

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 26/11/2013

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	13/03495/FUL (Formerly PP-02940423)
Application Type	Full Planning Application
Proposal	Erection of retail unit (class A1) with associated car parking and means of vehicular access (Re-submission of 13/00103/FUL)
Location	Site Of Former St Johns Church Sharrow Lane Sheffield S11 8AN
Date Received	15/10/2013
Team	South
Applicant/Agent	DPP One Ltd
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawings:  
4712 (P)103 Rev E (Layout)

4712 (P)203 Rev G (Elevations - excepting external plant locations)  
4712 SK01 (Boundary wall)

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

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

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

In the interests of the safety of road users.

- 5 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
  - a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is brought into use.

Highway Improvements:

Sharrow Lane (Yellow Box Markings)

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.

- 6 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.

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

- 7 A detailed soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is

commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 8 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 unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 9 The Local Planning Authority shall be notified in writing when the landscape works are completed.

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

- 10 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.

In order to ensure an appropriate quality of development.

- 11 The sole means of vehicular ingress to and egress from the site shall be gained from and to Sharrow Lane, unless otherwise approved in writing by the Local Planning Authority.

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

- 12 The building shall not be used unless the car parking accommodation for 8 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 13 Prior to installation, full details of the proposed cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority. The building shall not be used unless such cycle parking has been provided in accordance with the approved plans and thereafter such cycle parking accommodation shall be retained.

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

- 14 Prior to the retail unit being brought into use a detailed Service Management Plan including hours of delivery shall be submitted to and agreed in writing by the Local Planning Authority and thereafter all servicing of the unit shall be carried out in accordance with the approved plan.

In the interests of the safety of road users.

- 15 There shall be no gates or barriers erected at the means of access to the site unless otherwise approved in writing by the Local Planning Authority.

To ensure access is available at all times.

- 16 Deliveries to the retail unit shall be carried out using rigid vehicles which do not exceed 10.35m in length.

In the interests of the safety of road users.

- 17 The building shall not be used unless a level threshold has been provided to the entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

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

- 18 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

In the interests of the amenities of the locality.

- 19 Not more than 50% of the retail sales area shall be used for the sale of comparison goods as defined in Appendix A to the Practice Guidance 'Planning for Town Centres' (DCLG; 2009).

To protect the viability of the nearby Shopping Areas.

- 20 The retail unit shall only be open for trading between 0700 hours and 2300 hours on any day.

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

- 21 No deliveries to the building shall be carried out between the hours of 2300 to 0700 (on the following day) Sundays to Fridays and 2300 hours to 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 22 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development (shown on the plan) between 2300 hours and 0700 hours (on the following day) Sundays to Fridays and between 2300 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

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

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

Attention is drawn to the following directives:

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

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

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a

signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

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

The notice should be sent to:-

Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

For the attention of Mr P Vickers

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

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
6. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary, or alternative noise levels subject to demonstrating that adequate residential amenity can be maintained for occupiers of adjoining property.

7. The developer's attention is drawn to:

(i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and

(ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

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

9. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

10. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street

Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.



Site Location



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## LOCATION AND PROPOSAL

The site lies at the junction of Sharrow Lane with South View Road and was formerly occupied by St John's Church. It covers 832m<sup>2</sup>. Debris from the demolition of the church remains on the site which is currently secured by Heras fencing. An unauthorised vehicular crossing has been constructed from Sharrow Lane approximately midway along the site frontage.

The site adjoins a two storey former doctor's surgery at the junction of Sharrow Lane with Wostenholm Road. This building is now in use as 5 flats. Opposite the former surgery is the Wostenholm Road Local Shopping Centre. On the opposite side of Sharrow Lane are 4 storey flats/maisonettes together with the Sharrow Sure Start Centre. These 1960s buildings form part of the large flats complex between Washington Road and Club Garden Road.

Adjoining the site in South View Road is traditional terraced housing with garages/storage immediately to the rear. On the opposite side of South View Road is the former Sharrow Junior School which is now in community use. The footway has been built out directly in front of the old school entrance as part of a package of traffic calming measures in South View Road. Full time parking restrictions operate outside the site in Sharrow Lane.

The application is for a single storey building to form a Class A1 retail unit (368m<sup>2</sup> gross floor space/249m<sup>2</sup> sales area). 8 car parking spaces are proposed in front of the building with access from Sharrow Lane. Proposals for an ATM cash point have been deleted from the application.

## RELEVANT PLANNING HISTORY

An application for planning permission for a similar size retail unit was withdrawn in March 2013, due to concerns about the design of the unit and the absence of any information to enable consideration of alternative sites within the nearest shopping areas (ref 13/00103/FUL).

## SUMMARY OF REPRESENTATIONS

2 representations have been received from local residents in support of the application:

- site is an eyesore in a very run down part of Sharrow Lane - run down building and now demolition site is a hazard in the area
- new development will be good for the area and provide local jobs
- in favour of organic suppliers - would not affect other shops
- living in era of competition - another shop will provide local residents with better choice for money

A petition (33 signatures) and 23 representations have been received from local residents and businesses. Councillor Rob Murphy has also made representation. They object to the proposals on the following grounds:

## Highway Matters:

- Will cause traffic congestion and road safety concerns, particularly for school children - only approx. 4m from major road intersection - traffic calming is in place in recognition of existing traffic and safety concerns
- Site unsuitable for creating parking - right-turners will cause congestion for passing traffic. Refers to Sure Start, use by children, people with disabilities, pedestrians and cyclists who access the school, community centre, park and existing shops from the flats and the surrounding residential streets. Also notes recommended cycle route past site or along Wostenholm Road
- 6 parking spaces will make it extremely busy and unsafe for other drivers and pedestrians, especially during rush hour
- Application submissions state that there will be a car entering/leaving every 2 minutes - will drive a massive increase in traffic with associated problems of traffic congestion, noise, pollution and air quality - area already congested especially with fortnightly football related traffic
- Will increase pressure for on street parking in residential streets, especially as permit scheme puts pressure on roads without permit scheme (e.g Priory Road) - resident parking is already a squeeze and scheme will impact on local residents being able to park their cars on their streets - unfair as residents pay to park their cars in their community and should therefore not have to risk parking elsewhere
- Additional entrance/exit to Sharrow Lane problematic - not big enough for heavy foods delivery vehicles and will cause real issues so close to traffic lights
- There are 9 shops on Wostenholm Road which have only 4 parking spaces (and 1 disabled) for customers to use to gain access to these shops. This causes problems for potential customers of all the shops as there is so little parking - another retail unit would cause customers to go elsewhere when they couldn't get parked
- Transport Statement comparison with Tesco Local on Abbeydale Road not relevant to this site – Abbeydale Road has traffic management enhancements. Deliveries to Tesco Ecclesall Road coincide with bus lane operation which allows manoeuvres across entire highway – no bus lane in Sharrow Lane. Sainsbury's Local car park at Nether Edge always over full which leads to on street parking

## Local Shops

- Detrimental to local shops/economy and will undermine local diversity as most of independent stores are run by diverse ethnic groups that characterise the community
- No need for another chain supermarket - already 5 within 1km - Sharrow/Nether Edge extremely well served by independent shops which can make an area great, chain supermarkets only detract from it
- Chain supermarket will bring no benefits to local community - clearly not going to be an organic food shop - right by the site is a local business community that provide a most substantial and adequate resource to local residents in the area, alongside this, there are 2 supermarkets (Waitrose and Aldi) less

than 10 minutes walk away - have to question why it is felt that a retail development is needed in this area.

- Sharrow has a strong local community who are focused on supporting its local independent businesses - do not want the independent shops to be forced out of business, which is a real threat when a major supermarket moves into the area. Local 'Tesco Metro's' and other brand equivalents also often increase their prices in the smaller sites compared to their larger super-stores which is unfair
- impact on corner shops which are convenient for elderly persons
- local corner shop provides excellent service – proposals will destroy lifeblood of community

#### Other Matters:

- Notes 24 objections and a petition with over 100 signatures from 29 comments received on previous application
- Great potential for site to host something beneficial to community
- Noise and disturbance from activities associated with late night opening and late deliveries
- Changing façade will not suffice as will undoubtedly have large signs, advertisements etc
- Will not fit in with look and feel of the area which is almost within the Conservation Area (Nether Edge)
- Urges consultation with local residents on what they think will make a real difference to their community (e.g. re-commissioning the local Sure-Start centre opposite the site)
- 'Sheffield Organic Supplies Ltd' has not trading history – suspects it is just a feel good shell vehicle to secure planning permission prior to selling onto large store operator
- site should be cleared to address vermin and other health risks as a result of demolition rubble etc.
- One representation states that residential apartments would not be a problem
- One representation includes photographs showing traffic queuing at the traffic lights

## PLANNING ASSESSMENT

### Policy

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). Approximately one third of the site also lies within an Area of Special Character (ASC). The Housing policy area is retained in the Local Plan Draft Proposals Map (pre-submission version). There are no ASC's in the Local Plan.

The most relevant UDP and Local Plan Core Strategy policies are:

BE5 (Building Design and Siting)

BE9 (Design for Vehicles)

BE15 (Areas and Buildings of Special Architectural or Historic Interest)

BE17 (Design and Materials in Areas of Special Architectural or Historic Interest)

BE18 (Development in Areas of Special Character)  
H10 (Development in Housing Areas)  
H14 (Conditions on Development in Housing Areas)  
S5 (Shop Development outside the Central Shopping Area and District Centres)  
S6 (Conditions on Major Shop Development)  
S11 (Design of Retail Development)  
CS63 (Responses to Climate Change)  
CS64 (Climate Change, Resources and Sustainable Design of Developments)  
CS74 (Design Principles)

Several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are also relevant. The CPS has not yet been adopted and the policies can therefore only be afforded limited weight. This assessment is therefore primarily restricted to relying on the adopted policies only. In this instance, the CPS policies generally raise no issues over and above those contained in the quoted UDP and Core Strategy policies. However CPS policy B3 (Shopping and Leisure Development and Community Facilities outside Existing Centres) does have additional implications and these are discussed in a subsequent section of this report.

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

#### Principle of Proposed Use

Small retail shops (i.e. up to 280m<sup>2</sup> retail floor space) are listed as an acceptable land use within Housing Areas under UDP Policy H10. The proposed shop will have a retail floor area of 249m<sup>2</sup>. Other shops are listed as unacceptable unless at the 'edge' of the Central Shopping Area or a District or Local Centre. The site is at the 'edge' of the Wostenholm Road Local Shopping Centre (LSC), being within 30m of that Centre. The proposals therefore comply with Policy H10, regardless of the floor area.

The site is relatively small (less than 1000m<sup>2</sup>) and the proposals do not result in any loss of the preferred housing uses in the Housing Area, having been previously occupied by a church. The impact on the housing uses in the area is therefore neutral and there is no conflict with UDP Policy H14(i). The site is not an allocated Housing Site and has not been proposed as a Housing Site in the Local Plan. Therefore the proposals do not prejudice the provision of housing land over the next 5 years and there is no conflict with Policy H14(j).

UDP Policy S5 permits retail food development at the edge of the Central and District Shopping Centres only where there is no suitable site within them. In addition to being at the edge of the LSC, the site is also at the 'edge' of the London Road District Shopping Centre, being within easy walking distance. 'Easy walking distance' is defined as 200-300m for the purposes of UDP Shopping policies. The site is marginally over 200m from the edge of the DSC and approximately 480m from the nearest comparable scale food store (Ozmen's) within it.

The NPPF (paragraph 24) requires a Sequential Test to be applied to planning applications for main town centre uses (e.g. retail development) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Preference is required to be given to town/district centre locations and then to edge of centre locations. The submitted Planning Statement evidences the search for alternative sites within the London Road District Centre and shows that the currently available sites are either too small or too close to other similar scale food stores (Ozmen's and Sainsbury's Local) and too far from the intended catchment area of the proposed store. There are no vacant units in the LSC and none would be capable of accommodating the proposals. On the basis of this assessment, it can be concluded that the Sequential Test has been satisfied.

The NPPF requires preference to be given to accessible sites that are well connected to the town centre when considering edge of centre and out of centre proposals. The site is within easy walking distance of the DSC and is in close proximity to high frequency bus services in London Road and Wostenholm/Washington Road. The site can therefore be defined as easily accessible and highly sustainable in accordance with paragraph 24 of the NPPF.

UDP Policy S5 also requires that development outside the Central Shopping Area and District Shopping Centres must not undermine the vitality and viability of such Centres. There is no direction in this policy with regard to Local Shopping Centres. Nevertheless, the more recent NPPF (para.26) applies this requirement solely to developments with floor space of more than 2500m<sup>2</sup> where there is no locally set threshold.

The draft Local Plan City Policy B3 permits new developments that would not have a significant adverse impact on the vitality and viability of any Centre. This includes Neighbourhood Centres which is a designation that will replace the LSC's upon adoption of the Local Plan Proposals Map. The policy acknowledges that smaller developments such as convenience stores can cause significant harm to some local centres. A threshold for formal Impact Assessments is proposed at 1000m<sup>2</sup> but this does not prevent impact being considered in relation to smaller units. However, it is important to note that little weight can be attached to Policy B3 at the present time due to the City Policies not yet being adopted and also due to objections that have been raised to the policy during the formal consultation process. Nevertheless, there have been significant representations in respect of the impact on the LSC and these are considered below.

#### Impact on Local/District Shopping Centres

The LSC comprises 11 shop units. These include a convenience store/off licence (double unit), a newsagent and a sandwich shop. There is a cash point attached to the convenience store. These 3 shops are those most likely to be affected by the proposals. The remaining 8 units include a laundry/dry-cleaners, a pharmacy, a chiropodist's, 2 hair salons and 3 hot food take-aways. These businesses are much less likely to be affected as they offer specialist products/services. Whilst the development could have some impact on the 3 individual shops mentioned, it cannot be said to be expected to have a significant impact on the vitality and viability of the LSC as a whole. The proposal is so close to the LSC that it is more likely to



strengthen the retail function and may attract additional retail services in the event of future vacancies in the LSC.

UDP Policy S6 allows for restrictions on the range of goods sold and the size of shop units where they would prevent the proposals from undermining the vitality and viability of the Central Shopping Area or a nearby DSC in a way which would otherwise justify refusal of planning permission and where the proposals are in other respects acceptable. Subject to restrictions requiring the nature of products for sale to be predominantly convenience goods, the proposals are not expected to have any significant adverse impact on the London Road DSC.

#### Highway Issues - Traffic and Parking

The submitted Traffic Generation and Parking Statement considers trip generation associated with the development and uses data submitted in connection with previous applications for convenience stores of comparable size. It concludes that car trips in the region of 13 during the am peak and 30 during the pm peak (weekdays) are likely with maximum car parking demand for around 7 vehicles on Fridays and Saturdays. This equates to 1 vehicle entering and leaving the site every 2 minutes during the busiest periods.

It is considered that the estimates of traffic generated by the proposal are on the low side, particularly in the pm peak. Reference to the TRICS database indicates a likelihood of 41 arrivals and 44 departures in the pm peak and 25 arrivals and 25 departures in the am peak. Whilst the TRICS based estimates are in excess of those mentioned in the application, it is not considered likely that this level of traffic generation would have a severe impact on the adjacent highway network.

It follows that at certain times of the day it is possible that there will be a higher demand for parking spaces than the 8 spaces proposed to be provided. The maximum demand is estimated to be 13 spaces (a shortfall of 5). It is considered that the likely shortfall could be accommodated on-street if necessary and where local parking controls allow.

It should also be noted that the site is accessible to people on foot and therefore has significant potential to attract a considerable amount of pedestrian trade.

On balance, the proposed off-street parking (7 spaces, 1 disabled space and 5 cycle spaces) is considered acceptable in accordance with UDP Policies BE9(f) and H14(d). It is considered necessary to provide yellow 'box' markings in Sharrow Lane at the vehicular access in order to keep the access clear therefore preventing the need to queue to turn right into the site when traffic is stationary at the lights. Such provision can be conditioned.

#### Highway Issues - Servicing

It is necessary for servicing to take place off street in order to prevent obstructions in close proximity to the signalled road junction at Sharrow Lane/Wostenholm Road/Washington Road. The applicant has submitted a proposed Delivery Management Plan which anticipates the use of maximum 10.35m long rigid service

vehicles. The Plan proposes that the retail operator will be required to cone off the car park prior to the arrival of the delivery vehicle. A 'swept path' analysis indicates that such a vehicle can enter and leave the site satisfactorily in a forward gear.

Whilst a Delivery Management Plan is required, a degree of caution is necessary. A future occupier has not been identified in the application and the Management Plan will need to be tailored to the eventual operator. It is technically possible to enforce servicing to be carried out in accordance with an approved Management Plan, however recent experience of similar arrangements elsewhere in the city is such that this requires a significant amount of monitoring. Effective servicing will, in this instance, rely on the car park being completely empty of vehicles. It is difficult to see how this can be guaranteed unless servicing takes place outside store opening times. The store could reasonably be expected to operate between approximately 0700 and 2300 hours daily. Deliveries from large vehicles outside these times could be disturbing for residents of the flats opposite and adjoining the site.

If the development fails to operate in accordance with the Management Plan, there is potential for obstruction to traffic in Sharrow Lane from service vehicles unable to access the car park. It may also tempt servicing from South View Road which is a traffic calmed residential street that is subject to double parking. Notwithstanding these concerns, refusal on such grounds may be difficult to successfully defend in the event of an appeal as compliance with the Management Plan should prevent such problems.

On balance, the servicing arrangements are considered acceptable in accordance with UDP Policy BE9(c), although somewhat tenuous and therefore not ideal.

#### Design and Sustainability

The site is in a highly accessible location and on a brownfield site. There is no policy requirement for the building to meet BREEAM 'very good', or similar, standard as the building is less than 500m<sup>2</sup> gross floor space. Nevertheless, it will be constructed to comply with the latest Building Regulations and will be capable of achieving a high level of energy efficiency. These factors accord with the principles set out in Core Strategy Policies CS63 and CS64.

The building is well designed and of an appropriate scale within the Housing Area. The design is a significant improvement on the proposals put forward in the previous application (ref 13/00103/FUL) for a rectangular building at the rear of the site with shallow pitched roof behind parapet walls and the entire frontage being given over to car parking (11 spaces) and plant/bin stores.

The proposed building is 'L'-shaped with the store entrance projecting close to the Sharrow Lane boundary, approximately 3.5m beyond the adjoining flats in the former surgery. The configuration is such that the entrance to the store will be visible from the LSC and will therefore help to link the respective shopping functions. The building has gable features to both frontages and a steeply pitched roof. These treatments give the building more presence in this prominent corner location. It is proposed to be constructed in brick with reconstituted stone detailing and an artificial



slate roof. The plans have been amended to provide an appropriate scale to the display windows and entrance.

The car park is proposed to have a tarmac surface. A permeable surface would be preferred but tarmac is acceptable in this location which will be subject to heavy loading as a result of delivery vehicle manoeuvres. Surface water run-off will not be increased as a result of the development.

A 750mm high brick wall with reconstituted stone copings is proposed to the road frontages. This is in keeping with the original boundary treatment. A small shrub bed is proposed to part of the frontage, towards the South View Road junction. Bin storage is located internally with access from South View Road.

Overall, the building is good quality and the external environment is acceptable. The proposals therefore comply with UDP Policies BE5 and H14(a); Core Strategy Policy CS74 and the guiding principles set out in the NPPF (paragraph 57).

The proposals include one disabled parking space and are capable of providing suitable access for people with disabilities and pushchairs etc. Full details can be conditioned to ensure compliance with UDP Policy S11.

#### Area of Special Character

UDP Policies BE15 prevents development that would harm the character or appearance of the historic environment, including Areas of Special Character (ASC's). Policy BE17 requires the use of traditional materials and Policy BE18 requires new development to respect the appearance and character of the ASC.

ASC's were originally designated in order to safeguard their character and appearance pending consideration of their declaration as Conservation Areas. It is pertinent that no ASC's are included in the Local Plan.

Only approximately one third of the site lies within the Nether Edge ASC. The vast majority of the ASC has since been declared a Conservation Area (Nether Edge). The part of the ASC that affects the application site was left out of the Conservation Area designation. The omission confirms that this part of the ASC does not have the necessary qualities to justify Conservation Area status. In these circumstances, very little weight should be given to the ASC designation and the UDP policies relevant to ASC's. Nevertheless, the building is capable of being constructed in good quality brick and artificial slate. Samples can be conditioned for approval.

#### Residential Amenity

The building is much smaller than the former church that was on the site. Its physical impact on adjoining properties is therefore significantly reduced.

The site levels are lower than the adjoining flats in the former surgery and the forward projection of the shop entrance will protect privacy and prevent disturbance to the nearest ground floor window in that building. Nevertheless it is appropriate to restrict the hours of use to prevent increased activity outside that property late at

night. Closing at 2300 hours is recommended and is consistent with the closing time of the convenience store in the LSC. Delivery times should also be restricted to prevent disturbance from large vehicles late at night or early in the mornings.

There are concerns about the proposed location of external plant to the rear of the building in close proximity to the boundaries with the adjoining flats and the adjoining dwelling in South View Road. Whilst the boundaries have brick walls there is insufficient information to demonstrate that these will provide adequate barriers to noise from the plant. It is recommended that this location is not approved in the absence of sufficient information to fully understand the impact on the neighbouring properties. Possible solutions, if necessary, could be sound attenuation or locating the plant internally with ducting to less sensitive locations.

Subject to appropriate conditions and details, the proposals will maintain adequate amenity for residents in accordance with Policy H14(k).

## SUMMARY AND RECOMMENDATION

The application is for a small shop (i.e. less than 280m<sup>2</sup> retail floor space) on a brownfield site in a sustainable location at the edge of Local and District Shopping Centres. The building is well designed and appropriate conditions can ensure that adequate amenity for residents is maintained.

Sequential Testing is a requirement for retail development outside of Shopping Centres. The Test has shown that the currently available sites within the DSC are either too small or too close to other similar scale food stores and too far from the intended catchment area of the proposed store.

Whilst the development could have some impact on 3 shops within the LSC, it cannot be expected to have a significant impact on the vitality and viability of the LSC as a whole. The proximity to LSC is such that it is more likely to strengthen the retail function and may attract additional retail services in the event of future vacancies in the LSC.

On balance, the proposed off-street parking (7 spaces, 1 disabled space and 5 cycle spaces) is considered acceptable albeit likely to result in some demand for on street parking at peak times. Also on balance, the servicing arrangements are considered acceptable in accordance with UDP Policy BE9(c), although the submitted Delivery Management Plan is somewhat tenuous. This is due to the need for the car park to be empty to accommodate off street servicing. In practice, it will be very difficult to enforce implementation of the Management Plan if this presents difficulties.

The assessment of the issues, particularly in respect of service access, is finely balanced but it is recommended, on balance, in consideration of the positive elements of the scheme including visual enhancement of the site and in recognition of the presumption in favour of sustainable development as set out in the NPPF that planning permission is granted subject to conditions.

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Case Number	13/03282/FUL (Formerly PP-02915059)
Application Type	Full Planning Application
Proposal	Retrospective application for site clearance and excavation works
Location	Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH
Date Received	27/09/2013
Team	South
Applicant/Agent	Self Architects
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing number 4089-01 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The approved landscape works shall be implemented within two months of the date of this approval. 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 five year period shall be replaced.

In the interests of the visual amenities of the locality.

- 4 The west boundary wall shall be painted in a buff stone coloured masonry paint within four weeks of the date of this decision and shall be so retained and maintained thereafter.

In the interests of the visual amenities of the locality.

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

In the interests of the safety of road users.

Attention is drawn to the following directives:

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

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

Site Location



## LOCATION AND PROPOSAL

The application relates to a parcel of land which was formerly an open green space (of tennis court proportions) between the Former Polish Ex-Serviceman's Club and Nos. 5 & 7 Dover Road.

The site is bordered to the north by these residential properties and to the west a finger of the site also adjoins the residential curtilage of No. 6 Wilson Road. The balance of the remaining extent of the site adjoins the curtilage of the former Polish Club.

The area of land was formerly elevated above the level of land at the rear of the Polish Club and was retained by a retaining wall and earth batter.

This is a retrospective application seeking permission to re-grade the area so as to produce an area of land approximately level with natural ground level at the rear of the former Polish club.

This application was triggered by an enforcement enquiry as works commenced in October, in conjunction with other works on the ex- serviceman's club, without the submission of an application.

## RELEVANT PLANNING HISTORY

There is planning history on the ex-serviceman's club but nothing specific to this site when considered in isolation.

A Lawful Use certificate was granted in 2013 (13/01405/LD2) for use of the adjacent building as a private members club as detailed in the supporting planning statement, red line boundary and statutory declarations submitted and dated 15 April 2013 (Application under Section 192)

An application for refurbishment and extension of the former serviceman's club is to be presented to Committee simultaneously with this application. (13/02847/FUL)

## SUMMARY OF REPRESENTATIONS

There have been five representations regarding this application including one from Cllr Stuart Wattam

Cllr Wattam states that the excavation has caused considerable problems and alarm as the development occurred without planning permission.

Other matters raised by representations:

- The development has resulted in an unsightly hole in the ground and exposed built elements that have a negative effect on visual amenity.
- There is no excuse for excavating so close to the boundary of the site.

- Conditions could have been imposed if the developer had gone through the appropriate planning process.
- The boundary for this application and 13/02487/FUL is not consistent and this application and 13/02487/FUL should be considered together since a subdivision of the site might render conditions relating to 13/02847/FUL not applicable to this site.
- The Councils website erroneously states that the Botanical Area Community Association and other community were consulted on this application.
- The notification process occurred after work had commenced. The consultation therefore was not conducted at a formative stage and is thus open to judicial review.
- The stated intention of the proposed use as a private members club is not the reality of the situation.
- The excavation is destabilising the boundaries of the site.
- Any permission should contain a condition requiring the retention of the boundary wall onto Dover Road.

## PLANNING ASSESSMENT

### Land use

The site lies within an allocated Housing Area and as such Policy H10 'Development in Housing Areas' applies.

The use of the land is not changing as a result of this application. Any change of use from its current use as curtilage of the club (Use Class Sui Generis) would require a further planning application.

The proposal is therefore considered to comply with Policy H10

### Environmental considerations

The National Planning Policy Framework (NPPF) states:

At Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life

At Paragraph 11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Paragraph 109 states:



The planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Relevant policies in the Sheffield Unitary Development Plan are:

Policy H14 'Conditions on development in Housing Areas' states:

In Housing Areas, new development or change of use will be permitted provided that:

(c) the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood;

Policy BE6 'Landscape Design' states:

Good quality landscape design will be expected in new developments and refurbishment schemes. Applications for planning permission for such schemes should, where appropriate, include a suitable landscape scheme which:

- (a) provides relevant information relating to new planting and/or hard landscaping, and of existing vegetation to be removed or retained; and
- (b) provides an interesting and attractive environment;

The excavation works which have proceeded to date have resulted in a rather unsightly feature in the street scene. Whilst the former appearance of the site did not contribute greatly to the street scene of Dover Road neither did it have a negative effect. This was largely due to the grassed nature of the site which offered a 'soft' appearance.

The application has been submitted with a basic landscaping scheme which proposes to add a layer of topsoil to the site and to re-seed both the flat area at the centre of the site and the battered edges of the excavation with grass.

The area of wall that has been exposed on the west boundary also represents an unattractive aspect. The application proposes that this wall be painted in a buff stone masonry paint so as to present a neutral, homogenous appearance.

Both the landscape and wall treatment proposals are considered to offer an acceptable response to the requirements of policies H14 and BE6 and paragraph 109 of the NPPF.

Slope Stability

NPPF paragraph 109 states:

The planning system should contribute to and enhance the natural and local environment by:



- preventing both new and existing development from contributing to or
- being put at unacceptable risk from, or being adversely affected by
- unacceptable levels of soil, air, water or noise pollution or land instability.

A brief engineers report has been submitted with the application from Project Design Associates.

This identifies that a site visit has been conducted by a qualified Structural Engineer to assess the geology of the site and angle of repose of material on the edges of the excavation. It concludes that both the angle of repose and the strata present are such that the embankment is stable.

As such it is considered that the development complies with paragraph 109 of the NPPF.

## RESPONSE TO REPRESENTATIONS

Matters relating to site appearance and slope stability have been dealt with in the main body of this report.

Whilst the disturbance caused during excavation and removal of material is unwelcome the most significant phase of this operation is now concluded. It should be noted that hours of undertaking in such matters on sites of this size are normally dealt with under public health legislation rather than through the imposition of planning conditions.

The extent of the site identified by the red line boundary does not render the area of excavation a separate planning unit from the former ex-serviceman's club. The red line boundary merely identifies the extent of the development.

The Botanical Area Community Association, the Endcliffe Corner Community Association, and the Botanical Gate Community Association were sent notification letters on the 24th October 2013.

This application does not relate to the use of the private members club, it relates solely to the engineering works.

The Planning process allows for the submission of retrospective applications and notification of neighbours can only occur upon submission of an application.

This application does not include a proposal to remove the wall onto Dover Road. However, such a demolition would not require permission in any event.

## SUMMARY AND RECOMMENDATION

This is a retrospective application seeking to regularise excavation works on the site. It is considered that the remediation proposed, in the form of landscaping and cosmetic treatment to the boundary wall, will render the site an acceptable feature in the street scene.

The proposal is therefore recommended for conditional approval.

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Case Number	13/02847/FUL (Formerly PP-02820899)
Application Type	Full Planning Application
Proposal	Demolition of single-storey extension to the rear of the property, erection of single-storey extension to the east of the existing building, alterations to existing elevations and formation of new pedestrian access from Ecclesall Road (As amended by plans received by the Local Planning Authority on 14th November 2013)
Location	Former Polish Ex-Servicemans Club 1-3 Dover Road Sheffield S11 8RH
Date Received	20/08/2013
Team	South
Applicant/Agent	Self Architects
Recommendation	Grant Conditionally

Subject to:

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

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

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

4042-04 Rev E  
4042-07 Rev B  
4042-06 Rev G  
4042-09 Rev C  
4042-08 Rev A  
4042-11 Rev C  
4042-10 Rev A

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

- 4 Details of all site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the club shall not be used unless such boundary treatments have been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In order to ensure an appropriate quality of development.

- 5 The kitchen extraction flue shall be finished in a black powder coat.

In order to ensure an appropriate quality of development.

- 6 The external seating areas shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous surfacing or drain entirely to permeable surfaces within the site. Thereafter these drainage arrangements shall be maintained and retained.

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

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

In the interests of the visual amenities of the locality.

- 8 Prior to the use of the extraction system commencing, a full specification of the extraction equipment shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the flue shall be implemented and retained in accordance with these details.

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

- 9 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 kitchen or east elevation extensions unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

- 10 The opening doors in the kitchen extension shall be kept closed between 2000 hours and 0700 hours, and shall not at any time be opened except in the case of emergencies.

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

- 11 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

In the interests of the amenities of the locality and occupiers of adjoining property given the material change in the external fabric of the front elevation of the building.

- 12 Amplified sound or live music shall only be played within the building in such a way that noise breakout to the street does not exceed:  
(i) background noise levels (LAeq) by more than 3 dB(A) when measured as a 15 minute LAeq, and  
(ii) any background octave band centre frequency by more than 3dB when measured as a 15 minute Leq, when measured at the boundary of residential property.

In the interests of the amenities of the locality and occupiers of adjoining property given the material change in the external fabric of the front elevation of the building.

- 13 The approved bi-fold doors on both the new east elevation extension and refurbished west elevation extension shall remain closed at any time that amplified music is being played within the building.

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

- 14 Notwithstanding the requirements of condition 13 the approved bi-fold doors to the front elevation shall, in any event, remain closed after 2100 hours on any day of the week.

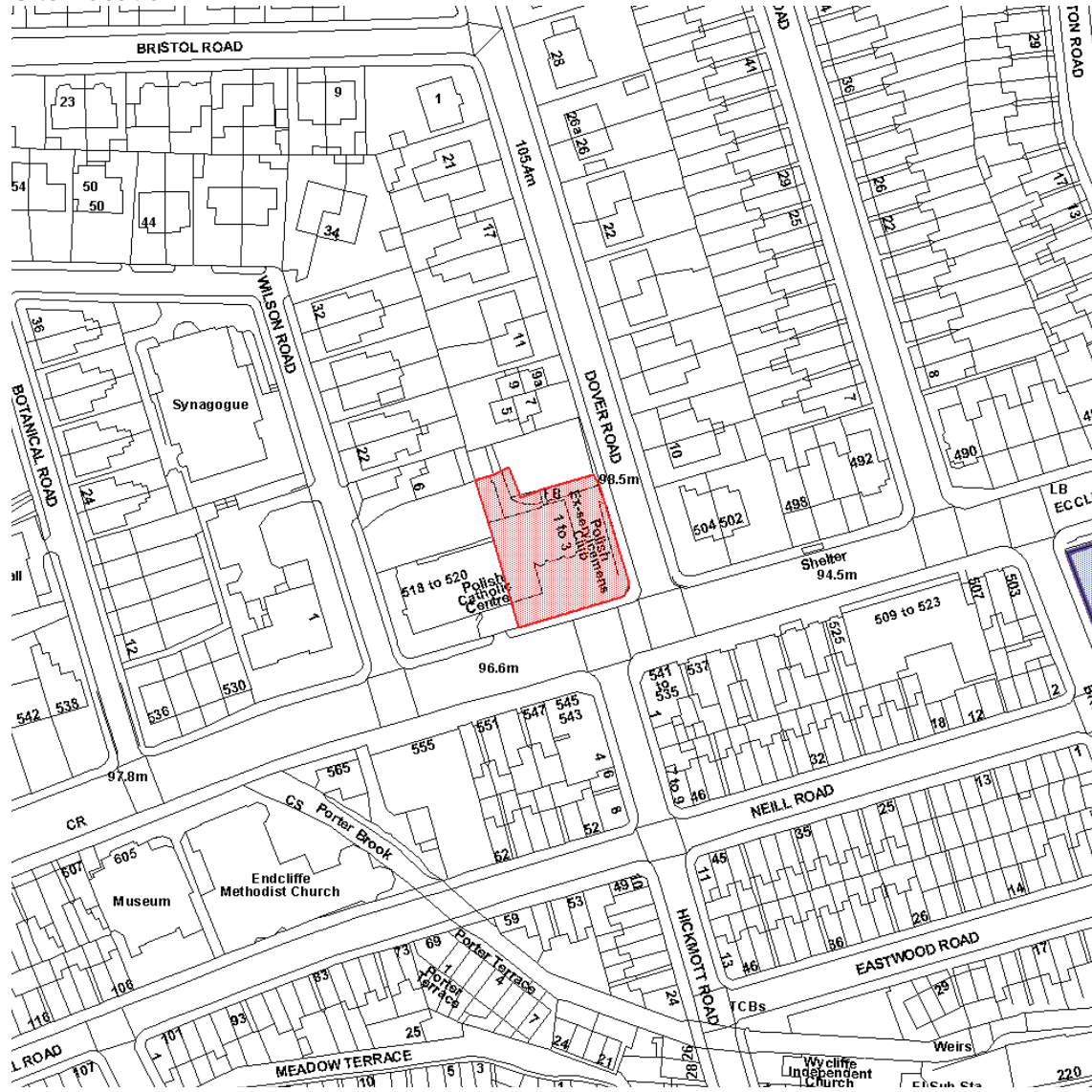
In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
3. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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## LOCATION AND PROPOSAL

The application relates to a former Polish Ex-Serviceman's Club on Dover Road. The lawful use of the buildings and the curtilage is as a private members club (see planning history)

The complex of buildings on the site at the time the application was submitted consisted of the original stone built villa, a flat roof single storey side/front extension constructed in brick with timber infill panels, two, two storey rear extensions, one in brick the other render faced and a single storey rear extension (containing the kitchen function) with a monopitch roof attached to the northern elevation of the single storey flat roof element.

The site itself lies on a prominent corner location at the junction of Dover Road and Ecclesall Road with the principal elevation of the villa addressing the latter. All access is currently gained from a shared vehicular/pedestrian access from Dover Road. The natural ground level rises across the site away from Ecclesall Road so that the complex of buildings is elevated above the footway level of Ecclesall Road.

Curtilage areas around the building to the Ecclesall Road and Dover Road elevations have been predominantly covered with concrete hardstanding.

To the north of the complex of buildings lies an open area that formerly served as a tennis/volleyball court. During the lifetime of this application this area has been excavated to a depth exceeding one metre and is now the subject of a second application to be considered by Planning Committee. (13/03282/FUL) This area of land does not fall within the red line boundary of this application and therefore matters arising from works to this area will not be considered in this application.

The tennis/volleyball court adjoins residential development on Dover Road. The site also lies adjacent residential property to the west (No. 6 Wilson Road), this dwelling being elevated above the site by approximately 3.0 metres.

On the opposite corner of the junction between Dover Road and Ecclesall Road the properties are in commercial use.

It is proposed that:

The existing flat roof side/rear extension and the original villa will be refurbished.

The single storey extension will receive a significant facelift involving the introduction of full height glazed concertina doors on the Ecclesall Road elevation and non-opening glazed panels on the Dover Road elevation. The latter elevation will feature a projecting glass lobby with outer door. The roof will be fitted with a new eaves and fascia detail which will feature a retractable awning within the fascia.

A new single storey extension would be erected on the east elevation (Dover Road). This would have a footprint measuring approximately 6.4 metres by 10.6 metres. The building would be faced in a standing seam metal cladding system on its north and east elevations and would feature a pitched roof in natural slate. The front gable



feature would be glazed up to eaves height and would include sun shade louvers set within the projecting roof form. The Ecclesall Road elevation would mirror the refurbished single storey extension in featuring glazed concertina doors surmounted by a glazed pergola element.

A single storey rear extension to form a replacement kitchen structure is to be erected on the north elevation. This would have a footprint measuring 10 metres by 8.0 metres, and would feature a flat roof with parapet. The extraction flue would exit the building and travel up the rear elevation of the former villa to just above eaves height.

A new pedestrian access is to be formed from Ecclesall Road. This would consist of two groups of steps bracketing a raised planter. Additional landscaping of the forecourt area would replace existing concrete hardstandings.

Cosmetic changes are made to the existing two storey extensions to the rear including rendering of the currently brick faced extension.

#### RELEVANT PLANNING HISTORY

A Lawful Use certificate was granted in 2013 (13/01405/LD2) for use of the building as a private members club as detailed in the supporting planning statement, red line boundary and statutory declarations submitted and dated 15 April 2013 (Application under Section 192).

#### SUMMARY OF REPRESENTATIONS

There have been 68 representations regarding this application

##### Objecting

39 letters of objection have been received including representations from Cllrs S Mohammed and S Wattam, from the Botanical Area Community Association and from a representative of the Broomhill Green Party.

Cllr Mohammed objects on the following grounds:

- The provision of an outside eating area is likely to create an unacceptable level of disturbance to local residents.
- Extractor fan installations are very close to residential property.
- The kitchen is located close to residential property which is likely to give rise to noise and smells
- Parking provision in the locality is already difficult and the proposal will exacerbate this situation leading to noise and disturbance from vehicles manoeuvring.

Cllr Wattam makes the following observations:

- The excavations to the adjoining parcel of land lie beyond what is shown on the plans and are unsightly.

- The removal of the old concrete garage and the introduction of a disabled access from Dover Road are welcomed.

The Botanical Area Community Association objects on the following grounds:

- The proposal is now different to that presented to the Licensing Panel i.e. the plans do not accord with the description as a Members Club.
- The Council should consider the conduct of the Applicant thus far and the likelihood of moves to secure extended hours public eating and drinking.
- The representations from the Mud Crab Diner should carry little weight as the establishment did not make clear that the proposal was for a Private Members Club.
- The proposal would radically change the character of the area.
- The proposal would introduce noise and smells onto Dover Road
- The desirability of houses in the locality would reduce leading to more families moving out.
- On street car parking is already over stretched and parking adjacent the site leads to reduced visibility at the junction of Dover Road and Ecclesall Road.
- Problems created by taxis turning into side roads would be further exacerbated.
- There have been errors and inconsistencies in the neighbour notification process.
- Representations from Mud Crab have been inappropriately dealt with.

The Sheffield Green Party has objected to the scheme on the following grounds (whilst welcoming commercial use of the site):

- The apparent aim to attract a younger clientele (than the previous use) could potentially bring significant noise and disturbance to local residents
- There is an absence of off street car parking leading to traffic conflicts at nearby junctions.
- The location of kitchens and extractor fans without revision could lead to noise and smell impacts on nearby residents.
- Other representations object on the following grounds:
- There is no provision for off street car parking for staff or customers
- The proposal will generate noise from the outside seating areas.
- The previous users did not utilise the outdoor areas for eating and drinking.
- The proposal no longer appears to be for use as a Private Members Club.
- The ground adjacent the site has been excavated which could cause structural damage to neighbouring properties.
- Noise will be generated by live music and from the open terracing.
- There are already too many restaurants on Ecclesall Road.
- The proximity of kitchen and extractor equipment will directly affect nearby residents because of noise and smells.
- The proposal will impact on property values.
- Building has been allowed to progress without planning permission and workers have been unneighbourly (sic)
- Walls adjoining the excavated site look like they are in danger of imminent collapse
- The proposal is a departure from the established use.

- Outside areas at other premises nearby have to clear these areas by 21:30 and the same should apply to this site.
- The use of glass on the refurbished and new build elements will result in noise breakout from inside the club.
- The proposal will result in a drinking 'hotspot' when combined with existing nearby uses.
- The use of metal cladding on the extension is out of character with the stone facing of the original building.
- It is too convenient to consider that staff and customers will use taxis and public transport to get to the premises.
- The application does not comply with DEFRA guidelines as to the degree of supporting information that should be provided with a planning application.
- Noise will be generated by plant attached to the kitchen area.
- The excavated area has been implemented without engineering advice and without applying for building regulations approval.
- The retention of the privet hedge to each side of the new pedestrian access would prevent people falling over the wall and /or dropping bottles onto the footway.
- The path at the front of the premises is sloped and this could result in rainwater run-off onto the adjacent footway. During winter months this could freeze leading to a hazardous surface particularly for those in high heels.
- A gate should be added to the Dover Road entrance to shield the servicing area and discourage people from using the passage at the side of the building as a short cut.

## Support

There have been 11 individual letters of support for the application and 18 pro forma letters of support from staff and customers of the Mud Crab restaurant.

## Summary of points raised:

- Sheffield needs investment in job creation and this type of scheme should be encouraged, particularly in the current economic climate.
- The new design is in keeping with the surrounding area and the refurbishment of the existing building should be welcomed.
- The absence of parking will not make any difference and the Residents Parking Scheme works well.
- The addition of the single storey side extension will help to mask vehicular noise from Ecclesall Road towards Dover Road.
- The existing single storey extension is an eyesore and its refurbishment is welcomed.
- Relocating the entrance to Ecclesall Road will reduce noise and disturbance generated by the Dover Road entrance.
- A sympathetic and thorough redevelopment here will lift the rather tired looking aspect on this stretch of the road.
- The site is very well served by both public transport and taxis are many and frequent.
- The development would complement the quality and feel of existing businesses.

## PLANNING ASSESSMENT

### Overarching Policy

The NPPF states:

At Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

making it easier for jobs to be created in cities, towns and villages;

replacing poor design with better design;

improving the conditions in which people live, work, travel and take

leisure;

At Paragraph 11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

In this case then the key considerations should be considered in the light of policies in the Sheffield Unitary Development Plan.

It is important to note at the outset that this assessment does not allow the retrospective consideration of the established use of the existing premises and its curtilage. Instead a consideration of the application is necessarily limited to the issues relating to the refurbishment and new build elements and their visual and usage impacts.

### Environmental Considerations

#### Policy 'BE5 BUILDING DESIGN AND SITING'

Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

#### Physical Design

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

(c) all extensions should respect the scale, form, detail and materials of the original building;

## Policy BE 18 'DEVELOPMENT IN AREAS OF SPECIAL CHARACTER'

In Areas of Special Character the following will be expected:

(c) new development which respects the appearance and character of the Area.

## H14 CONDITIONS ON DEVELOPMENT IN HOUSING AREAS

In Housing Areas, new development or change of use will be

permitted provided that:

(a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings; and

(c) the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood;

In addition Policy CS74 'Design Principles' of the Sheffield Core Strategy applies which states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods

The existing main villa has fallen into state of some disrepair though this appears cosmetic. Whilst not requiring of planning permission in itself the refurbishment of windows and general maintenance to restore the building to a state closer to original is therefore welcomed

The existing single storey side/ front extension is considered a very poor addition to the original villa with no architectural merit and so the proposed 'face-lift' is also welcomed. The extensive use of glass on the elevations should result in a building that has a lighter touch when considered in juxtaposition with the original villa. The improvement to eaves detailing and awning detail are considered acceptable.

The proposed kitchen extension is fairly utilitarian in appearance as was its predecessor. Its side elevation will appear in the street scene of Dover Road. Whilst the building does not display notable detailing or verve its form is dictated by its function and given that it is set back from the footway of Dover Road by some distance it is not considered that it will have a deleterious effect on the street scene.

The proposed side extension on the east elevation is of an unashamedly contemporary appearance though the pitched roof in natural slate mirrors that of the original villa. Once again the use of glass on the front elevation will provide a light touch interface with the front elevation of the villa.

The use of a standing seam metal cladding on the Dover Road elevation should provide for a clean, precise modern feel that will nonetheless be sympathetic to the original villa.

The revised flue route makes the flue a far more obvious feature in the street scene of Dover Road. However, suitably colour coded it is not considered that this feature will represent a feature significantly deleterious to visual amenity.

The rendering of the brick two storey extension will match that of the adjoining building and therefore result in a more harmonious appearance.

Given the above it is considered that the proposals comply with the requirements of policies BE5, H14 and CS74.

#### Residential Amenity

Policy H14 'Conditions on Development in Housing Areas' states that non housing uses are acceptable provided they:

(k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby;

The principle concerns with regard to residential amenity relate to the operation of the kitchen and its associated extraction equipment and the potential for noise arising from the extensions and refurbished elevations.

The use of the existing venue for the playing of music, serving of alcohol and food to private members has already been established by the Lawful Certificate application.

Since the use of the building was established by application 13/1405/LD2 the operating hours for the premises are established by that permission and cannot be retrospectively varied by this application.

#### Flue and kitchen use

The kitchen is located in a similar position to the previous kitchen though of larger proportions. It does lie immediately adjacent the boundary but the sole external opening faces into the site. On the originally submitted plans the extraction flue lay horizontally along the flat roof of the kitchen concealed by the parapet. However, after concerns were raised by Officers this flue position has been relocated so that the flue now climbs the rear elevation of the two storey villa and terminates 1 metre above eaves level.

Officers from the Councils Environmental Protection Service are satisfied that this arrangement is acceptable subject to an appropriate specification for the flue which can be secured by condition.

Potential noise spillage from the kitchen area should be limited given the position of the doors within the site. However, it is considered prudent to add a condition to ensure that these doors remain closed during hours of operation in the late evening.

Internal noise propagation via the concertina doors

The introduction of the glass concertina doors on the new extension and the refurbished single storey extension does introduce a potential for noise propagation to outside areas though the doors face towards Ecclesall Road and its higher ambient noise levels (relative to Dover Road).

However, it is considered that any potential for disturbance represented by amplified music from within the club could be exacerbated through the introduction of the bi fold doors if these were to be opened whilst amplified music were being played within the club.

As such, it is considered necessary to condition the use of the bi-fold doors in such a way that they are closed at all times that amplified music is being played within the building.

It is also considered prudent to add a condition limiting noise levels at the boundary.

The conditions on the licensing application also include controls requiring provision of sound limiter inside the building. These licensing conditions relate to existing areas of activity. Should the Committee be minded to grant permission for this application planning conditions mirroring those on the licence cannot be added in this regard as these would be retrospective and therefore ultra vires.

Noise propagation when bi fold doors are closed

In order to minimise the potential for noise propagating to external areas when the concertina doors are shut the original plans have been amended so as to create acoustic lobbies to both the main entrance to the villa and the newly refurbished side/front extension. These can be conditioned to ensure that doors are not retained in an open position during hours of usage.

Noise generated by external areas.

The use of the outside areas is already established. It is accepted that the previous user did not take advantage of this but the use of the 'forecourt' area as eating/drinking areas is ancillary to the established use and therefore cannot be controlled retrospectively.

It is worthy of note that the introduction of the new side extension will provide a form of acoustic baffle between these activities and the residential properties on Dover Road. It is not suggested that this will completely remove any noise spill to these properties but it will at least provide some mitigation to a noise source for the established use.



## Highways considerations

Policy BE9 Design for Vehicles states:

New developments and refurbishments should provide a safe, efficient and environmentally acceptable site layout for all vehicles (including cycles) and pedestrians.

The proposed extensions will add to the footprint of the building and enable an intensification of the established use. There is no additional off street car parking proposed in the scheme and the curtilage as a whole does not include provision for off street car parking.

It is not considered that the introduction of the new side extension will significantly impact on the existing established use. It is appreciated that the proposal does not include any parking provision which is not ideal.

However the site is very well served by public transport and also has a large potential customer base within a reasonable walking distance. It is considered that the site is ideally located to encourage customers to use alternative modes of transport to the private car.

It should also be noted that the site is located within a permit parking scheme which operates Monday – Saturday 8am – 8.30pm.

## Accessibility

The original plans have been amended so that a 1.5 metre pathway has been provided adjacent the new build extension enabling wheelchair access from Dover Road to the front entrance. This is considered a significant improvement over the former arrangement which granted such access only from the rear. No ramp has been sought to the newly created Ecclesall Road entrance as the fall in ground level from the site to the footway is significant and overcoming this would have required a substantial and extensive structure which could have impacted on the visual amenity of the street scene.

## Sustainability

The introduction of large areas of glazing should maximise day lighting and reduce the requirement for artificial light. Other introductions such as water management devices, energy efficient heating, and energy efficient lighting throughout the existing and proposed buildings are welcomed.

## Landscaping

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new developments.

It is considered that the loss of the privet hedge to the front elevation will be more than compensated for by the re-landscaping of the forecourt area and the



introduction of the central planter and boundary planting adjacent the proposed boundary railings. This arrangement should provide an enhanced setting for the front elevation of the original villa and the refurbished and new build extensions.

The existing boundary treatment to Dover Road is indicated for retention.

A condition seeking a comprehensive hard and soft landscaping scheme should be added to any permission. A further condition should specify that the areas of paving be porous/permeable or drain entirely to permeable surfaces within the site.

Subject to these conditions it is considered that the proposal is satisfactory with regard to Policy BE6

#### Economic benefits

The applications supporting statement indicates that the proposal will generate 29 full time and 7 part time staff. This assertion is somewhat misleading as it relates, in the main, to the existing use rather than the extensions/refurbishments which are the subject of this application.

Nonetheless, the investment in the site which should result in a significant improvement in appearance of the building and re-use of a vacant building is to be welcomed.

#### RESPONSE TO REPRESENTATIONS

Matters relating to design, noise, smells, car parking and rain water run-off have been dealt with in the main body of this report.

Representations objecting to the proposal on the grounds that:

- There are too many restaurants on Ecclesall Road already.
- Use of the outside areas will lead to disamenity.
- The proposal is different to that established in the Lawful Use application
- The conduct of the Applicant has been inappropriate and should be taken into consideration.
- There have been errors and inconsistencies in the notification procedure
- Representations from Mud Crab employees and customers have been dealt with inappropriately.

are not considered material as they relate to the established use rather than the proposed extensions and curtilage works.

The prematurity of works on the site is considered unfortunate but is not material in considering the merits of the scheme.

A gate on the Dover Road entrance would reduce accessibility and would require vehicles servicing the rear of the site to stop in the highway potentially creating difficulties with the free and safe flow of traffic, and is not therefore considered desirable.

Matters relating to the adjacent site will be addressed in the relevant application 13/03282/FUL.

#### SUMMARY AND RECOMMENDATION

This is an application seeking permission for refurbishment of existing elements, extensions to the rear to form a replacement kitchen, to the side elevation to provide additional internal space and landscaping of the curtilage. The design of the proposed external changes and extensions is considered acceptable.

The implications for residential amenity arising from the introduction of bi-fold doors to the front elevation can be mitigated through imposition of conditions and the extractor system from the kitchen is considered acceptable subject to provision of an appropriate specification.

The re-modelling of the forecourt, provision of a dedicated pedestrian entrance and the refurbishment of the original villa in tandem with the new build element should result in a positive addition to the street scene.

Given the above the proposal is recommended for conditional approval.

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Case Number 13/02433/FUL (Formerly PP-02777228)

Application Type Full Planning Application

Proposal Siting of two wind turbines with a tip height of 34.5M

Location Hollin Edge Farm  
Common Lane  
Deepcar  
Sheffield  
S36 2UD

Date Received 19/07/2013

Team West and North

Applicant/Agent Mrs Kirsty Benson - Earthmill Ltd

Recommendation Refuse

For the following reason(s):

- 1 The Local Planning Authority considers that the proposal would have a harmful impact on the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value, contrary to Sheffield Unitary Development Plan Policies GE2, GE4 and GE8 and the Government's planning policy guidance contained in the National Planning Policy Framework.
- 2 The Local Planning Authority considers that the proposed two wind turbines constitute inappropriate development in the Green Belt. The harmful impact of the proposed development upon the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value outweigh the benefit of the proposal's renewable energy production. In the absence of very special circumstances to justify a departure from the provisions of the adopted plan on this occasion, the Local Planning Authority considers that the proposal is contrary to Sheffield Unitary Development Plan Policies GE1 to GE4 and the Government's planning policy guidance contained in the National Planning Policy Framework.
- 3 The Local Planning Authority considers that the proposed site of the turbines is not a suitable location due to the proposal being inappropriate development in the Green Belt and the harmful impact of the proposed development upon the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value. As such the proposal is contrary to Sheffield Core Strategy Policy CS65.

- 4 The Local Planning Authority considers that further ecological assessment of the likely impact upon bat and bird species is required to enable proper consideration of the proposal's impact on nature conservation. No further information has been submitted. In the absence of further information, and taking a precautionary approach, the Local Planning Authority consider that the proposal would be likely to harm matters of nature conservation contrary to Sheffield Unitary Development Plan Policies GE11, GE12 and GE13.
- 5 The Local Planning Authority considers that the proposal will have an adverse impact on the setting of the Peak District National Park contrary to Sheffield Unitary Development Plan Policy GE8.
- 6 The Local Planning Authority considers that the siting of the proposed turbines in close proximity to existing byways will have an adverse impact on the safety and amenity of users of the byways.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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## LOCATION

Hollin Edge Farm is located at the southern end of Common Lane to the south of the built-up area of Deepcar.

The application site is on agricultural land the west and southwest side of the farm buildings at Hollin Edge Farm.

## PROPOSAL

The proposal seeks full planning permission for the siting of two wind turbines.

The two proposed turbines would be similar. Each turbine would be a monopole style, have a hub height (measured to the centre of the hub) of 24.8 metres above ground level and a maximum tip height of 34.5 metres.

Each turbine would have three blades each 9 metres in length on a horizontal axis with a rotor diameter of 19.2 metres. The blade material would be fibre glass/polyester.

The turbines would be fixed to a 6 metre x 6 metre base foundation and have a cable run linking the two turbines to a grid connection to the southeast of the turbines.

The turbines would be delivered to site in parts. Access to the site for installation would be from an existing access and track. Construction works would involve using a standard digger to dig the foundations, with material being delivered by cement lorries and lorries capable of accommodating a 40ft shipping container. Two cranes are typically used to hoist the turbines into place.

Each turbine would have a power rating of 50kw.

The applicant has submitted documents in support of the application including a design and access statement, photomontages of the proposal from various viewpoints, a list of local nature sites, details of a noise performance test and acoustic data, and a specification of the proposed turbines.

The photomontages submitted by the applicant are taken from Common Lane to the northwest, Sunnybank Road on the edge of Bolsterstone to the west, Wharnccliffe Side and Thorn House Lane to the south, and Cockshot Lane to the west.

The applicant's submissions in their design and access statement state that the proposed wind turbines would satisfy the energy demands of the farm business by providing a source of renewable energy that would also allow the farm business to operate in a more environmentally and financially sustainable manner.

## RELEVANT PLANNING HISTORY

In 2002 planning permission was granted for alterations to barns at Hollin Edge Farm to form 2 dwellinghouses. At the time of this application Hollin Edge Farm was

described as a 57 hectare upland holding with a group of farm buildings and a cattle shed alongside the farmhouse (application no. 02/02558/FUL refers).

## SUMMARY OF REPRESENTATIONS

The application has been publicised by letters of notification to nearby properties and by display of site notices in the locality.

8 representations of support have been received relating to the following matters:

- clean, does not destroy the environment, minimal impact on the surrounding environment;
- not an eyesore;
- will not cause interference with television or telephone lines;
- a lot better than power stations, fossil fuel or nuclear;
- area is isolated to most local houses, noise and light pollution would not affect homes;
- as a horse owner turbines will not have an impact;
- Stocksbridge hillside already has turbines so precedent is set.

A petition has been received containing 12 signatures objecting to the proposal that would negatively impact upon the unspoilt natural character and unspoilt topography of the area.

152 representations of objection have been received relating to the following matters:

- area is a high grade landscape, on fringe of Peak National Park, Hollin Edge at 300m is one of the highest points in the area, sensitive site, attractive and unspoilt;
- unsightly, eyesore in a landscape of natural beauty, in area of high landscape value, size and impact close to Green Belt would be viewed as inappropriate, does not demonstrate very special circumstances, feeling of openness would be impacted upon, loss of openness, impair expansive view, turbines too high, three times taller than any other feature along highly visible ridge, blight landscape on a permanent basis, detract from visual amenity of quiet unspoilt area, would become the overwhelming feature in predominantly natural topography, turbines would be out of character, overbearing, intrusive, overshadowing an otherwise unspoilt area;
- blight of security fencing;
- MOD suggest it should be lit at night with flashing beacons further detracting from natural area, increasing light pollution;
- industrialising effect which is out of character, industrial turbines, spoil the character of Ewden valley, Ewden valley has remained untainted from obvious industrialisation, no other structures of this size in locality;
- skyline already blighted by radio transmitters, receivers, and electricity pylons, area should not be further blighted;
- will be seen from Bolsterstone, Deepcar, Wharnccliffe Crag, Ewden valley, Peak District National Park, Oughtibridge, Worrall and Brightholmelee;
- highly sensitive because of views of turbines from minor country lanes;
- impact on Bolsterstone conservation area;
- the view from Bolsterstone will be spoiled, turbines would dominate the horizon;

- unimpeded views from Wharncliffe Crags;
- views across the Ewden valley from Walker Edge and Don valley from Wharncliffe Side will be adversely affected, looking from Wharncliffe Side/Oughtibridge turbines will break the skyline ridge of the Ewden valley;
- will dramatically impact on National Park;
- directly visible from the field containing Walders Low ancient heritage monument;
- photomontages taken from lowest elevations, do not include from village of Bolsterstone itself, Bank Lane, footpaths around the turbines, top of valley sides, or Peak Park opposite, from northeast and east, misleading without a visit to surrounding hillside ridges and plateau's;
- cumulative effect of existing and proposed windfarms in the immediate area is substantial, 44 turbines in two adjacent Penistone wards, 12 further turbines on the Barnsley border with SCC/Kirklees, a number of undecided applications most easily visible from this site;
- opposite and visible from a nature reserve and place of scientific and historical interest, short distance from Townend Common local nature reserve, area is of high value to a number of notable bird species, effect on wildlife, bats, newts and birds, rare birds breeding on adjacent land, close to where migratory birds take residence, will cause injury or fatalities to birds, there are song thrush, cuckoos, buzzards, hawks, kestrels, goshawk, night jar, crows, rooks, jackdaws, jays, owls, pyewipe, skylarks, pied wagtail, partridge, geese, gulls and colony of lapwings in and around fields adjoining the site, often hear curlews in vicinity which are rare, illuminating and reflective effect will disturb birds flight paths and roosting sites close to an SSI;
- near local heritage asset, near to a listed building, barn at Peasbloom;
- area is of historical importance;
- close to public right of way and area of open access, spoil pathway above Morehall Lane, would deter walkers, recreational public use of the area will be seriously impacted, affect tourism, would destroy the positive impact which this area affords to visitors, walkers and locals;
- overlooking golf course and reservoir;
- access will be difficult, large lorries attempting to navigate narrow road on Common Lane;
- closer to other residents than the applicants;
- too close to a large number of residential properties;
- will create noise pollution, change tranquil area, concerns about accuracy of noise evaluation information, disruption to neighbourhood through flicker and strobe effect, interference to TV, request information on digital TV reception;
- risk to health from airborne infrasound plus ground-borne vibration;
- ice throw and blade breakages are a risk to property and walkers;
- will impact on adjacent farming activities where animals graze at the top of hill on some of the best land;
- concrete fill would impact on drainage and water table in the area;
- cause land slippage;
- one farm does not need two turbines, farm not used as a dairy farm for a number of years and does not require such high impact turbines, no reference to planning gain, constitutes a change of use of farmland, financial gain should be shared with local community;



- economic effect, golf course could close, housing estate may not go ahead if surrounded by turbines, knock on effect on jobs and economy;
- danger to flight path of aeroplanes;
- will deny access on byway 57/58;
- such schemes are highly expensive compared to energy supplied by fossil fuel or nuclear power, questionable productive returns from just two turbines, neither efficient or effective, CO2 emissions in creating and installing turbines detract from savings in energy production;
- disruption to neighbourhood and wildlife in building of the turbines, maintenance in winter difficult resulting in further noise and visual disruption, who will remove them when they are worn out;
- could set a dangerous precedent, will result in escalation of other such plans and exacerbate problems, far too many of these hideous additions to the landscape;
- new planning policy has changed the approach to renewable energy, does not mean that the need for renewable energy overrides environmental protections and planning concerns of local communities;
- Sheffield and Barnsley Councils have not developed a totally integrated power supply plan;
- the circumstances of the application site are entirely different and a comparison is unreasonable;
- low level solar panels and ground source heat pumps would be more appropriate;
- better suited brownfield sites;
- concern that not received notification letter, inadequate consultation, extend consultation period.

An objection has been received from Councillor R Crowther for the following reasons:

- close proximity to the Local Nature reserve at Townend Common, danger to birds and bats through collision and variations in air pressure, applicant has stated there is low risk without citing evidence;
- on the border of an Area of High Landscape Value so development should only be allowed if it enhances the character of the area. Do not believe the siting of the turbines in this exposed position constitutes a beneficial development;
- the location would be sited in the middle of the local network of Public Rights of Way;
- the site is within the Green Belt and as such development should only be allowed in exceptional circumstances. The application does not fulfil this criteria of exceptionality and would affect the openness of the green belt. The application represents inappropriate development and should be rejected;
- the site is a location prominent not only in local area but also from miles around. At an exposed location at this altitude any structure will be highly visible, the prominence of which will be compounded by rotor motion;
- Defence Infrastructure Organisation has recommended an aviation red light is fitted to the top of the turbines, flashing, which will be a considerable visual intrusion in the evening particularly in more rural areas such as the National Park;

- concern with regard to construction of the proposed development, components would have to be transported along Common Lane a minor lane unsuitable for heavy traffic, sinking of deep foundations would add weight in an area already boggy, some local residents are concerned that there may be another landslip caused by long-term effects of rotor vibration, request a full assessment is made;
- unsure that the applicant's cited appeal decision is entirely relevant nor is it a precedent for this application, however the Inspector attached significant weight to the material consideration of inappropriate development in the Green Belt;
- thorough examination of the potential impact of noise should be performed, provide at least the level of protection afforded by most recent planning guidance on renewable energy;
- ask that an assessment is made of potential impact of shadow flicker upon nearby properties;
- the Planning Practice Guidance for Renewable and Low Carbon Energy is clear that local authorities have a role to play in increasing the use and supply of green energy but is equally clear that this does not automatically override other material considerations and environmental protections, that the views of local communities likely to be affected should be considered. A number of constituents have expressed their concern with regard to the impact they feel the proposed turbines would have on their quality of life;
- the guidance also makes clear cumulative impact may be considered, and key viewpoints should be considered as part of the landscape assessment, however understand that certain key views have not been analysed sufficiently robustly;
- express serious concerns with regard to the proposed turbines which would present a visual intrusion for several miles in all directions and negatively impact upon the character of the Peak District National Park and the Conservation Area at Bolsterstone. The development close to a SSSIs and a LNR would constitute inappropriate development and does not satisfy the exceptional conditions required for encroachment into the Green Belt, and ask the Committee refuse planning permission for this development.

An objection has been received from Councillor P Wood on the following grounds:

- impact on the local environment, they are going to be clearly visible for many miles impacting negatively on the immediate area but also on Oughtibridge, Wharnccliffe Side and parts of the Peak District National Park;
- the immediate area of Bolsterstone and Ewden village is outstandingly beautiful and green belt land. Deepcar lies nearby including a housing estate and two primary schools. Support resident's concerns about the effect the noise pollution and visual impact of the turbines on their quality of life.
- negative impact on the green belt;
- negative impact on wild life in general;
- negative impact on the nature reserve on Common Lane;
- negative impact on the Peak district national park;
- the local visibility of the turbines, and their impact on an area of outstanding beauty.

A letter of objection has been received from Angela Smith MP relating to:

- the application site is in close proximity to the Townend Common Local Nature Reserve which contains a rich diversity of vegetation and fauna. Highly concerned that the rotating blades of the turbines present a danger of bird/bat strike and variations in air pressure caused by the rotation may cause unacceptable disturbance to wildlife. Whilst the applicant has stated that it is unlikely that the development constitutes a risk to local ecology no evidence seems to have been submitted to support this;
- concerned with regard to the construction phase of the proposed development, transportation of components and materials along Common Lane which is not suitable for heavy traffic, deep foundations will add significant weight in an area susceptible to boggy conditions and concerns expressed locally that there may be another landslip caused by long-term effects of rotor vibration, and ask that the proposed construction plans are sufficiently robust to prevent such an occurrence;
- the proposed development is situated on the border of an Area of High Landscape Value. The siting of two wind turbines in such an exposed location would be detrimental to the character of the area. There is a public right of way running between the proposed positions of the turbines in the form of a byway open to all traffic. The Council should robustly defend areas of Green Belt such as the application site and examine very carefully any application which affected the openness of the green belt. On these grounds the application constitutes inappropriate development;
- do not believe the appeal cited by the applicant provides precedent. The Inspector did however attach significant weight to the consideration to the material consideration of inappropriate in the Green Belt;
- the proposed development sits at approximately 1000ft above sea level one of the higher points in the area. Consequently the site is exposed and any structure especially a moving structure over 100ft in height will be highly conspicuous and visible for a considerable distance;
- the Defence Infrastructure Organisation has recommended an aviation grade flashing light is fitted to the top of the turbines which will cause significant evening disturbance when ambient light levels drop, particularly in less-developed such as the Peak Park;
- the Planning Practice Guidance for Renewable and Low Carbon Energy is clear that local authorities have a role to play in increasing the use and supply of green energy but is equally clear that this does not automatically override other material considerations and environmental protections, that the views of local communities likely to be affected should be listened to. A number of constituents have expressed their concern with regard to the impact they feel the proposed turbines would have on their quality of life;
- the guidance also makes clear cumulative impact and key viewpoints should be considered as part of the landscape assessment. Certain key views valued by the local community and visitors to the area have not been robustly analysed;
- in addition to the visual impact and potential infrasound effects a thorough examination of the potential impact of noise on residents should be performed and the level of protection afforded advocated by the most recent national planning guidance on renewable energy, and an assessment of shadow flicker upon nearby properties is made;

- express serious concerns with regard to the proposed wind turbines which would present a visual intrusion for several miles in all directions and negatively impact upon the character of the Peak District National Park and the Bolsterstone Conservation Area. This application in close proximity to a Local Nature Reserve and Sites of Special Scientific Interest constitutes inappropriate development and does not satisfy the exceptional conditions required to justify encroachment into the Green Belt, and urge the Committee to refuse planning permission for this development.

The Peak District National Park Authority (PDNPA) consider that the proposal will have an adverse impact on the setting of the National Park:

- the landscape character assessment for the Peak District (an integral part of the Landscape Strategy for the Peak District National Park) extends beyond the edge of the National Park boundary - as landscapes do not finish at a political line;
- the site is situated under 1.5 km from the edge of the National Park in Enclosed Gritstone Upland Landscape Character type, of the Dark Peak Yorkshire Fringe landscape character area;
- this is a continuation of a landscape character type that starts within the National Park. The National Park is only briefly mentioned within the report and no assessment of the impact of the turbines will have on the setting of the National Park has been provided;
- a key characteristics of which is: Rolling uplands and broad ridge summits with some steeper slopes;
- the site is situated towards the end of a long ridge that has extensive views to and from it which are uncluttered by manmade vertical structures. There are clearly views from the National Park (NP) as can be seen from photomontages 3 and 4 which have been taken from just outside of the NP.;
- however, it has been difficult to assess the full impact on the extent of the development on the NP, as the ZVI that has been provided lacks clear background data which can be read. What is clear, is from the ZVI is that the turbines will be seen from a considerable area of the NP, most of which is access land;
- the SPD Climate change and sustainable building for the Peak District, in Annex 1 (Landscape sensitivity assessment and guidance for wind turbine applications) identifies that the Enclosed Gritstone Uplands landscape character type has high sensitivity to medium sized turbines. Medium sized turbines are classed as being between 15 and 65 m high. As already stated above, the turbines fall into the Enclosed Gritstone Uplands landscape character type and the site is a continuation of a landscape starting in the NP.
- There is no technical evidence (plans, photographs) to proof that there is no accumulative impact of wind turbines on the area;
- on a technical point, the photomontages do not conform to Visual Representation of Wind farms - Good Practice Guidance by Scottish Natural Heritage. No viewing distance to the printed photomontage has been provided and this should be between 400 and 500mm (approximately arm's length) to enable easy viewing by the public (also a requirement of the Guidelines for Landscape and Visual Impact Assessment 2013);
- in addition the guidance recommends that the height of the photomontages is between 130 and 200mm, the photomontages provided are only 100mm high.

Photomontage number 3 has the turbines positioned at the extreme right of the photomontage almost on the point of not being on the page. This gives a false impression of the impact of the turbines on the landscape;

- the Authority are also concerned that the turbines are shown behind a tree and not a worst case scenario;
- regarding the above, it appears the applicant has ignored the extent of the impact that the proposed turbines will have on the setting of the NP and views from the NP.

Barnsley Metropolitan Borough Council have no objections to this proposal.

Stocksbridge Town Council have raised an objection due to it being an encroachment into the green belt area.

Bradfield Parish Council recommend refusal of this application as this would be blot on the landscape; the proposed location is in the green belt and an area of outstanding natural beauty.

Bolsterstone Community Group object:

- whilst accept using renewable energy including wind power is desirable, not every location is suitable;
- Hollin Edge Farm is one of the highest points in the entire area, high above Ewden Valley, a particularly sensitive site;
- Hollin Edge is one of the most unspoilt parts of the Green Belt, enjoyed by people;
- the impact of these turbines on the Peak Park and the Conservation Area would be inconceivably negative, would conflict with July 2013 planning guidance;
- ask that Council takes on board the spirit of the latest guidance by listening to the wishes of local people and taking into account the overwhelming volume of objections from the local community and refuses this application.

Hunshelf Parish Council objects most strongly on the grounds of;

- an inappropriate development in this area;
- a visual intrusion in the landscape.

Langsett Parish Council object due to the size of the turbines and the fact that they are to be placed in the Green Belt, in an area of outstanding natural beauty.

CPRE South Yorkshire and Friends of the Peak District are objecting to the development as proposed:

- in principle in favour of stand alone renewable energy developments, acknowledge that such developments will generate much needed low carbon energy, but this needs to be judged and balanced against impact on nationally and locally valued landscapes, and aware that such proposals can be important in socio-economic terms of diversifying rural economies and help offset costs within marginal farm enterprises;
- however overriding concern in this case is that the visual impact, as seen especially from the NW (Wharnccliffe crags) and the S (Carr House Farm/Brightholmelee) is significant and negative given the location on the



plateau of Hollin Edge Height and that the turbines will skyline significantly as seen from many surrounding viewpoints in key amenity spots. However although the turbines would be visible from the National park do not believe that they would cause significant damage to the setting and context of the PDNP;

- the negative visual impact outweighs the socio-economic and environmental benefits and does not form the exceptional circumstances required to allow such a development in the Green Belt.

Sheffield Wildlife Trust object:

- local people have recorded the area to be of high value to a number of notable bird species which would not be a surprise given its local and proximity to a number of local wildlife sites;
- would like to see applicant liaise with Sheffield City Council Ecology Unit to discuss undertaking appropriate surveys which are likely to focus on bird and bat surveys and local record centre searches;
- until this data is made available the Wildlife Trust for Sheffield and Rotherham cannot make an informed view on the likely impacts of this development on wildlife and whether would object or not on relevant planning policy grounds;
- support letter from Natural England and would like to see the evidence of this advice being followed in the application.

Upper Don Action Group object and have submitted a report reviewing the design and access statement and questions/requests for information:

- evidence provided by the applicant is deeply flawed, incomplete, obsolete, riddled with factual errors and misrepresentative, vital evidence has not been provided by the applicant to assess the potential adverse effect of the proposed development on ecological, geological and landscape visual impact factors which would be anticipated to be substantial. There has been no assessment of public health and safety concerns such as noise and adequate separation from dwellings and Public Rights of Way;
- the applicant acknowledges that the proposal is for inappropriate development in an inappropriate area, no reliable evidence has been provided by the applicant to create such very special circumstances;
- proposed capacity and scale of this development is grossly excessive for the declared purpose, this is actually for a commercial wind farm for financial profit, planning policy requirements and guidelines applicable to large turbines should be applicable;
- photomontage is deeply flawed, misrepresentative and erroneous;
- conclude that the proposed development to introduce large alien tall vertical moving structures into the pastoral landscape would be an incongruous industrialisation in the Green Belt on the fringe of the peak District national park and that this area warrants particular protection from such incursions as supported by Policy GE8 and NPPF current guidelines;
- request the planning authority address all of the issues arising from UDAG's report, request all necessary information from the applicant, to respond to UDAG directly, and post the relevant information in the documents section on the Council's website for this application;
- these actions must be completed before the planning application is formally assessed;

- strongly submit that there can be no justifiable grounds for granting consent for this application until all the above issues have been satisfactorily addressed.

Bolsterstone Archaeology and Heritage Group object:

- the height of the two wind turbines would visually impact on the Bolsterstone conservation area, one of two remaining hilltop villages in Sheffield;
- the sites of these two wind turbines are very close to land where a listed barn is situated at Peasbloom;
- the wind turbines would impinge harmfully on the adjacent lowland heathland an internationally rare habitat under the protection here of English Nature as the Coalfield Heathland Project occupied by birds such as jackdaws, rooks, crows, partridge, owls and buzzards but also colonies of lapwing, cuckoos, skylarks and curlews, other rare species include brown hares, a colony of newts, diving beetle and dragonfly.

The Stocksbridge and Deepcar Monday Walkers group object;

- siting of just one turbine would destroy the nature of the area completely;
- the area is recognised as giving access to a range of outstanding views, and is a particularly peaceful place treasured by many of the local population of Stocksbridge and Deepcar;
- sun would shine through the space between the rotors of the turbine and create a flicker effect which would adversely affect the quality of life for many people.

Morehall Fly Fishing Club object:

- the turbine installations would be a blight on the surrounding countryside permanently destroying the peace, tranquillity and visual aspects of the area which cannot be replicated;
- the reservoir and facilities of the surrounding countryside are utilised by a wide ranging age group and activities. This would undoubtedly be less appealing if overshadowed by the wind turbine installations;
- what would be the effects on the increasing numbers of bird species and wildlife using the reservoir and surrounding area.

An objection has been received from Councillor R Barnard who represents Penistone East Ward of Barnsley MBC:

- inappropriate development in the Green Belt for which no special circumstances have been demonstrated;
- risk of structural failure;
- danger to bats and migratory birds;
- hazard to horses and their riders;
- risk of strobing and shadow flicker;
- low frequency noise and infrasound;
- interference with television signals;
- visual intrusion.

## PLANNING ASSESSMENT

### Policy Background

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

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

The UDP policies and map will be replaced by the emerging City Policies and Sites (CPS) Document and Proposals Map however at present the emerging CPS document and draft proposals map has not yet been adopted.

The Government's planning policy guidance is contained in the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions (paragraphs 2 and 196, NPPF).

The NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215, NPPF) and that weight may be given to relevant policies in emerging plans according to their stage of preparation (the more advanced the greater the weight), the extent to which there are unresolved objections (the less significant the unresolved objection the greater the weight), and the degree of consistency of their relevant policies with the NPPF (the closer the policies in the emerging plans to the policies in the NPPF the greater the weight) (Paragraph 216, NPPF).

### The Core Strategy

The Core Strategy was adopted by the Council in March 2009 and replaced several of the policies in the Unitary Development Plan.

Core Strategy Policy CS65 relating to renewable energy and carbon reduction states, amongst other matters, that the Smithywood and Hesley Wood areas are potential locations for larger scale wind generation though not to the exclusion of other suitable locations.

The site of the proposal for two wind turbines at Hollin Edge Farm does not lie within the Smithywood or Hesley Wood areas.

For the purposes of Policy CS65 it therefore has to be assessed whether this application site falls within an 'other suitable location'.

The supporting text to this policy in the Core Strategy states that large-scale grid-connected renewable energy installations will play an important part in exceeding the capacity targets set out in policy CS65 and to help achieve this the policy indicates currently identified preferred locations for wind generation, although any proposal will



be assessed on its individual merits and other locations may be identified in the course of further survey work.

The Core Strategy also includes policies relating to protecting and enhancing the natural environment and distinctive urban heritage. Core Strategy Policy CS71 seeks to maintain the Green Belt, Policies CS72 and CS73 seek to protect the countryside and the strategic green network respectively whilst Policy CS74 seeks high quality development which would take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including amongst other matters the topography and landform.

#### Supplementary Planning Document on Climate Change and Design

The Climate Change and Design Supplementary Planning Document (SPD) and Practice Guide was adopted by the Council in March 2011 and provides greater detail on the policies in the Core Strategy and the forthcoming City Policies and Sites Document. This non-statutory document is a material consideration in making planning decisions.

This SPD provides guidance on various ways of achieving the requirements of related Core Strategy policies. Part of the SPD guidance relating to Core strategy Policy CS65 provides information on the different types of renewable and low carbon energy technologies that are available including wind turbines. The SPD considers large grid-connected turbines which can range from 50kW to 7 MW which are normally 120 metres high, and smaller and medium turbines of between 2.5 kW and 50kW.

The SPD advises that large turbines should be sited at least 400 metres from residential property to minimise the effects of noise, and that other constraints when selecting sites include proximity to the Peak District National Park, whether the site is in the Green Belt, topole distance to major arteries (150 metres to roads and railways), air traffic and communications masts, and local topography for (wind speed and flow). Shadow flicker should be considered on a site-specific basis.

The SPD advises that smaller and medium turbines are vulnerable to turbulence caused by obstacles such as buildings and proximity to other turbines, and if a turbine is to be building-mounted, vibration and noise issues should be considered.

The guidance also states that although wind turbines may not always be suitable, adverse visual impacts upon sensitive landscapes can be reduced by appropriate hours of operation, siting, design, sizing and screening.

In this instance the applicant's submissions describe the two proposed turbines as each having a power rating of 50kw which is on the cusp of the SPD guidance for medium and large turbines.

#### Unitary Development Plan

The Sheffield Unitary Development Plan (UDP) was adopted in 1998.

The UDP Proposals Map identifies the site as being within the Green Belt and just within an Area of High Landscape Value.

Parts of the surrounding area to this site are identified on the UDP Proposals Map as Areas of Natural History Interest and a Geological Local Nature Site.

The saved policies of the UDP include policies variously relating to maintaining, protecting and enhancing certain features including Policies GE1 to GE4 (relating to the Green Belt), GE7 (the rural economy), GE8 (Areas of High Landscape Value), GE10 (the Green Network), GE11 (natural environment), GE12 (SSSI's and Local Nature Reserves), and GE13 (Areas of Natural History Interest and Local Nature Sites).

The UDP also includes Policy GE24 which seeks to ensure development would not create a noise which would cause a nuisance.

#### National Planning Policy Framework

The National Planning Policy Framework published in 2012 includes, amongst other matters, guidance on renewable energy and development within the Green Belt.

The NPPF states that there is a presumption in favour of sustainable development (paragraphs 14 and 197, NPPF).

The NPPF states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources (paragraph 97, NPPF).

The NPPF states that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources, design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts, should consider identifying suitable areas for renewable and low carbon sources, support community led initiatives for renewable and low carbon energy, and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems (paragraph 97, NPPF).

The NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and should approve the application unless material considerations indicate otherwise if its impacts are or can be made acceptable (paragraph 98, NPPF).

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79, NPPF). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87, NPPF). The NPPF states that

local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88, NPPF).

The NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider regeneration benefits associated with increased production of energy from renewable sources (paragraph 91, NPPF).

The NPPF also states that great weight should be given to conserving landscape and scenic beauty in National Parks (paragraph 115, NPPF), that local planning authorities should aim to conserve and enhance biodiversity (paragraph 118, NPPF), ensure new development is appropriate for its location (paragraph 120, NPPF), aim to avoid noise from giving rise to significant adverse impacts, mitigate and reduce other impacts on health and quality of life, and protect areas of tranquillity (paragraph 123, NPPF), and limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation (paragraph 125, NPPF).

#### Government's Planning Practice Guidance for Renewable and Low Carbon Energy

In March 2013 the Government published its planning practice guidance (PPG) for renewable and low carbon energy. This guidance is a material consideration in planning decisions.

This PPG states that in considering locations local planning authorities will need to ensure they take into account the requirements of the technology and critically the potential impacts on the local environment including from cumulative impacts.

The PPG provides examples of the considerations for particular energy technologies that can affect their siting including proximity of grid connection infrastructure and site size, and for wind turbines, predicted wind resource, air safeguarding, electronic interference and access for large vehicles.

In shaping local criteria for inclusion in local plans and considering planning applications in the meantime, the PPG states that it is important to be clear that the need for renewable or low carbon energy does not automatically override environmental protections, that cumulative impacts require particular attention especially the increasing impact that wind turbines can have on the landscape and local amenity as the number of turbines in the area increases, that local topography is an important factor, that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, that proposals in and close to National Parks will need careful consideration and that protecting local amenity is an important consideration which should be given proper weight in planning decisions.

The PPG also provides guidance on noise, safety, electromagnetic transmissions, ecology, heritage, shadow flicker and reflective light, energy output, cumulative

landscape and visual impact and decommissioning implications when determining applications for wind turbines.

#### City Policies and Sites Document and Draft Proposals Map

The representations stage has taken place on the emerging City Policies and Sites (CPS) Document and Draft Proposals Map.

The CPS Draft Proposals Map maintains the site's designation as being within the Green Belt.

The CPS Draft Proposals Map shows nearby land to the northwest as being a Local Nature Reserve and nearby surrounding land as being Ecological Local Nature Sites, and a proposed or to be improved Walking Route passing the site.

CPS Policies G6A and G6B relate to development in countryside areas including the Green Belt and landscape character. Unresolved objections have been received to CPS Policies G6A and G6B and in the light of the Government's guidance in the NPPF less weight can be given to these emerging policies.

#### Development in the Green Belt

As noted above, the proposed site of the two wind turbines lies within the Green Belt.

In assessing the impact on the Green Belt, UDP Policies GE1 to GE4, and the Government's planning policy guidance contained in the NPPF are relevant.

UDP Policy GE1 broadly sets out the purpose of the Green Belt that in the Green Belt development will not be permitted, except in very special circumstances, where it would lead to unrestricted growth of the built-up area, contribute towards the merging of settlements, lead to encroachment of development into the countryside or compromise urban regeneration.

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

The NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

In this instance it is considered that the proposed two wind turbines constitute inappropriate development for the purposes of the development plan policies and Government guidance relating to the Green Belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

The NPPF advises that such very special circumstances may include the wider regeneration benefits associated with increased production of energy from renewable sources.

The applicant's submissions in their design and access statement state that the proposed wind turbines would satisfy the energy demands of the farm business by providing a source of renewable energy that would also allow the farm business to operate in a more environmentally and financially sustainable manner.

The benefit of the proposal's renewable energy production therefore needs to be weighed against any harm the proposed development may have upon the character and appearance of the locality.

#### Impact on the Character and Appearance of the Green Belt

As noted above, the proposed site of the two wind turbines lies within the Green Belt and an Area of High Landscape Value.

UDP Policy GE2 includes seeking to maintain and enhance those areas with a generally high landscape value in the Green Belt whilst UDP Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt should be in keeping with the area and wherever possible conserve and enhance the landscape and natural environment.

UDP Policy GE8 seeks to ensure that in Areas of High Landscape Value or land conspicuous from the Peak National Park development which is permitted must protect and whenever appropriate enhance the appearance and character of these areas.

The national landscape characterisation and assessment carried out by Natural England identifies the site of the proposed two turbines as being within the Yorkshire Southern Pennine Fringe which runs north-south and includes both urban and Green Belt areas within the western part of the Sheffield local planning authority area. The land beyond to the west, generally coinciding with the boundary of the Peak Park, is classed nationally as part of the Dark Peak.

The key characteristics of the Yorkshire Southern Pennine Fringe include, amongst other characteristics, the eastern slopes of the Pennines dropping from upland in the west down to the east and dissected by numerous steep-sided valleys, extensive urban influences, close conjunction of large scale industry, urban areas and transport routes with open countryside, and urban development mainly confined to valleys.

The site of the proposed two turbines lies just on the northeastern side of ridgeline on the upper valley slopes above the confluence of the Don and Ewden rivers. The lower valley sides are mainly wooded whilst the upper slopes are more open with walled enclosed fields and open landscape.

The westernmost of the proposed turbines would be sited on the northern boundary of a small enclosed field. The easternmost turbine would be sited centrally on adjacent rough land partly used for storing bales of silage. The proposed siting and height of the turbines on a generally flat plateau in this prominent location would result in them being highly visible features within the immediate and wider landscape.

The Sheffield Preliminary Landscape Character Assessment (PLCA) was prepared in 2011 as part of the background documents to the emerging City Policies and Sites document. It is anticipated that the final document would add levels of detail relating to national and regional context, and may include additional contributions such as geology, ecology, soils, cultural heritage and guidelines for management and enhancement of the individual character types. Whilst 'preliminary', this document is a tool by which the inherent sensitivity of the landscape character areas may be assessed.

The Sheffield PLCA identifies four categories of landscape defined by the primary visual impact of the area, namely upland, valley, lowland and highly maintained landscape areas each of which are divided into character areas.

The application site lies within the upland category UP2 - Pastoral Hills and Ridges generally characterised by the enclosed upland landscape with wide views, high gently undulating uplands and broad ridge summits. The application site reflects this upland rural character with wide open views.

The relationship between this upland area and the valleys also results in the proposal having an impact on two adjacent landscape character areas, VA1 - Upland River Valleys with Reservoirs to the southwest and south of the application site, and VA2 - Wooded Upland River Valleys to the east of the application site.

The proposed locations of the two turbines are close to byways and a public footpath running alongside and between the two locations. Both turbines would be highly visible from these public rights of way leading to and past the site.

Of the two access roads leading over the hillside towards the site, Common Lane to the north runs from the edge of the built-up area of Deepcar along the northeast facing hillside with the higher ground of the golf course to the southwest side of the lane and more open views across the Don valley to the north and east. The upper part of the proposed turbines would be visible from this edge of the Deepcar built-up area and parts of Common Lane approaching the site.

The other access road, Bank Lane to the southwest of the site, rises through the wooded part of the south facing Ewden valley side from More Hall Lane and runs into one of the byways leading over the ridge towards Hollin Edge Farm. The proposed turbines would be screened from view from the lower part of Bank Lane, but would become visible as the lane emerges into the open landscape towards the top of the valley side.

To the west of the site the upper parts of the turbines would be visible from land on the eastern edge of Bolsterstone.



The proposed turbines would not be particularly visible from the roads running along the valley bottom northeast and south of the site mainly due to the screening effect of the woodland on the lower valley sides.

On the opposite side of the Ewden valley, the proposed turbines would be visible from several areas particularly from Brightholmelee Lane, Thorn House Lane, and Brightholmelee Road to the south. Further up the Ewden valley there would be distant views of the proposed turbines seen in context with the valley.

To the south of the site there would be more distant views of the proposed turbines from lower slopes on the west side of the Don valley at Owler Gate and the upper parts of the eastern valley side from Oughtibridge Lane.

To the north east of the site the proposed turbines would be partly visible across the Don valley from Station Road in Deepcar, and to the east from some of the vantage points on Wharnccliffe Crags.

Some of these impacts are represented on the applicant's submitted photomontages.

It is considered that within this local and wider landscape both proposed turbines would be highly visible and prominent and from most viewpoints the height of the turbines would appear above the general ridgeline. An overhead electricity line supported by wooden poles runs across the ridge. There are no significant manmade features which are dominant along the ridgeline.

It is considered that given the openness of the proposed site of the turbines, and despite their location just below the ridgeline, the proposed turbines would appear particularly intrusive within this part of the Ewden and Don valley landscape.

The Area of High Landscape Value as identified on the UDP Proposals Map in which the proposed turbines would be situated comprises the Ewden Valley and most of the western side of the Don valley to the west of Wharnccliffe Side and Oughtibridge and landscape further to the south.

As noted above, the proposed turbines would be sited just within the Area of High Landscape Value. Nevertheless, the proposed turbines would be particularly visible within this landscape in the Ewden and Don valley in the vicinity of the site.

It is considered that the proposed siting and size of the turbines close to the ridge line in the predominantly open landscape would be particularly harmful to the character and appearance of this part of the Area of High Landscape Value.

It is considered that, in this instance, the size of the proposed turbines in this particular location would have a harmful impact on the character of the landscape and on the openness of this part of the Green Belt contrary to UDP Policies GE2, GE4 and GE8 and the Government's planning policy guidance on Green Belts contained in the NPPF.



## Cumulative Impact

The applicant's submissions identify commercial windfarms to the northwest of Stocksbridge, the nearest of which is at Royd Moor, which is on the west side of Penistone, 10km to the northwest of the application site at Hollin Edge Farm.

Within the surrounding area there is a turbine of similar size and design on the higher ground off Tofts Lane (in Hunshelf Parish, Barnsley MBC) to the north of Stocksbridge approximately 4.7 km to the northwest of Hollin Edge Farm.

There are other smaller turbines on the northern ridge above Stocksbridge.

To the south, a smaller turbine (15 metre tower and 9.7 metre blade diameter) has been constructed off Lane Head, Grenoside towards the top of the valley above Oughtibridge following the granting of planning permission in 2011. This turbine is approximately 4.6 km to the southeast of Hollin Edge Farm (11/03997/FUL).

From land alongside the application site, the tips of some of the turbines at Royd Moor and some of the smaller turbines are visible in the far distance. It is considered that the cumulative impact of these distant turbines is not significant from the immediate land alongside the proposed turbines. The general views of the application site from the Ewden Valley are not seen in context with other turbines in the surrounding area.

## Biodiversity Issues

UDP Policies GE11 (natural environment), GE12 (SSSI's and Local Nature Reserves), and GE13 (Areas of Natural History Interest and Local Nature Sites) seek to protect the natural environment and sites of natural interest.

There are no significant environmentally sensitive areas or natural resources on the site of the two proposed turbines, however there is habitat near to the site which is of importance which may potentially be impacted upon by the proposed development.

Wharnccliffe Crag (SSSI ID 332) lies approximately 1.2 km to the northeast of the site of the proposed turbines.

Natural England have advised that given the nature and scale of the proposed turbines there is not likely to be an adverse effect on Wharnccliffe Crag as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Other areas of special protection in the surrounding area are Canyards Hills (SSSI ID 444) and the Dark Peak (SSSI ID 578) which are approximately 3.3 km to the west of the site of the proposed turbines, and the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) approximately 4.5 km to the west of the site of the proposed turbines.

It is considered that there is sufficient separation between the proposed turbines and these areas of special protection to ensure that there would be no significant adverse impact on these sites.

There are several locally designated reserves and sites of natural interest identified by the Council's Parks and Countryside Service in the vicinity of the site.

The southern edge of the Townend Common, Stocksbridge Local Nature Reserve lies 25 metres to the north of the site of the proposed turbine. Wharncliffe Heath Local Nature Reserve lies approximately 1 km to the northeast of the site of the proposed turbines.

There are several sites of local importance for nature conservation (also known as Local Nature Sites/Local Wildlife Sites) on land immediately surrounding the site of the proposed turbines including sites at Bitholmes Wood, Firth Wood, Sunny Bank, Townend Common, Fields at Ewden, and Parsonage Farm Woods.

The applicant's submissions include an assessment of the ecological issues (paragraphs 4.27 to 4.32 of the applicant's Design and Access Statement prepared by Earthmill Ltd dated July 2013) which considers the Wharncliffe designations to be detached from the site ensuring any that any effects relate to the habitat on or close to the site itself rather than directly or indirectly impacting on designated sites, that it is unlikely that the turbines would have any direct impacts on the ecological interests of the immediate surroundings, that Townend Common is unlikely to support internationally significant bird populations that could be affected by the scheme. The applicant's submission state that taking into account the habitats on site, the relatively low height of the turbines the risk of bird collision would be minimal and disturbance is likely to be contained to the micro scale around the turbine itself rather than from the wider area and has referred to Natural England's technical information on bats and onshore wind turbines which recommends that wind turbines are unlikely to affect bat populations where a 50 metre buffer is maintained from foraging habitat. The applicant's submissions state that the most likely foraging area is within woodlands to the east and south of the site outside this distance.

Notwithstanding the applicant's submissions the Council's Parks and Countryside Service have advised that there are recorded species of importance and local rarity foraging in the vicinity of the site (bats and certain birds) requiring a potential impact assessment on bats and birds to be undertaken to properly inform the assessment of the proposal.

Consequently, the applicant has been requested to submit a further ecological assessment of the likely impact upon bat and bird species. The applicant has subsequently requested that any additional mitigation work on ecology be dealt with by way of a condition or by further survey work should members be minded to grant consent and have stated that the reason for this is that the response from Natural England is sufficient evidence that there will be no ecology issues on site and if the application was to be refused in any event this may be a waste of effort and expense at this point.

In the absence of further information, a precautionary approach is therefore recommended to the impact of the proposal on ecological matters of importance. It is considered that the further information required is fundamental to the consideration of the acceptability or otherwise of the proposal on this issue and as such imposing a planning condition on a grant of planning permission would be inappropriate in this instance.

It is considered that the proposal would be likely to harm matters of nature conservation contrary to UDP Policies GE11, GE12 and GE13.

#### Impact on Heritage Assets

Within the surrounding area a barn at Peasbloom House off Morehall Lane approximately 450 meters to the southwest of the proposed turbines is a listed building (grade 2). Bolsterstone Conservation Area and Brightholmelee Conservation Area are approximately 1.5 km to the west and 1.2 km to the south respectively.

It is considered that there is sufficient separation between the proposed site of the turbines and the listed barn to ensure there would be no significant adverse effect on the setting and special and architectural interest of the barn.

Whilst the top of the turbines would be visible from Bolsterstone and Brightholmelee Conservation Areas it is considered that there is sufficient separation between the proposed site of the turbines and the conservation area to ensure there would be no significant adverse effect on the setting or significance of the Bolsterstone and Brightholmelee Conservation Areas.

#### Impact on the Peak District National Park

As noted above, UDP Policy GE8 seeks to also ensure that in land conspicuous from the Peak National Park development which is permitted must protect and whenever appropriate enhance the appearance and character of these areas.

The site of the proposed turbines would be visible from the Peak National Park which lies to the west and southwest of the site.

The Peak District National Park Authority (PDNPA) considers that the proposal will have an adverse impact on the setting of the National Park.

The PDNPA state that the site is situated under 1.5 km from the edge of the National Park in Enclosed Gritstone Upland Landscape Character type, of the Dark Peak Yorkshire Fringe landscape character area, that this is a continuation of a landscape character type that starts within the National Park, and a key characteristics of which is rolling uplands and broad ridge summits with some steeper slopes. The PDNPA state that the site is situated towards the end of a long ridge that has extensive views to and from it which are uncluttered by manmade vertical structures and that the turbines will be seen from a considerable area of the National Park most of which is access land.

The PDNPA have advised that the PDNPA's Supplementary Planning Document on Climate Change and Sustainable Building for the Peak District, identifies that the Enclosed Gritstone Uplands landscape character type has high sensitivity to medium sized turbines (medium sized turbines are classed by the PDNPA as being between 15 and 65 m high).

The PDNPA consider that there is no technical evidence (plans, photographs) to prove that there is no accumulative impact of wind turbines on the area. The PDNPA also consider that the applicant's submitted photomontages do not conform to recognised guidance and give a false impression of the impact of the turbines on the landscape.

The PDNPA consider that it appears the applicant has ignored the extent of the impact that the proposed turbines will have on the setting of the National Park and views from the National Park.

Your officers concur with the considerations made by the PDNPA.

For the above reasons, it is considered that the proposal will have an adverse impact on the setting of the National Park contrary to UDP Policy GE8.

#### Electromagnetic Interference and Other Safeguarding Issues

The potential for the proposal to impact on service providers has been assessed by the relevant organisations. Spectrum Licencing have advised on the presence of fixed link operators in the locality, which in this instance are BT and Arqiva and band managers for the utilities industries.

The Joint Radio Company Ltd who analyse proposals for wind farms on behalf of the UK fuel and power industry to assess their potential to interfere with radio systems operated by utility companies does not foresee any potential problems with the proposal.

BT have studied the proposal with respect to EMC (electromagnetic compatibility) and related problems to BT point-to-point microwave radio links and has concluded that the proposal will not cause interference to BT's current and presently planned radio networks.

Arqiva who are responsible for providing the BBC and ITV's transmission network, ensuring the integrity of Re-Broadcast Links, and protecting its microwave networks have advised that the turbines are located respectively within 36 and 64 metres of a DAB link the clearance is acceptable and that the proposal can proceed. Any increase in size would require re-assessment.

Atkins Ltd who are responsible for providing windfarm/turbine support services to the Telecommunications Association of the UK Water Industry has examined the application in relation to UHF Radio Scanning Telemetry communications used by their client and have stated they have no objection to the proposal.

The NATS En-Route PLC (safeguarding office) who are responsible for management of en-route air traffic has stated that they have no safeguarding objection to the proposal.

The Ministry of Defence whose principal safeguarding concern with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and interference to air traffic control and air defence radar systems has no objection to the proposal and have advised in the interests of air safety that the turbines are fitted with aviation lighting comprising omni-directional red lighting or infrared lighting with an optimised flash pattern.

It is considered that the proposal as submitted will not harm the interest of service providers in the locality.

#### Noise Issues

UDP Policy GE24 seeks to ensure development would not create a noise which would cause a nuisance.

In the vicinity of the site the nearest residential properties are two residential properties alongside the farmhouse at Hollin Edge Farm, and the residential properties on Bank Lane to the west. The site also lies alongside byways and footpaths used by the public.

The applicant has submitted a report of a noise performance test in support of this application. The applicant's noise performance test is based on a similar turbine on a site in Devon the objective of which is to measure the noise performance characteristics of the wind turbine.

The Council's Environmental Protection Service has advised that other than the group of houses at Hollin Edge Farm, the nearest noise sensitive properties are located on Back Lane approximately 340 metres away from the site of the proposed turbines and that given the distance to these sensitive properties the proposed turbines can meet the required noise levels.

It is considered that there is sufficient separation between the proposed turbines and nearby dwellings to ensure that the two proposed turbines would not significantly harm the living conditions of nearby residents. If planning permission is granted conditions would be required to ensure the turbines do not exceed 35dB for wind speeds up to 10m/s at 10 metre height when measured or calculated at the position of any noise sensitive residential façade outside the boundary of the site when operating individually or in combination and to secure mitigation of any breaches.

#### Shadow Flicker Issues

Shadow flicker occurs when there is an obstruction to light such as the shadow of rotating wind turbine blades falling across land or buildings in direct sunlight. A separation of 10 times the rotor diameter of the turbines is normally sought to ensure shadow flicker across windows does not cause harm to the living conditions of residents.

It is considered that there is sufficient separation between the proposed turbines and nearby dwellings to ensure that the two proposed turbines would not significantly harm the living conditions of nearby residents by reason of shadow flicker.

The impact of the rotating turbine blades and flicker on the users of the adjacent byways and public footpath is considered below.

#### Highway and Transportation Issues

There are byways and a public footpath running alongside and between the two proposed turbines.

The Council's Highway Service has raised concerns that the siting of the easternmost of the two turbines would be located within the topple distance of the adjacent byways which could pose potential harm to users of those byways in the event of a collapse of the turbine, and that the moving rotor blades and their flicker effect could spook horses on the byways. The Highway Service has recommended that the turbine is re-sited a minimum of 50 metres from the byways and public footpath.

Should planning permission be granted, a condition to secure reinstatement of any damage caused by the construction of the proposed turbines on the byways and local highways would be required.

#### SUMMARY AND CONCLUSION

The proposed site of the two wind turbines lies within the Green Belt and an Area of High Landscape Value.

The proposed regeneration benefits associated with increased production of energy from renewable sources constitutes very special circumstances for the purposes of development in the Green Belt.

The benefit of the proposal's renewable energy production needs to be weighed against any harm the proposed development may have upon the character and appearance of the locality.

The site of the proposed two turbines lies just on the northeastern side of ridgeline on the upper valley slopes above the confluence of the Don and Ewden rivers. The lower valley sides are mainly wooded whilst the upper slopes are more open with walled enclosed fields and open landscape.

Within this local and wider landscape both proposed turbines would be highly visible and prominent and from most viewpoints the height of the turbines would appear above the general ridgeline where there are no significant manmade features which are dominant along the ridgeline.

The proposed turbines would appear particularly intrusive within this part of the Ewden and Don Valley landscape.

In this instance the size of the proposed turbines and their siting in this particular location would have a harmful impact on the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value.

In the absence of further information on matters of nature conservation, a precautionary approach is also recommended to the impact of the proposal on ecological matters of importance.

Your officers concur with the Peak District National Park Authority (PDNPA) who consider that the proposal will have an adverse impact on the setting of the National Park.

It is considered that the harmful impact on the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value, the need for a precautionary approach to the impact of the proposal on ecological matters of importance, and the adverse impact on the setting of the National Park outweigh the benefits of the proposal in delivering renewable energy.

It is considered that on balance the very special circumstances are clearly outweighed by other considerations.

In this instance it is considered that the proposed two wind turbines constitute inappropriate development for the purposes of the development plan policies and Government guidance relating to the Green Belt and would have a harmful impact on the character of the landscape and on the openness of this part of the Green Belt and this Area of High Landscape Value.

The issues of re-siting to avoid impact on public rights of way have been considered however minor repositioning of the turbines away from the public rights of way would not overcome the fundamental concerns regarding the proposals impact on the landscape in this part of the Green Belt.

The proposed site of the turbines is therefore not a suitable location for the purposes of Core Strategy Policy CS65.

The proposal is contrary to UDP Policies GE1 to GE4, GE8, GE11, GE12 and GE13, Core Strategy Policy CS65 and the Government's planning policy guidance on Green Belts contained in the NPPF.

## RECOMMENDATION

It is recommended that planning permission is refused for the reasons given.