

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 26/08/2014

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.

Case Number	14/02503/FUL (Formerly PP-03503732)
Application Type	Full Planning Application
Proposal	Erection of first-floor side extension and front porch to dwellinghouse
Location	135 Folds Lane Sheffield S8 0ET
Date Received	08/07/2014
Team	South
Applicant/Agent	Thread Architects 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.

Reason: 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:

Job number 006

Drawing numbers:

P05 Rev A

P06 Rev A

P07 Rev A

P08 Rev A

P09 Rev A

P10 Rev B

P11 Rev A

Reason: In order to define the permission.

- 3 Before construction works commence full details of the proposed facing materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevation of the extension facing towards number 137 Folds Lane hereby permitted without the prior written approval of the Local Planning Authority.

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

- 5 The first-floor side window on the elevation of the extension facing towards number 133 Folds Lane 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.

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

Attention is drawn to the following directives:

1. The Local Planning Authority has 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 or apply online at 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 proposal refers to a semi-detached house located on Folds Lane. The street scene comprises of houses which are tightly aligned and feature hip-roofs with curved bay windows. The majority of houses are semi-detached, with a combination of render and red brick at first floor and ground floor levels respectively.

The property benefits from an existing single-storey flat roof side extension that comprises of a garage/store, which ties into a similarly designed extension to the side of 137 Folds Lane.

The property has a generous rear garden, which backs onto houses on Dalewood Avenue behind. The attached neighbour at number 133 consists of several extensions, including a front porch and single-storey rear extension.

The application seeks consent to erect a first-floor extension above the existing side extension. The extension will, as per the single-storey element, project just short of 1m beyond the original rear aspect of the house. The extension is proposed to be set in approximately 0.4m from the front aspect, and will consist of a flat roof with contrasting Marley Eternit Natural cladding panels and aluminium windows. A front canopy in front of the garage and extending to form a porch is also proposed, with a flat roof and the same materials, albeit with the use of brickwork to match the house forming a central pillar in the structure. The applicant has requested flexibility regarding the brickwork, in case of matching difficulties, and has stated that a matching render (to the first-floor material) might be used instead, although red brick would be their first option.

RELEVANT PLANNING HISTORY

Previous planning permission under 11/04064/FUL was granted for a single-storey rear extension to the dwellinghouse (as per amended plans received on 30/01/2012). This permission has yet to be implemented, but is still valid and due to expire on 27/02/2015.

SUMMARY OF REPRESENTATIONS

The four immediate neighbours have been notified by letter. No written representations have been received.

PLANNING ASSESSMENT

Policy

The site is within a Housing Area as designated by the adopted Unitary Development Plan.

Relevant policies are listed below:

In terms of design, H14 (part a) requires new buildings to be well designed and in scale and character with neighbouring buildings. BE5 requires the use of good design with part a) emphasising the need for original architecture to be encouraged, whilst ensuring that it complements the scale, form and style of surrounding buildings. Part c) requires extensions to respect the scale, form, detail and materials of the original building. In the Core Strategy, CS74 specifies that development should take advantage of and enhance the distinctive features of the city. Special focus in the policy is upon measures to respect garden city suburbs under part d).

In addition to design issues, H14 (part c) requires development to not result in over-development nor deprive residents of light, security or privacy.

Design

In terms of design, the extension is unusual in that it deliberately is designed to contrast with the main house. Policy BE5 (part a) specifies that original architecture is to be encouraged. As such, the principle of this is not unacceptable. However, the policy, alongside other design policies requires the development to complement the original house and the local street scene.

The side extension has been designed to be set back slightly from the front aspect, with the flat roof being sited below the eaves height. A glazed element will also help to separate the form of the extension from the original house, providing a divide. These features all help to retain the prominence of the main house, and help to ensure that the extension does not detract from the prominence of the main features such as the main facing and roofing materials and windows. This allows the contrast in materials and window alignments to be used whilst not appearing as an incongruous clash with the main house. As such, the proposal does respect the scale, detail and prominence of the original materials of the original building, as required under BE5 (part c).

The front extension is relatively lightweight in form, and will project a similar distance to the front as other similarly scaled front extensions in the street scene. It is well positioned away from the bay window feature, retaining the prominence of this element. The contrasting material will tie in with the extension, but the use of complementary materials (brick or render) upon the wide column of the porch will help tie this element in well with the main house in addition, ensuring that the front extension will sufficiently respect the original building. However, without precise details upon the exact material chosen, a condition requesting additional details should be added to any consent. Given the small area of facing material, the use of render compared to matching brick would not constitute a material change requiring a new application.

Details of the facing materials for the extension show that the proposed cladding and windows will be of a relatively high quality in terms of finish, which will be in line with the aims of BE5.

Due to the measures taken to make the extension tie in with the main house in terms of scale and measures to retain the prominence of the main building, the

impact of the proposal on the street scene will be acceptable. The scale of the addition will also be similar to other side extensions visible in the street scene.

Residential Amenity

In terms of the impact upon neighbouring properties, the proposal will not cause any significant loss of light or privacy. The rear projection will not break a 45-degree sightline angle taken from the edge of the closest window, ensuring the level of overshadowing will not be unacceptable. This neighbour consists of one side window at first-floor level, which will be impacted by the proposal. However, the window is not to a main habitable area and, as such, loss of light to this window will not result in a significant impact on the living conditions of the neighbour.

In terms of privacy, the main windows of the development will not directly overlook the main private amenity space of neighbouring dwellinghouses. The first-floor side window will face towards the curtilage of number 133. In order to prevent this, a condition to obscurely glaze the window will be added. Given that the room is to an en-suite and the small size of the window, conditions to fix the window shut are not considered appropriate.

The scale of the front extensions will not result in any significant impact on neighbouring property.

Highways

The nature of the proposal will retain the existing parking provision, with no significant highway issues created by the additional accommodation.

SUMMARY AND RECOMMENDATION

The proposed extension is considered to be visually acceptable, and will not cause significant nuisance in terms of loss of light or privacy to neighbouring property. As such, the proposal accords with relevant policy and is hereby recommended for conditional approval.

Members are therefore recommended to approve the application with conditions.

Case Number	14/02418/FUL (Formerly PP-03504878)
Application Type	Full Planning Application
Proposal	Single-storey rear extension to dwellinghouse, demolition of existing garages and erection of new quadruple garage including storage to eaves with two dormer windows and re-roofing of existing dwellinghouse
Location	20 Hallamgate Road Sheffield S10 5BT
Date Received	02/07/2014
Team	South
Applicant/Agent	SLA Design
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The proposed outbuilding, due to its height combined with the floor area, and the addition of side dormer windows, is out of scale with the original building and plot and will detract from the built form of the local area and the character of the Conservation Area. As such, the scheme fails to accord with the aims of policies BE5; BE16, BE17 and H14 from the Unitary Development Plan (UDP) and policy CS74 from the Core Strategy.
- 2 The design of the proposed outbuilding, due to the form of the front elevation fenestrations and the dormer windows built off the side wall will result in an incongruous appearance that will detract from the form of buildings in the local neighbourhood. As such, the scheme fails to accord with the aims of policies BE5; BE16, BE17 and H14 from the Unitary Development Plan (UDP) and policy CS74 from the Core Strategy.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted without the applicant having entered into meaningful pre-application discussions about the planning policy (or policies) that apply to the proposal and has shown insufficient regard for those policy requirements, so it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Project Number 10/061

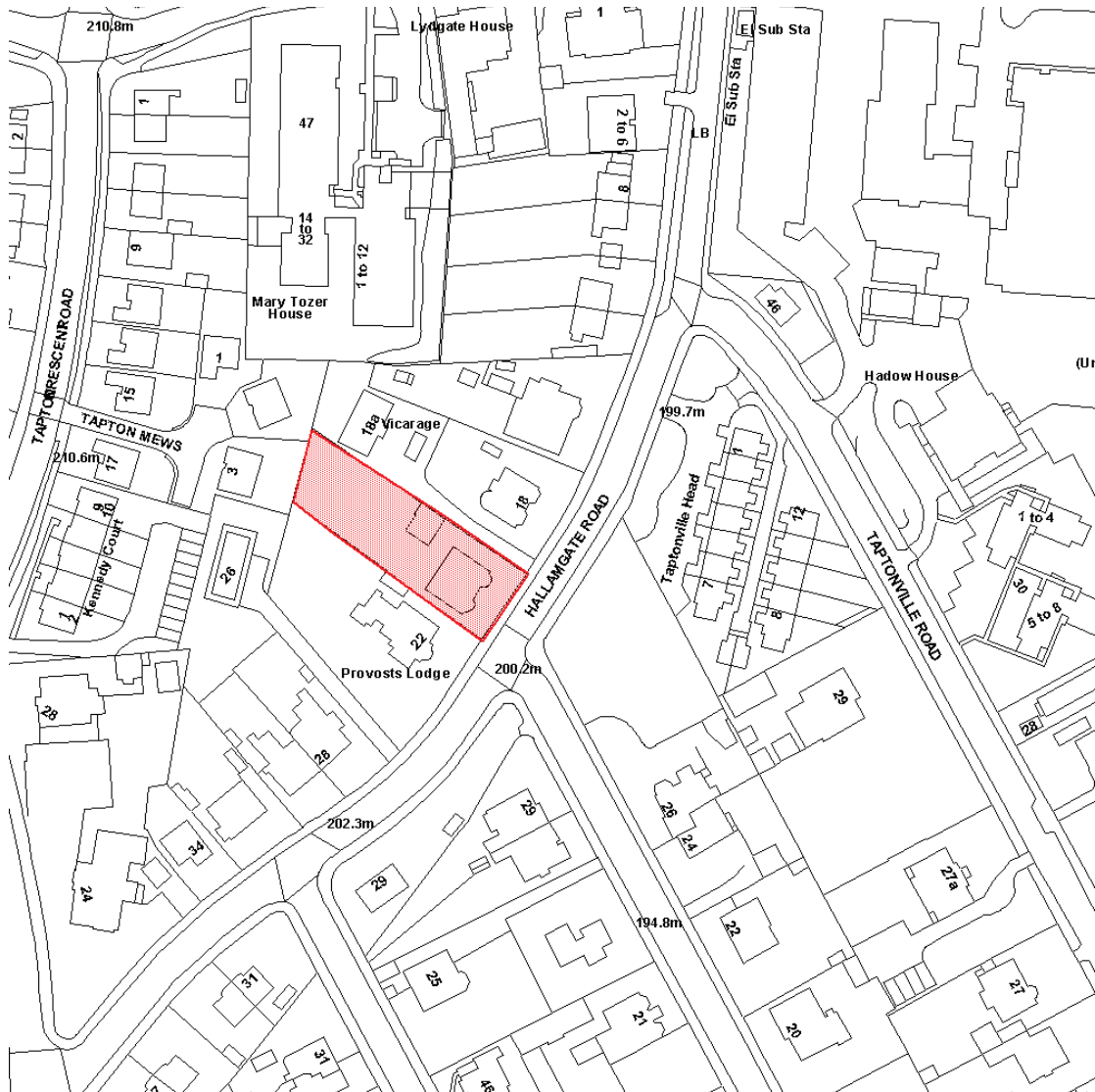
Drawing Numbers:

BR01 Revision A

BR02 Revision A

3. 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 secure the removal of the partially constructed outbuilding. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

This application relates to a large three storey detached dwelling house which fronts onto Hallamgate Road. The site is allocated as falling within a housing area in the adopted Unitary Development Plan, with the area being predominantly residential in character. The property falls within the Broomhill Conservation Area and is also covered by an Article 4 Direction which removes certain permitted development rights to the elevations of a house which front a highway, so in this case it is limited to just the main front elevation of the house.

To the rear of the site are two pitched roofed stone garages, and a large patio area with lawned garden beyond. The garages were erected approximately 7/8 years ago and would have required permission at the time, although they are lawful and immune from enforcement action given the amount of time that has passed since their erection.

Planning permission has previously been granted (Ref:13/02297/FUL) for the erection of a single storey rear extension to the dwelling to create an extension to the lounge and kitchen, which has a footprint of 8.7 metres long and a projection of 4.9 metres. Permission has also been granted for the partial demolition of the existing garages and erection of one quadruple garage under this same permission. Minor material changes to this application (to alter the garage) are presently being assessed under a separate application (Ref:14/02579/FUL).

On site, construction work has commenced on a replacement garage building under the permission reference 13/02297/FUL. It is noted that the structure under construction is not in accordance with the approved plans, as new doors and an increased ridge height and gable end are under construction. This application seeks retrospective consent to allow for this larger structure. This will comprise of a new quadruple garage at ground-floor level plus first-floor accommodation above including a rear gable end and side dormer windows, with a rear entrance door and staircase to the first-floor accommodation, and additional side patio doors to the garage. The proposed dimensions are 13.1m in length by 6.1m in width. The proposed eaves height is 3.3m, with a ridge height of 5.4m. These are 0.9m and 0.65m taller than the approved garage under 14/02579/FUL respectively.

The original garage buildings had eaves heights of up to 2.5m and a maximum height of 4.4m. These dimensions are taken from the existing drawings indicated on the separate application (Ref:14/02579/FUL) and not the dotted 'outlines' drawn in this latest application, which are not considered accurate. Site visit photos taken before the demolition of the existing garage indicate an eaves and ridge height in line with those shown under 14/02579/FUL.

A temporary stop notice has been placed on the development currently taking place, whilst the larger structure is assessed under this application. The re-submission under 14/02579/FUL is understood to be a 'fallback' position, in case the larger structure is found to be unacceptable.

Although the description includes the single-storey rear extension to the dwellinghouse, no separate drawings have been provided alongside this application for this element. As such, the assessment will utilise the drawings submitted under 13/02297/FUL and 14/02579/FUL (which are the same for the rear extension) for assessing this element.

RELEVANT PLANNING HISTORY

98/00883/FUL	Use of ground floor offices as residential flat Granted	02/06/1998
13/02297/FUL	Single-storey rear extension to dwellinghouse, partial demolition of existing garages and erection of new quadruple garages and re-roofing of existing house. Granted Conditionally	10/09/2013
14/02579/FUL	Single-storey rear extension to dwellinghouse, partial demolition of existing garages and erection of new quadruple garages and re-roofing of existing house (r-submission of 13/02297/FUL). Pending Consideration	

SUMMARY OF REPRESENTATIONS

A site notice was erected and photographed on the 25th July 2014. Letters have also been sent to 5 immediate neighbouring properties.

One written representation has been received objecting to the proposal on the basis that it is out of scale with the Local Area and the main building, and would look out of character. The objection also raises concerns that the side dormers will cause overlooking issues.

PLANNING ASSESSMENT

Policy Issues

The site is within a Housing area as identified by the Unitary Development Plan for Sheffield (UDP). As such, UDP policy H14 is of relevance. Part a) of this policy requires development to be well designed and in scale and character with neighbouring buildings. Part c) of this policy requires development to not result in any significant loss of light, privacy or security to residents.

UDP policy BE5 requires good design and the use of good quality materials in new buildings. Part a) requires buildings to complement the scale, form and architectural style of surrounding buildings.

Core Strategy policy CS74 'Design Principles' further emphasises the need for good design, with part c requiring that development respects and takes advantage of the townscape and landscape character of the city's districts, with their associated scale, layout and built form, building styles and materials.

The site is within a Conservation Area (the Broomhill Conservation Area). As such, policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' apply. BE16 requires development to preserve or enhance the character or appearance of the Conservation Area. BE17 requires a high standard of design using traditional materials and a sensitive approach to development layout.

Design Issues

Extensions to the main dwellinghouse

The single storey rear extension is identical in form to that granted permission under 14/02579/FUL. As policy and site conditions are the same as per the previous application, the assessment of this part of the proposal remains the same. The extension is considered acceptable. It is positioned directly behind the main building and as such is not visible. Materials are detailed as stone to match the existing building, along with the windows mirroring that of the original dwelling. As such it is not considered to impact negatively on the appearance of the building, or character of the wider street scene. The height and position relative to neighbours will not raise any significant amenity issues for these properties.

Design and Impact on the Conservation Area

There is a need for any new development to be in scale with the surrounding built area. This is enhanced by policy CS74 from the Core Strategy, where part c) requires development to respect the townscape and landscape character of the city's districts, with their associated scale, layout and built form, building styles. Outbuildings to the rear of houses in the streetscene tend to be single-storey structures that are significantly subservient to the subject property. For instance, the rear outbuildings to number 22 are single-storey, and are significantly smaller in scale to the main house, as are the outbuildings to number 18a and single-storey outbuildings to number 16. The form of these outbuildings is such that they are clearly ancillary to the main dwellinghouse upon the plot they sit, and do not challenge the scale of the main building as the primary part of the plot.

Similarly, the originally granted garage at number 20 under 13/02297/FUL had a relatively low roof form, and would have appeared ancillary despite the large ground area it occupied.

The form of this proposal, with an eaves height of 3.3m when viewed from the primary front elevation, and a total height of 5.4m does not have the form of an ancillary structure. The combination of the built area combined with the height will result in a structure that will be similar to single houses in the local Conservation Area as opposed to being a secondary structure. For instance, 46 Taptonville Road and 29 Hallamgate Road will have a floorspace less than the proposed outbuilding, and with a similar overall height. The presence of such a sized structure in such proximity to the main house and within the same curtilage will fail to give the appearance of an ancillary structure, and will not be in character with the built form of development in the local area.

The massing is further increased by the formation of a rear gable end and side dormer windows, which together make the structure have the appearance of a small two-storey house as opposed to an ancillary structure. The built form of development in the local area, traditionally, would have been for large houses with some smaller outbuildings alongside. The scale of the building proposed in this case will fail to maintain this appearance and will detract significantly from the traditional built form of the Conservation Area.

Due to the scale of the proposed build, the scheme will conflict with UDP policies BE5, BE16 and H14 (a) and Core Strategy policy CS74, notably part c).

The outbuilding proposed does not have traditional proportions when viewed from the front elevation. The size of the front window compared to the front gable is out of proportion with the size of blockwork, and results in an incongruous appearance. This part of the building is visible from the streetscene, and has an impact on views within the Conservation Area. This fails to accord with the aims of UDP policy BE17 that requires development to utilise a high standard of design, and conflicts with BE16 that requires development to at least preserve the character of the Conservation Area by adding a feature out of proportion with the traditional details of the area. The side dormers will also be visible from the front aspect, and will make the roof of the outbuilding appear asymmetrical. Dormers built up from the ridge to the side are not a traditional detail, and will significantly detract from the appearance of the outbuilding. Again, this will be in conflict with policies BE16 and BE17.

Impact on the Amenities of Neighbouring Residents

The proposed eaves height of the outbuilding is 3.3m, with a ridge height of 5.4m. These are 0.9m and 0.65m taller than the approved garage under 14/02579/FUL respectively.

The development should not result in any significant overshadowing impact. The rear aspect of the garage is 11m distant from the front of number 18a. Guidelines typically allow for full 2-storey gable ends to be 12m distant when they directly face the main windows of a neighbouring property (Supplementary Planning Guidelines on 'Designing House Extensions'). In this case, the extension is lower than a full two-storey building, and does not lie directly in front of the main windows. Concerning number 18, the garage will be 2.5m distant from the curtilage with this property, and 5m to the side of the closest main rear facing window. These separation distances will reduce the potential overshadowing impact to an acceptable degree. Extrapolating the separation distance to the side of the outbuilding to the curtilage of number 18, the impact should be no greater than a 1.8m high fence along the curtilage boundary.

The separation distance to number 22 is 11m, more than sufficient to prevent any significant loss of light to this side.

No windows are proposed that will cause any direct overlooking. A separation distance of 11m to number 22 will prevent any significant overlooking from the side

ground and first-floor openings. The first-floor front and rear windows will not look directly into neighbouring amenity space, with any oblique angled views not being significant enough to justify a refusal on these grounds.

Highways Implications

Policy H14 d) requires development to provide suitable parking accommodation and access to the highway. In this case, the development has no implications given that the parking accommodation and access will remain similar to the existing situation.

ENFORCEMENT

Given that the works have already commenced, in the event of a refusal of planning permission, it will be necessary for enforcement action to be taken to secure the removal of the partially constructed outbuilding.

SUMMARY AND RECOMMENDATION

The proposed outbuilding is out of scale with the original building and plot and will detract from the built form of the local area and the character of the Conservation Area. In addition, the form of the front elevation and the dormer windows built off the side wall will result in an incongruous appearance that will detract from the form of buildings in the local neighbourhood. As such, the scheme fails to accord with the aims of policies BE5; BE16, BE17 and H14 from the Unitary Development Plan (UDP) and policy CS74 from the Core Strategy.

It is therefore recommended that planning permission is refused, and that the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the partially constructed outbuilding.

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

Case Number	14/02148/FUL (Formerly PP-03460718)
Application Type	Full Planning Application
Proposal	Replacement of front door and frame to dwellinghouse (Retrospective application)
Location	31 Moor Oaks Road Sheffield S10 1BX
Date Received	12/06/2014
Team	South
Applicant/Agent	Dr Ian Morgan
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The door and frame, by virtue of the frame profile and use of non-traditional materials in both, constitute a prominent, modern and unsympathetic feature which fails to preserve or enhance the character of the Conservation Area. The proposal is therefore contrary to Policies BE15, BE16, BE17 of the Sheffield Unitary Development Plan, Policy CS74 of the Sheffield Local Plan: Core Strategy and to the aims of the Article 4 Direction in force within the Broomhill Conservation Area.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Details and photographs received 13th June 2014.

3. 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 secure the removal of the door and frame. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application relates to a stone built semi-detached dwelling in the Broomhill Conservation Area. The dwelling is covered by the Article 4 Direction pertaining to that Conservation Area which identifies the house as a building of character in the locality.

The street scene of Moor Oaks Road is characterised by stone built Victorian dwellings with similar architectural design and features to No. 31.

There are examples of uPVC windows and doors in the locality but the majority of dwellings retain their original timber doors and window frames which contributes to the overall character of the Conservation Area.

The Applicant has replaced a timber door containing a single glazed panel and timber door frame with a composite door set within a uPVC frame

RELEVANT PLANNING HISTORY

The application has been submitted in response to an enforcement enquiry from a member of the public.

SUMMARY OF REPRESENTATIONS

There have been no representations regarding this application

PLANNING ASSESSMENT

Policy

BE15 'Areas and buildings of special architectural or historic interest' states:

Buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

BE 16 'Development in Conservation Areas'

In Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which comprise development ... which would preserve or enhance the character or appearance of the Conservation Area.

BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' states:

In Conservation Areas and Areas of Special Character a high standard of design using traditional materials ... will be expected for (amongst other things) alterations and extensions to buildings.

Sheffield Development Framework Core Strategy:

CS74 'Design Principles'

Requires development to take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including amongst other things, the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials

Assessment

There are varying designs of windows and doors in existence in the locality and uPVC doors and windows have been introduced in the past before the introduction of the Article 4 Direction. The majority of properties in the locality feature timber windows and doors which result in the area preserving a distinct element of significant traditional character throughout.

Moor Oaks Road, Marlborough Road and Elmore Road have therefore retained a healthy degree of heritage value through the lack of modern materials within the street, and subsequently continue to make a significant contribution to the character of the Conservation Area.

The presence of some uPVC in the wider street scene is not considered to provide justification for further erosion of the quality of the street through alteration which is harmful to the significance of Moor Oaks Road.

Hence while it is accepted that the composite panelled door is of acceptable proportions, it is considered that the high gloss grained composite surface jars with the more traditional doors within the street and the uPVC frame represents an overly bulky profile that is out of character with the traditional architecture of the dwelling and the wider street scene.

Given that it detracts from the character of the property, and thereby the Conservation Area, the door and its surrounding frame is considered unacceptable. They neither preserve nor enhance the appearance of the property and the street, nor respect the distinctive historic character that the street retains to a large degree and are therefore contrary to Policies BE15, BE16, BE17 of the Sheffield Unitary Development Plan and Policy CS74 of the Core Strategy.

SUMMARY AND RECOMMENDATION

It is considered that the proposal results in a detrimental effect on the local environment and the Broomhill Conservation Area. The application is therefore recommended for refusal.

ENFORCEMENT

It is recommended that the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the door and frame.

Case Number	14/01888/FUL
Application Type	Full Planning Application
Proposal	Cladding of dwellinghouse with insulated render
Location	111 Page Hall RoadSheffieldS4 8GU
Date Received	09/05/2014
Team	West and North
Applicant/Agent	Anaturel Power Limited
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority consider that the insulated cladding obscures special architectural features on the building, to the detriment of the character and appearance of the property. The proposed development is injurious to the character of the property itself and the wider street scene. It would therefore be contrary to Policy H14 of the Unitary Development Plan, Guideline 1 of the Council's Supplementary Planning Guidance on Designing House Extensions and Policy CS74 of the Core Strategy.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Details received 12th May 2014

Photographs and details received 29th May 2014

3. 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 secure the traditional features that have been obscured by the cladding are re-instated. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application relates to a traditional mid-terraced dwellinghouse on Page Hall Road. The property has a bay window on the front elevation and detailed stone heads and cills around the window on the upper floor.

Planning permission is sought to clad the property with insulated render. This is a retrospective application as the works were under way (almost completed) prior to planning permission being sought.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

RELEVANT PLANNING HISTORY

The property was subjected to facelift repairs, including new railings and boundary walls in 2003 (application 03/02392/RG3 refers).

SUMMARY OF REPRESENTATIONS

No representations have been received.

PLANNING ASSESSMENT

Policy

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. UDP Policy H14 'Conditions on Development in Housing Areas' is therefore applicable.

Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

The Council's Core Strategy is also applicable. Policy CS74 – Design Principles sets out that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city.

Streetscene

The property has attractive stone heads and cills around the upperfloor windows on the front elevation, which are a decorative feature along the street. The heads have a scalloped edge just above the window and the agent did indicate that the cladding could be curved to take into account this shape. This has been done, however the stone head above the window has been completely covered. It is

considered that this is to the detriment of the character and appearance of the property and the wider street scene.

The stone cills has also been covered with a white UPVC covering. These stone cills are also an attractive feature and to cover them with white UPVC cills further erodes the traditional character of the building. It is noted that the applicant wishes to install UPVC double glazing in the future. Other properties within the vicinity have had this done but still retained the traditional stone cills.

The area has undergone a series of facelift repairs to improve the overall appearance of the street; giving a more uniform character with all the boundary treatments being the same. It is considered that the proposed cladding and covering of the stone heads and cills would go against the aims of these repairs; making the property look significantly different than its neighbours (although some properties have painted brickwork in a variety of shades the one thing that is constant are the attractive stone heads and cills).

It is considered that the application does not conform with UDP Policy H14 or the Council's SPG on Designing House Extensions.

SUMMARY AND RECOMMENDATION

It is considered that the cladding is harmful to the character and appearance of the property and is injurious to the wider street scene. The proposed development does not comply with UDP Policy H14 or Policy CS74 of the Core Strategy.

It is recommended that planning permission be refused.

Case Number	14/01856/RG3 (Formerly PP-03356230)
Application Type	Application Submitted by the Council
Proposal	Demolition of 3 classroom units and alterations and extensions to school including two-storey building to provide additional classrooms and ancillary facilities, single/two-storey front extension to Junior School and construction of multi-use games area (As amended 12/08/2014)
Location	Greystones Primary School Tullibardine Road Sheffield S11 7GL
Date Received	23/05/2014
Team	South
Applicant/Agent	CDS Architects
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawings (Capital Delivery Service - SCC):
CY/04348 AL (0) 002 Rev K (Floor Plans)
CY/04348 AL (0) 004 Rev S (Floor Plans)
CY/04348 AL (0) 005 Rev A (Roof Plan)
CY/04348 AL (0) 006 Rev C (Contextual Elevations)
CY/04348 AL (0) 007 Rev I (Sections)
CY/04348 AL (0) 008 Rev J (Elevations)

CY/04348 AL (0) 009 Rev C (Elevations)
CY/04348 AL (7) 1004 Rev B (Site Layout/Drainage)
CY/04348 LL (9) 01 Rev B (Landscape Plan)

Reason: In order to define the permission.

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

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

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

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

- 5 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development shall be obtained from decentralised and renewable or low carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

- 6 Before the development is commenced full details of measures to reduce the existing rate of surface water discharge shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include existing and proposed discharge rates and measures for attenuation. Thereafter the drainage arrangements shall be implemented in accordance with the approved details and thereafter retained.

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

- 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 new accommodation formed by the proposed development 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).

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

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

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

- 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 by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

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

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

- 11 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 and shall be retained for verification purposes until the completion of such works.

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

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

Windows
Window reveals
Doors
Rooflights
Eaves and verges
Entrance canopies
Ridge & valleys
Parapets
Rainwater goods

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

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

- 13 Prior to installation of the multi-use games area (MUGA), full details thereof shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sound dampening measures to the means of enclosure. Thereafter the MUGA shall be constructed in accordance with the approved details and shall not be altered without the prior consent of the Local Planning Authority.

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

- 14 The MUGA shall be used solely in connection with the activities of the School and shall not be used on any Sunday or after 1830 hours on any day without the prior consent of the Local Planning Authority.

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

- 15 Prior to the new building being brought into use, a detailed Staff Travel Plan, 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. The detailed Staff Travel Plan shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Staff Travel Plan 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 of the new building, the approved Staff Travel Plan shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

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

- 16 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.

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

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

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

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 or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

3. The developer's attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970, as amended, and to Design Note 18 "Access for Disabled people to Educational Buildings" published in 1984 on behalf of the Secretary of State, or any prescribed document replacing that note. Section 8 sets requirements for access to and facilities at offices and other premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

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

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.

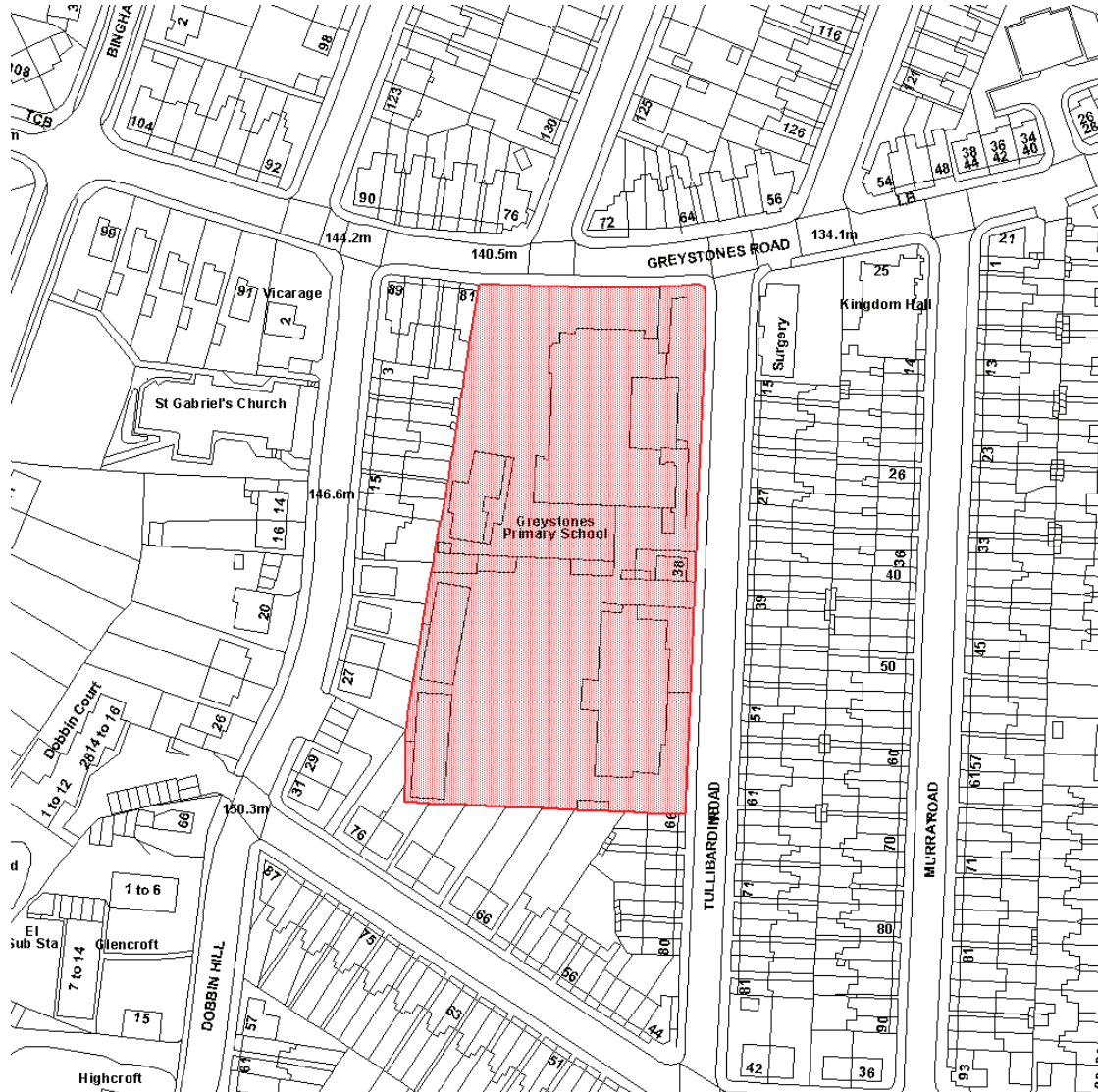
5. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB. Tel (0114) 2734170

Environmental Protection Services can be contacted at DEL, 2-10 Carbrook Hall Road, Sheffield, S9 2DB. Tel (0114) 2734651

6. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The application relates to Greystones Primary School in Tullibardine Road. The school comprises two late Victorian/early Edwardian buildings (Infant block and Junior block) which are constructed in stone with pitched roofs and strong gable features to front and rear elevations. The Junior block is the larger of the two school buildings. A two storey caretaker's house with hipped roof sits between the two school buildings, fronting Tullibardine Road. To the rear of the school buildings are extensive hard surfaced playground areas. 3 prefabricated buildings sit against the rear boundary. The site levels fall approximately 7.7m from south-west to north-east.

The principal elevations of the original buildings face Tullibardine Road. The side elevation of the Junior block faces Greystones Road. On the opposite side of the Tullibardine Road and Greystones Road are traditional terraced dwellings. Similar dwellings adjoin the Infant block in Tullibardine Road. The School staff car park adjoins this boundary and accommodates 19 cars. The rear boundary adjoins detached, semi-detached and terraced dwellings in Dobbin Hill. There is a retaining wall to the rear gardens of these dwellings as Dobbin Hill is elevated some 4.5m – 5m above the school playground.

The application proposes the demolition of the 3 buildings adjoining the rear boundary. A two storey building is proposed to be constructed between the two buildings and to the rear of the caretaker's house. A lightweight single storey link is proposed to provide access into the Junior block towards the front of the new building. This will create an enclosed courtyard with a width of approximately 6.5m. The new building will be broadly 'L' shaped and will partially project behind the existing Infant block. The overall length and width are approximately 26m and 25m, respectively, and the floor area is approximately 931m².

The existing Junior block is to be partly re-modelled, including the partial replacement of a single storey lean-to front extension. This is proposed to be replaced by a larger single storey extension to increase the dining room capacity (approximately 17m x 6m). An enclosed stairway and lift to provide internal access between the teaching areas and dining room is also proposed to the front elevation.

A new multi-use games area (MUGA) is proposed in a central location against the rear boundary retaining wall. This will replace an existing (unfenced) MUGA currently behind the caretaker's house. A small amphitheatre is proposed to the south of the MUGA as part of the revised external layout.

The development is required in order to enable the School to increase its capacity from 540 pupils to 630 pupils to accommodate increased demand for primary school places in the area. The increased demand is consistent with the current pattern of demand across the City as a whole.

RELEVANT PLANNING HISTORY

Recent planning history includes planning permissions for alterations and upgrading of the prefabricated blocks (refs 09/01368/FUL and 10/01478/FUL); replacement windows/doors to the school buildings (ref 08/02138/FUL); partial replacement of boundary fencing (ref 09/03562/FUL) and external works (ref 10/02130/FUL).

SUMMARY OF REPRESENTATIONS

13 representations have been received from interested parties, including local residents and parents of school children. The points are summarised below.

Design and Layout

- Overall, looks very good given the brief to create extra capacity in an already squeezed location
- Overdevelopment of cramped site which is not fit for purpose for existing school numbers
- Loss of already limited outdoor play space
- 'minor material amendments' are urgently required to make new classrooms function properly – insufficient fenestration to the classrooms with the two north classrooms not receiving any sunlight, particularly at ground floor level where classroom will be permanently in shadow with outlook onto wall of existing building
- Uneven distribution of natural light with need for overdependence on artificial lighting – detrimental effect on wellbeing of pupils and teachers – children may develop longer necks and distorted bodies from craning towards natural light
- Free positioning of the windows appears to have been limited by the design choices, where pastiche meets business park typology resulting in inflexible symmetries and mannered gestures eg. split pediment on west elevation – cumulative effect is a joyless building from outside in
- Extra windows needed will also help reduce impact of the building on the west elevation by offering reflective and animated surfaces to counteract dull expanses of blank wall
- Difficult to understand why need for light was not primary generator of building form – constraints of budget or overlooking should not outweigh this vital requirement – overlooking can be dealt with by obscured glass or Roman blinds
- Have alternatives been considered? eg. mezzanine floor or replacement of caretaker' house with link building so that there will be minimal loss of playground space – caretaker could be accommodated off-site
- Building will tower above Infant school chimneys and dwarf caretaker's house – can building be lowered to the junior playground level rather being built at infant school level?
- Overall height is excessive for a two storey building as it is raised over a void and appears to have a very steep roof pitch
- MUGA will be in cold shadow for most of day in deep gully between new building and raised gardens of Dobbin Hill/Huntingtower Road

- Peculiar alignment of new building results in strangely rhomboid shaped rooms purely to impose a new alignment with Dobbin Hill rather than maintaining the existing alignment with Tullibardine Road – questions whether shapes are practical for installation of furniture and equipment
- Suggests considering building on top of cabins at the back making them more permanent two storey buildings with minimal impact on the school and learning

Car Parking and Highway Safety

- No additional on-site parking for increase in staff
- Loss of parking during construction will create unacceptable parking demand in Tullibardine Road
- Increase in pupils will increase more children being brought by car creating more parking difficulties for residents
- Main entrance area from Tullibardine Road currently gets very congested before and after school. It is hard to move through the narrow area by the ramp outside the Infant block since it is used as a waiting area by parents – plans fail to address this congestion but also reduce playground space available and restrict access in and out of school even further – potentially dangerous in event of fire/emergency – perhaps need ‘no waiting’ areas or consideration of other ways to reduce bottleneck eg. staggered school hours
- No access for emergency services as existing central entrance will be blocked by steps and southern entrance is usually filled with parked cars
- Loss of parking/garage space for caretaker
- Seeks reassurance that traffic calming and control measures are being considered alongside the building project due to resulting increased vehicular and pedestrian activity in already congested area with little on street parking – requests consideration of one way streets, traffic humps, boxed junctions or stop/give way junctions in the area

Residential Amenity

- New building will result in completed loss of privacy to rear of caretaker’s house
- Potential damage to Dobbin Hill boundary wall as a result of new tree planting proposals
- Noise Assessment suggests that additional pupils will create only one extra decibel – questions whether allowance been made for extra noise to Dobbin Hill residents arising from children being underneath boundary wall and noise being reflected from the much nearer and smoother new building
- Proposed new building higher than caretaker’s house and substantially closer to Dobbin Hill than existing Infant school – will be imposing structure on Dobbin Hill residents and will cause overlooking and loss of privacy
- Having suffered numerous years of noise and disruption over these wasted works will now be subjected to a further year of even greater noise, dust etc.
- Noise from MUGA directly below garden walls of Dobbin Hill – sound already echoes around the school grounds and will increase with the greater numbers, especially as the school day gets longer with the after school clubs

- Playground is in effect a concrete bowl which exacerbates the sounds made at ground level – will make own noise assessment report and if it is greater than applicant claims there will be further expense to address the issue
- Current decibel measurements cannot be applied to new MUGA as not comparably located
- Will restrictions be placed on use of MUGA eg. not after 5pm and not at weekends in order to limit noise disturbance to neighbours?

Children's Welfare

- Will impact on children's learning – if they are not able to let off steam in the playground they will not be able to settle to work on return – need for space to run around and socialise in is extremely important at this age – will this mean that juniors and infants will not be able to mix or have to enter from different entrances? Holistic family atmosphere will be lost
- Need for assessment of impact on learning during construction from noise/lack of space – need for extra access to quiet space and management of limited playground space during the development, including more supervision of lunchtime play
- Need to get children involved in improving the playground space that is unaffected
- Need to commit to a fixed timescale and ensure maximum efficiency from child sensitive contractors
- Wildlife pond resource will be destroyed – wildlife should be moved to a new home and a new pond created as part of development
- MUGA located next to a quiet corner area – suggest moved to a corner where less impact on vast majority of non-football players
- Early planting will give children a positive insight into the final result whilst the building works disruption is ongoing

Procedural Matters (not material considerations in determining the application)

- Feel that this one proposal is a *fait accompli* and will be passed without comments being acted on because it is for Education purposes
- Proposals appear more an exercise of not disrupting running of the school rather than utilising and adapting existing buildings
- Complete lack of foresight over need for additional facilities – Council must have been aware for some time of shortage of spaces and have wasted money on renovating Horsa huts renovated over past few years
- Proposals appear to provide little extra for school – 6 new classrooms will only replace those lost through demolitions and project has no scalability – is a lot of money being spent just to build new offices, staffroom, conference room and administration space? If so it seems a total waste of rate payers' money – only 4 and 5 years ago that Horsa huts had thousands of pounds spent on refurbishment
- Site notice posted on Greystones Road not dated – date for comments should be extended (Note – photographic evidence shows that the Site Notice was dated. This comment was received after the expiry of the statutory consultation period)

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). This policy area is retained in the Local Plan Draft Proposals Map. No special designations affect the site.

The most relevant UDP and Local Plan Core Strategy policies are referred to, together with relevant Government policies as set out in the National Planning Policy Framework (NPPF), where applicable, in the following sections of the Assessment.

Principle of Proposed Development

Policies:

H10 (Development in Housing Areas)
H14 (Conditions on Development in Housing Areas)
CF1 (Provision of Community Facilities)
CS43 (Schools)

The NPPF (paragraph 72) requires Local Planning Authorities to take a proactive, positive and collaborative approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities, and to development that will widen choice in education. They are required to “give great weight to the need to create, expand or alter schools...”

Schools (Use Class D1) are listed as an ‘acceptable’ land use within Housing Areas in accordance with Policy H10. The proposed school building is within an existing school site and therefore will have a neutral impact on the balance of land uses throughout the Housing Area. The proposals therefore also comply with Policy H14(a).

The proposals represent investment in the upgrading of the primary school and are consistent with UDP Policy CF1 which promotes the provision of community facilities, and Core Strategy Policy CS43 which commits to the provision of sufficient modernised education facilities and acknowledges the need for the expansion of primary schools.

Design and Sustainability

Policies:

BE5 (Building Design and Siting)
H14 (Conditions on Development in Housing Areas)
CS63 (Responses to Climate Change)
CS64 (Climate Change, Resources and Sustainable Design of Developments)
CS65 (Renewable Energy and Carbon Reduction)
CS67 (Flood Risk Management)
CS74 (Design Principles)

The NPPF (paragraph 72) states that Local Planning Authorities “should... work with schools promoters to identify and resolve key planning issues before applications are submitted”.

In this instance, Officers have worked with the applicant prior to submission of the application albeit being presented with the opportunity to do so at a late stage in the development of the proposals. Consequently, the ability to influence the design principles has been limited.

The design development is explained in the submitted Design and Access Statement and it is clear that the design has evolved in consultation with the School and that the proposals present a layout that the School consider meets its operational needs. It is also acknowledged that the submitted scheme maintains the connectivity between Infant and Junior School's, maximises external play space, minimises disruption during the construction period and is deliverable. Disruption during construction is, in this instance, given appropriate weight as the impact on primary school age children could be considerable. (This is also noted as a concern from several parents who have made representations).

Improvements to the appearance and massing of the building have been secured prior to submission and further relatively minor amendments have been secured during the application process. These relate primarily to the the roof design, window proportions and materials. The prominent gable ends of the building are stepped and have been broken down in size to produce gable features of similar size and proportions to those of the existing school. The roof is now pitched to match the existing school and gable features introduced to give the roof line a similar rhythm to those of the existing buildings. The window groupings have been redesigned to better respond to the character of the existing buildings and 'blind' windows have been introduced to add to the detailing of the elevation facing the caretaker's house.

A steel framed construction with prefabricated elements (floors/staircases) is proposed. The external materials are proposed to be natural stone with a 'slate effect' steel roof. Openings are proposed to be treated in powder coated aluminium with ashlar stone heads and cills. Sample materials can be conditioned to ensure appropriate quality.

The building will be located behind the caretaker's house and will project approximately 3m above that dwelling. However, the building sits reasonably comfortably in that location with the pitch of the front gables matching the pitch of the caretaker's house roof and the height being some 1.4m below the main ridge of the Junior School and some 2.7m above the height of the Infant school. The existing School buildings will continue to dominate the Tullibardine Road frontage. The rear elevation of the building is slightly splayed to follow the angle of the rear boundary of the site. There is no significant projection beyond the line of the rear elevation of the Junior School which will ensure that the building will not be prominent in views from Greystones Road.

The existing single storey extension at the front of the Junior School building is a shallow lean-to constructed in reconstituted stone with a shallow mono pitch roof.

It has regular window opening treatments which are almost square. The proposed replacement extension will be of more sympathetic appearance with much larger openings that better relate to the feature windows in the main front elevation. The extension will sit marginally behind the front building line of the caretaker's house and will adequately respect the context of the street scene.

Overall, the scale, massing, design and appearance are considered acceptable and the proposals therefore accord with the relevant sections of Policies BE5, H14 and CS74.

A Sustainability Statement has been submitted and refers to a range of measures that will be incorporated in the detailed design to ensure energy efficiency in accordance with the principles set out in Policies CS63 and CS64.

A BREEAM pre-assessment has been undertaken and shows that the new building will comfortably achieve the 'Very Good' rating. There are also opportunities for the use of renewable and/or low carbon energy. These factors will ensure that the development complies with the requirements of Policy CS65.

'Green roofs' were considered as part of the design stage in accordance with the adopted Supplementary Planning Document 'Climate Change and Design' (SPD) which requires green roofs to be provided on all developments over 1000m² gross internal floor area provided they are viable and compatible with design and conservation considerations. In this instance, the new building has gross floor space under the SPD threshold but the threshold is marginally exceeded when combined with the proposed dining room extension (total 1013.8m²). The applicant has dismissed provision on the new building in favour of providing pitched roofs to reflect the character of the existing buildings. The pitched roofs also provide opportunity to site solar pv panels although the extent of the most beneficial south facing roof slopes is limited.

The applicant has been asked to consider a green roof on the flat roof of the dining room extension. However, due to the limited structural capacity of the existing roof over the kitchen, the lower ground floor is also of limited head room restricting the necessary build up for a green roof provision and the narrow plan form of the roof will limit possible planting areas once the necessary gravel margins are allowed for. Notwithstanding this, the success of a green roof in this location is questionable due to the orientation and the immediate backdrop of the main front elevation. A paved roof and parapet is proposed instead.

The application confirms that a Sustainable Water Management Plan will be drawn up. Measures to reduce surface water discharge will be incorporated and include the use of permeable surfaces where practical, some collection of rainwater and drainage to soakaways (subject to satisfactory testing). Details can be conditioned.

Overall, the proposals represent a sustainable form of development which will enable the School to meet its needs and provide flexible and efficient accommodation. Subject to satisfactory details, the proposals will therefore comply with Policies CS63, CS64, CS65 and CS67 and the general sustainable development objectives that are paramount within the NPPF.

Inclusive Access

Policy:

BE7 (Design of Buildings Used by the Public)

Due to the difference in levels between the entrance point in Tullibardine Road and the entrance into the new building, the most direct access to the new building is via a short flight of steps. Ramped access is available via an existing entrance into the school from the front elevation. A further route is available to the rear of the building albeit somewhat circuitous. The new dining room facilities will be fully accessible, including lift access from the upper ground floor. Minor revisions to the internal layout have been negotiated to ensure that internal provision is fully inclusive.

Overall, the access arrangements are an improvement on the existing provision and the proposals accord with Policy BE7.

External Environment

Policies:

BE6 (Landscape Design)

BE12 (Public Art)

GE15 (Trees and Woodland)

GE16 (Lakes and Ponds)

The development will result in a net gain of 75m² in available playground space as a result of the removal of the existing prefabricated buildings. The external space exceeds the statutory minimum site areas set out in Department for Education design guidance by 130m². The play areas are well considered and include the introduction of an informal amphitheatre and a fenced MUGA.

The proposals will result in the loss of two relatively small early-mature and semi-mature trees from raised beds within the existing playground areas. The submitted Tree Survey describes the trees as being within Category C (low quality) and in 'fair' condition. The proposals include replacement and additional tree planting. The details have been amended during the course of the application to prevent tree planting directly adjoining the rear boundary wall which may cause problems in the longer term.

Overall, the external layout complies with Policy BE6 and GE15.

One representation requests the retention of an existing wildlife pond. The applicant has confirmed that this resource has not been used for many years and has fallen in to disrepair. The School have no wish to replace the small pond, preferring to use the nearby pools in Endcliffe and Bingham Parks to view pond life in its natural habitat. In these circumstances, there is no significant detriment to wildlife and biodiversity and there is no material conflict with Policy GE16.

Public art has been considered but the scale of proposals does not justify provision in this instance and, in the circumstances, there is no conflict with Policy BE15.

Residential Amenity

Policy:

H14 (Conditions on Development in Housing Areas)

The submitted section drawings show that the rear elevation of the new building will be approximately 30m from the rear elevations of the dwellings in Dobbin Hill. The ground floors of the dwellings are approximately level with the eaves of the proposed building. Due to the level of separation and the difference in levels, the proposals will not introduce any overlooking to the Dobbin Hill properties and will not be overbearing on them.

The increased projection of the dining room facility will bring the dining room windows to a distance of marginally below 18m from the main windows of dwellings at the same level on the opposite side of Tullibardine Road. This is consistent with the general grain of development in Tullibardine Road and the impact will be softened by the existing boundary wall and railings.

The submitted Noise Assessment predicts that there will be a 1dB increase in noise associated with the increase in children in the playground areas based on the new layout. 1dB is generally considered to be imperceptible and is therefore considered negligible. It is noted that the Noise Assessment does not consider the new MUGA but the MUGA will be almost directly below the rear boundary retaining wall and the fencing will be below the top of the wall. This should deflect sound from the use of the MUGA away from the boundary. The detailed design of the MUGA can be conditioned to ensure that noise from balls hitting the fencing is minimised and a restriction on the hours and days of use can also be imposed to prevent any additional disturbance outside school activity times.

The applicant has indicated that lighting will be required to enable the MUGA to be used later in the afternoons during winter e.g. by the After School Club. Such lighting will need to be considered carefully in order to prevent any problems for adjoining gardens in Dobbin Hill. It is anticipated that lighting can be accommodated satisfactorily as the gardens are considerably above the level of the MUGA. The lighting can be considered as part of the conditions submissions relevant to the detailed design of the MUGA.

Overall, the proposals will maintain adequate amenity for adjoining residents and the proposals therefore comply with Policy H14(c).

Highway Matters

Policies:

H14 (Conditions on Development in Housing Areas)

CS53 (Management of Demand for Travel)

The School currently has 19 staff car parking spaces in a relatively informal arrangement adjacent the Infant block with access from Tullibardine Road. 1 or 2 additional cars can be accommodated albeit in a substandard arrangement. There is no provision for picking up and dropping off children.

It is evident from the nature of the surrounding streets and the representations received from local residents that there are already traffic problems and a significant level of on-street parking in the immediate area. There have been 3 reported accidents in the vicinity of the site within the last 5 years. None involved children and the details suggest that the accidents were not related to any activity associated with the School.

Staff numbers will increase from 50 full time equivalent staff to 56 full time equivalent staff. On this basis, the Car Parking Guidelines indicate that car parking provision of between 14 and 28 spaces would be acceptable. The existing parking provision does therefore fall within the Guidelines, albeit at the lower end.

It is evident that little that can be done to make provision for additional vehicles within the site without compromising play space and no additional provision is proposed. It is therefore appropriate for a robust Staff Travel Plan to be conditioned in accordance with Policy CS53. The travel plan will be expected to set appropriate modal shift targets in order to try and redress the additional parking demand that is likely to be created by this proposal.

Overall, the parking provision accords with the current guidelines and the development therefore complies with Policy H14(d).

SUMMARY AND RECOMMENDATION

The proposed new building and extension are required in order to enable the expansion of the School to meet the increased demand for primary school provision in the area. The new building has been designed to meet operational needs and to relate to the context of the existing school buildings and the site as a whole. It will be energy efficient and represents a sustainable form of development that is sufficient to comply with the relevant national and local planning policies as referred to in the Assessment.

Residential amenity will be maintained for local residents and conditions to restrict use of the MUGA to school activities are appropriate in this respect.

It is acknowledged that traffic is likely to increase as a result of the increased capacity of the School. However, the existing level of parking provision falls within the lower end of the current Car Parking Guidelines and there is no scope for satisfactory further provision. A Staff Travel Plan is recommended to be conditioned in order to relieve pressure within the surrounding area.

Overall, the proposals comply with the quoted policies and it is recommended that planning permission is granted subject to conditions.

Case Number	14/01854/FUL (Formerly PP-03377215)
Application Type	Full Planning Application
Proposal	Replacement of front entrance doors and frame surrounds
Location	9 And 11 Moor Oaks Road Sheffield S10 1BX
Date Received	27/05/2014
Team	South
Applicant/Agent	Mr N Smith
Recommendation	Refuse with Enforcement Action

Subject to:

- 1 The doors and frames, by virtue of the frame profile and use of non-traditional materials at both properties, constitute prominent, modern and unsympathetic features which fail to preserve or enhance the character of the Conservation Area. The proposal is therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, Policy CS74 of the Sheffield Local Plan: Core Strategy and to the aims of the Article 4 Direction in force within the Broomhill Conservation Area.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Photographs received 23rd May 2014 and 23rd June 2014

3. 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 secure the removal of the doors and frames. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application relates to two stone built terraced dwellings in the Broomhill Conservation Area. The dwelling is covered by the Article 4 Direction pertaining to that Conservation Area which identifies the two houses as buildings of character in the locality.

The street scene of Moor Oaks Road is characterised by stone built Victorian dwellings with similar architectural design and features to No's 9 and 11.

There are examples of uPVC windows and doors in the locality, including the doors at No's 5 and 7. However the majority of dwellings retain their original timber doors and window frames which contribute to the overall character of the Conservation Area.

The Applicant has replaced a timber door at each property. The door at No.9 included nine glazing panes in the upper section with a timber door frame. At No.11 the door includes two glazing panels, and a timber door frame also.

The replacement doors are a composite type set within uPVC frames, and are black in colour.

RELEVANT PLANNING HISTORY

The application has been submitted in response to an enforcement enquiry from a member of the public.

SUMMARY OF REPRESENTATIONS

There have been two representations regarding this application. The comments are summarised as follows:

- Should be no uPVC doors and surrounds in the Conservation Area / Article 4 designation.
- Doors are an important part of street scape.
- Applicant was aware of the conservation area status, and landlords should be subject to same rules as other householders.
- Door at no.31 was installed by the same company, and the same issues apply there.

The owner of No.31 submitted a representation stating that the door at that property had been installed by a separate company.

PLANNING ASSESSMENT

Adopted Unitary Development Plan Policies:

BE15 'Areas and buildings of special architectural or historic interest' states:

Buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

BE 16 'Development in Conservation Areas'

In Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which comprise development ... which would preserve or enhance the character or appearance of the Conservation Area.

BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' states:

In Conservation Areas and Areas of Special Character a high standard of design using traditional materials ... will be expected for (amongst other things) alterations and extensions to buildings.

Sheffield Development Framework Core Strategy:

CS74 'Design Principles'

Requires development to take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including amongst other things, the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

Assessment

There are varying designs of windows and doors in existence in the locality and uPVC doors and windows have been introduced in the past before the introduction of the Article 4 Direction. The majority of properties in the locality feature timber windows and doors which result in the area preserving a distinct element of significant traditional character throughout.

Moor Oaks Road, Marlborough Road and Elmore Road have therefore retained a healthy degree of heritage value through the lack of modern materials within the street, and subsequently continue to make a significant contribution to the character of the Conservation Area.

The presence of some uPVC in the street scene is not considered to provide justification for further erosion of the quality of the street through alteration which is harmful to the significance of Moor Oaks Road.

Hence, while it is accepted that the composite panelled doors are of acceptable proportions, it is considered that the high gloss grained composite surface jars with the more traditional doors within the street and the uPVC frames represent an overly bulky profile that is out of character with the traditional architecture of the dwellings and the wider street scene.

Given that the doors detract from the character of the property, and thereby the Conservation Area, the doors and their surrounding frames are considered unacceptable. They neither preserve nor enhance the appearance of the properties and the street, nor respect the distinctive historic character that the street retains to a large degree and are therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, and also Policy CS74 of the Core Strategy.

ENFORCEMENT

As the doors and frames are installed it would be necessary if refusing planning permission to seek authority from Members to pursue enforcement action to secure their removal.

SUMMARY AND RECOMMENDATION

It is considered that the proposal results in a detrimental effect on the local environment and the Broomhill Conservation Area, failing to preserve or enhance its character. The application is therefore in conflict with the above mentioned policies and is recommended for refusal.

It is also therefore requested that:-

- i) Members give authority to the Director of Regeneration and Development Services or Head of Planning is authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the door and frame; and

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

Case Number	14/01684/FUL (Formerly PP-03355335)
Application Type	Full Planning Application
Proposal	Installation of external floodlighting on column brackets to the existing uncovered pitches
Location	Sheffield United Football Club Derek Dooley Community Centre Weston View Sheffield S10 5BZ
Date Received	09/05/2014
Team	South
Applicant/Agent	ABA Architecture
Recommendation	Refuse

For the following reason(s):

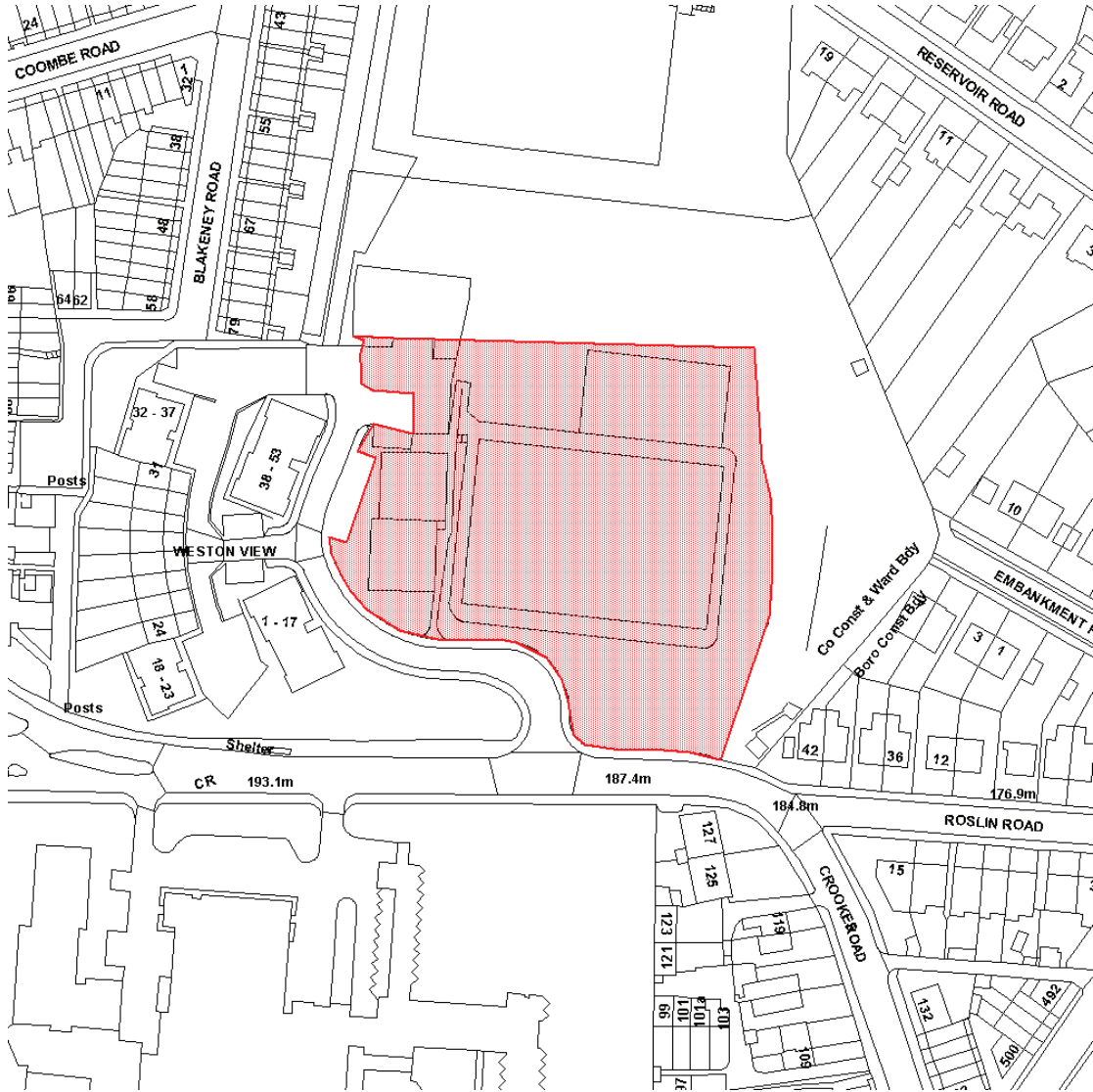
- 1 The Local Planning Authority consider that the proposed floodlight columns, by reason of their height and proximity to residential curtilage would be out of character with the residential character of the locality, injurious to the visual amenity of the locality and overbearing on neighbouring residential curtilage. They would therefore be contrary to Policies LR5 and H14 of the Unitary Development Plan and CS74 of the Sheffield Core Strategy.
- 2 The Local Planning Authority consider that the proposed development would be detrimental to the amenities of the locality and to the living conditions of nearby residents owing to the additional general disturbance which would be generated by the extended hours of use at the facility which would arise as a result of floodlight provision. The proposal is therefore contrary to Policies LR5 and H14 of the Unitary Development Plan.
- 3 The Local Planning Authority consider that the proposed development would result in an unacceptable increase in illumination glare to the detriment of the amenity of nearby residents. In this respect the proposal is contrary to Paragraph 125 of the National Planning Policy Framework, and Policies LR5 and H14 of the Unitary Development Plan.

Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted without the applicant having entered into meaningful pre-application discussions about the planning policies that apply to the proposal and has shown insufficient regard for those policy requirements, so it has not been possible to reach an agreed solution in this case.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

As received by the Local Planning Authority on 9th May 2014

Site Location



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LOCATION AND PROPOSAL

The application relates to a community sports facility consisting of a gymnasium, community centre, large all weather pitch and smaller multi-use games area. The facility lies within a wider grassed open space area.

The entire site is allocated as an Open Space Area in the Sheffield Unitary Development Plan.

The site is located adjacent residential property in allocated Housing Areas to east, south and west and adjoins the Hadfield Service Reservoir to the north,

The sports pitches on site are not currently lit.

Permission is sought to erect 10 No. 10 metre columns with 1 to 3 luminaires (floodlights) per pole. The columns would be erected with four along the south edge of the pitch and the balance along the north edge. Two further columns would be located on the north side of the multi-use games area

RELEVANT PLANNING HISTORY

Application 06/04611/FUL was the permission granting the original development of the community sports facilities. Records indicate that the proposed floodlighting for the scheme was withdrawn on Officer advice on the basis that floodlights would 'unacceptably urbanise the character of the open space and would affect residential amenity'

SUMMARY OF REPRESENTATIONS

32 individual letters of representation have been received following neighbour notification including objections from:

Cllrs Jayne Dunn and Brian Webster who object on the grounds of:

Light pollution, additional disturbance to nearby residents and local wildlife from sports activities and associated vehicular movements and adverse impact on the visual amenity of the locality.

Additional issues raised by other objectors:

An extension of playing hours would extend the period during which noise generated by the coming and going of club members disturbs local residents.

The lighting would have an adverse effect on local wildlife including bats.

The increase in vehicular traffic would increase vehicular and pedestrian conflict on surrounding roads.

The addition of columns and lights would adversely affect the character of the area.

A similar proposal was removed from an application in 2006 due to residents concerns.

The proposal would exacerbate the use of resident's parking spaces by visitors to the sports facilities.

Other matters raised that are not material

The development could impact on house values
Players on court use foul and abusive language
The development would impact on private views.

PLANNING ASSESSMENT

Policy

National Planning Policy Framework

Para 125 states:

'...planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Core Strategy Policy CS74 states:

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

c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form...

The site lies within an allocated Open Space Area and adjacent Housing Areas as defined in the Sheffield Unitary Development Plan. Relevant policies are therefore:

Policy LR5 'Development in Open Space Areas' states:

Development in Open Space Areas will not be permitted where:

- i) it would result in over-development or harm the character of an area; or
- k) the proposed use would be incompatible with surrounding land uses.

Policy H14 'Conditions on development in Housing Areas' states that in Housing Areas, new development or change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

Environmental Considerations

Visual impact of columns

The site comprises of single storey buildings and open fields/MUGA/artificial pitch. The site is set back from the highway and accessed via a driveway which serves the facility and nearby flats. The site is located close by residential development to the west and east. Whilst lying within an urban locality the community facility is not seen as visually incongruous in the context of its surroundings due to its limited height and generally open character. The boundary fence around the pitch/es has a permeable quality and, as a result, is not a visually dominant feature.

The proposal would see ten, 10 metre high, galvanized steel columns erected with one to three luminaries per column. The proposed columns would be significantly higher than other features on the site. In the view of the Local Planning Authority this would introduce ten, tall, utilitarian structures that would dominate the skyline when viewed from the surrounding area, including neighbouring gardens. The height and appearance of the proposed columns would have an urbanising effect which, it is considered, would be at odds with the prevailing character of the area and therefore contrary to Policy LR5.

Residential Amenity

Light

The sports facilities are located in a Housing Area and lie in close proximity to residential properties. As such the level of artificial lighting in the evening and night time hours is commensurate with this type of use with internal/external domestic lighting and street lighting the sole contributors to night time illumination.

Hence, whilst the locality could not be described as a 'dark' area akin to rural or semi-rural areas the 'ambient' light levels in evidence are relatively low in the evening/night time hours. The floodlights will therefore introduce an entirely different type of light source both in terms of scale and magnitude.

A lux contour plan has been submitted by the Applicants agent indicating that luminance levels at the nearest property will not exceed 10 lux and so in terms of direct light the proposal would be unlikely to create diasmenity to individual properties. (The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light', recommends a level of lighting not exceeding 10 Lux, for this type of area).

However, even though the proposed floodlights may have been designed to a high level of specification in order to minimise light spillage and glare, it is inevitable that their use would lead to an increase in levels of ambient light in the surrounding area. The majority of light may well be focused downwards towards the playing surfaces but this would itself introduce a brightly lit feature into an otherwise relatively low light environment.

This would most likely to be the case in winter, when the floodlights would be used during the hours of darkness when it is considered that some ambient light would still inevitably permeate into nearby residential property.

It is therefore considered that the general change in character to this residential area that would arise as a result of floodlighting the playing surfaces is unacceptable with regard to Policies LR5, H14 and CS74.

Intensification of Use and Associated Disturbance

During the Summer months play on the sports pitches is possible until 21:00 hours on weekdays and 19:00 on Saturdays and Sundays (The current limitation imposed through the Management Agreement referred to in Condition 17 of the 2006 permission).

Currently play is considerably more limited (by available daylight) in the Autumn and Winter. The introduction of floodlights would enable later play in these seasons.

As a result of such an extension of playing hours any disturbance caused by noise generated not only on the playing surfaces themselves, for example, sounds emanating from the pitch such as players kicking balls and talking/shouting during matches will inevitably be heard in the wider area, but also from the coming and going of club members/visitors/guests would also be extended.

Since the facilities current activities are established it is accepted that the later evening play and associated activity during the Summer months is a given and that the planning system cannot offer any greater protection to local residents in regard of disturbance during these periods.

However, the Autumn and Winter months do currently offer residents some respite from later evening playing, giving them opportunity to enjoy the benefits of their external amenity space without the intrusive effects of activity at the facility.

In addition, any intensification of vehicular movement on Weston View would impact on wider residential amenity in terms of noise and disturbance generated by car engine noise/car doors banging/in car stereos etc.

It is therefore considered that the introduction of floodlights and consequent extension of hours would have a deleterious effect on the amenity of occupants of neighbouring residential property and the wider locality and the proposal would therefore be contrary to Policies LR5 and H14 of the Unitary Development Plan.

Therefore even having regard to the existing situation, it is considered that the proposal would result in increased harmful levels of noise and disturbance to neighbouring occupants. As the facility to be lit is outdoor it is not considered that measures such as providing acoustic screening would overcome the harm identified (and would likely introduce elements that would adversely affect visual amenity in the locality). Even with the permitted operational hours limiting pitch use

to 21:00 it is still not considered that these restricted hours would overcome the harm.

One of the core planning principles of the National Planning Policy Framework is that planning should always seek to secure high quality design and a good standard of amenity for all existing occupants of land and buildings (paragraph 17). It is considered that the proposal would conflict with the Framework in this regard as well as policies LR5 and H14 of the UDP

Lighting and the Wider Environment

Whilst the localised effects of the proposal have already been considered it can be appreciated that the employment of efficient modern luminaires will limit the light pollution when considered on a city-wide scale. The purpose of such luminaires is to focus light towards the pitches and while there will be some reflective element from the pitch surface into the night sky. It is not considered that this factor would represent a robust reason for refusal.

Sport in the Community

The National Planning Policy Framework at Paragraph 73 states:

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Unitary Development Plan policy LR2 states:

New leisure uses and facilities, and improvements to existing ones, will be promoted, particularly where they would:

- (a) be in areas with few facilities or in areas of known poverty; and
- (b) be small-scale local facilities;
- (c) be easily accessible by public transport

The introduction of floodlit pitches will undoubtedly enable the facility to expand its activities into the evening hours during the Autumn and Winter months. This would facilitate additional capacity for members of the community to play and may encourage greater membership since, for those that work full time, the evening hours will be the only time that they can fit sport into their working day.

All these activities can play a part in providing an expanded community facility offering active sporting opportunity to those in the locality.

In this regard the proposal is considered to satisfy the aims promoted by paragraph 73 of the NPPF and Policy LR2 of the Unitary Development Plan.

RESPONSE TO REPRESENTATIONS

Matters relating to light pollution and noise and disturbance have been dealt with in the main body of this report.

Bats

The potential impact of the floodlighting on the local bat population has been raised by an objector. Bat vision works best in dim light. This vision can be interrupted by greater luminance, thus causing disruption in natural patterns of movement and foraging. However, pipistrelle bats (the most likely breed to be foraging near the site) are known to swarm around lighting that emits in the blue/white spectrum as this attracts insects. Research suggests that hoods which restrict light emission below the horizontal plane reduces potential impacts on bat activity. Hence, whilst it cannot be denied that some effect may arise from the introduction of artificial lighting at the site it is not considered that this is easily quantifiable. Given the recommendation in this report no further research has been undertaken and it is not considered that a robust reason for refusal can be based on potential foraging disruption.

Poor behaviour amongst users of the facility and impact on housing value and private views are not a material planning consideration

SUMMARY AND RECOMMENDATION

This is an application seeking to introduce floodlighting into a residential area with low levels of existing night time illumination.

It is considered that the floodlights will introduce structures that impact adversely on the visual amenity of the locality and that the lighting will alter the evening/night time character of the immediate locality.

It is also felt that the additional activity engendered by an additional hours of play on the pitches and activity associated vehicular movements of clientele, is likely to represent a significant impact on residential amenity.

It is not felt that these considerations are outweighed by the extension of available playing hours, and the potential to expand sporting/healthy activity within the community.

It is therefore considered that the proposed development is contrary to the intentions of the National Planning Policy Framework, Policy CS74 of the Sheffield Core Strategy and with UDP Policies LR5 and H14. The application is recommended for refusal.

Case Number	14/01314/FUL (Formerly PP-03314011)
Application Type	Full Planning Application
Proposal	Erection of three retail units (Units F1, F2 and F3), erection of building incorporating retention and extension of steel frame to provide 5 retail units (Units 1, 1A, 2, 3 and 4 including provision of mezzanine within Unit 3) and a leisure unit (Unit 5), erection of multi-storey decked car park, alterations to sub-divide Unit B to form two retail units (Units B1 and B2 including mezzanine) and a restaurant/cafe (Unit B3), substations, provision of car parking accommodation and landscaping works
Location	Land And Buildings East Of Railway Kilner Way Sheffield S6 1NN
Date Received	10/04/2014
Team	West and North
Applicant/Agent	Aylward Town Planning Ltd
Recommendation	GC Subject to Legal Agreement and Referral to Secretary of State

Subject to:

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

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

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

Drawing nos:

M8169-AEW-ZZ-DR-A-507 Rev P1 (location plan) received on 9.4.14;
M8169-AEW-ZZ-OO-DR-A-501 RevP2 (the location plan) received on 9.4.14;
M8169-AEW-ZZ-LG-DR-A-503 Rev P4 (lower level site plan) received on 16.5.14;
M8169-AEW-ZZ-OO-DR-A-502 Rev P3 (upper level site plan) received on 9.4.14;

M8169-AEW-ZZ-OO-DR-A-512 Rev P4 (unit 1-4A floor plans) received on 16.5.14;
M8169-AEW-XX-ZZ-DR-A-513 Rev P4 (unit 1-4A elevations) received on 16.5.14;
M8169-AEW-ZZ-OO-DR-A-510 Rev P1 (unit A-F floor plans) received on 9.4.14;
M8169-AEW-XX-ZZ-DR-A-511 Rev P2 (unit A-F elevations) received on 9.4.14;
M8169-AEW-CP-ZZ-DR-A-505 Rev P1 (parking deck plans) received on 9.4.14;
M8169-AEW-CP-DR-A-506 Rev P1 (car park deck sections) received on 9.4.14;
M8169-AEW-ZZ-ZZ-DR-A-504 Rev P2 (street elevations and site sections) received on 9.4.14;
3907-03 (tree constraints plan) received on 9.4.14;
3907-04 Rev A (landscape and refurbishment proposals) received on 9.4.14.

Reason: In order to define the permission.

- 3 The cumulative total of gross floorspace of units on the application site shall not exceed the limitations listed below:

(i) the cumulative total of gross floorspace (excluding basement floorspace) of units on the application site whose use is primarily for food retail shall not exceed 24,850 sq ft;

(ii) the cumulative total of gross floorspace (excluding basement floorspace) of units on the application site whose use is primarily for the sale of fashion and footwear goods shall not exceed 14,385 sq ft;

(iii) the cumulative total of gross floorspace (excluding basement floorspace) of units on the application site whose use is primarily for the sale of non-food goods shall not exceed 54,955 sq ft;

(iv) the remaining retail units on the application site shall not be used for the sale of the following goods:- (a) food and drink, except for consumption on the premises, or where ancillary to a main non-food retail use; (b) books, newspapers and magazines except where ancillary to another main non-food retail use; (c) clothing and footwear; (d) fashion accessories; (e) jewellery; (f) cosmetics and toiletries; (g) pharmaceutical products; (h) toys; (i) sports goods; (j) music and video recordings, video and computer games, mobile phones, cameras and other photographic equipment except where ancillary to a bulky non-food retail use.

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 4 The basement levels of Units 1, 2, 3 and 4 and the mezzanine level of Unit B2 shall only be used for storage purposes incidental to the primary use of the unit and shall not be used for the sale and display of goods or for any other purpose.

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 5 The retail units hereby approved shall not be subdivided into units of below 1,000 square metres (10,076 square feet).

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 6 Before occupation of Units 1, 1A, 2, 3, 4, B1, B2, E, F1, F2, F3, details of the phasing of the development including details of units, the gross floorspace of each unit, and the use of each unit in each phase of development shall have been submitted to and approved in writing by the Local Planning Authority.

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 7 Unit 5 shall be used solely for leisure purposes within use class D2 and shall not be used for any other purpose.

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 8 Unless otherwise shown on the approved drawings, the retail units hereby approved shall be single-storey and at no time shall any mezzanine or additional floors be constructed within the buildings.

Reason; In the interests of the vitality and viability of the Central Shopping Area and nearby District Shopping Centres in the City.

- 9 The hours of opening of the retail units shall be restricted to between 0800 hours and 2000 hours Mondays to Saturdays and to between 1000 hours and 1700 hours Sundays and Public Holidays.

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

- 10 No deliveries or servicing to or from the retail units shall take place other than between 0800 hours and 1800 hours Monday to Friday and 0800 hours and 1300 on Saturdays with no deliveries or servicing taking place on Sundays and Public Holidays.

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

- 11 Notwithstanding the indication given on the submitted drawings, before the new Units become occupied the car parking layout and some of the circulatory markings shall have been modified to improve pedestrian and vehicular access/movement within the parking areas, all in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason; In the interests of pedestrian safety and to ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

- 12 The new Units shall not become occupied 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 new Units are brought into use.

Highway Improvement Works:

Review/modify/improve/expand the MOVA control strategy in the vicinity of the development site along the A61, including carrying out the work, of implementing any additional detection and changes to software, of installing a camera linked to Urban Traffic Control, and of providing some advisory cycle lanes on the A61.

Reason; In the interests of traffic safety and the amenities of the location.

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

Reason; In the interests of traffic safety and the amenities of the location.

- 14 Before the new Units become occupied, the bicycle/motorcycle parking accommodation as shown in the approved plans shall have been provided, and thereafter, the bicycle/motorcycle parking accommodation shall be retained for the sole purpose intended.

Reason; In the interests of traffic safety and the amenities of the location.

- 15 All vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority prior to occupation of the new Units.

Reason; In the interests of traffic safety and the amenities of the location.

- 16 Before the new Units become occupied, illumination shall have been provided within the decked car park, all in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason; In the interests of traffic safety and the amenities of the location.

- 17 Before the new Units become occupied, a detailed Travel Plan for the whole Retail Park, 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. The detailed Travel Plan shall be developed in accordance with the draft/framework Travel Plan submitted with the planning application. The detailed Travel Plan shall include:

- (i) Clear and unambiguous objectives and modal split targets;
- (ii) An implementation programme (which should consider including car parking spaces with electric charging points, priority spaces for low carbon cars, real-time bus arrival/departure information screens within the entrances of the Units, delivery fleet vehicles to achieve at least Euro 5 standard for emissions, an area identified and signed for taxi pick-up and drop-off, monitoring of short-stay customer bicycle parking accommodation with more provided if necessary), 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;
- (iii) Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority;
- (iv) Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objections and modal split targets.

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

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

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

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

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

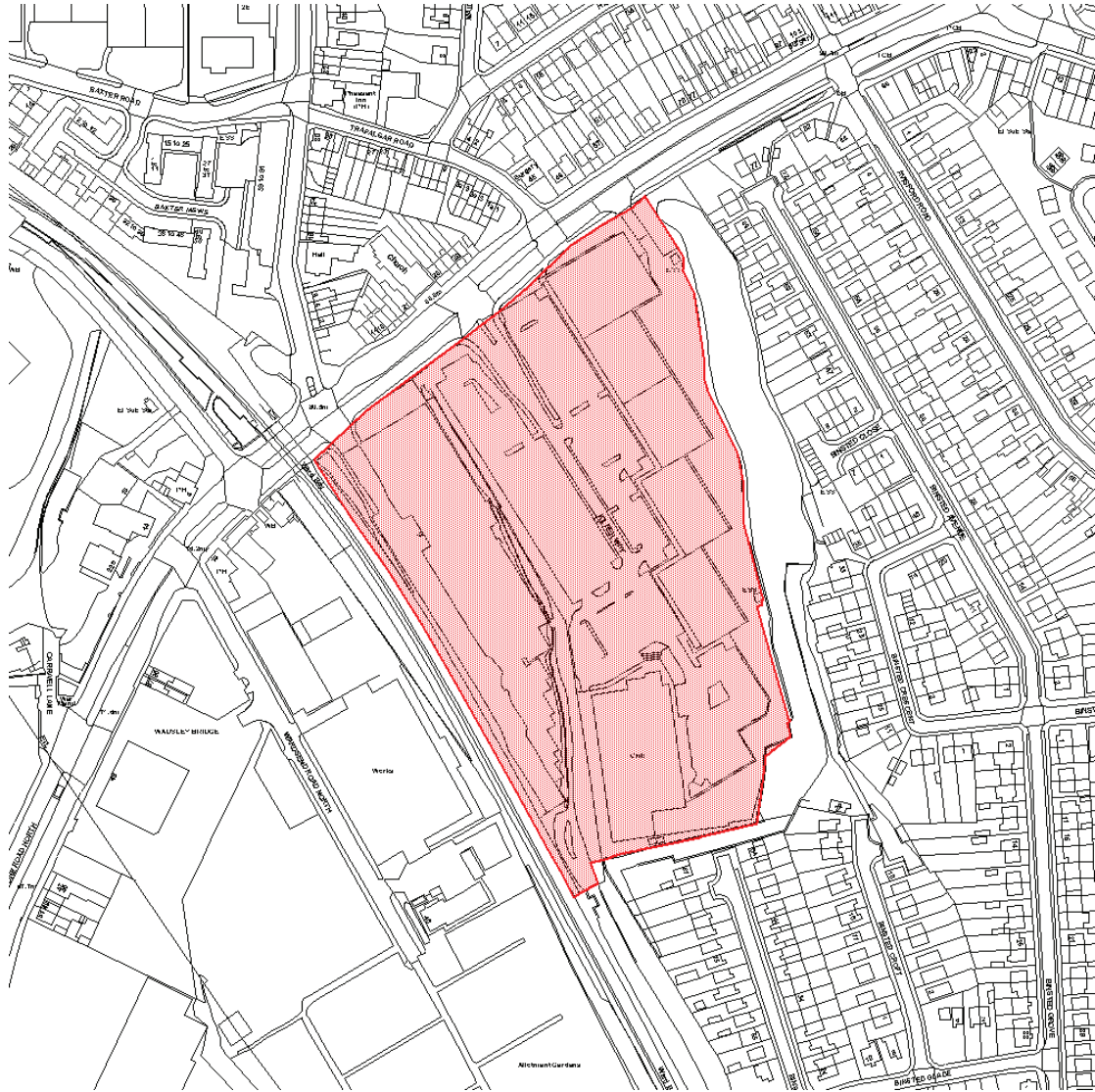
Reason: In the interests of the visual amenities of the locality.

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 or apply online at 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

The Kilner Way Retail Park lies on the southeast side of Halifax Road at Wadsley Bridge.

The retail park has been partially redeveloped. The re-alignment of the central service road known as Kilner Way has been completed. Currently, there are 5 units (known as Units A to E) on the eastern half of the site (3 of which are occupied by Argos, Halfords and Pets At Home), there is a retained leisure operator (Gala Bingo) on the southern part of the site, and a large steel frame on the western half of the site. The main customer car park is in the middle of the site straddling the Kilner Way spine road. The eastern half of this car park has been made available for use.

The surrounding area to the north, east and south is predominantly residential. There is a local shopping area alongside Halifax Road just to the northeast of the retail park. A railway line runs alongside the western boundary of the retail park beyond which is the mixed industrial and business area off Penistone Road North.

PROPOSAL

The applicant has stated that the proposal would provide a composite layout through which the approved buildings could be completed and all existing occupiers could remain in situ. The applicant has submitted heads of terms for a planning obligation to secure the non-implementation of some of the existing development consents on the site.

The proposal seeks full planning permission for the erection of 3 retail units (Units F1, F2 and F3), the erection of a building incorporating the retention and extension of an existing steel frame to provide 5 provide retail units and a leisure unit (Units 1A, 1, 2, 3 and 4 and 5), and alterations to sub-divide an existing retail unit (Unit B) to form two smaller retail units (Units B1 and B2) and a restaurant/cafe (Unit B3). The proposal also includes provision of three substations, car parking accommodation including the erection of decked car park on three levels, and landscaping works.

The 3 retail units (Units F1, F2 and F3) would be sited towards the southeastern corner of the site at the southern end of the row of the 5 existing units. Whilst their height, design and external materials would be similar to the existing units on the site, they would have a smaller footprint than the existing units. These 3 proposed units would each provide 172 sq meters (1,850 sq ft) of floorspace totalling 516 sq metres (5,550 sq ft).

The existing ground levels on the western side of the site fall significantly, being approximately one storey lower than the rest of the site. The proposed building on this part of the site (Units 1A, 1, 2, 3 and 4 and 5) which incorporates the existing steel frame would result in floorspace being provided on two levels with the upper floor retail units (the customer sales floors of Units 1 to 4) being at the same level as the main customer surface car park. A mezzanine of 836 sq metres (9,000 sq ft) is proposed within the upper level of Unit 3. The remaining retail unit (Unit 1A), the leisure unit (Unit 5), and ancillary storage for Units 1 to 4 would be at the lower level.

This building would provide approximately 3,668 sq metres (39,483 sq ft) of floorspace on the lower floor of which 2,361 sq metres (25,419 sq ft) would be the leisure unit, approximately 4,523 sq metres (48,685 sq ft) on the ground floor, and 836 sq metres (9,000 sq ft) on the mezzanine level.

The elevation of this building facing the main customer car park would be similar in height, design and external materials to the front elevations of the existing units on the opposing side of the car park. The proposed elevation facing onto Halifax Road also incorporates similar design and materials and would, due to the lower ground levels, appear as two-storey to this road frontage. The return rear elevations facing the western boundary would appear as secondary elevations mainly faced in cladding above a brickwork plinth and with goods service doors at their lower level. A small extension (approximately 151 sqm (1,630 sq ft) of floorspace at the upper ground floor level) is proposed to the southern end of the existing framework building (identified as Unit 4A) to provide vertical pedestrian circulation in the form of a lift and staircase between the upper car park level and the lower levels of Unit 5 and the proposed decked car park.

The proposed decked car park would be sited in the southwest corner of the site between the extended framework building and the retained leisure building occupied by Gala Bingo. The upper deck would be at the same level as the existing surface car park and would have a vehicle circulation ramp down to the middle deck. The lowest deck is accessed separately off the service road to the rear of proposed Units 1A to 5.

The proposal also seeks to sub-divide existing retail Unit B (currently unoccupied) to provide 138 sq metres (1,490 sq ft) of restaurant/café floorspace (Unit B3) on part of the existing floorspace and divide the remaining part of the unit into two smaller retail units and a storage mezzanine. This re-arrangement of Unit B would provide 465 sqm (5,000 sq ft) in Unit B1 and 347 sqm (3,735 sq ft) plus a storage mezzanine of 186 sqm (2,000 sq ft) in Unit B2.

Overall, this proposal would provide approximately 516 sq metres (5,550 sq ft) of retail floorspace in the proposed Units F1, F2 and F3, 6,666 sqm (71,750 sq ft) of retail floorspace in the re-modelled framework Units 1A, 1, 2, 3, and 4, and 2,361 sqm (25,418 sq ft) of leisure floorspace in Unit 5 of the framework building. The proposed café/restaurant in Unit B would reduce the retail floorspace in this existing unit. Existing retail Units A to E and the Gala Bingo leisure use currently on the site would be retained.

Various supporting statements have been submitted with this application including a Retail Assessment, Transport Assessment and Travel Plan, a Planning and Regeneration Statement, and a Design and Access Statement.

The applicant has submitted heads of terms for a planning obligation to secure a local labour scheme and a travel plan in addition to securing the non-implementation of some of the existing development consents on the site.

RELEVANT PLANNING HISTORY

There have been several applications for planning permissions and lawful development certificates relating to this site.

The site was originally developed in a piecemeal manner from the 1970's to 1990's including a foodstore, 3 retail units, two leisure units, a diner, and petrol filling station.

The main planning history relating to the redevelopment of the site comprises a series of applications between 2003 and 2011.

In 2003 full planning permission was granted subject to conditions for the redevelopment of part of the site on the east and south side of Kilner Way. This application site included the former buildings on the retail park and the Gala Bingo building but excluded the site of the adjacent bowling alley to the west side of the retail park. This planning permission involved demolition of the existing buildings on the site and comprised the erection of 8 retail units on the east and south side of Kilner Way (application no. 02/00051/FUL refers). The permitted units were referred to as Units A to H with Units F, G and H being proposed on the site of the Gala Bingo building and its surrounding car park and service yard. The conditions of the planning permission included a condition limiting the amount of unrestricted retail floorspace to 31,000 sq ft and limiting the range of goods able to be sold from the remaining floorspace (condition no.2), a condition that the retail units shall not be subdivided into units of below 1,000 sq metres (10,076 sq ft) (condition no. 3), and a condition stating that no mezzanines or additional floors shall be constructed within the buildings (condition no. 35).

A planning application to vary condition no. 2 of planning permission 02/00051/FUL to partly relax the restrictions on the sale of goods to allow a further 929 sq metres (10,000 sq ft) of the floorspace to be used for the sale of goods including food and drink was refused in 2005 (application no. 03/01423/FUL refers).

In 2006 outline planning permission was granted subject to conditions on the site of the retail park including the site of Gala and the adjacent bowling alley for erection of retail units and redesign and refurbishment of existing bowl building (amended scheme to 02/00051/FUL). This application sought to amend the 2003 permission so as to retain the Gala Bingo building and re-site four of the previously approved retail units (Units E-H) from the 'Gala site' to the site of the adjacent bowling alley (application no. 06/00846/OUT refers).

A subsequent amended outline planning permission was granted in 2007 for erection of retail units and redesign and refurbishment of existing bowl building (amended scheme to 06/00846/OUT to re-site Units A-D and amend floorspace of Units F-H (application no. 07/02613/OUT refers). This application excluded the Gala Bingo building from the 2006 application site. Units F-H in this description were the repositioned units on the site of the bowling alley building. By the time of this determination whilst the Gala building remained the majority of the site had been cleared. Reserved matters approval was granted in 2009 for redesign and refurbishment of existing bowl building, details of design, external appearance and landscaping (Units 1 to 4). This application renamed the relocated units (previously referred to as Units E to H in the earlier outline approval) as Units 1 to 4 (09/02361/REM refers). The pre-commencement conditions of reserved matters approval 09/02361/REM (conditions nos. 1, 2 and 3 relating to materials and entrances) were discharged on 17.6.11 (10/02340/COND).

The 2003 planning permission was implemented with the commencement of construction of Units A to D.

In 2008 planning permission was granted for alterations to the shop fronts of Units A to H. Units A to H in this application being those on the layout referred to in the 2003 permission (application no. 08/00623/FUL refers).

In 2009 a further planning permission was granted for alterations to internal division of some of these units resulting in amended elevations (application no. 09/03524/FUL refers). Work commenced on the construction of Unit E around August 2010. This permission was implemented in relation to Unit E only. Two similar applications for lawful development certificates seeking unrestricted sale of goods, including food, within use class A1 in respect of Unit E were submitted in 2011. One was refused in March 2012 (application no. 11/03933/LD2), the other was subsequently granted on appeal in August 2012 (application no. 11/02635/LD2 refers).

In April 2010 planning permission was granted for alterations to external appearance and internal division of Units 1-4 (application no. 10/00680/FUL refers).

Construction of a structural frame on the site on Units 1-4 commenced in about August 2010.

In 2011 two similar applications for lawful development certificates seeking unrestricted sale of goods, including food, within use class A1 in respect of Units 1-4 were submitted. One was refused in March 2012 (application no. 11/03931/LD2), the other was subsequently dismissed on appeal (application no. 11/02639/LD2 refers). The appellant subsequently sought a judicial review to quash the appeal decision, however this claim was adjourned in 2013.

An application for a lawful development certificate for the unrestricted sale of goods in respect of Units F to H (based on the appeal decision in respect of Unit E) was approved in June 2013 (application no. 13/01008/LD2 refers).

There have also been several other applications in relation to the individual units.

Phasing:

In April 2012 approval was given to details of phasing under planning permission 02/00051/FUL which identified Unit A and Unit B as having unrestricted Class A1 use (totalling 25,800 sq ft), and any remaining units built out under the 2003 planning permission having a restricted use as defined under condition no.2 (application 12/00374/COND refers).

Unit B:

In December 2013 planning permission was granted for alterations to subdivide the existing Unit B to provide a two retail units each of approximately 500 sq metres (Units B1 and B2) and to provide a mezzanine floor of 186 sq metres floorspace for storage and other back-office functions across the rear half of Unit B2 (application no. 13/02410/FUL refers).

Unit C:

In November 2010 both a lawful development certificate to establish lawful use of part of Unit C for sale of cycles and cycle accessories, and a planning application for the provision of a mezzanine floor for storage purposes and for the use of Unit C to include the sale of cycles and cycle accessories were submitted. Whilst the lawful development certificate was refused, planning permission was granted in January 2011 (application nos. 10/03792/LD2 and 10/03517/FUL refer).

Unit D:

Two lawful development certificates in respect of Unit D were approved in March and May 2011 respectively one for the sale of pet foods and pet related products and the other for the use of part of retail warehouse for pet care and treatment facility (application nos. 11/00343/LD2 and 11/00875/LD2 refer).

Unit E:

In April 2013 planning permission was granted for change of use of part of Unit E to restaurant and café and external alterations including external door and ramp/steps (application no. 13/00764/FUL refers).

A further planning application submitted in June 2014 in respect of Unit E is currently under consideration. This application is seeking planning permission for alteration to shop front elevation to replace existing entrance doors with glazed windows and insertion of new entrance doors and fire exit doors, erection of condenser units and condenser enclosure, erection of mesh bin store and erection of loading ramp in rear service yard, and alterations to car park layout including erection of new ramp and steps and trolley store (application no. 14/01998/FUL refers).

Car Parking:

In March 2012 planning permission was granted for alterations to car parking and recycling facilities. This application related to the parking and servicing area around the retained Gala building (application no. 11/03263/FUL refers). This permission has subsequently been implemented.

SUMMARY OF PLANNING HISTORY

Units A to D were constructed under planning permission 02/00051/FUL and are subject to the restrictive conditions of that planning permission which allows up to 2,880 sqm (31,000 sq ft) of unrestricted floorspace within use class A1.

Unit A provides 1,400 sqm (15,400 sq ft) of gross floorspace. This Unit is occupied within the unrestricted use class A1.

Unit B has an extant planning permission for its subdivision under planning permission 13/02410/FUL which would split this existing 10,800 sq ft unit into two and provide a storage mezzanine resulting in Unit B1 of 500 sqm (5,400 sq ft) and Unit B2 with 500 sqm (5,400 sq ft) on the ground floor and a mezzanine floor of 186 sq metres (2,000 sq ft) for storage and other back-office functions. This unit is currently unoccupied.

Unit C provides 1,000 sqm (10,800 sq ft) of ground floor floorspace and benefits under planning permission 10/03517/FUL for provision of a mezzanine floor of 153

sqm (1,650 sq ft) for storage. This unit is occupied and used for the sale of goods allowed under the restrictive condition although it also benefits from part of its floorspace (200 sqm (2,150 sq ft)) being used for sale of cycles and cycle accessories (also under planning permission 10/03517/FUL).

Unit D provides 1,060 sqm (11,400 sq ft) of floorspace. This unit is occupied and used for the sale of goods allowed under the restrictive condition.

Unit E provides 1,030 sqm (11,100 sq ft) of unrestricted retail floorspace under lawful use certificate 11/02635/LD2.

Units F, G and H have an extant lawful development certificate for 1,030 sqm (11,000 sq ft), 1,330 sqm (14,300 sq ft) and 1,020 sqm (11,000 sq ft) of unrestricted retail floorspace respectively (based on the appeal decision in respect of Unit E) under lawful development certificate 13/01008/LD2.

The framework building would provide an upper ground floor of 4,400 sqm (47,400 sq ft) comprising a unit (Unit 1) of 15,000 sq ft and three upper ground floor units (Units 2 to 4) each of 10,800 sq ft, and a lower ground storage floor of 3,620 sqm (39,000 sq ft) under reserved matters permission 09/02361/REM. This floorspace would be subject to the restrictive conditions of outline permission 07/02613/OUT.

SUMMARY OF REPRESENTATIONS

The application has been publicised by site notice, newspaper advert and letters of notification to nearby properties.

A representation objecting to the proposal has been received from Stocksbridge Regeneration Company Ltd (SRCL) relating to the following matters:

- the SRCL scheme for regeneration of surplus land at the Stocksbridge steelworks is at a crucial stage of its development programme and clearance and initial groundworks are underway for the retail units which play a central role in funding the associated employment space and wider regeneration of the redundant land, it is essential that inappropriate competing development is not allowed to come forward at the same time thereby jeopardising the regeneration effort at Stocksbridge and at centres elsewhere in the northern part of the city, the Kilner Way scheme represents such inappropriate development and should be refused;
- the Kilner Way proposal is posited as a way of extracting the site from an awkward position, this is disingenuous, the status arises from the use of the planning system to work around intended controls, any difficulties currently faced are a direct result of that;
- the application is not clear and explicit of the outcome sought in terms of range of uses, quantum and suggested conditions, allowing clothing and

- footwear sales as part of a general comparison goods allowance gives rise to a clothing dominated retail park in direct competition with an important mainstay of the high streets in the city's centres;
- existing plan of site and the Units F-H alternative not provided; these must be remedied through the submission and consultation on additional material before determination;
 - the likelihood of the fallback position being implemented is remote, it rests on assumption that a main foodstore would be accommodated through the completion of Units F-H and their amalgamation with Unit E, no evidence is provided to suggest there is operator interest, using unrealistic fallback position gives rise to high estimated impact on district centres;
 - the Core Strategy supports the improvement and expansion of Stocksbridge District centre, the application site benefits from no such policy support, it occupies an out of centre location, little weight should be attached to saved UDP Policy S9 which is inconsistent with the NPPF and saved UDP Policy S5 which is out of date, no weight can be attached to PPS4 Practice Guidance which has been superseded;
 - the quantum of new space associated with the proposal is not necessarily the main area of concern, rather it is the overall effect of the scheme which seeks to enhance the flexibility and marketability of the space, it would enhance well beyond that which would be associated with implementing existing permissions;
 - increase in car parking is a backward step in terms of sustainability of the site; it would draw trade and investment away from centres, the employment and regeneration benefits suggested are overstated focused narrowly on the retail park and will not be net additional rather a diversion of jobs and investment that could otherwise be delivered in centres across northern part of the city;
 - the application fails the sequential test, there is no overriding business model that demands the provision of new and modified space of the form proposed, opportunities exist to accommodate this space in centres including Stocksbridge;
 - any comparison between impact associated with the suggested fallback position and impact associated with the current proposal is false;
 - the quantitative analysis has some errors suggesting the comparison goods sales density at Stocksbridge would be greater than the convenience goods sales density generated by this store and uses lower than published sales density figures;
 - the cumulative impact figures in the submitted Retail and Leisure Assessment (RLA) are very high, the figures suggest that the RLA argument that the marginal impact associated with the proposal is not significant is not a reasonable position to adopt, cumulative impact on Hillsborough is not immaterial as shoppers visiting the centre would be significantly reduced meaning less patronage and linked trips, cannot be appropriate to load

further impact onto Chapeltown centre already facing high diversion of trade;

- no meaningful assessment of impact on investment, the proposal would have a material adverse impact on the delivery of the scheme at Stocksbridge, market feedback is that occupiers are considering Kilner Way including as an alternative to Stocksbridge, this will at best delay at worst prevent completion of important elements of the scheme at Stocksbridge.

PLANNING ASSESSMENT

Policy

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

Extant Planning Permissions and the Fallback Position

The site benefits from extant planning permissions and lawful development certificates.

Units A to D provide 4,460 sqm of ground floor retail floorspace and 338 sqm of mezzanine storage floorspace (conditioned to incidental storage only). Planning permission 02/00051/FUL allows up to 2,880 sqm of this to be unrestricted use within class A1.

Unit E provides 1,030 sqm of unrestricted floorspace under lawful use certificate 11/02635/LD2.

Units F to H would provide 3,380 sqm of unrestricted floorspace under lawful development certificate 13/01008/LD2.

Units A to H would therefore provide 8,870 sqm (95,400 sq ft) of ground floor retail floorspace and 338 sqm of mezzanine storage floorspace (conditioned to incidental storage only). Of this 7,290 sqm (78,400 sq ft) could be used for unrestricted use within class A1.

The framework building (Units 1 to 4) would provide four upper ground floor units totalling 4,400 sqm (47,400 sq ft), and 3,620 sqm (39,000 sq ft) of lower ground floor storage under reserved matters permission 09/02361/REM.

However the status of this framework building is disputed. Firstly, there is the outstanding matter of the developer's judicial review of the appeal decision which has been held in abeyance since 2013.

Secondly, there is the matter of whether the reserved matters approval and the earlier full planning permission 02/00051/FUL can both be implemented or whether they are alternatives with only one of them able to be implemented.

Reserved matters approval 09/02361/REM was granted in April 2010. Planning permission 02/00051/FUL was implemented in August 2010. The reserved matters approval relates to outline planning permission 07/02613/OUT which was described as amended scheme to 06/00846/OUT which was itself described as amended scheme to 02/00051/FUL. Whilst the descriptions of these proposed developments stated that they were amendments to planning permission 02/00051/FUL no conditions were imposed to state this as such or to state that they were alternative developments to 02/00051/FUL. If permission 09/02361/REM cannot be implemented due to it being an alternative to 02/00051/FUL, the framework building would need to be removed. If permission 09/02361/REM can be implemented as well as Units A to D under 02/00051/FUL, Units 1 to 4 would still be subject to a restrictive use condition limiting the extent of unrestricted floorspace.

The applicant considers the fallback scheme to comprise the completion of Units F to H, the insertion of mezzanines through permitted development rights (200 sqm per unit) and their lawful amalgamation with Unit E to provide a large format unit with open A1 consent, recognises the constraints on the ranges of goods sold in Units A to D and Units 1 to 4 and that the basement floor of Units 1 to 4 shall not be for retail purposes, and notes that this would result in the loss of the Gala Bingo use. The applicant considers that the amalgamation of Units E to H would be suitable for a main food operator competing directly with anchor stores at Hillsborough and Chaucer and the residual units would likely comprise fashion floorspace.

The applicant's fallback position assumes Units 1 to 4 can lawfully be built in addition to Units A to D.

Development Plan

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The Sheffield Unitary Development Plan (UDP) was adopted in 1998 and the Core Strategy was adopted in 2009.

The UDP Proposals Map identifies the site as being a Retail Park.

The Pre-Submissions version of the Draft City Policies and Sites Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map identifies the site as a Flexible Use Area.

The Government's planning policy guidance is contained in the National Planning Policy Framework (NPPF).

The NPPF states that there is a presumption in favour of sustainable development, and that for decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted (NPPF, paragraph 14).

The Government's planning practice guidance on 'Ensuring the vitality of town centres' was published in March 2014.

Sheffield Unitary Development Plan (UDP)

Policy S9 of the UDP relates to development in retail parks and states that development in retail parks which enables them to sustain their function primarily as locations for the sale of bulky household goods catering mainly for car-borne shoppers will be permitted.

Policy S9 identifies retail warehouses as the preferred use within retail parks, leisure uses as acceptable uses and other shops as unacceptable.

For the purposes of Policy S9 retail warehouses are defined as large single level stores specialising in the sale of household goods (such as carpets, furniture and electrical goods) and bulky DIY items, catering mainly for car-borne customers.

UDP Policy S6 states that conditions will be applied to permission for new shop development to restrict the range of goods sold and the maximum or minimum unit size where such conditions would prevent the proposals from undermining the vitality and viability of the Central Shopping Area or a nearby District Centre in a way that would otherwise justify refusal.

It is considered that, without appropriate conditions, an increase in the unrestricted sale of goods at the Kilner Way retail park would be contrary to UDP Policy S9.

In this instance, whilst UDP Policy S9 is a saved policy of the 1998 UDP, more up-to-date guidance has been published in the NPPF.

The Core Strategy

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre. Kilner Way is not identified as a District Centre in the Core Strategy.

Core Strategy Policy CS14 relates to city-wide distribution of shopping and leisure development. Policy CS14 states that new shops and leisure facilities with city-wide and regional catchments will be concentrated in the City Centre Primary Shopping Area. It states that major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District centres and their edges. The reasoning for Policy CS14 states that non-food development outside the City Centre Primary Shopping Area, District Centres and their edges, where appropriate will be considered in the light of current national retail policy.

It is considered that Core Strategy Policy CS14 is consistent with national policy guidance provided that the requirements of the NPPF are satisfied.

Core Strategy Policy CS15 relating to large leisure developments states leisure development serving smaller catchments such as the north or south of Sheffield will be located in specified alternative concentrations in the Upper Don and Sheaf Valleys if no sites are available or suitable in existing centres.

The Kilner Way retail park is approximately 1.4 km from the Chaucer District Centre and 1.9 km from the Hillsborough District Centre and as such is considered to be an out-of-centre location. It is considered that, for the purposes of Policy CS15, the retail park lies just outside the Upper Don Valley which runs through the Owlerton and Claywheels Lane areas to the south and west of the site.

The Pre-Submissions version of the Draft City Policies and Sites Document (CPSD) and Draft Proposals Map

CPSD Policy H1 states that in Flexible Use Areas acceptable uses include small convenience shop development of less than 200 sq metres that is associated with existing or proposed housing unless it would be permitted under the tests of acceptability set out in national policy and CPSD Policy B3. Leisure uses are to be decided on their individual merits. CPSD Policy B3 states that decisions about out-of-centre shopping and leisure proposals should conform to the sequential approach and impact assessments will be required.

The proposal would be acceptable under CPSD Policy H1 provided it accords with national guidance. However, there are unresolved objections to the proposed Kilner Way Flexible Use Area and as the Council no longer intends to submit this plan to the Secretary of State it is considered that CPSD Policy H1 carries little weight in this instance.

The NPPF

The Government's planning policy guidance in the NPPF states that local planning authorities should apply a sequential test and, if the development is above 2,500 sq m, require an impact assessment, to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan (NPPF, paragraphs 24 to 26).

The impact assessment should include impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and on town centre vitality and viability including local consumer choice and trade in the town centre and wider area (NPPF, paragraph 26).

The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused (NPPF, paragraph 27).

Sequential Test

The sequential test requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered, and when considering edge of centre and out of centre proposals preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale (NPPF, paragraph 24).

The applicant has submitted that there is an extant consent to redevelop this retail park, that this application seeks to re-work this consent to provide less floorspace, and that it accords with the development plan allocation.

The applicant has submitted that there is no proper requirement for arbitrary use of the disaggregation approach if this entirely fails the business model of end occupiers and developers, that the proposal seeks to remodel an existing retail and leisure park largely within the parameters of an approved scheme, and that there is no credible case for disaggregation of the proposal. The applicant considers there to be no available in-centre sites which could meet the requirement for a new retail and leisure park at or around 4.3 hectares in the catchment. The applicant has

also submitted that there is a location-specific requirement for redevelopment as the site does not meet its significant potential to provide a positive contribution to the local economy, and in its incomplete form is a negative contribution to streetscene impacting on the economic performance of this corridor into the city centre.

The applicant has submitted additional information to clarify their submissions on sequential approach.

The applicant's sequential search focuses within a catchment area covering north and northwest Sheffield. The 2010 Sheffield Retail Study and previous retail studies divided the city into various zones. The applicant's sequential approach has focused on Zones 1 (Stocksbridge which includes Oughtibridge and Worrall and the rural hinterland), 2 (Chapelton), 4 (North East Sheffield) and 5 (West Sheffield which includes Hillsborough, Stannington and Bradfield) which surround Zone 3 (North Sheffield) in which the Kilner Way site is located.

The applicant considers there are no existing sites within or to the edge of an in-centre location that could accommodate the proposed development.

The applicant has clarified that the boundary of the catchment represents a watershed at which point a resident would equally be drawn to the proposal site or to another shopping opportunity beyond the catchment. The applicant has submitted a 0-15 minute drive time isochrones which shows the Stocksbridge town centre to be just outside the catchment area of the Kilner Way proposal. The applicant has stated that this being the case Stocksbridge does not fall within the catchment and is thus not a relevant consideration. The applicant has also submitted that the nature of the Kilner Way scheme and the Stocksbridge scheme is substantially different in terms of its development mix and function.

It is considered that potential alternative sites must be within the catchment area of the proposal. The applicant's submissions on the location of Stocksbridge are noted. It is also noted that the retail impact assessment carried out for the proposed development at Stocksbridge did not consider Kilner Way to be in the Stocksbridge proposal's catchment area.

Never-the-less, it is considered that given the location of Stocksbridge town centre on the edge of the 0-15 minute drive time isochrones it should be assessed as part of the sequential approach. It is also considered that the City Centre should also be included in the sequential approach assessment since it is a higher order centre.

The remaining district centres within the catchment area are Chapelton, Chaucer, Hillsborough, Firth Park and Spital Hill.

It is agreed that there are no vacant sites or buildings suitable for accommodating floorspace of the scale proposed in Chapeltown, Chaucer, Hillsborough, Firth Park and Spital Hill. However there are sites available in the City Centre and at Stocksbridge.

There are two possible sites to be assessed in the City Centre, one being the New Retail Quarter (NRQ) and the other being at Moorfoot.

The NRQ is prioritised by Core Strategy Policy CS14 for a major retail-led mixed use regeneration scheme. Whilst it could accommodate the amount of floorspace proposed at Kilner Way their formats in this instance differ.

The site at Moorfoot is for a retail warehouse that is significantly smaller than the floorspace proposed at Kilner Way and in this instance is not suitable for the proposed development.

It is therefore concluded that there are no vacant sites or buildings suitable for accommodating floorspace of the scale proposed in the city centre.

There is one possible site on the edge of the existing Stocksbridge town centre. Development on this site for a town centre expansion scheme including a range of retail provision has recently commenced. This development has planning permission that includes a large format foodstore and a range of non-food retail units. This site is considered to be available in terms of the sequential approach assessment.

As regards the suitability of the Stocksbridge Town Centre expansion Scheme the approved development at Stocksbridge could accommodate the format of large scale retail warehouse type units. It is considered that potential occupants of the proposed development at Kilner Way would find the proposed units at the Stocksbridge site to be suitable in terms of format and size.

However, its geographical location with respect to the catchment area of the Kilner Way proposal also needs to be considered.

The catchment area of the Kilner Way proposal includes the densely populated urban areas around the site in north and northeast Sheffield (Zones 3 and 4), and the urban areas of Hillsborough, Middlewood and Stannington at the southeastern and eastern ends of Zones 1 (Stocksbridge) and 5 (West Sheffield). These urban areas close to the Kilner Way site account for the majority of the residents in its catchment area. These areas were also shown as being outside the 0-15 minute drive time catchment area submitted with the RIA for the Stocksbridge Town Centre Expansion Scheme proposal although the impact of the Stocksbridge scheme on the Hillsborough District Centre was considered.

It is considered that the needs of the majority of residents in the catchment area of the Kilner Way proposal would not be served by the Stocksbridge Town Centre Expansion Scheme.

It is considered that the relative distribution of population in northern Sheffield and the less populated settlements and their surrounding hinterland beyond the urban edge of the city up to Stocksbridge is a significant consideration in assessing the suitability of the available site at Stocksbridge. Whilst the Stocksbridge site is available and edge of centre it is considered that it is not a suitable alternative to Kilner Way.

It is therefore considered that there are no suitable sequentially preferable locations within the Kilner Way catchment and the sequential test is passed.

Impact Assessment

The applicant's submitted retail assessment (RIA) clarifies the nature of the proposed occupiers of the various units within the proposed scheme, and has assessed the turnover of the proposed development, where trade to the proposed development would be drawn from, and assesses the impact on existing centres.

For the purposes of the RIA, the proposed scheme distinguishes between the type of retail use envisaged in the new and retained units.

It identifies that the use of the proposed Units F1, F2 and F3 would be for non-food general comparison retail, Units 1 and 4 would be for food retail, Units 1A and 2 would be for general comparison retail, and Unit 3 (including its mezzanine) would be restricted to a limited range of comparison goods. The lower ground floors of Units 1 to 4 would be for retail storage.

It states that retained Unit A and Unit B1 would be for general comparison retail, retained Unit B2 (which would also have a mezzanine floor for storage) and Unit E would be for fashion and footwear, and retained Units C and D would be restricted to a limited range of comparison goods.

The remaining units would be for leisure (Unit 5 and the retained Gala building) and café/restaurant (Unit B3).

The applicant's RIA is based on a design year (normally 1 or 2 years after opening) of 2017. The applicant's assumptions on trade draw conform to national advice that important determinants are similarity of alternative shopping destinations and distance from the proposal.

The RIA states that the proposed development would have a turnover of £53.4m of which £13.1m is convenience and £40.3m is comparison goods. Compared to the existing turnover of the Kilner Way site of £18.2m for the existing occupied units on the retail park, the proposal would give an uplift of £35.2m. The RIA estimates that 80% (£28.1m) of this trade would be drawn from within its principle catchment area.

The RIA states that whilst the proposal would draw a significant proportion of its trade from other out-of-centre retail parks it will draw some but lesser trade from Hillsborough, Chaucer, Chapelton, Firth Park and the City Centre. The RIA states that the majority of the impact on the district centres is as a result of the convenience floorspace that would be delivered through the proposal.

From the submitted RIA it is considered that the proposal would draw approximately 67% of its comparison trade and 18% of its convenience trade from other out-of-centre retail parks and other out-of-centre locations.

The RIA states that the impact of the proposal on Hillsborough District Centre and Chaucer District Centre would result in approximately 5.2% and 4.8% respectively of those centres turnover being drawn to the proposed development at Kilner Way. The impact on Chapelton District Centre and Firth Park District Centre is approximately 2.2% and 1.9%, and the impact of the proposal on Stocksbridge Town Centre is 2% and on the Stocksbridge Town Centre Expansion Scheme's non-food units would be 7.2%. The RIA has also assessed the cumulative impact of the Kilner Way proposal together with existing committed schemes.

The Hillsborough District Centre is approximately 1.8 km to the south of the Kilner Way retail park. Vacancy rates in Hillsborough are around the average for district centres. The main impact of the 5.2% trade withdrawal at Hillsborough District Centre would be on the existing Morrisons foodstore and the B&M Home Store (former Co-op unit). The RIA estimates that £4m (equivalent to 6% of Morrisons trade) and £1m (equivalent to 21% of B&M's trade) would be drawn to the proposed development at Kilner Way.

The cumulative impact of the Kilner Way proposal together with existing committed schemes on the Hillsborough District Centre as a whole would be 10.4%, and on Morrisons it would 40% and on B&M 35%.

One of the committed schemes, the proposed Sainsbury's foodstore is between Hillsborough and the Kilner Way retail park and is currently under construction. The retail impact assessment submitted with the Sainsbury's development estimated from a household survey that the Morrisons store at Hillsborough had a turnover of £98m compared to its benchmark turnover of £54m (equivalent to trading 81% above benchmark). Other retail assessments commissioned by the

Council also showed Morrisons at Hillsborough to be overtrading relative to the benchmark although by lesser amounts. The 2005 WYG study showed it to be overtrading by 52%, and the 2009 Sheffield Retail Study gave the overtrading as 63%.

The 2009 Sheffield Retail Study advised that the then proposed Chaucer and Spital Hill stores (now trading as Asda and Tesco) would reduce overtrading at Morrisons at Hillsborough but not to the detriment of the centre, and that no further floorspace should be allocated near to this centre as the objective should still be to continue to enhance the vitality and viability of the centre.

The RIA submitted by the applicant's for the Kilner Way proposal estimates the Morrisons store to have a turnover of £104m prior to the committed schemes and £66m after commitments have been accounted for.

It is therefore concluded that on the evidence submitted, that although the Morrisons store at Hillsborough would suffer a substantial reduction in its current turnover it would still be trading close to its company average level, it would be unlikely to close, and its turnover likely to remain enough for it to continue to serve the centre.

It is considered that the estimated impact on the B&M store and the remaining District Centre at Hillsborough would not have a significant effect on the vitality and viability of the Hillsborough District Centre.

The Chaucer District Centre is approximately 1 km to the north of the Kilner Way retail park. The main impact of the 4.8% trade withdrawal at Chaucer District Centre would be on the existing Asda foodstore. The RIA estimates that £2m (equivalent to 5% of Asda's trade) would be drawn to the proposed development at Kilner Way.

The Chaucer District Centre has recently been developed. The supermarket was assessed as meeting a need within the north of the city and would take some of its trade from the overtrading of Morrisons at Hillsborough as well as from other stores and centres in its catchment area. It is considered that the cumulative impacts of the proposed Kilner Way development together with the other committed schemes will not significantly impact on the investment at Chaucer and the future vitality and viability of the Chaucer District Centre.

The Chapeltown District Centre lies approximately 5.3 km to the northeast of the proposal site, beyond the district centre at Chaucer. It has a large Asda foodstore within the centre. The main impact of the 2.2% trade withdrawal at Chapeltown District Centre would be on the existing Asda foodstore. The RIA estimates that £1m (equivalent to 2.5% of Asda's trade) would be drawn to the proposed

development at Kilner Way. The cumulative impact of the Kilner Way proposal together with existing committed schemes on the Chapeltown District Centre as a whole would be 29%, and on Asda it would 32%. It is considered that the Chapeltown District Centre is reasonably healthy and is far enough away from the proposed site so as not to be significantly impacted.

The Firth Park District Centre lies approximately 3.5 km to the east of the proposal site. The main impact of the 1.9% trade withdrawal at Firth Park District Centre would be on the existing Co-op foodstore. The RIA estimates that £0.3m (equivalent to 5.2% of Co-op's trade) would be drawn to the proposed development at Kilner Way. The cumulative impact of the Kilner Way proposal together with existing committed schemes on the Firth Park District Centre as a whole would be 14%, and on Co-op it would 26%. It is considered that the proposal will not significantly impact on the vitality and viability of the Firth Park District Centre.

Stocksbridge Town Centre lies approximately 9.5 km to the northwest of the proposed site, although the distance by road is slightly further. The RIA assesses the main impact of the Kilner Way proposal on Stocksbridge Town Centre to be on the existing Lidl store which would have £0.4m (equivalent to 9.4% of its trade) drawn to the proposed development at Kilner Way. The RIA assesses the main impact on the Stocksbridge Town Centre Expansion Scheme to be on the proposed non-food units in the town centre expansion scheme which would have £1.8m (equivalent to 7.2% of its anticipated trade) drawn to the development at Kilner Way. The RIA assesses the cumulative impact on Stocksbridge Town Centre at 6.7% and on the Town Centre Expansion Scheme it remains at 7.2%.

The importance of the Stocksbridge Town Centre Expansion Scheme to clawing back expenditure into the town and its re-generational benefits are welcomed and supported.

The retail assessment submitted with the Stocksbridge scheme stated that only 13% of local residents do their food shopping at the Lidl and Co-op stores in the town centre with 70% doing their shopping elsewhere in superstores. The proposed superstore in Stocksbridge is therefore likely to satisfy shopper's needs and reduce the need to travel. Overall it was considered that whilst there was no quantitative need for the amount of retail floorspace proposed in the town centre expansion scheme, there was a qualitative need for a development to enhance Stocksbridge as a district centre, and a qualitative need for a superstore to broaden the range of goods available, clawback expenditure and reduce trips. The scale is large relative to the existing centre but it will not raise Stocksbridge above its role as a district centre and will have a positive impact on Stocksbridge.

Work has commenced on site in Stocksbridge to deliver the town centre expansion scheme including the relocation of the steel storage warehouse for the TATA steelworks. The sensitivity of this investment to impact from other developments is recognised. It is considered that the proposed Kilner Way development will not impact on the proposed foodstore at Stocksbridge. Whilst the Kilner Way RIA assumes that the proposed non-food units at Kilner Way would take trade from those proposed at Stocksbridge, it is considered that the 7.2% trade withdrawal is not likely to prejudice their development. It is considered that the impact of the Kilner Way proposal on the existing Stocksbridge Town Centre will not significantly impact on the vitality and viability of the existing town centre.

The Kilner Way site lies approximately 4.5 km to the north of the City Centre. The Kilner Way RIA assesses that the proposal would result in a trade withdrawal of £3.1m (equivalent to 0.3% of its trade) from the city centre to the proposed development at Kilner Way. The city centre's comparison turnover is deemed large enough (over £900m) to withstand trade withdrawal to the proposed development. Impact on convenience business in the city centre is likely to be small.

It is therefore concluded that impact on centres will be small and not significant enough for the proposal to be refused under paragraph 26 of the NPPF.

Highway and Transportation Issues

The application site is accessed off the A61 Halifax Road. It has three accesses onto Halifax Road. The main access for customers is from its junction with Kilner Way which is controlled by traffic lights and includes pedestrian crossing facility. There are two separate accesses for servicing, one at either end of its frontage to Halifax Road.

The adjacent junction of Fox Hill Road with the A61 is also a traffic light controlled.

The submitted planning application has been supported by a Transport Assessment (TA) to consider the highways and access issues arising from the completion of the Kilner Way Retail Park.

The TA also reflects on the 2002 scheme and an extant planning consent from 2012. In order to assess the impact of the current proposals, the applicant commissioned some multi-modal traffic surveys along corridor of the A61 in the vicinity of Kilner Way. This determined the base traffic conditions for the existing 3 retail units currently trading at Kilner Way and the retained Gala Bingo. The data showed that the Friday peak period is from 16:30 hours to 17:30 hours and the Saturday peak is from 12:15 hours to 13:15 hours. The computer database 'TRICS' has then been interrogated to predict the trips likely to be generated from

all the different units. These new trips generated by the completion of Kilner Way Retail Park have then been fed into the computer programme LINSIG, which has modelled/replicated the traffic-lights at Kilner Way and Fox Hill Road to see how they perform when subjected to the new/predicted traffic conditions.

For the Saturday peak (with Kilner Way retail park fully developed) the mean maximum vehicle queue in the right-turn lane for traffic turning into Kilner Way is predicted to be 8.5 vehicles. The right-turn lane is not quite that long so it is possible that, at times, northbound traffic on the A61 will be impeded by the queue tailing out of this lane.

The southbound percentage saturation in the Saturday peak rises from 56% in the base to 86% fully developed. This is a significant rise and will result in significant slowing on this downhill section. As a consequence there may be a potential for a rise in shunt accidents. The queues go up to 13.5 vehicles in the southbound ahead-left lane. This will queue through the pedestrian crossing unless the signals are properly co-ordinated. The queues in the ahead-left and ahead lanes are dissimilar and this might result in pedestrians attempting crossing from the nearside whilst the offside lane is still moving. Ensuring the pedestrian crossing can only be called when the southbound main stop at Kilner Way receives a red signal would ease this latter concern.

The Kilner Way and Fox Hill Road signal junctions are under the control of MOVA (a software package that optimises signal timings, easing queues/delays). However, as a consequence of these significant changes (base conditions compared to fully developed), it is considered that the MOVA control strategy along this section of the A61 will need to be modified/improved/expanded. This work is of strategic importance for the City Council as highway network manager, but also to the owners of Kilner Way to assist a smooth flow of customers. The cost of carrying out this work, of implementing any additional detection and changes to the software, of installing a camera linked to Urban Traffic Control, and of providing some advisory cycle lanes on the A61 should be funded by the development. No geometric changes to the junctions (vertical/horizontal alignment of kerblines) are proposed or achievable.

The access arrangements from Halifax Road into the site would remain the same. The northern access is for service vehicles and staff cycle parking (staff cycle parking will be sheltered and dispersed across the rear of the Units). The central access is for customers (vehicles and bicycles). The southern access is for service vehicles, staff car parking (within the bottom deck of a new 3 storey car park), and staff cycle parking (also in the bottom deck of the 3 storey car park). There will be no vehicular access from the bottom deck of the multi-story car park to the other 2 decks. The top 2 decks will be for customer car parking, accessed from the middle junction (Kilner Way) through the main body of the existing car park.

These proposals result in a total of 614 car parking spaces (an increase of 238 compared to the current site) comprising: 486 standard customer car parking spaces; 46 disabled car parking spaces; 24 parent and child spaces (all accessed from the middle Kilner Way junction); and 58 staff car parking spaces (reached from the servicing access to the rear of Units 1 to 5). 56 short-stay customer cycle parking spaces will be evenly distributed within the Retail Park, close to the entrances of the different Units. 24 long-stay staff cycle parking spaces will be provided to the rear of the Units and in the bottom deck of the multi-storey car park. Some minor revisions to the car parking layout (particularly within the multi-storey) will be required to assist pedestrian circulation.

It is considered that the amount of parking proposed for the whole development still sits within Council's parking policy guidelines. The location is sustainable.

There are no highway objections to the development proposal subject to appropriate conditions.

Effect on the Amenities of Residents and the Locality

There are residential properties fronting Halifax Road opposite the site's frontage, and alongside the eastern and southern boundaries of the site.

It is considered that there is sufficient separation between the proposed development and nearby residential properties to ensure that the proposed development would not significantly harm the living conditions of nearby residents.

UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

The layout, massing, design and appearance of the proposed development would be in keeping with the existing retail park and would not harm the appearance of the streetscene. The proposal complies with UDP Policy BE5 and Core Strategy Policy CS74.

Planning Obligations

A planning obligation will be required to secure a local labour scheme and the non-implementation of some of the existing development consents on the site.

Whilst a planning obligation would be needed to secure the contribution towards travel plan monitoring offered by the applicant, the travel plan contribution is not a planning requirement and has no weight in the determination of this application.

Referral to the Secretary of State

The proposed development will need to be referred to the Secretary of State should Members be minded to grant planning permission for the proposed development.

Conclusion

The Kilner Way retail park is considered to be an out-of-centre location.

Whilst UDP Policy S9 is a saved policy of the 1998 UDP, more up-to-date guidance has been published in the NPPF.

Core Strategy Policy CS34 encourages District Centres in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

Core Strategy Policy CS14 states that new shops and leisure facilities with city-wide and regional catchments will be concentrated in the City Centre Primary Shopping Area, and that that major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District centres and their edges. Core Strategy Policy CS14 is consistent with national policy guidance provided that the requirements of the NPPF are satisfied.

The Government's planning policy guidance in the NPPF is a material consideration. In this instance significant weight is given to the requirements of paragraphs 24 to 27 of the NPPF particularly in relation to the sequential test and impact assessment.

Whilst the Stocksbridge site is available and edge of centre it is considered that it is not a suitable alternative to Kilner Way. The relative distribution of population in northern Sheffield and the less populated settlements and their surrounding hinterland beyond the urban edge of the city up to Stocksbridge is a significant consideration in assessing the suitability of the available site at Stocksbridge.

It is concluded that impact on district centres will be small and not significant enough for the proposal to be refused.

A planning obligation will be required to secure the non-implementation of some of the existing development consents on the site, and conditions will be required to restrict the development, and its impact, to that submitted and assessed.

Other material considerations including impact on highway safety and transportation issues, and impact on the amenities of residents and the locality are not significant and can properly be mitigated by appropriate conditions.

It is considered, on balance, that the proposal would have no significant impacts.

SUMMARY

The Kilner Way Retail Park lies on the southeast side of Halifax Road at Wadsley Bridge.

This proposal would provide approximately 516 sq metres of retail floorspace in the proposed Units F1, F2 and F3; 6,666 sqm of retail floorspace in the re-modelled framework building (comprising Units 1A, 1, 2, 3, and 4) and 2,361 sqm of leisure floorspace on the lower ground floor of the framework building (Unit 5); and a café/restaurant in existing retail Unit B. Existing retail Units A to E and the Gala Bingo leisure use currently on the site would be retained.

The applicant has stated that the proposal would provide a composite layout through which the approved buildings could be completed and all existing occupiers could remain in situ. The applicant has submitted heads of terms for a planning obligation to secure the non-implementation of some of the existing development consents on the site.

The main planning history relating to the redevelopment of the site comprises a series of applications between 2003 and 2011. These have resulted in the site benefiting from both extant planning permissions and from lawful development certificates.

The retail park has been partially redeveloped under some of these permissions and certificates. Currently, there are 5 units (known as Units A to E) on the eastern half of the site (3 of which are occupied), there is a retained leisure operator (Gala Bingo) on the southern part of the site, and a large steel frame on the western half of the site.

The 5 retail units currently on the site (Units A to E) provide approximately 5,490 sqm of retail floorspace and 338 sqm of ancillary mezzanine storage. Of this 3,910 sqm could be used for unrestricted retail sales.

There is an unimplemented lawful development certificate (Units F to H) for an additional 3,380 sqm of unrestricted retail floorspace.

The framework building on the site (Units 1 to 4) would provide 4,400 sqm of restricted retail floorspace and 3,620 sqm of lower ground floor storage although

the status of this framework building is disputed. The applicant's fallback position assumes Units 1 to 4 can lawfully be built in addition to Units A to D.

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

The UDP Proposals Map identifies the site as being a Retail Park. It is considered that, without appropriate conditions, an increase in the unrestricted sale of goods at the Kilner Way retail park would be contrary to UDP Policy S9. However, in this instance, whilst UDP Policy S9 is a saved policy of the 1998 UDP, more up-to-date guidance has been published in the NPPF.

The Core Strategy does not identify Kilner Way as a District Centre. Core Strategy Policy CS34 encourages District Centres in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

The Kilner Way retail park is considered to be an out-of-centre location. Core Strategy Policy CS14 states that new shops and leisure facilities with city-wide and regional catchments will be concentrated in the City Centre Primary Shopping Area, and that that major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District centres and their edges. Core Strategy Policy CS14 is consistent with national policy guidance provided that the requirements of the NPPF are satisfied.

The Government's planning policy guidance in the NPPF states that local planning authorities should apply a sequential test and, if the development is above 2,500 sq m, require an impact assessment, to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan (NPPF, paragraphs 24 to 26). The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused (NPPF, paragraph 27).

The applicant considers that for the purposes of the sequential test, there are no existing sites within or to the edge of an in-centre location that could accommodate the proposed development.

The applicant's submissions are noted. It is agreed that there are no vacant sites or buildings suitable for accommodating floorspace of the scale proposed in or at the edge of Chapeltown, Chaucer, Hillsborough, Firth Park and Spital Hill district centres.

However there are two possible sites to be assessed in the City Centre (one being the New Retail Quarter (NRQ) and the other being at Moorfoot) and an edge of centre site in Stocksbridge.

Whilst the NRQ could accommodate the amount of floorspace proposed at Kilner Way their formats in this instance differ and as such the NRQ would not be suitable. The site at Moorfoot is for a retail warehouse that is significantly smaller than the floorspace proposed at Kilner Way and is not suitable for the proposed development. It is therefore concluded that there are no vacant sites or buildings suitable for accommodating floorspace of the scale proposed in the city centre.

The Stocksbridge site is an edge of centre site comprising the Stocksbridge Town Centre Expansion Scheme. It is considered that potential occupants of the proposed development at Kilner Way would find the proposed units at the Stocksbridge site to be suitable in terms of format and size. However, the needs of the majority of residents in the catchment area of the Kilner Way proposal would not be served by the Stocksbridge Town Centre Expansion Scheme.

It is considered that the relative distribution of population between northern Sheffield and the less populated settlements and their surrounding hinterland beyond the urban edge of the city up to Stocksbridge is a significant consideration in assessing the suitability of the available site at Stocksbridge. Whilst the Stocksbridge site is available and edge of centre it is considered that it is not a suitable alternative to Kilner Way.

It is therefore considered that there are no suitable sequentially preferable locations within the Kilner Way catchment and the sequential test is passed.

The RIA states that the proposed development would have a turnover of £53.4m of which £13.1m is convenience and £40.3m is comparison goods. Compared to the existing turnover of the Kilner Way site of £18.2m for the existing occupied units on the retail park, the proposal would give an uplift of £35.2m. The RIA estimates that 80% (£28.1m) of this trade would be drawn from within its principle catchment area and that whilst the proposal would draw a significant proportion of its trade from other out-of-centre retail parks it will draw some but lesser trade from district centres.

The RIA states that impact on existing centres would be: Hillsborough District Centre 5% trade drawn from the district centre to the Kilner Way; Chaucer District Centre 4.8; Chapeltown District Centre 2.2%; Firth Park District Centre 1.9%; Stocksbridge Town Centre 2%; and on the Stocksbridge Town Centre Expansion Scheme's non-food units 7.2%. The RIA has also assessed the cumulative impact of the Kilner Way proposal together with existing committed schemes.

With regards to Hillsborough District Centre it is concluded that on the evidence submitted, that although the Morrisons store at Hillsborough would suffer a substantial reduction in its current turnover it would still be trading close to its company average level, it would be unlikely to close, and its turnover likely to remain enough for it to continue to serve the centre. The remaining impacts on the District Centre at Hillsborough would not have a significant effect on the vitality and viability of the Hillsborough District Centre.

It is considered that the cumulative impacts will not significantly impact on the investment at Chaucer and the future vitality and viability of the Chaucer District Centre.

It is considered that the Chapeltown District Centre is reasonably healthy and is far enough away from the proposed site so as not to be significantly impacted.

It is considered that the proposal will not significantly impact on the vitality and viability of the Firth Park District Centre.

The RIA assesses the main impact of the Kilner Way proposal on Stocksbridge Town Centre to be on the existing Lidl store which would have £0.4m (equivalent to 9.4% of its trade) drawn to the proposed development at Kilner Way. The RIA assesses the main impact on the Stocksbridge Town Centre Expansion Scheme to be on the proposed non-food units in the town centre expansion scheme which would have £1.8m (equivalent to 7.2% of its anticipated trade) drawn to the development at Kilner Way.

The importance of the Stocksbridge Town Centre Expansion Scheme to clawing back expenditure into the town and its re-generational benefits are welcomed and supported. Work has commenced on site in Stocksbridge to deliver the town centre expansion scheme including the relocation of the steel storage warehouse for the TATA steelworks. The sensitivity of this investment to impact from other developments is recognised.

It is considered that the proposed Kilner Way development will not impact on the proposed foodstore at Stocksbridge. Whilst the Kilner Way RIA assumes that the proposed non-food units at Kilner Way would take trade from those proposed at Stocksbridge, it is considered that the 7.2% trade withdrawal is not likely to prejudice their development. It is considered that the impact of the Kilner Way proposal on the existing Stocksbridge Town Centre will not significantly impact on the vitality and viability of the existing town centre.

The city centre's comparison turnover is deemed large enough (over £900m) to withstand trade withdrawal to the proposed development. Impact on convenience business in the city centre is likely to be small.

It is therefore concluded that impact on centres will be small and not significant enough for the proposal to be refused under paragraph 26 of the NPPF.

There are no highway objections to the development proposal subject to appropriate conditions.

The right-turn lane is not quite that long so it is possible that, at times, northbound traffic on the A61 will be impeded by the queue tailing out of this lane. The southbound percentage saturation in the Saturday peak rises from 56% in the base to 86% fully developed which is a significant rise and will result in significant slowing on this downhill section.

As a consequence of these significant changes it is considered that the MOVA control strategy (a software package that optimises signal timings, easing queues/delays) along this section of the A61 will need to be modified/improved/expanded and funded by the development.

The amount of parking proposed for the whole development is within the Council's parking policy guidelines.

It is considered that there is sufficient separation between the proposed development and nearby residential properties to ensure that the proposed development would not significantly harm the living conditions of nearby residents.

The layout, massing, design and appearance of the proposed development would be in keeping with the existing retail park and would not harm the appearance of the streetscene.

A planning obligation will be required to secure a local labour scheme and the non-implementation of some of the existing development consents on the site.

Whilst a planning obligation would be needed to secure the contribution towards travel plan monitoring offered by the applicant, the travel plan contribution is not a planning requirement and has no weight in the determination of this application.

If members are minded to grant planning permission the application has to be referred to the Secretary of State.

RECOMMENDATION

It is recommended that members be minded to grant planning permission subject to conditions and to;

- (i) the completion of a satisfactory legal agreement to secure a local labour scheme and the non-implementation of some of the existing development consents on the site; and
- (ii) no objections being received from the Secretary of State.

Case Number 14/00478/OUT (Formerly PP-03166154)

Application Type Outline Planning Application

Proposal Demolition of dwellinghouse and outbuildings and erection of six apartments in a three-storey block (As amended plans received 28th May 2014)

Location 448 Abbey Lane
Sheffield
S7 2QY

Date Received 13/02/2014

Team South

Applicant/Agent Ms Sarah Bolsover

Recommendation Grant Conditionally

Subject to:

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

Drawing 6479_P03B Proposed Site Layout
Drawing 6479_P04A Proposed lower ground Floor Plan
Drawing 6479_P05A Proposed Ground Floor Plan
Drawing 6479_P06 Proposed 1st Floor Plan
Drawing 6479_P08C Proposed rear elevation
Drawing 6479_P09 Proposed east elevation
Drawing 6479_P10B Proposed front elevation
Drawing 6479_P11A Proposed west elevation
Drawing 6479_P12A Sections AA + BB
Drawing 6479_P13 Sections B-B
Drawing 6479_P14 Sections A-A

Reason: In order to define the permission.

- 2 The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (c) Landscaping (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

- 3 Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

- 4 The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

- 6 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.

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

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

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

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

Reason: To ensure satisfactory drainage arrangements.

- 9 The apartments shall not be used unless the car parking accommodation for 10 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 10 The apartments 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.

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

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

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

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

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

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

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

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

Reason: In the interests of delivering sustainable forms of transport.

- 15 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.

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

- 16 Unless it can be shown not to be feasible and viable, each reserved matters application for a new building shall be accompanied by a report which shall be submitted to and approved in writing by the Local Planning Authority identifying the strategy for providing a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

This condition shall not preclude an agreement being reached with the Council for a contribution towards an off-site carbon reduction scheme if it is demonstrated that it is not feasible to generate renewable or low carbon energy on site.

Reason: 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.

- 17 Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the proposed recycling facilities for users shall be provided. This shall include the details of how bin storage will include separate storage for recyclable materials on site including paper and plastic/metal storage.

The details shall be submitted to and approved in writing by the Local Planning Authority, provided and thereafter retained in accordance with the approved scheme.

Reason: In the interests of sustainable development.

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

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

- 19 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 apartments 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).

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

- 20 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
 - b) Be capable of achieving the following noise levels:
 - Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
 - Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
 - c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

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

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

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

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

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

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

- 25 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.

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

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

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

- 27 The development shall not commence until details of the bin storage has been submitted to and approved in writing by the Local Planning Authority. Thereafter such bin storage shall be retained.

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

- 28 Details of an area of open space, which shall be no less than 10% of the site area and shall include details of its use and any structures to be erected upon it, shall be included with the reserved matters submission for the siting of the dwellings hereby approved. This condition shall not preclude an agreement being reached with the Council for some alternative means of providing the requisite open space either on another site or by way of a contribution towards the provision or improvement of facilities on another site.

Reason: In order to meet the requirements of Policy H16 of the Unitary Development Plan.

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

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

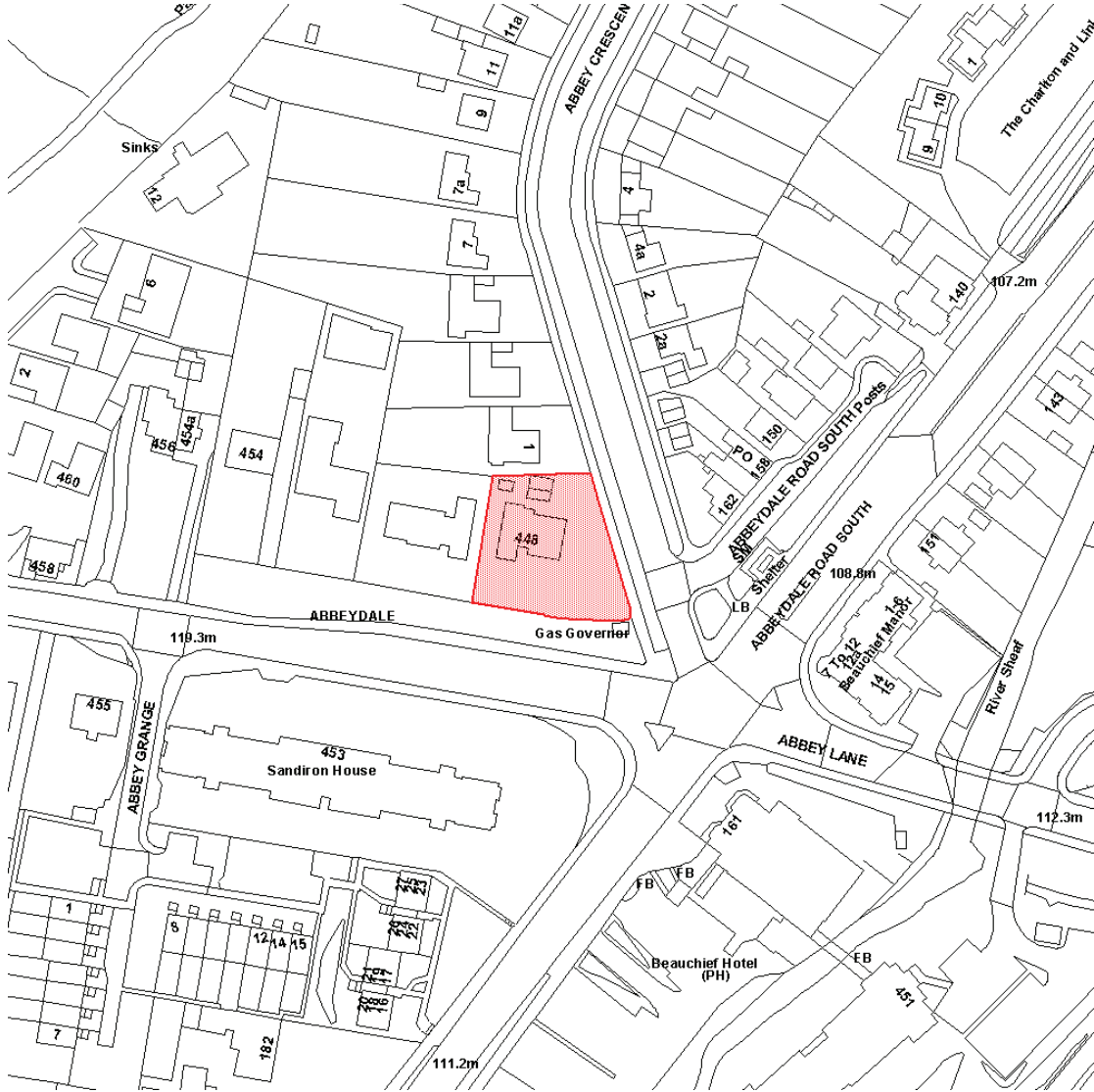
Development Services
Howden House
1 Union Street
Sheffield S1 2SH

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

3. 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.
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
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 or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The application relates to the site of 448 Abbey Lane, which currently contains a single detached bungalow set back from both Abbey Lane running along the southern boundary and Abbey Crescent running along the eastern boundary.

The site is situated within a Housing Area as defined in the Unitary Development Plan. The existing building on the site is a detached bungalow with relatively large footprint. It sits towards the north-west corner of the site with the land falling down to the south-east. At present the site is surrounded by large conifer trees on the Abbey Lane and Abbey Crescent boundaries, and as a result the house is not readily visible until further up Abbey Crescent.

Abbey Crescent consists of bungalows and then two storey detached properties of a similar style and design, with a mix of bungalows and two storey dwellings also along this side of Abbey Lane. These properties all rise above the application dwelling with the natural topography of the area rising to the north-east/north-west.

Directly opposite the site on Abbey Lane is a series of 3 and 4 storey flats and a block of 3 storey flats on the opposite side of Abbeydale Road South.

This application seeks outline planning permission to demolish the existing dwelling on the site and erect 6 apartments that would be set in a two/three storey building. Matters to be determined at this stage are access, appearance, layout and scale, with only landscaping a Reserved Matter for a subsequent application.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2008 for the demolition of the existing dwelling and erection of 2 no. bungalows with loft accommodation. Application No. 08/02150/FUL.

An application was withdrawn in early 2008 for alterations to the existing bungalow to form a first-floor and garage and the erection of a dwelling house within the curtilage. Application No. 08/00216/FUL.

SUMMARY OF REPRESENTATIONS

Original Submission

31 representations have been received objecting to the proposal, with the majority from people within the immediate vicinity. Issues raised include:

- The planning application states that the applicant is not a Council employee, this is not correct.

- There are enough apartment blocks in the area with the scale of the development out of character with it's immediate neighbours which are bungalows. The height and bulk of the building is markedly out of character with the adjacent properties, and in fact with the majority of properties in the area. The neighbouring properties will be completely dwarfed by the proposed development and would experience overshadowing and overbearing from the proposal.
- The proposal would result in an imbalance of flats over houses in this small area that would be highly visible, unfitting and against the wish of the majority of property owners in the area. Other flat schemes have been on land which was previously commercial and not residential.
- All of the post war housing in the area is low rise in nature, this proposal represents an unacceptable change to an established landscape and defies all principles of aesthetics and architecture.
- The scale and proximity of this development will significantly compromise neighbour's privacy, the development will overlook rear gardens, completely removing any previous privacy. The upper storeys will look into neighbouring property's habitable rooms.
- The car parking area is next to the rear gardens of neighbouring properties impacting on privacy.
- The proposed development by reason of its size, siting and design would represent an un-neighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential properties by reason of an overbearing effect.
- The site is located in a residential area where occupiers would reasonably expect a level of amenity concurrent with the existing property. The changes proposed are likely to result in additional noise, light and pollution created by a multi occupancy development is clearly going to be of detriment of the existing neighbours.
- There will be increased traffic at an already difficult and very busy junction. Increased traffic at the traffic lights will make it even more dangerous than it already is for vehicles manoeuvring at this junction.
- Parking provision is very limited on site to one space per unit, resulting in second cars and visitors parking on Abbey Crescent which is a narrow cul-de-sac that already experiences parking problems from nearby shops and commuters.
- The demolition and build will cause disturbance to neighbours through construction traffic, noise, dust and pollution, which would be damaging to the health of a number of nearby elderly residents.
- There will be an increase in the demand for both primary and secondary school places, both of which are oversubscribed and have been for several years.
- Any children moving into the proposed development do not appear to have sufficient room to play in the grounds.

- The pollution levels at the junction are already high and extra traffic will increase the pollution levels further.
- The proposed plans have a lack of space for bin storage which is an important factor owing to 8 units proposed.

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Amended Submission

18 representations have been received relating to the second round of notification which took place in June 2014 and gave details of amended plans which showed a reduction in the number of units from 8 to 6 and the loss of a storey.

- This revised application is still an overdevelopment of a small site, out of keeping with the adjoining bungalows which it would dominate.
- The number of apartments has been reduced but the problems remain. There will be 6 apartments in the space of 1 original dwelling, thus increasing the danger caused by increased traffic and pollution.
- The proposed parking has increased to 10 spaces however it will still be insufficient for the development with 6 dwellings. These will likely be occupied by 2 or 3 car families and this could result in surplus vehicles being parked on the lower end of Abbey Crescent, thus causing traffic flow issues and even restricting traffic movements off the main junction
- The environmental impact on this already polluted junction would be a disaster .The average level of pollution is already over the European Limit Value of 40 micrograms per m³ which is set to protect public health. (Readings collected by the council Carbon Reduction and Air Quality Team).
- The most important point as before is the site position which is on top of an already very dangerous traffic light junction. In this regard nothing has changed and on this basis alone the application should be thrown out.
- There is still insufficient space within the site for children to play.
- The proposed development by reason of its size and height will clearly be detrimental to the amenities of the occupiers of adjoining residential properties, over shadowing their bungalow and the loss of privacy to the immediate neighbours,
- There will be serious safety and traffic problems associated with the construction works, so close to one of Sheffield's busiest junctions.
- Six new properties replacing one bungalow will inevitably increase the demand for both primary and secondary school places, both of which are oversubscribed and have been for several years.

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Response to representations:

The applicant does work for Sheffield City Council in the Finance directorate, and the forms had been completed in error. Amended application forms were requested and have been received rectifying the question on the application forms.

Issues surrounding noise, dust and dirt generated by the demolition and construction work are covered under separate legislation, principally the Environmental Protection Act. Conditions can however reasonably be imposed relating to construction traffic.

It is not considered that 6 x two bedroom dwellings on site would have a significant impact on the local schools.

It is acknowledged that the Air Quality Management Plan show the whole of the urban area of Sheffield as being above the recommended guidelines, however it is not considered that the number of units proposed in this development would generate the level of traffic to have a significant impact on the existing levels.

PLANNING ASSESSMENT

Policy Issues

Central Government's 'Planning for Growth' agenda requires local planning authorities to facilitate housing provision. This agenda also requires planning authorities to maintain a flexible and responsive supply of land for housing and to make every effort to identify and meet the housing, business and other development needs.

The proposal involves the demolition of an existing bungalow and utilises the footprint of the existing building and the garden space for the erection of 6 apartments. The National Planning Policy Framework (NPPF) promotes the use of previously developed land; however, it places a strong emphasis on sustainability. The presumption in favour of sustainable development would prevail here and the principle of development is considered acceptable.

The National Planning Policy Framework (NPPF) is a material consideration that holds significant weight and is to be taken into account in determining this application.

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

Specifically with regard to Housing, the NPPF confirms the Government's key objective as increasing significantly the delivery of new homes, including increasing the supply of housing; delivering a wide choice of high quality homes and opportunities for home ownership; and creating sustainable, inclusive and mixed communities.

In addition, the NPPF attaches great importance to the design of the built environment. It seeks to ensure planning decisions optimise site potential to accommodate development, whilst responding to local character and the identity of local surroundings.

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The most relevant local policies are found in the Unitary Development Plan and Core Strategy policies are listed below and are covered in more detail in the relevant sections below.

H5 (Flats, Bed-Sitters and Shared Housing)

H7 (Mobility Housing)

H10 (Development in Housing Areas)

H14 (Conditions on Development in Housing Areas)

H15 (Design of New Housing Developments)

H16 (Open Space in New Housing Developments)

BE5 (Building Design and Siting)

CS23 (Locations for New Housing)

CS24 (Maximising the Use of Previously Developed Land for New Housing)

CS26 (Efficient Use of Housing Land and Accessibility)

CS31 (Housing in the South West)

CS63 (Responses to Climate Change)

CS64 (Climate Change, Resources and Sustainable Design of Developments)

CS65 (Renewable Energy and Carbon Reduction)

CS74 (Design Principles)

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant.

Housing Land Availability

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The net supply for this period is less than 50% of the net housing requirement.

Weight should therefore be given to the relevant policies in existing plans according to their degree of consistency with the NPPF. Paragraph 49 of the Framework advises that relevant policies relating to housing supply should not be considered to be up to date if a five year supply cannot be demonstrated and that the presumption in favour of sustainable development should apply.

This issue of a shortage in housing land availability supports the principle of residential development at this site and it can be agreed that the proposal would provide a small and helpful contribution to the local supply of housing land.

Principle, Density and Mix

The application is located within a Housing Area under the provisions of the adopted Unitary Development Plan and is therefore subject to the policies relating to such areas. Policy H10 of the UDP states that Housing is the preferred use in this location. The principle of a residential development is therefore considered to be acceptable. However, this assumption is subject to the provisions of Policy H14 'Conditions on Development in Housing Areas'.

Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites. The proposals are in accordance with these policies.

Policy CS26 of the Core Strategy promotes efficient use of housing land, but identifies that high densities are not acceptable where they would be out of character with the surrounding area.

With regards to density, based upon the site area of approximately 0.11 hectares, the proposal would involve a density of approximately 54 dwellings per hectare. CS26 states that a density range of 30 to 50 dwellings per hectare is acceptable in urban areas; however, consideration must also be given to the impact the proposal has on the character of the surrounding area.

The surrounding area contains a mixture of detached bungalows and two storey dwellings, along with 3 and 4 storey flats on the opposite side of the road. The majority of properties are set back from Abbey Lane and Abbey Crescent, and therefore the proposal is considered to represent an efficient use of land that is mindful of the overall character of the wider area. Accordingly, in this instance it is considered that the density of the proposal is acceptable, although slightly in excess of the policy range.

Policy H5 'Flats, Bedsitters and Shared Housing' states that planning permission 'will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if a concentration of these uses would not cause serious nuisance to existing residents.

The proposal is for a limited number of two bedroom self-contained flats for sale or let and, as such, there is no reason to believe that their introduction would cause serious nuisance to existing residents. The immediate area surrounding the application site does not contain a significant concentration of flats, bedsitters or

shared homes, with houses dominating the local community. The proposal is considered acceptable in respect of Policy H5 (a)

The proposals provide a single house type (2 bedroom flats). There is no policy requirement for mixed house types in this scale of development and the development does add a new housing type in an area where larger residential houses predominate. The provision of flats will support the overall aims of the policy and in these respects there is no conflict with Policy CS41.

Overall, the principle of the proposed development is considered to be acceptable, and there are no reasons why it should be resisted based on the issues stated above. Indeed, the delivery of a reasonable number of new housing units would support the aim of Government Policy.

Sustainability Issues

The underlining principle of the National Planning Policy Framework is the presumption in favour of sustainable development. It breaks down sustainable development into three dimensions: economic, social and environmental roles.

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

Policy CS64 would require the development to achieve Code for Sustainable Homes Level 3 as a minimum standard, and CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water runoff to be reduced as far as is feasible by design measures such as attenuation or permeable paving.

This is an application for outline permission, and an appraisal of the scheme and how this can be achieved, referring to specific measures and methods can be controlled through relevant condition should permission be granted for this application.

Design Issues

The NPPF sets out the general principles of design, and requires at paragraph 9 that "sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life". It goes on to say at paragraph 17 that decisions should "always seek to

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

Further, at paragraph 60 it states planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Relevant policies in the Sheffield Unitary Development Plan are Policy BE5 which states that the new buildings should complement the scale, form and architectural style of surrounding buildings and this is backed up with Policy CS74 ‘Design Principles’ of the Sheffield Core Strategy which states “High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods”.

Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed.

Policy CS31 ‘Housing in the South West’ states that “In South-West Sheffield, priority will be given to safeguarding and enhancing its areas of character. The scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.”

Appearance, scale and siting of the proposal are to be determined at outline stage and therefore need to be assessed under this application.

The existing building on the site is a detached bungalow with relatively large footprint. It sits towards the north-west corner of the site and the land falls down to the south-east. At present the site is surrounded by large conifer trees on the Abbey Lane and Abbey Crescent boundaries, and as a result the house is not readily visible until further up Abbey Crescent.

Abbey Crescent consists of bungalows and then two storey detached properties of a similar style and design, with a mix of bungalows and two storey dwellings also along this side of Abbey Lane. These properties all rise above the application dwelling with the natural topography of the area rising to the north-east/north-west.

Directly opposite the site on Abbey Lane is a series of 3 and 4 storey flats and a block of 3 storey flats on the opposite side of Abbeydale Road South.

The original proposal sought planning permission for 8 x three/four bedroom flats within a three storey building with units within the roof space. Amended plans have been received showing 6 x 2 bedroom flats within a two/three storey building with units in the roof space.

The building now takes the form of two main built forms with a lightweight stair core linking the two. This allows for the building to the east to have its ridge at a slightly lower position following the natural topography of the area, and with the stair core being recessed back, the proposed development now takes the appearance of two detached dwellings. Fronting onto Abbey Lane the building appears as two storeys with habitable rooms in the roof space, which wraps around to the east, and then owing to the building being sunk into the ground taking advantage of the existing levels on the site, the north elevation takes the appearance of two dormer bungalows with stair core between.

There has been a previous approval on the site for two dormer bungalows, which have a similar footprint to this proposal, and owing to the proposal being sunk into the ground, the proposed ridges of the building are only between 0.5m and 1m higher than the approved dormer bungalow scheme.

These amended plans show a scheme which is now considered to be acceptable in terms of its scale and siting, and will not have a detrimental impact on the character of the area, which does contain a mixture of styles and design or buildings from single storey bungalows to three/four storey flats.

The window fenestration and detail is similar to that found on neighbouring properties and the use of heads, cills and bay windows further integrate the design with the overall character of the wider area. There is limited information relating to the proposed materials, however these can be controlled through a relevant condition for submission of samples.

The scale, appearance and siting of the building is considered to be acceptable within the wider street scene, and therefore the proposal is considered to satisfy the criteria of UDP policies, BE5, H14 and Core Strategy policy CS74.

Landscaping

The application forms have marked landscaping to be dealt with through a subsequent reserved matters application. There is an indicative plan which shows the removal of the majority of the hedging around the site, which consists mainly of mature conifer trees, and the replacement with more appropriate shrubs/trees. The vegetation to be removed is not significant enough to warrant any preservation orders being placed upon them.

The soft and hard landscaping can be secured through a condition, should the proposal be granted planning consent, and dealt with at reserved matters stage.

Amenity Issues

With regard to H14 (c) and (d) the general principles outlined in Policy H14 are further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which lays out good practice guides for new build structures and their relationship to existing houses. Of these the following are particularly relevant:

SPG guideline 5 provides guidelines as to prevent significant overshadowing to neighbouring property, such as a two-storey extension not breaking a 45-degree angle when taken from the main habitable windows, to avoid a building being placed within 12m of ground floor windows.

SPG guideline 6 states that dwellings should keep a minimum of 21 metres between facing main habitable windows.

Existing Residents

The closest neighbouring properties are No. 450 Abbey Lane which is located directly to the west of the site, and No. 1 Abbey Crescent which lies directly north of the site. It is the impact upon occupiers of these properties that is to be assessed.

Those properties on the opposite side of Abbey Crescent are separated by the highway and a distance of 35 metres, whilst those on the opposite side of Abbey Lane are in excess of 55 metres from the proposed building. Therefore occupiers of these properties are not considered to experience a detrimental impact on their amenities through the proposed development.

No. 450 Abbey Lane

This property faces onto Abbey Lane and consists of a bungalow. It contains a number of windows in the side which serve a bedroom and bathrooms. These are clear glazed, but it should be noted that they themselves are approximately 3 metres away from the boundary and do rely on light from third party land. The bathroom windows are clear glazed but do not serve a habitable room, however the bedroom is habitable. In this instance this is one of several bedrooms within the property with the others having a good outlook on land owned by 450. It would be unreasonable to prevent a development on this site owing to the presence of a window on the side of 450 which is within 3 metres of the boundary, and approximately 5m of the proposed new block.

The proposal does not extend past the rear elevation of No. 450 and will not therefore create adverse overshadowing or overbearing to the rear garden area/rear windows. The proposal does sit forward slightly from the front of No. 450 by approximately 1.2 metres however this set 7 metres away from the window serving the bedroom in the front of No.450 and meets the recommended 45% guideline.

No windows are proposed in the side of the building facing towards No. 450 and therefore no adverse overlooking will be created by the proposal.

No 1 Abbey Crescent

No. 1 Abbey Crescent is positioned with its side elevation running parallel with the rear boundary of the site. There is a window in the side of the property which is directly on the boundary and serves an extension that appears to be a porch area.

The proposal is positioned within the site as to not overshadow or have an overbearing impact on the occupiers of No.1 especially as the elevation of the scheme facing no.1 takes the appearance of two dormer bungalows.

Windows in the rear of the proposal serve bathrooms, utility rooms and kitchen windows. There is a distance of 13-15 metres from these windows to the rear boundary, and it is not considered that there will be any adverse overlooking created to occupiers of No. 1.

Noise and Disturbance

The issue of the apartments causing noise and disturbance for residents has been raised in representations. It is considered that the units themselves are sufficient distance away from the neighbours to prevent direct noise migration. In addition there is no evidence to suggest that occupants of a small apartment scheme would be significantly noisier than those of a large dwelling.

The car parking area is located to the rear of the building, and abuts the boundaries with No. 450 Abbey Lane and No. 1 Abbey Crescent, and there is potential for limited noise disturbance from manoeuvring of vehicles. However both No. 1 and No. 450 are set slightly higher than the car parking area, and there are already relatively high background noise levels from the close proximity of the road junction of Abbey Lane and Abbeydale Road South. A good quality boundary treatment can be conditioned on any approval which will reduce the potential for nuisance from the glare of car headlights and reduce the impact of the noise.

On this basis it is not considered that the potential for noise and disturbance to be generated by the position of the parking area or the proposed apartments is to such a level that would warrant refusal of planning permission.

Amenity of Future Occupiers

NPPF paragraph 17 (d) requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Outlook

All of the living rooms and bedrooms take their aspect from the front of the building facing towards Abbey Lane. This elevation faces directly south so will benefit from natural sunlight for the majority of the day. The boundary is approximately 9 metres away from these windows, and there will be an element of tree planting along the boundary. Sections through the site have been submitted demonstrating that the lower ground floor units have good outlook afforded to future occupants.

The windows on the rear facing the car parking area consist of bathrooms, utility rooms and kitchen windows. The kitchen and utility windows will provide some natural surveillance over the parking area and entrance, and are in excess of 14 metres from the boundary of the site, creating no outlook issues.

In summary therefore all occupants will have a reasonable quality of outlook.

External Amenity Space

External amenity space for the flats will be provided by the use of private balconies for a number, plus shared access to the large front and side garden of the premises. Such accommodation would provide suitable amenity space.

Given the above considerations with regard to the level of amenity afforded future occupants the scheme is considered acceptable with regards to Policies H5, H14 and the NPPF.

Access Issues

UDP policy H7 requires a minimum of 25% of the units proposed to be suitable as mobility housing.

Both of the ground floor units have a level access and have been designed to ensure that they can be easily adapted to meet various requirements that a

disabled person may have. This would amount to 33% of the units which therefore exceeds the policy requirement.

The proposal is therefore considered to meet the requirements of UDP policy H7 which relates to mobility housing.

Highway Issues

H14 (d) requires the provision of safe access to the highway network and the provision of appropriate off-street parking and for development to not endanger pedestrians. H5 (c) requires flats to provide suitable off-street parking accommodation for the needs of people living there.

The Council's car parking guidelines are that 2 parking spaces are required for each residential unit of 2 bedrooms in size.

It is proposed to provide 10 off street car parking spaces for the proposed development. The 6 apartments are two bedroomed and the provision of one off-street car parking space per unit plus 4 visitor parking spaces is considered to be acceptable with regards to the UDP, and unlikely to lead to a significant increase in on street parking that would be detrimental to highway safety.

In addition, the proposed development is situated within 50 metres of a main road which is served by a frequent public transport link. This factor, together with the ample bike storage provisions, promotes the use of sustainable means of travel and will further reduce the need for additional off street car parking.

Open Space Contributions

Given that the development incorporates in excess of 5 dwelling units, it is subject to the provisions of UDP policy H16, which covers 'Open Space in New Housing Developments'. This policy states that the developer is expected to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site, where it can be demonstrated that a shortfall in provision exists, or existing facilities are in need of improvement.

As this application is for outline consent a condition on any approval will ensure that a signed section 106 planning obligation with a commuted sum is paid prior to development commencing. On this basis the proposal complies with the provisions of UDP policy H16.

SUMMARY AND RECOMMENDATION

The amended plans show a scheme which is now considered to be acceptable in terms of its scale and siting, and will not have a detrimental impact on the character of the area, which contains a mixture of styles and design of buildings from single storey bungalows to three/four storey flats.

The building is set within a modest sized plot and that would enable reasonable distances to be maintained from the neighbouring residential buildings. The scale, massing and siting of the building would limit the impact upon the amenities of the neighbouring properties and, subject to conditions be imposed, the proposal is not considered to be harmful to the amenities of the neighbouring properties to a level that would warrant a refusal of planning permission.

The proposed flats would provide a reasonable standard of living accommodation, with good outlook and amenities afforded to future occupiers. The proposal ensures that each flat has an element of off street car parking and access to reasonable external communal amenity space. This being the case, the proposal is considered to provide satisfactory living conditions that are not at the expense of the amenities of the surrounding area. The proposals for 6 two bedroom units are not considered to impact significantly on the adjacent highway network.

Accordingly, the proposed development is considered to be acceptable in terms of its siting, scale, appearance, and access. The reserved matters application will deal with the landscaping, and conditions can be attached to any approval for the finer details and materials. The section 106 agreement for a commuted sum towards open space can also be controlled through a relevant condition.

Therefore considered that the proposal is satisfactory with regards to both national and local planning policies outlined in the above report, and in light of the above, the proposal is recommended for approval.

Case Number 13/02892/FUL (Formerly PP-02832662)

Application Type Full Planning Application

Proposal Demolition of existing caretakers house and garages and proposed residential development of 52 dwellinghouses with associated access, car parking and area of public open space

Location Former Oakes Park School
Matthews Lane
Sheffield
S8 8JS

Date Received 23/08/2013

Team South

Applicant/Agent DLP Planning Ltd

Recommendation GRA GC subject to Legal Agreement

Subject to:

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

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

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

Drawings no'd:
811103/100/10
811103/100/11
811103/100/12
811103/100/13
811103/100/14
811103/100/15
811103/100/16
811103/100/17
811103/100/18
811103/100/19
811103/100/20
811103/100/21
811103/100/22
811103/100/23

811103/100/24
811103/100/27
811103/100-002
811103/100-003 Rev.E
811103/100-001 Rev.K

Reason: In order to define the permission.

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

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

- 4 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).

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

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

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

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

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

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

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

- 8 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.

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

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 10 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

- 11 Prior to the commencement of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.

4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 12 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.

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

- 13 A minimum of 25% of the dwellings shall be built to Mobility Standards and prior to the commencement of development, details shall have been submitted to and agreed in writing by the Local Planning Authority and such agreed details shall be implemented and retained thereafter.

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

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

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

- 15 The dwellings 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.

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

- 16 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.

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

- 17 The gradient of the access road/driveway shall not exceed 1:20 for the first 10 metres from the highway.

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

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

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

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

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

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

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

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. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

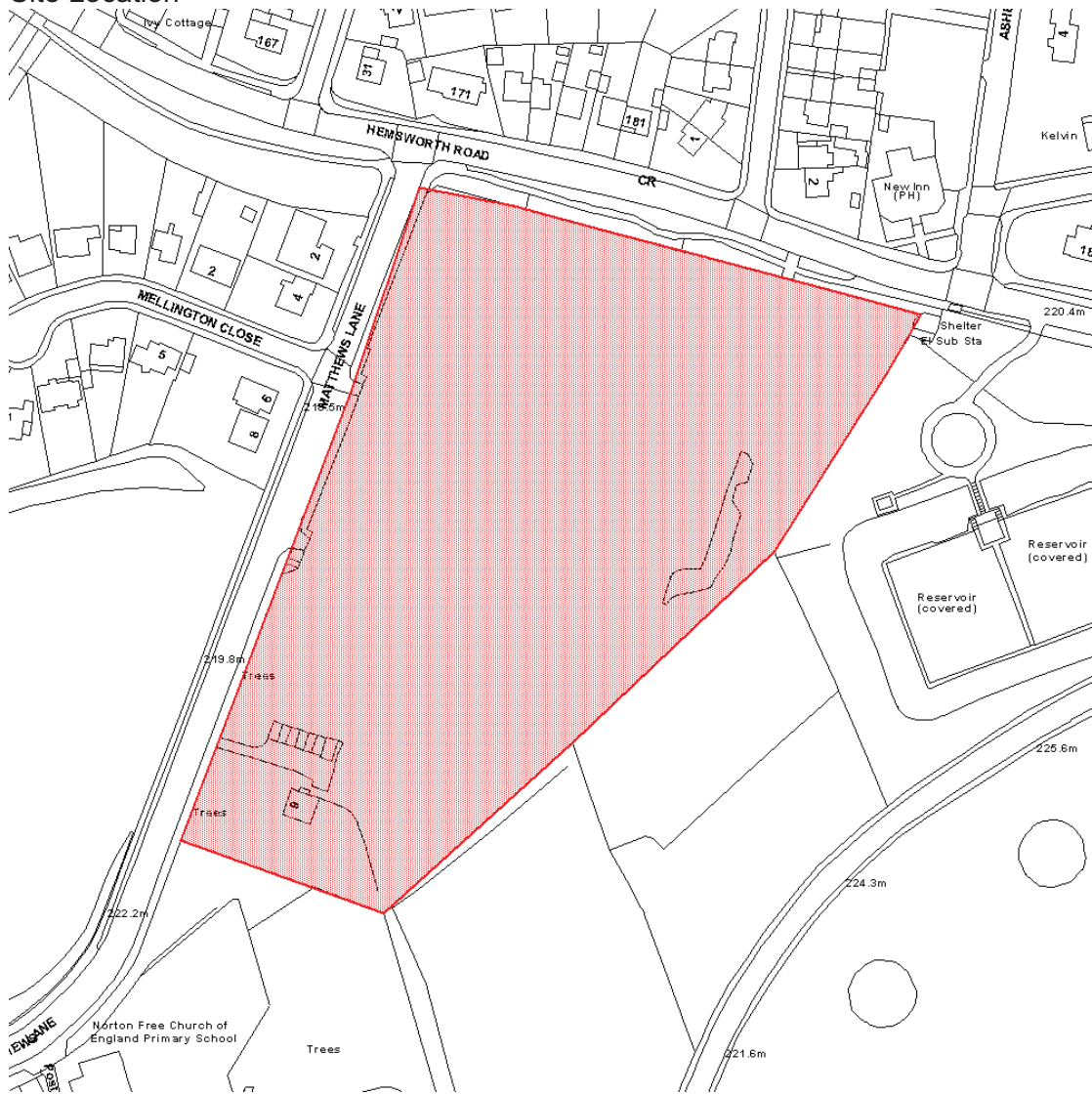
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms

on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
7. 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.
8. 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 or apply online at 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 in the Norton area of Sheffield on the south side of Hemsworth Road and to the east of Matthews Lane. Access to the site is currently afforded from both Hemsworth Road and Matthews Lane by way of vehicle and pedestrian points associated with the former school.

The site is open and vacant, having been cleared of the former school. It extends towards the south and east and beyond are fields, Norton Free School and the covered reservoir. To the north and north west is housing and a public house with sports fields to the west.

The centre of the site is an area of hard core with landscaping and trees around all edges of the site, with mature trees along both roads to the north and west and also in the south east. The caretaker's house remains in the south corner of the site and this is occupied.

The topography of the site is such that it is generally level with a gently sloping gradient to the south east and steep banks rising up to the eastern boundary.

There is a local shopping centre at Constable Road which is a short walk from the site and a larger shopping centre on Derbyshire Lane which is also within walking distance but further away. Graves Park also lies close to the site. The nearest bus stop is on Hemsworth Road adjacent to the site.

This application seeks planning permission for 52 houses being a mix of terraced, semi detached and detached properties containing 3, 4 or 5 bedrooms.

The main access into the site would be taken from Matthews Lane and would use one of the former access points. A secondary access also on Matthews Lane would be introduced that would serve six houses. Each house would have a minimum of two car parking spaces.

An area of public open space would be provided in the south west of the site retaining a number of mature trees. Mature trees along the boundaries with Hemsworth Road and Matthews Lane would also be retained. The open space would run along the south side of the main internal access road and link the fields either side in the form of a green link.

RELEVANT PLANNING HISTORY

11/02850/DPNRG3. Demolition of school, caretakers house and all associated outbuildings (Application for prior approval in accordance with additional details received on 26.10.11 and 9.11.11) granted on 18.11.11.

SUMMARY OF REPRESENTATIONS

Four letters have been received from neighbours setting out the following objections.

Matthews Lane is a very busy road on school days and Sundays because of the football and cannot support the extra traffic that would be generated by 52 houses.

Parking occurs on both sides of Matthews Lane and Matthews Fold which is made worse when there are events at Graves Park. This results in one way traffic only and traffic has to queue on Hemsworth Road to get into the site.

There is a potential for an extra 100 cars if each household had two.

Parking restrictions should be imposed in the area.

There is only one entrance point into the site and it would be better if this was located along Hemsworth Road

Many children walk to school and there will be extra danger from construction vehicles and additional traffic.

There will be more pollution caused by extra cars.

The numbers of houses should be reduced and the green space retained.

There will be an adverse impact on wildlife.

The school is already oversubscribed so another housing estate will put even more pressure on school places.

The application is contrary to the Core Strategy.

A letter from an interested party has made representations about affordable housing which states that:-

- Miller Homes are not intending to provide any on-site affordable housing and have not provided any justification for this. On this site, there is no reason for not, at least in part, providing some on-site provision together with a commuted sum payment to achieve the G2 Target Level of 30% equivalent.
- The IPG Affordable Housing section G3 says that wherever possible and appropriate, affordable housing should be provided onsite'. If the applicant does not provide any on-site affordable housing then the application should be refused because it would be contrary to this guidance.

A Statement of Community Involvement has been submitted in support of the application which tends to focus on the pre-application advice sought from your officers prior to the submission of this application. However, with respect to public consultation, the applicant said that an Information Leaflet was distributed to local residents which displayed the layout and gave a brief description of the proposal. At the time of the submission of the application, details of responses were pending and none have been received by your officers.

PLANNING ASSESSMENT

Planning Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and a key thread that runs through this document is a presumption in favour of sustainable development. Paragraph 9 says that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as people's quality of life.

The 12 Core Principles are set out in paragraph 17 of the NPPF and this includes encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. The Core Principles also say that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 47 of the NPPF says that local planning authorities should identify specific deliverable sites sufficient to provide five years of housing. Paragraph 50 says that Local Authorities should plan to deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

The Unitary Development Plan (UDP) shows that the site is designated as part of a housing policy area and policy H10 says that housing is the preferred use.

Core Strategy policy CS22 sets out the requirements for new housing. This says that sufficient sites will be allocated to meet the housing requirement to at least 2020/21 and that a five year supply of deliverable sites will be maintained at all times. Currently, the supply of housing land is estimated to be less than five years so the proposal for 52 houses will contribute to this supply.

Core Strategy policy CS23 deals with the locations for new houses and says that at least 90% of additional dwellings should be located in the main urban area of Sheffield. Norton is within the main urban area so the provisions of this policy would be satisfied.

Core Strategy policy CS24 seeks to maximise the use of previously developed or brown field land. This site was previously developed as a school so the proposal meets this policy.

Core Strategy policy CS26 says that housing development will be required to make efficient use of land but the density of new housing should be in keeping with the character of the area. In this area of Sheffield housing density should be 30 to 50 dwellings per hectare (dph). The developable area of the site is 1.76 hectares so it would be developed at 30 dph which although at the lower end of the range, complies with this policy.

In general terms, the proposed density reflects that of surrounding residential development so the proposal would be consistent with surrounding development in this respect.

Layout, Design and External Appearance

UDP policy H14 says that new buildings need to be well designed and in scale and character with neighbouring buildings.

UDP policy BE5 says that good design and the use of good quality materials will be expected in all new buildings.

Core Strategy policy CS74 says that high quality development will be expected which contributes to the creation of attractive, safe, sustainable and successful neighbourhoods.

Statements dealing with Design and Access and Building For Life have been submitted in support of the application.

The arrangement of existing houses in the immediate locality, which are predominantly detached and semi-detached and two storeys high with pitched roofs, is that they front on to the road and there are substantial gardens containing mature trees and landscaping. This characterises the local area.

The proposed layout, as amended, has taken cues from the locality in terms of the layout and the design and appearance of the houses. Houses will front Matthews Lane apart from the south end where there would be open space and the flank of one house. Along the Hemsworth Road frontage there are mature trees and a sewer easement that is to be retained. The retention of the trees along both Hemsworth Road and Matthews Lane will maintain the character of the area. Houses will face towards Hemsworth Road but would be set behind the easement and trees.

The siting of the proposed houses is such that there is less space between the buildings than between existing buildings in the neighbourhood. However, a sense of space will be created by the inclusion of the open space in the southern area, a number of generous gardens and the easement along the northern boundary. This proposal would not, therefore, appear as a cramped development which would be in contrast to neighbouring houses.

Within the southern part of the site, an area of open space is proposed that will stretch across the breadth of the site at this point linking the green spaces either side. There are a number of existing mature trees within the site at this point and virtually all of these have been retained within the open space which has been designed to allow for this and the creation of an attractive area.

Along the south and south eastern boundaries of the site, houses are proposed and these, along with those across the road, would overlook the open space, making the most of a pleasant aspect.

The houses will be two storeys high with pitched roofs being a mix of gable and hipped. There would also be a variety of designs, some incorporating a plain approach whereas others would incorporate gables or garages at the front rather

than being integrated. This approach reflects the existing variety in the neighbourhood.

With respect to the external finishes of the houses, a mixture of red and buff brick, off white render is proposed along with grey and terracotta roof tiles. Again, this reflects the treatment of existing houses in the area. Boundary treatment would comprise a mix of 1.8 metre close boarded fencing, 1.8 metre walls and 1.2 metre railings which would be along the boundaries of the open space.

Sustainability

Core Strategy policy CS64 requires all new buildings to be designed to reduce emissions of greenhouse gases and function within a changing climate. All new buildings will be expected to achieve a high level of energy efficiency and to use resources sustainably. The latter includes minimising water consumption, using sustainable materials, solar energy, passive heating and cooling, minimising waste and other measures.

Core Strategy policy CS65 says that all significant development, a category this application falls into, will be required to provide a minimum of 10% of their predicted energy needs from renewable or low carbon energy and incorporate design measures sufficient to reduce the development's overall predicted carbon emissions by 20%.

A key theme in the NPPF is that new development should be located in and built to a high level of sustainability.

A Sustainability Statement has been submitted in support of the application. This says that the site is in a sustainable location close to frequent bus services and local shops. There are also education, retail and leisure facilities nearby.

The statement says that the development would increase the number of people living in the area, thereby strengthening the sense of community and creating a better environment than the open and vacant site that exists at present.

The statement also says that the proposed development will meet the requirements of relevant Core Strategy policies. The design includes high levels of passive solar gain and high levels of insulation will be provided. There would be water saving features and energy efficient boilers. A detailed energy statement has also been submitted which provides similar information to the Sustainability Statement but in greater detail.

An appropriate condition would be attached to ensure the development complied with policies CS64 and CS65.

Impact on Neighbours' Amenities

UDP policy H14 says that new development should not harm the amenities of existing and future residents.

Core Strategy policy CS74 requires new development to contribute to the creation of attractive, sustainable and successful neighbourhoods.

There are houses that face the site across Hemsworth Road but there would not be any significant disturbance or disamenity from the proposed development that would affect these.

Hemsworth Road is busy and heavily trafficked particularly in the morning and evening peak periods and because the main entrance to the proposal lies on Matthews Lane and there is a landscaped buffer zone within the site along Hemsworth Road, there would be no disturbance affecting existing residents here.

Along Matthews Lane, four houses face the site. At present, a vacant, open site faces them and this would be replaced by housing on completion of this proposal and it is the case that there would be more activity than at present. It is considered however that the very limited noise associated with this would not merit resisting the application.

The existing houses would not be subject to any overlooking, loss of privacy or overdominance as all houses would face each other across the public domain and new dwellings would be of a similar scale and height to those existing.

Highways, Access, Parking and Transportation

UDP policy H14 says that safe access to the highway network should be provided along with appropriate off street parking and pedestrians should not be endangered.

Core Strategy policy CS51 sets out transport priorities which includes promoting choice by developing alternatives to the car.

Core Strategy policy CS53 seeks to manage the demand for travel.

A Transport Statement has been submitted in support of the application and this concludes that the level of new traffic generated by this proposal is modest equating to one vehicle every two minutes in both AM and PM peaks which can be absorbed into the existing road network. Consequently, no off site road improvements are required.

With respect to traffic accidents, three slight accidents have been recorded on Hemsworth Road but no common cause has been associated with these suggesting that this situation would be aggravated by the development.

There are bus stops close to the site which provide links into and out of the city centre on a variety of routes. It is also considered that walking and cycling offer realistic alternatives given the close proximity of amenities and services to the site. It is possible to use the main internal access road as a cycle and pedestrian route from Hemsworth Road to Matthews Lane cutting out the road junction to the west and shortening the route.

With respect to access points into the site, an existing vehicle access point from Hemsworth Road would be closed and this would be for pedestrian access only. A main access point would be located towards the south end of the site which would have acceptable visibility in both directions. This road and internal distributors would serve all but six houses which are at the southern end and a separate access would serve these which would also have acceptable visibility.

There would be safe pedestrian access to the site. Footways would be provided along either side of the main access road into the site which would link to the existing footway system along Matthews Lane. There would also be a link established with Hemsworth Road in the north east of the site which would avoid having to walk all the way through the site and along Matthews Lane to reach this point.

Off street car parking provision is 2 spaces per dwelling with a space for visitors being available on the street. This is acceptable and complies with Council guidelines on this issue.

A concern to local residents is the existing parking along Matthews Lane and Matthews Fold generated by parents dropping off and collecting children attending Norton Free School, located close by on Matthews Lane. There is also the issue of those using the football pitches at weekends. Residents feel that the introduction of the new development will worsen this situation. Within the estate, there is sufficient off street parking but, currently along Matthews Lane there is a lay by which would be lost to the development and on street spaces along the site frontage would be reduced because of driveways leading on to the road. It is the case that this would lead to a reduction in street spaces but this is not considered significant enough to merit resisting the application for this reason alone.

The new road layout within the site would not be subject to parking restrictions so there would be some capacity within the site to provide some compensatory parking for football visitors.

Access, parking and transport proposals are considered to be acceptable subject to conditions.

Landscaping, Trees and Green Link

UDP policy GE10 says that a network of Green Corridors and Green Links will be protected from development and will be enhanced by encouraging development which increases their value for wildlife and recreation. The UDP shows that a Green Link runs from east to west across the site.

UDP policy GE15 seeks to retain trees and woodland and says that developers should retain mature trees where possible and replace any trees that are lost.

Core Strategy policy CS73 deals with the Strategic Green Network and says that this will be maintained and enhanced where possible. The link between Oakes Park and the Limb Valley crosses the application site.

The applicant has submitted two Arboricultural Survey reports and Method Statements dated July 2012 and September 2013 which provide detailed tree surveys, protection methods and set out landscaping proposals.

With respect to the Green Link, the application proposal has sought to protect and enhance the link by way of retaining mature trees in the south of the site and creating an area of public open space that runs the width of the site thus retaining the link with fields either side of the site. This will ensure that the Green Link will contribute to an attractive development when viewed from inside and outside the site but also enhance the ecological value.

The Arboricultural Survey dated 2012 sets out the condition of 28 trees and tree groups within the site and it is the case that many of these will be retained, principally along the Hemsworth Road frontage and within the site in the public open space/Green Link. Some trees along Matthews Lane and within the site would be lost to allow for the development to be introduced but trees to be lost would be replaced by new ones.

The 2012 Survey also sets out tree protection measures and 'No dig' methods which comply with guidance set out in British Standard 5837: 2012.

The Arboricultural Survey dated 2013 is a supplementary report that deals with a small group at the south of the site that was excluded from the original Survey. A group of trees in the south west corner would be retained but others to be lost will be replaced within the site.

The landscape and green link proposals are considered to be acceptable.

Air Quality

Paragraph 124 of the NPPF requires planning policies to contribute towards EU limit values or national objectives for pollutants, taking account of Air Quality Management Areas and the cumulative Impacts of air quality from individual sites locally. It also requires decisions to be consistent with the Air Quality Action Plan (AQAP). Sheffield's AQAP identifies the whole of the urban area as an Air Quality Management Area.

Core Strategy policy CS66 relates to air quality and refers to action being taken across the built up area of the city where residents are exposed to levels of pollution above national targets. The policy seeks to achieve protection and improvement of air quality through the AQAP and local Transport Plan and through decisions about planning applications for significant traffic generating uses.

Traffic generation from the scheme is predicted within the Transport Assessment to involve 30 movements an hour at the peak AM and PM times. This is below the level of traffic that would require a specific air quality impact assessment but sufficient to promote air quality mitigation measures.

Such measures are often incorporated into Travel Plan measures that are designed to reduce the reliance of the private car and promote alternative modes of transport.

The AQAP promotes the development of infrastructure for the promotion of smarter travel choices. The applicant, in paragraph 5.23 of the Transport Statement, has committed to make purchasers aware of sustainable transport options but your officers feel this should be strengthened by way of requiring a travel plan which would be controlled by a condition.

Flood Risk

Core Strategy policy CS67 seeks to reduce the impact and extent of flooding but the information submitted in support of the application confirms that there is a very low risk of flooding. Whilst the site is not within a high or medium probability flood zone, the size and scale of development gives rise to the potential for increasing surface water run-off, leading to flooding elsewhere.

With respect to surface water run-off, policy CS67 says that this must be reduced to 5 litres per second on all sites over 1 hectare, except on brown field sites such as this where the developer can demonstrate that there is existing surface water run-off. In such instances, run off must be reduced by 30%. This is achievable and would be controlled by a condition.

Disabled Access

UDP policy H7 says that mobility housing should be provided at a ratio of 25% and the developer has confirmed that this would be the case.

Core Strategy policy CS74 says that the needs of disabled people should be met in new development.

The application takes account of the need to provide mobility compliant housing and a 25% of houses will be designed to meet the mobility housing standards and allow for suitable conversion. The applicant has also committed to providing appropriate treatment to allow for access through the site by disabled people.

Full details have not been provided so a condition would be attached to control this issue prior to the commencement of development.

Planning Obligations

Affordable Housing

The Sheffield Local Plan Core Strategy Policy CS40 states that developers of new housing in all parts of the city will be required to contribute to the provision of affordable housing where this is practicable and financially viable.

Affordable Housing Interim Planning Guidance was issued in 2009, and has been updated in 2014. This sets expected levels of developer contribution towards

affordable housing in different parts of the city, and identifies an expected contribution of 30% for sites in the South Affordable Housing Market Area, in which this site falls.

The NPPF at paragraph 173 states that 'to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.

The applicant has submitted an affordable housing statement which states that £1,060,000 plus one on site unit is their maximum offer for an affordable housing contribution. In line with normal practice in such cases, and reflecting the requirements of the NPPF and policy CS40, the District Valuation Service has independently assessed the developer's viability case. The District Valuer's report identifies that the applicant's offer of a £1,060,000 contribution plus one on site affordable unit would equate to a 15.5% affordable housing contribution (i.e. approximately half of the policy requirement).

The DV's report further identified that a full 30% contribution of £2,224,411 plus one on site unit could be delivered whilst retaining scheme viability with a reasonable land value, and reasonable developer profit of 17.64% (on gross development value) or 21.42% on costs. In these circumstances a full 30% contribution is therefore considered necessary in order to meet the requirements of policy CS40.

In this instance, the offer therefore leaves a shortfall of £1,164,411 in relation to affordable housing. Given that land value reflects planning obligations then should a full affordable housing contribution be paid then this would typically reduce the capital receipt payable to the landowner. However, in this instance, this sum will still be paid to the Council as landowner of the site as part of the capital receipt. The Council is in the unique position of being able to reinvest money from the sale of the site in public projects through its Capital Programme. Therefore the Council could commit to spend the shortfall (in this case £1,164,411) on projects of wider public benefit which in certain circumstances may be considered to outweigh the need for additional affordable housing units. It is considered that this is one such occasion.

The Capital Programme is funded by grants from central government and other external funding bodies (usually for specific purposes e.g. roads, schools, housing) as well as capital receipts from the disposal of land such as Matthews Lane. Capital receipts are accumulated within the Corporate Resource Pool (CRP) and this is used to fund Member priorities which do not benefit from specific grants. Due to the current financial constraints the Council faces, the demand for CRP support outstrips the available resources such that capital is rationed and as a consequence projects have to be cancelled. Thus there are identified projects in the Council's Capital Programme which are unable to be delivered.

One such project which is local to the application site is the Graves Tennis and Leisure Centre redevelopment which has been approved by Cabinet and is moving to delivery phase and is the subject of a current planning application. The project is a key part of the Council's Investment in Sports facilities in partnership with Sport England and the National Centre for Sport and Exercise Medicine (NCSEM), the latter having received Olympic Legacy capital funding from the Department of Health.

Despite a substantial sum being invested in the project including funding from the Department of Health, current funding gaps mean that the project cannot be delivered without a substantial Council contribution. This project is in close proximity to the site and will result in considerable public benefit in particular by improving sports facilities in order to increase sport and leisure participation and improve health in the local and wider area. Being one of only three NCSEM developments in the country, the scheme is also of national significance.

The affordable housing shortfall of £1,164,411 will be used to address the funding gap in the Graves Tennis and Leisure Centre project. By choosing to use part of the receipt from the sale of this site, the Council will ensure that there is sufficient funding for the project to go ahead (subject to planning permission being granted) and deliver one of its key priorities.

It is important to note that the overall contribution the development would provide to the Council for local infrastructure would be the same as it would were the full affordable housing contribution being provided. However in this instance there is significant public benefit in a combined provision of a substantial affordable housing sum, which is capable of delivering approximately 25 additional Council homes within the local area as part of the Council's citywide Stock Increase Programme, and assisting the funding of the Graves Tennis and Leisure Centre project rather than the entire sum being spent on affordable housing.

This approach is in line with the aims of the NPPF which promotes sustainable development that has accessible local services that support the community's health. One of the 12 core planning principles identified in NPPF paragraph 17 is to take account of and support local strategies to improve health and deliver facilities to meet local needs.

The spending of £1,164,411 on this project through the Capital Programme rather than adding that money to the existing commitment to affordable housing would enable the Graves Tennis and Leisure Centre project to go ahead, subject to planning permission being granted, and to deliver those local health benefits in line with the principles set out in the NPPF.

In addition to reflecting the aims of national planning policy, supporting the development of the Graves Tennis and Leisure Centre project would also reflect one of the 8 Outcome Areas (Better Health and Wellbeing) as identified in the Council's Corporate Plan 'Standing Up for Sheffield', by facilitating a high quality sports health and leisure facility.

The Council is committed to ensuring that a sum equivalent to the shortfall, and resulting from the sale of the site is made available for the delivery of this project. However, in the event that planning permission is not granted for the Graves Tennis and Leisure Centre project, or that the project is not delivered for other, non-financial reasons, the Council will commit the sum to an alternative project with similar public benefit.

Therefore despite the shortfall in affordable housing contribution, and conflict with policy CS40, such commitment will result in the development providing considerable public benefit which is a material consideration to be balanced against the shortfall.

This is similar to the circumstances in which a reduced level of affordable housing provision was accepted on the Psalter Lane application submitted by Sheffield Hallam University.

Open Space

UDP policy H16 requires open space to be provided within the site, or failing that, a financial contribution made for appropriate improvements to existing provision nearby, where there is a shortfall of open space. An assessment of open space has been undertaken and a shortfall exists, the existing provision being below minimum requirements. Informal and formal open space at 2.23 ha and 3.13 ha per 1000 population are below minimum standards but outdoor sports provision is above the minimum guideline at 3.13 ha per 1000 population.

As part of this scheme, the informal open space will be provided within the site but a financial contribution for off-site works totalling £83,193.10 would be required for formal sports provision and children's play facilities. This would be secured via a legal agreement.

Education

Core Strategy policy CS43 says that expansion of schools should be funded by developers where there is insufficient local space for demand arising from new housing developments.

There is a long term trend across Sheffield of accelerating and sustained growth in demand for secondary school places. In the local area, there is significant pressure on Meadow Head secondary school and pressure will increase on Newfield School in the near future, given current forecasts.

In this instance, a sum of £142,636 is required which would contribute to increasing secondary provision within a two mile radius of the site. This would also be secured by a legal agreement.

Bus Shelter

It is likely that the demand for bus travel will increase when the development is occupied because of the attraction of good bus services so close to the site and the applicant has agreed to contribute £10,000 towards the improvement of the bus

shelter on Hemsworth Road next to the site. This would be controlled by a legal agreement.

The provision of all the above contributions would be controlled by a legal agreement under section 106 of the Planning Act.

RESPONSE TO REPRESENTATIONS

A number of representations have already received a response earlier in this report but some responses are still needed.

There are concerns from local people that there is already heavy demand for street parking spaces in the area around the application site particularly at the weekends when the nearby sports field are in use. This has been considered but the issues that are resulting in the current on street parking are not attributable to the proposed development, which can accommodate its parking needs within the site so it would not be reasonable to impose parking restrictions.

A representation on the planning application queries the provision of a contribution for off-site affordable units rather than on site. In this case, owing to the proximity and availability of existing residential units (ex- Council right to buy stock) it would be possible to provide approximately twice as many affordable houses off site, than on site by buying such properties on the open market. As such the benefits of providing almost twice as many units outweigh the desire for units to be provided on site. This constitutes exceptional circumstances as set out in part f) of Guideline G3 in the 2014 Affordable Housing Interim Planning Guidance, provided the money is spent in the local area, which will be secured through a Planning Obligation under s106 of the Town and Country Planning Act.

The access point off Matthews Lane is considered to be acceptable having good visibility in both directions.

The numbers of houses proposed meets all relevant policy criteria and the development is an acceptable density.

There would be very limited impact on wildlife and the green link through the southern part of the site would contribute to the biodiversity of the area.

SUMMARY AND RECOMMENDATION

The application site is vacant and comprises a central hard surfaced area which used to accommodate Oakes Park School prior to its demolition. Around this area are areas of landscaping, including a number of mature trees. Hemsworth Road and Matthews Lane border the site to the north and west respectively and the predominant surrounding land use is housing.

The proposal, as amended, is to introduce 52 houses which would have a mix of 3, 4 or 5 bedrooms into the site along with associated off street car parking, landscaping including an area of public open space, also acting as a green link in the southern part of the site.

The main access would be taken from Matthews Lane which would use one of the former points of access. A smaller, secondary access serving six houses would also be from Matthews Lane but to the south of the main entrance. An existing vehicle access from Hemsworth Road would be blocked off and be available for pedestrians only.

The site is classified as being previously developed or brown field so it's redevelopment for housing is acceptable as is the density of 30 dwellings per hectare.

The layout, design and external appearance will be acceptable in that new two storey development would be complement existing housing in the area.

The accesses into the site are safe and the proposed off street parking provision is acceptable. The open space within the site will provide an informal facility and a green link between fields either side retaining a number of mature trees.

The development provides planning obligations in order to ensure local open space, education and public transport facilities can accommodate the proposal. In addition, a substantial sum is committed to provide off site affordable housing units in the local area, and whilst this sum falls short of the full policy requirement under policy CS40, for the reasons set out above there is an exceptional case for utilising the balance of the affordable housing contribution, through the Council's Capital Programme, to address a funding gap in the Graves Tennis and Leisure Centre project, which will have significant benefit for local people, and the city as a whole.

The application, as amended, will deliver a significant number of new dwellings, along with the above improvements to local facilities, and is therefore recommended for conditional approval subject to a unilateral undertaking securing the payment of commuted sums for off-site open space and public transport improvements, affordable housing and education provision.

Heads of Terms for Unilateral Undertaking

(i) The owner(s) of the site shall serve on the Council, on or before the commencement of development, notice of the commencement of the development, and in the event of such notice being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed, together with any interest due.

(ii) On or before the commencement of development, the owner(s) shall pay to the Council the sum of £83,193.10 towards the provision and enhancement of open space within the locality of the site.

(iii) On or before the commencement of development, the owner(s) shall pay to the Council the sum of £142,636 to be used to provide additional school places generated by the development within the South West Planning Area 1.

(iv) On or before the commencement of development, the owner(s) shall pay to the Council the sum of £1,060,000 towards the provision of affordable housing within the locality.

(v) On or before the commencement of development, the owner(s) shall pay to the Council the sum of £10,000 towards the improvement of the bus shelter next to the site.