
Case Number	20/00414/FUL (Formerly PP-08464445)
Application Type	Full Planning Application
Proposal	Demolition of car sales building and erection of four/ three-storey block comprising 20 dwellings (Use Class C3), convenience store (Use Class E part a) and 2 commercial units (Use Class E part a, c, e and g) with associated parking and formation of site accesses (Amended Plans received 5th January 2022)
Location	Sheffield Car Centre Eden Park Penistone Road Grenoside Sheffield S35 8QH
Date Received	04/02/2020
Team	West and North
Applicant/Agent	JR Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development shall be carried out in accordance with the following plans:-
 - Drawing No. 27474 A(00) 01 Revision P1 (Redline Location Plan);
 - Drawing No. 27474 A(01) 02 Revision P5 (Proposed Site Layout/Ground Floor Plan);
 - Drawing No. 27474 A(02) 01 Revision P4 (Proposed Lower Ground Floor and Ground Floor Plans);
 - Drawing No. 27474 A(02) 02 Revision P5 (Proposed 1st and 2nd Floor Plans);
 - Drawing No. 27474 A(03) 02 Revision P1 (Proposed Site Section);
 - Drawing No. 27474 A(04) 01 Revision P4 (Proposed Elevations - Sheet 1);

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

published on the 6 January 2022

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

published on the 21 January 2022

Reason: In order to define the permission

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

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

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

4. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

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

Reason: In the interests of highway safety

7. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

8. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

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

Highways Improvements:

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

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

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

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

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

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

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

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

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

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

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

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

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

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

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

17. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

19. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thereafter the approved details shall be complied with.

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

30. Before the development is commenced, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development unless otherwise authorised in writing by the Local Planning Authority.

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

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

The Lighting Impact Assessment shall include the following:-

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

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

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

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

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

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

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

Other Compliance Conditions

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

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

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

Reason: In the interest of satisfactory and sustainable drainage

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

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

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

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

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

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

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

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

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

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

District and Local Shopping Centres.

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

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

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

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

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

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

43. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2100 Mondays to Saturdays and between the hours of 0900 to 2100 on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

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

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

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

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

5. The applicant should install any external lighting to the site to meet the

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

6. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

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

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

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

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

Site Location



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LOCATION AND SITE CHARACTERISTICS

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

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

PROPOSAL

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

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

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

RELEVANT PLANNING HISTORY

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

PROCEDURAL ISSUES

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

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

SUMMARY OF REPRESENTATIONS

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

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

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

Against

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

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

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

Support

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

Non-planning matters

- Devaluation of neighbouring properties.
- Loss of views.

Ecclesfield Parish Council

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

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

Grenoside Conservation Society (first response)

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

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

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

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

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

Grenoside Conservation Society (second response on amended plans)

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

PLANNING ASSESSMENT

Policy Context

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

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

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

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

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

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

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

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

The Principle of Development – Policy and Land Use

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

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

Retail

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

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

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

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

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

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

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

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

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

Paragraph 86 of the NPPF sets out that decisions should support the role that town centres play at the heart of local communities. Paragraph 87 says that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. Paragraph 88 states that when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

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

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

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

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

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

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

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

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

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

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

Housing

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

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

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

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

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

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

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

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

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

Highway Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In relation to daylight distribution it was found that at:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Noise and Odour Issues

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

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

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

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

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

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

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

Ground Conditions

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

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

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

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

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

Affordable Housing

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

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

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

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

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

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

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

Sustainability Matters

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

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions and that generate renewable energy.

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

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

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

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

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

Flood Risk and Drainage

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

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

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

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

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

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

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

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

Ecology

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

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

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

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

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

Community Infrastructure Levy (CIL)

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

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

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

Other Matters

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

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

Titled Balance

As described above, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites with the revised 5 Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to Paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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