

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 07/01/2014

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	13/03518/FUL (Formerly PP-02954746)
Application Type	Full Planning Application
Proposal	Demolition of outbuildings and erection of single-storey rear extension to Church
Location	Hillsborough Trinity Church Middlewood Road Sheffield S6 4HE
Date Received	18/10/2013
Team	West and North
Applicant/Agent	Axis Architecture
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:

26684(90)01 OPTIONB  
26683\_A(31)01  
26683\_A(21)01 C

26684\_A(21)11a  
3D views received 18/10/13  
Sun Study received via email 13/12/13

In order to define the permission.

- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.

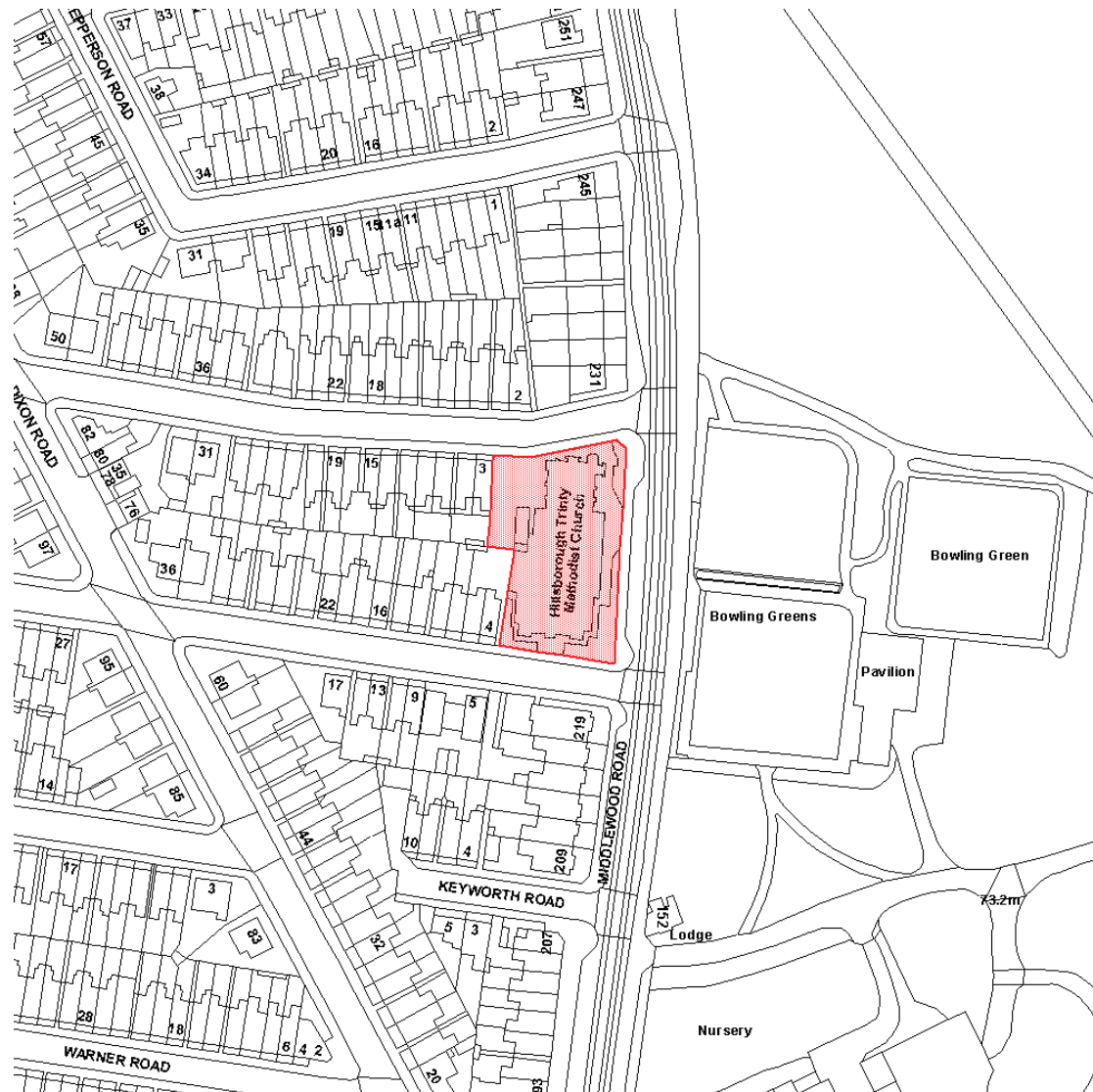
- 4 The proposed roofing materials shall match the roofing materials to the existing building.

In order to protect the vitality and viability of the shopping area in accordance with Unitary Development Plan (and/or Core Strategy) Policies

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.

Site Location



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## LOCATION AND PROPOSAL

The application relates to Hillsborough Trinity Church, a large imposing stone building dating from the Victorian era, set above the highway behind stone boundary walls.

The building is situated between Lennox Road and Dorothy Road and has its main frontage to Middlewood Road. Hillsborough Park is situated opposite the site.

The site falls within a Housing Area as allocated in the adopted Sheffield Unitary Development Plan and is also within the Hillsborough Park Conservation Area.

Planning permission is sought to demolish the existing single-storey extensions to the rear of the church and construct a single-storey extension in their place.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

Six letters of representation have been received; the points raised are outlined below:

- Lack of consultation carried out by the Church
- Total lack of disregard shown by the church with no attempt to talk or include neighbours in any of the discussions
- Until recently the area for the proposed extension was a green space populated by trees, until one day these were removed and tarmac poured all over the space
- Church has been dishonest in the application form, until recently there were trees where the proposed development is to be sited
- Planning department should have put site notices up around the church building for the general public to see, it is shocking that only the few residents closest to the building were informed by post
- Extension is unnecessary given the amount of unused space in the building
- Security issues owing to new roofs adjacent to residential gardens, foresee people being able to climb on these roofs and into adjacent gardens
- Interested to know if foundations will be for a single-storey development of will allow for the construction of a two-storey extension
- Extension will further increase the already significant lack of parking on our side roads
- Increase in meeting rooms and foyer space could lead to a greater increase in the number of visitors and their private vehicles
- Concerned about loss of light from new extension
- Do not want to see further rows of razor wire
- Application states that the requirements are based on new buildings used for public entertainment or similar (non-liquor based) with a maximum occupancy of 250 people

- Where will 250 cars park? Will they have a licence for music or musical events, other than services
- How will existing space in the building be used
- Will social events for 250 people be held other than church services and until what time?
- Suggest that the building is already big enough to accommodate the facilities to be provided in the extension
- Respectfully request that unless legally obtained, the church re-instate the proper curb, remove the white line from the road and dress the breeze blocks, preferably in stone
- Razor wire is an eyesore and alternative security arrangements need to be made.
- The above factors are reducing the value and saleability of houses at the bottom of Lennox Road
- Will impact on the enjoyment of the garden area at No.3 Lennox Road
- Already experienced inconvenience during works to the car park area, at which point reassurances were given that the gable wall would be repointed
- During excavations, the builders raised concerns that this exercise would undermine the foundations of No.3 which is why the raised bed was left adjacent to the property.
- It is now proposed to remove the raised border to be able to construct foundations, concerned how this is now appropriate and worried it may affect stability of No.3
- Area has gone from attractive greenery to an ugly car park.
- Proposed building will be an eyesore especially if barbed wire is put on the roof
- Building will drastically cut out light and sunlight which is unacceptable
- Extension would result in increased noise and disturbance from pedestrian movements to the new entrance
- Any request to remove the garden wall will be denied
- Extension will deny the neighbour the right to undertake property repairs to the gable
- View from neighbours windows resemble a prison compound as opposed to a church yard
- Height of extension will block out light. The plans don't include an artist's impression of the view from Dorothy Road so it is difficult to imagine how high the extension will be
- Noise and disturbance from building works and also after
- Privacy has already been destroyed by the removal of the trees but will be further compromised by having a building up against the fence

## PLANNING ASSESSMENT

### Policy

Policy H14 "Conditions on Development In Housing Areas" sets out a list of criteria which new development must comply with and includes that:

- (a) New buildings and extensions are well designed and would be in scale and character with neighbouring buildings
- (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
- (d) It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians

Supplementary Planning Guidance on Designing House Extensions is also relevant even though it is noted that the development is not for a house extension. However, this document sets out a range of guidelines which aim to ensure that development complies with the requirements of Policy H14, as such it will be referred to as and when relevant in the assessment below.

Policy BE16 “Development in Conservation Areas” requires new development to preserve or enhance the character and appearance of the Conservation Area.

### Design

It is proposed to demolish the existing small single-storey off-shot to the rear of the church and replace this with a much larger development to provide storage, an office, foyer and accessible toilets.

The new extension is comprised visually of two distinct elements, the first part links to the existing building and comprises a largely glazed structure with a flat roof and small projecting canopy. This links to a more traditional brick structure with a hipped tiled roof which spans the remainder of the width of the existing car park area up to the boundary with No.3 Lennox Road.

The mixture of traditional and contemporary elements in the proposed extension result in an attractive and bespoke extension which is clearly a modern addition but also reflects the character of the existing church. Furthermore, given the single-storey nature of the extension and its subservient siting, it will not form an overly prominent or obtrusive feature in the street scene.

Overall it is considered that the proposed development will sit comfortably in relation to the existing church and street scene and will not be harmful to the appearance of the Conservation Area.

### Amenity

Policy H14 (c) requires that the proposal does not have an adverse impact upon the amenities of neighbouring residents.

Several neighbour objections have raised concerns with regards to the impact of the extension on residential amenity.

The extension will be located up to the south boundary which runs alongside the rear garden boundaries of No.4 and No.6 Dorothy Road. A separation distance of 11 metres will exist between windows in the rear off-shot of properties on Dorothy

Road and the nearest point of the new extension. Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions requires a minimum separation of 12 metres between ground floor main windows and a two-storey development built directly in front of such windows. It is noted that in this instance the separation distance is only 11 metres, however and of significant importance is the fact that the extension is only single-storey in nature and so the impact is much less than for a two-storey development. Furthermore the extension is set at a lower level than properties on Dorothy Road and in reality only the roof of the extension, which pitches away from Dorothy Road will be visible from the properties on Dorothy Road.

The proposed extension will run parallel to the boundary with No.3 Lennox Road and will project approximately 9 metres beyond the two-storey off-shot. There is a ground floor window in the rear of this off-shot but no first floor window. Although the projection past the rear of No.3 is relatively large, the plans indicate that the existing boundary treatment will be as high as the walls of the extension. As such the only part of the extension which will be visible above the existing fence will be the roof which hips away from No.3. It is considered that the scale and siting of the roof is such that it will not result in unacceptable overbearing or overshadowing to occupiers of No.3. This view is supported by a daylight survey submitted by the architect which demonstrates that the impact on light levels in the garden of No.3 will be minimal.

Adequate separation distances will exist between the extension and properties on the opposite side of Lennox Road to ensure that it is not overbearing, overshadowing or overlooking.

The introduction of the new extension will likely lead to increased usage of the Lennox Road entrance and several representations have been received expressing concern over the noise and disturbance that this may cause. It is acknowledged that the extension will result in increased movements as a result of the new entrance. However it is expected that generally the level of visitors will be relatively low and well dispersed (e.g. community groups using the facilities) with only perhaps several weekly occasions where numbers will be higher (perhaps Sunday services and weddings). Furthermore, all movements should take place within reasonable hours and as such it is considered that noise and disturbance to neighbouring residents will not be unreasonable and is not a reason for refusal.

### Highways

The development will lead to the loss of approximately 3 on-site parking spaces. The surrounding area suffers from high levels of on-street parking as a result of most dwellings not benefiting from off-street parking. It is considered that in the wider context of on-street parking and given the size of the church that the loss of 3 parking spaces whilst not ideal will not significantly exacerbate the current parking issues. Furthermore, it is highlighted that the site is located in a highly sustainable location close to excellent public transport links and a large residential population within walking distance.

## RESPONSE TO REPRESENTATIONS

The majority of points raised are responded to in the above report; those which are not are discussed below:

- The perceived lack of consultation by the church and issues relating to personal relations between residents and the church are not material planning considerations
- The removal of the landscaped area and trees did not require planning permission and is not an issue which affects the assessment of the current application which must be determined with regards to the alterations to the site as it presently exists
- Consultation by the Local Planning Authority has been carried out in accordance with relevant procedure, including the display of a site notice
- The perceived lack of need for further extensions expressed by residents is not a material planning consideration.
- Impact on house prices is not a material planning consideration
- Issues regarding foundations and stability will be assessed under the building regulations approval process
- The plans do not include the provision of barbed wire to the roof area and in fact will remove this from the existing off-shot extension

## SUMMARY AND RECOMMENDATION

The proposed extension is well designed and will form an attractive modern addition to the building which will not be harmful to the appearance of the church itself, the street scene or the Conservation Area. The extension will be partly shielded from the nearest neighbouring properties by existing boundary walls and is not considered to be overbearing or overshadowing to neighbouring residents. The development will result in the loss of several off-street parking spaces, this will not disrupt the balance of parking within the area to such an extent that a refusal could be justified, particularly when taking into account the highly sustainable character of the area. The scheme complies with Unitary Development Plan Policy H14 and BE16 and Supplementary Planning Guidance on Designing House Extensions. As such it is recommended for approval.



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Case Number	13/03363/FUL (Formerly PP-02927425)
Application Type	Full Planning Application
Proposal	Erection of 6 apartments in a two-storey building with parking at lower ground level (Amended scheme to 13/02168/FUL) (As per amended drawings received by E-mail on 3 December 2013)
Location	Norton Church Hall Norton Lane Sheffield S8 8GZ
Date Received	03/10/2013
Team	South
Applicant/Agent	Mrs Christine Finnegan - FJF Construction Ltd
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

Drawing Title / Reference Numbers:

- Layout Plan / FJF/NOR 09 L
- Plans and Elevations-Apartments 1 to 6 / FJF/NOR 13F

In order to define the permission.

- 2 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 3 Development of the portion of the apartment building including Apartments 5 and 6 and excavated parking area hereby permitted shall not commence

until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

a) a minimum of 10% of the predicted energy needs of the completed development being obtained from decentralised and renewable or low carbon energy

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

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

In the interests of satisfactory and sustainable drainage.

- 5 Development of the portion of the apartment building including Apartments 5 and 6 and excavated parking area hereby permitted shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

To ensure that the development can be properly drained.

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

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 7 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the dwellings shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

- 8 The dwellings shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

In the interests of the safety of road users.

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

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

- 10 The gradient of pedestrian and vehicular access shall not exceed 1:12 unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the safety of road users.

- 11 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.

- 12 Before the occupation of the premises hereby approved, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the dwellings 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.

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

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

- 14 A comprehensive and detailed hard and soft landscape scheme for the site including specifications covering vehicle circulation areas and parking spaces shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the premises hereby approved, 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.

- 15 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.

In the interests of the visual amenities of the locality.

- 16 The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 17 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.

- 18 The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

In the interests of the visual amenities of the locality.

- 19 Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 20 Within 28 days of the date of this permission full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 21 The development shall be carried out in accordance with the mitigation advice provided within Section 4 "Ecological Assessment and Mitigation" of the ECUS Ecological Assessment prepared in relation to the site and dated 7 August 2010.

In order to protect ecological value of the site.

- 22 Prior to any apartments being occupied a management plan in relation to collection of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, refuse collection shall operate in accordance with the agreed details.

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

- 23 Prior to the occupation of the premises hereby approved details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be erected prior to occupation of the apartment and permanently retained thereafter.

In order to ensure an appropriate quality of development.

- 24 Within 28 days of the date of this permission the following samples shall have been submitted to and approved in writing by the Local Planning Authority:

- i) proposed natural and artificial stone facing materials (including heads, cills, quoins and string course) - as per the details given in Mr. Finnegan's e-mail to the Planning department dated Wed 07/08/2013 at 09:29AM
- ii) proposed natural roofing materials
- iii) proposed timber casement windows and timber doors

Thereafter, the development shall be carried out using the approved materials.

In order to ensure an appropriate quality of development.

- 25 Prior to the commencement of work to the stonework and works above the ground level within the approved development, large scale details, including materials and finishes, at a minimum scale of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority:

- Windows
- Window reveals
- Doors
- Eaves and verges
- External wall construction
- Chimney Stacks

Ridges  
Valleys  
Rainwater Goods

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

In order to ensure an appropriate quality of development.

- 26 Prior to the commencement of work to the stonework and works above the ground level within the approved development a sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works referred to as part of this condition and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 27 All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black unless otherwise agreed in writing by the Local Planning Authority. Gutters shall be fixed by means of hangers and brackets and no fascia boards shall be used.

In order to ensure an appropriate quality of development.

- 28 Before the occupation of the premises hereby approved the design and location of all external light fittings shall be approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 29 Before the commencement of work to the stonework and works above the ground level within the approved development, details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall have been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 30 Before the occupation of the premises hereby approved details of the design and appearance of boundary walls/fences, gateways, steps and paths, hardstandings and other elements of the hard landscaping design shall have been approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 31 Prior to the occupation of the apartments hereby approved details of the screening to the balcony of the first floor/eastern apartment shall be submitted to and approved in writing by the Local Planning Authority. The approved screen shall be erected prior to occupation of the apartment and permanently retained thereafter.

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

- 32 The lounge windows on the elevation of the apartment building facing east and west shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

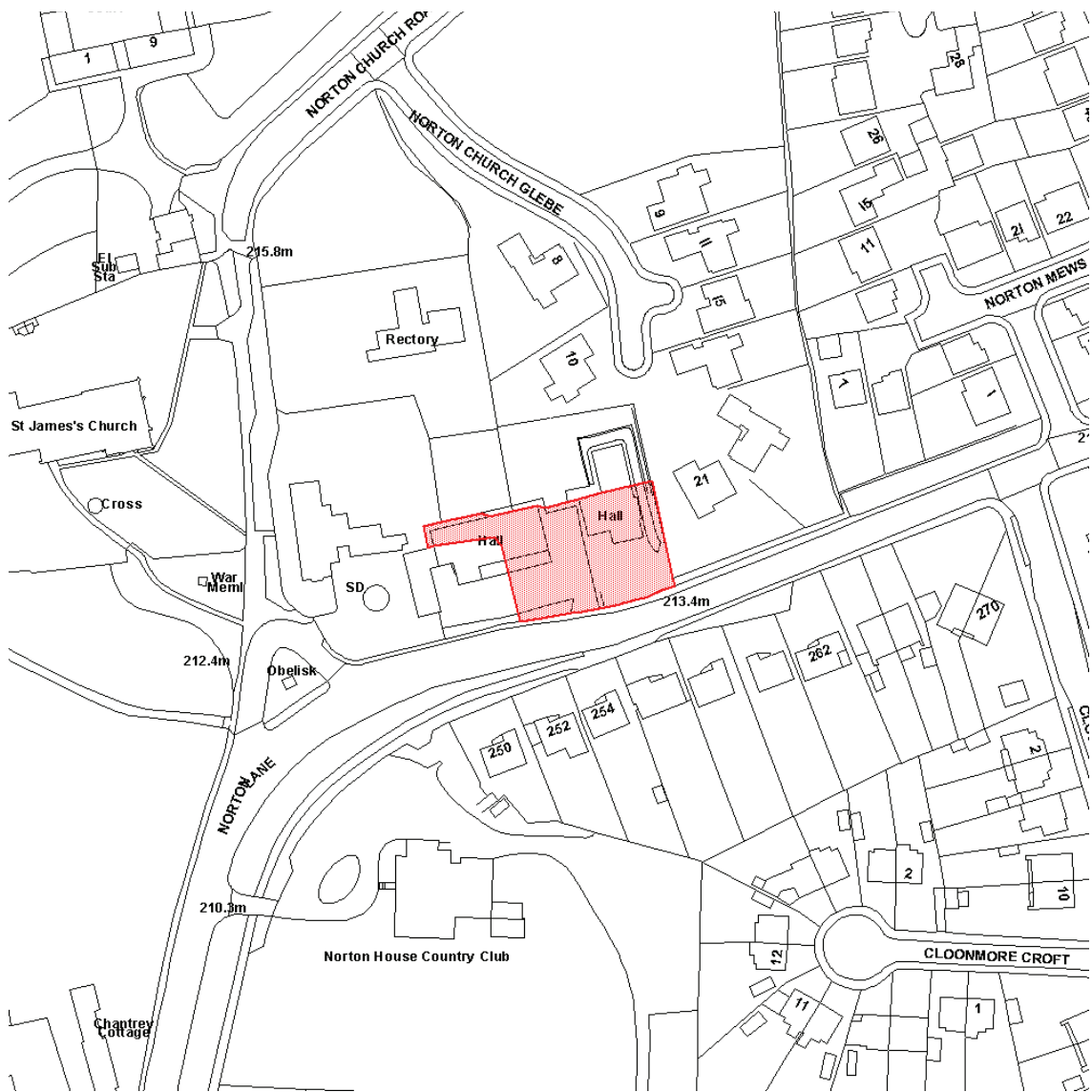
In the interests of the amenities of occupiers of adjoining property.

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.

## Site Location



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## LOCATION AND PROPOSAL

The application site is located to the north of Norton Lane, and previously accommodated two Church Halls. It is located within a Housing Area under the provisions of the Adopted Unitary Development Plan, and is also within the Norton Conservation Area. The site adjoins the Old Rectory building which is Grade II listed. Also adjacent to the site is a modern housing development, and in close proximity is St. James's Church which is a grade II\* listed building.

Planning permission was granted in August 2012 for demolition of the 2 church halls and the erection of 3 detached houses and construction of 4 flats.

Subsequent to this, an application to vary those approved drawings was granted consent. This involved:

- Rear extension to Plots 1 and 2, and
- Deletion of two external doors to the front elevation of the ground floor apartments

A further application seeking a number of alterations to the approved drawings and the amendment/variation of certain conditions was submitted more recently under reference number 13/01891/FUL. Most notably the proposed amendments included:

- Widening of the apartment block's footprint to enable the provision of a study in the ground floor apartments
- Provision of an extra level of accommodation in the existing apartment block roof space to provide 3 bedrooms in the resulting first/second floor apartments
- The use of an artificial stone product for heads, cills, jambs and verge stoolings on the rear and less prominent elevations of the buildings.
- The use of timber casement windows instead of sliding sash windows.

A more recent planning application sought planning permission to include six apartments, in place of the previously approved apartment block which included four apartments. The block proposed at that stage formed a 'T-shape' and included a proposed excavation to provide parking for four cars at the lower ground level below the stem of the 'T'. Four of the apartments proposed at that stage included two bedrooms, with the other two apartments including 3 bedrooms. Following consideration by planning committee this application was refused planning consent, because it did not include sufficient car parking accommodation within the site, and because of the absence of a legal agreement covering contributions to off-site play / recreation provisions.

The current application seeks planning consent for an equivalent number of similar apartments. The excavations to form the parking spaces are more extensive and penetrate beyond the rear wall of the 'stem'. A total of twelve spaces would be provided in association to the apartments.

The greater depth of excavation leaves a gap portion, which would be partially filled over via the formation of a balcony / patio area serving the ground floor of the apartments in the proposed stem.

The three detached houses, which were approved as part of the earlier scheme, are not included within the current application and would remain as approved. These three houses are currently under construction.

#### RELEVANT PLANNING HISTORY

10/03469/FUL; Demolition of 2 church halls and erection of 13 dwelling units associated car parking - Approved 18/1/11

12/01165/FUL; Demolition of 2 church halls and erection of 3 detached houses and 4 flats with associated car parking - Approved 1/8/12

12/03651/FUL; Amendment of Drawings Approved under 12/01165/FUL - Approved 8/5/13.

These alterations included incorporation of a small utility porch at the rear elevation/s, and the deletion of two external doors to the front elevation of the apartment building.

13/01891/FUL; Amendment involving widening of apartment building and accommodation within roof space, and to allow use of some non-natural stone products and timber casement windows. - Approved 28/8/13

13/02168/FUL; Amendment to apartment block involving addition of two apartments. - Refused 26/9/13

The reasons for refusal, in full, were:

1. The proposed development does not include sufficient car parking accommodation within the site and the Local Planning Authority consider that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14.
2. An assessment of open space provision within the locality has identified a shortfall of informal and formal open space, and the applicant has not provided a completed S106 Planning Obligation, securing a financial contribution to allow for enhancement of existing off site open space. As such the proposal fails to comply with the requirements of Policy H16 of the Unitary Development Plan for Sheffield.

#### SUMMARY OF REPRESENTATIONS

Following neighbour notification, the placement of a site notice and the publication of a press advertisement a total of twelve representations have been received from members of the public. The comments can be summarised as follows:

- The additional parking spaces could not realistically be used.
- 'In-line' parking arrangements will not be used.
- No parking provision for visitors.

- Disabled parking spaces are not larger than other spaces.
- Parking on Norton Lane likely to occur, will lead to conflict when events are held at the park and church.
- There is inadequate provisions for deliveries.
- Objection to site being gated, which will cause access problems, and blockage of traffic on Norton Lane.
- Norton Lane becomes hazardous in winter periods, previously leading to accidents.
- Additional movements along Norton Church Road, with vehicles using it as a turning point.
- Overdevelopment of site.
- Open feel of the conservation area should be retained, along with natural vegetation.
- The proposed three storey building is too high, will set precedent to other properties in the neighbourhood.
- Not aware of other balconies in the conservation area, and these should not be allowed.
- Concern regarding removal of further trees from plan.
- The newly proposed apartments rise above the approved flats.
- Developer should be made to implement the approved drawings, which were the result of considerable effort and time. Should not be allowed to continue making fundamental alterations to the original application, relying on objector fatigue.
- A similar approach was followed by the developer at a different development elsewhere.
- As well as assisting developers, different agendas should be balanced.
- The modest changes to the parking layout refused as part of 13/02168/FUL do not address the concerns relating to that case.
- Objection to widening of the block, reduction in quality of building materials,
- Removal of trees and hedges to Norton Lane, harming appearance of the site.
- Application is inspired by profit, at the expense of community and environment.
- All previous objections are relevant to current application.
- The previous approval for four apartments is acceptable.

Comments have also been received from Cllr Ian Auckland, which can be summarised as follows:

- Amendments do not overcome the reasons for refusal. Norton Lane is busy, and can become congested due to local events.
- Proposed on-site parking arrangements are unworkable.
- Will encourage on-street parking.
- Proposal does not provide adequate living accommodation and amenities for occupants.
- Concern regarding chain of amendments, which undermine confidence that the scheme included in the original approval were intended to be built.

- Location in Conservation Area, with listed buildings means much of original character is retained. Spacing to listed buildings is integral to the character of the area. Enlarged apartment block represents overdevelopment of the site. Will harm setting of listed buildings, due to mass, bulk and scale of block.
- Approval represents a significant difference to that promoted by Norton Church.

Following the receipt of some drawings amending the excavated parking layout some additional neighbour notification took place. Four representations have been received (from 3 addresses) in response, and the comments made can be summarised as follows:

- Initial objections remain. Scheme is over-development of site, inappropriate in Conservation Area.
- Car parking arrangement would result in conflict between neighbours, and is still inadequate. Tandem spaces won't work.
- Scheme should be refused given previous refusal.
- Continual amendments to the scheme should be resisted.
- Query if any evidence of development's unviability has been provided, or does it relate solely to profit.

## PLANNING ASSESSMENT

### Land Use Issues

The site is allocated within the Unitary Development Plan as being in a Housing Area. According to the provisions of UDP policy H10, housing is the preferable use in such an area and therefore the principle of the residential nature of the proposal is acceptable.

Policy CS24 of the Core Strategy covers 'Maximising the use of previously developed land for new housing'. As the site is previously developed, the development will contribute to this policy objective, and the target of delivering at least 88% of new housing on previously developed land.

Policy CS26 covers the efficient use of housing land, and gives density ranges for developments. This proposal equates to a density of 34 dwellings per hectare, which is within the respective density range applying to this type of area (30 to 50 dwellings per hectare) as set out in the policy. The policy further states that such density ranges can be varied where dictated by good design reflecting the character of an area.

### Sustainability

The Sheffield Development Framework - Core Strategy includes Policies CS64 and CS65. Policy CS64 requires residential buildings to achieve Code for Sustainable Homes Level 3. Additionally, CS65 requires development to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, and (b) generate further renewable or low carbon

energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. Part (b) of this policy is not currently being pursued as Building Regulations requirements have been enhanced so that it would be considered to be unreasonable to pursue additional reductions over those requirements.

The Applicant became aware of these policies through the course of the previous applications. Documents were submitted confirming that the development should achieve a CSH Level 3 rating, thereby satisfying the provisions of Policy CS64.

The requirements of CS65 would be met by the use of PV panels, according to the package of condition details submitted in pursuit of the previous approval. It can be assumed that a similar detail would be proposed in relation discharging any conditions imposed on the current scheme were approval to be granted.

Overall, these policy requirements would be capable of being satisfied, and therefore the scheme is considered to be acceptable in relation to these issues.

#### Conservation and Design Issues

The site lies within the Norton Conservation Area and a Housing Area within the Unitary Development Plan (UDP). As such the following policies are relevant:

BE5 'Building Design and Siting' states that:

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

#### Physical Design

- a) Original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.
- d) In all new developments, design should be on a human scale wherever possible, and, particularly in large-scale development, the materials should be varied and the overall mass of buildings broken down
- f) Designs should take full advantage of the site's natural and built features

BE15 'Areas and Buildings of Special Architectural or Historic Interest' states: Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

BE16 'Development in Conservation Areas' states permission will only be given for proposals which preserve or enhance the character or appearance of the Conservation Area.

BE17 'Design & Materials in Areas of Special Character or Historic Interest' states that in Conservation Areas and Areas of Special Character a high standard of design using traditional materials and a sensitive and flexible approach to layouts of buildings and roads will be expected for new buildings and walls.

BE19 'Development affecting Listed Buildings' states that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

H14 covers 'Conditions on Development in Housing Areas', and amongst other things requires new buildings and extensions to be well designed and in scale and character with neighbouring buildings and to not result in an over-development of the site.

The Sheffield Development Framework - Core Strategy includes policy CS74, which requires high-quality development to respect the townscape and landscape character of the city's districts.

Norton Conservation Area retains much of its rural, back water character, and the immediate vicinity includes the Church of St James and Norton Rectory (Grade II\* and II respectively) and Norton House (which is defined as a building of townscape merit within the draft Conservation Area appraisal).

When viewed from Norton Lane, the proposed apartment building facing towards Norton Lane would match the most recently approved four apartment scheme version of the building in this location. The gable of the stem portion of the proposed T-shape arrangement would potentially be visible from the first floor of dwellings on the opposite side of Norton Lane and certain other positions. Notwithstanding these limited views, the frontage of the apartment building would match the approved scheme, and would therefore continue to remain in keeping with the character of the area and would be considered to avoid constituting an overdevelopment of the site. Overall, it would be considered to remain in keeping with the character of the area and the conservation area.

From the vehicle access position into the development the additional stem portion of the T shaped arrangement would not be visible. The additional portion would be concealed from public views, given the presence of the front facing range of the development. It is therefore concluded that the proposed six apartment proposal would not have a harmful impact upon the character of the conservation area or the setting of surrounding listed buildings from vantage points on or along Norton Lane.

The stem of the proposed T shape arrangement block would potentially be visible from Norton Church Glebe. However, given the presence of Plot 3, the approved detached dwellinghouse, it is considered that views into/of the conservation area would not be harmed. Plot 3 sits closer to the site's eastern boundary and would be more prominent in this regard than the proposed additional portion of the apartment block.

It is of relevance that the scheme previously refused was largely similar in this regard to the proposed version, and that the sole reason for refusal covered insufficient provision of off-street parking. It would therefore be unreasonable to seek to resist the current application due to design and/or over-development concerns, or impacts upon the conservation area and listed buildings.

In summary, the proposed apartment block would be considered acceptable in conservation and design terms, and would also be considered to meet the requirements of the policies summarised above.

#### Highways Issues

The proposal is required to meet the requirements of part (d) of UDP policy H14. This requires development to provide safe access to the highway network and appropriate off-street parking. The previous scheme failed to do this and was consequently refused.

The proposed apartments include provision for a total of twelve off-street parking places. This arrangement has been submitted following concerns regarding the 'usability' of two particular bays in the initial layout submitted with the application. The twelve proposed spaces comprise 5 sets of two 'in-line' spaces, and a pair of side-by-side spaces. Each pair of spaces would be assigned to an individual apartment.

The Council's parking guidelines would require there to be thirteen to fourteen spaces for the six apartments. As such the currently proposed layout would represent a shortfall of one to two spaces, and would amount to an absence of visitor space provision. It is considered that short term visitor parking could be accommodated within other parts of the site layout without encumbering vehicle manoeuvrability into/around the site, although these facilities would not be suitable for longer term usage.

It is therefore considered that the proposed layout would avoid the generation of on-street parking at, or adjacent, to the site frontage. On this basis the previously raised concerns about the parking of vehicles on Norton Lane near the access to the site would be avoided, along with concerns about infringement upon visibility provided at this access point. Similarly, concerns about restrictions upon the free and safe flow of traffic along Norton Lane and resultant vehicle conflicts would be avoided.

On this basis, the concerns regarding the generation of on-street parking which arose from the previously refused application are considered to be addressed as part of this application. Therefore, the proposal would be considered to comply with part (d) of UDP policy H14.

#### Amenity of Neighbouring Residents

UDP policy H14 states that proposals in Housing Areas will be considered to be acceptable subject to the site not being over-developed or depriving residents of light, privacy or security.

The neighbouring property most sensitive to the proposal is Num.21 Norton Church Glebe, which is the detached dwelling to the east of the proposed apartment building.

The respective side elevation of this neighbouring dwelling includes windows which do not serve habitable rooms. Therefore, no direct overlooking toward the neighbouring dwelling would result. The east facing windows in the proposed stem of the T shaped apartment block would include a raised patio area to the ground floor flat and a Juliette balcony and/or windows to the Dining-Kitchen-Lounge space at the upper level flat. It would be expected that views from these positions onto the side / rear garden of Num.21 Norton Church Glebe would be achievable. However, the view would be from a reasonable distance, and would not be considered to be any more invasive than views which would have been achieved from the first floor level of the apartments approved as part of permission 10/03469/FUL which were located in a similar position to the windows proposed in this case.

The properties on the opposite side of Norton Lane would not be subject to any impacts which differ from those which were considered to be acceptable as part of the previous approvals.

Overall, the proposal would be considered to have an acceptable impact upon the amenities of neighbouring occupiers, and the relevant elements of UDP policy H14 would be met.

#### Amenity Provision for Potential Occupants

The revised drawings would be considered to provide appropriate provision for natural daylighting and ventilation.

The external amenity provisions for the residents of the apartments include patios, balconies and external amenity space. The shared outdoor provision, in addition to the spaces specifically connected to individual apartments would be considered to result in a reasonable external space provision.

The proposed bin store area would be located adjacent to this communal amenity area, and would be capable of screening to prevent refuse bins from having a detrimental visual impact.

The separation distances between the west facing windows of the apartment building stem and the front of Plot 1 would exceed 21 metres. On this basis this arrangement would be considered to be acceptable.

Overall, the proposal would be considered to be acceptable in relation to the amenities which would be afforded to amenities of the potential occupants.

#### Landscaping Issues

The proposed scheme proposes the removal of the same trees as were agreed to be removed as part of the previous approval. The previous approval required removed trees to be replaced by high quality trees giving a relatively prompt impact, to ensure that the amenity of the local area was not compromised. It would therefore be unreasonable to aim to resist the granting of consent in this instance, due to impacts upon landscaping / trees.



Overall, the proposed scheme would be considered to be acceptable in landscaping terms, meeting the requirements of UDP policy GE15 which requires developers to retain trees and hedgerows and replace them where necessary.

### Open Space

Policy H16 of the UDP requires the developer to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site where assessment of existing provision demonstrates this is necessary. Existing provisions of both formal and informal recreation space are above minimum guidelines within the site's catchment area though a contribution is considered necessary to facilitate improvement of recreation space locally.

A financial contribution would therefore be required for £1,328.70, which would be the difference between the commuted sum committed to as part of application 13/01891/FUL and the sum which would be required in relation to the current scheme. This would need to be secured through a legal agreement that also reflected the presence of an agreement relating to the rest of the site.

### RESPONSE TO REPRESENTATIONS

The majority of items raised have been covered in the above assessment. In regards to the other issues the following comments can be made:

- Concerns about the inability to use the all the proposed parking spaces have been addressed by amended drawings.
- In-line parking layouts are considered to be quite normal, and common features as part of new developments.
- Disabled accommodation within the development is incorporated within the three detached dwellinghouses, and therefore the absence of mobility parking provision within the overall scheme is not an issue.
- The inclusion of gates across the access is not considered to be problematic, due to their setback from the carriageway edge, thereby avoiding the need for vehicles to wait on the carriageway itself.
- The proposed addition to the block includes excavated land to provide parking spaces, and would not be considered to amount to a three storey development. It would not act to set a precedent in the locality.
- The balconies are not visible from public vantage points and would not act as a precedent.
- The applicant is entitled to make a number of applications, and each submission is required to be assessed upon its individual merits.
- Concern that the application is motivated by profit do not in themselves represent a planning consideration. Financial viability issues would form a planning argument amongst a series of other planning factors, however, they do not over-ride other issues.
- The widening of the block and variation of building materials have already been agreed, as part of a previous submission.

- The scheme's financial viability is a material planning consideration but would not be over-riding consideration.

## SUMMARY AND RECOMMENDATION

The application seeks full planning permission for six apartments, in place of four apartments which have already been granted consent.

The apartment block would be considered to avoid having a detrimental impact upon the character of the Norton Conservation Area, the amenities of neighbouring occupiers and residents within the locality, and to provide a reasonable level of amenity for the occupants of the proposed apartments and other dwellings within the site.

The previous application was refused due to insufficient parking provision, and the current application is considered to address these issues. Therefore, it is considered that the proposal would avoid on-street parking, having an acceptable impact upon local highway safety.

On this basis the scheme is considered to be acceptable and conditional approval, subject to the completion of a legal agreement, is recommended.

## HEADS OF TERMS FOR LEGAL AGREEMENT

The owner shall, on or before the occupation of the apartments, pay to the Council the sum of £1,328.70 to be used towards the provision of enhancement of Open Space within the vicinity of the site.

In the event of a S106 Planning Obligation covering the heads of Terms set out in the preceding paragraphs not being concluded before the 9th January 2014, it is recommended that the application be refused for the failure to make adequate provision in this regard.

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Case Number 13/03355/FUL (Formerly PP-02883860)

Application Type Full Planning Application

Proposal Demolition of existing primary school and erection of new primary school, including integrated resource unit and children's centre with associated works including re-grading of site for new school, parking accommodation, hard and soft play areas and sports pitch on site of former school (Amended plans received 19/12/2013)

Location Fox Hill Primary School  
Keats Road  
Sheffield  
S6 1AZ

Date Received 30/09/2013

Team West and North

Applicant/Agent Cube\_Design

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:

FH-AL(--X99-001	P1	Proposed Site Plan
FH-AL(--X99-002	P1	Location Plan
FH-AL(--X99-003	P1	Topographical Survey
FH-AL(--X99-004	P1	Existing Site Photographs
FH-AL(--X99-101	P1	Proposed Site Sections AA/BB
FH-AL(--X99-103	P1	Proposed Site Sections EE/FF
FH-AL(-2)X00-100	P1	Ground Floor Plan - Single Storey Option
FH-AL(-2)X01-100	P1	Roof Plan - Single Storey Option
FH-AL(-2)X99-201	CP4	Proposed Elevations
FH-AL(-2)X99-202	CP4	Proposed Elevations
FH-AL(-2)X99-300	P1	GA Sections
FH-AL(21)X99-300	P1	1:20 Sections

FH-AL(21)X99-301	P1	1:20 Sections
FH-LG(90)X99-001	P13	Site plan
FH-LG(90)X99-002	P10	General arrangement plan
PE-LG(90)X99-004	P2	Planting Plan
PE-LG(90)X99-007	P1	Tree removal plan
PE-LG(90)X99-006	P3	Fence and Access Plan

In order to define the permission.

- 3 The new school shall not be used unless the car parking accommodation for 56 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.

- 4 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 school is brought into use.

Highway Improvements:

- Details of the proposed signing and lining associated with the scheme

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.

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

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

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

In the interests of the safety of road users.

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

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).

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

The Travel Plan(s) shall include:

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

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

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).

- 9 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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 five year period shall be replaced.

In the interests of the visual amenities of the locality.

- 10 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 an alternative timeframe to be agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 11 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.

- 12 Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 14 Full details of the fencing and gates to be installed around the site shall be submitted to and approved in writing by the Local Planning Authority before installation and development shall thereafter commence in accordance with the approved plans.

In the interests of the visual amenities of the locality.

- 15 Surface water and foul drainage shall drain to separate systems.

To ensure satisfactory drainage arrangements.

- 16 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

In the interest of satisfactory drainage.

- 17 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

To ensure satisfactory drainage arrangements.

- 18 The surface water discharge from the site is subject to a reduction of at least 30% compared to the existing peak flow. This should be achieved by sustainable drainage methods where feasible. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 l/s/Ha is required. The detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to commencement of building.

To ensure satisfactory drainage arrangements.

- 19 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.

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

- 20 Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

- 21 Prior to development commencing a scheme detailing the means to control and minimise dust emissions from any works of construction, demolition, earth moving and associated vehicular movements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented whilst any such works are undertaken on site.

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

- 22 Before the use hereby permitted begins, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of lighting from the development on adjacent dwellings. The report shall demonstrate that all external lighting is in accordance with the

recommendations of the Institution of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light" (ILP GN01; 2011). The approved lighting scheme shall thereafter be retained and maintained in accordance with the approved details.

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

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

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

- 24 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

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



- 27 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 28 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.

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

Doors  
Entrance canopies  
Rainwater goods  
Joints of the cladding panels

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

In order to ensure an appropriate quality of development.

- 30 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 31 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for

review. The approved Scheme shall be implemented upon commencement of use of the development.

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy.

- 32 Prior to the commencement of any demolition works to the existing school buildings a protected species survey as set out in the Phase One ecology survey shall be undertaken and the results along with any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall commence in accordance with the measures and recommendations of the report.

In order to prevent harm to protected species.

- 33 No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

In the interests of biodiversity.

- 34 No development shall commence until a management plan detailing how potential conflicts between the servicing area and visitors, disabled parking, cyclists and pedestrians will be managed has been submitted to and approved in writing by the Local Planning Authority and the management plan shall thereafter be implemented in accordance with the approved details.

In the interests of safety.

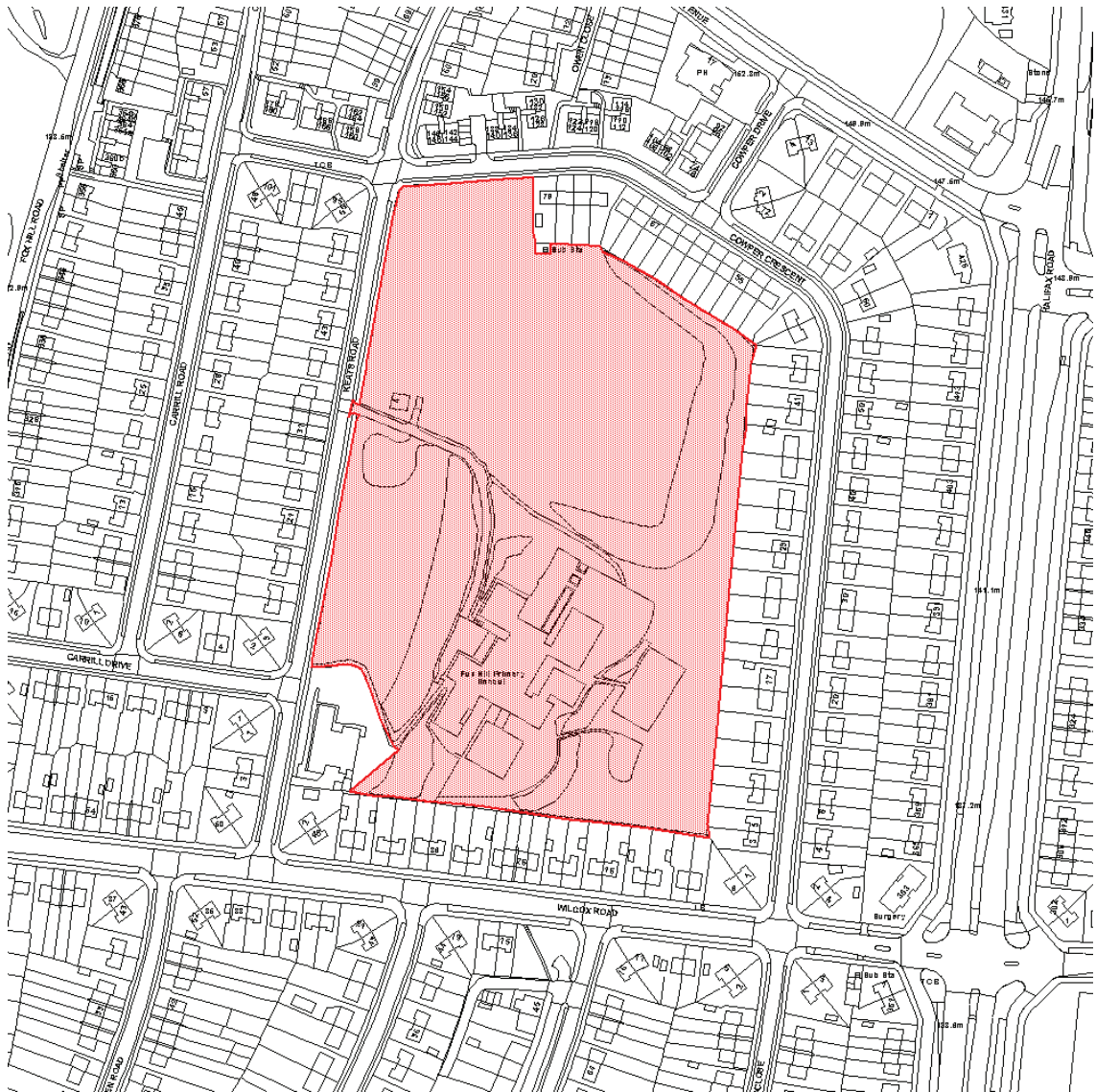
Attention is drawn to the following directives:

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. There should be no building or planting of deep rooted trees within 3 metres either side of the watercourse that exists within the site.
3. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls therefore apply, regardless of this planning approval.

4. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
  
5. 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 seeks permission to erect a new Primary School to replace the existing Fox Hill Primary School which is located immediately to the south of the application site.

The application site is a plateau of land to the north of the existing school, which is set at a higher level than the existing school. The overall topography of the school site is one of significant level changes, with the existing school being set down within the site and barely visible from the highway on Keats Road. The land on which the new school is to be built is currently playing fields for the existing school. The site on which the school is to be built is designated as an Open Space area on the Unitary Development Plan Proposals Map. The area occupied by the existing school buildings is designated as a Housing Area on the Proposals Map. The site is surrounded by housing and which consists of predominantly two storey brick built, semi-detached dwelling houses.

The new school is being delivered through the Priority School Building Programme (PSBP) which is national strategy for the redevelopment of school sites. PSBP is a Central Government programme set up to address schools in most urgent need of repair. Through the PSBP 261 schools across the county will be rebuilt or refurbished. The funding for this project is being allocated by the Education Funding Agency (EFA).

The award of funding from the EFA is based on assessment of community deprivation and economic/social issues, the condition of the existing school buildings and the fitness for purposes and suitability of the building to deal with a growing population. Fox Hill Primary School was successful in securing funding from the EFA to erect a new school.

The design and access statement submitted states that the current building was constructed in 1970 and that the building fabric, circulation and spaces are now considered unsuitable. The building also has varying changes of level, steps and hidden entrances and is inappropriate for the a 'state of the art' educational teaching facility, and has limited external play areas due to the location of the building at the lower part of the site. It is also cited that the building fabric is exceedingly 'tired' and is in need of repair.

The proposed new school will be predominantly single storey with a double height sports hall, constructed in a T-shape. The existing school will remain in use during the construction of the new school to ensure that there is limited disruption for pupils. Following completion of the new school, the existing school will then be demolished and the space changed to playing fields to compensate for the loss of the playing fields on the site of the new school. The former caretakers' house will also be demolished as part of the development works.

## RELEVANT PLANNING HISTORY

There is no planning history relevant to the consideration of this application.

## SUMMARY OF REPRESENTATIONS

There have been no letters of neighbour representation.

## PLANNING ASSESSMENT

### Policy Issues

The site falls within an Open Space area as defined in the adopted Sheffield UDP and as such the development will be entirely on open space.

Policy CS45 'Quality and Accessibility of Open Space' states that the safeguarding and improvement of open space will take priority over the creation of new areas. The proposed developments build over an existing allocated Open Space Area as defined in the UDP. Policy CS 47 of the CS identifies that development of open space will not be permitted where there is a shortage of open space in the area. In this case an open space assessment has been undertaken and identified that there is a quantitative shortage of open space. As such the principle of the development is contrary to policy CS47. However, following the demolition of the existing school this land will be returned to open space and therefore the development proposal could essentially be considered as a land swap and that the development will not result in a loss of open space across the site post demolition. This is considered to be appropriate and to ensure that the development will not have an adverse impact it is recommended that a condition is applied which requires that the old school is demolished upon completion of the new.

As well as being open space the site on which the new school will be built is also a playing field and is identified in the Playing Pitch Strategy. The pitch provision going back onto site will be less than the existing amount and some of the reduced playing field area will also be given over to hard standing. As the proposal will result in the loss of playing field and the proposed replacement is not as large as the existing space the development does not strictly accord with exception E4 of Sport England's Playing Fields Policy which states: "E4: The playing field or playing fields that would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development."

However, in considering the application, Sport England have commented that they are mindful of a number of characteristics which relate to the site and they are therefore not formally objecting to the development. The justification of this on the part of Sport England is that; due to the contours of the site the usable area of the existing playing field is only capable of accommodating a single pitch and that aerial images of the site, including ones dating back 10 years, show that the pitch has always been marked out in roughly the same location. It is also noted that the existing playing field is not currently available for community use and the new school sport facilities will be available for community use. Similarly, Sport England has been advised by the Football Association that the football pitch could potentially help deliver 5v5 or 7v7 football in Sheffield and that the replacement playing field will be constructed to standard that is suitable for pitch sport.

The decision of Sport England not to raise an objection to this application is subject to conditions regarding a Community Use Scheme, details of the replacement playing field to ensure that the replacement playing field is fit for purpose to accommodate pitch sport. Sport England have advised that if these conditions are not applied then they would formally object to the development. The conditions are considered to be reasonable and an appropriate means of ensuring that quality playing fields are reinstated following the development.

### Community Benefits

Policy CF1 'Provision of Community Facilities' seeks to promote the provision of community facilities which includes schools particularly where they would be for disadvantaged people, located where there is a shortage and in the community they intend to serve. Policy CS43 'Schools' of the CS also seeks to ensure that there is sufficient provision of modern education facilities and indicates that there will be significant investment to upgrade some primary schools in the city.

Southey Ward, in which Fox Hill is located, is part of one of the most deprived areas of the city and much of it is within the top 10 % 'most deprived' areas in the country, according to the index of multiple deprivation 2010; and this is supported by the design and access statement which cites that 93.8% of pupils live in the most socially and economically deprived areas of the city. The applicant has also indicated that there are established educational attainment issues in the area as children entering school have poor language, reading and communication skills and that there are also high levels of adult illiteracy in the area. Taking account of the recognised social and educational issues and the fact that the existing school buildings are not considered fit for purpose due to their age and condition, the provision of a new modern education facility will clearly help to address these issues. As such the principle of the delivery of a new primary school which will serve the local community is supported and complies with policy CF1 and CS43.

### Design Issues

The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In particular it encourages developments that establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places and by responding to local character and history and reflecting the identity of the local surroundings and materials. It goes on to state that developments should be visually attractive as a result of good architecture and appropriate landscaping.

Policy CS74 of the CS, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy CS74 also advises that any new development should respect the topography of the City, views and vistas and the townscape and landscape character of the particular area with their associated scale, layout, form and building style and materials.

Policy BE5 of the UDP also advises that good design and the use of good quality materials will be expected in all new developments.

The proposed new school has been designed as a single storey structure, set out in a T shape, with a double height sports hall. The building is to be clad in metal panels and set on a brick base with aluminium windows. The roof will be flat and set behind a parapet.

Sheffield Sustainable Development and Design Panel reviewed the application for Fox Hill and Prince Edward Schools on 5<sup>th</sup> September 2013. The panels' comments are set out below:

“Whilst it acknowledged that the Priority Schools Building Programme was a ‘building project to replace schools’, rather than a bespoke building programme, the Panel nevertheless expressed disappointment about the limited aspirations being put forward.

Although the constrained budget and current financial climate was clearly understood, the Panel did not consider that this provided an acceptable reason for the limited vision and absence of creativity within the programme.

The Panel accepted the standardised process that had developed a series of templates that might be used as models across the country. There were real misgivings, however, about the manner in which these templates were being translated onto the respective sites, both of which demanding a unique response to the specific local characteristics and topography.

The Panel reflected that engaging a landscape architect within the design team might help to address a number of the issues, and could prove to be a cost effective measure in helping to deliver a better environment for the school and children.

#### Architectural Expression

The Panel was not convinced with the system of standard panels, and felt that the approach – as well as the choice and arrangement of colour - lacked a convincing rationale.

This choice of material appeared a particularly odd choice, given the overwhelming brick character of both sites.

#### Sustainability

The Panel felt that there needed to be a more considered approach to ‘whole life’ costs, raised concerns about the limited design life for certain elements of these buildings – 20 years in certain respects – and was of the view that greater consideration and articulation of ‘whole-life’ costs for these proposals might enable more rational decisions to be taken surrounding the approach to sustainability.



## Fox Hill

The Panel questioned the proposed layout and organisation of the building on site, which resulted in an unsatisfactory approach to the building, principally involving an arrival point adjacent to the service yard.

Further attention was needed to the arrangement of paths leading to the entrance, using the levels as an opportunity rather than a constraint, to produce a logical and attractive sense of arrival to the building.

The arrangement and extent of fencing around the school produced a 'caged-in' feel. Whilst the Panel accepted the necessity for child safeguarding, it felt that further work was needed to integrate these boundaries into the landscape, which could help to maximise the amount of useable outside space, as well as minimise their potential visual intrusion."

The overall design of the proposed new school, as exemplified by the Panel's comments raises a number of concerns regarding the quality of the scheme and its ability to meet basic design principles as expected by Policy CS74 and BE5.

During the course of the application negotiations have only been able to achieve minor revisions mainly to the cladding colour and its use around the building and the introduction of signage to the main entrance, rather than the overall layout of the school both internally and on the site. These measures, whilst welcomed in principle do not address the overall concerns with the articulation and functionality of the building. The change to the colour of the panels also does little to address the overarching concern that panels are not the preferred material choice; brick would be the preferred material. The articulation of the entrance is improved by the use of signage but it still does not have the presence and impact that the main entrance to a public building should have and the sports hall/plant room/kitchen area becomes the dominant element.

The legibility of the school entrance is improved by signage; however the nursery entrance which is located further along the front elevation does not benefit from any form of signage and lacks any clear definition or legibility. The size of the door opening is similar to a number of others in the elevation and so it is difficult to see how visitors will clearly be able to identify the entrance to the nursery.

However, notwithstanding the significant concerns with the design and appearance of the building it is noted that there is a need for a new school at Fox Hill and that there is no money available either within the Education Funding Agency's budget or the Council's education budget to pay for any upgrade to the current proposal; to make it reach the standard of design which we would normally seek for such a development. In balancing the need for the new school in a priority regeneration area, against the harm caused by the development, it is considered that the community benefit offered outweighs the planning authority's fundamental concerns with design. This is not a desirable position for your officers to be placed in, and the decision to recommend approval despite significant design concerns is not one which has been taken lightly, particularly given the high quality school facilities that have been delivered in the city in recent years and the fact that the

site lies in a deprived area of the city, which deserves the very highest quality of development.

#### Pedestrian Access and Legibility

Pedestrian access to the site will be achieved via a pedestrian footpath to the side of the existing access road. The footpath will be raised above kerb level.

The access path will then lead to two access/exit options for pedestrians.

Access to the main entrance (including for community use) will be via a short length of access path and a flight of stairs. Disabled access will be via a slightly more circuitous route of an access ramp, which leads to the nursery entrance and then travelling along the front of the building. Access for disabled persons arriving by car will be along the front of the building, and will be less circuitous. Access to the nursery will be defined by the access path up, access to the remainder of the school will be via a 2metre wide path to the side of the school building and which will lead round to the playground area and classroom entrances. Access will then continue around the T-shape of the site before being led to a further access path running along the rear of the disabled parking spaces and access route before reaching the marked pedestrian crossing and back to the access path leading up the main access road.

The potential for conflicts and blockages arising, particularly around the narrow areas to the side of the nursery, the very rear of the 'T' to the east of the site and around the rear of the parking spaces and the legibility of this have been queried with the agents. It has been suggested that the school will implement a management plan, with perhaps one way access to ensure that this does not become a problem. This stills leads to a concern that the overall site is very circuitous and not particularly legible, however, there are no amendments that can be made to this and therefore the scheme must be considered on balance. As with the design of the school building, the concerns regarding the legibility and access around the site have been assessed against the benefits of a new school and therefore on balance the works are considered to be acceptable.

#### Highways

The development will utilise the existing staff car park which is located to the top of the site, this will be extended to accommodate more staff parking for the site. The car parking provision adjacent to the school will be 3 visitor spaces, 5 disabled spaces and 1 minibus and will be accessed via a gated access, which will also be marked with a pedestrian crossing. This area marked out for disabled parking will also be the area using for deliveries, bin collection and if need arose access for fire tenders.

Cycle parking will be provided to the front of the sports hall and will be accessed via the access route used for servicing and disabled, visitor and minibus parking.

The provision of parking in terms of the number of spaces to be provided is considered to be acceptable. The siting of the parking areas and the servicing areas together are not considered to be ideal however, the agents have confirmed

that there is no alternative to this and that a management strategy for vehicle drop off and coordination with service vehicles will be developed with the school and issued in due course. It is considered that the development of a management strategy is the best solution that can be achieved given the constraints of this development programme.

#### Changes to levels on site and Impact upon Residential Amenity

To facilitate the construction of the school an amount of cut is proposed to create a greater plateau of land. The greatest amount of cut will be approx. 4.5metres to the centre of the site and approx. 1metre of fill towards the east, and the extent of cut and fill is exemplified in section B-B of the proposed site sections drawing. Whilst there is a degree of cut and fill on site, in addition to the new building, it is not considered that the works will result in an adverse impact upon the amenities of the neighbouring properties which surround the school site. The distances between the school site and the neighbouring residential properties are such that the development will not result in unreasonable overbearing. The closest properties are sited approx. 40 metres away from the nearest element of the building, which is single storey, and the distance from the nearest residential property to the two storey element will be approx. 90 metres. A distance of 12 metres would normally be required, assuming no substantial level differences, between the main windows of a residential property and a two storey elevation. It is therefore considered that the distances which will exist between the existing dwellings and the proposed school buildings are acceptable, and that the residential properties should not suffer from unreasonable overbearing, nor loss of privacy. The use of the site will not fundamentally change, although it is noted that the school buildings will move closer to properties, who would previously have been set well away from the main buildings and playground and who may therefore be aware of more general noise, but it is not considered that this would be so significant as to justify refusal. It is recommended that a condition be applied requiring noise details of any plant and equipment installed in order to ensure that this does not have an adverse impact upon either the amenity of local residents and the users of the school building.

The new position of the school building, external areas including sports facilities and access routes all have the potential to affect the amenity of neighbouring residents as a result of obtrusive light (light trespass) or glare. In order to ensure that no problem arises it is recommended that a condition is applied to any permission granted requiring a report to be submitted assessing the lighting impacts of the development.

#### Sustainability

Policies CS63, 64 and 65 of the CS sets out the councils approach to dealing with climate change and sustainability. The supporting text to CS64 advises that to satisfy the policy, all new non-residential developments over 500 square metres should achieve a BREEAM rating of very good (or equivalent). The applicant has submitted a sustainability statement, which confirms that the building will achieve a 'very good' BREEAM rating, which is consistent with the requirements of policy CS64.

Policy CS65: Renewable Energy and Carbon Reduction within the CS sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Due to funding restrictions the applicant has confirmed that for viability reasons no renewable or low carbon energy measures will be included in the development to meet policy CS65. This is another negative aspect of the proposal.

The policy also requires buildings to be designed and constructed to minimise their energy consumption from the outset by making the best use of solar energy, passive heating, natural light and ventilation as well as minimising water consumption and maximising water recycling.

The Design and Access Statement states that the building has been designed to be highly insulated and to exceed the requirements of Building Standards Approved Document L2, which specifies the U values required of new buildings. The document also identifies that it is primarily naturally ventilated by restricting the depth of the room and using high and low opening windows to naturally ventilate. The head of the windows has also been positioned close to the soffits to facilitate day lighting. To reduce the effects of solar gain and reduce the need for further mechanical ventilation it is proposed to use glazing with a low solar energy transmittance on the south and west facing elevations.

The applicants have confirmed that there is no money available for a green roof, which is regrettable.

Overall, it is considered that the proposal is satisfactory with regards the aims of Policies CS63, CS64 and CS65.

#### Public Art

Policy BE12 'Public Art' requires public art to be provided as part of all major development proposals, again the due to funding and viability issues the applicant is stating that it is not possible to provide public art. This is a further indication of the very poor design quality of this proposal.

#### Landscaping

The overall landscape scheme is considered to be acceptable in principle, subject to appropriate tree protection measures. It is considered appropriate that these be conditioned.

#### Ecology

The NPPF requires planning to contribute to and enhance the biodiversity by minimising impacts and providing net gains in biodiversity where possible. This is supported by UDP policy GE11 'Nature Conservation and Development'.

An ecological survey has been provided and there is the potential for protected species to be on site. However, in order to establish this for certain would require a new in depth survey. This survey can only be undertaken at a time of year which would heavily conflict with the build programme for this development and would mean that the school could not be constructed on schedule. It is not good practice to require a protected species survey by condition after permission is granted except in exceptional circumstances. It is considered that in this situation there are a number of factors which mean that the departure from procedure can be justified. The ecology report submitted states that the overall risk of protected species being present is low. The building to be demolished will not be demolished until the new school is fully functional, in which case there is time for a full protected species survey to be conducted and mitigation measures to be agreed, prior to demolition. To not grant permission until after the survey could be conducted would be to jeopardise the construction of the new school facility, on the basis of an assessment which cites a low risk. It is therefore considered that on balance the survey should be conditioned given this specific set of circumstances. Mitigation and enhancement opportunities should also be included on the new school building and wooded area and should be conditioned.

The wild flower meadow included as part of the landscape plan is considered to be acceptable and the coarse mesotrophic grassland to the northern boundary should be retained to maintain the biodiversity on the site.

Overall, the proposal is considered to be acceptable with regards biodiversity and the policies of the NPPF and UDP.

#### Land Quality

The land is not identified as contaminated by former uses however, within 200metres there is an indication of infilled quarrying and potential contamination could arise as a result of made ground or the demolition of the old school building. It is therefore advised that conditions requiring further details relating to land quality are applied to any permission granted.

#### SUMMARY AND RECOMMENDATION

The proposed new school and associated demolition and landscape works are considered to be acceptable in principle. The proposal will lead to a loss of playing field, but the applicants will reinstate a pitch of higher quality and have agreed that they will sign up to a community use agreement, which will negate the loss of playing fields, and Sport England are satisfied with this approach. The development as proposed is considered to be acceptable with regards the impact upon the highway, access, landscape and ecology. The new school does however, fall short with regards design, sustainability and public art. The design of the school, even taking account of the minor design amendments is not considered to be acceptable for the reasons discussed earlier in this report, and falls significantly short of the quality of development that would ordinarily be expected from a building of this type.

However notwithstanding the very substantial concerns with the design, appearance, siting and layout of the building there is a clear need for a new educational facility in this deprived area of the city, the principle of which is supported by policies CS43 and CF1. The value of the new school and community facility in what is a key regeneration area holds significant weight. Taking account of the significant budgetary constraints and the fact that there is simply no further funding available from either the EFA or the Council's own education budget to facilitate any upgrade or enhancement of the proposals it is considered, reluctantly, and very much on balance given the wider value of the scheme that the proposal be recommended for conditional approval despite it being contrary to the fundamental design principles contained in the National Planning Policy Framework, Unitary Development Plan and Core Strategy policies.

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Case Number	13/03199/FUL (Formerly PP-02744106)
Application Type	Full Planning Application
Proposal	Erection of a primary school with associated car parking accommodation, access, multi-use games area and playing pitches
Location	Land Adjoining Prince Edward Primary School Queen Mary Road Sheffield S2 1EE
Date Received	24/09/2013
Team	City Centre and East
Applicant/Agent	Cube Design 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:

Location Plan PE-AG(-1)X99-001 P2  
Proposed Site Plan PE-AI(-1)X99-001 P7  
Ground Floor Plan PE-AL(-2)X00-001 P11  
First Floor Plan PE-AL(-2)X01-002 P11  
Roof Plan PE-AL(-2)X02-003 P5  
Proposed Elevations PE-AL(-2)X99-203 CP2  
Proposed Elevations PE-AL(-2)X99-204 CP2  
Proposed Sections 1 of 2 PE-AL(-2)X99-300 P4  
Proposed Sections 2 of 2 PE-AL(-2)X99-301 P4  
External Lighting Strategy PE-EG(90)X99-001 P1  
Fencing and Access PE-LG(90)X99-012 P7  
General Arrangement sheet 1 of 2 PE-LG(90)X99-003 P13  
General Arrangement Sheet 2 of 2 PE-LG (90) X99-011 P10  
Proposed Footpath PE-LG(90)X99-016 P3  
Proposed Footpath levels and Gradients PE-LG(90)X99-017 P1  
Site sections PE-LG(90)X99-100 P1

Swept Path analysis for Pit Lane Turning Head PE-H-G(90)X99-003 P2  
Master plan PE-LG(90)X99-001 P13

In order to define the permission.

- 3 The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and upon the completion of the final phase of the development (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 4 The site boundary weldmesh security fencing shall be powder coated green.

In the interests of the visual amenities of the locality.

- 5 A comprehensive and detailed hard and soft landscape scheme for the site to include species and planting densities 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.

- 6 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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 five year period shall be replaced.

In the interests of the visual amenities of the locality.

- 7 Prior to the commencement of development details of the trees including species (Extra Heavy Standard) to be planted within the application site shall be submitted to and approved in writing by the Local Planning Authority and include:

Methods of planting  
Details of tree pits

The development shall thereafter be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.



- 8 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.

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

Doors  
Entrance canopies  
Rainwater goods  
Joints of the cladding panels

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

In order to ensure an appropriate quality of development.

- 10 Before the school is brought into use, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all sporting facilities on site including, playing pitches multi use games area (MUGA), school/sports hall and on site parking and shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved agreement shall be implemented on the occupation of the new school buildings.

To ensure satisfactory community access to sport and recreation facilities in the interest of the amenities of the locality.

- 11 The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

In the interests of the safety of road users.

- 12 The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

In the interests of the safety of road users.

- 13 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 development is brought into use.

Highway Improvements:

- Turning head to Pit Lane
- Diverted Footway
- Footpath reconstruction to site frontage
- Changes to school road markings along Queen Mary Road

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.

- 14 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.

- 15 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.

- 16 The development shall not be occupied unless the covered cycle parking accommodation 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).

- 17 The new school shall not be used unless the car parking accommodation for 50 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.

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

The Travel Plan(s) shall include:

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

On occupation, the approved Travel Plan(s) shall thereafter be implemented.

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).

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

In order to mitigate against the risk of flooding.

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

In the interest of satisfactory and sustainable drainage.

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

To ensure that the development can be properly drained.

- 22 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that no surface water discharges take place until proper provision has been made for their disposal.

- 23 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

In the interest of satisfactory drainage.

- 24 Notwithstanding the submitted Coal Mine Shaft Report (dated 29th October 2013) and ground investigation report further investigations are required to identify the location and condition of the mine entry prior to the commencement of development. In the event that ground investigations confirm the need for remedial works to treat the mine entry details of the remedial work shall be submitted to and approved in writing by the Local Planning Authority and thereafter development carried out in accordance with the approved details.

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

- 25 The use of portions of the building as a commercial kitchen shall not commence unless suitable apparatus for the arrestment and discharge of fumes or gases has been installed. Before such equipment is installed, details thereof, including acoustic performance, odour abatement equipment and detailed plans showing the location of the fume extract terminating, shall have been submitted to and approved in writing by the Local Planning Authority. After installation, such equipment shall be retained, operated and maintained for the purpose for which it was installed.

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

- 26 The development shall not be used for the purposes hereby permitted unless a scheme of sound attenuation works has been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of BS4142:1997 'Method of Rating Industrial Noise affecting Mixed Residential and Industrial Areas'.

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

- 27 No deliveries to the building shall be carried out between 2100 hours to 0800 hours Monday to Saturday and 2000 hours to 0900 hours Sundays and Public Holidays.

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

- 28 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 within the site of the development between 2100 hours and 0800 hours Monday to Saturday and between 2000 hours and 0900 hours on Sundays and Public Holidays.

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

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

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

- 30 Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

- 33 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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. 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.
3. 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.
4. 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.
5. 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.

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

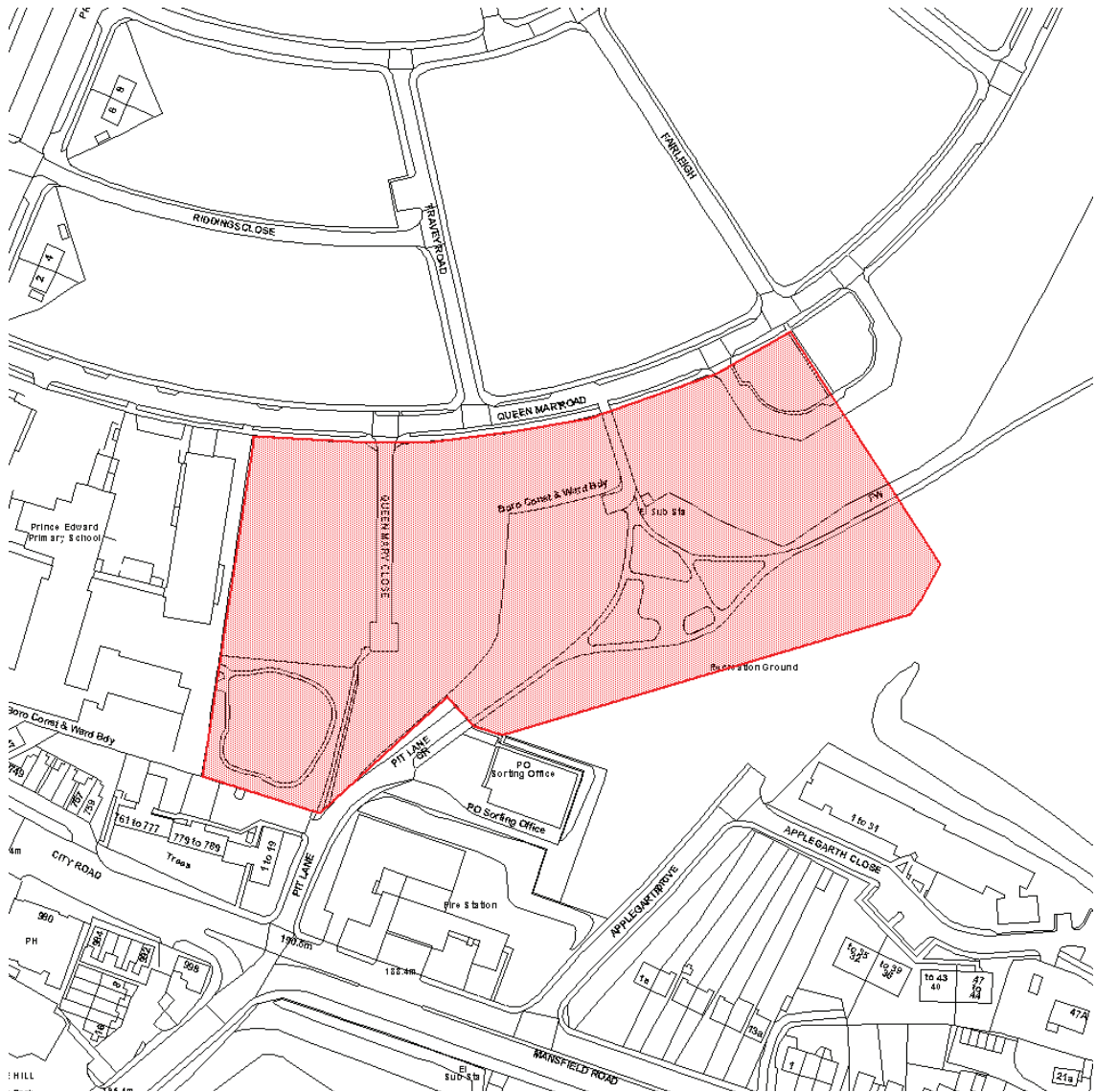
Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

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

7. 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 seeks permission to erect a two storey Primary School to replace the existing Prince Edward School which is located immediately to the east of the application site close to the junction of Queen Mary Road and Prince of Wales Road.

The application site comprises of approximately 2.07 hectares of former cleared housing land and public open space as identified in the adopted Sheffield Unitary Development Plan (UDP). Part of the existing school site which comprises of an Eco Garden area is to be retained and incorporated into the new school site. The site fronts Queen Mary Road, to the south is a single storey postal sorting office and residential properties which are accessed from Pitt Lane. The land to the north is largely cleared former housing land that is awaiting redevelopment and to the east is open space.

The proposed school is being delivered through the Priority School Building Programme (PSBP) which is a national strategy for the redevelopment of school sites. PSBP is a Central Government programme set up to address schools in most urgent need of repair. Through the PSBP 261 schools across the county will be rebuilt or refurbished. The funding for this project is being allocated by the Education Funding Agency (EFA).

The award of funding from the EFA is based on assessment of community deprivation and economic/social issues, the condition of the existing school buildings, their fitness for purpose and suitability to deal with a growing population. Prince Edward School was successful in securing funding from the EFA to erect a new school.

The existing school was constructed in the 1920's as a secondary school with a capacity of 1600. The existing school's current capacity is 420 pupils including a nursery facility for 39 children. The proposed school comprises of a two storey building which will provide accommodation for 420 pupils and 39 children within a new nursery facility as well as associated play space, multi use games area (MUGA) and car parking. A footpath which crosses the site linking Pitt Lane to Queen Mary Road will be diverted around the south and east boundary of the site.

The existing school will remain and it is hoped that it will be reused as there is currently no funding available to demolish and clear the site as part of this development.

## RELEVANT PLANNING HISTORY

No relevant planning history

## SUMMARY OF REPRESENTATIONS

1 letter of representation has been received the issues raised are summarised as follows:

- The area is very quiet and the impact of the new school will have to be considered.

### Sheffield Sustainable Design Panel

The Design Panel reviewed the application for Fox Hill and Prince Edward Schools on 5th September 2013. The panels' comments are set out below:

'Whilst it acknowledged that the Priority Schools Building Programme was a 'building project to replace schools', rather than a bespoke building programme, the Panel nevertheless expressed disappointment about the limited aspirations being put forward.

Although the constrained budget and current financial climate was clearly understood, the Panel did not consider that this provided an acceptable reason for the limited vision and absence of creativity within the programme.

The Panel accepted the standardised process that had developed a series of templates that might be used as models across the country. There were real misgivings, however, about the manner in which these templates were being translated onto the respective sites, both of which demanding a unique response to the specific local characteristics and topography.

The Panel reflected that engaging a landscape architect within the design team might help to address a number of the issues, and could prove to be a cost effective measure in helping to deliver a better environment for the school and children.

### Architectural Expression

The Panel was not convinced with the system of standard panels, and felt that the approach - as well as the choice and arrangement of colour - lacked a convincing rationale.

This choice of material appeared a particularly odd choice, given the overwhelming brick character of both sites.

### Sustainability

The Panel felt that there needed to be a more considered approach to 'whole life' costs, raised concerns about the limited design life for certain elements of these buildings 20 years in certain respects and was of the view that greater consideration and articulation of 'whole-life' costs for these proposals might enable more rational decisions to be taken surrounding the approach to sustainability.

## Prince Edward

The Panel appreciated that cut and fill represented a potentially significant cost on an already tight budget. There was a consensus, however, that other design considerations how the building related to the street and the solar orientation were at least as important, and appeared to be compromised by the decision to minimise cut and fill.

There was a real concern that the north-south orientation may lead to an overreliance on blinds on the southern elevation irrespective of the glazing specification which could prove to be an unpleasant environment as a result.

## Conclusion

Whilst the Panel understood the broader agenda and financial constraints of the Building Programme, it considered that the limited aspirations and lack of vision was delivering school buildings that exhibited a series of fundamental flaws.

The Panel had particular concerns about the disposition of the buildings on their respective sites and the treatment of the elevations. Whilst there were other elements that may benefit from attention, these basic issues are fundamental to the success of the proposals.

The Panel was clear that these issues needed to be addressed, to achieve the level of quality expected for school buildings in the city, and to produce safe, attractive and stimulating environments for staff and children.'

## PLANNING ASSESSMENT

### Policy Issues

The site falls in a Housing Policy area and Open Space area as defined in the adopted Sheffield UDP. Policy H10 identifies education facilities (Use class D1) as acceptable in the policy area, as such the principle of developing on the allocated Housing section of the site is considered acceptable. The development will however encroach on to allocated open space.

Policy CS45 'Quality and Accessibility of Open Space' states that the safeguarding and improvement of open space will take priority over the creation of new areas. The proposed development builds over and seeks to enclose part an existing allocated Open Space area within the application site to form the school grounds. Policy CS47 of the CS identifies that development of open space will not be permitted where there is a shortage of open space in the area. In this case an open space assessment has been undertaken and identified that there is a quantitative shortage of open space. As such the principle of the development is contrary to Policy CS47, however in this case the Council will accept on site replacement open space provision provided it is of better quality than existing and is available and accessible to the general public.

In order to satisfy Policy CS47 a Community Use Agreement (CUA) will need to accompany an application which confirms that the general public will have access to the proposed school playing fields, MUGA and school hall out of school hours. The applicants have confirmed that the principle of a community use agreement is acceptable, the details of which will be secured by planning condition. Although there will be a quantitative loss of open space to accommodate the development, substantial areas of open space remain adjacent to the application site and as a result of the development residents will be afforded access to higher quality sporting pitches and recreational facilities through the community use agreement with the school. As such the proposal is considered acceptable with regard to Policy CS47.

### Community Benefits

Policy CF1 'Provision of Community Facilities' seeks to promote the provision of community facilities which includes schools particularly where they would be for disadvantaged people, located where there is a shortage and in the community they intend to serve. Policy CS43 'Schools' of the CS also seeks to ensure that there is sufficient provision of modern education facilities and indicates that there will be significant investment to upgrade some primary schools in the city.

The application site is in one of the most deprived wards in the city which ranks in the top 2% of the most deprived areas nationally according to the multiple deprivation index. The applicant has also indicated that there are established educational attainment issues in the area as children entering school at Foundation stage 1 fall well below the national average in relation to early learning goals and language scores. Taking account of the recognised social and educational issues and the fact that the existing school buildings are not considered fit for purpose due to their age and condition, the provision of a new modern education facility will clearly help to address these issues. As such the principle of the delivery of a new primary school which will serve the local community is supported and complies with policy CF1 and CS43.

### Design Issues

The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In particular it encourages developments that establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places and by responding to local character and history and reflecting the identity of the local surroundings and materials. It goes on to state that developments should be visually attractive as a result of good architecture and appropriate landscaping.

Policy CS74 of the CS, which relates to design principles, advises that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Policy CS74 also advises that any new development should respect the topography of the City, views and vistas and the townscape and landscape character of the particular

area with their associated scale, layout, form and building style and materials. Policy BE5 of the UDP also advises that good design and the use of good quality materials will be expected in all new developments.

The application site occupies a prominent position in the street scene and once developed will be located at the heart of a much larger residential led scheme which will be constructed on the cleared former housing land to the north and east of the site.

The proposed development is a two storey flat roofed rectangular shaped building which is located centrally in the site surrounded by hard play areas. The building is primarily proposed to be faced in coloured metal cladding panels with a red brick plinth.

As noted by the Sheffield Urban Design Panel the approach to the siting of the building, its external appearance and the overall layout of the site fails to meet basic urban design principles required by Policy CS74 and BE5.

During the course of the application minor alterations have been made to the scheme mainly relating to the colour of the cladding system and its arrangement rather than fundamentally addressing the siting and orientation of the building and the overall layout of the site.

The site benefits from an extensive site frontage to Queen Mary Road, however rather than orientating the building parallel to the road with the front elevation and main entrance to the school and nursery facing the street the building has been located centrally within the site with the front elevation facing east overlooking the car parking area and MUGA. The proposed orientation of the building provides a very poor street frontage to Queen Mary Road exposing the car parking, service area and bin store to the street and establishing the single storey side elevation of the building which houses the school's kitchen as the main street facing elevation. Whilst acknowledging that there are on site constraints in the form of an electricity substation and sloping topography, unfortunately the primary driver behind the proposed siting and orientation of the building is budgetary constraint rather than good design. The building is located on the flattest part of the site which minimises costs associated with moving the existing substation and the cut and fill of the land required to address the sloping topography of the site.

The amendments to the colour and arrangement of the cladding and introduction of signage to help identify the entrance to the school are a minor improvement, however the change to the colour of the cladding does little to address the concerns that the chosen material palette simply does not respond to the established context of the area which is primarily defined by red brick buildings. As such the building appears out of character and is considered to detract from the appearance of the streetscene.

The legibility of the school entrance is improved by signage; however the nursery entrance which is located at the back of the site does not benefit from any form of signage and lacks any clear definition or legibility. The size of the door opening is

similar to a number of others in the elevation and so it is difficult to see how visitors will clearly be able to identify the entrance to the nursery.

Notwithstanding the fundamental concerns with the very poor design, appearance, siting and layout of the building it is noted that there is a clear need for a new school and that there is no further funding available either from the Education Funding Agency or from the Council's own education budget to pay for the resiting of the building, and/or any uplift in the quality of the design or materials which would bring it up to the standard of design expected for a new school on such a prominent site. In balancing the need for the new school in a priority regeneration area, against the harm caused by the development, it is considered in this case that the benefit to the community of delivering a new educational facility outweighs your officers fundamental design concerns. This is not a desirable position for your officers to be placed in, and the decision to recommend approval despite significant design concerns is not one which has been taken lightly, particularly given the high quality school facilities that have been delivered in the city in recent years and the fact that the site lies in a deprived area of the city which deserves the very highest quality of development.

#### Landscaping

The site falls from west to east along following the gradient of Queen Mary Road. A grass playing pitch will be formed at the western end of the site and the Eco garden area associated with the existing school will be incorporated in the site. Landscape provision across the remainder of the site is sparse, the quantity and overall quality of the landscaping has been 'value engineered' by the applicant in order to bring the scheme in budget. Some tree and shrub planting is proposed along the site frontage and dotted throughout the site however this will do little to screen the car parking and service areas from Queen Mary Road or reduce the visual impact of the extensive tarmac surfaced hard play and car parking areas. The site boundaries will be secured by a 2.4 metre high weld mesh fence painted green.

#### Amenity Issues

The proposal is not considered to give rise to any significant amenity issues. The main school building is located some 70 metres from the closest residential properties and whilst acknowledging that there will be some noise associated with the operation of the school largely associated with children playing, this will take place during the day and is not considered to detrimentally affect the amenity of local residents to an extent that would warrant any form of mitigation. In fact the proposed location of the school will actually move the school further away from some established residential dwellings on Mansfield Road. The site will be illuminated however no floodlighting is proposed as part of the development. The applicant has submitted a lighting assessment which has established that there will be minimal light spillage outside the site boundary.

#### Sustainability

Policies CS63, 64 and 65 of the Core Strategy sets out the council's approach to dealing with climate change and sustainability. The supporting text to CS64

advises that to satisfy the policy, all new non-residential developments over 500 square metres should achieve a BREEAM rating of 'very good' (or equivalent). The applicant has submitted a sustainability statement, which confirms that the building will achieve a 'very good' BREEAM rating, which is consistent with the requirements of policy CS64.

Policy CS65: Renewable Energy and Carbon Reduction within the Core Strategy sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. Due to funding restrictions the applicant has confirmed that for viability reasons no renewable or low carbon energy measures will be included in the development to meet policy CS65. This is another negative aspect of the proposal.

The policy also requires buildings to be designed and constructed to minimise their energy consumption from the outset by making the best use of solar energy, passive heating, natural light and ventilation as well as minimising water consumption and maximising water recycling. Where possible the building will be naturally ventilated with high and low opening windows provided to classrooms to assist with air circulation. The building will also be highly insulated minimising energy consumption from the outset.

Overall, it is considered that the proposal is satisfactory with regards the aims of Policies CS63, CS64 and CS65.

#### Public Art

Policy BE12 'Public Art' requires public art to be provided as part of all major development proposals, again the due to funding and viability issues the applicant is stating that it is not possible to provide public art. This is a further indication of the very poor design quality of this proposal.

#### Highways

Pedestrian and vehicle access to the site will be taken from Queen Mary Road. 50 car parking spaces will be provided including 4 disabled spaces which are located as close as possible to the building entrance to facilitate ease of access. A separate vehicle access is to be provided to the service yard from Queen Mary Road in order to minimise conflict between pupils, staff and school service/delivery vehicles.

A dedicated pedestrian entrance is provided from Queen Mary Road and covered cycle parking is provided adjacent to the main entrance to the school. There is an existing public footpath which crosses the site and connects Pitt Lane to Queen Mary Road. The existing footpath links originally served the previous residential development on site. In order to accommodate the school and secure the associated grounds and playing fields the existing footpath from Pitt Lane must be diverted along the southern and eastern boundaries of the proposed site to re-join Queen Mary Road and connect to an existing footpath which extends through

the open space area to the east. The diverted position of the footpath is considered acceptable and the route will be made up formally with a tarmac surface. A separate pedestrian access gate will be provided in the northern boundary fence to facilitate access for staff, parents and children accessing the site from Pitt Lane.

As part of the development a new turning head is also to be provided at the end of Pitt Lane (Cul de Sac). The existing Cul de sac does not benefit from any turning provision and the erection of the school is likely to give rise to increased activity along this already congested road. The new turning head will allow vehicles accessing the school and other premises on Pitt Lane to turn and exit the road in a forward gear rather than having to reverse out onto Mansfield Road.

## SUMMARY AND RECOMMENDATION

The application site is in an allocated Housing Area and an Open Space area as defined in the adopted Sheffield Unitary Development Plan. The proposed scheme will lead to a quantitative loss of open space provision in the area and as such the proposal is contrary to Policy CS47 of the CS.

However the applicant is proposing replacement on site open space provision by signing up to a community use agreement which will allow the general public to access high quality facilities within the school including the school hall, play areas and playing pitches outside of the school hours. As such despite the overall quantitative loss of open space, in light of the provision of a community use agreement the principle of developing this site for a new school is considered acceptable.

The development occupies a highly prominent site which will be located at the heart of a much larger housing led redevelopment scheme which will be delivered in the near future. The design of the school despite some minor amendments is considered to fall significantly short of the quality of development that would ordinarily be expected from a building of this type on such a prominent site in line with policies CS74 and BE5 and even more significantly the NPPF. The siting and orientation of the school fails to adequately address the street and the overall design and material palette is not considered to adequately respond to the character or appearance of the area or enhance the visual amenities of the locality.

However notwithstanding the very substantial concerns with the design, appearance, siting and layout of the building there is a clear need for a new educational facility in this deprived area of the city, the principle of which is supported by policies CS43 and CF1. The value of the new school and community facility in what is a key regeneration area holds significant weight. Taking account of the significant budgetary constraints and the fact that there is simply no further funding available from either the EFA or the Council's own education budget to facilitate any upgrade or enhancement of the proposals it is considered, reluctantly, and very much on balance given the wider value of the scheme that the proposal be recommended for conditional approval despite it being contrary to the fundamental design principles contained in the National Planning Policy Framework, Unitary Development Plan and Core Strategy policies.



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Case Number 13/01263/LD2

Application Type Certificate of Lawful Use Development

Proposal Application to establish lawful development of a builders yard, office and store (Application Under Section 191)

Location Store At Rear Of  
69 Baslow Road  
Sheffield  
S17 4DL

Date Received 28/03/2013

Team South

Applicant/Agent Mr Martin Flowers

Recommendation Refuse with Enforcement Action

Subject to:

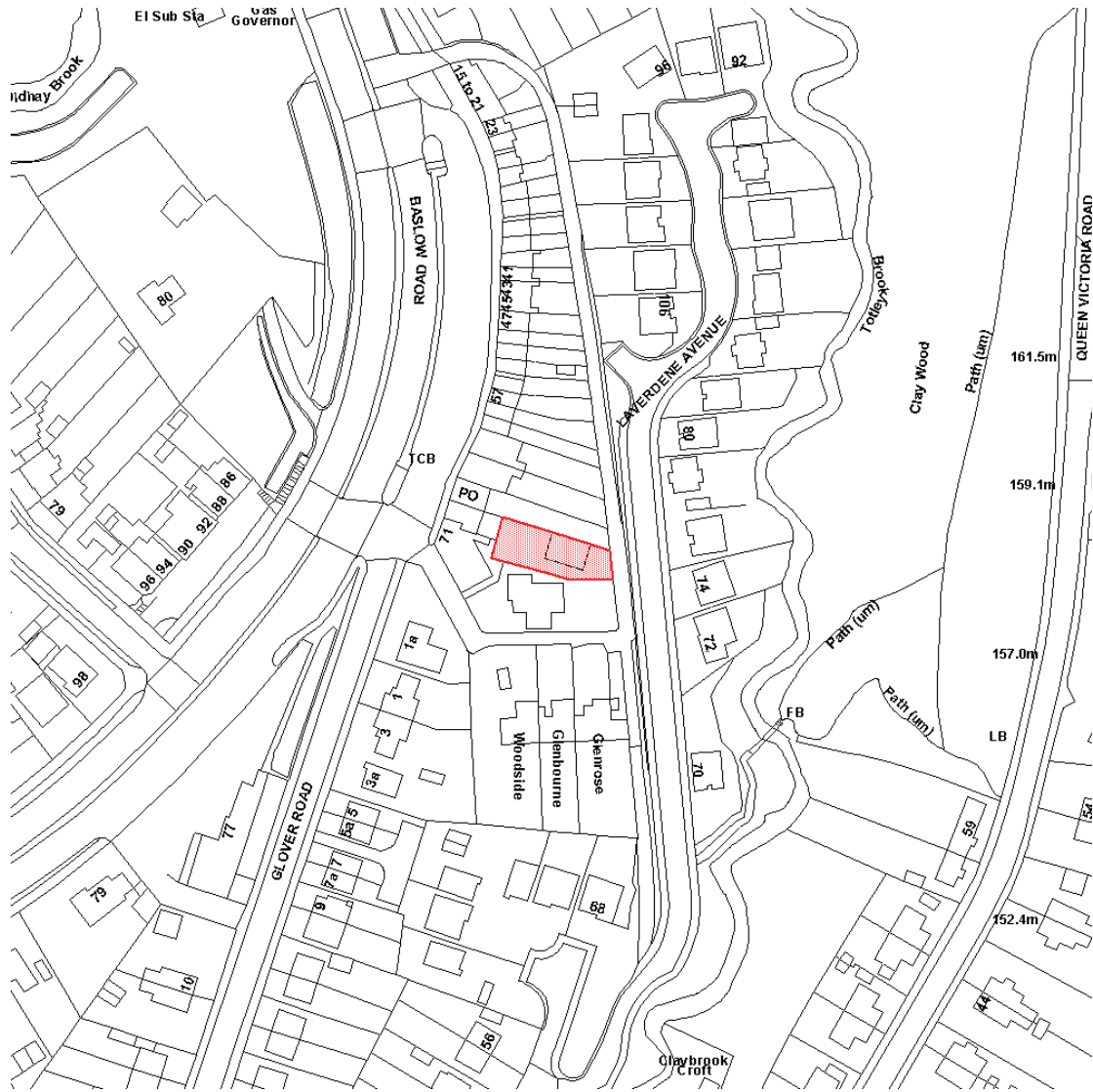
- 1 The applicant has failed to establish the test of 'balance of probability' as set out in Government Circular 10/97 in favour of the applicant.

Attention is drawn to the following directives:

1. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to ensure that the use ceases. The Local Planning Authority will be writing separately on this matter.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Plans and documents received 28th March 2013

# Site Location



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## LOCATION AND DESCRIPTION

The building that is the subject of this application lies to the rear of 69, Baslow Road and access is gained from Back Lane, a narrow road that leads from Glover Road. The building is constructed from stone with a pitched, tiled roof and is single storey to eaves with accommodation in the roof space. Within the front of the building are a pair of metal garage doors that front on to an area of hard standing and in the gable above is a single window. At the opposite end a door provides a secondary access into the first floor of building which is reached by way of metal stairs.

There is a dormer in each roof plane, the south facing one has a window inset and the north facing one does not.

The front hard standing is associated with the site, as is land to the west and south. The land adjoining the site rises from east to west. Bollards on the northern side of the hard standing have recently been put in place by an adjoining landowner.

All surrounding buildings are houses apart from retail and commercial premises which front Baslow Road to the west and there are gardens associated with neighbouring houses abutting the site on three sides. The remaining boundary, to the east, is with Back Lane.

## BACKGROUND AND PROPOSAL

The building was constructed in 2001 on land associated with and at the rear of 69, Baslow Road and was originally described as a garage and store. There is a long planning history involving a number of planning applications which is set out in detail in the next section.

A letter from a member of the public was received on 24 August 2012 asking what the designated planning use of the site was and if it was intended to be ancillary to the main use at 69, Baslow Road. Subsequent to this, a petition signed by 10 local residents was received on 2 October 2012 which set out the following points:

- The building is being used for storing a variety of building materials both inside and outside.
- For approximately 10 years, local residents have been inconvenienced by regular movements of vehicles delivering and collecting materials at the building.
- Traffic accessing the site is a hazard.
- Confirmation is sought if the building has planning permission for use as a builders yard.

The alleged breach of planning control at the time was that the building was being used as a builder's business which is not authorised because it does not have planning permission for this use and that the use should be ancillary to the main use at 69, Baslow Road.

Investigations into the alleged breach were undertaken in the form of consultations with local residents and researching the planning history of the site but prior to the submission of a report to the Planning Committee with a recommendation for any potential enforcement action, this planning application was submitted.

This is an application for a Lawful Development Certificate for an existing use or operation or activity under section 191 of the Town and Country Planning Act 1990 as amended by section 10 of the Planning and Compensation Act.

The description of the application is:

- Internal storage and office.
- External storage
- Use as a builders yard and office.

This application seeks to establish that the premises, including the building and the associated areas of hard standing have been used for the above purposes for a period exceeding 10 years without interruption and is, therefore, a lawful operation, as such a period would render the use immune from enforcement action.

In support of the application, the following information has been provided in a statement provided by the applicant:

- The activity began on 1 July 2001.
- The building has been continually used as a builder's office and store since 2001.
- The ground floor is used for the storage and preparation of materials such as drilling, sawing and painting.
- The first floor is used as an office, meeting room, small kitchen and toilet.
- Materials are stored outside.
- During the period of occupation, the owner of the building had applied for residential use and the outside storage was visible at this time.
- Photographs were included which show vans parked at the front of the building, external storage at the side and rear, internal storage and the first floor office space.

Separate information provided by the applicant has also been received:

- The electricity and water is taken from a sub supply at 69, Baslow Road.
- There are no third party utility bills.
- There are no rates bills as rates have been reduced to nil because it is a small business.

Three letters have also been received from third parties who were all employed by Metropolitan Homes, the company who use the building.

The first letter from Mr Hogan who was employed to assist in the construction of the building in 2001 makes the following points:

- On completion, the building was split into three areas, office, common room and storage on the ground floor.

- The building was used in connection with an early building project at 15-21, Baslow Road.
- The power and water are from the cellar area of 69, Baslow Road and there is a sub meter in the application building which is used for measuring and re-charging.
- Workers would meet in the building and return at the end of the working day.
- The workers were not at the building every day.
- Lorries were often parked at the building and a tipper lorry left over the weekend.
- A JCB was parked in front of the building when not required at other sites

The second letter was from Mr Whitaker covering the period from December 2008 to June 2011.

- The building was used as a builder's yard with storage inside on the ground floor and outside and the first floor was used as an office and kitchen.
- Occasionally, a JCB was parked at the front.
- There has been continuous use during this period.

The third letter from Mr Shaw who has been employed by Metropolitan homes since 2008 says:

- The building has been used as a builder's store and office since 2008.
- Materials have been stored on the ground floor along with preparation work being done and the office is on the first floor.

#### RELEVANT PLANNING HISTORY

99/00439/FUL Erection of double garage and store granted 24.06.99.

01/01973/FUL Retention of two dormer windows granted 28.02.01.

02/03678/FUL Alteration to the design of dormer windows refused 07.01.03 but allowed at appeal.

06/01504/FUL Alterations to building for use as a house refused 06.07.06.

07/02762/FUL Use as a house refused 31.08.07.

10/02544/FUL Use as a house refused 27.10.10.

#### SUMMARY OF REPRESENTATIONS FROM LOCAL RESIDENTS

The information and evidence provided by people who live close to the site and, very often, pass the site on a daily basis over long periods of time, can be very important in identifying the circumstances of the previous ten years.

It is important to note that consideration may only be given to representations that assist in identifying the time period and nature of the use. In reaching a decision on

the balance of probability representations that refer to the planning merits, or impact of the use must be disregarded.

In response to the consultation exercise with residents the following information has been received.

109 identical letters from neighbours have been received which state:

- The site has not been used continuously for 10 years.
- There is no evidence to demonstrate uninterrupted use for 10 consecutive years.
- The application should not have been validated because of lack of evidence.
- There is no precedent in the area for B1 industrial uses.
- It is alleged that the property did not declare the use for business rates until 2010.
- The vehicle access is substandard and unsuitable for B1 uses with heavy traffic.
- The builder's yard has resulted in a significant loss of amenity for neighbours and is an eyesore. There is traffic, noise pollution and wagons parked on neighbours' property.
- Enforcement action should be taken.

5 individual neighbour letters have been received:

- The site has not been used as a builder's use for 10 consecutive years.
- The access is too narrow and the standard of road inadequate for sustained use by heavy vehicles.
- Works took place at the front of the building for use during 2004 and 2005 which made the use of the building inoperable and this is supported by a photograph.
- This is a tranquil area and a builder's yard destroys this.
- The means of access from Back Lane is challenging.
- There are safety implications for children.
- The site is an eyesore.
- There is little security as materials are left outside the building.
- There would be noise, contamination and pollution.
- The application should not have been made valid.
- There is a separate electricity meter for the builders yard installed in the toilet behind 69, Baslow Road and meter readings will confirm that continuous use has not taken place.
- Part of the property has been built on land that is in separate ownership.

A petition containing 109 signatures has been received which objects to the application saying that a builder's yard at this location is totally inappropriate.

## PLANNING ASSESSMENT

### Policy Guidance

In determining applications for a Certificate of Lawful Use, policy criteria in the Unitary Development Plan and Sheffield Development Framework Core Strategy is not relevant. Rather, separate guidance is contained within Annexe 8 of Government Circular 10/97 which deals with lawfulness and the Lawful Development Certificate.

Paragraph 8.12 of the circular says that the onus of proof in these applications is firmly on the applicant. It also says that an application may be refused because the onus of proof is not discharged by the applicant, but this does not preclude the submission of a further application if better evidence is subsequently available. A refusal may not, therefore, conclude that something is not lawful; it may mean that insufficient evidence has been presented to satisfy the Local Planning Authority that the operation is lawful.

Paragraph 8.15 sets out the relevant test of the submitted evidence. In appeals to the Secretary of State, where the burden of proof is on the appellant, the Courts have held that the relevant test of evidence on such matters is 'the balance of probability'. This does not mean that the stricter burden of 'beyond reasonable doubt' has to be satisfied.

Consequently, the evidence and information submitted by both the applicant and residents will be evaluated to assess whether or not the balance of probability is established in this instance.

#### BALANCE OF PROBABILITY

The applicant has submitted information set out in a supporting statement but the only evidence has been a number of photographs which show that the building was, at the time of submitting the statement, used for the purposes set out in the application, namely a builder's yard with storage on the ground floor and outside with the first floor used for an office and kitchen.

No evidence in the form of bills, rates information, dated photographs and letters during the past 10 years have been submitted. Three letters from existing and former employees of Metropolitan Homes have been submitted and there is some consistency in the information relating to the actual use of the building as a builder's yard and store. However, the letters each relate to different periods over the 10 years and there are significant gaps in the time covered by the three letters. In particular, the letters lend support to the use occurring when a neighbouring building project at 15-21 Baslow Road was being constructed, but not beyond this time.

During 2001, queries were raised about the use of the site by neighbours and the applicant confirmed in a section 330 notice, served to gather information about the use, that the premises was used as a garage and store. This was dated 23 February 2001. This resulted in the first of a series of applications which are listed earlier in this report.

Although outside the period of 10 years covered by this application, a letter dated 25 October 2002 sent to the Local Planning Authority by the applicant relating

directly to this building said that 'it was the intention to move the materials to another site once the next site is approved.'

There is also an officer statement relating to comments on the appellants statement for the appeal for application 02/03678/FUL which says that 'the use ceased 10 February 2003. This would appear to coincide with the completion of works to 15-21 Baslow Road.

The information provided in the neighbours letters and representations provide a level of confirmation that the use as a builder's yard did start more than 10 years from the date of the planning application. However, residents consistently state that the use has not been continuous although it is noted that no evidence to support this has been submitted apart from a small number of photographs.

The neighbours, from the information submitted, take little issue with the start of the use so your officers take the view that it probably did start more than 10 years from the date of the application. However, the issue of the continuity of the use is less certain.

The applicant has said that the use has continued without interruption for the period of use but local residents are as adamant that this is not the case. So, based on information provided as part of representations it is the case that the balance of probability is not established either way.

Your officers, in trying to resolve this issue, have examined the application case history for the site and an information gathering exercise carried out with local residents about this site which occurred before the application was submitted as part of the consideration of the enforcement enquiry. There has also been additional correspondence submitted by both the applicant and interested parties which is relevant.

The only evidence that has come to light is a number of photographs which show that road works in front of the building blocked off access to the doors facing the hard standing. An interested party said this took place for a year between 2004 and 2005, something which the applicant denies, saying that works only took place for 4 to 5 weeks. The applicant also said that access to the building from the pedestrian access at the rear was not affected by the road works.

During November and December 2012, officers wrote to 20 households in close proximity to the site to gather information about the use of the building, resulting in 8 responses which said:

- During parts of 2010 and 2011, the building appeared to be vacated
- During parts of 2006 and 2007, the building was not used and this was at the time that planning applications were submitted for use of the building as a house.
- The use increased again during 2008 and 2009.
- There has been a lot more activity since 2011.
- External storage has occurred since 2011.



In addition, there is an officer comment set out in a memo dated 13 June 2013 that the site was visited 'some time ago' and there was 'very little activity.'

In an appeal decision letter dated 22 March 2011 the Planning Inspector described the site as a 'detached garage' and not a builder's yard.

Your officers conclude that the balance of probability is established that the start of the use of the building for the purposes of a builder's yard, office and storage occurred in 2001 which is in excess of the 10 years required.

However, the balance of probability with respect to whether or not the use has continued without interruption for the 10 years has not been established. The onus is on the applicant to demonstrate this but, although there are claims with respect to this matter on both sides, importantly, there is no actual evidence apart from some photographs showing road works at the front of the building which allow officers to take a firm view either way.

It has not been established that there is a balance of probability in favour of the applicant that the use has continued without interruption for the 10 years up to the date of the application. There is a significant gap in evidence between 2003 and 2007/8 where no information has been provided by the applicant about the use. Consequently, in line with guidance contained in Government Circular 10/97, it is not possible to support this application and there is no other alternative but to recommend refusal.

## RESPONSE TO REPRESENTATIONS

### Validation of the Application

A number of objections were submitted which said the application should not be made valid because no evidence had been submitted which proved the case in favour of the applicant.

It is the case that evidence should be submitted to make the case with regard to the balance of probability but if the applicant says that all the available information has been submitted, however meagre, then it is possible to validate the application.

### Land Ownership

The owners of the adjoining site to the north have submitted information including a plan showing alleged ownership of land which says that a sliver of the application site falls within their ownership. The applicant has fulfilled his legal obligations in respect of ownership in completing and signing a certificate which says he owns the whole site. He has been informed of the neighbours' submission but at the time of writing, there has been no response from the applicant. If necessary, a supplementary report will be circulated to members with an update of this situation and what, if any, impact there is on the recommendation.

It is, however, important to note that ownership is not a consideration when assessing the matter of whether the lawful use is established.

## ENFORCEMENT

In the event of the application being refused, it will mean that there would be a breach of planning control in relation to the use as it would be operating without planning approval. It is therefore necessary to consider whether it is expedient to pursue enforcement action to ensure that the use ceased.

Your officers consider that enforcement action is necessary. The use is considered unacceptable in a Housing Area. Policy H10 of the Unitary Development Plan says that housing is the preferred use in housing policy areas and builder's yards do not appear on the acceptable or unacceptable lists of uses, thereby falling to be determined by their merits. UDP policy H14 says that new development should not cause harm to the amenities of adjoining occupiers and there should be safe access to the highway network. The use of the building would be contrary to both these criteria.

Back Lane provides access to the site but is of restricted dimensions and offers very little in the way of pedestrian refuge, with the absence of formal footpath provision.

An Appeal Inspector, considering a refusal of permission for use of the garage as a dwelling, in 2011, agreed with the Council that the narrow nature of Back Lane and blind bends within it would mean that reversing or waiting on Baslow Road and Glover Road would be likely. Activity from a builder's yard/store/office would have a potentially greater and more harmful impact.

Proximity to residential development also gives rise to the potential for an unreasonable level of noise and disturbance.

For these reasons any application for planning permission for the use would be considered unacceptable, refusal of planning permission would be recommended, and it is therefore considered expedient to pursue enforcement action.

## SUMMARY AND RECOMMENDATION

This application for a Lawful Use Certificate seeks to establish that the building has been used as a builder's yard, storage and office use for a period without interruption of more than 10 years prior to the date of validation which is 20 May 2013.

Your officers consider that it has been established that the balance of probability lies with the use having started during 2001 on completion of the building, but because of the lack of evidence and conflicting information, to support a claim for continuous use (particularly from 2003 to 2008) the use cannot be considered lawful.

Guidance on the assessment of Lawful Use Certificate applications is set out in Government Circular 10/97 and this clearly states that the test is one of establishing a 'balance of probability' in favour of the case made by the applicant. With respect to a continuous use over the 10 years prior to the application being

made valid, the balance has not been established so there is no other alternative but to recommend refusal of the application.

Members are also requested to give authority to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps including, if necessary, enforcement action and the institution of legal proceedings to ensure that the unauthorised use ceases.

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