



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Report of: Director of Development Services

Date: 07/06/2016

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond, John Williamson and Chris Heeley 2734218

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 07/06/2016

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	16/01391/FUL (Formerly PP-05009132)
Application Type	Full Planning Application
Proposal	Provision of smoking and seating area with temporary bar and fencing
Location	Area To Outside Of Tank Nightclub 53 - 55 Arundel Gate Sheffield S1 1DL
Date Received	12/04/2016
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse with Enforcement Action

Refuse for the following reason(s):

- 1 The Local Planning Authority consider that the design of the proposed boundary fence, by reason of its materials, siting, detailing and temporary nature is out of keeping with the character of the area and would have a detrimental impact on the street scene. It is therefore contrary to Policies S10 and BE5 of the Unitary Development Plan and Core Strategy Policy CS74.
- 2 The Local Planning Authority consider that the proposed means of enclosure to the external smoking/seating area is, by reason of its position

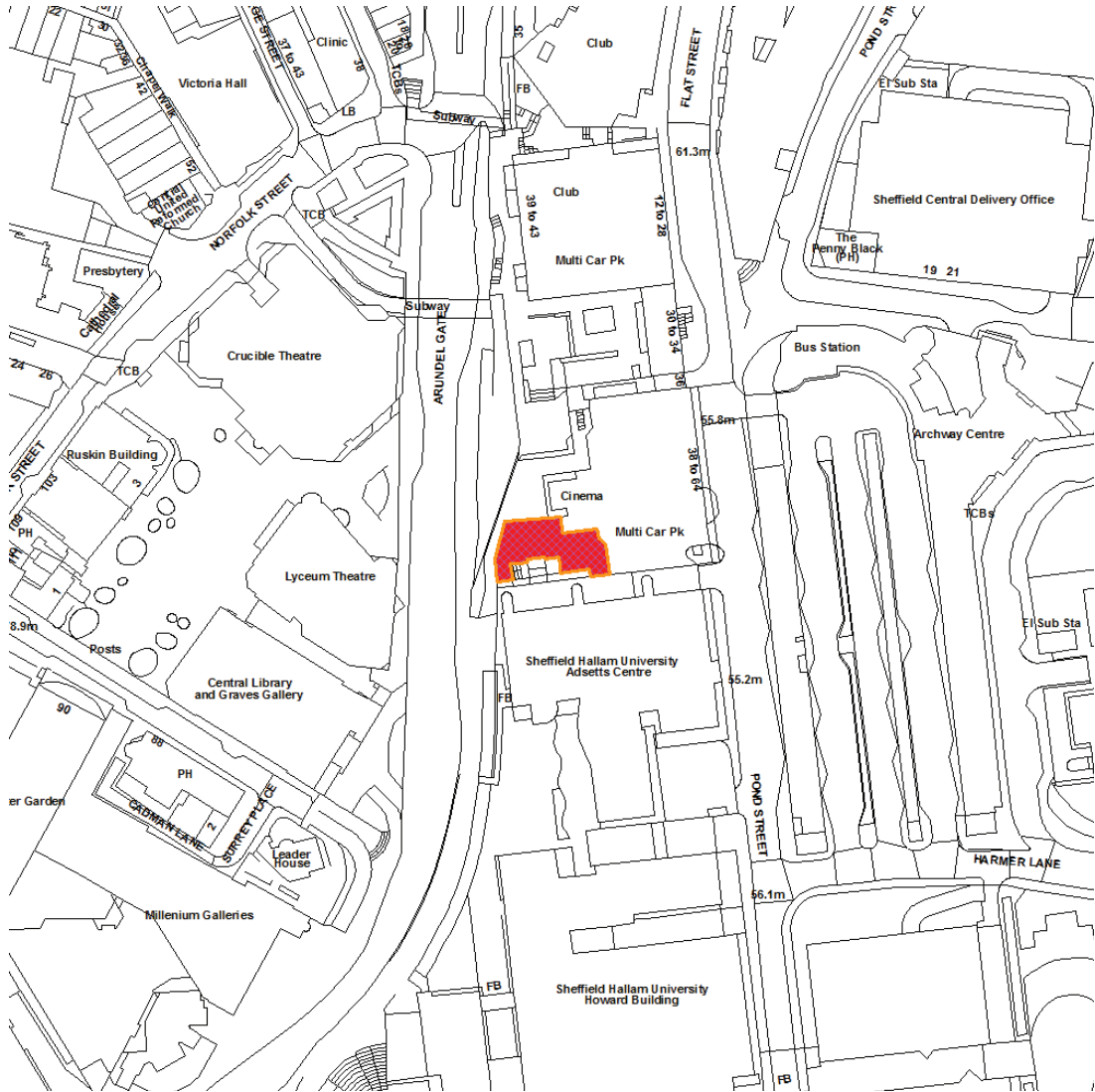
detrimental to the safety of pedestrians and other road users and to the free and safe flow of traffic on Arundel Gate and, as such, is contrary to Unitary Development Plan Policy S10.

Attention is drawn to the Following Directives:

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

TANK-TERRACE- 01 and 02
2. 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 cessation of the use of the outside space as a seating/smoking area and the removal of the unauthorised boundary fencing, tables and chairs and mobile bar facility. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application site relates to the premises of 'The Tank' nightclub, which is located on the east side of Arundel Gate, positioned between the Sheffield Hallam University Adsetts building and The Odeon Cinema. At the front of the premises is a large paved area, with low rise walls with some low level planting. Generally, the space is used by pedestrians as a means of access to neighbouring buildings including the Odeon cinema, the entrance of which is immediately to the north of the site.

The street scene is characterised by a variety of properties which range in size and architectural style, such as the 1970s premises of the Carling Academy and the Odeon cinema to the north, the Crucible Theatre and office/retail buildings to the west on the opposite side of Arundel Gate, and the modern University buildings to the south.

Retrospective planning permission is sought to continue using the forecourt at the front of the building, fronting onto Arundel Gate as an external seating area/smoking terrace, which is served by a mobile bar facility. The space is enclosed by metal fencing, which is erected and removed on a daily basis.

RELEVANT PLANNING HISTORY

15/04343/PREAPP – Pre-application advice for the provision of a smoking terrace and external area to nightclub – Application Closed.

15/01553/FUL – Covering canopy to an existing external stairwell – Granted Conditionally – 09.07.2015.

15/01553/COND – Submission of details to discharge Condition 3 (materials) of planning permission 15/01553/FUL – The condition was discharged – 04.09.2015.

99/01363/FUL - Erection of retail/leisure development for A1, A2, A3 and D2 use and covered pedestrian route (land between the Roxy nightclub and Odeon cinema) – Granted conditionally – 27.09.1999.

78/02017/FUL – Use of premises as a gaming casino and licensed restaurant and extension to form entrance foyer – Granted conditionally - 22.11.1978.

SUMMARY OF REPRESENTATIONS

Two site notices were displayed 10.05.2016 and following neighbour consultation, no letters of representation have been received in respect of this application.

PLANNING ASSESSMENT

Land Use Policy

It is necessary to identify and assess the development against relevant local planning policies, which are those contained within the Unitary Development Plan

(UDP) and the Local Development Framework, Core Strategy (March 2012). The application site lies within the Central Shopping Area, as defined in the adopted Sheffield Development Plan (UDP) and as such, UDP policies S3 and S10 will be applicable.

The building currently operates as a nightclub, and the current application seeks retrospective planning permission to regularise the use of the outside space, fronting onto Arundel Gate, as an external seating area/smoking area, which is served with an external mobile bar facility. As the external seating/smoking area is used in connection with the existing premises, such use will fall within the same use classification. Nightclubs are not specifically identified within the Use Classes Order, but are considered to be a 'Sui Generis' use. UDP Policy S3, which refers to Development in the Central Shopping Area, permits a variety of uses, such as business (B1) and hotels (C1), with the preferred uses being retail shops (A1 use), offices used by the public (A2) and food and drink outlets (A3-A5). Given that sui generis uses are not listed as unacceptable, such uses will be considered on their own merits.

There are numerous establishments within the wider city centre which benefit from external seating areas and they are considered to contribute positively to the vitality and viability of the city centre. However, in this case, given the nature of the existing use and the associated activities, which involves late night drinking, it is not the type of use that is encouraged as it will have the reverse effect of deteriorating the local environment. The activities associated with a nightclub use are generally contained within a building, allowing such uses to be acceptable in particular areas of the city. Encouraging this form of development, which overflows into the outside space, is not desirable as it will have a detrimental effect on the vitality and viability of this part of the city centre. Furthermore, allowing this form of development in this location is likely to set an undesirable precedent for other licensed premises to seek similar development proposals.

A Planning Statement has been submitted with the application which includes an assessment of other examples of late night venues in the city centre with outdoor smoking/seating areas. Having examined the information put forward, it is the case that many of the examples are not comparable with the application site, for varying reasons. Where external seating areas are provided, they are often within a good quality, defined boundary (typically a courtyard/beer garden) and therefore do not impact onto the adjoining highway. Generally the outdoor spaces are relatively small and are not always in use into the early hours. Where smoking areas exist, these are restricted in size.

A nearby establishment with a similar arrangement to the application site, does not appear to benefit from any planning permission or premises licence for the use of the external area and therefore cannot be considered an appropriate example.

It is also relevant to note that there is no objection in principle, to an area of outside space being designated purely as a smoking terrace, subject to a reduced sized footprint and with no external seating or mobile bar facility - an opinion that was expressed by the Planning Officer during pre-application discussions. This would be acceptable on the basis that it would be appropriately managed and an alternative boundary treatment provided. A reduced sized smoking terrace, which

would be set well back from the public highway, would have a significantly reduced impact in terms of noise, activity, anti-social behaviour because of the reduced numbers involved and would avoid customers loitering around outside the building for long periods of time.

UDP Policy S10 which relates to development in shopping areas, states that new development or change of use will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre. In this regard, given that the proposal seeks to develop land which is within the existing curtilage and would be for the same use, there will be no change to the concentration of uses within the area.

The site lies within the Sheaf Valley Quarter of the City. Core Strategy Policy CS17, which relates to the city centre quarters, describes Sheaf Valley as an important gateway area and the academic focus for Sheffield Hallam University.

Design/Visual Amenity

UDP Policy S10 states in (d) that development should be well designed and of a scale and nature appropriate to the site and (e) comply with Policies for the Built and Green Environment, which in this case, will be Policy BE5.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) 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; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

In facilitating the use of the forecourt in front of the building as an external seating area/smoking terrace, the said area is enclosed by a metal Herras fence, up to 2 metres in height. The fence is temporary in nature, by virtue of the fact that it is erected and removed on a daily basis, however, planning permission is being sought to allow the fence to be sited around the site, on a permanent basis.

The design of the boundary fence is considered to be crude and utilitarian in appearance, offering no visual quality, and would be better placed within an industrial context. The fence is visually obtrusive, having a detrimental effect on the visual amenities of the wider area and as such, is not the type of development which is encouraged within a city centre location. Furthermore, enclosing this large

space is considered to have a detrimental effect on the street scene and conflicts with the open character of the area.

During the pre-application stage, it was recommended that an alternatively designed screen/fence be provided, which would visually enhance the appearance of the site whilst still satisfying the requirements of the Fire Officer, in relation to the Premises Licence. It is acknowledged that a robust form of enclosure at an appropriate height is required to satisfy the Fire Officer, and there is no objection to some form of solid wall being constructed in an appropriate location and an alternative screen/fence being erected near to the building. Although there are alternative solutions available the applicant has chosen not to explore other options. The frontage is predominantly hard surfaced and it is considered that it would benefit from soft landscaping to soften the appearance of the site.

The boundary fencing is shown in two positions on the submitted drawings, in order to meet the requirements of the licence. The fencing arrangement differs depending on the hours of opening of the adjacent Odeon cinema. The fence is positioned in front of the main entrance of the building, and extends out towards the footway fronting onto Arundel Gate and extends down towards the south-west corner of the site. This stretch of fencing remains static, whilst the fencing along the southern edge of the site is removed when the Odeon is not in use, the times of which can vary depending on whether there is a late showing or not. The fencing along the southern boundary serves to provide a means of fire exit route from the Odeon.

It was noted during an Officer's site visit that fencing was being stacked in front of the building in public view. This is not an acceptable solution and alternative arrangements should be made to store the fencing appropriately, either within the building or elsewhere within a confined enclosure.

Amenity Issues

The site is located within the City Centre and relates to a late night use, and as such, it will be relevant to apply guidance contained within the adopted City Centre Living Strategy (CCLS), which was adopted in 2004.

The CCLS specifically refers, in Guideline 10, to the residential amenity of residents in relation to extension of hours of A3 (now A3, A4 and A5) uses and states that in new developments involving pubs, bars and restaurants it is appropriate to set closing times to prevent undue disturbance. There is a restriction of opening hours until 0030 hours for establishments, which lie within the Devonshire Quarter. However, the CCLS pre-dates the change in licensing laws and therefore, subsequent to that document, Interim Planning Guidance on Night Time Uses was adopted by the Council in 2005. The document recognises that cafes, pubs, bars and restaurants can enliven town centres and support the evening economy but can also have an impact on the centre in terms of anti-social activities and causing a nuisance to nearby residents. It is for this reason that two areas have been identified where time limits of no later than 0030 hours have been imposed, which include the Heart of the City/Cathedral and the Broomspring Area of the Devonshire Quarter. The site does not fall within these areas but is sited on

the edge of the 'Heart of the City Cathedral Quarter Area', just outside the controlled opening area zone of 12.30am.

The City Centre Living Strategy and subsequent document, the Interim Planning Guidance, acknowledges that the people living in the city centre cannot expect to experience the same levels of quiet as the more suburban parts of the City. However, the impact of this type of use on the amenity of residents is a material consideration when determining the application. This is reinforced by the IPG, which states that the amenity of present and future residents should be protected from undue noise and disturbance after a reasonable time of night.

The City Centre Living Strategy was updated in 2015 and in Guideline 2 it states that leisure, and food and drink uses will be allowed provided that conditions for nearby residents and people working in the area will not be harmed. There is particular reference made to the provision of tables and chairs outside the premises and the requirement to not impair the safety or ease of movement of pedestrians and road users. Guideline 11 specifies the locations for nightclubs and advises that such developments will be acceptable in parts of Heart of the City (around Barkers Pool and the New Retail Quarter) amongst others. The application site is not identified and although the use of the building will not be changed, it is relevant to note, given that the proposal seeks to change the outside space and use it as an extension to the existing nightclub use.

The proposal seeks to continue using the outside space as a smoking area which includes external seating and a mobile bar facility within a large enclosed area, during the hours of 2300 hours and 0500 hours the following day. The outside space has been used in this manner for at least 21 months.

The premises do benefit from a Premises Licence which restricts the number of customers to 440. The capacity of the nightclub (including any outside space) has remained unchanged, and therefore the inclusion of an outside space does not increase the overall capacity.

Utilising this large outside space for such purposes is not considered acceptable. This outside space is a large area, which can accommodate a high number of people, resulting in a large cluster of people congregating outside the building late into the morning. This generates significant street noise and activity. The addition of a bar and external seating will encourage customers to stay outside, especially during the summer months. Although the site is not situated within the controlled zone, it is located on the very edge of the zone, and there is no desire to encourage this form of development, which will have a detrimental effect on the character of the area.

Following consultation with the Environmental Protection Service, it has been confirmed that there is no objection to the proposal, as it is located within an area where there are no sensitive land uses and thus, does not cause any noise disturbance for nearby properties. It was also noted that there had been no complaints received in respect of the use of the outside space. However, it has been recommended that, in the event that planning permission is granted, a condition be imposed prohibiting any live or amplified music within the outside areas.

Highway Issues

UDP Policy S10 (f) states that the development be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

In the south-west corner of the site (for both layouts), a manned exit is provided. The fence panel is opened out over the footway narrowing the remaining access. The submitted layouts suggest that a 2 metre wide footway is retained, though this would be reduced if the fence is opened too wide. Such an arrangement is considered to interfere with the natural pedestrian route along this frontage, which is not acceptable from a highway safety point of view. An alternative solution should be sought.

SUMMARY AND RECOMMENDATION

This application seeks to continue using the outside space as an outdoor seating area/smoking area which is served with a mobile bar facility and enclosed by a perimeter fence. This type of use is not considered acceptable as it detracts from the character of the area, having a negative effect on the vitality and viability of the city centre.

The design of the fence is crude and inappropriate for this location, resulting in a visually obtrusive feature in the street scene, whilst gaining access to the enclosure creates an obstruction on the adjoining footway.

Although there are no objections from the Environmental Protection Service, as there are no sensitive land uses within the immediate vicinity, this type of use has the potential to prejudice the future development of sites within the area. The proposal will not accord with UDP Policies S10 and BE5 and Core Strategy Policy CS74 and is therefore recommended that the application be refused with appropriate enforcement action.

ENFORCEMENT

Given that the outside space is currently in use, and is therefore unauthorised development, it is necessary to seek appropriate enforcement action to secure the cessation of the use of the outside space for the above purposes and the permanent removal of the temporary boundary fence, table and chairs and mobile bar facility.

It is therefore recommended that the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use of the outside space and the removal of fencing, table and chairs and mobile bar facility and that the Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including action to resolve any associated breaches of planning control.

Case Number	16/01133/FUL (Formerly PP-04921685)
Application Type	Full Planning Application
Proposal	Alterations and change of use of existing office building (including removal of existing upper 2 floors and installation of an additional 3 floors) and erection of new buildings to rear (maximum 10 storeys high) to create mixed use development comprising of 355 student accommodation apartments, with ancillary communal facilities (Sui Generis), and a commercial unit (A1, A3, A4, A5 uses) at ground floor level, landscaped courtyard area, disabled car parking and associated access
Location	Land Between New Street And North Church Street, West Bar, Sheffield, S3 8PQ
Date Received	21/03/2016
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

E(PA) 021 (Revision P2) Elevation - North
E(PA) 022 (Revision P3) Elevation - South
E(PA) 023 (Revision P3) Elevation – East
E(PA) 024 (Revision P3) Elevation – West
E(PA) 025 (Revision P3) Elevation – Courtyard
E(PA) 044 (Revision P2) Elevation - S Block A
E(PA) 045 (Revision P2) Elevation - N Blocks B&C

L(PA) 002 (Revision P3) Site Plan
L(PA) 003 (Revision P3) Plan – Ground
L(PA) 004 (Revision P4) Plan - L01
L(PA) 005 (Revision P2) Plan - L02
L(PA) 006 (Revision P2) Plan - L03
L(PA) 007 (Revision P2) Plan - L04
L(PA) 008 (Revision P2) Plan - L05
L(PA) 009 (Revision P3) Plan - L06
L(PA) 010 (Revision P3) Plan - L07
L(PA) 011 (Revision P3) Plan - L08
L(PA) 012 (Revision P3) Plan - L09
L(PA) 013 (Revision P3) Plan – Roof

A(SK) 001 (Revision P1) Existing brick detail
A(SK) 002 (Revision P1) New zinc detail
A(SK) 003 (Revision P1) New brick detail
A(SK) 004 (Revision P1) Brick detailing
A(SK) 005 (Revision P1) Zinc shadow gap detail
A(SK) 006 (Revision P1) Parapet details

D&A Addendum 20 May 2016

External Materials 20 May 2016

Travel Plan - Matrix Transport and Infrastructure Consultants Limited, March 2016

Reason: In order to define the permission.

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

3. Ground gas investigations shall be concluded in accordance with the details submitted in the approved Tier Environmental Ltd Ground Investigation Report ref. T/16/1731/GIR issue 1.2 (09/05/16), and submitted for Local Planning Authority approval prior to construction works commencing. The associated report on concluded ground gas investigations 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.

4. Any gas protection measures or, in the event of soft landscaping being introduced to the development, ground remediation works required as identified in the approved Ground Investigation Report, shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved by the Local Planning Authority prior to construction works commencing. 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.

5. No development shall take place, including any works of demolition, until details are submitted for approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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

6. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of the 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.

7. Prior to implementation, full details of any external signage proposed to be installed on the building shall have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details (please note this does not preclude the requirements for advertisement consent).

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

8. Prior to installation, final details of the design and layout of the courtyard space shall have been submitted to and approved by the Local Planning Authority. These details shall include:

1. The proposed materials, including samples when requested;
2. The proposed planting scheme and maintenance details;
3. The design of proposed steps; and
4. The design of proposed furniture (e.g. planters, seats etc.).

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

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

9. 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.

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

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

11. Within 3 months of the date of this permission, or an alternative timeframe to be agreed by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure the quality of the built environment is enhanced.

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

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

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

a) Be based on the findings of approved noise assessment survey NoiseAssess; ref. 11785.01.v1; March 2016.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

14. In accordance with the details contained in the email received on 20 May 2016 (by Clare Plant, Subject 05.20.CP.MR.YK5033.District heating clarification), the development shall use district heating for 100% of the development's domestic hot water energy demand. In the event that it is shown that this low carbon energy is not feasible or viable, no development shall commence until a report detailing an alternative means of energy saving technology shall be submitted to and approved by the Local Planning Authority which identifies the alternative strategy for providing:

a) 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 shall have been installed before any part of the development is occupied and a post-installation report shall

have been submitted to an 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 and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

15. Before the operation of any commercial use(s) included in the development hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation within the development to levels complying with the following criteria:

- (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- (iii) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

16. The building shall not be used unless the cycle parking accommodation shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

17. Before the residential use of the development is commenced, Validation Testing of the sound attenuation works designed to achieve specified internal noise criteria shall have been carried out, and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then,

notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

18. Within 3 months of the date of this decision, full details of arrangements which have been entered into to secure the reconstruction of the footways adjoining the site shall have been submitted to and approved by the Local Planning Authority. The details shall include the detailed materials specification that is proposed to be used and the approved details shall have been implemented before the development is brought into use.

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

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

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

20. In accordance with the details contained in the email received on 24 May 2016 (Author: Clare Plant, Subject 05.24.CP.MR.YK5033.Public Transport - Real Time Information), the development shall not be brought into use until Real Time Public Transport Information (RTPTI) has been provided and displayed on a screen in at least one location in the building's main reception area for the lifetime of the development or until a point where it is superseded another form of RTPTI Technology.

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

21. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to approval by the Local Planning Authority prior to installation.

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

22. The dedicated parking spaces for disabled persons as shown on the approved plans shall be provided in accordance with those plans before the first occupation of the development. Such car parking shall only be used by holders of a 'Blue Badge' parking permit (or any subsequent scheme which supersedes this) and thereafter such car parking accommodation shall be retained for the sole use of such persons and shall not be sold off or let to persons who are not entitled to a 'Blue Badge'.

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

23. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- a) Plans showing the location of the fume extraction system, including any external ducting and any termination cowl.
 - b) Acoustic emissions data.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
 - e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

Other Compliance Conditions

24. The use of the ground floor commercial unit shall be in accordance with Class A1, A3, A4 or A5 of the Town and Country Planning (Uses classes) Order, 1987, as amended, and shall not be used for any other purpose.

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

25. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays,

and between 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.

26. No windows within the development shall be blocked up, filmed over or otherwise made non transparent without the prior written approval of the Local Planning Authority.

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

27. No customer shall be permitted to be in the commercial unit outside the following times - 08:00 to 23:30 hours Monday to Saturday and 09:00 to 23:00 hours Sundays and Public Holidays.

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

28. Deliveries to and/or despatches from any commercial unit(s) forming part of the development hereby permitted shall be carried out only between the hours of 0800 to 2100 hours Monday to Saturday and 1000 hours to 16:00 hours Sundays and Public Holidays.

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

29. No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2100 hours and 0800 hours Monday to Saturday and between 1600 hours and 1000 hours on Sundays and Public Holidays.

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

30. The external materials and finishes for the development hereby approved shall be carried out in accordance with the details set out in the approved document 'External Materials (20 May 2016 - FINAL) and the material samples submitted to the Local Planning Authority on 24 May 2016.

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

31. The works shall be carried out in accordance with the following large scale details:

Window Detail (including reveals) - as detailed on Drawing No. (SK) 001 Revision P1 (Planning Details Existing Brickwork);

Parapet Detail - as detailed on Drawing No. (SK) 006 Revision P1 (Planning Details New Parapets);
Zinc Breakline - as detailed on Drawing No. (SK) 005 Revision P1 (Planning Details Zinc Breakline); and
Cladding Panels - as detailed in approved document 'External Materials (20 May 2016 - FINAL)

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

32. The inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site shall be carried out in accordance with the approved plans and thereafter retained.

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

33. No door or window shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

34. The means of ingress and egress for vehicles engaged in the construction of the development shall be carried out in accordance with the details in the Traffic Management Plan document submitted in the email received on 26 May 2016 (by Clare Plant, Subject: 05.26.CP.MR.YK5033.updated construction informationc). Thereafter, ingress and egress for such vehicles shall be obtained only at the approved points.

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

35. Upon any occupation of the building, the approved Travel Plan (Matric Transport and Infrastructure Consultants Limited, March 2016) - including its action plan, monitoring and review - shall be implemented.

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

Attention is drawn to the Following Directives:

1. 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.

2. 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

3. 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
Town Hall
Penistone Street
Sheffield
S1 2HH

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.

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. 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.
6. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
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.
9. 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.

10. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

11. The Applicant is encouraged to maximise local for opportunities for employment from the construction and operation phases of the development. This can be carried out through a detailed Employment and Training Strategy, created in accordance with Sheffield City Council. The Strategy would include a detailed implementation plan, with arrangements to review and report back on progress achieved to Sheffield City Council. For further information and to discuss the matter further, ahead of construction work commencing, the applicant should contact:

Kerry Moon

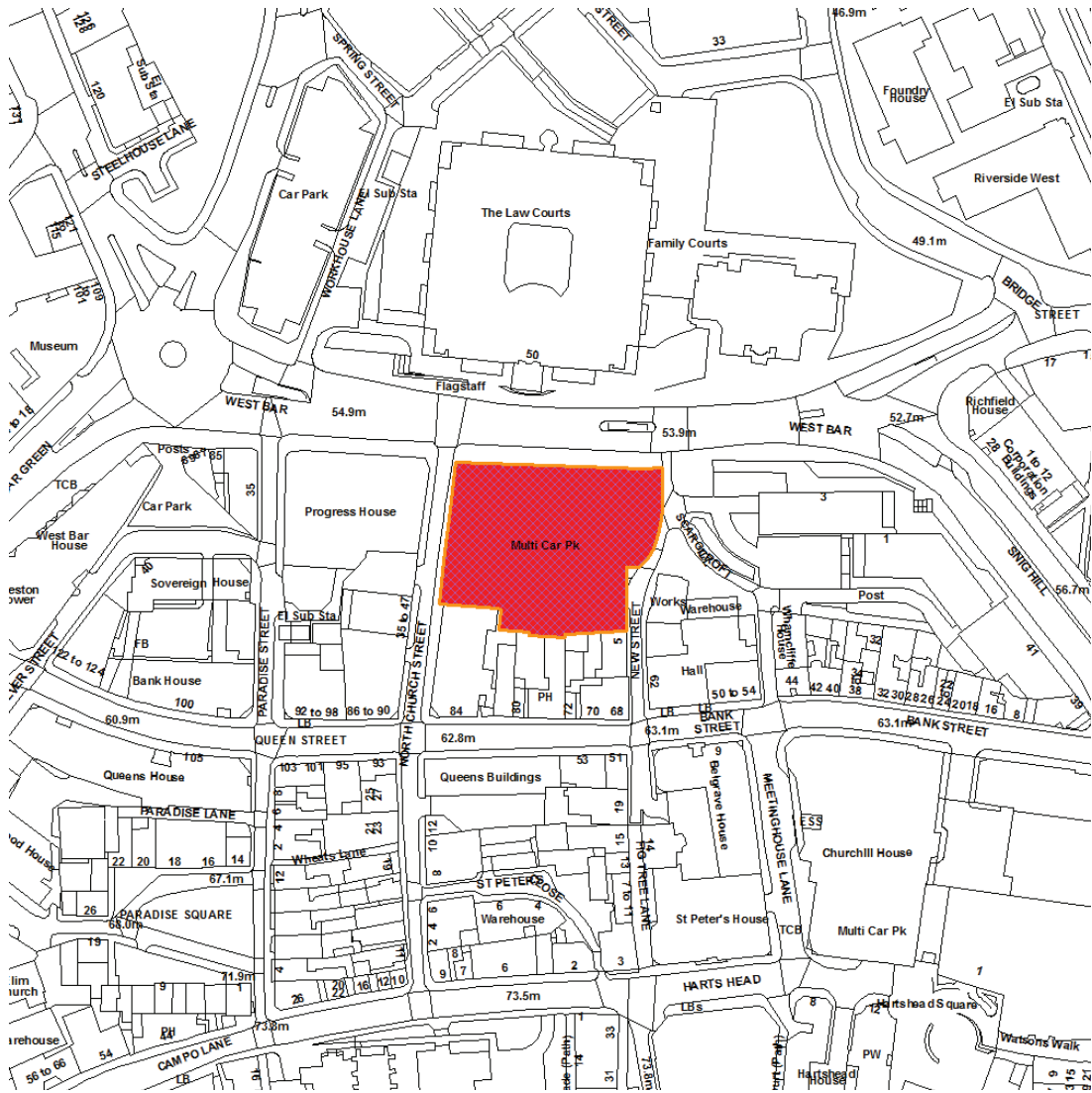
Investment Support Manager - Sheffield City Council

Lifelong Learning, Skills and Communities | 145 Crookesmoor Road |
Sheffield S6 3FP

Tel: 0114 2296161 | 07875009200

Email: kerry.moon@sheffield.gov.uk

Site Location



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LOCATION AND PROPOSAL

The application site has a prominent location on the south side of West Bar in the City's Cathedral Quarter. It is a roughly square site which directly abuts West Bar (north), North Church Street (west) and New Street (east). Beyond the rear of the site (south) there are existing buildings which have their side and rear elevations abutting the shared boundary. The edge of the City Centre Conservation Area is continuous along the southern boundary but the site does not fall within it.

The topography of the area falls steeply in a south to north direction. As a consequence of this, the site is not flat and the ground floor level increases towards the rear. Existing buildings to the south of the site are set approximately 6 metres higher than the application site's West Bar frontage, which is the lowest point.

The site is surrounded by a variety of existing land uses, buildings and designations. To the north, on the opposite side of West Bar, there is The Law Courts and Family Courts which are two substantial red brick and stone built buildings that dominate this side of the street. The land in between the application site and these buildings (including the road) comprises of the Council's Grey to Green project, a public realm scheme to create a much improved aesthetic and pedestrian friendly environment. To the south, at the rear, there are existing office / commercial buildings that vary in height and design. The majority of these are traditional buildings and mainly comprise of red brick and rendered buildings with varied pitched roofs and deep projecting rear extensions. Immediately abutting the south east corner of the site is No.5 New Street, which is linked to Queen Street Chambers (68-70 Queen Street) and is a Grade II Listed Building. To the east, on the opposite side of New Street, there are a number of commercial buildings including a small workshop building and a large office building (Peel House). To the west, on the opposite side of New Church Street, are a number of substantial buildings (around 3 to 4 storeys high), which comprise of a self-storage facility and an office building.

The application site is 0.3 hectares in area. In August 2004, a mixed use development comprising of an office building (7 storeys), 2 blocks of flats and a ground floor retail unit (Class A1) was granted planning permission on the site. The office building has been constructed on the site but the residential elements of the development never got past the foundation stage and have not been completed (See 'Planning History' below). The completed office building has never been occupied and the site has recently been sold following bank repossession.

The new owner – London and Scottish Student Housing – now intends to transform the site into a student development (sui generis) comprising of 355 apartments with communal facilities and a separate commercial unit. The works include the retention of and alterations to the existing 7 storey office building that exists on site as well as the erection of two new buildings at the rear of the site. The scale of the development will now be up to a maximum of 10 storeys in height. The use will be purpose built managed student accommodation including studio, one-bedroom and two-bedroom apartments. The proposed commercial unit on the West Bar frontage

is intended to be a “pop-up” style facility that will be available for A1, A3, A4 and A5 usage and isolated from the student facility.

RELEVANT PLANNING HISTORY

03/02877/FUL: Erection of building to be used as offices, erection of 2 blocks of flats plus a retail unit (Class A1) with associated car parking accommodation (as amended by plans dated 30th March 2004). Granted Conditionally with Legal Agreement (17.06.2004)

08/01419/FUL: Erection of building to be used as offices, erection of 2 blocks of flats plus a retail unit (Class A1) with associated car parking accommodation (Application under Section 73 to vary conditions 2, 3, 4, 8, 10, 11, 13, 14, 15, 16, 17, 18 and 20 of planning permission 03/02877/FUL to allow development to commence in two phases). Granted Conditionally, 17.04.2008

The buildings which are now present on site commenced under the 2004 permission and were largely completed in 2007. The development was halted due to the recession. The 2008 permission sought to allow the 2004 approval to be completed in two phases, enabling the planning conditions for the office building to be discharged prior to the commencement of the residential element of the scheme.

08/05481/FUL: Erection of offices with integral parking accommodation and small ground floor retail unit (Use Class A1) (amended plans received 08.04.2009). Granted Conditionally, 28.04.2009
This comprised of an alternative scheme for the site but was never implemented and the permission has now expired.

10/04147/CHU: Use of existing parking facilities as a public car park. Granted Conditionally, 15.04.2011

10/04166/FUL: Use of land as temporary short stay public car park (Retrospective application). Granted Conditionally, 25.03.2011

16/01062/DPN – Demolition of car park structure below ground level. Prior Approval Not Required, 12.04.2016.

The structure has declined because it has not been completed or protected and as a consequence cannot be incorporated into the current development proposals. This last application was submitted in order to enable clearance of the site in preparation for future development.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter, press advertisement and the display of site notices around the site.

2 representations have been received.

Representation No. 1 – Support:

The application will regenerate this area, providing much needed investment and creating jobs. It is also compatible with the wider plans for development of this area. (Mail Boxes Etc., 88 Queen Street)

Representation No. 2 – Neutral Representation:

I have just bought and moved my business into the Don Press, New Street, S1 2DN. Whilst the land in question is not pleasing on the eye at the moment and I welcome a development that will help boost the area, footfall and bring it back to life more, I am concerned about the potential loss of natural light into my business premises. The property I own was chosen for many reasons, one of those being great natural light. A 10 storey building will reduce my right to light significantly and I would like a response or consultation regarding this and would naturally seek compensation. I am also concerned about access that we need on a daily basis to the car park that I own and use. We will need assurances that we will have full access to our parking. Currently we have to swing out towards the land to enter the drive through tunnel. Should our access to parking be affected in any way, I would seek maximum compensation as a key factor in buying this building was myself and my staff having permanent parking next to offices. I still support a development on this land, but with an acceptance of neighbour's rights.

PLANNING ASSESSMENT

1. Land Use Policy Issues

Unitary Development Plan (UDP)

The application site is situated within a designated Business Area in Sheffield's adopted UDP. Policy IB7 (Development in Business Areas) states that B1 uses are preferred in Business Areas and should remain dominant. It does not list "Student Accommodation" as being either acceptable or unacceptable development because it is a Sui Generis use and, therefore, the acceptability of the use must be assessed on its individual merits.

For reference, Housing (C3) at upper levels in the City Centre is listed as an "acceptable" use for the area as long as living conditions are demonstrated as satisfactory and they do not hinder business development. Given the residential character of this development – albeit for students – and the presence of educational establishments in proximity to the site, it is considered that this is an appropriate steer towards acceptability for the use in the area, subject to all material considerations being addressed.

Sheffield Development Framework Core Strategy

The UDP designation is continued in the Core Strategy in Policy CS 3 (Locations for Office Development) and Policy CS 17 (City Centre Quarters).

Policy CS 3 (a) states that office development will take place in the City Centre. Policy CS 17 (b) states that the Cathedral Quarter will be the main professional, legal and financial district that will be strengthened by the introduction of a richer mix of uses including residential, leisure and retail.

Currently, offices make up around two thirds of existing floorspace in the area and so can be considered the dominant use. The change of use from office to residential and retail floorspace proposed in the application will reduce the proportion of offices but it is likely that offices will remain the dominant use. The site is not within one of the Priority Office Areas that are identified in Core Strategy Policy CS4 (Offices in the City Centre). Furthermore, it is also acknowledged that the site has been available to let as new office accommodation and vacant since 2007 with no success, despite being extensively marketed.

Therefore, on balance, the application proposal is considered to comply with the relevant Core Strategy policies.

Draft City Policies and Sites Document

The draft Sheffield Local Plan City Policies and Sites (Pre-Submission) document identifies the site as being within a Business Area, which is a new proposed allocation area. It should be noted that this Local Plan has not been submitted for final approval and it is not an adopted document. Therefore, its content has limited weight because it is only a draft but it does help to demonstrate the Council's future aspiration for the site.

Cathedral Quarter Action Plan

This document sets out a strategy for the area to help promote it and co-ordinate development. It was adopted by Cabinet as a material consideration in 2004 for the period up to 2014 but the document continues to remain relevant. The application site is identified as being a new development site in the document and identified as a weakness of the Quarter, which is considered to still be relevant today.

The Action Plan encourages new development in the Quarter to help maintain and enhance its vibrancy and vitality. All new development is expected to contribute to this, including the construction of high quality mixed use developments that will help generate a more diverse mix of uses in the area whilst ensuring that business uses remain dominant. Uses that result in more people living in and visiting the area are encouraged, such as residential and good quality A1/A3 along with new office space.

National Planning Policy Framework (NPPF)

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making a decision taking. With regard to decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is out of date it states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits when assessed against the policies and restrictions in the NPPF as a whole.

In light of the above, there is considered to be sufficient national and local policy (including emerging policy) and guidance to support the principle of the proposed land uses at this site.

2. Density Issues

Core Strategy Policy CS 26 (Efficient Use of Housing Land and Accessibility) requires new housing development to make an efficient use of land but accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. Therefore, a minimum density of 70 dwellings per hectare in the city centre is required.

The proposal is for 355 small studios and apartments within a dedicated student development. This represents a density of over 1,183 dwellings per hectare, which is compliant with Policy CS 26.

It is acknowledged that the high density, significantly in excess of policy requirements, is the result of this being a large urban development comprising up to 10 storeys and including a large quantity of small sized units. Given the nature of the site and character of the proposed development, this density is considered to be acceptable. Whilst dense, the Council does not currently have any adopted internal space standards that can be used to set minimum levels and make developers increase the size of the units they propose. Therefore, in this instance, it is considered that refusal of the application could not be substantiated on these grounds.

3. Mixed Communities Issues

The applicant states that the proposal offers the opportunity to complete the building works on the land and improve a site that is currently difficult to secure. In order to support their case, the applicant has submitted a document entitled "Sheffield Market Report on Student Accommodation" by Knight Frank, which seeks to demonstrate that Sheffield is undersupplied and that future growth will most likely stay in private sector purpose built accommodation (including mature, overseas, postgraduate and research students).

Core Strategy Policy CS 41 (Creating Mixed Communities) encourages development of housing to meet a range of housing needs.

Policy CS 41(a) states that a mix of housing types and tenures will be achieved by ensuring that no more than half the homes in larger developments should consist of a single house type. 'Larger developments' are defined as more than 60 new dwellings and a single house types is defined as one with the same number of bedrooms and of the same design or generally similar characteristics. With 355 units proposed in the scheme comprising of 286 (84%) studios, 39 (11%) 1 bedroom units and 16 (%) 2 bedroom units, the proposal is contrary to this element

of policy. Unfortunately, the applicant is not prepared to amend the application further to improve the mix because it is advised that the current layout achieves a proposal that is viable for them. It is argued that the proposed mix has been informed by the Applicant's own market research and is supported by evidence of demand. The application does include a sketch plan to demonstrate how the layout of the building could be reconfigured into 1 and 2 bedroom apartments in the future, if market conditions change again and there is less demand for student facilities. This would be achieved by the removal of partition walls.

Policy CS 41(c) requires that new purpose-built student accommodation is primarily located in the City Centre and the areas directly to the north-west and south of the City Centre. As such, this proposal conforms to this part of the policy.

Policy CS 41(d) seeks to limit development of purpose-built student accommodation and Houses in Multiple Occupation where more than 20% of residents within 200m are already in such uses. This is to ensure the developments do not create an imbalance within the surrounding community. The current concentration of shared properties in this area (including extant permissions) is 6% and the proposal will lower the density, by virtue of it comprising entirely non-shared accommodation, to 4% and therefore the proposal conforms with Policy CS41(d).

It is clear that the application is not wholly compliant with Policy CS 41 because of the unit mix. Whilst the application could be refused on such basis, in this case it is considered that such an option must be balanced against the site circumstances and benefits of granting planning permission.

Positively, the proposed scheme will secure the future of a partially completed site that has been in its current state since 2007. It includes a new building that has never been occupied despite continued marketing and a large area of vacant land where limited works have occurred. The site has a prominent position on West Bar, immediately adjacent to the City Centre Conservation Area and Phase 1 of the Council's 'Grey to Green' Corridor project, which significantly enhances the quality of the area. It is considered that the application site – especially the undeveloped land at the rear – currently detracts from surrounding streets and the overall amenity of the area. The site has also been the subject of anti-social behaviour activity, which has had a further negative impact on the appearance of land as well as the amenity of surrounding businesses.

Furthermore, the site is considered to be a good location for a student focused development; it is a highly sustainable location with very good transport and walking access to both of Sheffield's Universities. The consequence of this application would be to increase the student population in the area, which Policy CS 41 is intended to control, however the overall harm of imbalance at this location is not considered to be a significant issue given that there is no particular established residential community that would be imbalanced or adversely affected by the lack of mix. The surrounding buildings are predominantly offices and the Law Courts. Any residential development within the immediate vicinity is predominantly student based as well as small flat accommodation. Therefore, it is believed that the benefits of regenerating the derelict site and giving it new life will

have a positive effect on the area, which will most likely outweigh the negative aspects of introducing more student accommodation.

For the reasons given above, and on balance, it is concluded that the wider regeneration and conservation benefits of developing this site outweigh the dis-benefits of not being wholly in accordance with Policy CS 41.

4. Design Issues

The NPPF attaches great importance to the design of the built environment and the achievement of high quality and inclusive design for all developments. However, although visual appearance and the architecture of individual buildings are very important facts, the NPPF states that securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decision making should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The site is situated adjacent to the City Centre Conservation Area and a Grade II Listed Building, which are heritage assets. Therefore, we must be satisfied that the proposed development does not constitute substantial harm or seriously affect key elements of their architectural or historic interest, or character and appearance. Any perceived harm must be supported by 'clear and convincing justification'.

Despite pre-dating the NPPF, it is considered that local adopted policies in the UDP and Core Strategy reflect its requirements and aspirations. UDP Policies BE5 (Building Design and Siting) and IB9 (Conditions for Development in Industry and Business Areas), Core Strategy Policy CS74 (Design Principles) all seek high quality design which aims to take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. Furthermore, UDP Policy BE3 (Views and Vistas in the City Centre) states that development will not be permitted to damage the traditional City Centre skyline or views and vistas which are important to the Centre's character.

UDP Policies BE15 (Areas and Buildings of Special Architectural or Historic Interest), BE16 (Development in Conservation Areas), and BE17 (Design and Materials in Areas of Special Architectural or Historic Interest) all recognise that buildings and areas of special historic interest are an important part of Sheffield's heritage and, as such, should be preserved and enhanced. Development that would harm the character or appearance of listed buildings and conservation areas will not be permitted.

- Proposed Layout

The development proposes a similar building layout to the 2004 approval. The existing building on the West Bar elevation will be retained and two additional blocks will be built on the land at the rear. These new buildings sit around the perimeter of the site, addressing North Church Street and New Street, and at the centre there is an internal courtyard space for residents. The main entrance to this space, and the development as a whole, will be through the West Bar block.

The new buildings will have a back edge of footpath position and complete the developed frontage on New Street and New Church Street. The buildings will sit close to their adjacent buildings in order to retain the density and historic street character, which is welcomed in design terms.

Internally, the ground floor areas generally incorporate a variety of ancillary uses. On the West Bar frontage there is a large entrance lobby, resident study / breakout space, quiet room, and gym room. The pop-up shop / café unit (situated at ground floor level in the retained building) is isolated from the rest of the accommodation and benefits from direct access from West Bar. The majority of these spaces have large windows looking onto adjacent streets. The remainder of the ancillary accommodation – such as plant, sub-station, cycle/bin storage and car parking – is situated at ground floor level across the rest of the development and direct access to them is from New Street and New Church Street.

Residential accommodation is situated at ground floor level (on New Church Street and New Street) and above. The layout of the units is, for the most part, replicated across each floor and the majority are single aspect units overlooking either the internal courtyard or adjacent roads. They are all accessed via internal corridors, stairs and lifts.

Overall, the proposed layout of the development is considered to be acceptable. The buildings are arranged in a manner that will respond well to the character of the site and the position of adjacent buildings. The historic street pattern will not be changed by the development. It is also considered that the proposed internal arrangement will significantly enhance activity and movement on / around the site. In particular, it is felt that the retention of large glazed areas at ground floor level on West Bar will enhance human interaction - creating outlook and activity as well as presenting an interesting façade to passing pedestrians.

- Proposed Scale and Massing

The scale and massing of the development is a key issue here because of the potential impact on the adjacent heritage assets and the surrounding streetscene.

The Urban Design Compendium states that new buildings must show sensitivity to their context and be in scale with the surrounding building height. Specifically, it recognises that West Bar can accommodate tall buildings as it is a gateway location into the city. New buildings could reflect the height of existing structures (up to 13 storeys) as long as they do not impact upon adjacent historic features or inhibit views.

The 2004 (residential) and 2008 (office) planning permissions establish the principle for a large scale development on the land. The current proposal maintains this theme and it is confirmed that this remains an acceptable design approach. The mass and scale of the building now proposed is larger in parts than previous permission but this increase is accepted by officers given the manner in which the increased scale has been incorporated into the development. Furthermore, other key considerations include the architectural qualities of the proposal, the increased scale of other developments in close proximity (including Weston Tower, Sovereign

House, and Peel House) and the acceptance of taller buildings more generally over recent times, in the correct locations, in the City Centre.

The block facing West Bar is the most prominent element of the development and it will have the greatest mass and scale (9 storeys). This building is currently 7 storeys high and the additional height will be achieved by removing the glazed upper floor extension (Floor 7) and replacing it with a new 3 storey rooftop extension. The overall increase compared with the existing building will be just over one storey because of the reduced ceiling heights of the residential accommodation compared with the existing office provision. Overall, it is considered that the additional height can be accommodated on this building because of West Bar's gateway character and its position relative to surrounding buildings, which are generally set at higher levels because of the topography of the land.

The new building to North Church Street is 9 storeys high and steps down at the back of the site to 8 storeys at the point where it meets the adjacent office building (7 storeys), which itself is a large mass of built form. The scale of this block sits within scales that have previously been approved on this part of the site and is considered to be acceptable. Because of the character of the street and scale of adjacent buildings, the proposed scale is not a significant issue and it is considered that the building will appear comfortable adjacent to the City Centre Conservation Area at this point as a consequence of this.

The block to New Street will be 8 storeys high and the element closest to West Bar is proposed to be taller than designs previously approved. However, this scale is considered to be acceptable as it creates an appropriate relationship of scale between this new building and the extended West Bar frontage.

Amendments have been received during the course of the application to improve the relationship of the New Street elevation at the point where it abuts the Grade II Listed Building to the south. It is considered that these changes have had a positive impact. The proposed relationship is one where the upper 2 storeys have been substantially set back from the front elevation (by approximately half the width of the building) and they are now set in from the end of the building at the point of the shared boundary. These changes mean that the new building is, in part, reduced to 5 storeys on the New Street frontage to ensure that it appears subservient to the Listed Building from street level and that views of part of the building's gable and chimneys are maintained from longer distances. The step in from the end will reduce the mass of built form when viewed from adjacent buildings and, whilst possibly an even greater step would have been preferred, this is a relationship that is believed to be an improvement on previous permissions, which were accepted as a sympathetic relationship between existing and proposed buildings. Therefore, it is concluded that the design proposed is acceptable and can be supported.

In light of the above, the proposed scale and massing is acceptable and, in design terms, will not have a detrimental impact on the character of the West Bar streetscene or the special architectural and historic interest of the adjacent heritage assets.

Proposed Design

The fabric of the existing building will be retained apart from the top floor, which is to be demolished and replaced with a new rooftop extension that will be constructed from standing seam zinc panels and separated from the brick building below by an expressed recessed gap. Existing window openings will be retained (and modified in places) with new aluminium windows installed in deeper reveals to suit the new residential use. The glazing to the main entrance will be retained to ground floor level but removed from the upper levels and replaced with brickwork to match the existing building. It is considered that the overall effect of these works will be a positive one by enhancing the architectural appearance and detailing of the building and modernising its appearance.

The architectural design of the new buildings on New Street and New Church Street is contemporary with strong vertical and horizontal elements that maintain the architectural detailing and theme of the retained building. The buildings all have flat roofs and window openings that are generous and well-proportioned. The large scale details submitted indicate that the quality of the architectural detailing will be high, as required for this prominent location.

The scheme utilises traditional and modern materials. The external elevations of the new buildings will be clad in a red facing brick that will 'bridge the gap' between the smooth orange brick of Crown House and the colours and textures of brick in the buildings to the rear. The courtyard elevations will be constructed from a white brick to lighten the internal space and the windows will all be aluminium (dark grey). The proposed material palette is considered to be acceptable in both architectural and conservation terms.

Overall, the alterations and design proposals are acceptable. The proposal includes a high quality design that will improve the existing building on the site and enhance the character and appearance of the wider area. It is also concluded that the development will have a positive impact on the adjacent conservation area and the changes made during the application will ensure that the setting and character of the adjacent listed building is preserved. Therefore, subject to conditions, it is concluded that the proposal complies with relevant UDP and Core Strategy policies.

5. Sustainability Issues

Core Strategy Policy CS 63 (Response to Climate Change) encourages action to reduce the city's impact on climate changes. This encourages high density development that is well served by sustainable forms of transport, building designs that encourage energy efficiency and reduce energy consumption, and developments that generate renewable energy.

Core Strategy CS 64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. It also advises that all new significant developments (5 dwellings or more) should achieve Code for Sustainable Homes Level 3, or

equivalent (such as BREEAM 'Very Good'). Policy CS 65 (Renewable Energy and Carbon Reduction) requires new significant developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

The density and sustainable location of the development is considered to be compliant with Policy CS 63. Furthermore, the submission proposes a number of integrated design principles that seek to maximise the buildings' performance and efficiency, thus helping to address policy requirements. These include i) a new fenestration system throughout to maximise natural light to rooms, solar control, and natural ventilation, and ii) a mixed mode ventilation system, which varies between natural and mechanical ventilation systems depending upon the outdoor temperature.

It is confirmed that the development will be constructed to BREEAM 'Very Good' standards, which is compliant with Policy CS 64.

The development intends to connect to the District Heating System for its domestic hot water heating. Such an approach is welcomed and will address the expectations of Policy CS 65 by achieving a minimum of 10% energy through low carbon technology.

Guideline CC1 of the Council's supplementary planning guidance 'Climate Change and Design (2011)' encourages green roofs to be incorporated into large scale developments, if appropriate. Unfortunately, there are no green roof systems proposed as part of this development proposal, which is disappointing and a shortfall of the proposed design. However, in light of the other sustainable credentials proposed, such an omission is disappointing but not unacceptable.

Therefore, it is concluded that the proposals will address Core Strategy Policies CS 63, 64 and 65, subject to conditions that will ensure that the submission's commitments are fulfilled.

6. Residential Amenity

UDP Policy H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met.

UDP Policy IB9 (Conditions on Development in Industry and Business Areas), part (b), states that development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Key considerations in relation to this application are outlook, privacy, outdoor amenity, and noise and disturbance.

Future Residents – Outlook Issues

All of the apartments within the development include large clear openings and a mixed mode ventilation system to ensure that internal living environments will be lit by natural daylight and are comfortable for future occupiers.

The proposed layout and design creates a circumstance whereby each unit will face either outwards across the surrounding roads or inwards across the courtyard space. As such, it is considered that this environment is acceptable and will offer a reasonable outlook for future occupiers.

Future Residents – Daylighting & Sunlighting Issues

The submission indicates that there will be units in the development that could suffer from poor levels of daylighting. Unfortunately, it is considered that such an issue is unavoidable because of the scale of the proposed blocks, the position of surrounding buildings, the courtyard design, and the orientation of certain elevations (including east and north facing) – all matters that would have been relevant to previous applications and were accepted, albeit at a lower density.

The submission seeks to counteract this issue through the use of a light white brick to the courtyard elevations of the buildings as well as large clear glazed openings throughout. There are also communal spaces across each floor and in the courtyard area where residents will be able to break out and use.

The reduced level of daylighting to some rooms is a negative aspect of the proposed design and a shortfall in residential amenity terms. However, it is considered that this issue would be difficult to overcome given the density of development proposed to make the project viable, the urban design requirements of the site, and the position of existing buildings on this and adjacent sites. It is acknowledged that it can often be difficult to achieve fully adequate daylighting in tightly developed urban schemes where space is limited and other balances need to be addressed.

However, in light of the regeneration benefits of the proposal, the permissions previously granted and nature of the proposed use, it is concluded that a refusal of planning permission on issues of daylighting could not be justified in this instance.

Future Residents – Privacy Issues

There are no existing or proposed residential developments on adjacent land to the north, east and west, which are the main outward facing elevations of this development. Therefore, there are no privacy concerns for the living accommodation situated on the external elevations of the building.

The main potential for overlooking and privacy issues occur within the inner courtyard space where the distances between unit windows are defined by the position of the perimeter blocks and the position of buildings to the south on Queen Street. However, given the arrangement of these blocks and their orientation to each other it is considered that overlooking will be restricted to acceptable levels and therefore privacy will be maintained for future occupiers. Indeed, distances

between main windows within the courtyard area are approximately 20m, which is considered to be acceptable for the urban setting.

The units most vulnerable to privacy issues will most likely be those situated at ground floor levels. It is considered that residents could feel uncomfortable when people pass by on adjacent streets or socialise within the courtyard space at close proximity to residential windows. However, given that this is a student development, it is recognised that this layout may also have benefits for the scheme, allowing the opportunity for students to open windows and doors onto courtyard level, thus encouraging interaction with each other and enhancing their residential experience. The development will also be a managed environment. For this reason, it is concluded that such an issue does not warrant amendment or refusal of the application.

Future Residents – Amenity Space

There is no private outdoor amenity space proposed as part of this development other than the courtyard. The application does not propose balconies or roof terraces and the amenity facilities for residents are restricted to the landscaped courtyard and internal areas, such as the breakout spaces, gym and potential café space.

The lack of private amenity space is not unusual for a multi-storey student development in a restricted urban location. The site is within the boundary of the city centre and close to public spaces and parks. It also has access to good public transport links to other nearby parks and outdoor amenity facilities. It is therefore considered to be satisfactory in amenity terms.

Noise and Disturbance

The application site is located in a mixed use area with moderate background noise levels throughout the late evening. The predominant noise source is road traffic from West Bar and surrounding streets. Noise as a consequence of the nearby commercial uses and associated external plant/equipment have also had to be considered due to the character of surrounding land uses. Therefore, the representative noise climate has been the subject of a Noise Impact Assessment, which concludes that noise can be satisfactorily controlled by the design of the development and that planning permission for the new proposal should not be refused on noise grounds.

It is considered that the noise survey and assessment submitted is satisfactory and addresses the key issues. A suite of conditions are recommended, including a validation requirement, to ensure that noise across all frequency ranges and plant/equipment is attenuated sufficiently to safeguard the amenity of future occupiers of the building. In light of the above, and the content of the Noise Impact Assessment submitted, the proposal will provide a satisfactory environment for future occupiers.

For the reasons above, it is concluded that the proposals comply with the requirements of Policies H15 and IB9.

Existing Residents – Overshadowing Issues

The overshadowing concerns described by the occupier of Don Press on New Street are noted but it is considered that the proposed relationship to all the surrounding properties is an acceptable one. The development is large in scale and the impact on surrounding buildings, especially those situated opposite or overlooking the site, will clearly be very different to the existing arrangement. However, buildings of similar height and scale have previously been granted planning permission on the application site and, therefore, the principle of such scales relative to surrounding buildings has already been established. Furthermore, it is considered that the new buildings will not be so detrimental to the existing amenity standards of the area because of the position of the site and its orientation relative to surrounding buildings and their windows.

Existing Residents – Access Issues

It is considered that the proposed development will not impact on the access arrangements to surrounding properties. The new buildings will be restricted to the curtilage of the site and there is no intention to extend across or change the nature of the existing highway. Therefore, it is considered that the development will have a neutral impact on the adjacent land in terms of access.

It is acknowledged that there may be some inconvenience during the period of construction when scaffolding has to be erected and machinery need to access the site. Unfortunately, however, this must be recognised as a short term inconvenience of the development process and the refusal of this application could not be substantiated on such grounds.

7. Disabled Access & Mobility Housing

The submission confirms that 8 x one bedroom units will be available as mobility units for disabled occupiers and the proposals include 10 disabled car parking spaces within the site boundary and there is level / lift access across the development, which is welcomed and considered to be acceptable.

8. Highway Issues

UDP Policy IB9 (Conditions on Development in Industry and Business Areas), part (f), states that new development or change of use will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS23 (Locations for New Housing) states that new development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS53 (Management of Demand for Travel), part b, encourages the promotion of good quality public transport and routes for walking and cycling to broaden the choice of modes of travel.

The site is situated within the City Centre and has good public transport facilities within close proximity - there are bus stops situated within a short distance of the building's entrance. The Heart of the City, University and College buildings are also only a short walk away. The site, therefore, is considered to be an appropriate location for new student accommodation in sustainable transport terms.

With regard to public transport provision, the applicant has agreed to display real time bus information within the reception area of the building, informing students when the buses are about to arrive at the nearby stops. The provision of this information will be secured by condition.

The proposed car parking area will be dedicated to disabled car parking with no spaces available for other cars, therefore this will be a 'car free' development. It is not anticipated that this scheme will generate any new trips, except those associated with the servicing of the site and a car-free residential concept will be supported by strict parking controls in the area. Therefore, the parking proposals are considered to be acceptable given the nature of the development and its highly sustainable location. A directive is recommended to ensure that, with the exception of disabled persons, no resident of the development who does not have access to a space shall obtain a resident's parking permit within any controlled parking zone, which may be in force in the city at any time.

With regard to cycle parking, it is intended to provide secure resident cycle parking for 94 cycles within a dedicated cycle store in the private courtyard. This equates to approximately 28% of the total number of residential units in the development. There will also be 12 spaces accessible for visitors. This level of provision is acceptable.

Finally, it is expected that the footways adjacent to the application site on New Street, Scargill Croft and New Church Street will be upgraded as part of this development in accordance with the specifications set out in Urban Design Compendium. The applicant has agreed to this provision, including the creation of a pedestrian / cycle lane in the footway adjacent to New Street and Scargill Croft, leading to the cycle store. These works will be secured by condition.

It is concluded that the development is consistent with the requirements of policies IB9, CS23 and CS53.

9. Refuse and Recycling

The proposals are considered to be acceptable from a servicing and highways point of view.

The submission includes a Refuse Strategy and the bin store will be situated at ground floor level on the buildings North Church Street elevation. This facility is sized to accommodate the quantity of bins that have been requested by Veolia and include bins for domestic waste, paper, and glass / cans. It is confirmed that Veolia will conduct a collection once a week.

In highway terms, the proposal includes the provision of a refuse vehicle layby outside the bin store which will allow it to park off the highway during periods of collection and avoid conflicts with cars and/or pedestrians on this narrow street.

10. Archaeological Issues

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that sites of archaeological interest will be preserved, protected and enhanced. Where disturbance is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

The application includes a Heritage Statement (ArcHeritage), which confirms that the new build areas in the previously approved developments (2003 and 2008) were fully archaeologically investigated and completed. Therefore, the only potential archaeological issue with an amended scheme would be if there was to be a significant impact on the one area of archaeological potential that has not been investigated on the site (essentially, the central southern part of the site). The current application proposals show that only a small portion of this area will be impacted on by the proposed new build (Block C), with the majority to be covered by a central landscaped area. The submitted plans suggest that construction of the landscaped area here should not significantly impact on the expected levels at which buried archaeological features would survive.

On this basis, the South Yorkshire Archaeology Service (SYAS) does not recommend that any further archaeological work in relation to the current proposal as set out in this application. The proposal is therefore considered to be compliant with UDP Policy BE22.

11. Land Drainage

Core Strategy Policy CS 67 'Flood Risk Management' seeks to reduce the extent and impact of flooding through means which include limiting surface water run-off and sustainable drainage techniques.

Consultation responses have not been received from the Lead Local flood Authority or Yorkshire Water at the time of writing this report. This information is expected and, therefore, Members will be updated of the responses - and any subsequent conditions - at the Committee Meeting.

12. Affordable Housing Issues

Core Strategy Policy CS 40 (Affordable Housing) states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable.

The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it supports Policy CS40. IPG Guideline 2 identifies the site as being situated within the 'City Centre' Affordable Housing Market Area where there is an expected developer's contribution of 0% towards affordable housing provision. Therefore, there are no affordable housing requirements or issues.

13. CIL

The application site lies within CIL Charging Zone 4 and given that this is a student development, the charge for this development will be £30 per square metre.

RESPONSE TO REPRESENTATIONS

It is considered that the objections received have been appropriately addressed and responded to in the relevant sections of the assessment of this application.

Matters relating to rights of light and compensation are private issues between neighbours and they are non-material planning considerations that hold no weight in the determination of this application.

SUMMARY AND RECOMMENDATIONS

The redevelopment of the site, incorporating and enhancing the existing building, is welcomed. Since 2007, the site has had the appearance of an empty, stalled and unfinished project, which in turn has detracted from the appearance of this prominent location as well as the settings of the adjacent City Centre Conservation Area and Grade II Listed Building. It has also had a negative impact on the surrounding area and neighbouring sites in amenity terms.

Whilst the scheme is not strictly in accordance with land use policy in relation to mixed communities (Policy CS 41) and there are a number of shortfalls in relation to daylighting and mobility housing provision, greater weight is given in this instance to the overall benefits of regenerating the site and further justifications have been provided in this report. The proposal includes a high quality design that will improve the existing building on the site and enhance the character and appearance of the site area. It is also concluded that the development will have a positive impact on the adjacent conservation area and the changes made during the application will ensure that the setting and character of the adjacent listed building is preserved.

For the reasons discussed above, it is concluded that the proposals are acceptable in all other respects and the comments received by surrounding land users are considered to have been appropriately addressed. Therefore, it is recommended that Members of the Planning Committee grant this application, subject to the listed conditions.

Case Number	16/00706/FUL
Application Type	Full Planning Application
Proposal	Retention of raised decking area, timber shed and 2.2m to 2.5m high reed fencing
Location	25 Armstead Road, Beighton, Sheffield, S20 1ES
Date Received	22/02/2016
Team	City Centre and East
Applicant/Agent	Mr Stephen Larkin-Brown
Recommendation	Refuse with Enforcement Action

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the retention of the raised decking as built, with the increase in height of the boundary fence to prevent overlooking of neighbouring property, results in the creation of an overbearing structure on the boundary with 23 Armstead Road which results in an unacceptable effect on the living conditions of occupiers of adjoining property. As such the development is considered contrary to Policy H14 of the Unitary Development Plan and Guideline 5 of the Supplementary Planning Guidance on Designing House Extensions.

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 such disregard for those policy requirement(s), that the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

DB001
3. The Director of Development Services or 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 reduction in height of the decking to ground level together with a reduction in height of

the reed fence so it doesn't exceed the height of the original boundary fence. We will be writing to you separately on this matter.

Site Location



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LOCATION AND PROPOSAL

The application relates to a works within the rear garden of 25 Armstead Road, a modern stone fronted, brick built mid terraced property. The property is located within an established residential area identified as a Housing Policy Area as defined by the UDP. This part of Armstead Road is mainly characterised by traditional terraced properties located on small plots of land which together with the modern terrace block of five dwellings gives a built up feel to the immediate area.

The application seeks retrospective approval for the retention of raised decking within the rear garden of the property. In addition approval is sought for a shed which has been erected on top of the decking and for the retention of a 2.2m high reed fence which has been erected around the perimeter of the garden area.

RELEVANT PLANNING HISTORY

06/02546/FUL Erection of 5 dwellings was granted conditionally on 5th September 2006. This approval removed Permitted Development rights from the dwellings in respect of the erection of house extensions, outbuildings and fences. This was because of the compact nature of the development and the restricted dimensions of the plots.

SUMMARY OF REPRESENTATIONS

One letter has been received from the occupier of the adjoining terraced property which raises concern that:

- The reed fencing which has been erected is 2.6m above the neighbours' garden level at its highest point. The reed fencing is unattractive with the top 400- 600mm being visible above the original boundary fence.
- The raised decking at the top of the garden causes overlooking of the neighbours' living room windows and garden area completely invading neighbours privacy. When they bought their house the neighbour states they had complete privacy and this is no longer the case.
- The shed which has been erected on top of the decking and sited adjacent to the boundary fence blocks sunlight into the neighbours' garden. The shed is 750mm higher than the boundary fence.
- The works will devalue the neighbours' property should they wish to sell due to loss of privacy and visibility of the reed fence when looking out of any of the windows at the rear of the property

PLANNING ASSESSMENT

The application property is sited within a Housing Policy Area as defined by the UDP. The most relevant planning policy in determining this application is Policy H14 'Conditions on development in Housing Areas'. This policy aims to ensure that development is in scale with neighbouring buildings and that the site would not be

overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Weight is also given to guidelines stated within the adopted SPG Designing House Extensions. Guideline 5 indicates that the unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided and Guideline 6 indicates that extensions should protect and maintain minimum levels of privacy.

The application property is a mid-terraced property in a block of five similar properties. The dwellings are located on the east side of Armstead Road close to its junction with Portland Road. The properties have small rear garden areas approx. 50 square metres in area 10.5m long and 4.5m wide. The gardens which rise up approx. 0.5m towards the rear boundary, have pedestrian access from Portland Road and are enclosed by 1.8-1.9m high vertical boarded timber fences. Due to the gradient of the land neighbouring gardens are stepped down approx. 100mm from one another.

As built the raised deck extends across the entire width of the garden and projects 3.24m forward of the rear boundary fence. Due to the slope of the land the front edge of the deck is elevated 550mm above the original garden level reducing to 150mm adjacent to the rear boundary. Due to the differences in levels the deck is positioned approx. 1m above internal finished floor levels of the neighbouring properties and with its front edge positioned approx. 7.5m back from their rear elevations. The deck is accessed via steps which have been erected adjacent to the boundary with 25A Armstead Road.

The shed which has been erected on top of the decking is positioned with its 1.9m high rear elevation adjacent to the boundary with 23 Armstead Road. Being located on top of the deck the overall height of the shed on the boundary exceeds 2.5m as viewed from the neighbours' property.

In order to prevent overlooking of both neighbouring properties from the elevated deck and stepped access the applicant has erected a 2.2m high reed fence on the inside of the existing vertical boarded timber fence on both the side and rear boundaries of the garden. Although 2.2m in height as measured from the applicant's garden due to the fall of the land the reed fence appears higher from the neighbouring garden at 23 Armstead Road.

The planning officer has visited both the application site and neighbouring gardens to view the works and is satisfied that the reed fencing as erected prevents direct views into the neighbouring property and garden areas. There are however concerns that the reed fencing as viewed from both neighbouring properties is unattractive and with its flimsy nature gives concern as its longevity and long term effectiveness as a screen. In this respect the applicant has suggested that a more permanent screen is erected to the rear of the reed fence to match the detailing of the original boundary fence. Whilst these works would prevent long term overlooking of the neighbouring property planning officers question if this is reasonable bearing in mind the small size of the existing gardens and height on the boundary. The concern over development within the garden areas of these

properties has previously been acknowledged by the Council by the removal of Permitted Development rights from the application property and its neighbours. Whilst this restriction does not prevent development it enables the council to retain control to ensure that any works will not impact on the amenities of neighbouring occupiers.

The garden to No 23 Armstead Road is located to the north of the application property and the combined impact of the increase in height to the boundary fence and location of the shed adjacent to the boundary will undoubtedly cast shadow over part of this small neighbouring garden for a large portion of the day and visually appear excessively high given the small scale of the neighbours' garden. It is noted that even if Permitted Development rights had not been removed the increase in height of the fence, siting of the shed within 2m of the boundary and creating of a 550mm high deck would in this instance still have require planning approval.

The structures were erected without any pre application advice being taken by the applicant. In view of the level differences if pre application advice had been sought officers would have advised the applicant to ensure the deck was dug into the existing garden creating a level platform no higher than the existing garden level. This would have prevented the need to raise the height of the boundary fences to provide screening for the development and the shed would have been at ground level preventing it appearing over dominant to neighbouring occupiers.

In assessing the application officers acknowledge that the works to improve the applicant's garden area have been carried out to a high standard and that the applicant is prepared to make alterations to the fencing to improve its overall appearance and effectiveness as a permanent screen.

In view of the above concerns and taking a balanced view it is recommended that the current application is refused and that enforcement action is taken to seek a reduction in height of the decking to ground level and to lower the height of the reed fencing so it doesn't exceed the height of the original boundary fence.

SUMMARY AND RECOMMENDATION

The overall height of the decking and siting of the shed together with the increase in height of the boundary fence required to prevent overlooking of neighbouring land results in an overbearing structure along the boundary with 23 Armstead Road. The impact of the structure on neighbouring property is increased due to the change in land levels and due to the orientation and narrowness of the plots which means that the retention of the fence would causes unreasonable overshadowing of neighbouring property but its removal would result in a loss of privacy from the raised deck.

It is recommended that the application is refused and that the Director of Development Services or Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the reduction in height of the decking to ground level together

with a reduction in height of the reed fence so it doesn't exceed the height of the original boundary fence.

It is also recommended that 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	16/00509/FUL (Formerly PP-04796255)
Application Type	Full Planning Application
Proposal	Single/two-storey rear extension and a detached garage to the rear of the dwelling house
Location	55 Causeway Head Road, Sheffield, S17 3DS
Date Received	10/02/2016
Team	South
Applicant/Agent	Time Architects
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing Nos: 204 Revision B; 205 Revision B; 206 Revision B; and 207 Revision B, all received on the 12th April 2016, and, Drawing Nos: 201 Revision A; 202 Revision A; 203 Revision A; all received on the 31st March 2016.

Reason: In order to define the permission.

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

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

Other Compliance Conditions

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

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

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

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

5. The proposed new side-facing windows that will face towards 53 Causeway Head Road shall be at all times be glazed with obscure glass to a minimum of level 4 obscurity.

Reason: In order to protect the interests and amenities of neighbouring residents.

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION & PROPOSAL

This is an application for alterations and extensions to an existing dwelling located within a Housing Policy Area in the Dore area of Sheffield.

The dwelling is a two-storey, render and brick-faced, semi-detached property that has an existing single-storey rear extension, a detached garage at the side/rear and a timber shed/outbuilding beyond the detached garage. The rear garden is enclosed by way of a mixture of existing mature landscaping, walling and fencing.

At the request of officers, the original scheme has been amended and as a result of those amendments the proposed scale of the development has been reduced.

The proposal as amended now incorporates a single-storey extension built along the party boundary with no.57 Causeway Head Rd. The single-storey extension will project out beyond the rear building line by 3 metres. This single-storey section will span approximately 3 metres across and will then link to the proposed two-storey section. The proposed two-storey rear extension will project out at the rear by 4 metres and will span approximately 4.3 metres, lining up with the original side/gable wall of the property. The proposed single-storey section will measure approx. 2.4 metres high to the eaves level and approx. 4.1 metres high to the highest part of the mono-pitch roof. The two-storey section of the rear extension will measure approx. 6.3 metres high to the eaves level and approx. 8.9 metres high to the highest part of the pitched roof. The pitched roof of the two-storey rear extension will be approx. 0.6 metres lower than the main ridged roof of the property.

The proposed extensions will be constructed using matching materials to those of the original property.

The proposal will also see the existing detached garage being demolished and a new replacement garage of the same dimensions and external appearance being built. The new replacement garage will be positioned approx. 1.3 metres further back into the garden than the existing detached garage.

The proposed extensions will result in the property becoming a 5-bedroom house.

PLANNING HISTORY

There is no previous planning history relating to this site. Given its size and position, the existing single-storey rear extension at the property was more than likely built as a permitted development (P.D.) extension.

NEIGHBOUR REPRESENTATIONS

This application has resulted in a total of 4 representations and a petition with 14 names on all raising objections to the proposal. The individual representations include comments from immediate neighbours living at 53, 57 and 59 Causeway Head Road and also a separate representation from Cllr Colin Ross. The various comments have been summarised and are listed below:-

Cllr Colin Ross

- Cllr Colin Ross's objections relate to the originally submitted scheme. Cllr Ross had stipulated that the 5-metre projecting extension was too long and would lead to a loss of light for the neighbouring residents. Cllr Ross also felt that because of the size and scale of the development, the proposal would lead to a loss of visual amenity for neighbouring residents and, would be out of character with the surrounding properties. Cllr Ross felt that an existing ground floor window to no.57 Causeway Head Road would face directly onto the proposed extension, thus causing a loss of privacy. Cllr Ross felt that a smaller extension would be more appropriate.

Neighbouring residents

- There is a mix of detached/semi-detached houses in the immediate area, some with extensions but none of the size and scale to that now being proposed. The Dore Neighbourhood Plan points to the need for appropriate developments and extensions, the importance of retaining visual congruity with neighbouring properties, and avoidance of oversized/dominating structures which impact adversely on the neighbouring properties and surrounding areas.

- This proposal will impact on the rear of neighbouring houses. An extension of this size will visually dominate/lead to a significant loss of privacy for adjoining houses and their rear gardens and, impact on the visual amenity, view and privacy of surrounding houses in adjoining roads.

- A further neighbourhood concern is the overdevelopment of 1930s semi-detached properties in the Dore area where the ratio of building to garden and/or green space is already precarious. Neighbours are concerned about the scale and size of extensions that lead to intrusive developments in the locality.

- Neighbours argue that the Sheffield City Plan stipulates that due attention must be made to the protection of amenities in the public interest and that this proposal contravenes the City policy.

- The proposed scale and dimensions of the proposed extension are excessive; the extension extends 5+ metres from the rear of the property and is spread over 3 floors.

- The single-storey rear extension is taken right up to the party boundary and this will lead to a significant loss of natural sunlight to the neighbour's property.

- Because the proposed extension will be built right up to the party boundary, there will be problems in terms of gaining access for maintenance purposes.

- Because the proposed extension will be built right up to the party boundary this will lead to the neighbour's patio area becoming an enclosed space resembling a passageway between two single-storey walls and by adding the 2nd storey this issue will become even more aggravated.

- The two-storey rear extension will lead to loss of natural sunlight entering the neighbour's property.
- The proposed development will contravene the Council's 45 degree rule in relation to the neighbour's property.
- The proposed two-storey extension includes some velux windows that face into the neighbours property (dining room window and garden) as such, there will be some loss of privacy issues.
- The proposed re-positioning of the garage will be very close to an existing oak tree which, if up-rooted could lead to potential structural damage in adjoining properties.
- The proposed extension will take a long time to construct which will lead to a serious loss of amenity for adjoining/nearby residents caused primarily by unacceptable levels of noise and air pollution. As retired people that spend a lot of a time at home, the development will cause distress over a long period of time.
- The proposed extension will protrude beyond the roof terrace of the neighbouring property (no.53), this will result in some massing close to the boundary and also a first-floor window that will look directly onto the roof terrace. This will cause significant loss of privacy issues and restrict natural daylight.
- The plans propose the demolition of the existing garage and for it be then be rebuilt further into the garden, this will result in a large gap being formed along the party boundary of approximately 2 metres (where the party wall currently meets the existing garage) This section of wall is the original natural stone boundary wall between the two properties.
- The proposed development will not comply with the 25 degree rule which will lead to a restriction of daylight entering the neighbour's property. The proposed development will also not comply with the Guidelines 5 and 6 of the Council's SPG on household extensions.

The petition

- The petition highlights the point that feelings are running high amongst local neighbours with respect to this specific proposal and other developments that have been built in the locality in recent years which have had serious adverse effects on the quality of resident's lives in their own homes and gardens.
- There are concerns from local residents that the current trend for allowing this kind of extension is having a serious and adverse impact on the amenities of the wider neighbourhood.
- The signatories of the petition oppose the proposal for an extension to 55 Causeway Head Road on the grounds that it is an oversized and inappropriate extension to a semi-detached property.

- The signatories of the petition support the view of the Dore Neighbourhood Plan which advocates restricting oversized and dominating structures which will impact adversely on neighbouring properties.
- The signatories of the petition believe that such a proposal, if approved, will set a precedent for similar developments which will lead to imbalance, visual incongruity, and a changed nature to the residential area.
- The signatories of the petition ask Sheffield City Council to reject the planning application.

RESPONSE TO REPRESENTATIONS

Since receiving the various letters of representation and petition, the applicant has amended the scheme to the dimensions outlined above. The key planning-related issues raised by the objectors are covered below in the main 'planning assessment' section of this report.

Some of the issues raised by the objectors such as noise and airborne nuisance during the construction phase of the development are not normally considered planning issues (primarily because they are usually of a temporary nature and also because they would be matters covered by Environmental Protection legislation that deals with matters of statutory nuisance).

Officers also note that reference has been made by objectors to the 'Dore Neighbourhood Plan', however, the 'Dore Neighbourhood Plan' is still going through a consultation process and has not been adopted as yet, and therefore any policies, guidelines or principles contained within the 'Dore Neighbourhood Plan' do not carry any weight at present.

Reference has also been made about the proposal not complying with the '25 degree rule'. This point has been addressed below in the planning assessment section of the report.

PLANNING ASSESSMENT

The application site lies within a Housing Policy Area and therefore, given that the property is already in use as a dwelling, only Policies H14 and BE5 of the development plan are felt to be applicable in this instance (Policy H14 relates to 'Conditions on Development in Housing Areas' and Policy BE5 relates to 'Building Design and Siting'). This application has also be assessed against the Council approved supplementary planning guidance (SPG) on 'Designing House Extensions'.

The above policies (and SPG guidance) all echo similar principles i.e. new extensions and structures should be well designed and, of a scale and character similar to neighbouring properties and/or appropriate to the area. The site should not be overdeveloped and there should be no unacceptable level of detrimental harm to neighbouring residents.

The proposed extensions and alterations have been assessed against Guideline 5 of approved SPG (Designing House Extensions) and due to the position of the proposed extension and the position of neighbouring properties' ground floor windows, the proposal will satisfy the SPG guideline (45 degree rule).

The neighbouring property (no. 57 Causeway Head Road) has an existing single-storey rear extension with a side-facing window (that faces directly towards the application site) and a larger patio-style window that faces the rear garden of number 57 Causeway Head Road. These windows serve a dining room. In a situation such as this, the side-facing windows are not given the same level of protection than if it were a front or rear-facing window on a principle elevation because, the side-facing window in many cases is unreasonably relying upon the neighbouring land for daylight. In this instance Guideline 5 of the SPG seeks to safeguard main windows and not secondary windows that are side-facing. Main windows are defined in the SPG as being the primary source of light into main living rooms, including dining rooms.

The neighbour has also expressed a concern that the distance between their side-facing window and the proposed two-storey extension is less than the 12 metre distance specified in Guideline 5 of adopted SPG on household extensions (the neighbour suggests that the separation distance is 7.3 metres). In response to this comment, officers would advise that this side-facing window is a secondary window and not the main or only window serving that room. It is worth also noting that the window is to some extent relying upon neighbouring land for its amenity in that it faces the neighbouring property at a distance of 3-4 metres. Therefore whilst the proposal will fall short of the recommended 12m distance in the SPG, given the fact that this window is not the primary source of daylight to the room and borrows amenity from its neighbour, this conflict with the guidelines should be given limited weight in this instance.

The neighbour at number 57 Causeway Head Road has made reference to the 25 degree rule with regard to loss of light to the window. This is understood to be reference to a guideline specified in the South Yorkshire Residential Design Guide 2011. This complements and supports the policies in the Development Plan Documents of each of the four local authorities (Barnsley, Doncaster, Rotherham and Sheffield). Sheffield has not formally adopted the guide but consider it best practice. In this respect therefore, it carries very little weight in terms of adopted design policy.

The relevant guideline is contained within section B1.3 'Using the interior of blocks' which deals primarily with perimeter block developments and is aimed at new build housing, and in particular circumstances where the rear facing elements of new residential blocks face one another. This is to ensure the design and layout of new developments is of an appropriate standard. Whilst this is best practice for such developments it is not considered directly relevant to the case of a house extension, where the overall quality of accommodation is established and separate guidelines (SPG) exist to deal with such proposals.

The applicant has amended the plans to show a single-storey rear extension along the party boundary (projecting out at the rear by 3 metres). An extension of this type in-itself would be classed as being permitted development and therefore, the real issue in this instance is whether or not the two-storey section of the rear extension is acceptable. The SPG at Guideline 5 uses the 45 degree rule to assess whether or not a two-storey rear extension is acceptable. The proposal as amended does now satisfy the 45 degree rule when measured against ground floor windows of both adjacent neighbouring properties, and therefore is acceptable in this regard.

The roof shape of the proposed two-storey rear extension has also been changed in such a way that the impact in terms of massing and over-shadowing will be kept to a minimum (and certainly to a level that is considered to be acceptable by SPG standards).

There are now no windows either in the roof or on the side facing wall that faces towards number 57 Causeway Head Road and therefore, there will be no loss of privacy between the application site and no.57 Causeway Head Road.

This proposal does include several new window openings being created on the existing gable wall and on the side wall of the proposed two-storey rear extension (that faces towards no.53 Causeway Head Road). These will be obscure-glazed. This should ensure that there is no direct overlooking from the proposed side facing windows onto the rear roof terrace of the neighbouring property at no.53 Causeway Head Road. The partially obscured angle between the new side-facing windows and the neighbour's roof terrace is such that overlooking would be minimal in any case.

Officers are satisfied that the proposed two-storey rear extension is well designed and will not lead to unacceptable levels of detrimental harm for neighbouring residents.

The proposal to reposition a new detached garage adjacent to the party boundary with no.53 Causeway Head Road will not adversely affect the neighbouring residents at no.53 Causeway Head Road because there is an existing detached garage in virtually the same position and, there is also a large area of mature landscaping within the garden of 53 Causeway Head Road which significantly screens much of the garage.

The site has provision for at least 2 off-street car parking spaces and as such, officers are satisfied that proposal will not lead to any detrimental highway safety issues.

Overall, whilst there is a minor conflict with the aims of guideline 5 of the SPG relating to 57's side facing window, this should be given limited weight for the reasons given above, and it is otherwise considered that the proposal accords with the relevant policies and guidelines contained within the approved development plans and Supplementary Planning Guidelines on Household Extensions.

RECOMMENDATION

The proposed two-storey rear extension to the dwelling along with the proposed alterations to construct a replacement garage will represent a reasonable form of development that is unlikely to adversely affect the living conditions of neighbouring residents or harm the character of the street-scene or wider area.

The proposal complies with approved Council policy (including SPG policy – ‘Designing Household Extensions’) save for a minor conflict with guideline 5, though given the affected window is not the sole or primary source of light to the room and it is to a degree relying unreasonably upon neighbouring land for its daylight this should be given limited weight. Therefore, for all of the reasons outlined above, it is recommended that this application be conditionally approved.

Case Number	15/04439/FUL (Formerly PP-04670030)
Application Type	Full Planning Application
Proposal	Erection of 181 dwellinghouses with associated highways and landscaping works
Location	Land Between Harborough Avenue And Raynald Road And Fretson Road, Harborough Avenue, Sheffield, S2 1QR
Date Received	08/12/2015
Team	City Centre and East
Applicant/Agent	JTP
Recommendation	G Conditional Subject to Legal Agreement

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

The drawings numbered:

00923_S_02_R
00923_S_05_C
00923_X_07
00923_X_08
00923_X_09
1214-51a
1214-52a
1214-53a
160412_00923
QD905-06-01 P2
QD905-15-01
QD905-70-01
00923_HT_740V1-1 B
00923_HT_740V1-2 B
00923_HT_740V2-1 B

00923_HT_740V2-2 B
00923_HT_953v1-1 B
00923_HT_953v1-2 A
00923_HT_953v2-1
00923_HT_953v2-2
00923_HT_1031-1 C
00923_HT_A-1-E
00923_HT_A-2 D
00923_HT_B-1 E
00923_HT_B-2 D
00923_HT_C1-1 C
00923_HT_C1-2 C
00923_HT_C2-1 B
00923_HT_C2-2 B
00923_HT_C3 C
00923_HT_E1 D
00923_HT_E2-1 C
00923_HT_E2-2 D
00923_HT_F1 D
00923_HT_F2 D
00923_HT_H-1 D
00923_HT_H-2 C
00923_HT_J1 D
00923_HT_K 1 D
00923_HT_K 2 D

Outgoing Register and all supporting information, such as the Design and Access Statement, Ecology Statement, Flood Risk Assessment, Transport Plan, Tree Survey and Air Quality Assessment.

Reason: In order to define the permission

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

3. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason: To ensure the proper long-term management of the landscaped areas in the interests of visual amenity.

4. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low

carbon energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources 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 and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

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

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

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

7. 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.

8. No development shall commence until full details of measures to protect the existing trees/hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 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 protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

9. No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

10. The Development shall not commence until full details of the proposed surface water drainage has been submitted to and approved by the Local Planning Authority including the arrangements for surface water infrastructure management for the life time of the development. These works shall be carried out concurrently with the Development and shall be operating prior to the occupancy of the development.

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

11. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development and a layout of the site compound, storage areas and contractor parking, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the

approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

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

12. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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. Prior to that part of the development commencing, details of the proposed surfacing for all highways and private drives within the development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity

15. 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.

16. Prior to the commencement of development, full details of all materials and finishes used for the boundary treatments and retaining walls shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details

Reason: In the interests of the visual amenities of the area and occupants of the dwellings.

17. Prior to the commencement of development details of the final finished floor levels will be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In order to define the permission.

18. 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.

19. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

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

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

Other Compliance Conditions

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the (dwellings) shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

22. The development shall not be used unless that parts of the roads providing access to the site thereto have been provided in accordance with the approved plans.

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

23. 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.

24. 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.

25. 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.

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

Reason: In the interest of satisfactory and sustainable drainage

27. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 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.

28. With the exception of mid-terraced properties, all service/metre boxes shall be located on the side elevations of dwellings.

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

29. The development shall be constructed in line with the mitigation measures identified in the Air Quality Assessment Report submitted by Air Quality Consultants in December 2014.

Reason: In the interest of air quality

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at www.planningportal.gov.uk. There are fees, which are also set by the Government.
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. 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
Sheffield
S1 2HH

For the attention of Mr P Vickers

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

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

You should apply for a consent to: -

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

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

7. 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.

8. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

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

INTRODUCTION

This application has been submitted to seek approval for the erection of 181 dwelling houses on a parcel of land that currently forms an informal open space for the local community. The proposed 5.8 hectare housing scheme has been submitted by Sheffield Housing Company.

Sheffield Housing Company is a public/private developer and is a partnership between Sheffield City Council, Keepmoat and Great Places. The aim of such a partnership is to deliver 2,300 new homes in seven neighbourhoods in Sheffield over a 15 year period. The company is one of only a handful of private/ public housing companies to have survived from a list of 14 local authorities proposed in the Homes for the Future green paper, published by the Department for Communities and Local Government in 2007.

Sheffield Housing Company has already delivered nearly 250 homes planned as part of its 'Phase 1'. It is proposed that 'Phase 2' will provide a further 500 new homes and these are due to commence shortly. This proposal is to provide just over one third of these homes.

LOCATION AND PROPOSAL

The subject site is approximately 2 miles from Sheffield's city centre. The parcel of land is set within an established residential area. The site is crossed by four roads: Harborough Avenue; Stonecliffe Road; Archdale Road and, Raynald Road.

The proposal will link the existing houses that are sited in three areas to the northwest, the south and the south east. To the north east there is another area of recreation space; however, this is recognised in planning policy terms as a formal open space. The north eastern tip of the site also links to a very small row of shops that includes a hair salon, a Chinese takeaway, a cafe and a modest sized convenience store.

The main roads that run through the existing site link with The Circle. The Circle has been sporadically developed in the past with residential properties and this proposal represents an opportunity to link these small numbers of houses with the wider residential area.

The topography of the site presents a significant challenge to a development of this scale, as it slopes away from the southwest to the northeast quite significantly. The topography of the site offers long views of the neighbouring areas. The existing arrangement of roads is not particularly logical and pedestrian routes across the site are limited, although there is a public footpath to the north east.

The roads through the site vary in terms of their specifications and widths. Harborough Road is a classified road and is part of a frequent bus route. All other roads link well with one another, but are not as strategically important.

The area is designated in the Unitary Development Plan as a Housing Area. The area has also been identified in the Manor Neighbourhood Development Framework (NDF). The NDF provides an overall vision for the area and seeks to establish the area as a 'sustainable neighbourhood of choice'. The Framework was adopted by the Council as part of the South Sheffield Housing Market Renewal Programme.

The site has been developed in the past and was previously developed at the same time as the neighbouring sites to the south and west. There are no longer any buildings or evidence of any previous development on the site apart from the roads, which still remain. The former houses were built prior to the 1950's as they are shown on historic maps.

The 181 dwellings will vary from 2 to 4 bedroomed dwellings and will maximise the use of what has become a neglected and run down area of open space.

REPRESENTATIONS

The application has been advertised in accordance with the Council's Statement of Community Involvement. Immediate neighbouring properties have been written to regarding the proposal and site notices have been posted at various points around the site.

As a result of this extensive consultation process, only one representation has been received in connection with this application. The representation raises the following concerns:

- The proposal would obstruct his view over the Don valley and this is the main selling point of the dwelling;
- Whilst he would not object to some housing, these should be at the far end of the site; and
- The area closest to Raynald Road should be left as a park for dog walkers.

The comments that have been raised are not strictly material planning concerns that can be taken into account in this planning assessment. Protection of a private view is not a material planning consideration. It is only in instances where there are wider public views of areas of high landscape value that such issues of views can be taken into account.

It is also for similar reasons that the Local Planning Authority are unable to take into account house prices and potential impact on house values. Again, this issue

is not a material planning concern that can be taken into account in this planning application.

The loss of open space will be considered in the main body of the report.

PLANNING HISTORY

Although the site was previously developed, there is no relevant planning history associated with these dwellings.

Pre-application advice was given to the applicant to outline the policy requirements and the various constraints of the site. The application is broadly in line with the pre-application advice.

Prior to the pre-application advice being given, an Informal Planning Advice Note was prepared to summarise the policy requirements and development opportunities for the site.

PLANNING ASSESSMENT

Principle of Development

The National Planning Policy Framework (NPPF) requires local planning authorities to facilitate housing provision. There is a requirement 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 of local communities.

The proposal involves the re-development of a site that was originally occupied by residential units. The NPPF promotes the use of previously developed land and places a strong emphasis on sustainability, with a presumption in favour of sustainable development. The principle of a residential scheme on this particular site, given the nature and scale of the previous development, is considered to be acceptable, overall, in light of national planning policies.

Specifically with regard to Housing, the NPPF confirms the Government's key objective as being to increase significantly the delivery of new homes. The housing delivery should include 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.

Housing Land Availability

Based upon the most current information available for Sheffield, there is a 4.7 year deliverable supply of housing, which means that a 5 year supply cannot be demonstrated.

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.

Unitary Development Plan and Core Strategy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026.

The application is located within a Housing Area under the provisions of the UDP. Policy H10 of the UDP states that Housing is the preferred use in this location. Therefore, the principle of residential development is acceptable, subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' (discussed below)

Policies CS24 and CS26 of the Core Strategy promote the efficient use of housing land, but identify that development will only be acceptable where it is in keeping with the character of the surrounding area.

Policy CS24 'Maximising the Use of Previously Developed Land for Housing, states that priority will be given to previously developed sites. The site has been previously developed with houses, however, these have long since gone and there is no immediate evidence of the development, apart from the roads that cross the site.

The NPPF states that previously developed land excludes land where remains of permanent structures or fixed surface structures have blended into the landscape in the process of time. In the strictest sense, as defined in the NPPF, the land is now Greenfield.

Policy CS24 also states that the development of Greenfield sites is acceptable, where the sites are in Housing Market Renewal Areas and where it is essential for the effective regeneration of the area. Although, it may be considered that the site is not brownfield in terms of the NPPF's definition, it is an essential site for the wider regeneration of the area and is within a Market Renewal Area. Moreover, it is linked with various transport links and local facilities and these factors make the development site a sustainable one, whose development would regenerate the wider area. The principle of development is considered to accord with policy CS24 and, the presumption in favour of sustainable development, as outlined in the

NPPF, should be given significant weight.

Policy CS26 states that a density range of 40 – 60 dwellings per hectare is acceptable in urban areas where the proposal reflects the character of the area and are sited near high frequency public transport routes. Based upon the site area as defined in the application, the proposal would involve a density of 32 dwellings per hectare, which is below this range. However, the scheme reflects the general character of the area, as identified below, such that the slightly lower density is considered appropriate in this instance, satisfying policy CS26.

Affordable Housing and Housing Tenures

Policy CS40 of the Core Strategy states that a contribution to the provision of affordable housing is necessary where the residential development is for more than 15 units. It does state that this is dependent on it being practicable and financially viable.

The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (2015) provides further guidance regarding affordable housing. It is identified that the site is within the Manor Affordable Housing Market Area; the affordable housing requirement is, therefore, 0%.

Nevertheless the development will provide 14% of the units as affordable. This will comprise 14 x two-bedroom dwellings, 10 x three bedroom dwellings and 2 x four-bedroom dwellings. This mix is considered appropriate and is representative of demand in the area.

There will be no visual difference between the affordable housing and the market housing; this along with the division of the units between two separate areas will encourage social integration within the development.

A legal agreement is not needed to secure this provision given that it is not a policy requirement.

In terms of creating mixed communities and different housing tenures, CS41 promotes a mix of housing including homes for larger households, especially families. The development proposes a mixture of two, three and four bed properties and so meets the aims of this policy. CS41(a) states that on larger sites, no more than 50% of units should be of a single house type; in this case, 40% of the units are two- bed, 41% are three-bed and 19% are four-bed.

Open Space Issues

Policy CS45 seeks to safeguard the accessibility of open space. An open space assessment for the area has been carried out. Although the site is currently used as an informal open space by the community, the site is allocated as a potential site for regeneration in the NDF and is not taken into account in the open space assessment. It is considered to be of poor quality, given that houses were once sited here. The area to the north of the site is defined as an open space area and it is considered that the loss of this grassed area is not to the detriment of the open

space provisions in the area. The quality and quantity of open space within the area is considered to be acceptable and satisfactory with regards to Core Strategy policy CS45.

Sustainability Issues

The proposed development of the site is to be assessed against 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 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

In this regard, the dwellings have been designed to minimise energy consumption through the use of energy efficient boilers and water saving features to toilets and showers.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The applicant has confirmed that photovoltaic panels will be fixed to the roofs of dwellings in order to provide the 10% renewable energy requirement.

Furthermore, although the site is now considered as a Greenfield site under the definition of the NPPF, the site is technically a reuse of an area that has previously been built upon, in an existing residential area. The site is located within walking distance of existing services, amenities and bus stops and is very sustainable.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments exceeding 10 dwellings to incorporate a green roof which covers at least 80% of the total roof area. However, in this application, the pitched roofs of the properties are important features which ensure that the proposal respects the character of the surrounding area. Green/ Brown roofs are not therefore appropriate in this context.

The development complies with the requirements of CS64 and CS65 will result in the sustainable redevelopment of the site.

Flood Risk and Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical.

The NPPF requires a site specific flood risk assessment for proposals of 1 hectare of greater in flood zone 1 and states that such assessment "...must demonstrate

that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In accordance with the above a Flood Risk Assessment has been submitted with the application. This identifies the site as being in a flood zone 1 with a low probability of flooding of 1 in 1000 in any one year. The development of housing in flood zone 1 is acceptable in accordance with the NPPF.

The developer has agreed to help fund an off-site SUDs basin that will help to sustainably discharge surface water from the subject site and the wider area. The site will drain to this detention basin by gravity and attenuated flows from the basin will enter the nearest surface water sewer at a 30% reduced discharge rate.

The Lead Local Flood Authority is satisfied with these methods. However, these arrangements are subject to approval by the relevant statutory undertakers and further details will be required by condition.

Design

Policy CS74 "Design Principles" of the Core Strategy states that high quality development will be expected that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment that promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 "Building Design and Siting" states that good design and the use of high quality materials will be expected in all new buildings.

Policy H14 "Conditions on Development in Housing Areas" states that new development will be permitted provided that new buildings are well designed and in scale and character with neighbouring buildings. This is further echoed in policy H15 that relates to the design of new housing developments.

These policies are supported by the NPPF which places great importance on high quality developments that are well designed and facilitate sustainable development.

It is also noted here that whilst the Local Planning Authority has not adopted the standards laid out in the South Yorkshire Residential Design Guide, such guidelines are useful to put the development into perspective.

Layout

The proposal seeks permission to erect 181 dwellings on a previously developed

site that is crossed by a public footpath and three public highways. The site falls away significantly from the southwest to the northeast

The site is approximately 5.8 hectares in size and would have a housing density of 32 dwellings per hectare. The site is currently surrounded by residential properties all the way from the northwest around to the southeast. The properties are set out on the existing roads that cross the site, however, the housing stops abruptly at the boundaries of the site.

The layout and density of dwellings is similar to the original Manor Estate that was based on 30 dwelling per hectare. Newer developments within the area, such as the housing at Castlebeck and Fairleigh have density ranges between 35 and 45 units per hectare. Although the densities are greater, this is has been at the cost of amenity standards and a true reflection of the wider historic area. Given that the proposal has had to try and link with the existing units that surround the site, and provide a good range of larger family dwellings, the density is much lower than other new surrounding sites. It is considered, however, that the layout is responsive to the character of the wider area and its history. It is therefore acceptable in terms of policies H14, H15, BE5 and CS74.

The layout of the proposal has rationalised the existing layout of roads. For instance, Archdale Road and Stonecliffe Road now link the existing rows of houses with The Circle. Ravencarr Road links The Circle with Archdale Road and the site is far more accessible and permeable than the existing site layout.

The site still retains the footpath to the northwest and some of the streets have been designed to have shared surfaces that will encourage pedestrian use over the car. The shared surfaces on Stonecliffe Road and Ravencarr Road are not arrow straight and have chicanes to slow down vehicular traffic. They also use a variety of materials to distinguish them from normal classified roads.

The footpath to the northwest of the site has been retained as this is an important access to the local facilities on Harborough Road. It provides the most direct route for properties on Raynald Road and it is clearly used by local residents. The houses around the footpath have been laid out in a way that will ensure that the pedestrian route does not feel enclosed or unsafe. Every effort has been made to improve the gradient of the access route; however, the topography of the site is so steep that in parts steps have had to be used. This is not ideal, but overall, the improvements to the footpath are considered to be an improvement upon the footpath that is currently there.

The scheme has been laid out in a way that recognises that the main thoroughfare across the site is Harborough Road and that Archdale Road is a significant link road between the two areas of existing houses. The houses on Harborough Road have a strong present within the street with a contrasting architectural style to the rest of the site. Furthermore, similar contrasting houses mark significant corner locations on Archdale Road, such as the prominent corner location on Ravancarr Road. The layout has a hierarchy to the streets with Harborough Road and Archdale Road being the main vehicular routes across the site whilst the other streets have been designed to enhance shared access for both vehicles and

pedestrians. The layout is considered to be permeable and designed in a logical way, whilst respecting the original character of the site and wider area.

House Design/ Types

The proposal incorporates 22 house types that consist of two, three and four bedroomed dwellings. Although there are 22 house types, they all share common architectural features; however, the use of different materials and window fenestrations ensures that the rows of houses are united in their common architectural approach but varied enough to create a strong sense of place.

The dwellings vary in terms of their style and a mix of detached, semi-detached and terraces are proposed. Dwellings that are set at the end of a street or are located within a prominent position have been designed to contrast with the surrounding dwellings. Different materials or varying heights of buildings mark these properties out from the rest of the street.

The dwellings will be constructed using a variety of coloured brick, render and concrete roof tiles. The windows will be dark grey uPVC frames with black rainwater goods. The detailing of the proposed dwellings is therefore considered to be acceptable, subject to a condition being attached to any approval requesting samples.

Although there is not a local planning policy requirement for mobility housing, the housing types are fairly generous in size and 22% of the dwellings provide mobility standards that will enable the dwellings to be used and easily adapted to meet individuals requirements.

The dwellings are laid out with reasonable levels of external amenity space and are separated from the public realm by various boundary treatments. The house types and tenures relate well to their plot sizes and are considered to be satisfactory.

The housing is considered to be of an acceptable standard that is laid out and detailed in a way that would respect the overall character and appearance of the wider area. It is considered to be satisfactory and in compliance with policies BE5, H14, H15 and CS74 and the NPPF.

Amenity

Policy H14 of the UDP "Conditions on Development in Housing Areas" states that new schemes should not lead to overdevelopment, deprive residents of light, privacy or security and provide adequate amenity space. Policy H14 is also supplemented by an adopted Supplementary Planning Guidance on Designing House Extensions which sets out more detailed guidance on subjects such as design, overbearing and privacy. Whilst this document relates to house extensions, the guidance and in particular separation distances are a useful tool in determining the appropriateness of new housing development.

UDP Policy H15 "Design of New Housing Developments" is also relevant and expects the design of new housing developments to provide good quality living

accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms of potential nuisances - such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

The development has been designed to ensure that adequate separation distances exist between windows in order to prevent overlooking and privacy issues. Generally, there is over 21 metres between main facing windows and at least 12 metres between main windows and blank gable elevations. Furthermore the dwellings have been designed to have private amenity spaces of at least 50 square metres and a distance of 10 metres to rear garden boundaries, in accordance with relevant guidance. There are a number of exceptions where dimensions fall slightly below the aforementioned standards; however in these cases the site specific circumstances ensure that amenity levels are acceptable. For example, the gardens between the properties on Archdale Road and Ravencarr Road (plots 162 and 159) have a separation distance of approximately 17.5 metres between them. However, the properties are angled away from each other and the topography of the land and the proposed boundary treatments are considered to be sufficient enough to ensure that the amenities of these properties are protected.

It is considered that overall, the properties do not significantly overlook each other and, although some of the properties only have 8 or 9 metre rear gardens, instead of the guidance of 10 metres, (such as plots 28, 73, 76, 77, 79, 87, 88, 89, 111, 114, 160) these either have small gardens, which back onto car parking spaces, or they are at an angle and in locations where the topography would prevent any significant overlooking. Where some of the gardens are approximately 8.5 metres long, they are of a width that means that they still have amenity spaces in excess of 50 square metres. In instances where some of the new homes have less than 10 metre rear gardens, it is also considered that it will be down to individual preferences of future buyers to determine whether these standards are acceptable to them.

The site borders existing residential developments to the northwest and the southeast of the site (The Crossways, Archdale Road and Stonecliffe Road). These properties are not considered to be compromised in terms of overbearing/ loss of light or loss of privacy, due to their siting, the proposed boundaries, the topography of the site and the siting and positioning of the proposed dwellings. The combination of the separation distances, siting and proposed boundaries will ensure that the dwellings will not suffer unacceptable overbearing or overshadowing from the development.

There are no noise pollution issues relating to this site and whilst the whole urban area is in an Air Quality Management Area this location is not one where there are any breaches of EU limits, as indicated in the Air Quality section below.

In line with the above, it is considered that the proposal would not be harmful to the amenity of occupiers of existing neighbouring properties or occupiers of the development itself. In these respects the proposal would accord with UDP Policy H14 and H15.

Highways

UDP Policy H14 sets out that development will be permitted provided it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Policy CS53 of the Core Strategy deals with management of travel demand and says that good quality public transport and pedestrian routes will be promoted, the best use of existing road capacity will be made and maximum car parking standards will be applied to manage the provision of private parking spaces.

Car parking has been provided at a ratio of 1 or 2 per dwelling. This level of provision is considered to be acceptable and will ensure that unacceptable levels of on-street parking do not occur.

Potential traffic generation created by the site has been calculated using the TRICS database. The proposal indicates that traffic generation would increase but that it would not be greater than what could be expected for a development of this size. The transport assessment has indicated that the proposal would have no substantial implications for the site and the wider network; moreover, there is no evidence to suggest that this would not be the case.

A number of shared spaces are included in the site and these are fairly short in length thus ensuring that the number and speed of vehicles will be minimised and priority given to pedestrians. The shared streets have been designed to restrict vehicle speeds through the design and layout of the highway and dwellings. The narrowing of the highway at various points along the shared access will result in some vehicle manoeuvres out of driveways being quite difficult but acceptable. Overall it is considered that the design of this section of highway will restrict speeds and ensure that it is not used as a cut through for traffic from the wider estate.

The shared pedestrian vehicular routes show chicanes and means of reducing traffic speeds and it is considered that overall, the proposal would not give rise to any highways issues. The proposal is not considered to impede the safe flow of traffic through the site and the wider areas and is in compliance with policies H14, CS53 and CS55.

Landscape and Ecology

Unitary Development Plan Policy BE6 seeks to ensure that good landscaping design is provided in all new developments and Policy GE11 of the UDP seeks to protect and enhance the natural environment. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on

natural features of value.

An ecological survey has been produced. This assessed the potential for a number of species including bats, badgers, amphibians, reptiles and nesting birds. This survey concluded the likely absence of roosting bats and that bat activity across the site is low. Similarly, there was evidence of some nesting birds that are protected under the Wildlife and Countryside Act 1981, however, as long as any tree felling or tree works are scheduled outside of the nesting season such works should not be to the detriment of any protected species.

The site comprises of rough neutral grassland, broad-leaved trees, scattered scrub and shrub, hard-standing with short ephemeral vegetation and close mown amenity grassland. Although the site has been vacant for the last 65 years the vegetation on site is not particularly mature or diverse. As such, its loss to development will not have a significant impact in biodiversity or habitat terms.

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

The development will result in most of the site being utilised for housing development and associated roads, parking and gardens etc. The removal of trees within the site will lead to the loss of some existing natural habitat and biodiversity. Nevertheless there is still potential to design wildlife enhancements into the development. Recommendations for such enhancements include the planting of new native trees across the site, the creation of wild flower meadows to the northwest of the site near the public footpath and the inclusion of bat and bird boxes. These will be secured via condition.

Air Quality

Policy GE23 "air pollution" of the UDP sets out that development will only be permitted where sensitive uses would not be affected by air pollution.

Core Strategy Policy CS66 "Air Quality" is also relevant and stipulates that action to protect air quality will be taken in all areas of the city, especially where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The whole of the City's urban area is designated as an Air Quality Management Area (AQMA). An air quality assessment has been carried out in support of the application in order to assess the impact of the proposed development on the AQMA. The report uses a dispersion model to predict pollutant concentrations and concludes that there will be a negligible impact on both NO₂ and PM₁₀ concentrations and on the AQMA as a whole. Furthermore, NO₂ and PM₁₀ concentrations are identified as being below the target Air Quality Standard and as such the development would not be harmful to air quality.

The report suggests that mitigation measures are employed during construction in

order to reduce emissions and these will be secured by condition.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs. CIL replaces all other financial contributions with the exception of affordable housing. The Planning Brief details that financial contributions will be required towards the provision of education and open space; however these are now covered by CIL.

The site lies within zone 3 where the financial contribution is £30 per square metre. Based upon the estimated floor space figure of 15,659.2 square metres, this equates to a contribution of £469,776.

The applicant intends to apply for relief to exempt them from the above contribution. Within the CIL regulations as outlined by Government, such exemptions are at the discretion of the Local Planning Authority. The applicant must demonstrate that there are exceptional circumstances for being given relief from CIL and a Section 106 obligation needs to be entered into.

The site is not within a very affluent area of Sheffield and, due to the topography of the site and the need for various substantial retaining walls and structures, the scheme is considered to only just be financially viable to develop. The challenges faced by any developer are evident from the fact that the site has not been developed in over 65 years.

The applicant has agreed to sign a Section 106 Agreement to contribute towards an off-site Sustainable Drainage Scheme. The drainage scheme will provide a comprehensive drainage scheme for surface water run-off across the site, and also across the wider Manor area. This proposal will be of great benefit to the drainage of the area and reduce the risk of localised flooding in the area. The proposal is considered to be contributing to a significant local infrastructure project and, together with the provision of 181 dwellings in a sustainable location, it is considered that the proposal may be able demonstrate exceptional circumstances to warrant its relief from a further payment under the CIL regulations. This will be tested outside the planning application process.

Health Care Contributions

The NHS has been notified of the proposal and no evidence has been provided by them to show that the proposal would put a strain on the existing NHS infrastructure to the extent that a contribution towards health care provisions could be required. It has been requested that the developer talks with Sheffield's NHS Clinical Commissioning Group to establish the phasing of the dwellings and their potential timescales, so that the medical care provisions can be planned for.

Ground Contamination Issues

The development has been supported by a Geo-environmental Appraisal Report which includes details of ground investigations. Owing to the fact that the site has previously been developed, further intrusive surveys are required and where issues arise, mitigation measures will be required to ensure that the grounds are safe for the purposes hereby proposed.

In this respect, the proposal is acceptable, subject to conditions being attached to any approval.

Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments.

The proposal has various public footpaths within it and it is considered that there are ways that public art could be integrated within the scheme that would have very low cost; for instance, signage/ artwork promoting health walks that use the existing/ improved links through the site.

A condition will be attached to any approval to ensure that an element of public art is included in the development.

SUMMARY AND RECOMMENDATION

The application seeks permission to regenerate a previously developed site with 181 dwellings. The site is set within a housing area that has been identified as a Housing Market Renewal Area and, as such, the opportunity to redevelop the site is welcomed. It is considered that the principle of the development for residential purposes is acceptable in general policy terms.

The site is previously developed land that was used for housing in the first half of last century, although it has reverted back to green space in the intervening period. The land is crossed by the original road layout and the site that occupied the houses is now mowed grass spaces with sporadic clusters of self-set trees. The site is a Greenfield site as defined in the NPPF; however, weight is given to the presumption in favour of sustainable development and the requirement to meet a 5 year housing supply. The site has been identified as a sustainable location, with facilities and transport links, within the Manor Neighbourhood Development Framework. This document was adopted and was a master plan for the wider area. The proposal has been considered in the above report to be a sustainable regeneration development that accords with the principles outlined in the NPPF.

The proposal has been laid out in a way that is reflective of the wider area and the architectural styles of the dwellings complement the existing built environment. The proposal involves a range of different house types that reflect the needs of the area and that have been designed to ensure that the living conditions are of a good standard. The layout and design of the properties is considered to enhance and complement the character of the area and this is reflected well by the range of dwellings, density levels and the overall scale of the proposal. The proposal is in

compliance with policies CS24, CS26, CS74, BE5, H10, H14 and H15.

The development will provide an important contribution to the supply of housing in Sheffield and the housing stock will be of a standard that meets local and national planning policies relating to climate change and energy efficiency requirements. The proposal will meet requirements of policies CS63, CS64, CS65 and CS67.

The proposed layout has sought to ensure that the land is efficiently used, but in a way that does not compromise existing amenities of neighbouring residents or those of future occupants of the site. The site is highly accessible for both pedestrians and vehicles and the layout has incorporated shared road networks that seek to harmonise the traditional conflicts between pedestrian access and vehicular movements. The pedestrian links through the site will be enhanced and the use of shared road surfaces will also enhance cycle ways through the site. The proposal does not give rise to any highways issues and the proposal is considered to be in compliance with policies H14 and CS53.

The applicant has agreed to enter into a legal agreement to bind them to contribute to an off-site Sustainable Drainage System. The contribution will help to deliver a scheme that is being prepared by the Council that will provide significant benefits to the subject site, but also the wider Manor area. The scheme will provide a sustainable drainage system for other sites in the Manor area and this is considered to be a more holistic and sustainable way of draining surface water run-off from the Manor area.

The site is also providing some affordable housing, beyond the policy requirement for this particular area.

It is considered that the applicant has proposed a good quality housing scheme in a deprived area, which will provide significant regeneration benefits for the area. It accords with the local and national adopted policies and also supports the aims of the Neighbourhood Plan.

It is recommended that the application is approved subject to the listed conditions and to the signing of a legal agreement.

Heads of Terms

The Landowner covenants to:

- (a) submit to the Council for approval details for the provision of onsite surface water management prior to the Commencement Date and to thereafter provide such facilities in accordance with the approved details prior to the Development being first occupied;

or alternatively pay to the Council:

1. the Drainage Contribution on the Commencement Date or within 21 days of notification of the sum due, whichever is the later; and
 2. the Drainage Maintenance Sum on an annual basis commencing on the first anniversary of the Development connecting to the system and continuing for the lifetime of the development.
- (b) The Council covenants to use the Drainage Contribution to provide an offsite drainage solution for the benefit of the Development and to use the Drainage Maintenance Sum for the future maintenance of such.
- (c) The Council further covenants that if any part of the Drainage Contribution has not been spent or committed within ten years of the date of payment then the Council shall, on request, return such unspent monies to the Landowner.

Case Number	15/04196/FUL (Formerly PP-04640961)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 6 apartments with car parking accommodation (As amended by drawings received 14 April 2016)
Location	Creevela Works, Parsonage Street, Sheffield, S6 5BL
Date Received	18/11/2015
Team	West and North
Applicant/Agent	R Bryan Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing No. CWa/002a/2115 (Existing and Proposed Site Layout Plans);
Drawing No. CWa/003a/2115 (Revised Lower Ground Floor Level);
Drawing No. CWa/004a/2115 (Revised Ground Floor Level);
Drawing No. CWa/005a/2115 (Revised First Floor Level);
Drawing No. CWa/006a/2115 (Revised Front Elevation - Parsonage Crescent);
Drawing No. CWa/007a/2115 (Revised Rear Elevation to Enclosed Courtyard);
Drawing No. CWa/008a/2115 (Revised Side Elevations);
Drawing No. CWa/009a/2115 (Revised Street Scenes);
Drawing No. CWa/010a/2115 (Revised Sections); and
Drawing No. CWa/008/2115 (Revised Side Elevation)

received on the 14 April 2016 and 23 May 2016 from Planned Design Solution Ltd

Reason: In order to define the permission

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

3. 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.

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

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

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

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

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the

Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

6. Intrusive site investigation works shall be undertaken prior to commencement of work on site in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings, all remedial works shall be first submitted to and agreed in writing by the LPA and thereafter carried out in accordance with these details.

Reason: In order to ensure that any previous coal mining activities in the area is properly dealt with.

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

7. Before the development is commenced, full details of the design of the re-profiling works to the rear of the existing highway retaining structure flanking Parsonage Crescent/Parsonage Road shall have been submitted to and approved in writing by the Local Planning Authority (to include materials, method of compaction, substructure/buttress arrangements). The works shall be completed only in accordance with the aforementioned details once Technical Approval has been issued.

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

8. Notwithstanding the submitted plans, before the development is commenced, full details shall have been submitted to and approved in writing by the Local Planning Authority of the demarcation and surfacing material between the rear of existing footway and the footprint of the proposed dwellings. The demarcation and surfacing shall have been provided in accordance with the aforementioned approved details prior to occupation.

Reason: In the interests of pedestrian safety.

9. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the

approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

10. 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.

11. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

12. 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 dwellinghouses 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.

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

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

14. 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.

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 five year period shall be replaced unless otherwise approved by the Local Planning Authority.

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

15. 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.

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

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

17. Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

Other Compliance Conditions

18. The accommodation shall not become occupied unless the car parking space has been provided as indicated on the approved plans, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

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

19. The accommodation shall not become occupied 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 600mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

20. No doors/windows shall, when open, project over the adjoining footways.

Reason: In the interests of pedestrian safety.

21. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no first floor windows or other openings shall be formed in the side (north-western) elevation of the building facing 56 Parsonage Crescent without the prior written approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The proposed development will have implications regarding existing and proposed retaining structures. You are advised under Section 167 of the Highways Act to contact Mr Stephen Cseh (Technical Officer Structures) 0114 2057482, with regards to seeking the necessary approvals.
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. 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
Town Hall
Penistone Street
Sheffield
S1 2HH

For the attention of Mr P Vickers

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

5. The applicant is advised that 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.

6. 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.
7. 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.
8. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
9. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

BACKGROUND

The application relates to the site of Creevela Works in Walkley. The site has been subject to a number of planning applications over recent years, with the latest being in 2014 where planning permission for the demolition of the building and the erection of 4 dwellinghouses (2 3-bedroomed and 2 2-bedroomed), under planning reference No. 14/00831/FUL was refused on grounds of insufficient parking. An appeal lodged by the applicant was dismissed in July 2015, under reference No. 14/00040/WR. Details of these two decisions are discussed within the body of this planning report.

LOCATION AND PROPOSAL

The site of Creevela Works is situated on the corner of Parsonage Crescent and Parsonage Street and is identified in the UDP as being within a Housing Area. The site is also located within a Coal Mining Referral Area.

The site is made up of a traditional two-storey stone building and two separate yard areas covering an area of approximately 616 square metres. The building is effectively 'L' shaped in appearance with its two wings extending out at right angles to the two adjoining roads. The building has been extended in the recent past with a two storey flat roofed extension added to the rear of the building. The building has also been significantly altered over the years with changes to the window and door openings, the introduction of a steel shutter door and uPVC windows, much of which has significantly and adversely affected the character and appearance of the building.

The site is enclosed along part of its Parsonage Street frontage by 1-1.25m high stone walling and abuts up against the side gable walls of a two storey semi-detached house to its north west (56 Parsonage Crescent) and a detached house to its east (52 Parsonage Street). The site has two access points, one off Parsonage Street and the other from Parsonage Crescent, the second via a set of high security gates. The site falls approximately 900mm from north to south (Parsonage Crescent frontage) and approximately 1300mm from west to east. (Parsonage Street).

The building is currently unoccupied but previous to this has been used by the applicant (Clear Line) for the past 18 years as an office and depot in connection with the applicant's business, which specialises in building cladding systems including glazing, metal cladding and curtain walling. The building itself is understood to date back to the late 18th or early 19th century and was formerly used in connection is likely to have been developed as part of a farm complex associated with Primrose House, the original farmhouse.

The street scene is predominantly residential in character, which is largely made up of traditional two-storey stone terrace housing. To the north of the site are two storey terrace houses with associated rear gardens (45-59 Providence Road) and across Parsonage Crescent to the south west and south east are two storey terrace houses (47-63 Parsonage Crescent and 26-38 Parsonage Crescent). To the immediate north east of the site is a two-storey detached dwellinghouse that sits forward of the building's front gable wall to Parsonage Street (52 Parsonage Street).

The applicant is seeking full planning permission to demolish the existing building and erect a split-levelled 2/3 storey building to provide 6 apartments (4 2-bedroomed and 2 1-

bedroomed). Parking for seven vehicles would be provided on site, one for each of the apartments and one disabled bay.

RELEVANT PLANNING HISTORY

As stated above, the application site has been subject to a number of planning applications over recent years, the latest being the refusal of planning permission to demolish the buildings that make up Creevela Works and erection of four dwellinghouses in August 2014, this subsequently being upheld at appeal by the Planning Inspector. Previous to this, planning permission was allowed at Public Inquiry in February 2006 to demolish the existing building and erect a three-storey building to provide 6 one and two bedroomed apartments.

A brief summary of the relevant applications are listed below:-

00/01342/FUL – Alterations and use of part of building to form two flats for multiple occupation – Granted 11/10/2000

04/00118/FUL – Erection of 4-storey building to provide 10 1-2 bedroom apartments - Withdrawn 24/03/04

04/02809/FUL – Erection of 3-storey building to provide 6 1-2 bedroom apartments with associated parking – Refused 29/09/04
Appeal allowed 16/02/06 – Appeal Reference No. APP/J4423/A/04/1169443

13/03273/PREAPP – Pre-application advice to address the principles of dwelling numbers, off-street parking provision and other design elements – Closed

14/00831/FUL - Demolition of existing building and erection of 4 dwellinghouses (as per amended drawings received 19 August 2014) – Refused 29/10/14
Appeal Dismissed 01/07/15

SUMMARY OF REPRESENTATIONS

The application has generated a significant amount of interest from residents of neighbouring properties with 33 letters of objection. Representations have also been received from a local councillor, Walkley Community Forum and Paul Blomfield MP.

A summary of the comments received are listed below:-

Object (33)

- The barn is one of the oldest buildings in Walkley and is of great historic importance; Buildings such as this create charm and character and should not be demolished;
- The conversion of the building would be better place than its demolition and new build;
- Insufficient on-site parking provision that will result demand for on-street parking on the adjoining streets;

- Highway safety concerns; The proposed development creates a blind corner, which will lead to issues of safety for car drivers and pedestrians crossing the road; Visibility for/of cars using Parsonage Street would be greatly impaired;
- The existing roads are already heavily used; the proposed development would increase traffic along the adjoining roads;
- Overdevelopment of the site; The development is larger than the guidelines for number of dwellings per hectare as set out in Policy CS26;
- Overshadowing of neighbouring properties; The proposed development is approximately 1.5m higher than the previous refused scheme;
- Loss of Privacy; The proposed building would overlook into neighbouring properties;
- Loss of Light owing to the proposed height of the building;
- Light pollution;
- There is already work going ahead as if in preparation for development including 2m high fencing around the building;
- Detrimental to health due to the increased pollution and traffic;
- The building is out of character with the surrounding area; The building is significantly higher than the existing building and should be reduced in height.
- The development contravenes the South Yorkshire Residential Design Guide (N2), which states that 'New Development should maintain or enhance the positive character and identity of the area in which it is located.'
- Concerns that there would be subsequent opportunity for future conversion of the loft/attic
- Architecturally poor design;
- Lack of neighbour consultation;
- The Design and Access Statement is inaccurate, which states that the archaeological survey showed no value in the building. In fact, SYAS considers that even in its altered state, the building and site is historically important and recommend its conversion rather than its demolition and re-build;
- Climate change;
- Failure to use existing materials for energy efficiency or recycling purposes;

Councillor Neal Gibson-Abo-Anber supports the objections of local residents on the following grounds:-

1. The building is out of character with the surrounding area;
2. The existing roads are already heavily used; the proposed development would increase traffic along the adjoining roads;
3. Overdevelopment and significantly exceeds the density for the area; and
4. Loss of a historic building. The existing building should be converted.

Walkley Community Forum has in the past objected very strongly to demolish Creevela Works. The building is one of the oldest and most interesting buildings in Walkley. Local residents have no objection to the conversion of the existing building to create possible three flats. The proposal to provide six apartments, with the building built right up to the pavement edge and to an unacceptable height is considered to be unacceptable. Concerns are also raised with regard to highway safety with cars exiting from a narrow driveway into a bend on part of Parsonage Crescent where there is parking on both sides of the street.

Walkley Forum is further concerned that the site was suddenly fenced off before Christmas, with notices claiming the site was dangerous, which have subsequently been removed. This is a further indication of the determination of the company to push through their plans on the pretext of the building being unsafe, when it actually looks in a very good state of repair. The people of Walkley have fought very hard to save sound homes from being demolished in the 1970s. It is sad that forty years on, developers are able to neglect and then demolish buildings (such as on Highton Street and Camm Street) to replace them with the maximum numbers of dwellings that can be crammed on the site.

Paul Blomfield MP fully supports the views of his constituents who are opposing the development of this site. There have been a number of previous applications made regarding the site and this application does not appear to have adequately addressed the concerns raised previously. These include inadequate parking provision, highway safety concerns caused by an increase in on-street parking and the demolition of a historic building rather than its conversion. Further concerns raised include potential increase in flood risk, population density per hectare, loss of daylight and overlooking.

PLANNING ASSESSMENT

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

- (d) The Principle of Development – Policy and Land Use;
- (f) Demolition/Archaeological Issues;
Design Issues and its effect on the character and appearance of the surrounding area;
- (h) Residential Amenity Issues;
- (i) Ground Contamination issues and former coal mining activities;
- (j) Noise Issues;
- (k) Flood Risk Management; and
- (l) Community Infrastructure Levy

These are considered in turn below.

Principle of Development – Policy and Land Use

The application site is situated in a Housing Area, where housing is the preferred use under UDP Policy H10.

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new housing. This policy details that priority will be given to the development of previously developed sites (brownfield sites) and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The application relates to a brownfield site that is situated in a Housing Area. The development would therefore accord with UDP Policy H10 and Core Strategy CS24.

Core Strategy Policy CS26 relates to the efficient use of housing land and accessibility. Under this policy, it states 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

and support the development of sustainable, balanced communities. The application site is situated within an area where the density range should be in the order of 40 to 60 dwellings per hectare according to this policy. In respect of this application, the density of the development based on 6 units would be approximately 97 dwellings per hectare. It is accepted that this is significantly outside the density range set out in the policy, however, in officers' opinion, the density of the development can be justified given the type of development proposed (apartment scheme) and the fact that the character of the immediate area is built at a much higher density than the policy position. Members are advised that it is not unusual that development proposals for apartment schemes such as this results in a much higher density. It should also be noted that the footprint to ground area ratio is not too dissimilar to the neighbouring terrace houses. Officers are therefore satisfied that the proposal makes efficient use of the land and does not amount to the overdevelopment of the site that would be harmful to the residential neighbourhood.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to this, Sheffield currently can demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site for six apartments would make a small but positive contribution to housing land supply across the city and should be given weight.

Also material to this application in officers' opinion is the 2006 appeal decision that granted full planning permission to demolish the existing building and erect a three storey building for 6 apartments. Since the appeal decision, there have been no significant changes in either development plan policy or government guidance contained in NPPF that would change the position with regard to the re-development of the site for housing.

Based on the above, the principle of erecting a two storey building to provide six apartments on this site should therefore be viewed acceptable. Policies H10 of the UDP and Policies CS24 and CS26 are considered to be met.

Highway Issues

UDP Policy H14 (d) requires that in Housing Areas, new development or change of use proposals be provided with safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The Committee will recall that the previous application was refused on highway grounds as being contrary to UDP Policy H14(d) as it was felt by Members that the proposal to erect four dwellinghouses with provision of a single car parking space would exacerbate existing on-street parking problems to the detriment of the living conditions of local residents. This view was upheld by the Planning Inspector in her appeal decision. Despite accepting that there is a bus route and local shops along Walkley Road and South Road, the Planning Inspector considered that it was highly likely that the residents of the new properties would be car owners as these are up a hill and across a busy road. She

commented that the introduction of 4 additional units with only one off-street car parking space without any means of managing demand for travel would result in additional cars being parked in the Parsonage Crescent/Street area and compound an already undesirable situation.

On account of the refusal of this planning permission, the applicant has decided to return to a residential apartment scheme with on-site parking for seven vehicles, one of these being for disabled parking. The submitted scheme is shown on Drawing No. CWa/003/2115, which shows four undercroft parking bays, along the building's Parsonage Crescent frontage, two spaces to the rear of the site and one to the rear of the ground floor flat (Flat 1) adjacent to 52 Parsonage Crescent. Access to the rear courtyard and parking spaces would be taken from Parsonage Crescent at the site's north-western corner.

Members are also made aware that the application was until relatively recently in business use, which generated demand for on-street parking. As set out in the previous application, vehicular activity associated with the previous business use of the site generated approximately 10 to 15 staff vehicles, 1 to 3 visitor vehicles, 5 to 7 work vehicles, and 5 deliveries (rigid lorries) each day, with much of the parking occurring on the surrounding streets with only 4 to 6 spaces available internally.

With regard to the above, officers are satisfied that the level of parking provision would be sufficient to cater for the likely demands of the six apartments and unlikely to result in any significant additional demand for on-street parking that significantly impact on the living conditions of both existing residents and future occupants of the proposed development.

Conditions that should be attached to any grant of planning should include re-profiling works to the rear of the existing highway retaining wall flanking Parsonage Crescent/Road, intervisibility splays at the site entrance and car parking provided in accordance with the submitted plans. Subject to appropriate highway conditions being attached, UDP Policy H14 (d) is considered to be met.

Demolition/Archaeological issues

The information that was submitted as part of the 2014 application has again been submitted in support of the application. The Committee may recall that an archaeological desk-based assessment and buildings appraisal was carried out by ArchHeritage, using a brief provided by South Yorkshire Archaeology Service (SYAS). This assessment has indicated that the site developed as part of a farm complex associated with Primrose House, the original farmhouse. The date of the original construction is uncertain but may date from the late 18th or early 19th century. The present buildings seem most likely to have been a barn or farm outbuildings. The appraisal identified substantial alterations to the buildings at various times. Between 1893 and 1905 a large range at the south-west was demolished in association with the widening of Parsonage Crescent and a smaller structure at the south-east was cleared for the construction of Parsonage Street. The site was in use as stables and storage in 1911 and as the premises of Hall and Roberts, building contractors, between 1939 and 1954. From the 1950s to the present day, the buildings went through a number of ownerships and were further altered.

SYAS have stated that as one of the few surviving parts of the agricultural past of Walkley, these buildings and the wider development site are important, even in their altered state. There is also potential for important remains relating to the agricultural past of Walkley to exist on this site. Groundwork associated with the development of the site could therefore destroy finds and features of potential archaeological importance. For these reasons, SYAS recommends that the developer reconsiders the proposal to demolish and instead seek to convert the existing buildings, thus retaining this important element of Walkley's historic landscape. However, in the event that the applicant is not prepared to seek the retention of the building, SYAS recommends that a condition be attached that requires the applicant to submit a Written Scheme of Investigation that sets out a strategy for archaeological investigation of the building.

It is clear from the high number of the representations received that there is a strong desire to retain the building in situ given its local significance to the historic landscape of Walkley. However, it should be noted that the building is not listed nor does it lie within a Conservation Area and has been subject to significant alterations and extensions over the years that have harmed rather than preserved the character and appearance of the building. Members are advised that the policy position (UDP Policy BE20) in terms of the retention of historic buildings which are of local interest but not listed is one of 'encouragement', and unlike listed buildings, do not have the same level of protection. While it is acknowledged that the building is of some local interest, given the policy position and the extent that the building has been altered over the years, it would be difficult in officers' opinion to seek the retention of the building. This view is further emphasised by the Planning Inspector's decision in February 2006 that allowed for the demolition of the building in connection with the redevelopment of the site for flats and latterly the June 2015 decision, which the Planning Inspector raised little concern with its demolition and its redevelopment for housing.

While officers acknowledge the number of concerns raised with regard to the demolition of the building, to refuse the application on grounds of being contrary to Policy BE20 cannot be justified.

One representation received to this application states that the site is in an Area of Special Character (ASC) and should be subject to meeting Policy BE18, which seeks the retention of buildings and walls and other features that contribute to the character of the Area. Members are advised that the site is not within an ASC.

Design Issues and the Effect of the Development on the character and appearance of the surrounding area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

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

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The application has been amended on the advice of officers following concerns raised with regard to the external appearance of the building. Following these amendments, officers' remain satisfied with the design quality of the building and that it is of appropriate scale and massing. The context of terraced streets with houses of similar scale and materials is strong and distinctive in this part of the city. The proposed layout creates a back edge of pavement building line, which is contextual and acceptable and allows parking to be concealed to the back of the building, partly through the provision of undercroft parking, which is welcomed.

The proposed building would be split-levelled owing to the site's ground levels presenting itself as two storey facing the adjoining streets and part three-storey to its rear. The building would be 'L' shaped in appearance, built up against the back edge of pavement to both adjoining streets and designed with a dome-like roof corner feature and a contemporary full height glazed panel feature with glazed pitched roof along the central section of the building' elevation to Parsonage Crescent. To the rear, the plans show two of the apartments (Flats 4 and 6) would have glazed Juliet balconies and comprise a three storey off-shot that at the junction of the building's two wings that would serve the stairwell. The proposed materials would be natural stone (front elevations and side gables), red brick (rear elevation) and a slate roof.

The overall massing of the building is considered to be successfully broken up by the different components and form of the building, with the height and form of the building being lowered to 52 Parsonage Street that allows it to sit comfortably in context with this neighbouring property. The number of design improvements that have been secured that include increase the floor to floor levels to allow enlarged openings, the removal of the stone plinth, lintels increased in depth to 300mm, widening of the proposed glazed entrance from 1200mm to 1800mm and the addition of rainwater goods to provide elevation separation lines.

For the reasons set out above, it is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policies H14 (a) and Policy BE5 and Core Strategy CS74. While concerns have been raised in terms of the scale and massing of the building, particularly with regard to its height, it is considered that the proposed building is an appropriate response to the site and would not appear out of scale or appear overbearing to the detriment of the surrounding area or street scene. The street scene drawings submitted with the application are considered to support this view.

Residential Amenity Issues

Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

In officers' opinion, the only properties directly affected by the development are No. 52 Parsonage Street and Nos. 56-58 Parsonage Crescent. All other properties are considered to be adequately distanced from the site that any impact on their residential amenity is likely to be minimal. A separation distance of over 30m would be maintained between the main bulk of the building to the terrace houses to the north of the site (47-55 Providence Road) with the south-western wing of the building onto Parsonage Crescent partially screening the end gable wall. This separation distance is considered to be sufficient to avoid any significant loss of residential amenity of these neighbouring properties from overshadowing, loss of outlook or loss of privacy. Although a separation distance of only 13.8m would be maintained between the proposed building and properties facing the site (49-59 Parsonage Crescent), the built form of housing arrangements of houses built close to or up against the back edge of the highway is characteristic of the street and should be maintained in the interests of streetscape. To achieve a much greater separation distance between properties would require the building to be set back on site, something that cannot be justified given the character and existing built form of the adjoining streets. It should also be noted that the Planning Inspector in her assessment of the planning appeal in 2004, that it was not uncommon for properties to face each other at these distances in the area and did not consider that the proposal would appear overbearing when viewed from these properties.

With regard No. 56-58 Parsonage Crescent, this pair of semi-detached dwellinghouses are situated to the north-west of the site, the nearest of these (No. 56) does not include any main windows within its side gable facing the application site.

The proposed plans show that the apartment block's end gable would have no windows within its elevation and would not extend beyond the side gable wall of No. 56. Owing to this, and the main outlook of the apartment block (Flats 4 and 6) facing north-east and away from these two neighbouring properties, it is considered that any impact on their residential amenity as a result of the development would be minimal with no significant loss of privacy or outlook. A condition should be attached to any approval that restricts any new openings being placed within the side gable wall. In terms of overshadowing, while several concerns have been raised with regard to this, officers remain satisfied that any impact would be minimal. It is accepted that the rear of the building is three storey in height and additional overshadowing would occur as a result, but this is mostly likely to fall onto the rear courtyard of the site itself and not neighbouring properties given the separation distance between the building and neighbouring properties and the form/layout of the building being built up to and following the road alignment of the two road frontages.

With regard to No. 52 Parsonage Street, this two storey dwellinghouse is situated to the immediate north of the site on its Parsonage Street frontage. It was noted from officer's site visit that this neighbouring property's rear garden is significantly overlooked from the existing building's upper floors and has a poor outlook on its western side owing to a high masonry wall that extends along the full length of its western boundary.

It is considered that the proposed development would significantly improve the residential amenity of this neighbouring property by reducing the amount of overlooking between the two properties as well as improving its outlook. The section of the proposed apartment block nearest to this dwellinghouse would include no windows within its side elevation and have its principal outlook facing into the site's central courtyard and away from this neighbouring property. Although it is accepted that the proposed building would extend

beyond the rear elevation of this dwellinghouse by approximately 3m, this would be a significant improvement to the high boundary masonry wall that extends along the full length of the property's western boundary.

Some concerns have been raised with regard to light pollution. In officers' opinion the extent of light pollution onto neighbouring properties' rear yards and gardens would be minimal. The application site is enclosed by high boundary walls along its northern and eastern boundaries to avoid any significant light spillage from vehicles when entering and leaving the site.

Officers are also satisfied that the future occupants of the apartments would benefit from a good standard of accommodation that would exceed the minimum guidelines set in South Yorkshire Design Guide as well as having an approximate 90 square metre landscaped garden area to the north-eastern section of the site. It is recommended that a condition be attached that requires this garden area to be landscaped prior to the accommodation of the apartments being brought into use.

Ground contamination issues and former coal mining activities

The proposed residential use with private gardens is vulnerable to the presence of contamination. The site has an industrial heritage, and is identified on Environmental Protection Services (EPS) GIS records as a site potentially adversely affected by contamination.

The applicant has submitted a Phase 1 Land Quality Report (ref. 62250R1; Feb 2014). This report identifies that there are a number of potential risks to end users associated with land quality. However, despite this, the report then concludes that only a watching brief is required, and does not recommend intrusive investigations, gas monitoring or analysis of soils.

EPS do not agree with the conclusions of the report and cannot recommend the Phase 1 report for LPA approval. Accordingly, as no satisfactory land quality reporting has been submitted, EPS has recommended that the full suite of land quality conditions be attached as standard.

The application was accompanied by a Coal Mining Risk Assessment on account of the site falling within a Coal Mining Referral Area. The Coal Mining Risk Assessment correctly identifies that the application site may have been subject to past coal mining activity with records from the Coal Authority indicating that the site is in an area of coal outcrops which may have been subject to historic unrecorded coal mine workings.

Having reviewed the available coal mining and geological information of the Coal Mining Risk Assessment, the Coal Authority is satisfied that the risks of voided ground from shallow abandoned coal mine workings is low but recommend that a condition be attached that requires the carrying out of intrusive site investigations to assess any voiding prior to work commencing on site.

Noise Issues

Environmental Protection Services (EPS) has commented that the future occupants of the apartments are unlikely to suffer from any significant environmental noise impacts and do not recommend a specific noise condition.

Flood Risk Management

Policy CS67 relates to Flood Risk Management and sets out how the extent and impact of flooding will be reduced. These include requiring that all developments significantly limit surface water run-off and the requiring the use of SUDS or sustainable drainage techniques on all sites where feasible and practicable. No details have been provided in respect of what measures if any will be incorporated into the scheme to limit surface water run-off. As such, it is recommended that a condition be attached that requires details to be submitted showing measures that would be incorporated to reduce surface water run-off.

Yorkshire Water has inspected the supporting submission and makes no comment.

Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The development site falls within an area where CIL is applicable with the amount payable based on 499 square metres of net additional gross internal floorspace. The CIL form has been signed by the applicant's agent on their behalf.

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to demolish the existing building and erect a split-levelled 2/3 storey building to provide 6 apartments. The application has been submitted in response to an earlier application to re-develop the site for four dwellinghouses that was refused in October 2014 and subsequently dismissed at appeal due to lack of on-site parking.

The principle of developing the site for housing is accepted under UDP Policy H10 and Core Strategy Policies CS24 and CS26.

It is considered that the development is of acceptable design quality, responds positively to the context of the site and adjoining properties and would not unduly harm the character or appearance of the street or surrounding area. The proposed development includes 7 off-street parking spaces, a number that is considered to be adequate to meet any likely parking demands of the apartment's future residents. Highways DC have raised no objection from a highway perspective and have recommended a number of conditions that would ensure safe access onto the adjoining highway.

Officers are also satisfied that the development would not unduly harm the residential amenity of neighbouring properties with no significant loss of privacy, overshadowing or loss of outlook.

Although the development involves the loss of a building that is considered to be a heritage asset and of some local interest, given the level of intervention of the building over the years, the policy position and previous appeal decisions, it is considered difficult to insist that the building be retained in situ. To do so in officers opinion would be unreasonable and likely to be difficult to sustain at appeal.

For the reasons set out in the report, it is considered that the development would be in general accordance with UDP Policies H10, H14, BE5 and BE20 and Core Strategy Policies CS24, CS26, CS67 and CS74 and also government guidance contained in NPPF.

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

Case Number	15/03890/FUL (Formerly PP-04581838)
Application Type	Full Planning Application
Proposal	Mixed use development including demolition of existing single-storey buildings and erection of 20 no. apartments (Use Class C3), change of use of 2 no. existing buildings to create 3 no. commercial units (A1/A3/A4/B1/D2 use) and formation of 1no. apartment (Use Class C3), provision of 8 no. new parking spaces and change of use of garage premises to management office, residents gym/facilities ancillary to residential accommodation and provision of outdoor courtyard (revised scheme to previously approved 14/01724/FUL) (AMENDED DRAWINGS)
Location	Land And Buildings At Junction With Dyson Place, Gordon Road, Sheffield, S11 8XU
Date Received	23/10/2015
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing Title / Reference Number:

- GA PLANS - LEVEL 0 / 26697(02)200 Revision B
- GA PLANS - LEVEL 1 / 26697(02)201 Revision B
- GA PLANS - LEVEL 2 / 26697(02)202 Revision B
- GA PLANS - LEVEL 3 / 26697(02)203 Revision B

- ELEVATIONS / 26697(04)201 Revision A

- ELEVATIONS / 26697(04)202 Revision A
- ELEVATIONS / 26697(04)203
- ELEVATIONS / 26697(04)204
- ELEVATIONS / 26697(04)205

- SITE SECTIONS / 26697(03)201

Reason: In order to define the permission.

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

3. Intrusive investigations and ground gas monitoring as recommended in the approved Collins Hall Green Phase I Desk Top Study Report (Ref. D178; July 2015) 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 construction works commencing. 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.

4. Any remediation works recommended in the approved 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 construction works commencing. 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.

5. 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.

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

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

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

7. Large scale details, including materials and finishes, at a minimum of 1:20 scale 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 (to be a minimum depth of 100mm)
- Main Entrance Doors
- String Course
- Rooflights
- Eaves and verges
- External wall construction
- Brickwork detailing
- Balconies and Louvre Screens
- Roof
- Ridge & valleys
- 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.

8. Details of all proposed external materials and finishes (including windows), 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Details of suitable means of site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, and the accommodation shall not be used / occupied 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.

14. 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 of the completed development being obtained from decentralised and renewable or low carbon energy will be provided

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 an 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.

15. Details of green/brown roof (vegetated roof system) shall be approved in writing by the Local Planning Authority before that Phase of the development commences. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to that part of the development is commenced. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

16. The Local Planning Authority shall be notified in writing upon completion of the green / brown roof.

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

17. 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.

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

Reason: To ensure that the development can be properly drained.

19. Prior to the commencement of development details of bat boxes or similar shall be submitted to and approved in writing by the Local Planning

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

Reason: In the interests of sustainable development.

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 approved Noise Assessment report (NoiseAssess Ltd ref. 11587.01.v1; August 2015),

b) be capable of achieving the following noise levels:

i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),

ii) Living Rooms: Noise Rating Curve NR35 (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.

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.)

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

21. Before the use of any portion of the development for commercial or leisure purposes is commenced, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) be based on the findings of approved Noise Assessment report (NoiseAssess Ltd ref. 11587.01.v1; August 2015),

b) be capable of restricting noise breakout from any commercial or leisure use to levels not exceeding the LA90 background noise levels by more than 3 dB when measured as a 15 minute LAeq,

c) be capable of restricting noise breakout or transmission from any commercial or leisure use to any adjoining or adjacent residential use to comply with the following habitable room internal noise levels:

(i) Bedrooms: Noise Rating Curve NR25 (23:00 to 07:00 hours),

(ii) Living Rooms: Noise Rating Curve NR35 (07:00 to 23:00 hours).

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

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.)

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

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

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

Reason: In the interests of the amenities of the locality and of the future occupiers of the building/s.

23. No externally mounted plant or equipment for heating, cooling, ventilation or fume extraction purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to any building in connection with commercial or leisure uses unless full details thereof, including noise output data, have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the locality and of the future occupiers of the building/s.

24. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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

- a) Plans showing the location of the fume extract terminating (variable) and including a low resistance cowl.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

26. No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

- Waiting Restrictions on the northern side of Gordon Road adjacent to the site.

Reason: To enable the above-mentioned highways to accommodate traffic flows along Gordon Road, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

28. The buildings shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

29. 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.

30. 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.

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

The Travel Plan(s) shall include:

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

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

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

32. The residential development shall not be occupied until details of a scheme to establish and promote the Private Car Club has been submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented prior to occupation of the residential accommodation in the new building hereby approved, and permanently retained thereafter.

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/or Core Strategy) (Policies H5(c), H14 (d) and CS53).

33. Prior to the building being brought into use, a Waste Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Such Waste Management Plan shall include means of ensuring that waste is regularly collected and confined to the bin storage area.

Additional provision for bins within the cycle storage area shall be identified in the event that the bin store is insufficient to meet the needs of the development. Thereafter waste management shall be in accordance with the approved Waste Management Plan.

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

34. Details of the balcony louvre screens shall be submitted and approved in writing by Local Planning Authority prior to occupation of the new building, the approved measures shall be installed prior to occupation of the accommodation hereby approved and shall be permanently retained thereafter.

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

Other Compliance Conditions

35. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres either side of the centre line of the sewer i.e. a total protected strip width of 6 metres, that crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times

36. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges

37. Surface water from vehicle parking and hard-standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof draionage should not be passed through any interceptor.

Reason: In the interests of satisfactory drainage.

38. The Development shall not be used unless the parking, turning, and hard surfaced areas of the site are constructed of permeable/porous surfacing. Thereafter the approved permeable/porous surfacing material shall be retained.

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

39. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays,

and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

Reason: In the interests of amenities of neighbouring occupiers.

40. No amplified sound shall be broadcast outside any premises in commercial or leisure use, nor shall loudspeakers be fixed at any time outside any such building.

Reason: In the interests of the amenities of the locality, occupiers of adjoining property and future occupiers of the approved development.

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

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

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

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

43. No customer shall be permitted to be on the commercial premises outside the following times: 0900 to 2330 hours on Mondays to Saturdays and 0900 to 2300 hours on Sundays.

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

44. The residential and commercial accommodation hereby approved 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.

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

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/or Core Strategy).

46. The Residents Gym as shown on the approved drawings shall only be available to residents of the development hereby approved.

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

47. The following windows:
- Windows to West and East Elevation of the New Building; and
- East facing Windows in the converted Mission Hall Building

Shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, the full details of which shall have first been submitted to an approved in writing by the Local Planning Authority.

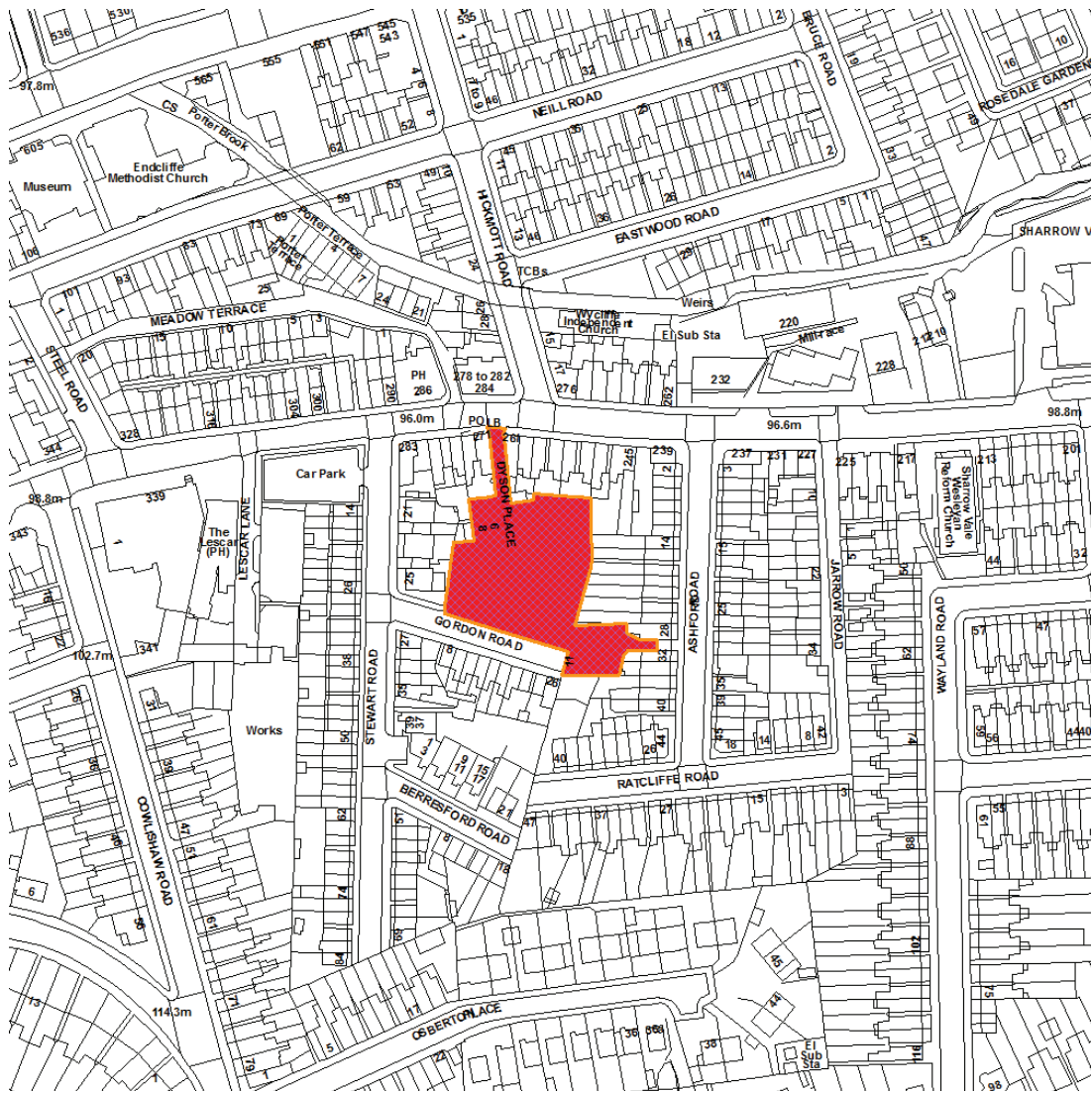
The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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 dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

Site Location



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LOCATION AND PROPOSAL

The application site currently features a number of garages and outbuildings, a disused Mission Hall, two semi-detached dwellings and a commercial mechanics garage. The main body of the site can be accessed from Dyson Place and via a ramp from Gordon Road. The existing mechanics garage is located at the end of Gordon Road, and is accessed along Gordon Road.

The site lies predominantly within an allocated Housing Area with a portion in a Local Shopping Centre, under the provisions of the Adopted Unitary Development Plan.

The site is bordered to the north by retail/commercial units fronting onto Sharrow Vale Road; and to the east, south and west by residential buildings. The southern boundary is formed by Gordon Road with dwellings on the opposite side.

The main body of the site is set below the level of Gordon Road by approximately 1 storey and is generally level.

The surrounding street scene is characterised mainly by two storey dwellings/commercial properties, although there are some examples of more modern bungalow accommodation. The Sharrow Vale local shopping centre is also a key part of the surrounding character.

The current planning application seeks planning permission for alterations to a previously approved scheme. The current proposal seeks permission for:

- Removal of garages and erection of a four storey accommodation block (three storeys from Gordon Road) to provide 20 x C3 flats (1 including 1 bedroom, and the remaining 19 being 2 bedroomed).
- Use of the mechanic's garage for a residents' gym and management office.
- Use of ex Mission Hall building as 2x A1/A3/A4/B1/D2 uses over its two floors, incorporating roof dormer additions.
- Use of the pair of semi-detached properties (8 and 9 Dyson Place) to include an A1/A3/A4/B1/D2 commercial use at the ground floor and 1 x 2 bedroomed, C3 flat, involving addition of dormer windows and a single storey rear extension in the upper floors.

The proposal would involve a resident's car club with 4 cars, 2 additional residents' spaces, 1 space for the converted Mission Hall and 1 disabled visitor bay.

The proposed materials are:

- Red brick for Gordon Road frontage
- Stone heads and cills
- Natural slate to pitched roofs
- Metal cladding

- Timber doors to Gordon Road and aluminium to courtyard elevation
- Galvanised steel frames to balconies with louvre screens

Some Members may recall that a scheme was approved at the site in April 2015. The key differences between the approved scheme and the current proposal are:

New Building facing Gordon Road

- Re-design of the building along the length of Gordon Road, to include only one step along the street frontage. Increase in the eaves height of 300mm.
- Modification of the new buildings' footprint, squaring off the stepped corners.
- Use of red brick to the 2 storey component of new building, instead of render.
- Window pattern modified.

Mission Hall conversion

- Roofspace area to be used for a commercial use as described above (separate to the ground floor use).

Parking

- Existing yard at rear of garage premises to be used for parking via existing access off Ashford Road
- The parking strip for existing residents on Gordon Road as shown in the previous approval to be omitted, and reinstated to footpath/highway.

The previous approval was also subject to a legal agreement, which involved a commitment to pay £127,993 to affordable housing, £19,317 to Open Space contributions, and £60,346 to Education provisions.

The Applicant has submitted a financial viability appraisal which seeks to establish that any contribution towards affordable housing would make the scheme unviable. As a result, a 0% contribution is proposed.

RELEVANT PLANNING HISTORY

14/01724/FUL: Mixed use development including demolition of existing single-storey buildings and erection of 20 apartments (Use Class C3), change of use of existing buildings to create 2 commercial units (A1/A3/A4/B1/D2 use) and formation of 3 apartments (Use Class C3), and change of use of garage premises to management office, residents gym and facilities ancillary to residential accommodation

Approved - 2/4/15

SUMMARY OF REPRESENTATIONS

After neighbour notification, the placement of a number of site notices and the publication of a press advertisement; five representations have been received. The comments made can be summarised as follows:

- Current scheme has much greater impact on local residents' amenity than previous scheme, being more overbearing.
- Loss of light impacts to neighbouring properties. A full Right to Light survey should be provided. Height should be reduced by at least 2m to deal with impacts.
- Query whether developer has offered compensation, given potential for potential claims on this regard.
- Inadequate Design and Access Statement.
- Not clear if accommodation is for student or professional use. Area is mainly owner-occupation. This many new rental properties will undermine local community, and cause noise disturbance. Accommodation for longer term occupation should be proposed.
- Noise impacts from proposed balconies.
- Proposed gym and other facilities should be restricted to residents to limit traffic movements.
- Parking provision should be increased. A traffic impact study should be carried out.
- Pedestrian safety concerns on Sharrow Vale Road.
- All commercial elements of scheme should be rejected. Harmful impacts on independent shops on Sharrow Vale Road. Units may attract large chains which would not be welcomed in area. Empty properties are currently not being let very quickly.
- Revisions to former application are material in nature, and not minor amendments, and a revised application should be made to be submitted.
- The application should be evaluated entirely on its own merits.
- The Council should notify all previous objectors to 14/01724/FUL regarding the current scheme. The Council risks a Judicial Review, as it could be seen to be restricting circulation of details, while allowing the Agent to connect the current scheme with the earlier scheme.
- An approval would result in significant financial benefits to developer. The Council should seek contributions to open space, affordable housing, education and an appropriate CIL contribution. Previous contributions were very low.
- CIL application has been completed by a company, who according to Companies House do not have capacity to meet any financial obligations.
- Query whether the ground area figures been checked as part of CIL calculations.
- CIL monies should be spent on improved lighting due to loss of light.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) includes the following paragraphs which are relevant in terms of overall principles:

The key principle enshrined in the document is a presumption in favour of sustainable development.

Para 58 states: Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- optimise the potential of the site to accommodate development
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- and are visually attractive as a result of good architecture and appropriate landscaping.

Para 47 states: To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

Para 49 states: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The site lies within mainly within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The most relevant UDP and Sheffield Local Plan Core Strategy policies are:

- H5 (Flats, Bed-Sitters and Shared Housing)
- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)
- BE5 (Building Design and Siting)
- CS22 (Scale of the Requirement for New Housing)
- 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)
- CS41 (Creating Mixed Communities)
- 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 is the preferred land use in accordance with Policy H10 (Development in Housing Areas). H5 'Flats, Bed-Sitters and Shared Housing' states: Planning permission will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if:

- (a) a concentration of these uses would not cause serious nuisance to existing residents,

The proposal includes 21 apartments, 4 accessed from Dyson Place and 17 from Gordon Road. It was previously considered that there was no reason to conclude

the flats would cause serious nuisance to existing residents, and the slight reduction on proposed unit numbers (from 23) means that the current proposal would also avoid any similar concerns.

Whilst 28% of residences within 200m of the application site are occupied as some form of shared housing, a significant proportion of dwellings within the immediate vicinity of the application site are occupied as C3 units. Therefore, the proposal would not be considered to result in a concentration of flats, bedsitters or shared houses. The proposal is considered acceptable in respect of H5 (a).

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 proposal is in accordance with these policies.

Policy CS26 specifies density ranges for new housing development. The site is located near a District Centre, so the appropriate density range is 50-80 dwellings per hectare (dph). The proposal represents 100 dph. The traditional housing in the area is characterised by a density of approximately 180 dph. Whilst the proposal exceeds CS26's density range, it would be within the density of the surrounding housing which is considered to be a very significant factor in assessing the proposed development.

Given that the scheme includes a reduced number of residential units compared to the approved scheme and that the proposal would reflect the local density levels, it is not considered that the proposal represents an over-development of the site. Therefore, the proposal continues to comply with Policy CS26.

Housing Supply

The NPPF at para 49 states: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council currently has a 4.7 year supply.

The proposal would contribute significantly towards housing supply as set out in Core Strategy Policy CS22, which specifies the numbers of additional dwellings required over forthcoming years. Paragraph 14 of the NPPF states that planning permission should be granted in such circumstances unless the adverse impacts of doing so clearly outweigh the benefits.

Commercial Use Issues

Policy H10 'Development in Housing Areas', states small shops (not more than 280 sqm sales area), A3 cafes / restaurants, A4 bars, B1 business and D2 Leisure and Recreation Facilities are acceptable uses.

The proposed range of commercial uses would be main town centre uses, as per Annex 2 of the NPPF. Whilst the proposed commercial uses are located in a Housing Area beyond the boundary to the Local Shopping Centre, they are

immediately adjacent to it, and would be easily accessible from the main shopping frontage/street. As a result they would be considered to contribute to the vibrancy and vitality of the local shopping centre, and a Sequential Test for town centre developments has not been pursued in this instance. It is therefore concluded that the centre would not be undermined, and therefore the scheme would satisfy the requirements of NPPF para 23 which requires the promotion of competitive town centre environments. Policy CS3 'Locations for Office Development' specifies locations for office development, which include the City Centre and requires at least 65% of total office development to be in the City Centre. Currently this 65% target is not being achieved and the scheme proposes potentially 246sqm of B1 space. Therefore, whilst the proposal would not help to deliver the strategic aims of this policy it would only fractionally alter the balance and it is important to note that the site is around 160metres from a high frequency bus route and is in a sustainable location. Therefore, whilst this policy would not be complied with, it is not considered that it would be reasonable to resist the granting of consent based upon this issue.

Design

Paragraph 17 of the NPPF states that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and further guidance is provided in paragraphs 58 to 60, which seek to ensure developments function well, connect with and add to the local area, reflect its identity and are visually attractive. It does however discourage local authorities from being too prescriptive.

UDP Policy BE5 'Building Design and Siting' encourages original architecture but states new buildings should complement the scale, form and architectural style of surrounding buildings.

UDP Policy H14 'Conditions on Development in Housing Areas' seeks to ensure that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

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 and that 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.

In addition Policy CS74 'Design Principles' of the Sheffield Core Strategy applies which expects high-quality development, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Gordon Road Elevation and Street Scene

The proposed front elevation onto Gordon Road would continue to appear as 3 storeys, incorporating 2 full storey heights and the third being partly incorporated in the roof space. The portion at the western end would be 2 storeys in height and be flat roofed.

As with the approved scheme, there would be 3 entrance doors positioned equidistantly across the street frontage. Similarly the street frontage would be set back from the site's front boundary to give some residential curtilage.

The proposed terraced building would mirror the existing terrace on the opposite side of Gordon Road and elsewhere in the vicinity. The proposed building would be 0.3metres greater in height at its eaves and ridge levels than the approved scheme. Also the 4 chimney stacks have been removed from the building.

The alterations to the approved scheme continue to be considered acceptable, and to be in keeping with the character of the locality, having an acceptable impact upon the Gordon Road and Stewart Road street scene/s.

Courtyard Elevation

The courtyard area would continue to be accessed from Dyson Place, where access to the lower ground level flats in the new building would be achieved. The main apartment block would be 4 storeys onto the courtyard, and retain the flat roofing below the terrace's main ridge. The balconies are modified from the previous approval, and the red brick and metal cladding arrangements would also be altered.

The alterations to the approved elevation retain the contemporary appearance, which would remain acceptable. It would also be visible from surrounding gardens and dwellings, however, these views would continue to be from oblique angles and be considered to have limited impacts in this regard.

Mission Hall

The proposal seeks to add 3 dormers to the Mission Hall, including a single dormer facing towards Ashford Road, rising up from the eaves level and a ridge which would be approximately 0.5metres more elevated than the approved dormer's ridge. It would also be treated in slate, as compared to the previously approved metal cladding. The dormers on the elevation onto the courtyard would be the same as the approved additions.

As previously, the dormers would not dominate their roof slopes, and are appropriately positioned. The additional height of the single dormer facing to Ashford Road would not result in the dormer being overbearing on the roof slope.

The 2 dormers to the north facing, rear elevation of 8/9 Dyson Place would remain as previously approved, being of subordinate proportions to the roof slope. The single storey rear addition would also remain as per the approved scheme, filling the yard area, and reflecting outbuildings and structures at the rear of existing Sharrow Vale Road properties.

The Mechanics Garage would be converted to a management office and residents' gym. The proposed physical alterations would remain as the approval, and include mainly the glazing of openings. Existing brickwork would be cleaned and painted,

and these alterations would continue to be considered as having an acceptable impact.

Overall, the proposal would be considered to be acceptable in design terms, and would meet the requirements of Policies H14, H15, BE5 and CS74 and paras 9 and 58-60 of the NPPF.

Sustainability

The site is in a sustainable location being within walking distance of the City Centre and Ecclesall Road District Centre. Therefore, the proposal would be an efficient use of a previously developed site.

Since the approval of the previous permission the Code for Sustainable Homes evaluation system has been abolished, and is no longer being applied to new schemes. The BREEAM system which continues to be applied, however, doesn't apply to converted buildings so isn't relevant in this context.

However, Policy 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. The Statement submitted with the application concludes that the 10% provision would be met by the provision of PV arrays on the pitched areas of the roofing. This is considered to be appropriate and should be required by condition. There would also continue to be some brown roofing on the flat / parapet roofs set to the rear of the new apartment building. Whilst this would not amount to 80% coverage as required by Guideline CC1 of the Climate Change and Design SPD, this is considered to be acceptable, as the pitched roof nature of the majority of the roof slopes would not facilitate the provision of brown or green roofs. These pitched roofs would be in keeping with the character of the locality, and it is therefore important that they are not removed from the scheme. The scheme is therefore considered to be acceptable in this regard and a condition requiring compliance with CS65 can be included on any consent granted.

Residential Amenity - Existing Residents

The principles set out in policy H14 (c) are supported by Supplementary Planning Guidance (Designing House Extensions)(SPG) which provides useful parameters for new structures and their relationship to existing houses.

Guideline 5 of the SPG states that a two storey structure should not be located closer than 12metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased.

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

Properties on Gordon Road

The proposed block to Gordon Road would be separated by approximately 14metres from the existing Gordon Road dwellings, and be 0.3m (approx.) closer

than the approved building. Whilst this separation would be below the 21metre separation given as part of Guideline 6, it would be commensurate with other separation distances between opposing houses within the vicinity on the street, and involves a view across a public street.

The proposed 2nd floor level windows (when viewed from Gordon Road) are set at a higher level than existing windows onto Gordon Road and were described previously as not being a common relationship in the area. However, given that the relationship would be across the public highway it wasn't expected to lead to detrimental privacy or overlooking impacts. As a result it is considered that the proposal would continue to have an acceptable impact in this regard.

The increase in the eaves and ridge heights by 0.3metres compared to the approved scheme leads to an excess above the equivalent heights of the existing Gordon Road properties of approximately 1.4m. However, the separation distance of approximately 14metres would be considered to avoid an overbearing relationship. This view was previously supported by Guideline 5 of the SPG, which states that a minimum of 12metres from main aspect windows is required with the distance being increased for additional storeys. The extra height does not equate to a full extra storey, such that the 14m separation would continue to be considered acceptable.

Since the building is located to the north of the existing Gordon Road dwellings it was previously considered to not lead to a loss of direct sunlight. The relationship was considered to be similar to other relationships in the surroundings, and was considered to avoid a significant potential for overshadowing. The slight alterations in the heights and separations distances would not lead to a significant increase in the proposal's impacts and therefore the scheme would be considered to be acceptable.

Previously, the Applicant's Agent undertook an informal 'Right to Light' Survey following requests by Sharrow Vale Community Association. Whilst 'Right to Light' assessments are not material planning considerations or requirements of planning applications, it concluded that the approved scheme was unlikely to lead to injury to existing Gordon Road properties due to loss of daylight. Given the modest alterations to the proposed building, it continues to be considered that the scheme wouldn't have a detrimental impact upon the amenities of neighbouring occupiers.

On this basis, the proposal is considered to continue to have an acceptable impact in light terms relating to Gordon Road neighbours.

Properties on Ashford Road

The Gordon Road block's east elevation would remain separated from the nearest Ashford properties by 18metres. The current proposal would include 2 obscurely glazed windows in this elevation. This would prevent any overlooking implications arising from the east facing elevation.

The rear elevation has been slightly modified to 'square-off' the rear corners, which has enabled balconies to be positioned in alignment with the boundary, rather than

being set in from it by 2.0metres. The side perimeter louvre/privacy screens are retained, and would prevent any sideward looking and enable obliquely angled views only. Some overlooking of garden areas would be available, however, this would remain commensurate to views over neighbouring gardens which already exist in the vicinity and are commonplace in tightly-knit urban settings. As a result, the altered proposals would not be considered to lead to detrimental overlooking implications.

The proposal was previously considered to have an acceptable impact in regards to overbearing and overshadowing implications. It continues to be separated by 18metres from the nearest Ashford Road properties. Its ridge would be above the nearest Ashford Road properties eaves by approximately 2.5m. The additional height would not lead to a conflict with the SPG's requirement for a 12m gap given the additional setback.

The potential for loss of direct light during the winter months was previously noted, but concluded to be significant. Again, in this case the separation distances would be considered to result in an acceptable impact in this regard and the extra building height would not be considered to generate additional impacts.

The proposed dormer addition to the Mission Hall building facing towards Ashford Road would include a stairway landing and a small window to the proposed commercial space. The windows would each be obscurely glazed. The obscure glazing of these windows would prevent overlooking and prevent any greater impacts than arose from the previous approval. The additional height of the dormer would not be considered to have a significant impact, given that it would be seen in the context of the building's existing roofslope.

Properties on Stewart Road

The Stewart Road dwellings immediately to the west of the site are bungalows. The two storey element at the western end of the new block would be 0.3m higher than the approved 2 storey component. The 'squaring-off' would result in it being wider when viewed from the Stewart Road bungalows. The 2 windows proposed in this elevation would be obscurely glazed.

The squaring-off of the rear corner would continue to provide only obliquely angled views towards the rear elevations of the Stewart Road bungalows and garden spaces. It is therefore concluded that there would not be a detrimental impact arising from overlooking or privacy loss.

In regards to overbearing and overshadowing impacts the proposal would be separated by approximately 10.5metres from the nearest affected windows (at 23 Stewart Road). This would be under the 12metre separation distance, but would be set obliquely and results in this relationship avoiding a detrimental overbearing impact.

The latest drawings incorporate a rationalised set of steps at the building's western end to enable movement from the courtyard area up to Gordon Road. These would be adjacent to an existing screen wall, preventing any harmful impacts upon the

Stewart Road residents. The proposed alterations to 8/9 Dyson Place remain as previously approved and would not be considered to lead to harmful impacts on the amenities of Stewart Road properties.

Overall, it is considered that the proposal would not have a significant impact upon existing residential amenities, therefore meeting the requirements of Policy H14's relevant elements.

General Amenity within Locality

Some comment has been received regarding conflicts between lifestyles of shorter term residents, and more permanent local residents.

The proposal continues to seek permission for C3 type/single household accommodation, rather than as C4 – multiple occupation accommodation. However, there would be no scope within planning legislation to prevent students occupying the flats as C3 dwellings.

Residential Amenity - Future Occupiers

NPPF paragraph 17 (d) states 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.

Additionally, Policy H5(b) states that schemes including flats should provide appropriate living conditions for the occupants.

The flats would be provided with acceptable opportunity for natural lighting and ventilation opportunity. Flats would be given good outlook onto the courtyard and/or Gordon Road. The lower ground level flats are single aspect and would also be considered to be adequately provided for in this regard.

External space would be provided for in a number of ways, including ground level terraces adjacent to the apartment building, balconies ranging from 6.5sqm to 8.5sqm (approximately), and a lawned area. This amounts to approximately 240sqm.

The South Yorkshire Residential Design Guide has not been formally adopted by Sheffield City Council, however, it does recognise it as Best Practice Guidance for new build residential schemes and suggests that 'Shared private space for flats must be a minimum of 50 square metres plus an additional 10 square metres per unit either as a balcony space or added to shared private space'. It continues 'Balconies must be a minimum of 3 square metres and provide usable space clear of door swings to count towards the minimum requirement'.

This guidance would suggest 260sqm of external amenity space was appropriate. The overall provision is slightly short of this target but would be considered to be acceptable in regards to the Design Guide's suggested provision. The balconies are a good size and would offer private space, which would also be complemented by the more communal external lawned area.

The site would be provided with appropriate refuse storage facilities, however to ensure efficient operation it is necessary to impose a condition on any approval requiring a refuse management strategy.

Overall, the proposal would be considered to provide appropriate levels of amenity for future occupiers of the scheme, and it is therefore considered it would meet policies H5, H14 and paragraph 17(d) of the National Planning Policy Framework.

Highways

Access

The scheme has one main point of vehicular access off Dyson Place This would lead to 4 parking spaces, as well as a private car club featuring 4 vehicles in the undercroft element of the building. Servicing to the commercial uses would be via medium to large Transit type vans.

Dyson Place would continue to be used as an access/exit, and would be resurfaced with a narrow footway. This would provide segregation between vehicles and pedestrians, preventing any conflict.

The current scheme also proposes to use the access from Ashford Road for vehicular purposes. This would be by staff members of the Management Office only, so wouldn't be considered to have a detrimental impact given the infrequent level of usage. This would not be considered to cause a highway safety concern, or undermine residential amenities of the dwellings adjacent to the access point given that it is capable of being used currently.

Parking

The level of off-street parking would be significantly below the parking guidelines for a development of this type, which would require a provision of approximately 1 parking space per dwelling. However, the provision of the private car club facility, and the imposition of a car-free restriction upon any consent granted is intended to control the level of parking which would be generated by the development.

The previous approval included 5 'external' spaces in the site, as well as the 4 vehicle private car club provision beneath the building. It also included 6 public, permit controlled parking spaces available for use by existing residents along the Gordon Road frontage. This provision has been replaced by a footpath provision in the current scheme.

The car-club would be used by the residents of the new building. The 4 spaces accessed from the courtyard area would be for the use of the users/occupants of the commercial and residential accommodation in the existing building.

The shortfall in the parking provisions would be dealt with by the provision of the private car-club, which would be required to be set up and operational via a condition upon any consent granted. It should also be taken into consideration that

the site is located within easy walking distances of the City Centre and high frequency bus routes and is therefore in a sustainable location.

On this basis, the proposal would be considered to meet the requirements of H5(c) and H14(d) which requires schemes to provide appropriate off-street parking. The reduction of 1 space in the number of proposed on site spaces would not be considered to have a significant impact on highway safety, particularly given that the current proposal includes 2 fewer apartments than the approved scheme.

The elimination of the Gordon Road permit controlled parking provision would not be considered to have a detrimental impact on highway safety. It wouldn't represent a reduction in the level of public parking which is formally able to take place currently. The current arrangement includes garages along the length of the street, preventing use for parking. On this basis this aspect of the proposal would not be considered to lead to detrimental impacts on local parking provisions or local highway circumstances.

The reinstatement of the footway in this location would mean that the remaining road width would be only 4.7/4.8m. Any parking along the Gordon Road frontage would therefore be problematic. As such, any approval of the current scheme should include a requirement for a traffic regulation order relating to waiting restrictions to be provided along the site side of Gordon Road.

Servicing

Turning would continue to be available in the site for medium sized Transit vans, allowing exiting in a forward gear. This would maximise visibility when entering and exiting Dyson Place, removing conflict between pedestrians and vehicle users.

Whilst the site would be able to be serviced by medium Transit type vehicles, larger vehicles would have to park on Sharrow Vale Road. Whilst not ideal, this arrangement occurs on Sharrow Vale Road currently for servicing of the existing businesses and would therefore not be considered to be an issue capable of supporting a reason for refusal.

Cycling

Capacity for secure storage of 24 cycles is proposed in the undercroft area, which would be considered an acceptable provision.

Overall, the scheme would be considered to be acceptable in relation to its impacts upon local highway safety, satisfying the requirements of Policy H14(d).

Environmental Protection Issues

The residential portions of the proposal and existing neighbouring residents would potentially be impacted upon by noise. Existing noise sources are limited to the kitchen fume extraction system at the Mediterranean restaurant on Sharrow Vale Road. The main potential for loss of amenity caused by noise would be from the proposed uses at 8/9 Dyson Place and the Mission Hall.

A noise assessment has been carried out and submitted with the current application. This was prepared on advice from Environmental Protection colleagues and concludes that the existing noise from mechanical sources does not lead to the need to provide any special measures to provide suitable noise environments for future residents. It also concludes that the potential for noise breakout from the proposed commercial uses would be dealt with by the use of typical building envelope construction.

Following assessment of this documentation, it is considered that to ensure a good noise environment is provided for future occupiers and existing neighbours, conditions requiring agreement of a noise attenuation strategy should be included on any approval granted. These conditions would benefit proposed occupants, as well as amenities of existing neighbours.

The use of the mechanics garage as a residents gym and management office would have limited scope to impact upon amenities of surrounding residents. The noise survey and sound attenuation conditions covered above would ensure this.

The application does not propose any opening hours for the commercial uses. It is therefore considered to be appropriate to restrict opening until 11:30pm on Mondays to Saturdays and 11:00pm on Sundays by conditions in order to protect residents amenity.

The historic use of the site previously meant that conditions requiring contamination assessment and/or remediation were included in the previous approval. A desk top study has been submitted with this application which is considered acceptable, however, conditions requiring further work need to be added into any approval recommend here.

It is therefore concluded that the amenities of future occupiers and existing neighbours would be safeguarded by the proposal, and it would meet the requirements of Policy H14(k), which requires proposals to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance to existing residents.

Ecology

In relation to the current application no representations have been received relating to bats, however, in regards to the previous application bats were referred to as commonly flying / foraging at the site. As a result of these comments two nocturnal surveys were carried out in relation to 8/9 Dyson Place which found no evidence of roosting bats.

The building was referred to as having gaps and crevices for bats and whilst no bats were found during the surveys, they may possibly be using these spaces. Therefore, it continues to be considered that it would be useful for site personnel to be made aware of what to do if bats are found, and therefore a suitable directive is suggested to be included as part of any consent.

Previously the consultants suggested the possibility of including bat boxes, and it is considered a condition requiring this should be re-applied in this instance.

Flood Risk Issues

A very small part of the site continues to be located in Flood Zone 2, so a short flood risk statement was submitted with the previous application. The part located in Zone 2 is not being developed and isn't the main exit for residents (which would be via Gordon Road). A safe access to and from the main part of the site with a low probability of flooding is provided via steps at the west of the apartment building onto Gordon Road.

Overall, the proposal is considered to be acceptable in this regard meeting Part (I) of Policy CS67 of the Core Strategy which requires developments to ensure safe access to and from an area with low probability of flooding.

Affordable Housing

Core Strategy Policy CS40 requires a contribution towards Affordable Housing, subject to financial viability. The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document December 2015 sets a required level of developer contribution of 10% in this location.

A statement was submitted with the previously approved application which committed to meeting a 10% contribution. The output figure from this was £127,993, and was considered to be an appropriate contribution. Therefore, this was required within a legal agreement.

In regards to the current application a viability assessment has been provided on behalf of the Applicant. This concluded that with any affordable housing contribution the scheme would be unviable. Therefore, the application proposes a 0% contribution to affordable housing.

In the normal manner a financial viability appraisal has been carried out by the District Valuer (DV). This concludes that the scheme would be expected to achieve a profit on revenue of 8.38%, which would be significantly below a reasonable profit of 15%. Were the required affordable housing contribution of £202,233 to be included in the calculations the profit on revenue figure drops to 2.65%.

As a result, the DV concludes that the project would be unviable, and not able to support an affordable housing contribution. On this basis it is considered that it would be unreasonable to require any contribution to affordable housing. This outcome would be fully in accordance with the requirements of CS40 and the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document.

Community Infrastructure Levy (CIL)

Certain elements of the proposal would be CIL liable. The site is located in Zone 3, where the charging rate would be £30/sqm.

CIL covers contributions to open space provisions and education provisions, and therefore no legal agreements are required to deal with these issues.

RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the body of the report. In relation to the remaining items the following points can be made:

- The Design and Access Statement is submitted as a supplement to the version submitted with the earlier application. This is considered to be acceptable, covering the relevant points.
- The application has legitimately been submitted as a resubmission of the earlier approval. It has been assessed as a completely new application.
- Neighbour notification and the placement of site notices has been carried out in accordance with the 'Statement of Community Involvement' and statutory requirements.
- There is no requirement to assess the applicants/developers financial ability to meet CIL contributions.

SUMMARY AND RECOMMENDATION

The application seeks planning permission for the erection of a building to provide 20, C3 apartments, conversion of the existing Mission Hall building and the ground floor of 8/9 Dyson Place to provide A1/A3/A4/B1/D2 uses and the provision of 1 flat in the upper floors of 8/9 Dyson Place.

It represents a re-submission following a previous approval of a similar scheme in 2015.

The principle of housing is acceptable, as is the principle of the proposed commercial uses. The scheme is acceptable in design terms, reflecting the character of the locality as well as providing more contemporary architecture elsewhere, which would also be appropriate in design terms.

It is considered that the amenities of neighbouring occupiers would be safeguarded by the proposal, as well as providing appropriate amenities for future occupiers. Despite low levels of parking provision the scheme is considered to have an acceptable impact upon local highway safety circumstances, and will avoid the generation of harmful levels of on-street parking.

The scheme has been assessed by the District Valuer and it is concluded that it cannot viably provide an affordable housing contribution, therefore no such contribution is being required in this case.

It is therefore considered that the proposal would meet the relevant UDP and Core Strategy policies and the relevant paragraphs within the NPPF. Consequently, it is recommended that the scheme is acceptable and that it should be conditionally approved.

Case Number	13/04204/COND9 (Formerly PP-04920340)
Application Type	Approval of Detail Reserved by Condition
Proposal	Application to approve details in relation to condition number 12. Affordable Housing relating to planning permission 13/04204/RG3
Location	Site Of Abbeydale Grange School, Hastings Road, SheffieldS7 2GU (No'd 1-61, 2-30 Hastings Grange And 2-24 Hastings Road)
Date Received	18/03/2016
Team	South
Applicant/Agent	JVH Planning Ltd
Recommendation	Cond approved subject to Legal Agreement

Subject to:

1 **Conditions Discharged:**

No conditions relate to this section of the notice.

2 **Details Approved But Condition(s) Remain In Force:**

12

3 **Details Not Approved**

No conditions relate to this section of the notice.

Attention is Drawn to the Following Directives:

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

LOCATION AND PROPOSAL

The application site relates to the ex Abbeydale Grange School site, located at the junction of Hastings Road and Abbeydale Road.

The site was previously granted outline planning permission for the residential development of the site in March 2014.

Some Members will recall that an application dealing with the outline permission's reserved matters was approved at the Planning and Highways Committee Meeting dated 23rd February 2016. The reserved matters scheme incorporated 58 dwellinghouses.

Similarly some members will recall that at the 26 April 2016 Planning Committee meeting an application seeking the approval of details required by Condition 12 of the outline approval was refused. The Condition required the development to deliver affordable housing at no less than 30% of the overall floor space, or an alternative contribution based on an independent viability assessment.

The applicant submitted a viability case for a lesser contribution and the District Valuer's assessment concluded that a contribution of 22.13%, equating to £2,934,294 could be delivered. The developer had offered £278,000 with the residual amount being accounted for in the agreed land value to be paid to the Council. It was previously reported that the Council as landowner was in a position to offer a share of the capital receipt for the land towards affordable housing to make up the shortfall. This potential was the means recommended by officers within the last Committee report of addressing this shortfall.

However, Members considered that this was not appropriate and that the developer's offer of a 2.1% contribution fell significantly short of the 22.13% contribution and failed to meet the aims of Policy CS40 of the Sheffield Local Plan Core Strategy, Guideline GAH2 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document December 2015, and paragraph 50 of the National Planning Policy Framework. The application was therefore refused.

The current application is again seeking the approval of Condition 12, and was submitted midway through the determination process of the recently refused application. When originally submitted this application proposed to make a 2.1% contribution towards affordable housing with the balance of monies being within the agreed land value. However, following the refusal of the initial application the proposed contribution has been increased to 22.13% (£2,934,294), the amount recommended by the DV, and a draft planning obligation has been provided to confirm this offer.

RELEVANT PLANNING HISTORY

13/04204/RG3: Residential development with associated open space and landscaping (outline permission)
Approved 12/3/14

15/03543/REM: Erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (Reserved Matters Scheme).
Approved 24/2/16

13/04204/CONRG3; Application to discharge Condition 12 (affordable housing condition) of 13/04204/RG3.
Refused 27/4/16, for the following reason:

'The applicant's affordable housing contribution offer of £278,000 equates to a 2.1% contribution, which falls significantly short of the 22.13% contribution of £2,934,294, identified as the maximum viable contribution by the District Valuer in assessing the applicant's viability evidence, as set out in the BNP Paribas Financial Appraisal dated December 2015. Therefore, the details submitted to discharge condition no. 12 of planning permission ref. 13/04204/OUT are contrary to the aims of Policy CS40 of the Sheffield Local Plan Core Strategy, Guideline GAH2 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document December 2015, and paragraph 50 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

No representations have been received in relation to the current submission.

PLANNING ASSESSMENT

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 (IPG) was updated in 2014, and was then replaced by the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) in December 2015. Guideline GAH2 of the SPD sets required levels of developer contribution towards affordable housing in different parts of the city, and identifies a contribution requirement of 30% for sites in the South West Affordable Housing Market Area, in which this site falls, subject to scheme viability.

The NPPF at paragraph 50 requires policies to be set for the provision of affordable housing. Also 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 submitted a financial appraisal in relation to the previous condition discharge application. This stated that the proposed development could not viably provide any affordable housing. In line with normal practice in such cases, and reflecting the requirements of the NPPF and policy CS40, the DV independently assessed the developer's viability case. This has formed the basis for this decision

due to the very limited passage of time between the two cases, and no identified changes in the scheme proposed.

The DV's report advised that a contribution of 22.13%, equating to £2,934,294, could be delivered whilst retaining scheme viability with a reasonable land value, and a reasonable developer profit. In those circumstances a 22.13% contribution to Affordable Housing was considered necessary in order to meet the requirements of policy CS40 and Guideline GAH2.

Since the 26th April committee meeting a separate independent review of the DVs findings and evidence base was commissioned by the Council. This has concluded that the DVs conclusions and the details on which they were based were acceptable and appropriate.

The developer has held further discussions with officers in Planning and in Property, and has confirmed that they are willing to increase their contribution to affordable housing to £2,934,294 as part of the current application. They confirm that they would be willing for this to be embodied within the required legal agreement and have submitted a draft agreement including this payment. Such a contribution would fully meet the requirements of the relevant policy/s and guidance.

The increased offer would involve an equivalent reduction in the purchase price paid for the land. However, this is considered to be appropriate, given that land values reflect the cost of planning obligations, such as affordable housing.

SUMMARY AND RECOMMENDATION

The current application seeks the discharge of a condition relating to affordable housing provision imposed upon an outline planning consent for residential development of the former Abbeydale Grange school site. This follows the refusal of an application where the contribution offered amounted to 2.1%

The Developer's offer has been increased to 22.13% (£2,934,294) through the course of the current application compared to a full policy requirement of 30%. This equals what the DV advised would be a viable contribution. The proposal is therefore considered to meet the requirements of Core Strategy policy CS40 and Guideline GAH2 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) and the relevant aspects of the National Planning Policy Framework.

Consequently, it is recommended that the application should be approved subject to a Planning Obligation to secure the payment of a commuted sum for affordable housing provision.

Heads of Terms for Unilateral Undertaking:

(i) The owner(s) of the site shall serve on the Council, within 21 days of the commencement of development, notice of the commencement of the development,

and in the event of such notice not being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed,

(ii) On or before the occupation of the 1st dwelling, the owner(s) shall pay to the Council the sum of £2,934,294 towards the provision of affordable housing. The owner shall not permit occupation of more than one dwelling until such sums have been paid.