with the requirements of S5, though Policy S5 carries substantially less weight in light of the more up to date guidance contained in the NPPF and National Planning Practice Guide (NPPG).

The sequential test has been considered afresh by the applicant's agent and describes the availability and suitability of sites in Hillsborough and Chapeltown District Centres and Local Centres in Owlerton (Halifax Road) and Ecclesfield. The sequential test briefly explains that there are no sequentially preferable sites in the aforementioned centres. Prior to the last approval in 2011, a District Centre has been established at Chaucer which is listed in Core Strategy Policies CS34 and CS37. There is an available site in Chaucer at the junction between Buchanan Road and Wordsworth Avenue. However, the Chaucer site, and the other sites in the above listed district and local centres, would be outside the catchment area of the proposal.

While the proposal is out-of-centre, it is considered that the sequential approach is satisfied given that there are no nearby centres in its catchment area in which the stores could be located. Operators of stores of the sizes proposed specify the required population size to support new stores to be approximately 5000 people living within a half to three quarters of a mile radius. This closely matches the profile of the Grenoside neighbourhood area. It is also of note that Grenoside has no Local Centre and no convenience shops, so the proposal will be primarily serving this local area. As such, it is considered that the proposed development is unlikely to impact or undermine the vitality and viability of Centres that are a mile or more away from the site, which includes Hillsborough and Chapeltown District Centres.

It is acknowledged that there have been recent retail developments outside the nearby District Centres, including at Herries Road/Penistone Road and Malin Bridge, which are likely to have some cumulative impact on their vitality and viability. However, as described above, the cumulative impact of this and other recent developments on the District Centres as espoused by UDP Policy S5 can only be given limited weight as it is not a specific requirement of the NPPF. In any event, it is considered that the cumulative impact of this and other recent developments are unlikely to undermine the District Centres, particularly with regard to the application given the distance of the site from these Centres and the amount of sales area proposed, which is likely to be no more than 400 square metres (based on 70% of GIA).

From a town centre policy perspective therefore, it is considered that the development is acceptable and would not conflict with government policy contained in paragraphs 86 to 91 of the NPPF.

With regards to the condition attached to the 2011 approval that limited the amount of the sales area for non-convenience goods to no more than 50%, this is considered to

remain relevant for the proposed larger unit and it is recommended that a similar condition be attached to any grant of planning permission.

The NPPF, at paragraph 54, states that planning conditions should not be used to restrict national permitted development rights normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 unless there is clear justification to do so. In this instance it is considered necessary to limit the amount of sales area devoted to non-convenience goods to no more than 50% due to the site's out of centre location and to give some priority to the sale of convenience goods, particularly as there is shortage of local convenience stores to meet the essential needs of the local community.

In terms of the two smaller units, it is considered reasonable to allow them greater flexibility within Class E of the Use Class Order 1987 (as amended), but limited to retail and office uses (parts a and c), medical and health services (part e) and research and development and light industrial uses (part g). In terms of the light industrial uses, these would only include uses that can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration and smell. Any other use falling within Use Class E of the Order, such as food and drink uses, would require full planning permission.

Housing

The application site is situated in a Housing Area. In Housing Areas, housing is the preferred use of land under UDP Policy H10.

Also of relevance is UDP Policy H5, which relates to flats, bed-sitters and shared housing. This policy is permissive in terms of their presence in housing areas provided, amongst other things, a concentration of such uses would not cause serious nuisance to existing residents, living conditions would be satisfactory for occupants of the accommodation and their immediate neighbours, and there would be appropriate off street car parking for the needs of the people living there. In terms of the concentration of such uses, it is considered that the development would not undermine the residential character of the area.

Core Strategy Policy CS22 sets out the scale of the requirement for new housing across the city, and details that sufficient sites will be allocated to meet the housing requirement to at least 2020/21 and that a 5-year supply of deliverable sites will be maintained at all times. Policy CS23 sets out locations for new housing and states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Priority will be on suitable, sustainably located sites within or adjoining the main urban area of Sheffield and the urban area of Stocksbridge/Deepcar. It goes on to say that outside the urban areas and larger villages, housing development will be limited to that which is consistent with policies for the Green Belt and countryside areas.

The NPPF, at paragraph 69, recognizes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and states at part c) that to promote the development of a good mix of sites, local planning authorities

should support the development of windfall sites through decisions and give great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 119 details that planning decisions should promote the effective use of land in meeting the need for homes and other uses, while paragraph 120 part c) states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and at part d) to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

As such, the proposal to provide 20 apartments as part of the redevelopment of the application site is considered to be acceptable in principle.

In addition to this, and as described above, as the Council is no longer able to demonstrate a five year supply of deliverable housing sites, so the most important development plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11 part d) of the NPPF. Therefore, significant weight should be given to the provision of 20 new homes, a mixture of 1 and 2-bed apartments, which will contribute to meeting the current shortfall of housing in this sustainable location.

Based on the above, it is considered that there are no policy objections to developing the site for housing and the proposal would not conflict with development plan policy or government guidance contained in the NPPF.

Highway Matters

UDP Policy H5 part c) states that planning permission will be granted for the creation of flats, only if there would be appropriate off-street parking for the needs of people living there. This reflects UDP Policy H14, where at part d), it states that new development will be permitted provided that it would provide safe access to the highway network and have appropriate off-street parking.

These policies are not fully consistent with government policy contained in the NPPF, which states at paragraph 111 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 requirement to provide appropriate off-street parking is not reflected in the NPPF, with government policy suggesting that a shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

Also relevant are Core Strategy Policies CS51, CS53 and CS55. Policy CS51 identifies 6 strategic transport priorities which include, promoting choice by developing alternatives to the car, maximising accessibility, containing congestion levels, improving air quality, road safety and supporting economic objectives through demand management and sustainable travel initiatives.

CS53 sets out a number of ways the demand for travel will be managed to meet needs. These include promoting public transport, cycling and walking, implementing travel

plans to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, and applying maximum parking standards to manage the provision of private parking spaces.

Policy CS55 states that improvements to the cycle network will be given priority on strategic links.

Whilst the specific routes identified in Policy CS55 are a little out of date, for the most part these policies are considered to be consistent with the aims of the NPPF.

This application has been supported by a Transport Statement which confirms that the development comprises of a convenience store of 350 square metres and two smaller shops which are 90 and 92 square metres in area. The number of dwellings has been reduced by twelve units from 32 to 20 apartments (5 one-bedroomed and 15 two-bedroomed) from that described in the Transport Statement.

The site has three previous planning consents. Planning reference No.06/02832/FUL was for the erection of 28 apartments in 1 x 3/4 storey block with associated car parking accommodation.

Planning reference No. 07/00663/FUL was for a 450 square metres convenience store, with 18 apartments, while planning reference No. 11/00064/FUL, a purely commercial development, granted permission for 558 square metres of A1 retail use, and 93 square metres of A2 retail use (both now fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

The computer database TRICS has been interrogated to derive the number of vehicle and pedestrian trips likely to be generated by this fresh development proposal. Combining the three commercial units and 32 flats (as originally submitted) suggests, during the morning peak hour, there would be 40 vehicular arrivals and 43 departures. During the evening peak hour there would be 53 vehicular arrivals and 49 departures. These generations are slightly lower than the previously approved schemes. TRICS predicts the pedestrian activity to be 39 arrivals and 41 departures during the morning peak, and 45 arrivals and 42 departures during the evening peak. As the number of units has reduced from that originally submitted, it is expected that the number of arrivals and departures to and from the site would be less than the figures set out in the TRICS.

Objectors have raised concern about additional traffic and increased turning manoeuvres, which it is claimed will increase the risk of accidents. The transport statement reviewed recorded personal injury accidents for a 300-metre length of the A61 running north from Salt Box Lane. For a 5-year period up to 2018, only 3 slight injuries were recorded, all at the A61/Salt Box Lane junction. A more recent search also showed that the only accidents occurred at this same junction. No accidents have occurred at the development site's existing accesses, and no accidents have occurred at the nearest priority junction with the A61 at Hill Top Road, which accommodates more movements than the development site will generate. Visibility at the development site access is already compliant with national guidelines, but will be improved further by the removal of the tall boundary fence and its replacement with low-level landscaping.

To reiterate, the existing ingress and egress arrangement for vehicles would remain largely unaffected, with only minor revisions including changes in materials, kerbing and the provision of tactile paving. No servicing will take place from the public highway. The practice, associated with the existing use, of the car transporter unloading from Penistone Road would no longer occur.

Servicing would take place on site and the proposed access is of sufficient width (4.1m) to allow access for service and delivery vehicles. The convenience store would have its own service yard at the southern end of the site and the two smaller shops would be served by small vans. A condition is recommended to secure further detail with regards to service management, and some swept-path analysis, with arrangements in place to ensure no conflicts with customers and residents.

With regard to car parking provision, a total of 39 spaces are proposed. Sheffield City Council maximum car parking standards would allow 20 for residents, 5 for visitors of the residents, 17 for the convenience store, and 5 for the two smaller shops, giving a total of 47 spaces. However these are maximums standards. The site is situated on a high frequency, well connected bus service, in a well populated area of the city. The flats could appeal to non-car owners and the percentage of walking customers to the shops may be higher than TRICS predicts. Given the sustainable location of the site, officers consider that it would be difficult to recommend refusal of the application based on insufficient car parking accommodation. The applicant has confirmed that each of the apartments would be allocated one space, with 4 visitor parking spaces, and that 15 spaces (parking bays 1-15) would be provided for commercial parking in front of the 3 commercial units. In addition, the applicant has agreed to a condition to secure the provision of a number of electric vehicle charging points.

The applicant considers that the provision (fairly recently) of some pedestrian refuges on the A61 close to Salt Box Lane negates the need for a puffin crossing on their site frontage, between the ingress and egress. The previous application for flats and a convenience store (07/00663/FUL) was conditioned to provide such a crossing, though this was before the refuges were constructed. At the time, extensive modelling was undertaken to assess the implications for congestion of different pedestrian crossing options. Having push-button and an all-red phase at Salt Box Lane was modelled, but this pushed the junction quite significantly into operating at over capacity during the peak periods. The optimum arrangement was found to be pedestrian refuges at Salt Box Lane (funded by the Grenoside Grange Close development) and a puffin crossing to be funded by the applicant (who accepted the findings of the modelling at that time).

Given the parking situation described above, the offer of new convenience shopping and as walking to the site is to be encouraged as much as possible, it is recommended that a suitable pedestrian crossing, such as a Puffin Crossing, is provided as part of the development. The A61 severs connectivity from the community to the west, particularly during peak periods. There are refuges to the south of the site (approximately 100m from the desired location of the suggested puffin crossing), but when using the refuges, pedestrians are reliant on sight and sound to assess when it is safe to cross and there are very few gaps in the traffic during peak periods. Whilst the refuges are useful, they are unlikely to be used by the partially sighted, deaf, frail or elderly. The refuges alone do not sufficiently facilitate walking by all age groups and abilities. They are also too remote from the development site. The applicant is opposed to the provision of a Puffin

Crossing due to the expense, but is agreeable to a condition that would finance a suitable means of pedestrian crossing to the site over the A61, the type being subject to further assessment by the applicant's transport consultants and in consultation with SCC highways department.

With regards to resident's cycle parking, 10 spaces (50% provision) are provided in a covered and secure store to the rear of the development adjacent the resident's car park. An additional 10 short stay cycle parking spaces are proposed to the front of the commercial units for shoppers and visitors. Further details will be secured by condition.

In summary, subject to the introduction of pedestrian facilities, the details of which are reserved by condition, there are no highways objections to the development proposal as there is no evidence to suggest that the unacceptable highway safety impacts would occur, or that the residual cumulative impacts on the road network would be severe.

Design Matters - Effect on the character and appearance of the surrounding area

Policy BE5 part c) 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 a site's natural features.

Policy H14 part a) states that in Housing Areas, new development will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings.

Core Strategy Policy CS74 (Design Principle) also expects high quality development that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

These local policies align with government policy contained in Chapter 12 of the NPPF (Achieving well-designed places), which states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The proposed building will be sited towards the eastern end of the site, covering the footprint of the existing building, with car parking to the west of the new building, fronting Penistone Road. Car parking is also proposed on the eastern side of the new building, towards the north-east corner of the site, on a lower land level.

A small periphery landscaped strip is proposed along the western boundary, with a

good sized landscaped amenity area of some 190 square metres proposed in the south-east corner of the site.

To overcome concerns raised by officers, particularly in respect of the overlooking and overbearing impacts, the applicant agreed to amend the scheme. Amongst other things, the rear elevation has been moved approximately 1m further away from the north-eastern boundary, the roof along the rear elevation has been redesigned, and the upper two-storeys of the southern section of the building that butted up against the rear boundary wall of No. 7 Grenfolds Road have been omitted from the scheme.

The amended drawings show a split-level building with three storeys facing Penistone Road and four storeys to the rear.

The building measures 41m (length) by 16.2m (depth) with a height varying between 10.5m (facing Penistone Road) and 13.4m (to the rear). It would be constructed with a flat roof with parapet walling with the design features of the front elevation of the building including a central block book-ended by two shallow recessed blocks and deep recessed glazed sections which are set approximately 1m lower than the main eaves of the building. The good sized first and second floor windows have Juliet balconies, and at ground floor level there are five glazed shop front windows with the central shop front forming the main entrance to the convenience store. The building would be primarily faced in reconstituted stone in 150mm courses with the ground floor faced in feature ashlar stone walling.

To the rear the pitch of the alu-zinc clad mansard roof has been lowered to reduce its bulk, a series of projecting piers have been introduced to provide some vertical emphasis - akin to a terrace of townhouses, all oriel windows have been removed from the second floor and limited to only three at first floor level, and the lower ground floor level overhang has been omitted.

The design quality of the proposed scheme is considered to be acceptable. The central section of the building with subservient blocks either side helps to reduce the overall mass of the building, presenting it as a series of separate but integral elements.

The form of the building's front façade to Penistone Road is three storey. The existing properties in the locality are largely two-storey semi detached, terraced and detached dwelling houses, although the surrounding area is not limited to two storey housing, with three storey buildings located on the corner of the Salt Box Lane/Penistone Road junction. Properties on the western side of Penistone Road are also elevated above the highway.

While it is acknowledged that the building is not domestic in scale or form, it is not considered that it would detract from the character of the area or be at significant odds with the existing built form. Its scale, to Penistone Road, would not be dissimilar to that of the existing flats at Penistone Road's junction with Salt Box Lane. While a traditional pitched roof with rear dormers might be preferred, it is considered that the more contemporary, flat roofed design is not harmful to the character and appearance of the area. The use of good quality details and materials can be conditioned to ensure that the development contributes to the overall quality of the area.

Similar to the previously approved schemes, the siting of the building has been led by the desire to maintain the existing open character of the street, whilst minimising any detrimental impacts on the properties to the rear of the site (Grenfolds Road). This has been achieved by setting the building back 18 metres from Penistone Road and up to 12 metres from the site's rear (eastern) boundary to create an open area in front of the building for parking, additional parking and an area of landscaping for future residents to the rear, and a stand-off distance of 27 metres between the building and the properties to the rear to minimise amenity impacts.

In addition, the building will be partially screened as you approach the site along the A61 by the mature trees within the open space to the north and within the boundary of the church to the south.

There is some concern that the flat roofed approach increases the bulk of the building to the rear and that, at four storeys in height, it is at odds with the immediate context to the east. The rear elevation will also be seen in some longer views, from Wheel Lane for example. However, it is considered that the site warrants a building of some stature given its prominent location and context close to the church and three-storey apartments blocks at the junction with Salt Box Lane. Officers are satisfied that the building would not have a overly dominant appearance or be at significant odds with local character. From the A61, the building would be seen as a low profile three storey building that would be of appropriate scale and form. In addition, the amendments to the scheme, including the shallower pitch of the mansard roof and removal of high level oriel windows, help to reduce the overall bulk of the building in views from the rear.

As amended, it is considered that the development is an appropriate architectural response that would not conflict with UDP Policies H14 and BE5 and Core Strategy Policy CS74 or government policy contained in the NPPF. As described above, the NPPF states that planning decisions should promote the effective use of land in meeting the need for homes and other uses and that planning decisions should give substantial weight to the value of using suitable brownfield land, particularly at a time when there is an identified need for housing.

Amendments secured during the application process reduced the overall number of units within the building from 32 to 20 in order to reduce its bulk and impact on neighbouring properties. It is considered that the amended scheme represents an appropriate form of development that would enable this under-utilised brownfield site to be developed at a scale that would not demonstrably harm the character or appearance of the area and provide some much needed, easily accessible local facilities.

Residential Amenity Matters

UDP Policy H14 expects new development or change of use proposals in Housing Areas to c) not be overdeveloped or deprive residents of light, or k) not to lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

UDP Policy H5 relates to flats and shared housing and states at part a) that planning permission will be granted only if a concentration of these uses would not cause serious nuisance to existing residents and at part b) that living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

These policies are broadly in line with government guidance contained in the NPPF, where it states at paragraph 130 part f) that decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In terms of amenity standards, as described above, the NPPF states that planning decisions should support development that makes efficient use of land. Paragraph 125 part a) states that in instances where there is an existing or anticipated shortage of land for meeting identified housing needs, planning decisions should avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In this context, it states at part c) that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

It has been calculated that a separation distance of approximately 38m would exist between the nearest part of the proposed building and the properties situated across Penistone Road (Nos. 26 to 36) to the west and 27.4m would be retained between the rear elevation and houses along Grenfolds Road (Nos. 9 to 15), in excess of the standard 21 metre privacy distance.

The pitch of the rear mansard roof has been lowered so that occupants will benefit from good outlook but it effectively reduces their ability to stand close to the windows and look down at neighbouring properties.

Similar to the 2011 scheme, the proposal includes a series of upper floor oriel windows along part of the building's rear elevation (1st floor) where separation distances between the building and the rear garden of No. 7 Grenfolds Road is more acute. The openings directly facing towards 7 Grenfolds Road would be obscured glazed, with clear glazed windows angled away from this property.

Views of the proposed building would be clearly visible from main rear windows and gardens of the neighbouring properties, but the separation distance, which in this instance is over 27m, the use of oriel windows, the sloping mansard roof and the existing high dense hedge along the site's rear boundary should help mitigate against any significant harm to the occupants of these houses, with no significant loss of outlook or overlooking.

The proposed apartments at lower ground floor level face east towards the rear site boundary and do not raise any privacy concerns.

The original proposal included a three storey off-shot adjacent the southern elevation. This off-shot was proposed to be built up to the common boundary with the bungalow at No. 7 Grenfolds Road, which is situated at a lower level. Owing to the difference in ground levels, the submitted scheme would have resulted in the equivalent of a four storey development along the common boundary, which was considered to be unacceptable. The amended plans show that the upper sections (a full two storeys) of the side off-shoot have been omitted, with the built form on the common boundary being limited to a single storey structure that is significantly reduced in floor area and is

largely set away from the boundary. As a result of this change, it is considered that the proposed building would not have an overbearing appearance that would be harmful to the residential amenity of the occupants of No.7, whose main/primary habitable room windows face north, east and west.

While the development would lead to some overshadowing of properties located to the rear, this would be mostly limited to late afternoon/early evenings and predominately during winter months when the sun is lower in the sky. This view is upheld by the applicant's Daylight Assessment which considered the impact of the development on daylight, sunlight and the overshadowing of external amenity spaces.

Daylight is the light received from the sun which is diffused through the sky's clouds. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component' (VSC), which is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

Calculations were undertaken in accordance with guidance contained in BRE document 209 'Site Layout Planning for Daylight & Sunlight' 2011. It was found that at:

7 Grenfolds Road: 8 of the 13 windows assessed within this property meet guidance for VSC. It should be noted that the 5 five windows that fall short of the guidance serve 2 rooms that have multiple windows within them, and when considered together these windows provide a good level of daylight.

9 Grenfolds Road: All of the windows assessed within this property meet the guidance for VSC.

11 Grenfolds Road: All of the windows assessed within this property meet the guidance for VSC.

13 Grenfolds Road: All of the windows assessed within this property meet the guidance for VSC.

15 Grenfolds Road: All of the windows assessed within this property meet the guidance for VSC.

In relation to daylight distribution it was found that at:

7 Grenfolds Road: All of the rooms assessed within this property meet the guidance for daylight distribution.

9 Grenfolds Road: All of the rooms assessed within this property meet the guidance for daylight distribution.

11 Grenfolds Road: 2 of the 4 rooms assessed within this property meet the guidance for daylight distribution.

13 Grenfolds Road: All of the rooms assessed within this property meet the guidance for daylight distribution.

15 Grenfolds Road: All of the rooms assessed within this property meet the guidance for daylight distribution.

In relation to sunlight, habitable rooms in domestic buildings that face within 90 degrees of due south are tested. It is recommended that applicable windows should receive a minimum of 25% of the total annual probable sunshine hours, to include a minimum of 5% of that which is available during the winter months. It was found that at:

7 Grenfolds Road: 11 of the 13 windows assessed within this property meet guidance for annual and winter sunlight hours. It should be noted that the 2 windows that fall short of the guidance serve 1 room that has multiple windows, and when considered together these windows provide a good level of daylight; this is supported by the daylight distribution test results.

9 Grenfolds Road: All of the windows assessed within this property meet the guidance for available sunlight hours.

11 Grenfolds Road: All of the windows assessed within this property meet the guidance for available sunlight hours.

13 Grenfolds Road: All of the windows assessed within this property meet the guidance for available sunlight hours.

15 Grenfolds Road: All of the windows assessed within this property meet the guidance for available sunlight hours.

In relation to amenity space, BRE guidance suggests that at least 50% of any garden or open spaces should receive no less than 2 hours of direct sun on the spring equinox (March 21st).

7 Grenfolds Road: Both amenity spaces assessed within this property meets the guidance for available sunlight hours.

9 Grenfolds Road: The amenity space assessed within this property meets the guidance for available sunlight hours.

11 Grenfolds Road: The amenity space assessed within this property meets the guidance for available sunlight hours.

13 Grenfolds Road: The amenity space assessed within this property meets the guidance for available sunlight hours.

15 Grenfolds Road: The amenity space assessed within this property meets the guidance for available sunlight hours.

The only other property directly affected by the development is 51 Rojean Drive. The integral garage to the side of this property is located approximately 1.5m beyond the site's northern boundary. This property's main outlook is east-west and is orientated away from the proposed building, and while it has two windows within its main side

elevation, set back over 4 metres from the common boundary, these are both obscured glazed and appear to serve non-habitable rooms.

Bearing in mind the level of separation and that fact that the development will have little impact on morning and evening sun, it is considered that the residential amenities of the occupants of No.51 will not be adversely affected by the development to a significant degree.

In terms of the living conditions of the apartment's future residents, it is considered that the apartments are a good size, ranging from 46 square metres for a 1 bedroom flat and 74 square metres for a 2 bedroom flat. In addition to this, the proposal includes a good sized lawned garden of approximately 190 square metres in the south-eastern corner of the site and is only a short walk away from Grenoside Park (250 metres to the west).

Noise and Odour Issues

The application site is located in a residential area with relatively high background levels. The predominant noise source is road traffic along Penistone Road, with vehicle movements considered to be high and to include public transport.

The proposal involves a mixed use development with residential accommodation being placed above commercial retail uses. Therefore, there is a potential for disamenity arising from the development due to factors such as noise, odours and anti-social behaviour. Noise breakout and transmission of commercial operations, amplified sound, deliveries, servicing and external plant and equipment all necessitate consideration. Potential noise disturbance is also likely from customers and from vehicles arriving, parking and departing from the site.

The Environmental Protection Service (EPS) confirmed that the significant potential break-in point for external noise is the glazing and ventilation to habitable rooms. EPS say that it is essential that the residential accommodation is designed to adequately attenuate surrounding noise sources and provide suitable internal noise levels. As described above, it is envisaged that, for the majority of the site, in particular the elevation facing Penistone Road, the main environmental noise source will be from road traffic. Commercial noise sources are likely to increase annoyance potential may also contribute significantly to the soundscape.

EPS recommend that conditions be attached that require a scheme of sound insulation works to be installed that should be based on the findings of an approved noise survey. A condition should also be attached that requires validation testing of the sound insulation works.

It is also recommended that conditions be attached to control the hours of use to between 0700 and 2300 hours (Monday to Saturday) and 0800 and 2000 hours (on Sundays and Public Holidays), the times of commercial goods deliveries and the movement, sorting and removal of waste bottles and materials. The opening hours are reflective of the opening hours that were approved in 2008, under application 08/05049/FUL. It is considered reasonable and proportionate to restrict opening hours on Sundays and Public Holidays to the hours set out above to protect the residential

amenity of residents of the apartments and neighbouring properties on days where lower background noise is expected.

It is not known whether the convenience store would include the preparation of hot food, where fume extraction equipment may be required. EPS recommend that a condition be attached to a grant of planning permission that requires details of any fume extraction system to be submitted to and approved by the local planning authority.

Ground Conditions

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 183 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

Given the previous use of the site, there is a likelihood of ground contamination. An earlier report commissioned by the applicant detailed that contaminative substances could be present in the made ground and fuel and oil tanks could be located at the rear of the site.

In addition to this earlier report, the applicant commissioned Abbeydale Building Environmental Consultants Ltd to carry out a Remediation Method Statement (Reference No. 741016RMS – dated July 2020). This report details that the made ground was found to be underlain by up to a metre of sandy gravelly clay residual soil. No visual signs of potential contamination were identified during the intrusive investigation, but olfactory signs of hydrocarbon contamination were identified (i.e. smelt) as well as significant VOC concentrations adjacent to the fuel tank. In terms of remediation measures, the report advises that to negate the risk to future receptors in the two proposed soft landscaping areas, two general remediation options have been considered, the first involving the excavation of all made ground soils beneath the proposed soft landscaping areas, or secondly, to break potential migration pathways between any remaining made ground soils and future receptors by the installation of a cover system. Also, as the development includes a lower ground floor, to prevent ground gases from migrating laterally from the strata, the lower ground floor will need to be sealed against ingress of any potential hydrocarbon vapours into the building.

EPS has inspected the report and found it to be acceptable. They recommend that the development be carried out in accordance with the recommendations of the Remediation Strategy and a subsequent Validation Report that demonstrates that the approved remediation measures to be submitted for approval.

Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. The implementation of this

policy is through the CIL and Planning Obligations Supplementary Planning Document (December 2015). The SPD at Guideline GAH3 sets out circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Chapeltown/Ecclesfield Housing Market Area (HMA), in which the application site is located, it has been shown that 10% affordable housing is viable on the majority of sites, and is therefore the expected developer contribution in the SPD for this part of the city. For the purposes of Core Strategy Policy CS40, the trigger for developers to contribute to the provision of affordable housing is 15 units. As the development proposes 20 dwellings a contribution is expected.

Government policy in respect of viability is set out in the NPPF. An update to National Planning Guidance (NPG) in respect of viability was published in July 2018, with further amendments introduced in May 2019. The definition of affordable housing is set out in Annex 2 of the NPPF and states that affordable housing is housing for sale or rent, for those whose needs are not met by the market, and which complies with one or more of the following (affordable housing for rent, starter homes, discounted market sales housing and other routes to home ownership). Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

With regard to the above, the applicant commissioned Resolve 106 Affordable Housing Consultancy to carry out a viability appraisal of the proposed development. This appraisal shows that the development would be unable to support a financial contribution towards on-site or off-site affordable housing provision without prejudicing the viability and deliverability of the scheme.

An independent assessment of the viability appraisal was carried out by CP Viability Ltd. Following the receipt of further information and in-depth cost analysis by an independent Quantity Surveyor in relation to the expected build costs, CP Viability have confirmed that the scheme is unable to support the delivery of affordable housing, and in fact, if the development is carried out as per the submitted scheme, it would make a financial loss of over £310,000. On account of this CP Viability has confirmed that, in their opinion, it is unlikely that the scheme would be delivered given the losses that would be incurred.

From an affordable housing perspective, it is evident that the development is unable to provide any on-site provision or make a financial contribution to the delivery of affordable housing elsewhere.

Sustainability Matters

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 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.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change, while policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 157 of the NPPF confirms that new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The application site is a brownfield site that is situated in a sustainable location, close to major public transport routes along Penistone Road. While the site is not located close to a local shopping centre, the inclusion of a convenience store as part of the site's redevelopment would mean that existing and future residents would have easy access to convenience goods, which would reduce the need to travel by car.

No specific details have been provided to demonstrate what measures would be included within the scheme to reduce emissions of greenhouse gases and provide energy from renewable or low carbon sources. The applicant has however confirmed that the building would outperform current building regulation requirements for energy and fabric efficiency, and that on-site renewable energy generation could be provided by an array of PV panels on the flat roof or Air Source Heat Pumps (ASHP).

To ensure that the policy requirements of Core Strategy Policies CS64 and CS65 are met, it is recommended that conditions be attached to any grant of planning permission that secures this.

Flood Risk and Drainage

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Government policy relating to planning and flood risk is contained at paragraphs 159 to 169 of the NPPF. Paragraph 159 sets out that development in areas at risk of flooding should be avoided by directing development area from areas at highest risk. Paragraph 161 sets out that plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change.

The Environment Agency's Strategic Flood Risk Assessment Map identifies that the site is located in Flood Zone 1, an area at low risk of flooding.

Paragraph 167 of the NPPF states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere, and at paragraph 169 it says that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should amongst other things take account of the advice of the Lead Local Flood Authority and have appropriate proposed minimum operational standards.

The developer is proposing to discharge surface water to SUDS and the public sewer. A report prepared by EWE Associates Limited states that there are no watercourses close to the development site with the site draining to Yorkshire Water's combined sewer. Any soakaways would need to be constructed into the natural ground level and below the level of the existing development to the east to ensure there is no horizontal discharge from the soakaway structures which may flood other adjacent land users. Subsequently, at this stage and until detailed site investigation is provided, the drainage consultant comments that soakaways are not considered to be a practical solution for the site.

Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Yorkshire Water has stated that curtilage surface water may discharge to public surface water sewer, but this should only be done as a last resort. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigations. On-site attenuation, taking into account climate change, will also be required before any discharge to the public sewer network is permitted.

Yorkshire Water have suggested two conditions to take the above into account. Subject to these conditions, it is considered that surface water disposal can be adequately catered for.

The Lead Local Flood Authority (LLFA) has stated that sufficient information has been provided with the application and find the proposed discharge rates of surface water to the combined sewer acceptable. With regard to SuDS, they state that fine aggregates under the car park could provide whole site attenuation with entry through permeable car parking space surfacing to provide treatment. The LLFA recommend two conditions, which would be attached to any grant of planning permission.

Ecology

UDP Policy GE11 requires the natural environment to be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance

the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The site is currently a brownfield site that has no ecological value. The site is primarily covered in impervious hardstanding with trees limited to a row of conifers along its eastern boundary. The redevelopment of the site provides an opportunity to improve its biodiversity that would include a 190 square metres of soft landscaping with trees and hedging and a 1m wide landscaped strip of land along the frontage of the site that would be planted with a variety of native shrubs. Though limited, these proposals do represent a net gain in biodiversity.

Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

The proposal is CIL liable and the applicant has completed the relevant form and confirmed that the development is not exempt for the reasons set out under Section 4 (Exemption or Relief) on the CIL form.

Other Matters

Demolition and construction works would take place in close proximity to sensitive uses with potential for disamenity to neighbouring properties, due to noise, vibration and dust. Fugitive dust emissions, vibration of piling and light from site security are also potential sources of amenity impacts. Due to this EPS recommend that the development only proceed in accordance with a Construction Environmental Management Plan (CEMP), which should cover all phases of any demolition, site clearance, groundworks and above ground level construction. This can be secured by planning condition.

Concerns have been raised that the development could increase anti-social behaviour in the area. While local convenience stores can result in nuisance if not well managed, it is considered that the development would not seriously harm the amenities of residents of the flats or neighbouring properties as there would be controls on hours of use and a high degree of natural surveillance.

Titled Balance

As described above, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites with the revised 5 Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to Paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered and planning permission should be granted unless the application of policies in the NPPF 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 the policies in the NPPF taken as a whole.

In this instance there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11 (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

In the absence of a 5 year supply of housing land, the tilted balance is engaged and in accordance with paragraph 11 of the NPPF, the positive and negative aspects of the scheme must be carefully weighed.

In relation to the positive impacts, the application site is located in a Housing Area where housing is the preferred use of land. The provision of 20 apartments (1 and 2 bedroom) on this brownfield site will make a significant contribution to local housing supply.

The site is in a sustainable urban location. The provision of a convenience store would not undermine the vitality and viability of District or Local Shopping Centres, but it would serve the needs of the local community and reduce the need to travel by car.

On site parking for 39 vehicles would be provided across the site. This number of spaces would be slightly below the SCC maximum car parking standards and so is not an over-provision that could encourage car use, and it is considered that a shortfall of 8 spaces can be justified given the sustainable location of the site, which is situated on a high frequency, well connected bus service, in a well populated area of the city where the apartments could appeal to non-car owners. In addition, the applicant has agreed to a condition to secure the provision of a number of electric vehicle charging points.

Following amendments, the overall scale, massing and design of the building is considered to be acceptable and it would not harm the character or appearance of the surrounding area. The building has been designed with a flat roof and would read as a three storey block with subservient end sections from Penistone Road. Massing to the rear of the block has been reduced following changes to the roof. Similar to the previous schemes, the building would be sited to the rear of the site to maintain the open character of the street whilst allowing for an adequate set back distance from neighbouring properties located to the rear of the site.

In terms of residential amenity, over 27 metres would be maintained between the nearest facing windows of neighbouring properties along Grenfolds Road. This

separation distance will prevent properties to the rear of the site being adversely affected by overlooking, loss of outlook or overshadowing. Similarly it is considered that there would be no significant harm to the amenities of the occupants of No. 51 Rojean Road, to the north, or of No.7 Grenfolds Road, to the south east, following the removal of the upper sections of the building closest to this property's rear garden.

Future occupants of the apartments would also have a good standard of amenity.

The development will bring about economic benefits in relation to long term jobs within the three commercial units and through the construction process.

The development will respond to climate change through the provision of energy from renewable or low carbon sources (reserved by condition) and will result in a small net gain in biodiversity.

The development will contribute to the provision of infrastructure through CIL.

In relation to the negative impacts, the applicant is opposed to the provision of a Puffin Crossing due to the expense, but is agreeable to a condition that would finance a suitable means of pedestrian crossing subject to further assessment.

The development is not sufficiently viable to make a contribution towards affordable housing.

While a number of objections have been received from local residents opposing the development, it is considered that there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits.

RECOMMENDATION

For the reasons set out in the report and having regard all other matters, it is considered that the proposal is acceptable and represents an appropriate form of development that satisfies UDP Policies H10, H14, H5, BE5, H16 and S5, Core Strategy Policies CS22, CS40, CS83, CS64, CS65, CS67 and CS74 and government policy contained in the NPPF.

It is therefore recommended that the application be approved subject to conditions.

| | |
|------------------|---|
| Case Number | 21/02655/FUL (Formerly PP-09922990) |
| Application Type | Full Planning Application |
| Proposal | Application to operate on Sundays and Public Holidays for a further 12 months (Application under Section 73 to vary condition 14 of planning permission no. 19/00674/FUL (Use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container)) |
| Location | Land Between 264 And 270 And To Rear Of 270 Handsworth Road Sheffield S13 9BX |
| Date Received | 09/06/2021 |
| Team | City Centre and East |
| Applicant/Agent | F Gould |
| Recommendation | Refuse with Enforcement Action |

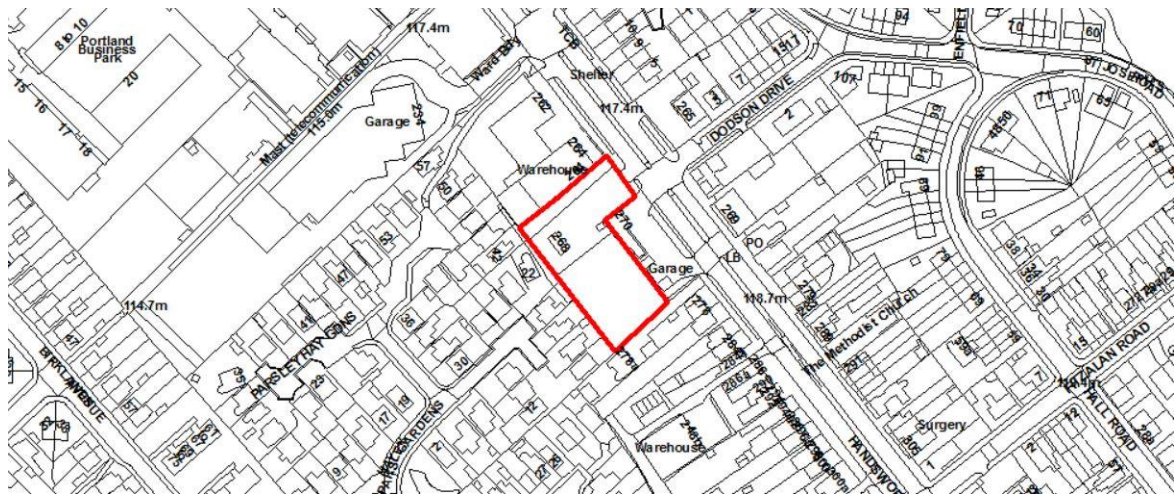
Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the use of the site as a car sales forecourt and vehicle storage area operating between 1000 hours and 1600 hours on Sundays and Public Holidays would result in unacceptable noise and disturbance to the occupiers of adjacent residential properties on Parsley Hay Gardens due to the very close proximity and lack of separation to these residential properties. As such the proposal is contrary to the aims of Policy IB9 of the Unitary Development Plan and paragraphs 130 f) and 185 of the National Planning Policy Guidance (NPPF).

Attention is Drawn to the Following Directives:

1. That the Planning Enforcement Team of Development Services be authorised to take any appropriate action including under Parts VII and VIII of the Town and Country Planning Act 1990 and instructing the Director of Legal and Governance to institute legal proceedings to secure the removal of vehicles, sales office building and store. The Local Planning Authority will be writing separately on this matter.

Site Location



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For report see 21/04597/FUL

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| | |
|------------------|---|
| Case Number | 21/04597/FUL (Formerly PP-10334275) |
| Application Type | Full Planning Application |
| Proposal | Application under section 73 to remove condition number 1. (temporary use) as imposed by planning permission 19/00674/FUL - Use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container |
| Location | Land Between 264 And 270 And To Rear Of 270 Handsworth Road Sheffield S13 9BX |
| Date Received | 25/10/2021 |
| Team | City Centre and East |
| Applicant/Agent | Mr Ali Nasser |
| Recommendation | Refuse with Enforcement Action |

Refuse for the following reason(s):

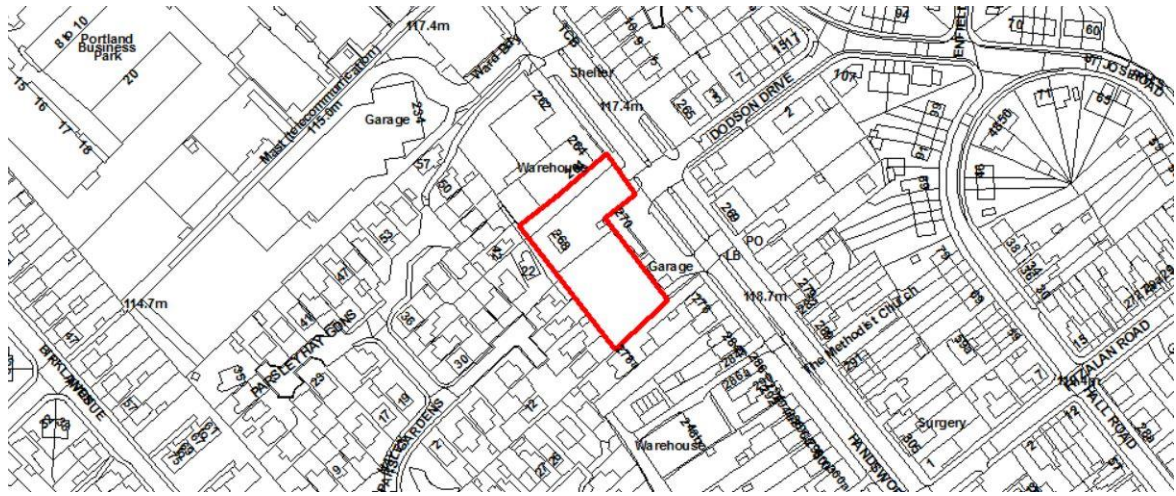
- 1 The Local Planning Authority considers that the proposed use of the site as a car sales forecourt and vehicle storage area would be detrimental to the living conditions of nearby residents of Parsley Hay Gardens, owing to the noise, general disturbance, and air pollution which would be generated by the continued use of the site as a car sales forecourt and vehicle storage area and due to the very close proximity and lack of separation to these residential properties. The proposal is therefore contrary to Policy IB9 of the Unitary Development Plan and paragraphs 130 f) and 185 of the National Planning Policy Framework (NPPF).

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:
 - Drawing no. 001 (Site Location Plan, 1:1250) published 25.10.2021
 - Drawing no. 003 Rev B (Proposed Site Layout Plan) published 25.10.2021
 - Drawing labelled as 'Proposed Fence' published 27.01.2022
 - Information sheet labelled as 'Proposed fencing at Handsworth Road - Car Compound' published 27.01.2022

2. That the Planning Enforcement Team of Development Services be authorised to take any appropriate action including under Parts VII and VIII of the Town and Country Planning Act 1990 and instructing the Director of Legal and Governance to institute legal proceedings to secure the removal of vehicles, sales office building and store. The Local Planning Authority will be writing separately on this matter.

Site Location



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INTRODUCTION

This is a joint report for two planning applications (21/02655/FUL and 21/04597/FUL) which relate to an existing the car sales business, 'Motor Gurus', which is positioned on the west side of Handsworth Road, opposite the junction with Dodson Drive.

The site was most recently given temporary consent for two years and the applicant is seeking to continue using the site but on a permanent basis. Consent is also sought to continue opening on Sundays and Public Holidays.

LOCATION AND PROPOSAL

The application site lies within a Business Area, as defined in the Unitary Development Plan. The business has been operating for a number of years and planning permission was granted in February 2020 (refer 19/00674/FUL) for an expansion of the business premises onto adjacent land to the south-east; a permission which has been implemented. Planning permission was granted on a temporary 2 year basis, which is due to expire on 18 February 2022.

The car lot premises utilises the majority of the site for the display of motor vehicles, but also includes a portable sales building positioned towards the rear section of the site and a storage building to the east set behind an existing structure. A running lane extends through the site leading to 3 designated customer parking spaces. The site is served by an existing means of vehicular access from Handsworth Road, which is flanked by a low brick wall.

The site is enclosed by a variety of boundary treatments, including a metal mesh fence along the northern and eastern boundaries; a solid metal fence and existing trees/shrubs along the south-east boundary; and a mix of timber fencing along the rear, south-west boundary. There are self-set trees and newly planted shrubs near the rear boundary.

The site is bounded by Wilson's carpet warehouse to the north and a hand car wash business (no. 270) to the east, fronting immediately onto Handsworth Road, which is within the same ownership as the application site. On the opposite side of Handsworth Road are local businesses and residential properties and to the south-east and west (at the rear of the site) are residential properties sited at a lower level than the site.

Both applications seek a minor amendment, under Section 73, to vary conditions 1 (temporary use) and 14 (temporary opening on Sundays and Public Holidays) imposed on planning permission 19/00674/FUL to enable the use to operate permanently from the site and to also enable permanent opening on Sundays and Bank Holidays.

RELEVANT PLANNING HISTORY

11/01300/CHU – Continuation of use of existing car park as a car sales forecourt – Granted Conditionally for a period of 2 years - 16.06.2011. (This relates to the

smaller site between 264 and 270 and not the larger area of land behind 270 and was a 2 year temporary consent)

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

18/00266/FUL – Continuation of use of the site as a car sales forecourt, retention of portable sales building and siting of 4 floodlights – Granted Conditionally for a period of 12 months – 16.10.2018. (This relates to the smaller site between 264 and 270 and not the larger area of land behind 270)

Appeal ref: APP/J4423/W/18/3216340 – An Appeal was lodged by the applicant (landowner), disputing the imposition of 3 conditions relating to planning permission 18/0026/FUL which was granted for the continued use of the car sales forecourt for a temporary period of 12 months. The Inspector allowed the Appeal on the basis that 3 customer parking bays be provided and a running lane together will all other conditions originally imposed.

19/00674/FUL – Use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container – GC 19.02.2020 (This was for the entire site between 264 and 270 and also the larger area of land behind 270)

19/00674/COND1 – Application to approve details in relation to condition nos. 3 (surface water drainage design) and no. 6 (hard and soft landscaping) – The details were not sufficient to be approved.

19/00674/COND2 – Application to approve details in relation to condition no. 6 (hard and soft landscaping) – The soft landscaping details are approved.

19/00674/COND3 – Application to approve details in relation to condition nos. 3 (surface water drainage design) and no. 7 (surfacing of vehicle storage area) – The details are approved.

Enforcement

Since the granting of planning permission 19/00674/FUL there have been complaints about the planning conditions not being complied with. A Temporary Stop Notice was served on 11 August 2020 in relation to the use of the adjacent land for the storage of vehicles. The vehicles were then removed from this parcel of land whilst the conditions were being discharged.

Currently, the works have been carried out, albeit not fully completed. Soft landscaping and drainage have been carried out, however hard-landscaping has not been fully completed as the applicant states that they have been let down by contractors, owing to Covid-19 related delays but the applicant is trying to resolve the problem and is liaising with Council Officers.

In the event that these applications are rejected, the Local Planning Authority seeks authorisation to take any appropriate enforcement action to cease the use of the land and remove all vehicles and associated buildings from the site.

SUMMARY OF REPRESENTATIONS

Following neighbour notification, a total of 6 representations have been received from local residents objecting to the proposals. Two Councillors (Mike Drabble and Dianne Hurst) have also objected to the proposals. The issues raised are summarised below:

Relating to 21/02655/FUL

- The business is adjacent to residential properties including home and garden
- The business still operates late evenings outside the permitted opening hours, whether selling vehicles are not, which still cause a disturbance including shouting and unsociable use of language
- Noise from activities can be heard in the property and in the garden
- To extend the opening hours on Sundays and Bank Holidays will have a bigger impact on existing residents
- Yet again up against our right for a peaceful and respected standard of living in what was once a lovely calm and peaceful community
- Hammering and banging from the car plot
- Can hear car sales and loud phone conversations taking place
- Mental health affected
- Can no longer enjoy my garden
- Handsworth Road and surrounding area is now just one big car park
- No progress with Highways Dept, Police, SCC and Councillors
- Will have a massive effect on our local community and well being
- It is very intimidating having to object and be exposed in a very public manner
- The destruction of old orchard and other trees, the total exposure of homes and privacy is totally unacceptable
- Have the right to speak out and hold onto some quality of life and privacy
- The premises has been a source of nuisance to local residents for some time, in particular noise and foul language preventing the enjoyment of their properties
- Given that they have not demonstrated a change in their behaviour, approving this application would simply increase the problems and impact on the life of local residents
- Query regarding wording of conditions
- Suggestion that noise is monitored, and a full acoustic report is submitted
- Comments relating to the adjacent hand car wash facility which does not form part of the application site

Comments from Councillor Drabble include:

- Local residents report that their quality of life has been seriously impacted by the activity on this site, specifically in terms of endless noise and disturbance and unable to have quiet enjoyment of their property.
- Previous restrictions have been constantly flouted.
- If the application is passed, it would represent a serious blow to these residents and their wish to live with dignity and would have little economic benefit for the surrounding area.

Comments from Councillor Hurst:

- My attention was first brought to this business at the planning meeting held in 2018 and following the decision at that meeting I met a number of neighbours and business in the area to listen to their objections to the operation of the site.
- Received over 70 emails complaining about the actions of this business, along with numerous pictures and video recordings.
- Since the application was approved, there have been enforcement cases, an appeal by the applicant, visits by Highways Network Management, joint visits by Police and Parking Services, and involvement by Environmental Protection Service in respect of noise nuisance.
- Had numerous complaints from neighbours regarding out of hours trading, trading during lockdown, parking of cars for sale on the highway and blocking pavements, thus preventing safe passage by parents with children in buggies and wheelchair users.
- I have logs and descriptions of shouting and swearing heard from resident's gardens.
- Residents have witnessed public urination of members of staff on the site.
- Residents can now longer feel able to sit outside and have quiet enjoyment of their own homes because of the intrusiveness of their business into their lives.
- The applicant has caused fences and trees to be removed to allow their operation to extend across the site as far as possible, without thought for the consequences for those living nearby.
- Because of change of levels, any activity on the site (lights of moving cars in winter months) impacts on garden and first floor level; there is no respite even in their bedrooms.
- Affecting health and wellbeing and inevitably sensitized to the actions of the business.
- Other surrounding businesses complain that their cars for sale and those used by employees are parked illegally on the highway, but also in customer parking, preventing their own business from thriving.
- Officers of the Council and other agencies have invested many hours in trying to change behaviours so that the residents and business can co-exist, but to no avail.
- I believe that the business has outgrown this site, it is overdeveloped.
- Allowing Sunday and Bank Holiday trading to continue will impose continued misery on those living around.

Relating to 21/04597/FUL

- The establishment is left to their own devices and nothing is enforced.
- It is making our lives a misery.
- Vehicle storage area is no different to the car sales section as customers are wandering all over to view vehicles.
- Vehicles included are commercial vans along with cars which are left running to charge the batteries for 1 1/2 hours at a time allowing fumes to enter homes and garden area and therefore have to keep windows and doors closed.
- This should never have been passed and now we are being told to contact various other services, i.e. highways/environmental health etc.
- Very little information submitted in the application.
- Applicant has not consulted the neighbours.
- Lack of consultation and therefore, no analysis of impact.
- Loss of privacy – difference in levels mean that rear gardens are overlooked.
- Type of vehicles being sold is expanding and larger vehicles will tower over any screen proposed.
- Customers waving to residents is unacceptable.
- Soft landscaping does not lessen the impact; planting has been removed providing clearer views through from the site to Parsley Hay Gardens; condition 6 not complied with.
- Clarification of site should be made as to whether car wash area is included in any proposal; vehicles have been observed parked on land designated to car wash.
- Comments relating to car wash facility, which does not form part of the application site.

PLANNING ASSESSMENT

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

Policy Background

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

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the

plan to the policies in the NPPF, the greater the weight that may be given (para. 219). The NPPG provides further guidance on this but it does state that it is up to the decision-maker to decide the weight to give to the policies.

In all cases, the assessment of any development needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (e.g. Green Belt, risk of flooding, certain heritage assets); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Set against this context, the development proposed is assessed against all relevant policies in the development plan and the NPPF below.

Land Use Policy

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 existing car sales premises has been continuously used for such purposes for a number of years and the last planning permission (refer 19/00674/FUL) was granted 18th February 2020, for a temporary period of 2 years. The temporary consent was issued on the basis that there were long-term aspirations for comprehensively developing the wider site and an ongoing car sales lot was not a desired long-term use.

This application seeks to continue using the existing car sales premises including the vehicle storage area. The principle of allowing a car sales use in this location has already been established, by virtue of the existing planning permissions. In deciding the last application the continued use of land for the sale and display of cars was considered acceptable, although only on a temporary basis, given the long term aspirations for the wider site and due to amenity concerns. In considering the use of the additional vehicle storage area it was considered to fall within the same 'Sui Generis' use classification. As the site was set back behind an existing car wash facility, accessible via an existing car sales site and utilising the land for this purpose it was considered to be logical and not an unreasonable request. The principle of allowing the additional storage area was considered acceptable on a temporary basis to allow the impact of the operational business to be properly understood over that time period.

The application has previously been assessed in terms of UDP Policy IB9 'Conditions on development in Industry and Business Areas' in respect of its use, which was considered acceptable on the basis that it would not result in a significant change to the percentage of preferred uses in the area and therefore not prejudice the dominance of preferred uses in the area. However, the application

does need to be considered in respect of other provisions of the Policy, specifically part (b) which relates to residential amenity and part (f) which relates to transport issues; both of which are considered later in the report. The Policy is consistent with paragraph 11 of the NPPF in that it is necessary to plan positively to meet development needs and paragraph 119 which requires policies and decisions to promote an effective use of land in meeting the needs for homes and other uses.

In considering the current application, there have been no further policy changes which should be taken into account when assessing this application. It is proposed that the site would operate in the same manner with no changes indicated. The applicant is seeking to remove the temporary restriction, therefore with the intention to continue using the site as a car sales lot with additional vehicle storage on a permanent basis. Part of the site has operated as a car sales lot as far back as 2011, although this has not been a continuous use over that time period.

In assessing the planning application 21/02497/FUL which seeks to permanently use the site it is relevant to consider the guidance set out in paragraphs 55 and 56 of the NPPF, which relates to the use of planning conditions. Paragraph 55 advises local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 requires planning conditions to be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Circular 11/95 sets out the guidance in relation to the use of planning conditions and, particular to this application, the use of temporary permissions. Paragraph 109 does permit the use of temporary permissions but the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities. Where it is not possible to devise such conditions, and if the damage to amenity cannot be mitigated, then the only course open is to refuse permission. These considerations will mean that a temporary permission will normally only be appropriate, as in this case, when a trial run is needed in order to assess the actual effect of the development on the area.

Paragraph 112 of the Circular provides that a further temporary permission should not normally be granted and that during a trial period it should be clear whether permanent permission or a refusal is the right outcome. Usually, a second temporary permission will only be justified where highway or redevelopment proposal have been postponed. Temporary consents have been issued on the basis that the site would, in the future, be comprehensively redeveloped and, to address amenity concerns. At present there are no plans to redevelop the site but rather a desire of the applicant to continue using the site as in situ. In light of the above, and the fact that the site has had a lengthy trial period to allow potential redevelopment opportunities and to assess the impact on amenity it is now considered necessary to decide whether to grant a permanent permission or to refuse planning permission.

The development does provide a source of employment, approximately 7 members of staff. Should the proposal not be acceptable, the resultant economic loss and impact on the livelihood of staff will need to be considered. The NPPF, in paragraph 80 requires that planning policies and decisions should help create the conditions in which business can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this case, it will be necessary to weigh the benefits of the development against the impact of the development on residential amenity.

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.

This is consistent with NPPF, paragraph 130 f) which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 of the NPPF is also relevant and states that “decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site of the wider area to impacts that could arise from the development.”

The site is set within a predominantly commercial environment on this stretch of Handsworth Road, however, there are residential properties immediately at the rear of the site (Parsley Hay Gardens) which are at a lower level and have short gardens abutting the site. A number of objections and concerns have been raised by the residents of these houses over a number of years and as a result of the direct neighbour notification.

Noise

The proposal seeks to continue using the site for the sale and display of cars, with ancillary vehicle storage. The use generates noise, owing to customers visiting the premises; the movement and cleaning of vehicles, whether it is those which are on display or customer vehicles entering and leaving the site. The background noise levels on Handsworth Road (a dual carriageway) are relatively high owing to traffic and also noise from a hand car wash facility which is adjacent to the site and fronts directly onto Handsworth Road.

Since approximately 2018 there have been consistent complaints received from local residents in respect of noise and activities taking place on the site; and concern that planning conditions previously imposed were not being complied with, for example in respect of customer parking, hours and days of use, drainage, and landscaping. Appropriate enforcement actions have been carried out to address the planning conditions and advice was given by Council Officers to the applicant and landowner to address outstanding issues. Temporary planning permissions have been issued to allow monitoring of the site to see if the problems persist.

In respect of the current planning applications, concerns have been raised by residents with regard to noise, amongst other issues, and in particular the movement of vehicles, car engines left running, car alarms sounding off, shouting, and talking, including inappropriate language.

At the rear of the site are residential properties (Parsley Hay Gardens) which have very short rear gardens and are set down below the application site, such that their first-floor windows face directly onto the application site. Vehicles for sale take up the majority of the site, with the nearest vehicles being set back only 3 metres from the common boundary with the Parsley Hay Gardens rear curtilages. There is a mix of boundary treatments along this boundary with fencing of varied heights, and trees/shrubs. Trees and shrubs have been planted adjacent to the boundary and it is anticipated that this would develop over time and improve the screening of the site. However, at this present time it is acknowledged that the planting is not yet of sufficient size to fully screen the site. It is understood that the applicant or landowner removed some mature vegetation from this boundary which has further exposed the commercial activities of the site to the houses behind.

The applicant maintains that the proposed use of the site does not generate significant noise and disturbance. They state that the business operates an appointment system for customers to come and visit the premises having viewed the vehicles online. They state that the vehicle is then relocated within the site in preparation for the customer to view it and potentially to take it for a test drive. The applicant has stated that 90% of enquiries are generated from online enquiries, with appointments made to view the vehicle for sale; and 10% is from 'walk-on' enquiries.

During the week there are 3 sales people operating on the site with up to 3 additional yard staff, thereby dealing with a maximum of 3 customers at any given time. However, on a Sunday there would be only one sales person and yard staff employee, thus, only one customer dealt with, by appointment at any given time. Given that an appointment system is in operation and if for example a typical day would generate 6 sales, this would suggest potentially 6 vehicles moved during the day, with any subsequent movement of vehicles elsewhere within the site to accommodate the relocation.

There is a sales office building which is set away approx. 3 metres from the common boundary with no. 22 Parsley Hay Gardens. The building is occupied by employees and there are visiting members of the public entering and leaving the building.

There will inevitably be some noise and activity generated by customers visiting the site, with discussions taking place inside the sales office building and outside on the forecourt. It is these discussions as well as employee voices at other times together with vehicle movement and car engines that are disturbing the residents of Parsley Hay Gardens. Whilst the noises individually may not be significant owing to the relatively high background noise levels, it is the combination of the different noise sources and regularity at which they occur that is of concern and

they take place in very close proximity to the residents of Parsley Hay Gardens and their rear curtilages because there is no buffer strip between the two uses.

Leaving car engines running for a lengthy period can be noisy and creates an unpleasant environment from car exhaust fumes. If this occurs on a regular basis, near to a residential property or its curtilage it would result in harm to the living conditions of the resident of the property affected. It is unclear as to how often this occurs and there is no way of controlling this so it has been taken into consideration as part of the overall assessment of the applications.

To help mitigate noise from the site, the applicant proposes to erect a fence on top of the bund which extends along the south-west (although it would need to extend further to the north up to the sales office building, past the rear of no. 20), wrapping around the southern corner and partially along the south-east. The fence would be a close boarded timber fence measuring 1.5 metres high, which would create an overall 2 metres high screen around the vehicle storage area. The fence would help screen the site from a visual point of view, reduce noise levels and would ensure no overlooking would occur onto adjacent residential properties.

It is relevant to note that the Environmental Protection Service (EPS) has reviewed the information submitted for the applications and has no objections to the proposals. The EPS has confirmed that there have been two formal complaints of noise to their service (excessive construction hours and anti-social behaviour) via Councillor D Hurst on behalf of her constituents in 2021. During the investigations, the complainants were not forthcoming, and proactive advice in respect of noise control was offered to the site management of Motor Gurus. No enforcement action was taken and no other formal complaints have been lodged with EPS but there continue to be complaints lodged to local councillors and the local MP, suggesting that there is an ongoing problem.

Hours of Use

In February 2020, planning permission (19/00674/FUL) was granted for a period of two years, to allow the continued use of the car sales business and the vehicle storage area between the hours of 0800 and 1800 hours, Mondays to Saturdays; and between 1000 hours and 1600 hours, Sundays and Public Holidays for a temporary period of one year. This was as a result of concerns raised by residents of the premises operating beyond the permitted hours and to allow the opportunity to further monitor the site and record any noise nuisance and non-compliance of planning conditions. In coming to this decision, the need to balance the needs of the business and the amenity of the adjacent residents were considered.

The applicant is seeking to continue using the site and, for the same hours and days of use, but on a permanent basis. Letters of objection have been raised from local residents who have stated that the premises have been in use late into the evening, beyond the permitted opening hours, with noise generated as a result of vehicular movements, car engines left running and people chatting and shouting. The permitted hours of use, Mondays to Saturdays are not considered to be restrictive and are consistent with other local business premises. Given that the residents of Parsley Hay Gardens are particularly vulnerable, as they have short

rear gardens it is particularly important to control the development to ensure that the development does not have a detrimental impact on their living conditions.

Given the objections from residents and Councillors there is clearly a considerable concern about the use of the site, with the emphasis being the impact on the nearest affected neighbours, who are being consistently affected. Although only 2 complaints have been reported to the EPS there is substantial opposition to the continued use of the site, which is reported to be not operating within the hours permitted and multiple complaints have been received by local councillors.

Amenity Conclusion

Having considered all the issues it is considered that, on balance, the continued use of the full extent of the site for car sales and storage is not acceptable in amenity terms. The Parsley Hay houses have particularly short rear gardens which face directly onto the site, with no real separation or environmental buffer between the residential and commercial use, and therefore a resulting unsatisfactory environment for the existing residents. The residents cannot enjoy their private amenity space owing to noise and disturbance as a result of the activities taking place on the site and whilst mitigation measures (a fence) have been proposed, it is unlikely that this would fully address the problem in the long term.

It is on this basis that the proposal is not considered acceptable as the benefits of continuing to use of the business do not outweigh the harm caused to existing residents. As such, the proposal does not meet the requirements of UDP Policy IB9 and paragraphs 130 f) and 185 of the NPPF.

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 parking. This is consistent with paragraph 110 of the NPPF which requires safe and suitable access to the site and for any highway safety issues to be mitigated. It does on to state in paragraph 111, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

The current layout of the site was agreed as part of the previous planning permission. The layout of the site is considered to be satisfactory, allowing the movement of vehicles within the site and provides customer parking as required. The running lane within the site has not been tarmacked to date with the applicant stating that this is as a result of contractor delays although they have stated that they are trying to address this.

Concerns have been raised by objectors in relation to the display of vehicles for sale on the public highway. The extent of the site has been increased, therefore allowing more vehicles to be stored on the site. The applicant has stated that all vehicles are parked on the site. In any event, should any vehicle be parked on the highway, this would be a matter which is enforced by the Police and the DVLA. It

is also relevant to note that it is an offence to park vehicles for sale on the highway under Section 3 of the Clean Neighbourhoods and Environment Act, 2005.

Objector comments also refer to vehicles being parked along the Handsworth Road frontage, blocking the footway, making it difficult for pedestrians to walk past, especially those in wheelchairs or with buggies. It is unclear as to whether any or all of these vehicles relate to the application site, as it is evident that employees of neighbouring uses and visitors to other business premises do park along the Handsworth frontage. Any traffic related offences would be for Parking Services and the Police to deal with and these issues have been referred to them in the past to deal with.

On this basis, it is not considered that the proposal would have a detrimental impact in highway terms and as such will accord with the local development plan and the NPPF.

RESPONSE TO REPRESENTATIONS

The use of inappropriate language and the behaviour of customers are not specifically planning issues, although they do add to the argument that the living conditions of residents are adversely affected due to the activities taking place on the site

Cars parked on designated car wash site – Vehicles for sale at the premises are valeted at the adjacent car wash site before being sold.

Lack of consultation from applicant – This is not a statutory requirement of the applicant given the scale of development but the applicant is encouraged to liaise with occupants of adjacent properties.

Little information submitted – Satisfactory information has been submitted in support of the application to enable an appropriate assessment.

Wording of conditions – The original conditions were appropriately worded to control the development.

Monitoring/Acoustic Report – This was not considered to be a requirement to enable an assessment of the application.

Clarification of application site – The application site relates to land within the red line boundary and any land owned or controlled by the applicant is outlined in blue (the car wash site in this case).

SUMMARY AND RECOMMENDATION

In land use terms, the use of the site for car sales and storage of vehicles is considered acceptable in principle in this commercial location, however this is subject to maintaining a satisfactory living environment for existing residents.

Temporary planning permission has been granted previously for the site, as it was anticipated that the site would be comprehensively redeveloped at some future point. Owing to amenity concerns, it was also considered appropriate to grant permission for a temporary period in order to monitor the site. Given the objections received which highlight issues relating to noise, nuisance, and non-compliance with opening hours, it is evident that the use of the premises is having a detrimental impact on the existing residents of Parsley Hay Gardens. The imposition of planning conditions has not been effective to control the use of the site and prevent harm to the existing residents. This is in large part due to the lack of separation and the lack of any kind of significant buffer between the use and residential gardens, together with the level differences between the two.

The continued use of the site does not raise significant highway concerns, provided that the layout of the site is maintained in accordance with the approved plans.

In conclusion, the proposed permanent use of the site as a car sales area with ancillary vehicle storage is not considered acceptable. By virtue of this fact the permanent hours of opening on Sundays and Public Holidays would also not be permitted.

For the reasons outlined in the report, it is considered that the proposal would not comply with UDP Policies IB7 and IB9 and paragraphs 130 f) and 185 of the NPPF.

On this basis, planning applications 21/02655/FUL and 21/04597/FUL are both recommended for refusal with authorisation to take any appropriate enforcement action to secure the cessation of the use and remove all vehicles and associated buildings from the site.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 8 February 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

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

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 the erection of detached garage and store room to side of dwellinghouse (Resubmission of 21/00609/FUL) at 84 Skelwith Road, Sheffield, S4 8AY (Case No: 21/04378/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 the demolition of single-storey side extension, erection of two-storey side extension including integral garage, erection of single-storey rear extension to dwellinghouse and formation of gable end to dwelling at 101 Norton Park Road, Sheffield, S8 8GR (Case No: 21/02774/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 retention of installation of roller shutters to entrance at Thyme Café, 490-492 Glossop Road, Sheffield, S10 2QA (Case No: 21/02038/FUL). |
| (iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for replacement windows to front and side, erection of single-storey rear extension to dwellinghouse, alterations and erection of single-storey side extension to detached outbuilding to form ancillary annexe and erection of gates to pedestrian and vehicular accesses (Resubmission of 19/04071/FUL) at 44 Ashland Road, Sheffield, S7 1RJ (Case No: 20/01931/FUL). |
| (v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of first-floor side and single-storey rear extension to dwellinghouse at 65 Stubbin Lane, Sheffield, S5 6QJ (Case No: 21/01628/FUL). |
| (vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 17.5m monopole supporting 6 antennas and 1 GPS module, with |

associated equipment cabinets and barrier (Application for determination if approval required for siting and appearance) at Rivelin Park Road junction of Hollins Lane, Sheffield, S6 5GD (Case No: 21/01588/TEL).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the siting of 17.5m high streetpole with 6no. antennas, 1no. GPS module, 2no. equipment cabinets and 1no. meter (Application for determination if approval required for siting and appearance) at grass verge outside 27 Ecclesall Road South, near junction with Brincliffe Edge Road, Sheffield, S11 9PA (Case No: 21/00329/TEL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for alterations to roof to form additional habitable accommodation including erection of front and rear dormers to dwellinghouse at 100 Fulton Road, Sheffield, S6 3JN (Case No: 21/02256/FUL) has been dismissed.

Officer Comment:-

The main issues was the effect of the front dormer on the character and appearance of the host property and the street scene.

The Inspector found that, due to the narrow roof space available, the width and height of the proposed front dormer would dominate the roof, fundamentally altering its shape and unbalancing its form. The size and positioning of the window would also not reflect the existing front windows of the property.

The Inspector concluded that the proposed front dormer would unacceptably harm the character of the host property and the streetscene, contrary to policies BE5 and H14 of the UDP, Policy CS74 of the Core Strategy and to the guidance within the Sheffield City Council Designing House Extensions Supplementary Planning Guidance.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the upgrade of existing 48 sheet advert to support digital poster at 4 Fife Street, Sheffield, S9 1NJ (Case No: 21/02028/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposed hoarding on the amenity of the area and on public safety. They recognised that this digital hoarding would replace an existing paper hoarding and that the site, whilst commercial, was at the start of the adjacent residential area, with no other hoardings nearby. They considered that an illuminated hoarding

would be in stark contrast to the residential backdrop and out of keeping with the context.

The Inspector also noted that the junction has a high collision rate and that a key traffic signal would be viewed against the backdrop of the digital hoarding when approaching the junction, meaning that the two would compete with one another and the hoarding would cause a distraction to road users. On this basis they concluded that the hoarding would negatively impact on public safety.

The appeal was therefore dismissed on both grounds (amenity and public safety).

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for alterations to allow use of dwellinghouse as two dwellings at 170 Fife Street, Sheffield, S9 1NR (Case No: 21/01904/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the proposed development would provide appropriate living conditions for the future occupiers of one of the flats in relation to private amenity space. The proposal was to split a semi-detached property into two flats and split the rear garden in two.

The Inspector noted however that there is no direct access to the garden for the upper floor flat as there is no side access past the property, meaning that they would need to access it from the open space to the rear. The Inspector agreed with the Council that this was wholly inappropriate. They also concluded that a small area to the front of the property would be equally unsuitable as it would be directly in front of the windows to the ground floor flat, resulting in loss of privacy. Equally it would not be private from the road and would be squeezed next to a parking space, making it an unsatisfactory amenity space.

Whilst recognising that the Council cannot demonstrate a 5 year housing supply, this would only amount to a very small contribution and this does not outweigh the harm caused in this case. The appeal was dismissed on the grounds that inappropriate living conditions would be provided, contrary to the local development plan and the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a first-floor front extension to dwellinghouse at 6 Ashfurlong Drive, Sheffield, S17 3NP (Case No: 21/01774/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the key issue as being the impact of the development on the character and appearance of the dwelling and the surrounding area

He noted the bungalow had a prominent position on a corner plot, and contained small scale, subservient additions (dormers) to the roof as did other properties in the vicinity.

He agreed with officers that the proposed roof alterations would subsume the existing roof, all but eliminating its profile across the whole frontage. The result would be a highly noticeable disproportionate addition, making the building appear top-heavy to the detriment of both its design and appearance in the street scene.

This was considered to conflict with policy BE5 and H14 of the UDP, CS74 of the Core Strategy, and section 12 of the NPPF.

(v) To report that an appeal against the Council's non-determination of an application for planning permission for the erection of single-storey side/rear extension including basement/undercroft store room to dwellinghouse and formation of stairs into rear garden at 47 Crawshaw Grove, Sheffield, S8 7EA (Case No: 21/01052/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development in the living conditions of the occupiers of 45 Crawshaw Grove with particular regard to dominance.

The proposed rear extension projects 3.6m beyond the conservatory at no.45, and as the rear garden areas slope away from the house the extension would be appreciably above existing garden level and the fence line between 45 and 47.

She noted the extension would not project significantly beyond the 3m guideline in the Council's Supplementary Planning Guidance (SPG), and because of orientation (the garden is south facing) there would be no loss of light or sunlight. However, she felt the height of the extension would appear as a substantial and conspicuous structure, exacerbated by the use of black bricks, and would be overbearing, dominating the garden space of no 45, to the detriment of the living conditions of the occupants.

She acknowledged there had been a previous approval (now expired) for a different design, but for those reasons gave that little weight. She also appreciated that the rear/side extension would provide increased security to the side of the property and would provide a level access for wheelchair users into the dwelling. However, these matters did not override her concerns with regard to the living conditions of the neighbouring property. Also whilst there had been no objections from the occupiers of No 45, this did not mean that the scheme was acceptable.

She therefore concluded it was in conflict with policies H14 (UDP) CS74 (Core iStrategy) and Guideline 5 of the SPG which seeks to avoid overdominance.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the Council's non-determination of an application for planning permission for the Erection of front porch to dwellinghouse at 47 Crawshaw Grove, Sheffield, S8 7EA (Case No: 21/01052/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the porch extension on the character and appearance of the host dwelling and the surrounding area.

She noted the dwelling was typical of the area in being of mixed render and tile appearance. The porch was acknowledged as being close to the feature bay window but not uncomfortably, so she felt. She considered the use of black brick novel in the context but felt the unifying elements of the house and its neighbours remained and the black brick porch would disrupt the prevailing character of the street scene or be harmful to the dwelling.

She concluded that the porch did not conflict with policies BE5 and H14 of the UDP, CS74 of the Core Strategy, and Guideline 2 of the House Extension Supplementary Planning Guidance and allowed the appeal.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

8 February 2022

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