

REPORT TO CITY CENTRE SOUTH AND EAST PLANNING DATE 15/10/2012
AND HIGHWAYS COMMITTEE

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES ITEM

SUBJECT APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

SUMMARY

RECOMMENDATIONS

SEE RECOMMENDATIONS HEREIN

THE BACKGROUND PAPERS ARE IN THE FILES IN RESPECT OF THE PLANNING APPLICATIONS NUMBERED.

FINANCIAL IMPLICATIONS N/A

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR
ACCESS

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Chris Heeley

TEL 0114 2734556
NO: 0114 2736329

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The CITY CENTRE SOUTH AND EAST Planning And Highways Committee
Date Of Meeting: 15/10/2012

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

Case Number	12/02481/FUL (Formerly PP-02130114)
Application Type	Full Planning Application
Proposal	Use of ground floor unit for Class A2 (Financial and Professional Services) and installation of 2 no. satellite dishes to rear elevation and 2no. replacement air conditioning units
Location	2 St Paul's Parade Sheffield S1 2JL
Date Received	09/08/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Elias Topping
Recommendation	Grant Conditionally

Subject to:

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

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

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

Drawing No. EV/COR/442/P1 – received 09/08/2012

Drawing No. EV/COR/442/P2 – received 09/08/2012,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Prior to the commencement of development details of the specification (including noise levels) of the proposed new air conditioning units shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved details.

In the interests of the amenities of adjoining residents.

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

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

- 5 The Betting shop (Use Class A2) shall be used for the above-mentioned purpose only between 0800 hours and 2200 hours Monday to Saturday and between 0900 hours and 2100 hours on Sundays unless otherwise agreed in writing with the Local Planning Authority.

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

- 6 No windows forming the betting office shopfront shall be blocked up, filmed over or otherwise non transparent without the prior written approval of the Local Planning Authority.

In the interests of the visual amenity of the building.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

S2 - Development of Frontages in the City Centre's Retail Core
S10 - Conditions on Development in Shopping Areas,
BE15 - Areas and Buildings of Special Architectural or Historic Interest
BE16 - Development in Conservation Areas

Sheffield Development Framework Core Strategy:

CS18 - Shopping in the City Centre

The main consideration for this application is the proposed change of use from A1 use to A2 use. Moral issues relating to gambling and associated behaviour are not material planning considerations.

The application site is located in the city's Central Shopping Area and, in particular, it's main Retail Core. The preferred use in this area is A1 (Shops) but it is accepted that other uses are acceptable, including A2 (Financial and Professional Services), as long as it would not have a significant effect on the dominance of shops and the vitality and viability of the surrounding area. Therefore, the proposed use is deemed acceptable in principle.

A1 uses dominate the area. The proposed unit is currently empty and limited alterations will be made to the shop front. For the reasons given in the assessment of this application, it is not considered that the impact on the area's vitality, viability, character and retail function are so significant to warrant the refusal of this application.

The main design alterations relate to the installation of two satellite dishes, which is considered to be an unfortunate requirement of the use. However, it is not considered that this equipment will be visible from street level and therefore it will not be so harmful to the Conservation Area setting. A condition which restricts the blocking up of windows with vinyl stickers etc. is recommended to ensure that permeability and views through the glass are maintained.

Despite the close proximity of residential accommodation above the premises, the operation of the unit as an A2 betting office is not considered to give rise to any noise and disturbance issues in this City Centre location where bars and restaurants already exist nearby. The hours of use do not raise concern, and details will be secured by condition about the air conditioning units to ensure that their installation does not have any detrimental impact on the amenity of residents.

For the reasons given above, it is concluded that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard

application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

Located on the south side of the Peace Gardens, in the City Centre Conservation Area, the application site comprises of a ground floor retail unit within an attractive four storey brick built property with red sandstone details. The address of the unit is No. 2 St. Paul's Parade. The Prudential Building, to the west of the application site, is a Grade II Listed Building.

Planning permission is sought to change the use of the retail unit from Class A1 (shops) to Class A2 (financial and professional services). The application also seeks planning permission to install 2no. satellite dishes on the rear elevation of the host building.

The application has been submitted on behalf of Coral Racing Limited and the submitted drawings indicate that it is intended to use the premises as a betting office.

RELEVANT PLANNING HISTORY

- 83/01863/FUL: Use of premises for the retail sale of clothes. This application was granted in September 1983.
- 01/00487/FUL: Erection of shop fronts at 2 – 12 St. Paul's Parade and 172 – 184 Norfolk Street. This application was granted conditionally in April 2001.
- 03/02250/ADV: One illuminated fascia name sign. This application was granted.
- 10/02630/ADV: One illuminated name sign and one non-illuminated fascia sign. This application was granted in October 2010.

SUMMARY OF REPRESENTATIONS

The application has been advertised by site notice, press advertisement and neighbour notification.

In total, 7 letters of objection have been received. This includes 1 objection from the Sheffield City Centre Residents' Action Group (SCCRAG) and 1 objection from Councillor Jillian Creasy.

In summary, the main objections raised relate to:

1. A betting office use is not an appropriate business for a street bordering the Peace Gardens.
 - The Peace Gardens is a high quality civic space and the social hub of the city which includes retail, residential, small shops and cafes/restaurants. It is also the site of many social, family orientated activities and weddings.
 - Concern that the betting shop is in no way in keeping with the present character.
 - The site is part of the "Heart of the City" quarter which is protected by the night time uses planning guidance which limits late night opening.
 - Gambling is not a family orientated activity and betting shops are connected with anti-social behaviour. Recent media reports demonstrate this.
 - Concern that the use will create 'overspill' - people will gather outside the premises to smoke, use their phones and loiter, and obstruct the entrances to the flats of St. Paul's Chambers above. Thus making the area feel unsafe for current residents.
2. Approving the change of use would set a precedent which could lead to a total change in the mix of businesses in the area.
 - Concern that approval of this application could well lead to a proliferation of non-retail uses in the future, which would change the character of the area.
 - There is ample documentation that once betting shop move in, other shops stop coming and the area begins to decline – like at Fitzalan Square where there are now 4 betting offices.
3. The application is not based on an accurate understanding of the nature of the area; it seems to be a generic application that makes numerous references to the idea that the betting shop will enhance the area and make it livelier.

- The Peace Gardens is not rundown and in need of revitalisation
 - Concerns that comparisons made within the Applicant's Planning Statement are completely inappropriate.
4. There are already ample betting shops within a very short distance of the application site – at least 10, including on Orchard Street, Fitzalan Square, Matilda Street, The Moor and Earl Street.
 5. Noise issues:
 - The entryway for the shop shares a wall/ceiling with the entrance to the flats. Concern that the noise caused by patrons and any TV/sound equipment would carry into the courtyard of the flats.
 6. Conservation Area issues:
 - Concern that the satellite dishes will be visible to all residents who have chosen to live in the Conservation Area.

PLANNING ASSESSMENT

Land use and Dominance Issues

The application is located within the area designated as the 'Central Shopping Area' in the Council's adopted Unitary Development Plan (UDP).

The application site is also designated as part of the city centre's Retail Core in the UDP.

Members are reminded that the main consideration in the determination of this planning application is the proposed change from an A1 use to an A2 use. Moral issues surrounding a betting office or the clientele it attracts can hold no weight in the decision as they are not material planning considerations. The main planning policy consideration here is whether the approval of this change of use will continue to achieve a balance of shops and appropriate uses in the City Centre or whether it will add to and/or create a harmful concentration of non-retail use in the area. Additionally, another key function of the decision making process is whether an A2 betting office would have a significant effect on the vitality, viability or character of the centre.

UDP Policy S2: 'Development of Frontages in the City Centre's Retail Core' states that on ground floor frontages within the Retail Core, new retail and complementary uses which add to the vitality and viability of the Central Shopping Area will be encouraged. Apart from the Fargate Area, the policy states that shops (A1) are preferred but offices used by the public (A2) are acceptable as well as food and drink outlets and amusement centres.

UDP Policy S10: 'Conditions on Development in Shopping Areas', part (a), states that proposals for changes of use should not lead to a concentration of uses which

would prejudice the dominance of preferred uses in the area (the area in this case being the City Centre).

Core Strategy Policy CS 18: 'Shopping in the City Centre' and under this policy the site is identified as being located within the Primary Shopping Area that has been identified by the Core Strategy. This policy states that '...within and adjacent to the Primary Shopping Area development that might individually or cumulatively prejudice or delay the success of the regeneration of the Primary Shopping Area will not be permitted...'

The application proposal would not result in such a percentage shift to threaten the dominance of A1 retail units in the City Centre nor undermine its main retail function. There remains a good mix of retail uses in the immediate surroundings as well as the wider Central Shopping Area. Furthermore, it is accepted by UDP Policy S2 that in the Retail Core outside the Fargate Area, complementary non-shopping uses can make a contribution to the life and vitality of the City Centre as long as they are limited and encourage active window displays.

The application premise is currently an empty retail unit following the closure of the Jacobs Photography shop several months ago. The closure of this preferred A1 retail use was unfortunate but this appears to be a reality of the current economic times. The unit is available to let and there is no guarantee that a new retail proposal will be found at this location. It is argued that the application proposal will at least bring the unit back into an active use with an A2 use that is considered acceptable by UDP policy. Furthermore, it is considered that it could be reasonably demonstrated that the use will enhance the existing vitality and viability of the St. Paul's Parade, and the wider Central Shopping Area, by filling an empty unit with a use that provides a service to customers, a day and evening economy (until 2200 hours at the latest) and attracting a reasonable number of customers who may combine a visit to the premises with shopping or other City Centre activities (link trips).

The submitted plans indicate that the application proposal will retain the existing shopfront windows, door, frames and stall riser. This design approach is welcomed and it is hoped that it will allow the shop to continue to engage with the surroundings and maintain some of the attributes of a retail premises. The unit is set in the middle of an existing row of units in a busy part of the City Centre and, therefore, it is not considered that the proposal has such a prominent position to deter shoppers walking past and using other parts of the centre to the detriment of wider vitality and viability.

Notwithstanding the above, a condition is proposed which removes the right to display vinyl stickers that can be stuck to the shop window to ensure that permeability and views through the glass is maintained.

Taking account of this information, the impact of the change of use of the premises on the vitality and viability of the City Centre is not considered to be so significant to refuse the application on land-use grounds. It is considered that the proposal will not individually or cumulatively prejudice or delay the success of the regeneration and aspirations relating to the Primary Shopping Area, including the New Retail

Quarter. The proposal is considered to be acceptable in terms of UDP Policy S2, S10 (a) and CS 18.

Design Issues

UDP Policy S10: 'Conditions on Development in Shopping Areas' and, part (d), states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

UDP Policy BE15: 'Areas and Buildings of Special Architectural or Historic Interest' expects that important parts of Sheffield's heritage are preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

UDP Policy BE16: 'Development in Conservation Areas' states that development including change of use proposals should make a positive contribution to the character and appearance of the Conservation Area.

Externally the changes proposed are minimal. As discussed, the shop's original display will be retained and, therefore, it is considered that there will be no significant change to the unit's appearance from St. Paul's Parade and the Peace Gardens. Alterations to the signage scheme will most likely occur, however this is not the subject of this planning application and it would most probably be assessed under a separate advertisement consent application.

The main addition to the building relates to the installation of two satellite dishes which will be located on the top of the chimney rise at the rear of the premises. One dish is a Sky dish and one is a SIS dish (840mm diameter). The dishes are required for the function of the betting office.

The proposed satellite dishes will not be visible from street level due to the height and position of surrounding buildings. The dishes will be visible from surrounding high level buildings surrounding the application site. Satellite dishes already exist on this building and the surrounding buildings. Whilst additional equipment is considered to be unfortunate, the need for it is understood and it is not considered that they would be detrimental to the character and/or appearance of the building or Conservation Area setting. The final details relating to the position and height of the dishes will be secured by condition.

Finally, there are two air conditioning condensers affixed to the rear elevation, however these will be replaced in the same position by new equipment and will not be visible from any surrounding street.

Overall, the proposed alterations to the external appearance of the building are considered to be acceptable from a design perspective and therefore comply with UDP policies S10, BE15 and BE16.

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, part (b), seeks to ensure that new development or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution and noise.

The residential accommodation in St. Paul's Chambers is located above the application premises at first floor level and above.

It is proposed to operate the premises between 0800 hours and 2200 hours Monday to Saturday, and 0900 hours to 2100 hours on Sundays and Bank Holidays. The application site is located within the City Centre where there are a variety of active uses including food and drink uses (Browns and Café Rouge) which operate until late in the evening. In addition, there are relatively high background noise levels as a result of vehicle traffic (car, taxis, bus) on Pinstone Street. As such, the proposal is not considered to give rise to any unacceptable noise and disturbance or amenity issues as a result of its operation.

It is identified that the operational noise from the new air conditioning condensers could give rise to noise and disturbance particularly during the evening time and especially because there are residential apartments at first floor level and above. No details about the design of this equipment have been submitted with the application proposal and the plans just indicate that they will be positioned in the same location as the existing units. The principle of these units is not a concern to Officers however it is recommended that a condition be applied to any decision which requires the applicant to submit specification and noise details of the new units so as to ensure that they do not detrimentally impact on the amenity of existing residents.

Subject the above condition being attached, it is concluded that the proposal will not detrimentally affect the living conditions of adjoining properties and, therefore, complies with the relevant section of UDP Policy S10.

RESPONSE TO REPRESENTATIONS

The objections received in relation to this application proposal are noted. It is considered that planning issues raised have been addressed in the main body of this report.

It is advised that the Applicant's Planning Agent has also provided a response to the main objections received. This response also includes two Appeal decisions whereby Planning Inspectors have overturned refusals made by the Local Planning Authorities because of the perceived impact on retail character, function, and vitality and viability grounds.

Issues of anti-social behaviour generated by the use are a Licensing and Policing issue and not a material planning consideration.

SUMMARY AND RECOMMENDATION

The main consideration for this application is the proposed change of use from A1 use to A2 use. Moral issues relating to gambling and associated behaviour are not material planning considerations.

The application site is located in the city's Central Shopping Area and, in particular, it's main Retail Core. The preferred use in this area is A1 (Shops) but is accepted that other uses are acceptable, including A2 (Financial and Professional Services), as long as it would not have a significant effect on the dominance of shops and the vitality and viability of the surrounding area. Therefore, the proposed use is deemed acceptable in principle.

A1 uses dominate the area. The proposed unit is currently empty and limited alterations will be made to the shop front. For the reasons given in the assessment of this application, it is not considered that the impact on the area's vitality, viability, character and retail function are so significant to warrant the refusal of this application.

The main design alterations relate to the installation of two satellite dishes, which is considered to be an unfortunate requirement of the use. However, it is not considered that this equipment will be visible from street level and therefore it will not be so harmful to the Conservation Area setting. A condition which restricts the blocking up of windows with vinyl stickers etc. is recommended to ensure that permeability and views through the glass are maintained.

Despite the close proximity of residential accommodation above the premises, the operation of the unit as an A2 betting office is not considered to give rise to any noise and disturbance issues in this City Centre location where bars and restaurants already exist nearby. The hours of use do not raise concern, and details will be secured by condition about the air conditioning units to ensure that their installation does not have any detrimental impact on the amenity of residents.

For the reasons given above, it is concluded that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

The application is therefore considered to be acceptable and it is recommended that planning permission is granted conditionally for the proposed change of use.

Case Number	12/02443/FUL (Formerly PP-02126343)
Application Type	Full Planning Application
Proposal	Erection of two dwellinghouses for use as houses in multiple occupation (Class C4)
Location	6 Wilkinson Street Sheffield S10 2GA
Date Received	08/08/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	SLA Design
Recommendation	Grant Conditionally

Subject to:

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

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

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

- Drawing no.002 Rev C, emailed 02.10.2012;
- Drawing no. 003 Rev D, emailed 21.09.2012;
- Drawing no. 004 Rev A, received 08.08.2012;
- Drawing no. S7220, received 08.08.2012;
- Drawing no. 011 ' Winter Equinox Sun Study', received 08.08.2012;
- Drawing no. 012 'Summer Equinox Sun Study', received 08.08.2012;
- Drawing no. 013 ' Spring Equinox Sun Study', received 08.08.2012.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 In the event that the houses in multiple occupation (Class C4 use) revert to dwellinghouses (Class C3 use), such dwellinghouses shall not benefit from permitted development rights, as set down in the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order.

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage. In order to ensure that inappropriate alterations are avoided.

- 4 Before the development is commenced, details shall have been submitted to and approved in writing by the Local Planning Authority, showing the extent of all alterations to the adjacent building, no. 6 Wilkinson Street, which shall include details of the proposed alternative window arrangements of the west elevation and any re-configured internal layouts and such works shall be implemented prior to the construction of the proposed dwellinghouses for multiple occupation.

In order to ensure an appropriate quality of development.

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

In order to ensure an appropriate quality of development.

- 6 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

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

- Windows
- Window reveals
- Eaves and verges
- External wall construction including glazed areas
- parapet

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

In order to ensure an appropriate quality of development.

- 8 Before the development is commenced, a large scale detail 1:20, showing the abutment of new walls to the existing west elevation of the adjacent building, no. 6 Wilkinson Street, shall have been submitted to and approved

in writing by the Local Planning Authority and thereafter such works shall be carried out in accordance with the approved details.

In the interests of the visual amenities of the locality.

- 9 Before the development is commenced, full details of all rainwater goods shall have been submitted to and approved in writing and such rainwater goods shall be provided in accordance with the details and thereafter retained.

In order to ensure an appropriate quality of development.

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

In the interests of the visual amenities of the locality.

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

In the interests of the visual amenities of the locality.

- 12 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 13 Before the development is commenced, full details of the proposed bin storage arrangements shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such arrangements shall be implemented and retained.

In the interests of the amenities of the locality and occupiers of the proposed dwelling.

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H5 - Flats, Bed-sitters and Shared Housing

H10 - Development in Housing Areas

H14 - Conditions on Development in Housing Areas

BE5 - Building Design and Siting

BE15 - Areas and Buildings of Special Architectural and Historic Interest

BE16 - Development in Conservation Areas

BE17 - Design & Materials in Areas of Special Character or Historic Interest

CS41 - Creating Mixed Communities

CS74 - Design Principles

The application site lies within a designated Housing Area and the proposed development, comprising 2 dwellinghouses in multiple occupation is considered acceptable in principle.

The design of the proposed building is considered acceptable in terms of its scale, siting, form and detail, and represents a modern addition to an existing, uninspiring building. The new building will provide an interesting and visually enhancing feature in the street scene, which will not compromise the character and setting of the Hanover Conservation Area.

Residents of existing properties within the immediate locality will not be adversely affected.

The proposal will result in the loss of an existing car park, which has not been used for the purpose it was intended for. Although no on-site car parking accommodation will be provided as part of the development, this is considered acceptable, given that the site is within a controlled parking zone and located within the city centre.

For the reasons set out above, the proposed development is considered acceptable and will accord with Unitary Development Plan Policies, H5, H10, H14, BE5, BE15, BE16, and BE17, Core Strategy Policies CS41 and CS74, Urban Design Compendium and the National Planning Policy Framework (NPPF), March 2012.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

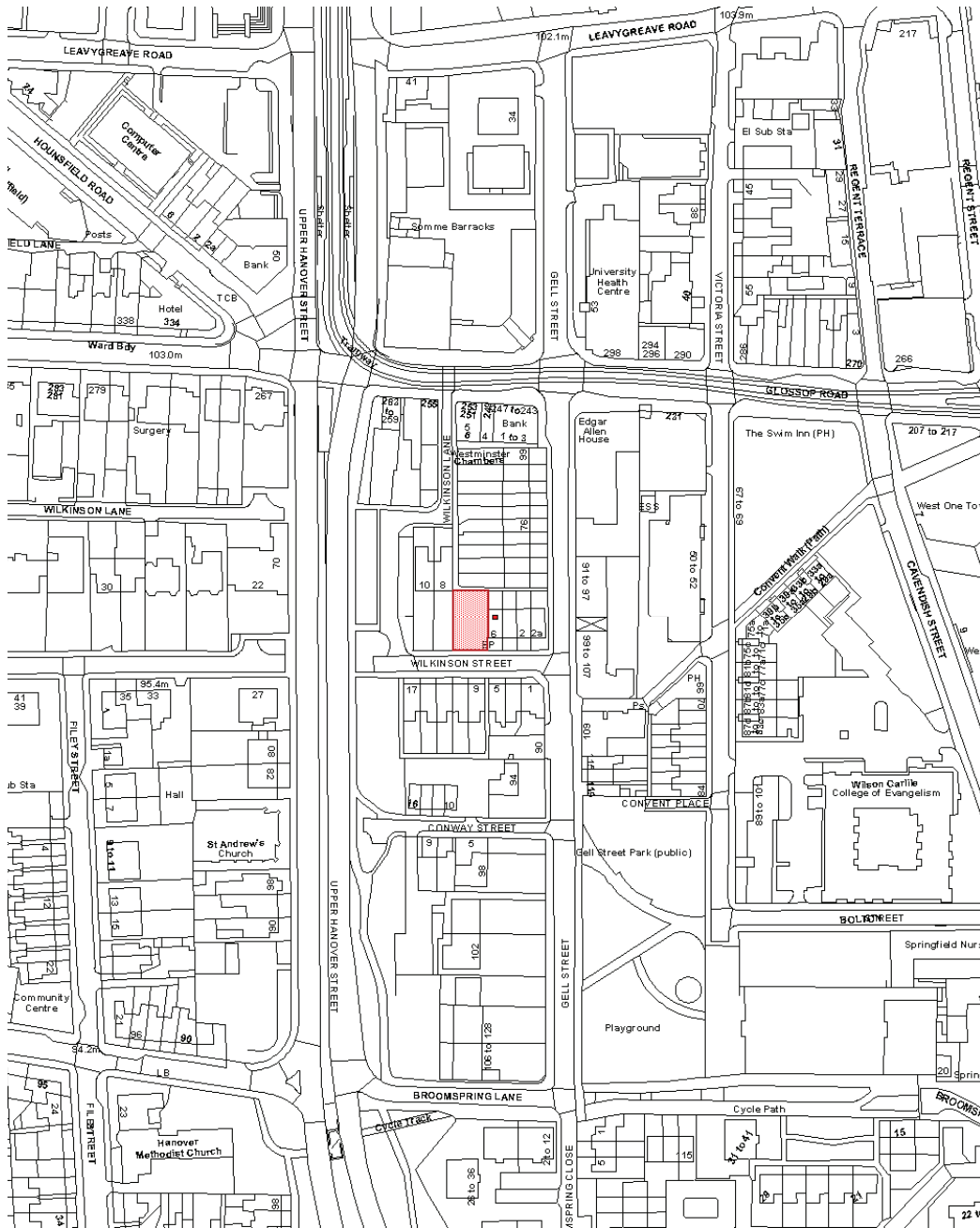
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

For the attention of Mr P Vickers

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

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 and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
5. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.

Site Location



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LOCATION AND PROPOSAL

The application site lies within a Housing Area, as defined in the Unitary Development Plan and relates to a rectangular piece of land, measuring approximately 20 metres in length x 10 metres in width (208 square metres), which is used as a car park, providing 6 spaces. The car park formed part of the application site of nos. 2-6 Wilkinson Street (refer planning permission 95/01169/FUL), which comprises a block of 4 multiple occupancy dwellings. The land is flat and has a block paved ground surface, with a front boundary denoted by a dwarf wall and pillars with railings above.

The site is bounded by residential properties, some of which are in multiple occupation. To the rear of the site, to the north are rear gardens serving residential properties, which front onto Gell Street. Beyond these gardens, further to the north are commercial units with residential accommodation above, fronting onto Glossop Road. Further to the west is Wilkinson Lane, beyond which is the dual carriageway of Upper Hanover Street.

The area is characterised by a variety of architectural styles, of which almost all of the buildings date back from the 19th Century. Immediately to the west is a three-storey block of flats constructed of red brick, with a pitched tiled roof. To the north-west is a pair of semi-detached Victorian villas, which are set back from the highway of Wilkinson Street, at the junction with Wilkinson Lane, which are identified as being character buildings within the Conservation Area. To the south

is a row of 8 Victorian terraced properties with small front gardens and to the north is a row of period terraced properties.

Planning permission is sought to erect two dwellinghouses for use as houses in multiple occupation (Use Class C4). The building will be attached to an existing three-storey block and will comprise of a modern, three-storey brick structure with a flat roof and will incorporate a full height, glazed, link entrance positioned to the eastern edge of the frontage and a glazed corner feature to the south-west. Each dwellinghouse will provide 5 bedrooms, with a shared bathroom, wc and kitchen/dining room. A small garden will be provided both to the front and rear.

RELEVANT PLANNING HISTORY

8 – 10 Wilkinson Street

11/03089/CAC – Demolition of buildings – Pending consideration.

11/03085/FUL - Demolition of buildings and erection of 2/3 storey building, including basement and roofspace for use as student accommodation (12 flats providing 45 bedspaces) – Pending consideration.

10/03193/FUL – Demolition of buildings and erection of 2/3 storey building for use as student accommodation – Withdrawn - as per email dated 12.01.2011.

10/03194/CAC – Demolition of buildings – Withdrawn – as per email dated 12.01.2011.

02/01123/FUL – Erection of 7 self contained flats in 1 x 3 storey block and provision of associated parking and landscaping – Refused – 23.04.2003.

02/01319/CAC – Demolition of 3 flats – Refused – 23.04.2003.

Site of 2-6A Wilkinson Street

10/01074/FUL – Extension to existing building to form two new House in Multiple Occupation units to accommodate a maximum of 5 people per unit (Use Class C4) - Withdrawn – 27.05.2010.

95/01169/FUL – Erection of 4 houses (as amended 27.06.1996) – Granted Conditionally – 08.07.1996.

SUMMARY OF REPRESENTATIONS

Site notices have been displayed and following neighbour consultation, 6 letters of objection have been received, which includes 1 from Council Member Jillian Creasy and 5 from local residents.

A public meeting was held, 11th July 2012, attended by the architect, the Planning Consultant and local residents.

The concerns raised by Councillor Creasy include:

- Intended as student accommodation in an area already saturated with houses in multiple occupation;
- Will detract from the mixed nature of this enclave and further destabilise an already precarious community; and
- Use of car park will also lead to more pressure for on-street parking by residents, businesses and visitors.

The issues/objections raised by residents are as follows:

- Only non-student household on Wilkinson Street;
- Will result in more students in the area;
- Parking;
- Anti-social behaviour;
- Over-development;
- Litter;
- Privacy;
- No shortage of student accommodation in the surrounding area;
- Planning permission granted for nos. 2a - 6 with ancillary car park, is being rented out to nearby businesses;
- Older properties seriously overshadowed by new developments;
- Large number of multi-occupancy accommodation and student residences in the Devonshire Quarter – has been a recognition for the need for family housing;
- Another multi-occupancy property will not be in keeping with the overall feel of the area;
- Will cause the loss of 8 car parking spaces;
- A vibrant, city centre community requires a mixture of residents, including families;
- Too many houses in multi-occupancy seriously change the nature of the area;
- Existing car park not underused but not available for residents;
- Students increasingly own cars and this puts more pressure on already limited parking for local residents;
- Development is out of character with the Conservation Area;
- Land was not previously developed, but was a garden;
- Will impact adversely on local residents;
- Proposal is an improvement on previous submission for both this and the neighbouring site, 8-10 Wilkinson Street, in terms of scale, design and massing;
- Would result in another 10 students in HMOs in an area already dominated with them;
- Wish to achieve a balanced, mixed, thriving community;
- Prefer to see properties returned to family or private homes either for sale or rental;
- A lot of families come to Sheffield either as mature students or to work on contracts at the universities and hospitals – Gell Street and Wilkinson Street properties would be ideal for this purpose;

- The more saturated the area becomes with short term residents and an increase in associated noise and litter, the less likely long term residents are to stay and new ones be attracted to live in or close to the city centre;
- A number of comments have been made in response to the applicant's statement;
- Resident quoted Sheffield City Centre Residents Action Group (SCCRAG) as being supportive of objectives for a diverse, balanced residential City Centre;
- Users of car park will have to find alternative parking, resulting in more pressure on availability of already limited parking;
- Existing building (nos. 2a – 6), the Edgar Allen House office block and flats on the eastern side of Gell Street have been a disaster for the Conservation Area and remaining historical buildings. Repeating these mistakes should be avoided;
- The site of the car park was not previously developed but was used as a garden serving no. 2 Wilkinson Street, which was the oldest house in the Conservation Area and was later demolished to facilitate the construction of the adjacent building (no. 2a – 6);
- Students may climb out of windows on to the flat roof facing the gardens of Gell Street properties to sit on the roof.

PLANNING ASSESSMENT

Land Use Policy

The application site lies within the Hanover Conservation Area, within a designated Housing Area, as defined in the Sheffield Unitary Development Plan (UDP). UDP Policy H10, which relates to 'Development in Housing Areas' identifies Housing (Class C3) as the preferred use. The proposal seeks to provide 2 separate dwellinghouses, to be used as houses in multiple occupation (HIMOs). By the very nature of the use, for residential purposes, and the fact that the site is within an existing Housing area, the principle of an HMO at this site is considered acceptable, subject to complying with other relevant UDP and Core Strategy policies.

Core Strategy

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part (d) of the policy seeks to limit new or conversions to hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create an imbalance.

In order to comply with Policy CS 41, no more than 20% of residences within 200 metres of the application site should be shared housing. According to the latest Council figures, which are drawn from the Private Rented Sector Housing Team, 2 additional units will take the concentration of shared housing in the area to 15% and as such, will not be contrary to Policy CS41 (d).

Concern has been expressed and it has been intimated that the area is already saturated with this type of accommodation. There is no doubt and it is acknowledged that there is a high concentration of shared housing along this frontage. However, it is not considered that the development can be resisted and a refusal be justified, on such grounds. In calculating the percentage of shared housing in the area, figures are regularly updated and take account of additional information supplied by other parties. It is acknowledged that the presence of West One within the 200 metre radius, impacts significantly on the figures and if the radius was drawn more tightly this would alter the outcome. The policy does not advocate this, however.

Design and Conservation Issues

The application site is located within in the Hanover Conservation Area and as the proposal seeks to erect buildings within a Conservation Area, policies contained in the UDP and the Core Strategy will be relevant. In particular, UDP Policies BE15, BE16 and BE17, which relate to conservation issues, and UDP Policy BE5 and Core Strategy Policy CS74, which relate to design issues, will apply.

UDP Policy BE15 of the UDP relates to “Areas and Buildings of Special Architectural or Historic Interest”. It states that development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

UDP Policy BE16, which relates to ‘Development in Conservation Areas’ states that permission will only be given for proposal which contain sufficient information to enable their impact on the Area to be judged acceptable and would preserve or enhance the character or appearance of the Conservation Area.

UDP Policy BE17, requires that in Conservation Areas, a high standard of design using traditional materials and a sensitive and flexible approach to layouts of buildings will be expected.

UDP Policy BE5 states that ‘new buildings should complement the scale, form and architectural style of surrounding buildings’. Core Strategy Policy CS74 puts emphasis on achieving high quality development, which will respect, take advantage of and enhance the distinctive features of its districts and neighbourhoods.

In terms of National Policy, guidance in the National Planning Policy Framework (NPPF), dated March 2012 will be relevant, as it sets out the Government’s planning policies, which include the conservation of the historic environment. The document supersedes the former Planning Policy Statement 5: Planning for the Historic Environment (PPS5) (April 2010).

Para 126 of the NPPF advises that Local Planning Authorities should recognise that heritage assets (ie a building, place or area of significance) are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing a strategy to conserve and enhance the historic

environment, Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets.

The site also lies within the Devonshire Quarter, as defined in the Urban Design compendium (UDC) (Adopted September 2004). The Quarter has been developed on a 19th Century street grid, offering a high degree of legibility and permeability. Wilkinson Street and neighbouring Gell Street have been particularly identified as a distinctive character area within the Quarter, which incorporates a group of quiet nineteenth century residential properties, that prior to the construction of the Ring Road, Upper Hanover Street, connected with the remainder of Wilkinson Street to the west. The UDC seeks to encourage a programme of Repair and Recovery within the Quarter, which enhances the existing 'urban village' character and encourages innovative and contemporary architecture. Buildings within the Quarter should address the street to maintain the compact 'urban village' feel and provide natural surveillance to enhance safety on the street.

The streets of Wilkinson Street and Hanover Street represent the main axes of this Conservation Area. The Area contains a considerable number of Listed Buildings as well as a number of other buildings of significance and a large number of mature trees, which positively contribute to the character of the Area. Immediately to the west of the application site is a pair of Victorian villas, which have been identified as significant buildings in the Hanover Conservation Area Appraisal document and are a surviving example of the typical townscape character of the wider Hanover Conservation Area.

Following negotiations with the Agent, the design of the proposed development has been amended and is now considered to be acceptable in terms of scale, form, siting and detail. The current application proposes to erect a flat roofed, three-storey, contemporary extension, positioned on to the end (west) gable elevation of an existing three-storey block (nos. 2a - 6 Wilkinson Street). The footprint of the building is similar to that of the adjacent block, by virtue of it extending across the full width of the site, and the depth of the building being the same. The building will fit comfortably within the site. The existing building line will be maintained, although there will be a slight set back and a small projection forward on the southern elevation, towards the west half of the building.

The design of the building, incorporating a flat roof with a parapet ensures that the height of the building remains lower than the adjoining block. The second floor of the rear elevation of the building are also recessed back approx. 2.5 metres, which further reduces the general massing of the building.

A simple palette of materials are proposed, which incorporate red brick, grey colour finish, powder coated window frames and infill panels. It is not considered necessary to introduce additional materials, given the scale of the building.

A visual break will be introduced within the front elevation by means of a glazed front entrance, which will serve to denote a change in the built form, from the existing to the new contemporary addition. The south-west corner will incorporate a higher proportion of glazing, which will provide visual interest, as it will be prominent in the street, when viewed from the west. The treatment to the

remainder of the elevations is relatively simple, with elevations punctuated by vertically orientated, rectangular windows, with deep reveals and minimal brick detailing introduced to the front and rear elevations.

The existing building (nos. 2a – 6) is considered to be of poor quality, offering pastiche design comprising architectural detailing that is not representative of the surrounding area or local vernacular. The building clearly does not make a positive contribution to Wilkinson Street and the Conservation Area setting. Although when the application for that development was considered to make ‘an adequate contribution to the character of the Conservation Area’ in 1996, it is not considered, by today’s standards to be a development which positively contributes and enhances or preserves the character of the Conservation Area.

The design of the building, as proposed, does not serve to replicate the same height, scale, massing and design of the adjoining building (nos. 2a – 6). The footprint of the proposed building will be largely the same as the adjacent building, and although this may not be reflective of the original townscape of the Conservation Area, it will address the current street frontage and provide a typical City Centre compact form of development. The proposed development will also infill an existing car park, which does not positively contribute to the area and does not serve to preserve the character and setting of the Conservation Area.

It is on this basis that the proposed development is considered acceptable and will accord with UDP Policies BE5, BE15, BE16, Core Strategy Policy CS74 and National Planning Policy Framework (NPPF).

Residential Amenity Issues

UDP Policy H14, which relates to “Conditions on Development in Housing Areas” places conditions on developments to ensure that new buildings or uses do not lead to unsatisfactory environments for people living in Sheffield. Part (b) of H14 requires that new development does not over-develop a site or deprive residents of light, privacy or security, or cause serious loss of existing garden space, which would harm the character of the neighbourhood.

Policy H5 of the UDP is relevant as it relates to “Flats, Bed-Sitters and Shared Housing” and states that planning permission will be granted for the creation of such accommodation only if (a) a concentration of these uses would not cause serious nuisance to existing residents; and (b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours; and (c) there would be appropriate off-street car parking for the needs of people living there.

Advice contained in the Council’s ‘Designing House Extensions’ Supplementary Planning Guidance document is also relevant to this application. The document supplements the UDP policies and is a material consideration in deciding planning applications. It sets out standards for extensions and provides guidance relating to amenity issues.

In terms of this application, it will be necessary to consider the impact of the development on the amenity of existing residents, in particular, issues relating to overlooking and overshadowing/over-dominance.

Overlooking Issues

The proposed development will comprise of 2 dwellinghouses, each of which will have windows positioned at ground, first and second floors, that will serve main habitable rooms, ie bedrooms, kitchen/dining rooms. There are a total of 6 windows proposed in the rear elevation of the building, 2 of which will be obscure glazed. Of the remaining 4 windows, 2 will be at ground floor level, and will not result in any form of overlooking onto the rear gardens and rear elevations of the adjacent Gell Street properties, as the rear boundary will be appropriately screened. Two windows will be located at first and second floor level, neither of which will result in significant overlooking. A first floor window will be set at an angle and recessed, allowing only restricted views and a second floor window will be set back within the recessed elevation behind the side elevation of the adjoining building no. 6, which also offers limited views.

The west elevation of the building, which runs parallel with the boundary along the west of the site, will be glazed on the south-west corner, and will provide outlook to 3 bedrooms. It is not considered that such windows will cause significant overlooking of the adjacent properties, in particular nos. 8 and 10 Wilkinson Street, as the windows are positioned at the furthest point away from those properties with views across the southern most part of the front garden area and they will be orientated at a 90 degrees angle. A further 5 windows will be positioned within the elevation, 3 of which will be obscure glazed and the remaining 2 will be set at an angle, with restricted views towards the south-west.

In order to facilitate the development it will be necessary to re-locate two existing windows, which are currently positioned in the west facing, side gable of no. 6 Wilkinson Street. Given the close proximity of the Gell Street properties and rear gardens, it will not be acceptable to re position these windows into the rear facing elevation.

Subject to appropriate measures being implemented which satisfactorily address the issue of re-locating the above-mentioned windows, the proposal is considered acceptable in terms of UDP Policies H5 and H14 and guideline 6 of SPG 'Designing House Extensions.'

Overshadowing/Over-dominance

There are concerns about the impact of the proposed building on the neighbouring residential properties, in particular properties to the north-east, fronting onto Gell Street, in particular no. 84 Gell Street and properties, 8 and 10 to the north-west.

The building will be positioned immediately to the south of no. 84 Gell Street, which has a rear garden extending across the full width of the application site. The building will be in close proximity to the side boundary of no. 84, approximately 7.35 metres away. Following concerns about overshadowing it was recommended

that a day light analysis be undertaken to establish the extent of any overshadowing which would occur at the rear of the property. Details have been submitted for both the Winter and Summer solstice, which demonstrates that there will be minimal overshadowing during the Summer months but that overshadowing will occur in the afternoons during the Winter period. The information suggests that there will be additional overshadowing onto rear gardens of Gell Street properties located within the terraced row, beyond no. 84, further to the north. As the day progresses there is some indication of overshadowing on to the lower part of rear elevations of Gell Street properties. Given the distance between the application site and the Gell Street properties and taking into account the increased level of overshadowing, it is not considered that occupiers of the Gell Street properties will be adversely affected by significant overshadowing that a refusal of planning permission will be justified.

The orientation of the plot and close proximity of property nos. 8 and 10 will result in a loss of direct sunlight in the mornings at the front of the properties. However, the adjacent properties 8 and 10 are elevated above the application site and set back from the highway, such that the level of overshadowing is not considered to be excessive, and occupiers of the property will not be adversely affected.

The rear elevation of the building has been set back at second floor level in an effort to reduce the overbearing impact of the building on the immediately affected property, no. 84 Gell Street. This set back and the construction of a flat roof reduces the massing of the building and limits the impact of the building on the adjacent property. The recessed second floor elevation provides a separation distance of 9.8 metres to be achieved between the rear elevation and the side boundary of no. 84. Although the site is flat, the land does rise from the south to the north and as a result, the building will be set down on lower ground than the adjacent property no. 84 Gell Street. It is considered that the building, although three-storey high, will have a similar impact as that of a two-storey building. As the building will be positioned to the south-west, set at a 90 degrees angle it will not directly face onto the rear elevation of no. 84 Gell Street and thus, will not have a detrimental impact on the property or those within the terraced row.

Given the above, it is considered that the proposed development will not cause a significant loss of light or have an overbearing impact to such a degree that existing residents will be adversely affected. It is on this basis, that the proposal is considered acceptable and will accord with UDP Policies H5 and H14.

Student Use

A number of representations have been received, expressing concern about the use of the proposed dwellinghouses for multiple occupancy. In particular, their concerns relate to the fact that the dwellinghouses will be occupied by students in an area, which is already saturated with shared, student housing. It is acknowledged that the immediate area is dominated by students, and although it would be desirable to provide family housing, a refusal on such grounds would not be justified, given that the proposal complies with UDP Policy CS41.

Representations refer to the behaviour of students, and associated problems such as increased litter and noise. It would be difficult to sustain an argument that permission should be refused on the basis that 2 additional houses in multiple occupation will exacerbate the existing problem. In respect of noise and litter problems, these would not be controlled by Planning legislation but would be controlled and dealt with by other Council departments.

Amenities of Future Residents

UDP Policy H5 (b) requires that the living conditions provided must be satisfactory for occupants of the accommodation.

The proposed dwellinghouses will provide adequate accommodation for future residents. The room sizes are modest, and each will benefit from a window, providing sufficient natural daylight.

At the rear of the building will be a compact garden, measuring 10 metres wide x 6.2 metres long. Generally, it is considered that a garden size of 50 sq metres will be required for a two or more bedroomed house, with a minimum distance of 10 metres being achieved between the rear elevation of the dwelling and the rear boundary. However, it should be borne in mind the changes to the General Permitted Development Rights Order (2008), which now permits extensions, which are more than one storey, to be erected at the rear provided 7 metres is maintained to the rear boundary. The proposed garden lengths represent only a small shortfall and given that the above site is located within the City Centre, where rear amenity space is often limited, but such sites have easy access to public open space, it is considered acceptable in this instance.

In light of the above, it is considered necessary to impose a condition restricting Permitted Development Rights, in order to avoid any further loss of amenity space and prevent any form of overlooking onto adjacent properties.

For the reasons given above, the proposed development, whilst contrary to Guideline 4 of SPG relating to house extensions, it is considered acceptable in this case and will accord with UDP Policy H5.

Car Parking Issues

Part (d) of UDP Policy H14 states that new development or change of use should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The proposal will result in the loss of existing car parking accommodation, which serves the adjacent building, no. 2a – 6 Wilkinson Street. It has become apparent that the car park is not being used for the purpose it was intended for, which was to provide on-site parking provision for residents of the building. Observations also suggest that the car park is under-utilised. However, there is concern that such parking will be displaced elsewhere and there will be an increase demand for on-street parking from the existing users, and existing and future residents. This is acknowledged and whilst this is not ideal, given that the site is located within the

city centre, with access to a variety of transport modes, and the fact that the site lies within a controlled parking zone, it will be difficult to resist this car-free development.

No highway service objections have been received and subject to appropriate conditions being imposed, one of which will require details of arrangements to be submitted and agreed with the Local Planning Authority, ensuring that, with the exception of disabled persons, no resident of the development will obtain a resident's parking permit within any controlled parking zone.

Noise and Land Contamination

Following consultation with the Environmental Protection Officer, there is no objection to the proposed development. However, conditions are recommended in respect of addressing noise from traffic, and plant and equipment. It is also recommended that investigations be carried out to ascertain if any land contamination exists and if this is the case, appropriate measures be undertaken to mitigate against such contamination.

RESPONSE TO REPRESENTATIONS

The issues raised by local residents have been addressed in the body of the report.

SUMMARY AND RECOMMENDATION

The application site lies within a designated Housing Area and the proposed development, comprising 2 dwellinghouses in multiple occupation is considered acceptable in principle.

The design of the proposed building is considered acceptable in terms of its scale, siting, form and detail, and represents a modern addition to an existing, uninspiring building. The new building will provide an interesting and visually enhancing feature in the street scene, which will not compromise the character and setting of the Hanover Conservation Area.

Residents of existing properties within the immediate locality will not be adversely affected.

The proposal will result in the loss of an existing car park, which has not been used for the purpose it was intended for. Although the proposed houses in multiple occupation will not provide any form of on site parking accommodation, this is considered acceptable, given that the site is within a controlled parking zone and located within the city centre.

For the reasons set out above, the proposed development is considered acceptable and will accord with Unitary Development Plan Policies, H5, H10, H14, BE5, BE15, BE16, and BE17, Core Strategy Policies CS41 and CS74, Urban Design Compendium and the National Planning Policy Framework (NPPF), March 2012 and the application is therefore recommend for approval.

Case Number 12/02287/FUL (Formerly PP-01987177)

Application Type Full Planning Application

Proposal Erection of two dwellinghouses

Location Car Park Adjoining The Foxwood
57 Mansfield Road
Sheffield
S12 2AG

Date Received 25/07/2012

Team CITY CENTRE AND EAST

Applicant/Agent G M Clay Architectural Designs Ltd

Recommendation Grant Conditionally

Subject to:

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

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

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

Drawing No. 6386 - Proposed Revised Layout (received 14.09.2012)
Drawing No. 6286 D Proposed Revised Elevations (received 14.09.2012),

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

In order to ensure an appropriate quality of development.

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

Windows (including reveals)

Doors

Eaves and verges

Entrance canopies

Rainwater goods

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

In order to ensure an appropriate quality of development.

- 5 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the east and west facing side elevations of the dwellings hereby permitted without the prior written approval of the Local Planning Authority.

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

- 7 Final details of a suitable means of site boundary treatment to the north, east and south boundaries of the application site shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, and the dwellings shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

In the interests of the visual amenities of the locality.

- 8 Prior to the access leading between the application site and Pleasant Close being created, the 2 metres high boundary wall that is proposed to be built along the west elevation between The Foxwood Embassy and Plot 2 shall have been built and completed. The wall shall be retained for the sole purpose intended thereafter.

In the interests of the amenities of surrounding local residents and to ensure that Pleasant Road is not used as an alternative route to The Foxwood Embassy during the construction period.

- 9 The dwellings shall not be used unless the car parking accommodation for 2 cars per dwelling as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

In the interests of the safety of road users.

- 11 The dwellings shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

In the interests of the safety of road users.

- 12 Any new driveway areas hereby approved shall be constructed from a porous material or provision should be made to direct water from an impermeable surface to a border rain garden or soakaway unless otherwise agreed in writing by the Local Planning Authority.

To ensure satisfactory drainage arrangements.

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

In the interests of the visual amenities of the locality.

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

To ensure satisfactory drainage arrangements.

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

To ensure satisfactory drainage arrangements.

- 16 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

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

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

In order to mitigate against the risk of flooding.

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq 15 minutes 30 dB (2300 to 0700 hours),
Living Rooms: LAeq 15 minutes 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

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

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

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

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

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

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

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

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

S7 - Development in District and Local Shopping Centres
S10 - Conditions on Development in Shopping Areas
BE5 - Building Design and Siting
H15 - Design of New Housing Developments
GE11- Nature Conservation and Development

Core Strategy

CS74 - Design Principles

Designing House Extensions Supplementary Planning Guidance

The application proposal is considered to be acceptable at this location. The site is previously developed (brownfield land) and situated in a 'Local Shopping Centre' where housing is deemed to be an acceptable use as long as it does not prejudice the dominance of the centre's main function retail function. Given that the site is a car park and the Foxwood will remain in-situ, it is considered that principle of residential development is acceptable and in-keeping with policy requirements.

The design of the proposed dwellings is considered to be simple but acceptable at this location. A variety of housetypes and characteristics exist, therefore it is not considered that the new development will appear incongruous in design terms.

With regard to existing and future amenity, habitable room windows are restricted to the front and rear elevations and the amenity space proposed meets the size standards and lengths encouraged by the Council. Separation distances between the proposed dwellings and existing houses is considered to offer a satisfactory relationship which meets the appropriate standards, thus ensuring that overlooking, overshadowing and overdominance will not be a detrimental issue.

In terms of the relationship between the Foxwood and the new houses, it is acknowledged that some noise and disturbance may occur due to the proximity. However, efforts have been made to ensure that there is a separation distance between the pub and the properties as well as amendments to the dwellings' layout to ensure that main bedrooms are situated away from the façade. It is also the case that the Foxwood current maintain a relationship with adjacent residential properties and the application is proposed by the pub rather than a third party.

It is considered that the proposal will not impact detrimentally upon surrounding wildlife. Indeed, in some ways it is considered that this proposal may in fact improve the environment for wildlife given the creation of new buildings and garden space on the site.

Finally, it is acknowledged that there is a significant amount of objection to the proposals from local residents on Pleasant Close, Pleasant Road and Mansfield Road. The main representations have been considered and addressed in the assessment of the application, and in some cases, the plans have been amended to overcome some of the concerns raised – particularly in relation to access/security/disturbance and the retention of trees. It is not considered that these objections and opposition are sufficient to warrant the refusal of this application.

For the reasons given above, it is concluded that the application proposal is consistent with the relevant planning policies and guidance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

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

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

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

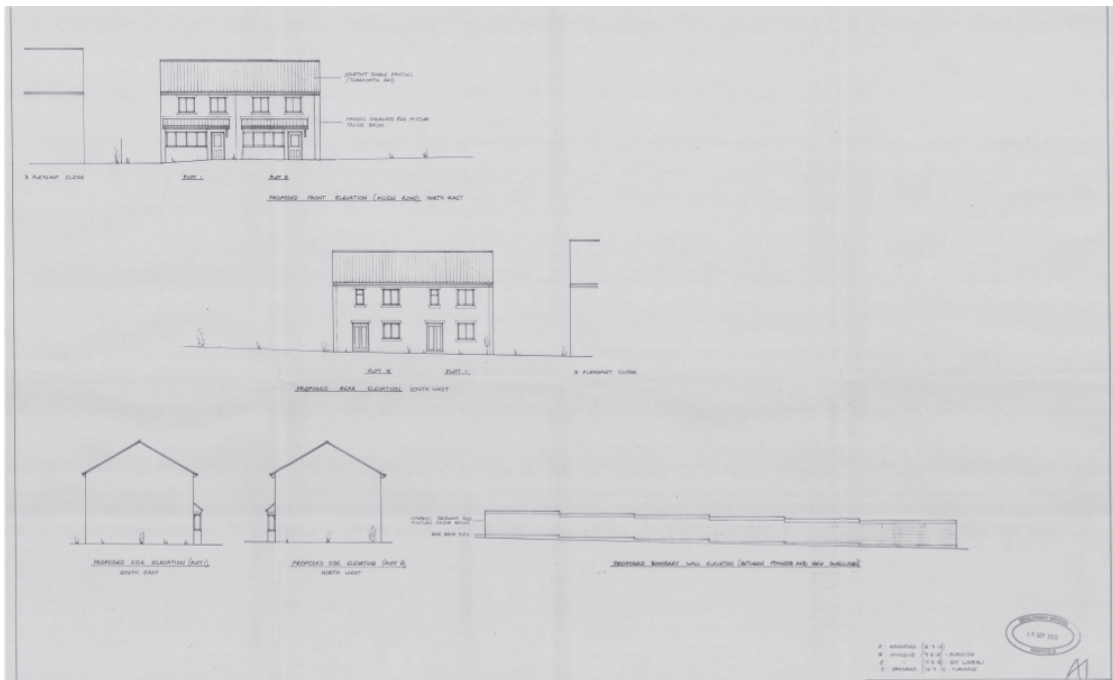
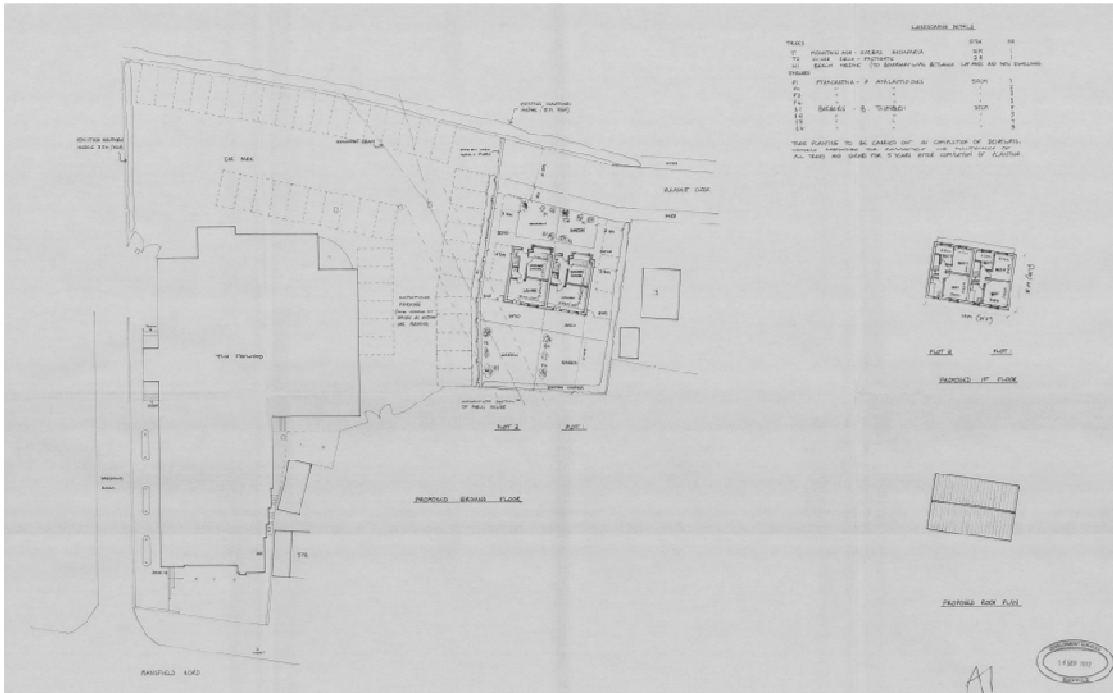
5. The Council is responsible for allocating house numbers and road names to both new developments and conversions of existing buildings. Developers must therefore contact the Council's Street Naming and Numbering Officer on (0114) 2736127 to obtain official addresses for their properties as soon as construction works commence.
6. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

7. The applicant should note that the proposed development would be sited over a public sewer. This requires further approval under the Building Act and the applicant is advised to contact the Council's Directorate of Development, Environment and Leisure, Environment and Regulatory Services, Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB (Telephone 0114 2734168) and Land and Planning, Yorkshire Water Services Ltd, PO Box 500, Western House, Western Way, Halifax Road, Bradford, BD6 2LZ (Telephone 01274 691111), prior to the submission of an application.
8. The Applicant is advised that should the future occupiers choose to open windows to their accommodation, they could be subject to noise from traffic on Handsworth Road and the adjacent public house which has the late night opening hours to 01.30 hours Friday to Saturday (and special days) and 00.30 hours during other days plus an outside seating area within close proximity of the proposed dwelling. It is likely that any noise attenuation measures will only be effective when the windows are kept close and therefore alternative ventilation measures may need to be considered.

Site Location



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LOCATION AND PROPOSAL

The application site comprises a portion of the existing car park area belonging to The Embassy Ballroom & Foxwood Public House (hereafter, The Foxwood) on Mansfield Road at Intake, S12. The car park is found at the rear of the premises and is a relatively large area of land measuring approximately 2050 square metres and containing around 66 car spaces in total.

The application site is located in the south-eastern portion of this car park. It is a rectangular parcel of land and is approximately 650 square metres in area, which equates to around 31% of the car park's overall size. The site is surrounded by existing housing areas beyond the immediate north, east and south elevation.

To the north of the site there is Mayflower Court containing 4 bungalows and the Richmond Heights Nursing Home. To the east, there is Pleasant Close which is a short road that ends at the application site boundary and contains just four semi-detached properties (Nos. 1 – 4 Pleasant Close). To the south, the site adjoins the rear garden boundaries of Nos. 59b, 61a and 61b Mansfield Road, which are traditional semi-detached properties with generous rear gardens.

The Foxwood's car park is accessed via Bagshaw's Road, which is an unadopted road. There is currently no access to the car park from any other surrounding road, including Pleasant Road and Pleasant Close. The boundary surrounding the car park comprises various materials, including a chainlink fence and conifer trees.

This application seeks planning permission to erect a pair of semi-detached dwellinghouses on the application site. The properties will be two-storeys high and contain a kitchen, lounge, toilet at ground floor level, and 3 bedrooms and a bathroom at first floor level. Each property has a 7m long front garden frontage and driveways sufficient for two cars running down their side elevations. At the rear there is garden amenity space measuring approximately 11m long.

It is proposed that the properties be accessed from Pleasant Close via a new access that will be created in the car park's existing boundary and a new area of roadway shall be created. As a result, this development will extend the Pleasant Close cul-de-sac by two dwellings and, therefore, increase it from 4 to 6 dwellings.

RELEVANT PLANNING HISTORY

There is a long planning history relating to The Foxwood, which mainly relate to its use and function as a public house and dates back to the early 1980s. These planning applications relate to items such as the installation of plant/equipment, store areas, bin stores, new function areas, signage etc.

In March 2002, a proposal to create a single storey rear/side extension to form snooker hall (ref. 02/00723/FUL). However, this application was never determined by the Council because an insufficient planning fee was paid and the outstanding monies never received which resulted in the application being closed after a period of time.

In November 2009, an application proposing to install new illuminated signage on the building was granted conditionally by the Council (ref. 09/02609/ADV).

It is advised that that there is no planning history separately relating to the application site where the two dwellinghouses are now proposed.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter and a significant amount of local opposition to the proposal has been received.

In total 45 letters of objection have been received from residents living on Pleasant Close, Pleasant Road and Mansfield Road.

Additionally, 1 petition containing 36 names and 1 letter signed by multiple residents (11) have been received. It is advised that 7 of the names are repeated on both of these documents and many of the names on the letters of objection correspond to names on the petition.

The main objections to the proposal are summarised below:

A) Tree Removal Issues:

1. Conifer trees located around the boundary were planted some time ago (approximately 25 years ago) by The Foxwood to provide a buffer for the

surrounding properties. This was done to lend privacy and deaden the noise generated by the pub for residents.

2. It is claimed that the planting of the trees was a requirement of the Foxwood's licence.

3. Concern that the removal of the conifers will have a noise impact on the existing residents as well as leading to a loss of privacy.

B) Right to Light Issues:

1. Concern that existing residents' right to light may be affected by the proposed new buildings.

C) The Proposed Extension of the Pleasant Close cul-de-sac leading to:

Security issues

1. Why is a gate in the proposed boundary wall between the application site and The Foxwood proposed?
2. For approximately the last 40 years no pedestrians or vehicles have been able to enter or leave the car park via Pleasant Road due to fencing, trees and rocks which were located on the boundary by the Foxwood's previous owner.
3. Concerns that the security and peaceful enjoyment of existing residents of Pleasant Close and Pleasant Road will be seriously threatened by the proposal.
4. Concerns that the height of the walls surrounding the site is inadequate and could easily be scaled by intruders.
5. Concerns that the proposal will create an unwanted additional thoroughfare and potential security risk because it will encourage patrons of The Foxwood to use this access instead of the pub's existing access.

Noise and Disturbance Issues:

1. Existing residents already have to contend with late night revellers, litter and taxis etc. and the opening of Pleasant Close would exacerbate this.
2. Current residents on Pleasant Close and Pleasant Road bought their properties on cul-de-sacs offering a safe and private environment for their children and families to enjoy. Concerns that the proposal will create unwanted noise, and possible vandalism, from non-residents cutting through onto Pleasant Close and Pleasant Road to access Mansfield Drive or Woodhouse Road.

3. What provision will be made to manage the noise breakout from the Foxwood for the existing and future properties?

D) Highway Issues:

1. Will the new access road to the new properties be adopted by the Council?
2. Previous licensing decisions have imposed conditions relating to car parking/volume of traffic/access etc. The number of car parking spaces associated with the Foxwood is going to be reduced as a result of this development. If this is the case, should the capacity of the public house also be reduced accordingly? It is considered that the two are inextricably linked. Can it be confirmed what management system will be in place to ensure that the conditions that were imposed to the licence and also that the car park will be maintained?
3. Pleasant Close is a quiet, traffic free road.

E) Impact on Wildlife:

1. It is well documented in recent years that the wildlife on the adjacent land, which include badgers and bats, are protected from building on that land and the current residents wish to preserve the freedom of these species.

F) Failure to implement proposals:

1. Concerns that the wall dividing the application site and the Foxwood car park will not be completed as proposed on the plans and the space will be left open allowing traffic and delivery services to be able to exit/enter the car park via Pleasant Close.
2. What action can be taken by the Council if the proposed wall is not build? There is a deep distrust that the applicant will not give regard to such peripherals due to previous issues and relations.

G) Drainage

Since the car park has been there, there has been a problem with surface water when it rains. All surface water drains into Pleasant Close and Pleasant Road which causes problems in the grating.

H) Alternative Option:

1. Local residents consider that Pleasant Close should be left untouched and access to the new houses taken from Bagshaw Road, which is the current access to the Foxwood's car park. This would leave Pleasant Close a safe, secure and quiet place.
2. Also, this option would ensure that no construction vehicles would have to use Pleasant Road or Pleasant Close, which would cause huge problems to

vehicles which have to park on these roads due to the parking restrictions placed on Mansfield Road at certain times.

PLANNING ASSESSMENT

Policy Issues

The site falls within the Mansfield Road Local Shopping Area in the Council's adopted Unitary Development Plan (UDP). The area beyond the north, east and south boundaries falls within a designated Housing Area.

UDP Policy S7 relates to 'Development in District and Local Shopping Centres' and it includes housing as an acceptable use. This is subject to any such development meeting the criteria set out in Policy S10 which relates to 'Conditions on Development in Shopping Areas' and provides a list of conditions which need to be met in order to ensure that a development or change of use does not undermine the main function or character of the existing shopping centre. In this instance, it is considered that the proposed redevelopment of part of an existing car park would not result in the loss of a local shopping centre facility to the detriment of the area.

With regard to the new National Planning Policy Framework (NPPF), it is the case that it expects Local Planning Authorities to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that the site does not have any ecological or environmental value. This site is previously developed and set within an urban setting and therefore, the principle of the proposed development would appear to be consistent with the current policy aspirations and guidance.

Finally, it is advised that the Sheffield Development Framework Draft Proposals Map allocates the site as being within a 'Neighbourhood Centre' which is the new title for existing 'District and Local Shopping Centre'. Although only a draft, this document remains a material planning consideration, and it is considered that this proposal would not conflict with the proposed designation for the reasons given above relating to its current designation and policy position.

Therefore, it is concluded that the proposal is acceptable, in principle, at this location and does not conflict with current and future policy aspirations for the area.

Design Issues

UDP Policy BE5 relates to 'Building Design and Siting' and expects good design and the use of good quality materials in all new and refurbished buildings and extensions.

UDP Policy H15 relates to 'Design of New Housing Developments' and expects houses to be designed to a high standard.

Core Strategy Policy CS 74 relates to 'Design Principles' and also expects high quality development that respects, takes advantage of and enhances the distinctive features of the City.

The submitted design presents a pair of semi-detached properties, which are two-storeys high and contain three-bedrooms each. The properties are not particularly large and each measure approximately 6m wide x 8m deep x 8m high (5.5m to the eaves), which is relative to the size of a traditional pair of semi-detached properties in this area.

The design of the buildings – including their appearance, scale and overall height – is considered to be acceptable at this end of cul-de-sac location. The appearance is simple but reflects the character of the existing properties on Pleasant Close through the incorporation of gable roofs and ground floor bay windows which will serve the kitchen/dining space. Unlike the existing properties on Pleasant Close, the first floor windows do not have a bay window and incorporate two smaller windows which serve each property's second and third bedroom. On the main principal elevation, which have the main public appearance, the window proportions are considered to be a good size and the ratio of brick to window openings acceptable.

In terms of materials, it is proposed to construct the properties from a red brick and terracotta red roof tile. The submitted details also suggest that the new dwellings will have white upvc windows and doors, however, no mention is made about the proposed fascias, bargeboards, soffits, rainwater goods etc.

Although the application site is not located within a Conservation Area setting or Area of Special Character, it is considered that the applicant should give further consideration to the quality of materials proposed. The character of the area is dark red/brown brickwork and grey concrete roof tiles, and therefore, it is considered that greater attempts should be made to reflect the materials of these buildings given that the new properties will represent an extension of the existing residential area, especially Pleasant Close. It is considered that final decisions about the proposed materials should be reserved by condition in order to allow further consideration and assessment of the proposed material palette. Additionally, a condition is recommended requiring the submission of details – including window reveals and rainwater good – to ensure that sufficient quality is followed at the construction phase.

In terms of plot design, it is considered that the proposal offers a suitable layout. The properties' position follows the building line of the existing properties on the south side of Pleasant Close and their driveways run down the side of each. There is good garden space to the front (5m long) as well as relatively long gardens at the rear (11m long minimum). This layout is very similar to the existing properties on Pleasant Close and is considered to be acceptable.

Overall, the design of the proposal is considered to be acceptable at this location. It is concluded that the design – including the proposed appearance, massing, scale and layout – will not have a detrimental impact on the application site or the surrounding streetscene/locality. Therefore, the proposal is considered to comply with relevant UDP policies BE5, H15 and Core Strategy Policy CS 74.

Amenity Issues

Existing dwellings surround the application site on three of the four boundaries. UDP Policy S10, part (b), expects that new development does not cause residents to suffer from unacceptable living conditions. There is also a requirement upon the planning system to ensure that issues of overdevelopment, overlooking, overshadowing and overdominance do not occur as a result of new development. These principles are set out in the Council's 'Designing House Extensions Supplementary Planning Guidance' document.

North Boundary:

To the north there are bungalow properties at Nos. 2 and 3 Mayflower Court, which have side elevations facing at an oblique angle onto the shared boundary with the application site. These elevations include windows that overlook garden space leading to the shared boundary. The boundary is divided by a chain link fence and conifer trees. The Council's SPG advises that a distance of 12m is achieved for such a relationship but acknowledges that the distance should be increased if land levels or storeys differ. There is a proposed distance of approximately 15m between the front elevation of the new properties and this shared boundary. The new dwellings will be 1 storey higher and situated at a higher level given the topography of the adjacent site.

Taking the above into account, it is considered that the proposed relationship will be acceptable and gives rise to no significant overdominance, overshadowing or overlooking concerns for the occupiers of Mayflower Court. It is considered that the distance achieved is consistent with the relationship encouraged by the Council's SPG, especially given the oblique position of the existing bungalows. Therefore, it is considered that the amenity of existing residents will not be compromised.

East Boundary:

The new dwellings will be situated alongside the existing properties on Pleasant Close. No.3 Pleasant Close is the closest existing property and has a driveway leading down its side in a similar manner to the application proposal. Given this space, the separation distance between the properties is proposed to be 7m and conifer trees run along the boundary, which are proposed to be retained. The property has a ground floor kitchen window, a first floor staircase window, and an obscure glazed bathroom window located in the side elevation which faces the application site.

This proposed relationship is considered acceptable and generates no significant amenity concerns. No.3's existing first floor windows do not serve habitable rooms and the bathroom window is obscure glazed. Furthermore, the kitchen window is a secondary window and there is a main kitchen window on the rear elevation overlooking the back garden. There are no windows proposed in the side elevation of either new dwelling and a condition is recommended to ensure that such windows cannot be installed without the prior consent of the Council.

With regard to overshadowing and overdominance of existing windows and garden space, the plans indicate that the new properties will follow a very similar building line at the front and back to Nos. 1 and 3 Pleasant Close. Given that the main habitable windows of these properties are situated on the front and rear elevations, it is considered that there will be no significant or detrimental overshadowing or overdominance issues of this spaces.

South Boundary:

The new dwelling's rear gardens will share a rear garden boundary with Nos. 59b, 61a and 61b Mansfield Road. The proposed garden length of the new dwellings varies between 11m and 13m. The existing properties on Mansfield Road have gardens in excess of 25m, which equates to a separation distance between existing and proposed rear elevations over 36m (excluding existing extensions).

The Council's SPG recommends a length 21 metres between principal elevations and, therefore, the proposal clearly meets this distance. Therefore, the proposed relationship between the existing and proposed dwellings is acceptable and it is concluded that the amenity of the existing residents to the south will not be compromised.

In light of the above, the proposed relationship between existing and proposed dwellings does not raise such planning concerns to warrant the refusal of this application. It is considered that the relationship is acceptable and it is one that is normally found in a suburban location such as this. Therefore, it is concluded that the amenity of the existing residents will not be compromised by the new buildings and the application complies with the aspirations of UDP Policy S10.

Highway Issues

UDP Policy S10, part (f), expects that new development or change of use will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Although this development will result in the loss of some car parking spaces for the Foxwood, this is considered to be acceptable and in line with current Council policy. 46 spaces will remain and this quantity is considered appropriate for a public house/entertainment venue that is situated within a Local Shopping Centre and on a bus route. Furthermore, site visits by Officers have demonstrated that the car park is underused and there appears to be the spare capacity to justify the loss of spaces for this development. Therefore, there are no highway concerns relating to the proposed removal of the spaces.

Vehicle access to the site will be taken from Pleasant Close, which is currently a short cul-de-sac leading off Pleasant Road. The proposal will result in the extension of Pleasant Close by approximately 18m in length and this includes a 5.5m roadway as well as a 2.2m wide footpath on the southern side, adjacent to the front boundary of the new properties.

Amendments and changes have been made to the original drawings which have addressed the majority of initial highway concerns about the development. These changes are considered acceptable, as are the quantity and size of car parking spaces proposed to each property (2 x 3.3m wide each).

The submission does not include a turning head at the end of the route. Pleasant Close does not currently boast a turning head, and although a turning head would be desirable, it is considered that any insistence that a turning head be provided as part of this development would be unreasonable and overly onerous on the developer. Furthermore, it is acknowledged that a turning head would require the use of more land, which in turn would lead to less car parking spaces being left from The Foxwood and its patrons.

Overall, it is considered that the extension of Pleasant Close by 18m is not unreasonable or prejudicial to highway safety, and non provision of a turning head on this occasion would not justify recommending refusal of this application. Therefore, the proposal is considered to comply with the relevant part of UDP Policy S10.

Noise and Disturbance Issues

UDP Policy S10, part (b), states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions including air pollution, noise, other nuisance or risk to health or safety.

Existing Residents:

It is considered that removing part of an existing pub car park and replacing it with two houses with front and rear gardens will be a benefit to the area rather than having a negative effect as many of the objections currently envisage. Indeed, it is considered that the two properties will help to reduce the impact and perception of noise generated by The Foxwood to existing residential properties because they will create a relatively large obstacle/barrier. Furthermore, the car park will be situated further away and it is envisaged that the potential noise and nuisance created by future residents will be less than the potential disturbance issues that could currently occur in what is a relatively remote and neglected part of the pub's existing car park area.

Local residents have raised concerns about the Applicant's original intention to remove the Lleylandii trees from the existing boundary. It is claimed that the removal of such vegetation will increase the noise that they are currently exposed to. Whilst these comments are noted, it is advised that such vegetation will not provide any direct attenuation from noise from patrons using the parking and smoking facilities nor any break out noise from The Foxwood. However, it is the case that Lleylandii will provide a visual barrier between the existing residential properties and the activities occurring on site, which will give the perception that there is less noise as a result. Furthermore, it is also understood that the Lleylandii will also mask some of the noise from the venue during windy conditions by

increasing the general background noise from the wind blowing through the vegetation.

In light of the above, the Applicant has now agreed to retain the Lleylandii and not remove it as previously proposed.

Additionally, local residents are concerned that the proposal to open up vehicle/pedestrian access onto Pleasant Close will signify an increase in people using this route as an alternative pedestrian/vehicle/delivery route to the Foxwood, thus detrimentally impacting on the existing quality and security of the Close. Indeed, some residents have stated that the proposed dividing wall will not be built and the application signals an attempt by the Applicant to achieve vehicle access from Pleasant Close to the car park for patrons and deliveries.

The original submission included a pedestrian gate within the 2m high dividing wall between public car park and the application site. Officers have agreed that the inclusion of such a gate could increase the noise within the area late at night and in the early hours of the morning from patrons leaving the premises and gaining access onto Pleasant Close. As a result, the Applicant has agreed to remove this gate from the scheme and the amended plans now show a solid 2m high wall with no access gates within it. It is considered that this suitably overcomes these original concerns.

With regard to the new wall, a condition is recommended to ensure that this wall is constructed before the access route from Pleasant Close is opened, in order to ensure that misuse and "shortcuts" do not arise.

Future Residents:

The application site is land that is currently used by The Foxwood as car parking space. The Foxwood is a public house/entertainment venue with a late night license permitting live entertainment to be carried out on site until 01:30 hours throughout the week. The hours are extended until 02:30 hours during Bank Holidays and special occasions. Furthermore, the Premises Licence states that the Foxwood has a maximum capacity of 500 people.

There is outdoor seating available in the car park area which appears to be temporary seating for smokers and those who choose to sit outside. This is not formally laid out and essentially comprises of picnic benches. There is no mention that this area is authorised as an outdoor seating area in the Premises Licence and not planning permission has ever been granted for this area.

The Council's Environmental Protection Service has advised that there are historic complaints regarding noise from this premise, with the most recent received in February 2012 but no further action was taken.

It is advised that there are two main concerns with the development from an environmental point of view:

Firstly, the proposed residential use with landscaping is vulnerable to the presence of contamination given that the site's current use as a car park. Therefore, conditions are recommended to ensure that the land is appropriately remediated and any contamination removed before the new dwellings and landscaped areas are installed.

Secondly, it is considered that The Foxwood has the potential for noise to affect the final occupiers of the proposed residential premises from patrons coming and going from taxis/private cars parked within the adjoining car park, people coming and leaving at the rear entrance doors, and from patrons using the smoking facility located next to the entrance doors of The Foxwood.

Because of such noise/disturbance concerns, the layout of the proposed dwellings has been revised during the application process and redesigned so that the least sensitive rooms – including bathroom, staircase and smallest bedroom (Bedroom 3) – are located on the façade closest to The Foxwood and its car park area. The largest bedrooms (Bedroom 1 and 2) are situated away from the façade. These changes have been made on the recommendations of the Environmental Protection Service. There are no windows located on the shared boundary and it is considered that sound attenuation which requires all windows installed to be constructed to an acceptable acoustic standard and a suitable condition is recommended with validation testing. Also, a directive advising that open windows could lead to noise nuisance from the adjacent premises, its patrons and car park area is recommended.

Finally, Members should be aware that the proposed dwellings are proposed to be built on the application site by the Owner of The Foxwood and on land which is within their ownership. Therefore, should there be any future conflict between the dwellings and The Foxwood in relation to noise, disturbance and nuisance then it is considered that the Council will be in a stronger position to enforce against any complaint in order to rectify the matter. It is not the case that The Foxwood is owned by a third party who would be prejudiced and have their business unreasonably constrained by the grant of a more sensitive use on land next door.

In light of the above, it is considered that the proposal does not generate amenity issues that warrant the refusal of this application. Many of the concerns for existing residents have been addressed and it is considered that the amenity issues for future residents have been improved through changing the internal arrangements as well as the imposition of conditions. Therefore, it is concluded that the application proposal complies with the aspirations of UDP Policy S10.

Ecology Issues

A number of the objections received have sited the fact that there is wildlife in the area – including bats and badgers – that would be harmed by the proposed development on the application site.

UDP Policy GE11 relates to 'Nature Conservation and Development' and states that the natural environment will 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.

Bats and Badgers are protected species. Planning authorities are required to take account of species and habitat conservation when they consider planning applications. This is particularly the case when it is identified that Badgers and their setts, and bats and their roosts, are known to exist on the site.

This is a wholly concreted site, as such, it is considered that there is no suitable place for badgers to have setts or forage.

The Council's Ecology Unit have commented on the proposal and raise no concerns with regard to the proposal. Following assessment of the site, it is advised that bats would not be affected by this development because there is now proposed to be no loss of trees or buildings. Therefore, this would not result in the loss of roosting sites and the area for foraging remains the same. In fact, it is advised that in a small way it is considered that new gardens would add to the foraging territory available to any bats in this area.

With regard to badgers, it is advised that that there appears to be no change in the site that would stop them continuing to cross it. There appears to be no existing access from Pleasant Close and, therefore, if there are badgers then there must be an access point elsewhere on site where access is gained from.

In light of the above, it is considered that there are no ecology issues that would warrant the refusal of this planning application or the requirement for additional ecological information to demonstrate that there is no conflict with the development process. Additionally, it is advised that bats and badgers are protected under separate legislation which includes The Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992, and these have separate legal functions and requirements to ensure that badger setts, foraging areas and roosts are not destroyed or harmed.

It is considered that the addition of buildings and gardens onto this site would be to the benefit rather than detriment of existing wildlife in this area. Therefore, the proposal is deemed consistent with the requirements of UDP Policy GE11.

RESPONSE TO REPRESENTATIONS

A) Tree Removal Issues:

The original intention to remove the trees from the boundaries of the application site has now been removed by the Applicant. It is therefore considered that this addresses the objections raised in relation to tree loss.

Notwithstanding the above, it is advised that the Council has no powers to secure the long term retention of the trees if future occupiers wish to remove them. The trees are not protected by a Tree Preservation Order, and do not merit such protection, and as such they could be removed at anytime without prior consent or possible enforcement by the Council.

It is confirmed that the retention of the trees does not form part of the current conditions on the Foxwood's existing Premises Licence, which was issued by the Council in November 2005.

B) Right to Light Issues:

It is advised that right to light issues are not material planning considerations and therefore have no weight in the determination this application.

Issues relating to the future amenity of existing and future occupiers have been addressed in the 'Amenity Issues' section of this report.

C) The Proposed Extension of the Pleasant Close cul-de-sac leading to:

The gate which was proposed in the dividing wall has been removed by the Applicant following a request by Officers and in light of the objections. Therefore, no legitimate pedestrian or vehicle access from the Foxwood's car park to Pleasant Close is possible.

The proposed dividing boundary wall will be constructed from brick and to a height of 2 metres. This is considered to be a sufficient and robust boundary treatment which would normally be accepted as means of securing rear garden amenity space and/or private areas.

Therefore, it is considered that the concerns raised by local residents in relation to this matter have been suitably addressed.

D) Highway Issues:

Concerns about the highway issues – including the loss of car parking spaces at The Foxwood – that will be generated by this proposal have been addressed in the assessment section of this report.

It is confirmed that the car parking issues raised by residents do not form part of the current conditions on the Foxwood's existing Premises Licence, which was issued by the Council in November 2005.

E) Impact on Wildlife:

Issues relating to the impact of the proposed development on wildlife have been addressed in the 'Ecology Issues' section of this report.

F) Failure to implement proposals:

The concerns are noted, however such concerns are simply accusations at the current time and do not warrant changes to the proposal or the refusal of the application. The Council must deal with planning applications in good faith and trust that Applicants will implement the details that are shown on the approved plans.

As discussed in the assessment, in order to help address the concerns of surrounding residents and eliminate potential future conflict, a condition is recommended to ensure that the boundary wall which divides the application site and The Foxwood's car park is constructed before the new access route from Pleasant Close is opened.

Therefore, it is considered that the concerns raised by local residents in relation to this matter have been suitably addressed.

G) The concerns are noted. A condition is recommended to ensure that surface water discharge from the site is reduced by at least 30%. Also, porous or soakaways will be required for drives and hardstanding areas. These conditions will improve the drainage for the site and surrounding area.

H) Alternative Option:

The alternative options proposed by residents are noted, however this option is not being considered as part of this application. For the reasons given above, the proposed access is considered to be acceptable and, therefore, it is not considered necessary to consider this alternative route.

SUMMARY AND RECOMMENDATION

The application proposal is considered to be acceptable at this location. The site is previously developed (brownfield land) and situated in a 'Local Shopping Centre' where housing is deemed to be an acceptable use as long as it does not prejudice the dominance of the centre's main retail function. Given that the site is a car park and the Foxwood will remain in-situ, it is considered that principle of residential development is acceptable and in-keeping with policy requirements.

The design of the proposed dwellings is considered to be simple but acceptable at this location. A variety of house types and characteristics exist, therefore it is not considered that the new development will appear incongruous in design terms.

With regard to existing and future amenity, habitable room windows are restricted to the front and rear elevations and the amount of amenity space proposed meets the size standards and lengths encouraged by the Council. Separation distances between the proposed dwellings and existing houses is considered to offer a satisfactory relationship which meets the appropriate standards, thus ensuring that overlooking, overshadowing and over-dominance will not be a detrimental issue.

In terms of the relationship between the Foxwood and the new houses, it is acknowledged that some noise and disturbance may occur due to the proximity. However, efforts have been made to ensure that there is a separation distance between the pub and the properties as well as amendments to the dwellings' layout to ensure that main bedrooms are situated away from the façade. It is also the case that the Foxwood current maintain a relationship with adjacent residential properties and the application is proposed by the pub rather than a third party.

It is considered that the proposal will not detrimentally impact upon surrounding wildlife. Indeed, in some ways it is considered that this proposal may in fact improve the environment for wildlife given the creation of new buildings and garden space on the site.

Finally, it is acknowledged that there is a significant amount of objection to the proposals from local residents on Pleasant Close, Pleasant Road and Mansfield Road. The main representations have been considered and addressed in the assessment of the application, and in some cases, the plans have been amended to overcome some of the concerns raised – particularly in relation to access/security/disturbance and the retention of trees. It is not considered that these objections and opposition are sufficient to warrant the refusal of this application.

In light of the above, it is concluded that the application proposal is consistent with the relevant UDP Policies S7, S10, BE5, H15 and GE11 as well as Core Strategy Policy CS 74 and the Designing House Extensions Supplementary Planning Guidance.

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

Case Number 12/02245/FUL

Application Type Full Planning Application

Proposal Lowering of dry stone wall and erection of 4ft fencing panels on top

Location Amberley
8 Thornsett Gardens
Sheffield
S17 3PP

Date Received 12/07/2012

Team SOUTH

Applicant/Agent Mr J Baker

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the fence is out of scale and character with the boundary treatment of neighbouring properties and the surrounding area, detracting from the visual appearance of the locality and therefore contrary to policy H14 of the Unitary Development Plan and Policy CS74 of the Core Strategy.

Attention is drawn to the following directives:

1. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the fence. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

No. 8 Thornsett Gardens is a large detached house that is located in the established suburb of Dore. It is located at the end of a short cul-de-sac and the large rear garden backs on to a new residential development known as Dore Lodge Gardens. There are five detached houses that are sited in the former rear garden of Dore Lodge and access is gained to these houses by way of a private access road that runs close to the rear gardens of 4, 6 and 8 Thornsett Gardens and 69, Dore Road.

The subject of this application is the boundary between 8, Thornsett Gardens and the side of the access road serving the new development. Along the west side of the access road, the boundary is marked by a stone wall with mature garden edges and trees behind. The wall runs for about 90 metres along the access. The rear garden of 8, Thornsett Gardens comprises a 40 metre length of this wall and the applicant seeks planning approval for the erection of a wooden panelled fence

which would be placed on top of this wall. The height of the fence would be 1.4 metres on top of the wall and the total height from the ground level of the applicant's garden would be about 2.3 metres and on the other side it is about 2.2 metres.

Members should be aware that this application is part retrospective because a section of the fence has already been put in place. About 20 metres of fencing has been erected which is the northern part of the stone wall

SUMMARY OF REPRESENTATIONS

Three neighbours have objected to the erection of the fence, on the following grounds:-

It is unacceptable because at 2 – 2.4m high it is visually intrusive and has an adverse impact on the houses at Dore Lodge Gardens.

It is a breach of planning control because it has been built without planning approval.

One letter of support has been received, which states that the fence is a small but sensible step to ensure privacy for the applicant.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is within a housing policy area which, as set out in policy H10, is the preferred use in such areas. There would be no change in this respect.

It is considered that the most important issue with this application is the visual impact of the fence on the character of the area.

Visual Impact of the Fence.

UDP policy H14 says that new development should be in scale and character with neighbouring buildings and Core Strategy policy CS74 says that high quality development is expected which contributes to successful and attractive neighbourhoods.

The fence that has already been constructed has posts sunk into the ground directly behind the wall and vertical wooden boards have been attached to the posts to create a screen between the garden and the new development. The remainder of the wall along the boundary has mature planting in place that provides a screen between the two sites.

The fence is in contrast to the stone wall which creates an attractive and uniform boundary along the edge of other gardens adjacent to the access road. The

erection of the fence has, by way of its construction and height, introduced an unacceptably intrusive feature into the immediate environs creating a noticeable imbalance.

It is accepted that the fence is only fully visible from within the Dore Lodge Gardens development which is accessed via a private drive and is about 50 metres away from Dore Road where only glimpses are available from the road. Nevertheless, it is next to an area of significant activity and circulation and does have a detrimental impact. It is viewed by all occupants of the five properties on Dore Lodge Gardens, and by visitors to those properties.

The fence faces the sides of two of the new houses at Dore Lodge Gardens and forms an oppressive feature close to both properties.

The fence is contrary to the provisions of policies H14 and CS74.

It is noted that a fence currently exists along the full length of the access road to the Dore Lodge Gardens development, which is seen in context with the fence subject of this application. However, members should be aware that this fence does not have planning permission, and is the subject of a separate enforcement case.

Impact on Neighbours' Amenities.

UDP policy H14 says that new development should not harm the amenities of neighbours and Core Strategy policy CS74 says that new development should contribute to sustainable neighbourhoods.

The fencing provides an effective screen between 8, Thornsett Gardens blocking views of Dore Lodge Gardens and the applicant appears to gain benefit from this. The fence, although a visually intrusive feature does not adjoin other private gardens and only affects joint circulation space at the entrance to the new development. Consequently, it is considered that there would be no harm to neighbours' amenities.

ENFORCEMENT

The fence has been constructed without the benefit of planning consent and is considered to be unacceptable. Consequently, it will be necessary for Members to authorise officers to take appropriate action including, if necessary, enforcement action to secure the removal of the fence.

SUMMARY AND RECOMMENDATION

The retrospective planning application for the wooden fence along the top of the stone wall for a length of 40 metres is considered to be unacceptable because of its visually intrusive appearance and contrary to the provisions of policy H14 of the adopted Unitary Development Plan and policy CS74 of the adopted Core Strategy.

The fence has been put in place without planning approval and is unauthorised. It is, therefore, recommended that the Director of Development Services or Head of Planning be authorised to take all necessary steps, including if needed, enforcement action and the institution of legal proceedings to secure the removal of the fence.

Case Number 12/02161/CAC (Formerly PP-01960146)
Application Type Conservation Area Consent Application
Proposal Demolition of building
Location 17 - 21 Eyre Lane
Sheffield
S1 2NP
Date Received 18/07/2012
Team CITY CENTRE AND EAST
Applicant/Agent Healey Associates
Recommendation Grant Conditionally

Subject to:

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

In order to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

- 2 The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

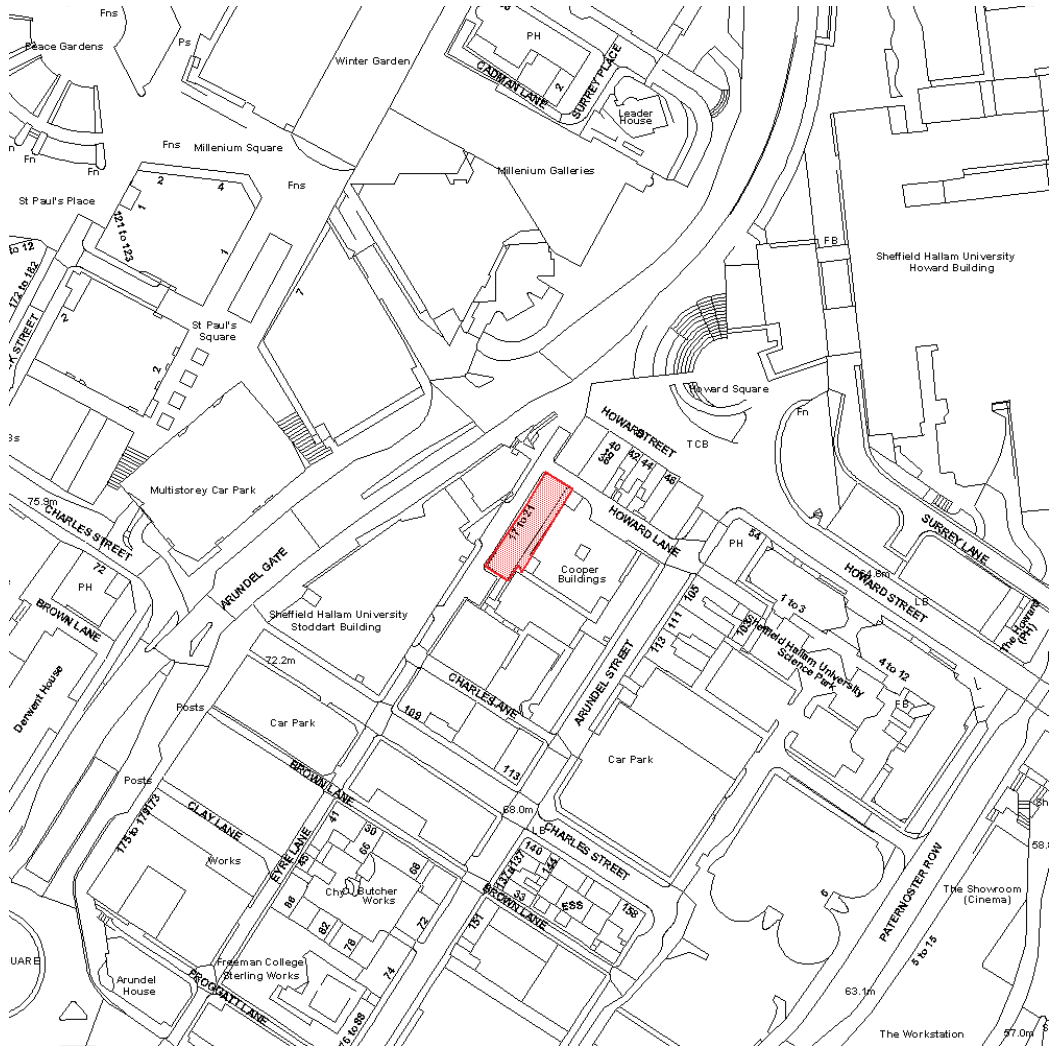
BE16 - Development in Conservation Areas

The existing building is a heritage asset because it exhibits the characteristics of a metal trade building and forms a courtyard with the Copper Buildings; however it is a lower order heritage asset because of its relatively recent date, and its limited architectural merit. Its derelict state means that it is currently detracting from the appearance of the

Conservation Area. It has been vacant for 25 years, has been marketed for a prolonged period without success, and would appear to be uneconomic to refurbish. The replacement building will make a positive contribution to the character of the Conservation Area and its design responds to some of the key characteristics of buildings within the Conservation Area whilst adopting a contemporary approach. Given these considerations it is accepted that the case has been made for the demolition of the existing building. It is also considered that the design of the new building is satisfactory and will preserve the character of the Conservation Area.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Site Location



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LOCATION AND PROPOSAL

This report deals with the applications for planning permission and Conservation Area Consent to demolish an unlisted building in the Cultural Industries Conservation Area.

The application site is located at the corner of Howard Lane and Eyre Lane in the Cultural Industries Quarter Conservation Area. It is currently occupied by a derelict brick faced workshop building which has a single storey façade to Eyre Lane and a two storey façade to the rear which faces on to a parking courtyard for the adjacent offices.

To the north and west the site adjoins Sheffield Hallam University's Stoddard building. To the north east the site adjoins a small car park and the rear of two and three storey buildings used for food and drink/ office uses that face on to Howard Square. To the south and east the site adjoins offices and a parking courtyard.

The applications are seeking permission to demolish the existing building and redevelop it for a convenience food store of 378 sq m along with 5 floors of student accommodation comprising of 8 cluster flats and 52 bedrooms. The entrance to the convenience store is off Eyre Lane at the northern end of the frontage. The student flats are accessed off Howard Lane and Eyre Lane. There is no vehicle parking proposed to serve the development as the building occupies the entire site footprint.

RELEVANT PLANNING HISTORY

Planning permission for a 5 storey office building with basement car parking along with Conservation Area Consent to demolish the existing building were granted in March 2007, permissions 06/04897/FUL, 06/04900/CAC.

SUMMARY OF REPRESENTATIONS

Two representations objecting to the proposal have been received. The grounds of objection are as follows.

- The scheme does not enhance or retain the character of the conservation area. The replacement building is of no architectural merit.
- Loss of a heritage asset. The Royal Commission for Historical Monuments of England Survey describes Pearl Works as a good example of an early 20th century cutlery factory within Sheffield. The current owners have allowed the building to deteriorate in order to argue that it is no longer an asset. There is no evidence that the building has been actively marketed, no consideration has been given to re-using the building for arts, leisure or education use.
- Additional student accommodation undermines the objective of securing a balanced community.

- The site is unsuitable for the level of servicing required given the narrowness of the roads, which are further restricted by on street parking. No account has been taken of; the disturbance to residential properties on Arundel Street from servicing; the impact of the new University development on Eyre Lane, and of the traffic calming recently introduced on Arundel Street. Some of the transport data was collected outside of term time.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework establishes that there is a presumption in favour of sustainable development. Sustainable development is defined as having three dimensions; these are economic, social and environmental.

The application site is a proposed business site in the Unitary Development Plan. Under the terms of policy IB7 'Development in Business Areas' and IB8 'Industry and Business Sites', business class B1 is the preferred use and other uses are referred to as being unacceptable. Policy IB9 states that development in Industry and Business Areas should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area.

Core Strategy Policy CS3 promotes offices in the City Centre. However the site is not identified as a Priority Office Area under policy CS4. Core Strategy Policy CS17 states that the roles of different City Centre Quarters will be consolidated and strengthened. The Cultural Industries Quarter is identified as an area with a wide mix of uses and as the main location for the city's creative and digital industries. The site lies in a Business Area in the Sheffield Development Framework Draft Proposals Map, the emerging policy will allow other uses including housing.

Although UDP policy seeks to encourage business uses on this site the emerging policy is changing to allow a wider mix of uses. Given this and the fact that the site is not in the priority office area it is considered that the proposed uses are acceptable in principle.

The National Planning Policy Framework seeks to promote retail development within town centres. It states that a sequential test should apply to main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. An impact assessment should be undertaken where a development is over a proportionate, local floor space threshold or 2,500 sq m. The sequential test is also repeated in Unitary Development Plan policy S5. City Policies and Sites Development Plan Document policy C5 says that shopping facilities outside existing centres should be well served by public transport; as close as possible to other such uses; where they would be accessible by a wide range of transport modes; and impact assessments should be required where the development is over 1000 sq m. gross floor space. The requirement for impact assessment for developments over 1000 sq m has been challenged and therefore has very little weight at this stage.

In this case the applicant has argued that there is a local demand for a convenience store to serve the University, the heavily used pedestrian route to the Station and the local residential population. As this need could not be met by sites within the central shopping area the proposal is considered to pass the sequential test. Given the scale of the proposal an impact assessment is not required. Its small scale and the fact that the key City Centre retail schemes are primarily for comparison shopping means that the proposals will not have a significant impact on the City Centre or put at risk investment necessary to regenerate the City Centre.

Core Strategy Policy CS41 seeks to promote mixed communities by limiting purpose built student accommodation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance. This is to be achieved by limiting the shared housing to no more than 20% of residences within 200 metres of an application site. In this particular case the shared housing is less than 2% within 200m of the site and therefore the proposal will not contravene this policy.

Design and Conservation issues

The existing building is an unlisted building within the Cultural Industries conservation area. In the cultural Industries Quarter Conservation Area Appraisal the site lies in the Arundel Street Character Area. Pearl Works is identified as having a positive impact on the area along with the Copper Buildings. The Eyre Lane, Howard Lane corner is identified as an important gateway location.

The National Planning Policy Framework advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact of a proposed development on the significance of a designated heritage asset, the more important the asset the greater the weight should be.

Where development will lead to the total loss of a heritage asset local planning authorities should refuse consent unless the substantial harm or loss is necessary to achieve substantial benefits that outweigh the loss, and all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use can be found in the medium term through appropriate marketing.
- conservation by grant funding is not possible.
- the loss is outweighed by the benefit of bringing the site back into use.

Unitary Development Plan policy BE16 states that buildings that make a positive contribution to the character of the conservation area will be retained.

The Cultural Industries Quarter Conservation Area Appraisal and guidelines state that there is a presumption in favour of retaining all listed and non-listed buildings. With regards to new development the guidance advises that buildings should be built to the back edge of pavement, and be of a scale and form that respects existing development. They should address and front the street and incorporate high quality design and materials.

In the Urban Design Compendium part of the site lies in a distinct character area. The guidance states that innovative and imaginative designs should be encouraged and in the distinct character areas the use of red brick and stone should be encouraged. Infill developments will generally be 3-5 storeys high.

Justification for demolishing Pearl Works

The applicants argue that the building is a relatively recent addition to the area and has no significant architectural merit. The building is a plain low-rise small-scale industrial building; it is faced in red brickwork with sash proportioned openings and concrete lintels. Whilst it exhibits the character of a metal trade building it is accepted that there is nothing that particularly distinguishes it architecturally.

The applicant considers that the current condition of the building; the lack of external space for parking and servicing; the sub-standard floor to ceiling height of the lower level; the nature of the space that would be created by a refurbishment scheme, would be too compromised for modern industrial or office users. It is accepted that given the changing character of the area that this site is no longer suitable as a location for industrial uses.

When the last application was considered in March 2007 it was argued it would not be viable to refurbish the building for an office use given the limited floor area and the costs of repair. The building is in a poor state of repair; part of the roof is missing. A development appraisal was produced at that time in order to assess the viability of refurbishing the existing building for offices. This indicated that the building had a negative land value for refurbishment and that re-use was not economic without a subsidy. Therefore refurbishment was not viable. Since then the economic circumstances have worsened and it is highly likely that a scheme for refurbishing the building will be even less viable.

Evidence was submitted to show how the site had been marketed by the previous letting agent who was responsible for marketing the building for 20 years prior to the previous 06/04897/FUL permission. The report states that the building has been vacant for 20 years. It has been marketed for this period and a letting board has been displayed on the building. No proposals for refurbishing the building have been brought forward over this period. Planning permission was obtained for redevelopment in 1990 and although this was fully marketed no firm interest was shown. The report concludes that the space is not let-able and a refurbishment scheme is not viable. Since the 2006 permission the current owner has been marketing the site for the last 5 years with commercial agents, both in the context of utilising the existing building for rent, and the overall site as a potential development scheme. Over this period, other than the interest received for the

current scheme there have been little if any marketing leads for the existing building in its current form.

Given the cut backs in public funding and the fact that the building does not meet the criteria for heritage grant funding it is considered very unlikely that a scheme for refurbishing the building would secure grant funding.

The merits of the replacement building can be taken into account when considering the case for demolition. As is detailed below the scheme has been designed to respond to the character of the conservation area. It will produce a simple robust building with good quality materials that will make a positive contribution to the character of the conservation area. It maintains the enclosure to the street and courtyard to the rear of the Copper Buildings whilst adopting the repetitive rhythm of window openings that is characteristic of the Cultural Industries Quarter Conservation Area.

The scheme will remove a derelict building which has been vacant for 25 years and is detracting from the appearance of character of the Conservation Area at a key gateway location. It will deliver student accommodation in a sustainable location close to the University and a convenience store which will serve a local need. It will also contribute positively to the vitality of this part of the conservation area introducing an active use on Eyre Lane, which currently is very much a back street. It is therefore concluded that the benefits of the scheme outweigh the loss of a building that is a fairly low value heritage asset, it is also considered to meet the policy requirements of the National Planning Policy Framework and local planning policy.

Design of the new building

Core Strategy policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance distinctive features of the city including the distinctive heritage, particularly the metal trades.

Unitary Development Plan policy BE16 states new development will be expected to preserve or enhance the character of the conservation area.

The new building is positioned to the back edge of pavement on both the Eyre Lane and Howard Lane frontages consequently it will reinforce the historic grid street pattern. Back edge of pavement development is characteristic of the conservation area.

The building is six storeys high with the top floor set back 2m from the Eyre Lane frontage with a minimal set back to the top floor of the courtyard elevation. The urban design compendium says buildings should be generally 3-5 storeys high. Whilst this scheme exceeds this it should be noted the previously approved 5 storey office building is approximately 2m taller than the current proposals. This is due to the difference in storey height between commercial and residential floors. Given that the building is lower than a comparable 5 storey office scheme it is considered reasonable to conclude the proposal meets the spirit of the scale guidance in the Urban Design Compendium. The building will form a transition

between the higher Stoddart building to the west and the lower historic buildings in the Conservation Area to the south and east. It is lower than the Stoddart building but approximately 3 storeys higher than the Copper buildings. It will be most prominent in views from Arundel Gate and the 3D view shows that the building scale is appropriate, as it will step down with the topography from the Stoddart building. However it is still of sufficient scale to mark this gateway to the Conservation Area.

The buildings relationship with the lower scale Copper buildings and buildings at the top of Howard Street is less comfortable. The view from the corner of Howard Street and Arundel Street shows that it will appear quite imposing on the north west side of the courtyard, although it will be seen in the context of the back cloth of the higher Stoddart Building and City Lofts development.

Eyre Lane is only 6m wide although it opens out along part of the building frontage where the Stoddart building is cut back to create a service area. The upper floor cut back means that the built form would not appear too oppressive. As noted above the scale of development is less than that of the previously approved office scheme.

Both the Eyre Lane and Howard Lane elevations incorporate substantial areas of glazing and entrances on both street frontages. The Eyre Lane frontage is almost totally glazed at ground floor level and given this and the proposed retail use, it will respond effectively to the street and provide active frontages.

The building design is contemporary but responds to local character, which is in keeping with guidance in the Urban Design Compendium. The main facades are faced in red brick with a regular rhythm of window openings, typical characteristics of traditional metal trades buildings within the conservation area. The stair core and upper floor will be faced in zinc cladding. The window fenestration and stair core creates a vertical emphasis which is common a common feature of the conservation area buildings. The most prominent façade of the building faces Howard Lane, as this will clearly be viewed across the landscaped space from Arundel Gate. The building design responds to this key focal point by positioning the main entrance at this location and incorporating a full height window to the stair core. This will provide visual interest at this key corner, although ideally it would have been better in townscape terms if the entrance could have been positioned on the Howard Lane/Eyre Lane corner.

The building design is fairly simple and the cut backs and change in materials helps to break down the massing and create visual interest. The substantial areas of glazing on the key elevations will be visually pleasing and welcoming. The elevation treatment is fairly simple and avoids over embellishment, which is consistent with the industrial character of many traditional buildings in the Conservation Area. Deep reveals will help to provide modelling to the elevations.

Overall whilst the building design is not outstanding considered to be reasonable quality that responds to the character of the Cultural Industry Quarter Conservation Area. It is concluded that the proposal will preserve the character of the Conservation Area and meets the planning design policies.

Sustainability

The application site is sustainably located being located in a highly accessible position in the City Centre and close to high frequency public transport services, shops, services and education facilities.

The applicant has advised that he will be seeking to design a building to achieve BREEAM Very Good rating. This meets the objective of Core Strategy Policy CS 64 which seeks to ensure new buildings are designed to reduce emissions of greenhouse gases and function in a changing climate. A condition is proposed to ensure that this objective is achieved.

The applicant has submitted an energy statement that explains the options for meeting the 10% renewable energy objective set out in Core Strategy Policy CS65. These are:

- A small Combined Heat and Power plant could be provided to generate electricity and provide low pressure hot water.
- An air source heat pump may be used for cooling.
- Where ventilation is required it may be fitted with heat recovery heat exchangers to heat the incoming fresh air.
- Photovoltaic's and connection to the Sheffield Heat and power main will also be considered.

At this stage the particular technologies to be utilised are not certain and therefore a condition is proposed that requires a report to be submitted confirming the details prior to development commencing.

Access Issues.

The key issue concern relates to vehicle servicing. The servicing demands for the convenience store are 3 HGV daily deliveries, 1 HGV delivery 3 times a week and two transit van deliveries daily and 1 transit van delivery once per week. The largest delivery vehicle will be a 10.35m rigid vehicle that delivers daily and takes 30-40 minutes to unload/load. There will also be separate refuse collect deliveries for the convenience store and student flats.

The existing building which could be used for industry would be likely to only have fairly minimal servicing requirements, similarly if the building was demolished and replaced with a small office use the servicing requirements would again be minimal. The level of servicing will be significantly greater for the proposed development. In this instance the adjacent highway network is very narrow with some tight bends and therefore the site does not lend itself to servicing by larger delivery vehicles, as a consequence any increase in HGV activity is of concern. To allow some of the medium size service vehicles to access the development, the existing tight radius from Howard Lane into Eyre Lane is to be improved by setting

the new building back, although even this only then permits a maximum 10.35m vehicle to access the site.

Because Eyre Lane is such a narrow street any delivery vehicle will have to park tight up to the new building (which will require the existing narrow footpath to be parked over) to ensure other vehicles can still pass a stationary service vehicle, even then sufficient space will not exist to allow other larger vehicles to pass without potentially having to mount the opposite footway. This is clearly far from ideal, although the limited number of vehicle movements will mean that conflicts will be a relatively rare occurrence.

A further issue will also arise when students are moving in or out of the accommodation as no facility exists for parking close to the site, this may well lead to some inappropriate parking at times, especially when students are collected/dropped off in poor weather conditions.

The site is well sited as regards promoting direct walking access to both the university and the city centre and is also very close to high frequency public transport links including the rail station.

These proposals will increase the level of pedestrian activity in the area, especially along Eyre Lane, which will in turn lead to more pedestrians walking along the carriageway as footway widths are substandard in parts. However, even with the increase in vehicle servicing activity there will still be very low traffic flows which means the street can to all intents and purposes be treated as shared space.

There is no requirement for parking to serve the student accommodation or the retail use given its highly accessible city centre location. As the existing and proposed building cover 100% of the site this is unachievable in any case.

6/8 cycle parking spaces are proposed which is significantly below the Council's guidelines which state that 26 long stay spaces and some short stay spaces should be provided to serve a student scheme of this size. Given the potential operators demand for ground floor space and the restricted site area it has not been possible to provide the cycle parking by the building entrance and the bikes will be accommodated in a room on the upper floor. This is far from ideal as it will be less convenient to access this area for residents on other floors and particularly for those students who use the western entrance. In addition transporting a bike in the lift is less than ideal. However all other options have been explored and there does not appear to be better solution. Given this and the accessibility of the location the sub standard cycle parking provision is considered to be acceptable in this instance,

Level entrances will be created to the shop and flats. Half the flats will be served by a lift and the other half will be accessible by stairs. Four accessible bedrooms and four bedrooms that can be adapted to be accessible will be provided.

In simple highway terms the scheme is far from ideal, as it is increasing the service requirements to a site that is very difficult to access. However these access

concerns need to be weighed up with the other considerations referred to in this report.

Open Space Issues

As the scheme will provide more than 25 student bed spaces a contribution for the improvement of public open space is triggered under the City Centre Living Strategy. In this case the contribution is £39,634.40 which will be secured by a section 106 agreement.

Affordable Housing

An affordable housing contribution is not required in this case as the policy only applies to schemes of 60 student bed spaces or more.

Amenity Issues

There are no noisy uses close to the site. However a condition is proposed to ensure the internal noise climate is satisfactory for future residents. The layout of the scheme is such that all the proposed student rooms have adequate outlook and natural light. Delivery hours are limited to minimise the risk of disturbance to residents are unsociable hours.

Archaeology

An archaeological desk top assessment submitted with the application indicates that the construction of the present building is likely to have caused substantial ground disturbance, it also shows that the building itself is of little archaeological interest because of its late date and poor condition. Therefore there is no need to do further archaeological investigations.

SUMMARY AND RECOMMENDATION

Whilst the proposed uses are at variance with the Unitary Development Plan, the emerging policy is more flexible and allows for a wider range of uses. The retail use is acceptable as it will serve a local need and therefore passes the sequential test; it is also small scale and will not have a harmful impact on the city centre. The level of shared housing in the local area is low and the proposal is consistent with the Mixed Communities policy CS 41.

The existing building is a heritage asset because it exhibits the characteristics of a metal trade building and forms a courtyard with the Copper Buildings; however it is a lower order heritage asset because of its relatively recent date, and its limited architectural merit. Its derelict state means that it is currently detracting from the appearance of the Conservation Area. It has been vacant for 25 years, has been marketed for a prolonged period without success, and would appear to be uneconomic to refurbish. The replacement building will make a positive contribution to the character of the Conservation Area and its design responds to some of the key characteristics of buildings within the Conservation Area whilst adopting a contemporary approach. Given these considerations it is accepted that

the case has been made for the demolition of the existing building. It is also considered that the design of the new building is satisfactory and will preserve the character of the Conservation Area.

The level of servicing for the retail use is a concern along with the limited space for cycle parking given the constrained nature of the local highway network. However the proposal has the potential to regenerate this fairly prominent site, deliver student housing in a sustainable location, provide increased retail choice for consumers, and meet a local retail need. It will also introduce activity and vitality into this fairly quiet back street. Given this, it is concluded that the benefits of the scheme outweigh the disadvantages and it is recommended that conservation Area Consent and planning permission be granted, subject to the applicant entering into a legal agreement to secure the following Heads of Terms.

In the event that a satisfactory S106 planning obligation covering the Heads of Terms set out in below is not concluded before 21st October 2012 (in order to meet the Government's target time for the determination of the application), it is recommended that the planning application be refused for the failure to make adequate provision in this regard.

Heads of Terms.

A contribution of £39,634.40 to be paid for improvements to open space to meet the needs of the residents, in accordance with the principles set out in the Council's Open Space Provision in new Housing Development SPG, the City Centre Living SPG and the City Centre Breathing Spaces Strategy.

Case Number	12/02160/FUL (Formerly PP-01960146)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of 6 storey mixed use development comprising ground floor convenience (food) retail unit with 5 floors of student accommodation (52 Beds) located at the upper floors (the student accommodation comprises of 8 student clusters including 6 x 6 bed clusters and 2 x 8 bed clusters)
Location	Site Of Pearl Works, 17 - 21 Eyre Lane Sheffield S1 2NP
Date Received	18/07/2012
Team	CITY CENTRE AND EAST
Applicant/Agent	Healey Associates
Recommendation	GRA GC subject to Legal Agreement

Subject to:

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

In order to comply with the requirements of the Town and Country Planning Act.
- 2 The development must be carried out in complete accordance with the following approved documents:

805-PL-01, 05A, 06D, 07D, 08D, 09C, 10D, 11,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.
- 3 No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
 - a) been carried out; or
 - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will

secure that such improvement works will be carried out before the is/are brought into use.

Highway Improvements:

1. Radius improvement to Howard Lane/Eyre Lane junction on the site frontage, as shown on the submitted details in the Transport Statement.
2. Footway improvement/strengthening to the site frontage.
3. Dropped kerb to the footway on the north side of Eyre Lane opposite the site.

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.

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

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

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

To ensure satisfactory drainage arrangements.

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

In the interests of the safety of road users.

- 7 Prior to the occupation of the student flats the cycle parking shown on the submitted plans shall be provided and thereafter permanently retained for this purposes.

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

- 8 Before the retail unit is brought into use a servicing and delivery management plan shall be submitted to and approved by the Local Planning Authority including arrangements to ensure that deliveries are not made to the retail store in vehicles exceeding 10.35m in length. Thereafter the servicing/delivery arrangements shall be managed in accordance with the approved delivery management plan.

In the interests of traffic and pedestrian safety as the local highway network is narrow with tight bends which cannot accommodate large HGVs deliveries.

- 9 The retail floorspace shall not exceed 378 sqm gross floorspace and shall only be used for the sale of convenience goods.

In the interests of ensuring the vitality of town centres in accordance with the National Planning Policy Framework. A convenience goods store is considered to pass the sequential test as there is a local need that could not be met on sites in the central shopping area, however there are sequentially preferable sites available for comparison goods shopping.

- 10 Before the convenience store is brought into use full details of the proposed refuse and recycling storage facilities shall be submitted to and approved by the Local Planning Authority. Before the convenience store and student flats are brought into use a method statement indicating how the refuse facilities for the relevant use will be managed and serviced shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of each use the relevant approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.

In order to ensure that proper provision for refuse is made.

- 11 The surface of the footpath along the Eyre Lane frontage shall be improved in accordance with the secondary palette of materials as specified in the Urban Design Compendium or other alternative material of a similar standard which has been given the prior approval of the Local Planning Authority.

In the interests of the visual amenities of the area and the character of the Conservation Area.

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

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

- 13 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:

- a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and
- b) The generation of further renewable or low carbon energy or incorporation of design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. This would include the decentralised and renewable or low carbon energy to satisfy (a)

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

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

- 14 The reveals to the windows shall be a minimum of 200mm deep except for the shop front windows which shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority before construction of these elements commence, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 15 A sample panel of the proposed external materials shall be erected on the site. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

In order to ensure an appropriate quality of development.

- 16 Large scale details, including materials and finishes, at a minimum of 1.20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Windows
- Window reveals
- External Doors
- Eaves and verges

Parapet
Rainwater goods

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

In order to ensure an appropriate quality of development.

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

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.

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

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

- 19 The residential accommodation shall not be used for the purposes hereby permitted unless a scheme of sound attenuation works has been installed and thereafter retained. These works shall be based on the findings of a noise report submitted to and approved by the Local Planning Authority and shall include a scheme of noise attenuation works capable of achieving the following noise levels:

Bedrooms LAeq 15 minutes 30 dB (2300 to 0700)

Living Rooms LAeq 15 minutes 40 dB (0700 to 2300)

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

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

To ensure satisfactory drainage arrangements.

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

To ensure satisfactory drainage arrangements.

- 22 No deliveries to the building shall be carried out between 2300 hours to 0700 hours (on the following day) Monday to Saturday and 2300 hours to 0900 hours Sundays and Public Holidays.

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

- 23 No construction above ground level shall take place unless a scheme for surfacing the extended carriageway on the Howard Lane frontage in reclaimed setts to match existing has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the building is brought into use.

In the interest of preserving the character of the Conservation Area.

- 24 No windows serving the retail floor space shall be blocked up, filmed over or otherwise rendered non transparent without the prior written approval of the Local Planning Authority.

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

IB7 - Development in Business Areas

IB8 - Industrial and Business Sites

BE16 - Development in Conservation Areas

S5 - Shop Developments outside the Central Shopping Area and District Centres

Core Strategy

CS3 - Locations for Office Development

CS4 - Offices in the City Centre

CS17 - City Centre Quarters

CS41 - Creating Mixed Communities

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS74 - Design Principles

City Policies and Sites C5

Whilst the proposed uses are at variance with the Unitary Development Plan, the emerging policy is more flexible and allows for a wider range of uses. The retail use is acceptable as it will serve a local need and therefore passes the sequential test; it is also small scale and will not have a harmful impact on the city centre. The level of shared housing in the local area is low and the proposal is consistent with the Mixed Communities policy CS 41.

The existing building is a heritage asset because it exhibits the characteristics of a metal trade building and forms a courtyard with the Copper Buildings; however it is a lower order heritage asset because of its relatively recent date, and its limited architectural merit. Its derelict state means that it is currently detracting from the appearance of the Conservation Area. It has been vacant for 25 years, has been marketed for a prolonged period without success, and would appear to be uneconomic to refurbish. The replacement building will make a positive contribution to the character of the Conservation Area and its design responds to some of the key characteristics of buildings within the Conservation Area whilst adopting a contemporary approach. Given these considerations it is accepted that the case has been made for the demolition of the existing building. It is also considered that the design of the new building is satisfactory and will preserve the character of the Conservation Area.

The level of servicing for the retail use is a concern along with the limited space for cycle parking given the constrained nature of the local highway network. However the proposal has the potential to regenerate this fairly prominent site, deliver student housing in a sustainable location, provide increased retail choice for consumers, and meet a local retail need. It will also introduce activity and vitality into this fairly quiet back street. Given this, it is concluded that the benefits of the scheme outweigh the disadvantages.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

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

You should apply for a consent to: -

Highways Adoption Group
Development Services
Sheffield City Council

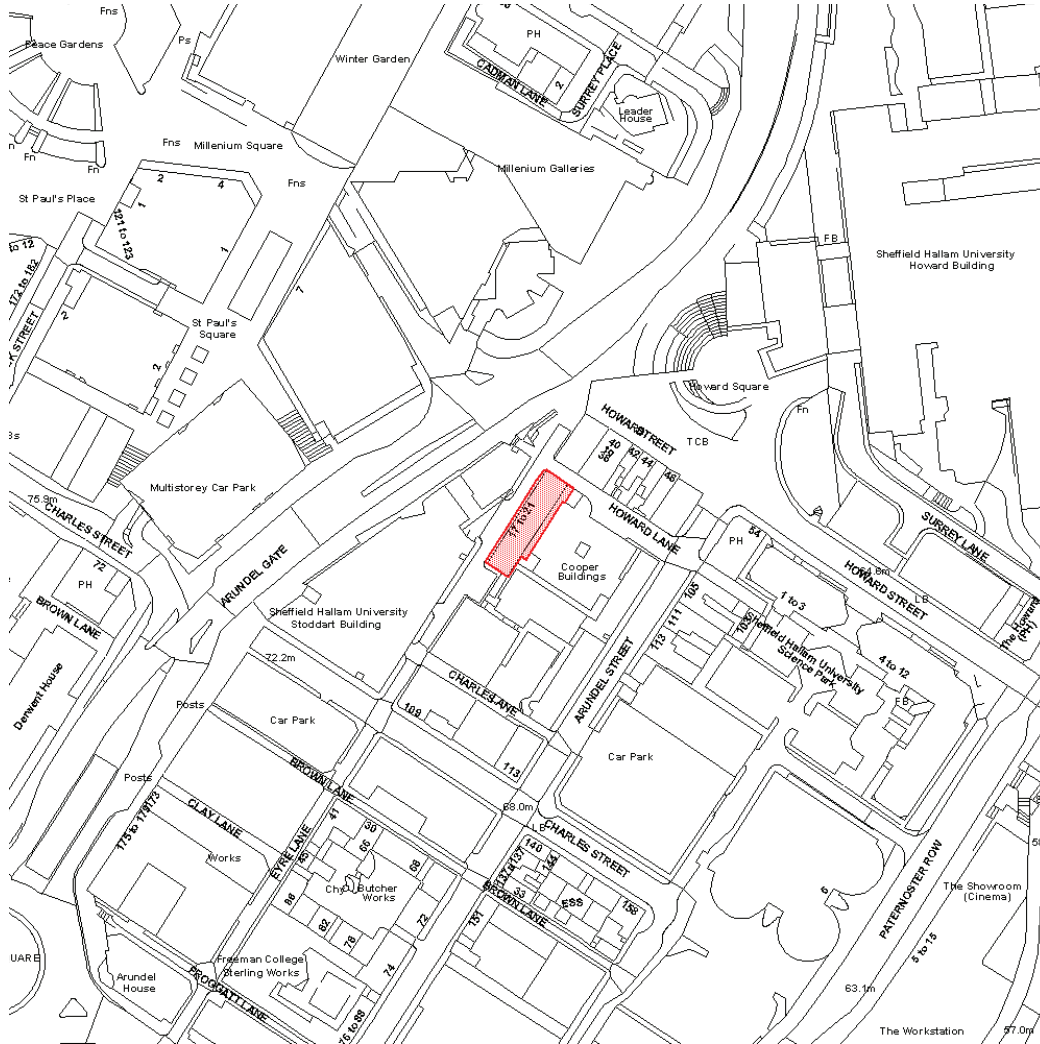
Howden House, 1 Union Street
Sheffield
S1 2SH

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

2. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
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 and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. All works immediately adjacent to the existing highway or under the proposed new area of highway that may impact on the stability of the finished surface must have full structural support details and calculation submitted and approved by the highway authority before the work commences.
5. A building over license must be agreed and signed with the highway authority before any building works commence.
6. Yorkshire Water has advised that on the Statutory Sewer Map, there are 300mm and 225mm diameter public combined sewers recorded in proximity to the site boundary. Care should be taken during and after construction to protect these assets.
7. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

This report deals with the applications for planning permission and Conservation Area Consent to demolish an unlisted building in the Cultural Industries Conservation Area.

The application site is located at the corner of Howard Lane and Eyre Lane in the Cultural Industries Quarter Conservation Area. It is currently occupied by a derelict brick faced workshop building which has a single storey façade to Eyre Lane and a two storey façade to the rear which faces on to a parking courtyard for the adjacent offices.

To the north and west the site adjoins Sheffield Hallam University's Stoddard building. To the north east the site adjoins a small car park and the rear of two and three storey buildings used for food and drink/ office uses that face on to Howard Square. To the south and east the site adjoins offices and a parking courtyard.

The applications are seeking permission to demolish the existing building and redevelop it for a convenience food store of 378 sq m along with 5 floors of student accommodation comprising of 8 cluster flats and 52 bedrooms. The entrance to the convenience store is off Eyre Lane at the northern end of the frontage. The student flats are accessed off Howard Lane and Eyre Lane. There is no vehicle parking proposed to serve the development as the building occupies the entire site footprint.

RELEVANT PLANNING HISTORY

Planning permission for a 5 storey office building with basement car parking along with Conservation Area Consent to demolish the existing building were granted in March 2007, permissions 06/04897/FUL, 06/04900/CAC.

SUMMARY OF REPRESENTATIONS

Two representations objecting to the proposal have been received. The grounds of objection are as follows.

- The scheme does not enhance or retain the character of the conservation area. The replacement building is of no architectural merit.
- Loss of a heritage asset. The Royal Commission for Historical Monuments of England Survey describes Pearl Works as a good example of an early 20th century cutlery factory within Sheffield. The current owners have allowed the building to deteriorate in order to argue that it is no longer an asset. There is no evidence that the building has been actively marketed, no consideration has been given to re-using the building for arts, leisure or education use.
- Additional student accommodation undermines the objective of securing a balanced community.
- The site is unsuitable for the level of servicing required given the narrowness of the roads, which are further restricted by on street parking. No account has been taken of; the disturbance to residential properties on Arundel Street from servicing; the impact of the new University development on Eyre Lane, and of the traffic calming recently introduced on Arundel Street. Some of the transport data was collected outside of term time.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework establishes that there is a presumption in favour of sustainable development. Sustainable development is defined as having three dimensions; these are economic, social and environmental.

The application site is a proposed business site in the Unitary Development Plan. Under the terms of policy IB7 'Development in Business Areas' and IB8 'Industry and Business Sites', business class B1 is the preferred use and other uses are referred to as being unacceptable. Policy IB9 states that development in Industry and Business Areas should not lead to a concentration of uses which would prejudice the dominance of industry and business in the area.

Core Strategy Policy CS3 promotes offices in the City Centre. However the site is not identified as a Priority Office Area under policy CS4. Core Strategy Policy CS17 states that the roles of different City Centre Quarters will be consolidated and strengthened. The Cultural Industries Quarter is identified as an area with a wide mix of uses and as the main location for the city's creative and digital industries. The site lies in a Business Area in the Sheffield Development Framework Draft Proposals Map, the emerging policy will allow other uses including housing.

Although UDP policy seeks to encourage business uses on this site the emerging policy is changing to allow a wider mix of uses. Given this and the fact that the site is not in the priority office area it is considered that the proposed uses are acceptable in principle.

The National Planning Policy Framework seeks to promote retail development within town centres. It states that a sequential test should apply to main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. An impact assessment should be undertaken where a development is over a proportionate, local floor space threshold or 2,500 sq m. The sequential test is also repeated in Unitary Development Plan policy S5. City Policies and Sites Development Plan Document policy C5 says that shopping facilities outside existing centres should be well served by public transport; as close as possible to other such uses; where they would be accessible by a wide range of transport modes; and impact assessments should be required where the development is over 1000 sq m. gross floor space. The requirement for impact assessment for developments over 1000 sq m has been challenged and therefore has very little weight at this stage.

In this case the applicant has argued that there is a local demand for a convenience store to serve the University, the heavily used pedestrian route to the Station and the local residential population. As this need could not be met by sites within the central shopping area the proposal is considered to pass the sequential test. Given the scale of the proposal an impact assessment is not required. Its small scale and the fact that the key City Centre retail schemes are primarily for comparison shopping means that the proposals will not have a significant impact

on the City Centre or put at risk investment necessary to regenerate the City Centre.

Core Strategy Policy CS41 seeks to promote mixed communities by limiting purpose built student accommodation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance. This is to be achieved by limiting the shared housing to no more than 20% of residences within 200 metres of an application site. In this particular case the shared housing is less than 2% within 200m of the site and therefore the proposal will not contravene this policy.

Design and Conservation issues

The existing building is an unlisted building within the Cultural Industries conservation area. In the cultural Industries Quarter Conservation Area Appraisal the site lies in the Arundel Street Character Area. Pearl Works is identified as having a positive impact on the area along with the Copper Buildings. The Eyre Lane, Howard Lane corner is identified as an important gateway location.

The National Planning Policy Framework advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact of a proposed development on the significance of a designated heritage asset, the more important the asset the greater the weight should be.

Where development will lead to the total loss of a heritage asset local planning authorities should refuse consent unless the substantial harm or loss is necessary to achieve substantial benefits that outweigh the loss, and all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use can be found in the medium term through appropriate marketing.
- conservation by grant funding is not possible.
- the loss is outweighed by the benefit of bringing the site back into use.

Unitary Development Plan policy BE16 states that buildings that make a positive contribution to the character of the conservation area will be retained.

The Cultural Industries Quarter Conservation Area Appraisal and guidelines state that there is a presumption in favour of retaining all listed and non-listed buildings. With regards to new development the guidance advises that buildings should be built to the back edge of pavement, and be of a scale and form that respects existing development. They should address and front the street and incorporate high quality design and materials.

In the Urban Design Compendium part of the site lies in a distinct character area. The guidance states that innovative and imaginative designs should be encouraged and in the distinct character areas the use of red brick and stone should be encouraged. Infill developments will generally be 3-5 storeys high.

Justification for demolishing Pearl Works

The applicants argue that the building is a relatively recent addition to the area and has no significant architectural merit. The building is a plain low-rise small-scale industrial building; it is faced in red brickwork with sash proportioned openings and concrete lintels. Whilst it exhibits the character of a metal trade building it is accepted that there is nothing that particularly distinguishes it architecturally.

The applicant considers that the current condition of the building; the lack of external space for parking and servicing; the sub-standard floor to ceiling height of the lower level; the nature of the space that would be created by a refurbishment scheme, would be too compromised for modern industrial or office users. It is accepted that given the changing character of the area that this site is no longer suitable as a location for industrial uses.

When the last application was considered in March 2007 it was argued it would not be viable to refurbish the building for an office use given the limited floor area and the costs of repair. The building is in a poor state of repair; part of the roof is missing. A development appraisal was produced at that time in order to assess the viability of refurbishing the existing building for offices. This indicated that the building had a negative land value for refurbishment and that re-use was not economic without a subsidy. Therefore refurbishment was not viable. Since then the economic circumstances have worsened and it is highly likely that a scheme for refurbishing the building will be even less viable.

Evidence was submitted to show how the site had been marketed by the previous letting agent who was responsible for marketing the building for 20 years prior to the previous 06/04897/FUL permission. The report states that the building has been vacant for 20 years. It has been marketed for this period and a letting board has been displayed on the building. No proposals for refurbishing the building have been brought forward over this period. Planning permission was obtained for redevelopment in 1990 and although this was fully marketed no firm interest was shown. The report concludes that the space is not let-able and a refurbishment scheme is not viable. Since the 2006 permission the current owner has been marketing the site for the last 5 years with commercial agents, both in the context of utilising the existing building for rent, and the overall site as a potential development scheme. Over this period, other than the interest received for the current scheme there have been little if any marketing leads for the existing building in its current form.

Given the cut backs in public funding and the fact that the building does not meet the criteria for heritage grant funding it is considered very unlikely that a scheme for refurbishing the building would secure grant funding.

The merits of the replacement building can be taken into account when considering the case for demolition. As is detailed below the scheme has been designed to respond to the character of the conservation area. It will produce a simple robust building with good quality materials that will make a positive contribution to the character of the conservation area. It maintains the enclosure to the street and courtyard to the rear of the Copper Buildings whilst adopting the repetitive rhythm of window openings that is characteristic of the Cultural Industries Quarter Conservation Area.

The scheme will remove a derelict building which has been vacant for 25 years and is detracting from the appearance of character of the Conservation Area at a key gateway location. It will deliver student accommodation in a sustainable location close to the University and a convenience store which will serve a local need. It will also contribute positively to the vitality of this part of the conservation area introducing an active use on Eyre Lane, which currently is very much a back street. It is therefore concluded that the benefits of the scheme outweigh the loss of a building that is a fairly low value heritage asset, it is also considered to meet the policy requirements of the National Planning Policy Framework and local planning policy.

Design of the new building

Core Strategy policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance distinctive features of the city including the distinctive heritage, particularly the metal trades.

Unitary Development Plan policy BE16 states new development will be expected to preserve or enhance the character of the conservation area.

The new building is positioned to the back edge of pavement on both the Eyre Lane and Howard Lane frontages consequently it will reinforce the historic grid street pattern. Back edge of pavement development is characteristic of the conservation area.

The building is six storeys high with the top floor set back 2m from the Eyre Lane frontage with a minimal set back to the top floor of the courtyard elevation. The urban design compendium says buildings should be generally 3-5 storeys high. Whilst this scheme exceeds this it should be noted the previously approved 5 storey office building is approximately 2m taller than the current proposals. This is due to the difference in storey height between commercial and residential floors. Given that the building is lower than a comparable 5 storey office scheme it is considered reasonable to conclude the proposal meets the spirit of the scale guidance in the Urban Design Compendium. The building will form a transition between the higher Stoddart building to the west and the lower historic buildings in the Conservation Area to the south and east. It is lower than the Stoddart building but approximately 3 storeys higher than the Copper buildings. It will be most prominent in views from Arundel Gate and the 3D view shows that the building scale is appropriate, as it will step down with the topography from the Stoddart building. However it is still of sufficient scale to mark this gateway to the Conservation Area.

The buildings relationship with the lower scale Copper buildings and buildings at the top of Howard Street is less comfortable. The view from the corner of Howard Street and Arundel Street shows that it will appear quite imposing on the north west side of the courtyard, although it will be seen in the context of the back cloth of the higher Stoddart Building and City Lofts development.

Eyre Lane is only 6m wide although it opens out along part of the building frontage where the Stoddart building is cut back to create a service area. The upper floor cut back means that the built form would not appear too oppressive. As noted above the scale of development is less than that of the previously approved office scheme.

Both the Eyre Lane and Howard Lane elevations incorporate substantial areas of glazing and entrances on both street frontages. The Eyre Lane frontage is almost totally glazed at ground floor level and given this and the proposed retail use, it will respond effectively to the street and provide active frontages.

The building design is contemporary but responds to local character, which is in keeping with guidance in the Urban Design Compendium. The main facades are faced in red brick with a regular rhythm of window openings, typical characteristics of traditional metal trades buildings within the conservation area. The stair core and upper floor will be faced in zinc cladding. The window fenestration and stair core creates a vertical emphasis which is common a common feature of the conservation area buildings. The most prominent façade of the building faces Howard Lane, as this will clearly be viewed across the landscaped space from Arundel Gate. The building design responds to this key focal point by positioning the main entrance at this location and incorporating a full height window to the stair core. This will provide visual interest at this key corner, although ideally it would have been better in townscape terms if the entrance could have been positioned on the Howard Lane/Eyre Lane corner.

The building design is fairly simple and the cut backs and change in materials helps to break down the massing and create visual interest. The substantial areas of glazing on the key elevations will be visually pleasing and welcoming. The elevation treatment is fairly simple and avoids over embellishment, which is consistent with the industrial character of many traditional buildings in the Conservation Area. Deep reveals will help to provide modelling to the elevations.

Overall whilst the building design is not outstanding considered to be reasonable quality that responds to the character of the Cultural Industry Quarter Conservation Area. It is concluded that the proposal will preserve the character of the Conservation Area and meets the planning design policies.

Sustainability

The application site is sustainably located being located in a highly accessible position in the City Centre and close to high frequency public transport services, shops, services and education facilities.

The applicant has advised that he will be seeking to design a building to achieve BREEAM Very Good rating. This meets the objective of Core Strategy Policy CS 64 which seeks to ensure new buildings are designed to reduce emissions of greenhouse gases and function in a changing climate. A condition is proposed to ensure that this objective is achieved.

The applicant has submitted an energy statement that explains the options for meeting the 10% renewable energy objective set out in Core Strategy Policy CS65. These are:

- A small Combined Heat and Power plant could be provided to generate electricity and provide low pressure hot water.
- An air source heat pump may be used for cooling.
- Where ventilation is required it may be fitted with heat recovery heat exchangers to heat the incoming fresh air.
- Photovoltaic's and connection to the Sheffield Heat and power main will also be considered.

At this stage the particular technologies to be utilised are not certain and therefore a condition is proposed that requires a report to be submitted confirming the details prior to development commencing.

Access Issues.

The key issue concern relates to vehicle servicing. The servicing demands for the convenience store are 3 HGV daily deliveries, 1 HGV delivery 3 times a week and two transit van deliveries daily and 1 transit van delivery once per week. The largest delivery vehicle will be a 10.35m rigid vehicle that delivers daily and takes 30-40 minutes to unload/load. There will also be separate refuse collect deliveries for the convenience store and student flats.

The existing building which could be used for industry would be likely to only have fairly minimal servicing requirements, similarly if the building was demolished and replaced with a small office use the servicing requirements would again be minimal. The level of servicing will be significantly greater for the proposed development. In this instance the adjacent highway network is very narrow with some tight bends and therefore the site does not lend itself to servicing by larger delivery vehicles, as a consequence any increase in HGV activity is of concern. To allow some of the medium size service vehicles to access the development, the existing tight radius from Howard Lane into Eyre Lane is to be improved by setting the new building back, although even this only then permits a maximum 10.35m vehicle to access the site.

Because Eyre Lane is such a narrow street any delivery vehicle will have to park tight up to the new building (which will require the existing narrow footpath to be parked over) to ensure other vehicles can still pass a stationary service vehicle, even then sufficient space will not exist to allow other larger vehicles to pass

without potentially having to mount the opposite footway. This is clearly far from ideal, although the limited number of vehicle movements will mean that conflicts will be a relatively rare occurrence.

A further issue will also arise when students are moving in or out of the accommodation as no facility exists for parking close to the site, this may well lead to some inappropriate parking at times, especially when students are collected/dropped off in poor weather conditions.

The site is well sited as regards promoting direct walking access to both the university and the city centre and is also very close to high frequency public transport links including the rail station.

These proposals will increase the level of pedestrian activity in the area, especially along Eyre Lane, which will in turn lead to more pedestrians walking along the carriageway as footway widths are substandard in parts. However, even with the increase in vehicle servicing activity there will still be very low traffic flows which means the street can to all intents and purposes be treated as shared space.

There is no requirement for parking to serve the student accommodation or the retail use given its highly accessible city centre location. As the existing and proposed building cover 100% of the site this is unachievable in any case.

6/8 cycle parking spaces are proposed which is significantly below the Council's guidelines which state that 26 long stay spaces and some short stay spaces should be provided to serve a student scheme of this size. Given the potential operators demand for ground floor space and the restricted site area it has not been possible to provide the cycle parking by the building entrance and the bikes will be accommodated in a room on the upper floor. This is far from ideal as it will be less convenient to access this area for residents on other floors and particularly for those students who use the western entrance. In addition transporting a bike in the lift is less than ideal. However all other options have been explored and there does not appear to be better solution. Given this and the accessibility of the location the sub standard cycle parking provision is considered to be acceptable in this instance,

Level entrances will be created to the shop and flats. Half the flats will be served by a lift and the other half will be accessible by stairs. Four accessible bedrooms and four bedrooms that can be adapted to be accessible will be provided.

In simple highway terms the scheme is far from ideal, as it is increasing the service requirements to a site that is very difficult to access. However these access concerns need to be weighed up with the other considerations referred to in this report.

Open Space Issues

As the scheme will provide more than 25 student bed spaces a contribution for the improvement of public open space is triggered under the City Centre Living

Strategy. In this case the contribution is £39,634.40 which will be secured by a section 106 agreement.

Affordable Housing

An affordable housing contribution is not required in this case as the policy only applies to schemes of 60 student bed spaces or more.

Amenity Issues

There are no noisy uses close to the site. However a condition is proposed to ensure the internal noise climate is satisfactory for future residents. The layout of the scheme is such that all the proposed student rooms have adequate outlook and natural light. Delivery hours are limited to minimise the risk of disturbance to residents are unsociable hours.

Archaeology

An archaeological desk top assessment submitted with the application indicates that the construction of the present building is likely to have caused substantial ground disturbance, it also shows that the building itself is of little archaeological interest because of its late date and poor condition. Therefore there is no need to do further archaeological investigations.

SUMMARY AND RECOMMENDATION

Whilst the proposed uses are at variance with the Unitary Development Plan, the emerging policy is more flexible and allows for a wider range of uses. The retail use is acceptable as it will serve a local need and therefore passes the sequential test; it is also small scale and will not have a harmful impact on the city centre. The level of shared housing in the local area is low and the proposal is consistent with the Mixed Communities policy CS 41.

The existing building is a heritage asset because it exhibits the characteristics of a metal trade building and forms a courtyard with the Copper Buildings; however it is a lower order heritage asset because of its relatively recent date, and its limited architectural merit. Its derelict state means that it is currently detracting from the appearance of the Conservation Area. It has been vacant for 25 years, has been marketed for a prolonged period without success, and would appear to be uneconomic to refurbish. The replacement building will make a positive contribution to the character of the Conservation Area and its design responds to some of the key characteristics of buildings within the Conservation Area whilst adopting a contemporary approach. Given these considerations it is accepted that the case has been made for the demolition of the existing building. It is also considered that the design of the new building is satisfactory and will preserve the character of the Conservation Area.

The level of servicing for the retail use is a concern along with the limited space for cycle parking given the constrained nature of the local highway network. However the proposal has the potential to regenerate this fairly prominent site, deliver

student housing in a sustainable location, provide increased retail choice for consumers, and meet a local retail need. It will also introduce activity and vitality into this fairly quiet back street. Given this, it is concluded that the benefits of the scheme outweigh the disadvantages and it is recommended that conservation Area Consent and planning permission be granted, subject to the applicant entering into a legal agreement to secure the following Heads of Terms.

In the event that a satisfactory S106 planning obligation covering the Heads of Terms set out in below is not concluded before 21st October 2012 (in order to meet the Government's target time for the determination of the application), it is recommended that the planning application be refused for the failure to make adequate provision in this regard.

Heads of Terms.

A contribution of £39,634.40 to be paid for improvements to open space to meet the needs of the residents, in accordance with the principles set out in the Council's Open Space Provision in new Housing Development SPG, the City Centre Living SPG and the City Centre Breathing Spaces Strategy.

Case Number 12/02078/FUL (Formerly PP-02074828)

Application Type Full Planning Application

Proposal Erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with Class A1/A3/A5 and B1 units on ground floor

Location Yorkshire Co Op Society Car Park
Beeley Street
Sheffield
S2 4LP

Date Received 10/07/2012

Team SOUTH

Applicant/Agent Axis Architecture

Recommendation GRA GC subject to Legal Agreement

Subject to:

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

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

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

Drawing numbers:
26146 A(05)01 Revision A
26146 A(31)02 Revision B
26146 A(31)01 Revision B
26146 A(02)03 Revision B
26146 A(02)00 Revision A
26146 A(02)01 Revision A
26146 A(02)02 Revision C

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No development shall take place until samples of the materials to be used in construction of the external surfaces (facing, roofing, windows and doors) of the building hereby permitted have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

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

Windows
Window reveals
Doors
Eaves and verges

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

In order to ensure an appropriate quality of development.

- 5 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works at ground floor level and shall be retained for verification purposes until the completion of the works.

In order to ensure an appropriate quality of development.

- 6 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 23 July 2012 by Eastwood and Partners including the mitigation and flood resilience measures detailed in the FRA, with finished ground floor levels set no lower than 70.5 AOD.

In order to mitigate against the risk of flooding.

- 7 The development hereby permitted shall not commence until a Flood Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Flood Plan shall include the following details:

- a. Measures for identifying and retaining a Flood Plan co-ordinator and local flood wardens/volunteers;
- b. Details of actions that will be put into place to ensure that all occupants of the development are fully aware of the flood risk to the property and are able to prepare for such an incident;
- c. Details of identified access/egress routes to/from the building during flood incidents and how such routes will be marked;
- d. Details of actions to be taken prior to, during and subsequent to a flood incident;

- e. A timetable and delivery mechanism for implementation of the Flood Plan; and
- f. Arrangements for continued implementation of the Flood Plan, including monitoring of the operation of the measures contained in the Flood Plan and the making of any alteration to the Flood Plan.
- g. Details of flood mitigation measures to protect the plant and equipment within the basement level of the building.

In order to mitigate against the risk of flooding.

- 8 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme for the disposal of surface water which shall include the use of Sustainable Drainage (SuDS) techniques unless it can be demonstrated that they are not feasible or practicable. The scheme must also demonstrate that existing runoff rates for the site will be reduced by up to 30%. No piped discharge of surface water from the site shall take place until the approved scheme has been implemented.

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

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

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.

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

In the interests of the visual amenities of the locality.

- 11 Unless otherwise approved the proposed brown roof shall cover a minimum area of 80% of the roof and shall be provided prior to the use of the building commencing. Full details of the brown roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site.

In the interests of biodiversity.

- 12 The residential accommodation hereby permitted shall not be occupied unless the sound insulation measures detailed in noise report dated July 2012, ref. 4590.1v4 produced by Hepworth Acoustics have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Bedrooms	LAeq 15 minutes 30 dB (2300 to 0700)
Living Rooms	LAeq 15 minutes 40 dB (0700 to 2300)

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

- 13 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:
- a) Include a system of fully ducted mechanical ventilation to all habitable rooms with no ventilation openings in the façade or windows. Before the scheme of sound attenuation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 15 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed. Such scheme of works shall be designed to protect the residential portions of the development from noise and vibration arising from the uses of the ground floor. Before the scheme of sound attenuation works is installed, full details thereof shall first have been submitted to and approved in writing by the

Local Planning Authority and shall be retained whilesover any part of the premises is occupied in a residential capacity.

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

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

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

- 17 No customer shall be permitted to be within the ground floor units outside the following times:

0800 hours and 2330 hours, Mondays to Saturdays, and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

- 18 The office accommodation shall not be occupied unless the approved sound insulation works detailed in the noise report dated July 2012, ref. 4590.1v4 produced by Hepworth Acoustics have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Offices Noise Rating Curve NR45 (0700 to 2300)

(Noise rating curves should be measured as a 15 minute Leq at the octave band centre frequencies 31.5Hz to 8KHz).

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

- 19 Before the use of the building for Food and Drink purposes is commenced a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,

b) Be capable of restricting noise breakout from the Use Class A3 use to the street to levels not exceeding:

i) the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,

- ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,
- iii) Be capable of restricting noise breakout from the Class A3 use to the flats above to levels complying with the following:
- iv) Bedrooms: Noise Rating Curve NRC 25 (2300 TO 0700 hours),
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

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

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.

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

- 20 The development shall not be used for the purposes hereby permitted, unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include plans showing the location of the fume extract terminating 1 Metre above eaves or ridge and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 21 No deliveries to the ground floor units shall be carried out between the hours of 2300 to 0800 hours Monday to Saturday, and between 2100 hours and 0900 hours Sundays and Public Holidays.

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

- 22 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2300 hours and 0800 hours Monday to Saturday and between 2100 hours and 0900 hours on Sundays and Public Holidays.

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

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

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

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

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

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

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

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

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

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

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

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

relating to validation of capping measures and validation of gas protection measures.

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

- 29 The residential element of the development shall not be brought into use until the cycle parking facilities as shown on the approved drawings have been provided and thereafter such cycle parking facilities shall be retained.

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

- 30 The residential accommodation shall not be brought into use until the mobility housing units as shown on the approved drawings have been brought into use. Thereafter, the mobility units shall be retained.

To provide adequate facilities for disabled users.

- 31 The approved shop fronts shall be installed prior to the first occupation of the building or within an alternative timescale that has previously been agreed in writing with the Local Planning Authority. Thereafter the approved shop fronts shall be retained and a window display shall be provided at all times in the windows fronting London Road and Boston Street.

In order to protect the vitality and viability of the shopping area in accordance with Unitary Development Plan (and/or Core Strategy) Policies UDP: S7, S10 CS34.

- 32 The 167 square metre retail unit shall not be used for a purpose other than Class A1 use unless the other two retail units are utilised for Class A1 purposes.

In order to protect the vitality and viability of the shopping area in accordance with Unitary Development Plan (and/or Core Strategy) Policies UDP: S7, S10 CS: CS34.

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

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

connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

Positive benefits identified are in line with the aims of:
Core Strategy Policies:

CS25 - Priorities for Releasing Land for New Housing
CS30 - Jobs and Housing in the Sheaf Valley and Neighbouring Areas
CS34 - District Centres
CS40 - Affordable Housing
CS43 - Schools
CS64 - Climate Change, Resources and Sustainable Design of Developments
CS65 - Renewable Energy and Carbon Reduction

UDP policies
BE5 - Building Design and Siting
BE7 - Design of Buildings Used by the Public
H5 - Flats, Bed-sitters and Shared Housing

H16 - Open Space in New Housing Developments
S7 - Development in District and Local Shopping Centres
S10 - Conditions on Development in Shopping Areas

Due to the proposed location of residential development within Flood Zone 3 and the absence information to demonstrate the absence of alternative development sites, the scheme fails the sequential test with regards to siting residential development in lower risk flood areas. As such, the development is contrary to the aims of Core Strategy policy CS67 in addition to CS41, and is additionally not in accordance with national policy on flooding as set out by the National Planning Policy Framework. However, this conflict has to be set against the positive benefits of the scheme with regards to its sustainability credentials, the regeneration benefits, and the positive contribution to housing supply and affordable housing contribution. In line with the previous decision for 08/03012/FUL by the Secretary of State, which was a similar scheme, this assessment concludes similarly that the benefits outweigh the conflict with the development plan and national flooding policy. Suitable flood mitigation measures and a suitable evacuation plan are required as part of this decision to reduce the flooding risk.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

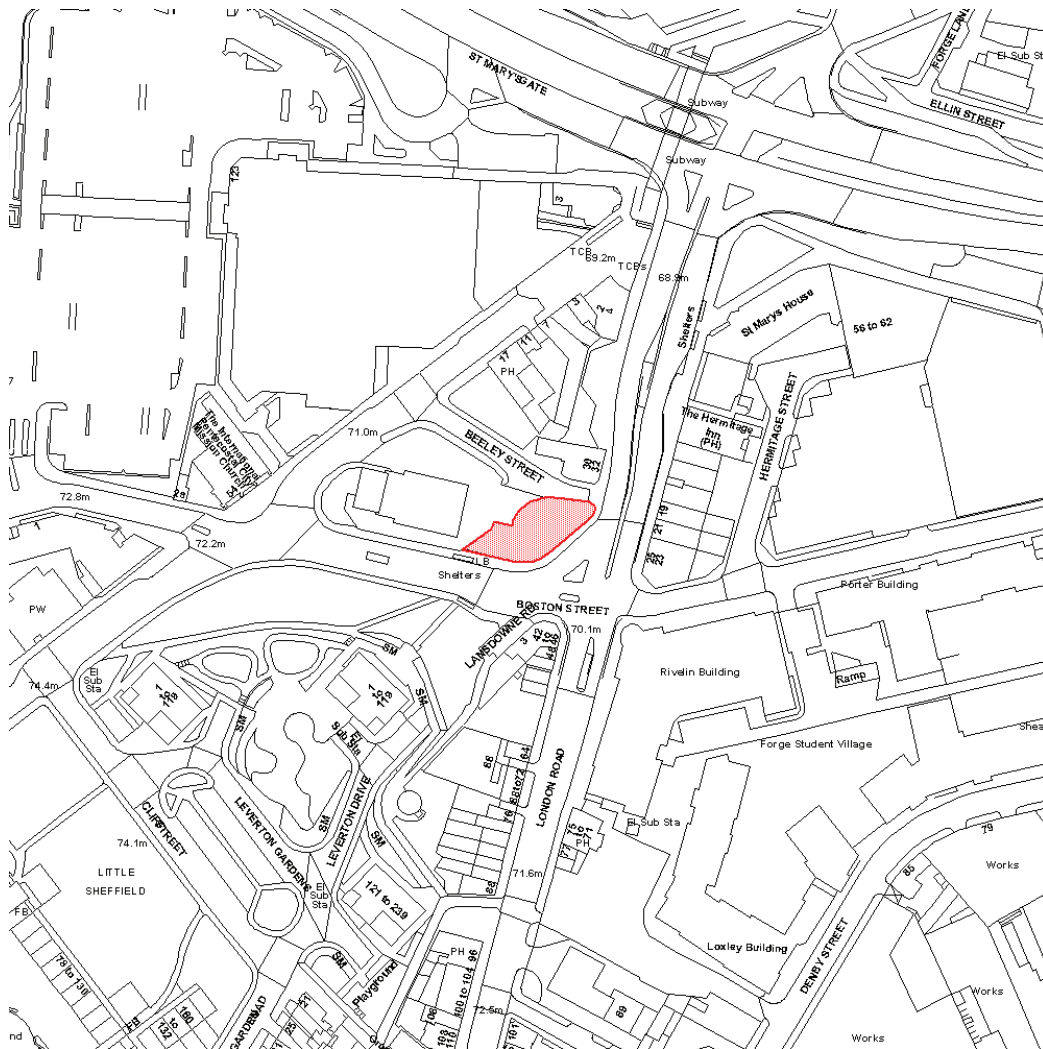
1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
3. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This

will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

4. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
5. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £85 or £25 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The site is located at the bottom of London Road at its junction with Beeley Street and Boston Street. It adjoins the Waitrose petrol station and is currently used as a car park.

Members may recall at the meeting held on 15th of December 2008 that a scheme for the erection of ground floor, A1 and A3 units, 1st floor offices and 24 apartments, on the Yorkshire Co-op Society car park, adjoining the Waitrose petrol station, at the junction of Beeley Street, Boston Street and London Road was considered.

Members may recall that the site sits within a High Probability Flood Zone (Zone 3). As required by (at that time) Planning Policy Statement 25: Development and Flood Risk, the applicant had to provide evidence for a Sequential Test, to show

that there were no alternative sites that could accommodate the development. The presence of an alternative site on Rockingham Street was such that officers considered the Sequential Test had been failed. Therefore in accordance with the terms of PPS25, refusal of Planning Permission was recommended. The Environment Agency had objected to the proposal due to the failure to pass the Sequential Test, and in such circumstances, if a Local Planning Authority wishes to grant permission, the matter must be referred to the Secretary of State.

Notwithstanding officers' recommendation, the Board resolved to Grant Planning Permission, subject to referral to the Secretary of State. Following referral of the application, the Government Office for Yorkshire and the Humber, on behalf of the Secretary of State, wrote to confirm that the Secretary of State considers that 'the proposals may conflict with national policies on important matters' and the application must be determined by the Secretary of State rather than the Local Planning Authority.

Following a call in inquiry, the Secretary of State concluded that the proposed development did conflict with local policy CS67 from the Core Strategy, in addition to national policy on flooding as set out by Planning Policy Statement 25 (now superseded by the National Planning Policy Framework). However, taking into account the regeneration benefits of the proposal, along with its sustainability and the contribution to housing supply and affordable housing, the Secretary of State considered these sufficient to outweigh the conflict with the Local Development Plan, and National Flooding Policy. Hence, approval was given conditionally on 11/08/2012.

Since this approval, the scheme has not been built, although a brief start on site did occur and the permission was therefore implemented. This latest proposal on the site intends to construct an alternative scheme comprising of a 6-storey block of 90 student apartments in 10 cluster apartments, with commercial units on the ground floor consisting of 1 large unit to be used for A1 or A3 purposes, and two smaller units for A1 or B1 purposes and A1 or A5 purposes respectively.

During the assessment of the scheme, amended plans have been received to add additional external windows to the side elevations, to alter the parking arrangements (making the scheme essentially 'car free'), to alter the ground floor fenestrations and to alter the external appearance of the top floor to match the floors below. In addition to this, additional information upon sustainability factors has been received.

RELEVANT PLANNING HISTORY

08/03012/FUL

Erection of a mixed use development comprising a café / restaurant (A3), retail unit (A1), offices (B1) and 24 apartments with associated roof gardens, bin stores, cycle parking and disabled car parking facilities

Granted Conditionally by the Sec of State 11/08/2010

07/02821/FUL

Erection of mixed-use development comprising café/restaurant, offices (Use Class B1) and 20 apartments with roof garden and provision of associated landscaping works and parking accommodation

Withdrawn 29/10/2007

03/03473/FUL
Retention of car park

Granted Conditionally 09/02/2004

SUMMARY OF REPRESENTATIONS

No written representations have been received for this application.

PLANNING ASSESSMENT

Principle of the Development:

The site is within a District Shopping Centre as identified by the Unitary Development Plan (UDP). According to policy S7 'Development in District and Local Shopping Centres', A1 (shops) are a preferred use, whilst B1 (offices); food and drink outlets (A3) and Hot Food Takeaways are classed as acceptable uses, with an emphasis given to the need to maintain a proportion of uses so as to not threaten the shopping role of the centre. Policy S10 (part a) requires development to not result in a concentration of uses that would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre. This relates to the National Planning Policy Framework (NPPF) requirements for planning policy to set out policies for the management and growth of centres over the plan period including the promotion of competitive town centres that provide customer choice and a diverse retail offer (paragraph 23)

In this case, the proposal intends to create three new retail units at ground floor level, encompassing: one 167 square metre unit to be used for either A1 or A3 use; a 71 square metre unit to be used for A1 or A5 use; and one 55 square metre unit to be used for A1 or B1 purposes.

With regards to the impact on the District Centre, the proposal will add to the retail frontage, and will enhance retail links towards Waitrose to the North, which are currently broken by the gap in the built form between the northernmost part of the District Centre and the southern strip down London Road. In terms of retail mix, it is noted that some flexibility in the range of retail uses are proposed. However, there is a danger that all 3 units could end up in non A1 use, for instance one A3 unit, one A5 unit and one B1 unit, and could result in a dead retail frontage during the day during normal shopping hours.

London Road District Centre presently has 46% of the number of units in retail shop (A1) use, with 52% of the overall floor area in A1 use. As a result, the centre

is very close to the threshold figure where the balance of uses become less favourable with regards to maintaining retail dominance. To retain the status quo, and to ensure adequate active retail frontage on the site at least 50% of the new frontage needs to be in A1 use, either comprising of the larger 167 square metre unit or the smaller 71 and 55 square metre units together. Such a requirement can be conditioned to ensure that the new retail frontage works in a fashion to support the District Centre to meet the aims of UDP policy S7 and S10 (part a).

In this case, the proposed residential accommodation is within a Sui Generis use, as they form large units in multiple occupation. The impact on the District Centre itself, however, will be limited as the units are proposed above ground level. As a result, there will be no significant impact on the retail dominance of the local centre from the residential portion of the development. The proximity of residential development to the District Centre will be in line with the aims of the NPPF, however, where paragraph 23 states that residential development can play an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

Creating Mixed Communities:

The NPPF promotes the creation of the creation of inclusive and mixed communities (paragraph 50), including the creation of a wide choice of homes. As the residential accommodation forms purpose built multiple occupancy units in the form of cluster flats, policy CS41 from the Core Strategy applies with regards to the need to create a mix of residential unit types within a local area. The policy requires that, within a 200m radius of the site, less than 20% of residential units should be in multiple occupancy use. In this case, the proposal is contrary to this policy, as the percentage within 200m is at 51%. As a result, the scheme fails to meet the requirements of this policy. However, this figure is artificially high as there is a limit of residential accommodation within 200m of the site. The site straddles the City Centre, and the local area is atypical from many other sites in that it doesn't have the normal street pattern of a residential area, and therefore the residential population is low. The only significant non multiple occupancy housing within 200m are the Leverton Gardens tower blocks to the South, on the opposite side of Boston Street, which forms part of a larger residential area (outside of the 200m radius) alongside the Lansdowne Estate. The site of this application is a distinctly separate area from this closest community, and the harm cause by multiple occupation here is not evident.

The purpose of policy CS41 is to ensure that mixed communities are promoted via the development of a mix of housing types and tenures. However, there are a lack of suitable housing sites within 200m of the site, which would make this hard to achieve. In addition, the site is on a busy junction within the District Centre, and will not readily form part of a residential community. As a result, although CS41 applies, it is not considered that significant weight can be given to the schemes conflict with it given the characteristics of the site location.

Flood Risk:

The site is within Flood Zone 3, which is a high risk zone within the developed functional floodplain.

In accordance with the National Planning Policy Framework and technical guidance, there is a need to ensure that development is steered into areas with the lowest probability of flooding.

The aim of this is to provide for a Sequential Test to demonstrate that alternative sites are not available within areas of lower flood risk. The Framework requires that only when there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test.

In this case, the most vulnerable element of the development is the Housing use, which is classed as a 'more vulnerable' use with regards to flooding (the retail uses fall within a 'less vulnerable' classification).

In the case of this development, no sequential test has been provided as part of the application supporting documents. It is noted, however, that there are several sites available for similar development within the City Centre area of Sheffield in areas at lower risk of flooding. In addition to this, the previous application on the site for C3 (as opposed to C4) use under 08/03012/FUL failed to identify that alternative sites were unavailable – the latest submission being evidence submitted in 2010.

In the absence of evidence to the contrary, there is no evidence that alternative sites are unavailable. The Sequential Test has therefore been failed.

Policy weight is further given by CS67 from the Core Strategy, which emphasises that residential development will not be permitted in Zone 3 until 2015/16, being the Council's application of the Sequential Test for the authority at a strategic level.

In considering the flood risk of this application, attention needs to be given to the past extant decision for 08/03012/FUL, where the Secretary of State concluded that the development proposals were contrary to the Council's Core Strategy Policy CS67 and National Planning Policy set by PPS25: Development and Flood Risk (since superseded by the National Planning Policy Framework). However, the Secretary of State paid particular attention to the qualities of the scheme, assessing regeneration benefits, along with its sustainability and contribution to housing supply (including affordable housing). The Secretary of State concluded that these benefits outweighed the conflict with the Development Plan.

Comments from the Environment Agency upon this latest application highlight that they agree that the application does not meet the requirements of the NPPF sequential test, and would be contrary to Core Strategy policy CS67. The Environment Agency are aware of the past inspectors decision upon development on this site, however, and conclude that the Local Authority needs to decide whether this application offers the same or greater level of benefit compared to the

past permission under 08/03012/FUL. The Environment Agency, therefore, have not raised a formal objection to the scheme.

An assessment of the proposal in this case indicates that the benefits of the previous application are still very much apparent. The Secretary of State concluded that a delay of development here would delay regeneration on the site and run counter to the aims of Core Strategy Policies CS30 and CS34. CS30 (part a) encourages the development of offices, housing and purpose built student accommodation in the Lower Porter Valley; whilst CS34 encourages the development of complementary uses to support District Centres, including London Road Centre. This proposed use has the same benefits, as the uses proposed complement the mix sought by CS30, and the development will support London Road District Centre by adding to the retail frontage, improving links to the centre, whilst providing a larger local population to support the facilities in the Centre. The Secretary of State also concluded that the visual redevelopment of the site would built up local business confidence and act as a catalyst for future development and investment, especially in context of the location on a key route identified for improvement by Core Strategy Policy CS25. Other factors that led to the Secretary of State supporting the scheme included the prospect of the site contributing towards affordable housing supply, it would help meet Sheffield's housing supply needs; and that the site is in a sustainable location with regards to the proximity to services and facilities (reducing the reliance on car travel) and the fact that the development would be on previously developed land.

The changes to this scheme from those considered by the Secretary of State under 08/03012/FUL do not alter the range of benefits outlined by the Secretary as suitable to overcome the concerns that the scheme fails to meet flooding policy. This scheme would still provide development in accordance with CS30 and CS34; would still result in the physical regeneration of the site; would still offer contributions to affordable housing and housing targets; and would still be in an accessible Brownfield Location. As a result of these benefits, it is considered that the fact that the failure of development to pass a sequential test is outweighed.

There is still a need for development here to be robust and to be designed to mitigate against the risks caused by flooding. Core Strategy Policy CS67 'Flood Risk Management' requires more vulnerable uses, such as housing, to be located above ground level (which is achieved in this case). In addition, CS67 requires the provision of adequate on and off-site flood protection measures; and for the resilience of the building to flood damage. The Environment Agency response to this application gives additional weight to these needs, and recommends that the Local Planning Authority consider whether the flood risk assessment is adequate. This includes the implementation of measures guaranteed by condition upon issues including the position of the finished floor levels.

To improve the resilience of the building to flood risk, there is a need for the finished ground floor levels to be set no lower than 70.5m above Ordnance Datum (AOD), which is agreed within the submitted Flood Risk Assessment (FRA) – whereby a freeboard of 600mm above the back of pavement levels for the proposed ground floor units are proposed to be provided at 71.3m AOD for the smaller A1/B1 unit, and 70.9m AOD for the remainder of the units and the rear

stairwell (p. 5). There is a basement proposed beneath the ground floor, which is more susceptible to flooding. However, none of the accommodation here is highly vulnerable, with no living accommodation proposed. There will be a need for the applicant/developer to demonstrate suitable measures to mitigate against the risks of flooding to the basement accommodation, such as measures to protect equipment and reduce water flow into this area in the event of a flood event. This can be secured by a condition.

There is a need for a Flood Plan to ensure that occupiers of the building are aware of a suitable evacuation strategy. Such a plan had been formally agreed for the previous scheme, as part of the discharge of planning conditions. This scheme will require the submission of tailored plan for this development in order to respond to the flood risk caused by the development.

It has been demonstrated under the previous scheme that a form of sustainable drainage to reduce the run-off on site by 30% can be achieved, and it is understood that the works have been fully implemented already in the form of water storage under ground. However, as the built form of the development in this case differs from that of the former, a requirement for the developer to demonstrate that the system in place is adequate will be reserved by condition.

These conditions would ensure that any vulnerable equipment on the ground floor of the proposed development will remain dry in the event of flooding ensuring compliance with CS67(n) this development would constitute flood resilient construction in accordance with CS67 (o), in addition to mitigate against risks to the basement space.

Design:

Paragraph 56 of the National Planning Policy Framework states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”

UDP policy BE5 requires good design and the use of good quality materials in new buildings. Part a) requires buildings to complement the scale, form and architectural style of surrounding buildings. Part d requires design to be on a human scale, with the overall mass of buildings broken down. UDP policy H14a requires buildings to be in scale and character with the local area. Core Strategy policy CS74 ‘Design Principles’ further emphasises the need for good design, with part c requiring that development respects and takes advantage of the townscape and landscape character of the city’s districts, with their associated scale, layout and built form, building styles and materials.

In this case, the proposed building will be well designed and will utilise high quality materials. At ground floor, the acid etched concrete frame between the glass fronts will offer a suitable framing material that will help to anchor and define the building, with the glazing set back slightly to add additional emphasis. The building

will be quite lightweight upon the upper stories, assisting with the visual grounding of the building further still. Samples of the concrete cladding have been received, and are of good quality appearance, which will also assist with the appearance of the side elevations where the material will cover a significant proportion of the upper floor walls. The use of blue/black brick will be complementary and will offer suitable material for the base and servicing areas of the building. Upon the upper floors, the use of coloured glazing will create visual interest, and a vertical design emphasis that will be countered by the horizontal width and horizontal aluzinc cladding. The aluzinc is a good quality material, and will help to frame the main front windows horizontally, whilst providing a suitable muted high quality finish to the rear elevation.

With regards to the roof, the proposal seeks to install a flat roof (onto which a brown roof system will be installed) with the installation of plant and PV arrays upon the roof, hidden from view by the parapet. The plant and equipment will be mostly hidden from view, being centrally sited on the roof in a location not overly prominent from ground floor level. The roof will feature an overhanging decorative canopy, which will offer visual interest to the roof.

The service areas to the building will face Beeley Street, which is appropriate given that the service areas of the buildings to the North of the site also face this road, in addition to the presence of the petrol station, which offers no distinct frontage onto this road.

With regards to the access to the apartments, these will be also on the rear of the building. This has an advantage of not breaking up the main frontage, but does raise the issue of making the residential access less prominent as a main entrance. Efforts to temper this problem have been made through the use of glazing to the main entrance area to make it more prominent upon the rear, in addition to the position of a canopy. On balance, such a system does work in making the entrance suitably evident as the main access point upon the rear elevation, and frees the front elevation for retail activity

Information regarding the potential advertising for the retail units has been received within amended plans received on 01/10/2012. The signage will be behind the glazing, and will be suitably scaled. Full information on final signage would depend upon the occupiers of the units, and will depend on potential advertisement regulations applications in the future to ensure that the signs are in character with the building.

The form of the structure is considered acceptable in that the visible form will help define the curvature of the street, whilst the height will help emphasise the importance of the key junction just outside of the City Centre. The height is in scale with the height of buildings in the vicinity, including the Forge development opposite and the taller Leverton Gardens towers, which are within 100m of the site. Buildings on the same side of London Road are reasonably large in scale, at 3 storeys in height, and will not look out of scale in conjunction with the 6 storey block proposed.

The facing materials for buildings in the vicinity of the site differ significantly, from more traditional brick and render utilised on the lower rise buildings fronting London Road, to the use of more modern materials, including zinc cladding, upon taller buildings including the Forge. In this context, the taller and more modern style of this building does lend itself will towards the utilisation of the materials chosen, which will not be out of character with the area considering the variety of styles visible in the local area.

Efforts have been made to add visual interest at ground level upon all sides of the building. In addition to the main frontage, a glazed front is proposed upon the main side elevation on the North elevation of the building, plus glazed elements to the West elevation facing towards Boston Street. The glazed entrance to the apartments will add some active frontage to the rear elevation, which by necessity needs to be less active in order to accommodate the servicing areas. Above ground floor, there is overlooking from the residential units on all sides, assisting with passive surveillance.

It is therefore considered that the proposal meets the aims of policies BE5 and CS74 in design terms.

Building for Life (BfL):

CS74 recommends that schemes achieve a Building for Life rating of at least 'good'. The BfL criteria aim to improve the quality of housing, in line with the general aims of section 6 within the NPPF.

In this case, an assessment has been undertaken and indicates that the scheme falls marginally short of this target this target. It should be noted, however, that several of the BfL questions do not apply as the development is not large enough to require the addition of certain elements, and does not contain some of the elements the assessment refers to (e.g. parking, open space).

As a result, it would be unreasonable to argue that the scheme fails to meet the relevant criteria of Building for Life in this instance

Impacts upon Neighbouring Residential Amenities:

The closest neighbouring building will be to the North of the site, which forms a Chinese restaurant, with what appears to be residential accommodation above. Two secondary windows on the side of this unit will face towards the residential block. However, the position of these windows will be opposite the blank side wall of the premises. As they are secondary windows, loss of light will not be significant. Other neighbouring properties are suitably distant so as to not be significantly impacted by the proposal.

Amenities of Occupiers:

All of the rooms within the cluster-flats will have reasonable floor areas, and have a suitable outlook, in accordance with the aims of policy H5. All of the spaces will be

above ground level, and will enjoy suitable privacy. All of the rooms will have a suitable outlook, with very little obstruction to light.

Although the site is in a heavily trafficked location, noise report findings in support of the application indicate that suitable noise levels can be maintained within the living accommodation to not cause unreasonable disturbance. Conditions referring to any potential use of the ground floor units will be needed to ensure that the hours of operation and any potential extraction systems do not cause significant residential amenity problems.

There is no external amenity space for residents. However, the limited site footprint renders this very difficult to successfully achieve, and occupiers are in close proximity to public open space within the City Centre and at the nearby General Cemetery.

Mobility Housing and Accessibility:

Paragraph 159 of the NPPF states that local authorities need to address the need for all types of housing, including the needs of different groups in the community (including people with disabilities).

In the case of this development, all the living accommodation offers accommodation with turning circles and level access. 10% of the spaces are proposed as mobility units, with full wheelchair turning areas and level bathroom furniture to allow for mobility users to utilise the unit without having to undertake any significant adaptations. In this case, the provision is therefore considered adequate. Access into the cluster flats can be achieved utilising level thresholds.

UDP Policy BE7 'Design of Buildings Used by the Public' requires the provision of safe and easy access to public spaces. With regards to the ground floor units, level access will be available into the two smaller units, whilst a suitable form of platform lift is proposed for the larger unit. In addition, the service areas will all provide wheelchair access, including suitable ramps and turning circles into the two smaller retail units from the rear.

No disabled parking is proposed. Although originally proposed, the spaces were not secure and severely compromised the overall layout of the ground floor. However, the site is very accessible, justifying its development as a car free development. In this context, it is not considered that such provision is necessary.

Highways and Transportation:

Paragraph 39 of the NPPF requires authorities to judge local parking standards upon issues including the accessibility of the development; the type, mix and use of development; and the availability of and opportunities for public transport.

The highly sustainable location, given the proximity to local amenities and the two university campuses leads to the zero on site parking provision being considered to be acceptable. The area is subject to significant highway restrictions, with the Lansdowne; Napier; and Highfield Parking Permit schemes covering all the

surrounding streets. As a result, it will not be possible for users to cause significant parking congestion on neighbouring residential streets.

The servicing for the site can be easily achieved as access from Beeley Street is available, and offers significant space for vehicles to temporarily park for servicing the unit.

The current layout shows the provision of 16 cycle storage spaces. This is considered to provide cycle accommodation for a reasonable proportion of the potential residents. In order to ensure these are secure spaces, details will be required by condition.

The site is within easy walking distance of all amenities and offers safe and convenient pedestrian access.

Overall, the proposal is considered to comply with the relevant aspects of UDP policy S10 (part f) which requires developments to provide safe access to the highway network and appropriate off-street parking not endangering pedestrians.

Environmental Sustainability:

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

The economic and social issues regarding the regeneration benefits and suitability of the land uses, and the social issue regarding the provision of housing types have been assessed above. The third dimension, the environmental role, requires development to contribute towards enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Core Strategy Policies CS64 and CS65 require the provision of measures to reduce Carbon emissions from the proposed development, including the use of renewable energy if practicable and viable. Conditions will be implemented to require information to be received to demonstrate that this will be achieved.

Information from the agent has been received indicating that measures including the use of solar panels and the use of insulated metsec wall panels, a highly insulated brown roof, and ventilation systems with heat recovery will enable the development to achieve BREEAM rating 'very good', The panels will enable 10% of the buildings predicted energy needs to be met.

Additional information involving a BREEAM assessment and figures on the predicted energy needs will be needed in order to fully confirm that the above measures will be met and complied with, and will be secured by condition.

Affordable Housing:

As referred to above, the site is in a highly sustainable location, involves development of a previously developed site, and provides measures to ensure flood resilience. It is therefore considered that it meets the requirements of policies CS43, CS64 and CS65 from the Core Strategy.

Policy CS40 of the Core Strategy requires developers of all new housing developments to contribute towards the provision of affordable housing where this is practicable and financially viable. The Council's 2009 Interim Planning Guidance contains guidelines for the application of the policy, and clarifies within Guideline 1 that the threshold for seeking contributions is 15 or more dwellings (or 60 or more student bed spaces in purpose built student housing schemes). Guideline 2 identifies the target contribution level of equivalent to 30-40% of the units on the site.

The applicant in this case has made an offer equivalent to meeting the 30% affordable housing figure, in the form of a financial contribution to off site provision. This equates to a financial contribution of £212,746.50 and is in line with CS40.

The contribution would need to be secured through a Planning Obligation under section 106 of the Town and Country Planning Act 1990. The applicant has agreed to enter into an agreement to secure this contribution.

Open Space Policies

Policy H16 of the UDP requires the developer to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site, where it can be demonstrated that a shortfall in provision exists, or existing facilities are in need of enhancement. In this case the contributions required relate to informal open space and sports facilities (as the site is more than 1200m distant from the closest University Sports facility. Contributions towards children's play facilities would not be justifiable given the nature of the accommodation. .

The required contribution, based on the amount of proposed accommodation is £12,689.60. A commitment toward making this contribution will need to be secured via the completion of a legal agreement.

SUMMARY AND RECOMMENDATION

The application seeks planning permission for the construction of a 6 storey building on a vacant brownfield site, to provide 90 student bed spaces within 10 separate flats. Also proposed are three retail spaces.

The proposal will clearly achieve a building which makes an appropriate contribution to this part of London Road, effectively adding to the retail frontage which is presently fragmented at this point. The physical impact will assist with repairing the built form of the street and will improve market confidence in the local area.

The range of uses sought are in line with the recommendations of Core Strategy policies CS30 (part a) and CS34.

There is conflict with the requirements of Policy CS41 owing to the high proportion of shared housing in the area. However strict application of this policy is considered unreasonable in this instance.

The development is considered to have an acceptable impact in highway safety terms and provide an appropriate quality of amenity for its potential residents. It would provide satisfactory measures in sustainability terms and satisfy the relevant local and national retail policies.

Due to the proposed location of residential development within Flood Zone 3 and the absence information to demonstrate the absence of alternative development sites, the scheme fails the sequential test with regards to siting residential development in lower risk flood areas. As such, the development is contrary to the aims of Core Strategy policy CS67 in addition to CS41, and is additionally not in accordance with national policy on flooding as set out by the National Planning Policy Framework. However, this conflict has to be set against the positive benefits of the scheme with regards to its sustainability credentials, the regeneration benefits, and the positive contribution to housing supply and affordable housing contribution. In line with the previous decision for 08/03012/FUL by the Secretary of State, which was a similar scheme, this assessment concludes similarly that the benefits outweigh the conflict with the development plan and national flooding policy. Suitable flood mitigation measures and a suitable evacuation plan are required as part of this decision to reduce the flooding risk.

The development is considered to satisfy the other relevant UDP and Core Strategy policies. Therefore the scheme is considered to be acceptable and approval, subject to the completion of a legal agreement, is recommended.

HEADS OF TERMS FOR LEGAL AGREEMENT

1. The owner shall, on or before the commencement of development, pay to the Council the sum of £12,689.60 to be used towards the provision of enhancement of Open Space within the vicinity of the site.
2. The Owners shall pay to the Council on or before the Commencement of any Development the sum of £212,746.50 (two hundred and twelve thousand, seven hundred and forty six pounds and fifty pence) to be used by the Council towards the provision of affordable housing in the City by means of new build, purchase, refurbishment or conversion, according to strategic priorities and in accordance with the principles set out in the Council's interim supplementary planning guidance "Affordable Housing".
3. The Owner shall ensure that all future occupiers of the Development and any person concerned with the management of any part of the Development register with the Flood Warning System upon first occupation of any part of the Development and remain registered throughout their occupation or

management of any part of the Development, and the occupiers of the development shall remain registered with the Flood Warning System for the duration of their occupation of the Development.

4. No part of the Development shall be occupied until the occupier of such part or any person concerned with the management of any part of the Development registers with the Flood Warning System, and this shall include all successors in title to the Owner or any occupier of any part of the Development for such time as the Development continues to exist as a built form on the land.

Case Number 12/01976/FUL (Formerly PP-02062706)

Application Type Full Planning Application

Proposal Alterations to basement to form additional living accommodation, provision of escape window at basement level with metal railings and gate above lightwell (In accordance with the amended plans and details received on the 29th August 2012 (Drawing numbers 02 revision A and 03 revision A))

Location 32 Crescent Road
Sheffield
S7 1HN

Date Received 03/07/2012

Team SOUTH

Applicant/Agent AB Basements

Recommendation Refuse with Enforcement Action

Subject to:

- 1 The Local Planning Authority considers that the presence of a black metal railing in the position and manner proposed around the top of the lightwell is not a traditional feature for a property of this style in the Nether Edge Conservation Area. The Local Planning Authority consider that the lightwell safety railing will appear as a random addition to the property and an over-elaborate, incongruous and alien feature when viewed in the street-scene and therefore will have a negative impact on the character and appearance of the property, and of the Nether Edge Conservation Area and would undermine the aims of the Article 4 (2) Direction. In this respect therefore, the proposal will be contrary to Policies BE16 and BE17 of the Sheffield Unitary Development Plan.

Attention is drawn to the following justifications:

1. In reaching this decision the Board gave particular weight to UDP Policies BE16 and BE17.

BE16 - Development in Conservation Areas
BE17 - Design and Materials in areas of Special Character or Historic Interest

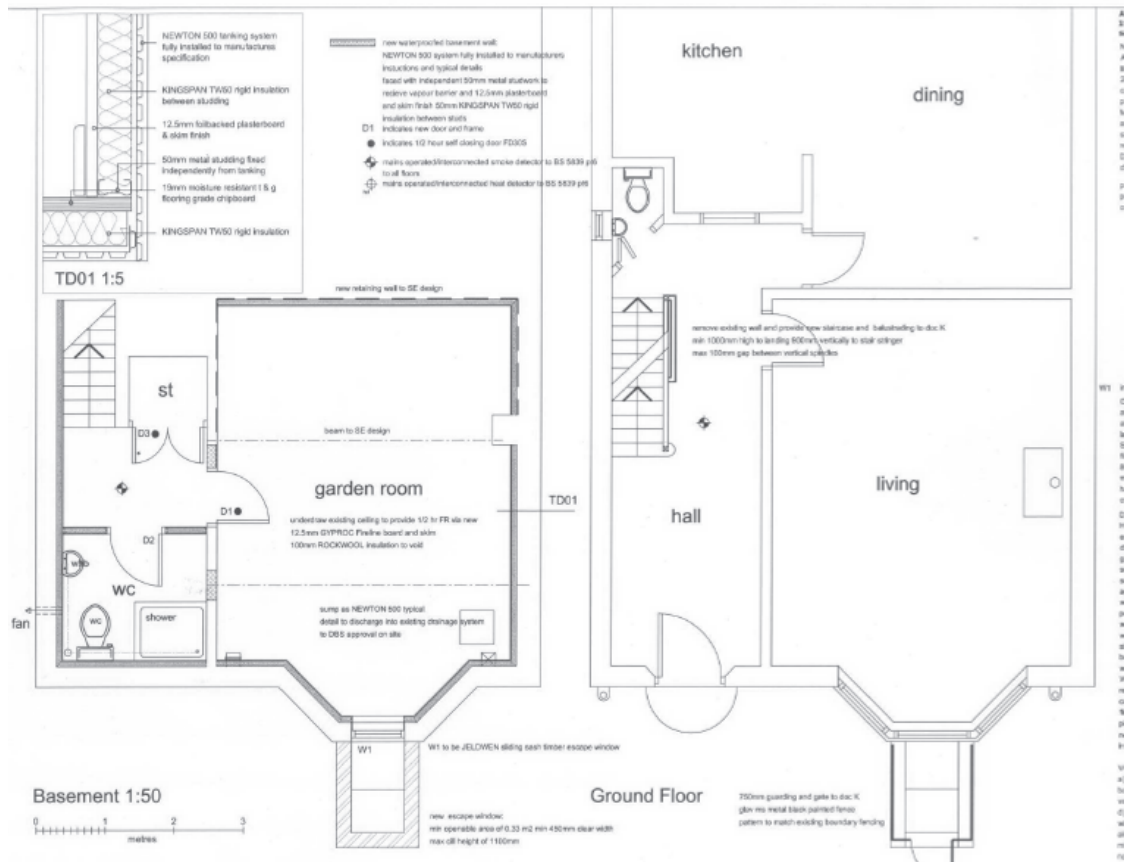
Attention is drawn to the following directives:

1. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the lightwell safety railing. The Local Planning Authority will be writing separately on this matter.

Site Location



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LOCATION AND PROPOSAL

This is an application for alterations to an existing dwelling located in a Housing Policy Area in the Nether Edge area of Sheffield. In addition to the Housing Policy Area, the site is also located within the Nether Edge Conservation Area where an Article 4 Direction is in operation preventing any external alterations at the front of a property, without first applying for planning permission.

The proposal seeks retrospective consent for the provision of a lightwell/escape window at basement level at the front of the property. The proposal also includes the installation of new metal railings (and gate) above and around the top of the light-well. The additional living accommodation is not separate accommodation to the main dwelling, but is integral to its current use as a dwelling.

The application property is located close to the corner junction between Crescent Road and Empire Road. The property is a large two-storey detached stone-built dwelling with a slate roof. The property is bounded at the front by a low-level natural stone wall with a black ornate metal railing fence above (a hedge sits immediately behind the low wall and ornate fence). The site frontage also includes a vehicular access gate that is constructed of the same black ornate metal (and in the same style) as the boundary fence.

The front garden of the property is predominantly blocked paved; however, there is an arc-shaped border/delineation that creates a separate landscaped area which incorporates some ornamental trees, plants and shrubs. The front garden area slopes down from the house towards the public footpath and as a consequence there is a change in ground level of approximately a metre. The property is set back from the front boundary by approximately 10 metres.

SUMMARY OF REPRESENTATIONS

No representations received.

PLANNING ASSESSMENT

The house is located in a conservation area, therefore UDP policies BE16 'Development in Conservation Areas' and BE17 'Design and materials in areas of Special Architectural or Historic Interest' will apply. The location is also a housing area, so UDP policy H14 will also apply.

The principle of the conversion of basements into habitable spaces is generally considered to be acceptable providing the new window or light-well is proportionate to the front elevation. The window opening proportion being proposed is considered to be acceptable. Any replacement windows within a Conservation Area should be constructed in timber (as this is a traditional material).

The constructed light-well is of a suitable size for the property, whilst the stone used to surround the lightwell is of sympathetic design. Due to the drop of approximately 1.3 metres from ground level to the base of the lightwell it is

necessary to have some form of guard for safety purposes. In this instance, the applicant has installed black metal vertical railings around the lightwell. The black vertical metal railings have the same ornate style/pattern to the existing boundary fence and gate along the site frontage. The railing and lightwell is positioned immediately to the front of the existing front bay window and has visible dimensions that measure approximately 1.4 metres wide by 1.4 metres deep, the height of the railing is approximately 750mm.

The black metal railing around the top of the light-well has a negative impact on the character and appearance of the dwelling and Conservation Area and represents an alien feature within it. The original property would not have been designed with such railings over the basement and, the railings appear highly visible from the public footpath and thereby set an unwelcome addition. They do not relate directly to an original feature of the dwelling and appear as an almost random addition.

The location of the railings directly in front of the bay window and surrounding a lightwell is not traditional to the Conservation Area. Whilst it could be argued that the railings will be partially obscured from the highway by the existing front boundary wall, fence, hedge and ornamental trees, the light-well railing can be seen through the existing boundary gate opening along the front boundary, and as such, the lightwell railing can readily be seen from the public domain. In this context, it is considered that the proposal would be harmful to the character of the Nether Edge Conservation Area, and as such would be contrary to Policies BE16 and BE17 of the Sheffield Unitary Development Plan.

The Nether Edge Conservation Area appraisal 2002 identified several minor alterations of properties as harmful, incremental erosion of character of the Conservation Area and recommended the introduction of the Article 4 direction to exercise control and a way of gradually restoring character. The Article 4 was subsequently introduced in 2005. The railings as built are a typical example of a small-scale alteration that contributes to the gradual erosion of character and undermines the area's "Conservation Area" status. The approval/retention of the railing would repeat the mistakes identified by the Conservation Area appraisal and undermine the aims of the Article 4 direction.

Other than from the above-mentioned conservation aspect, it is not felt that the proposal will harm the living conditions of any neighbouring or nearby residents. The proposal does not raise any highway safety issues.

ENFORCEMENT

The metal railing around the top of the basement lightwell has been constructed without the benefit of planning consent and is considered to be unacceptable. Consequently, it will be necessary for Members to authorise officers to take appropriate action including, if necessary, enforcement action to secure the removal of the railing.

However, the light-well itself does not raise any significant issues and no further action is therefore recommended on that aspect of the proposals.

SUMMARY AND RECOMMENDATION

This is a retrospective application for the construction of a basement lightwell with an ornate metal railing around the top of the lightwell. Whilst the lightwell itself is considered to be acceptable, officers feel that the ornate railing represents an incongruous and inappropriate feature that will be harmful to the character of the dwelling and of the Nether Edge Conservation Area and would undermine the aims of the Article 4 Direction. In this regard, officers consider that the proposal is contrary to policies BE16 and BE17 of the Sheffield Unitary Development Plan.

It is therefore recommended that the application is refused and authority is given to the director of Development Services or Head of Planning to take all necessary steps, including Enforcement Action and the Institution of legal proceedings, if necessary to secure the removal of the existing metal railing (located around the top of the basement light-well).

Case Number	12/01943/FUL (Formerly PP-02024308)
Application Type	Full Planning Application
Proposal	Erection of 5 x 8 m high floodlights to provide additional floodlighting for 2 tennis courts
Location	Brentwood Lawn Tennis Club Brentwood Road Sheffield S11 9BU
Date Received	29/06/2012
Team	SOUTH
Applicant/Agent	Barrs & Co Chartered Surveyors
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority consider that the proposed development would be detrimental to the amenities of the locality and to the living conditions of nearby residents owing to the additional general disturbance which would be generated by the extended hours of use at the club. The proposal is therefore contrary to Policy H14 of the Unitary Development Plan.
- 2 The Local Planning Authority consider that proposed development would result in an unacceptable degree of light spillage and glare to occupiers of neighbouring residential property. In this respects the proposal is contrary to Policy H14 of the Unitary Development Plan.

Site Location



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LOCATION AND PROPOSAL

The application relates to a pair of tennis courts at Brentwood Tennis Club. The club is accessed from Brentwood Road, and occupies an area straddling the road and bounded on all sides by residential property.

The site falls within an allocated Housing Area as identified in the adopted Sheffield Unitary Development Plan and also within the Nether Edge Conservation Area.

The courts, to which the application relates, are bounded to the north by Brentwood Road, to the west by the club house and a further tennis court, to the south by the rear gardens of dwellings fronting Brincliffe Edge Road and to the east by the residential curtilage of No. 11 Brentwood Road.

The site as a whole is located on ground rising from north to south and the courts in question lie in an elevated position relative to the highway of Brentwood Road.

The difference in level from courtside to back edge of footway is estimated at 2 metres.

The sole building on the site is a single storey clubhouse located adjacent Brentwood Road.

A single court within the site is already floodlit, this being the court lying to the west of the clubhouse. The court is lit by 8 small floodlights mounted on poles rising to a height of approximately 6 metres. The use of the floodlights on this court is restricted to 21:00 hours in the evenings.

Permission is sought to erect 5 floodlighting columns, each 8 metres in height. Four of these columns would be located in the extreme corners of the two courts and carry 3 luminaires each. The fifth would be located adjacent the club house and carry a single luminaire.

RELEVANT PLANNING HISTORY

Planning permission was granted in 1985 (85/00433/FUL) for the erection of the 8 existing floodlights. This permission carried a condition limiting the use of the floodlights to 21:00 each night in the interests of residential amenity.

Permission was refused at City Centre, South and East Committee in December 2011 (11/02883/FUL) for an extension of hours of use for the single court currently lit by floodlights.

The application was refused for the following reason:

1. The Local Planning Authority considers that the additional hour of illumination of the tennis court by floodlighting would result in a significant increase in the period of nuisance caused to neighbouring residents by light spillage and glare, to the detriment of their living conditions. As such the proposal is contrary to the aims of Policy H14 of the Unitary Development Plan for Sheffield.

SUMMARY OF REPRESENTATIONS

There have been 6 letters of objection to the scheme and 5 letters of support including correspondence from the Yorkshire Lawn Tennis Association.

Summary of points made

Letters of support

- The additional court time will:
- Enable an extension of the junior programme.
- Increase the number of people able to participate in the sport.
- Support club/school links with all year round opportunities for evening play.
- Assist in making club self sufficient
- Support the clubs ongoing coaching programme

- Promote active living.

Letters of objection

- There is already light pollution, and the proposal would intensify the amount of light/glare to the detriment of residential amenity.
- The proposal would adversely affect wildlife in the locality.
- Noise nuisance associated with court use will be intensified by the ability to use the courts throughout the Winter months.
- Intensification will result in increased disamenity from noise through comings and goings to the club.
- There is inadequate on street car parking, no off street car parking and any intensification of use would exacerbate existing problems with manoeuvring on the street.
- The floodlight stanchions will have an adverse visual affect on the locality and Conservation Area.
- The proposal would add to general light pollution to the detriment of those observing the night sky

Other matters

- The club has not accepted an invitation from the Lawn Tennis Association to establish whether the scheme meets national guidelines.
- The luminaires are not of a bespoke design specifically for tennis courts but are instead lights for more general purpose.
- A multiple court lighting scheme is not energy efficient.
- Lighting the more northern courts would be a better idea.
- It is erroneous to suggest that the benefits of the scheme are principally for junior members.

PLANNING ASSESSMENT

Policy

National Planning Policy Framework

Para 125 states:

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

Core Strategy Policy CS74 states:

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

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

The site lies within an allocated Housing Area and within Nether Edge Conservation Area as defined in the Sheffield Unitary Development Plan. Relevant policies are therefore:

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

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

(c) the site would not be over-developed or deprive residents of light, privacy or security...

and, for non-housing (C3) uses, provided that it would also:

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

Policy BE16 'Development in Conservation Areas' states that:

In Conservation Areas permission will only be given for development, including erection of buildings and changes of use from originally intended uses of buildings: 'which would preserve or enhance the character or appearance of the Conservation Area'

Assessment

Physical presence of lighting columns

The immediate locality is characterised by a suburban pattern of residential development with detached and semi-detached houses set in mature gardens. The courts themselves represent a somewhat anomalous appearance in this setting with their high boundary fence. However, the boundary fence rises to a height of approximately 4 metres and has a 'permeable' visual aspect. As such it does not dominate the immediate locale.

The existing lighting columns have the appearance of timber telegraph polls rising to a height of 6 metres. These are seen, in the main, against a backdrop of trees lying to the west of the site on Brentwood Avenue.

The proposed lighting columns would rise to a height of 8 metres and have a diameter of 114 mm. Columns on the east side of the court would be located close to the garden space of residential property and those closest to the road would be elevated an additional 2 metres above the highway giving them an effective height of 10 metres.

However, the columns themselves are of limited diameter and the lighting fixtures are relatively conservative (each luminaire measuring 410mm by 310 millimetres).

Hence, whilst the columns and lights would undoubtedly have a presence within the street scene it is not considered that they would have so detrimental an effect on visual amenity so as to support a reason for refusal.

The proposal is therefore considered acceptable in terms of its visual impact on the street scene and the Conservation Area.

Lighting

The tennis courts are located in a Housing Area and surrounded on all sides by residential properties. As such the level of artificial lighting in the evening and night time hours is commensurate with this type of use with internal/external domestic lighting and street lighting the main contributors to night time illumination. The existing low level floodlighting on a single court is considered to add a further layer of light but this is felt to be subdued and limited in intensity.

Hence, whilst the locality could not be described as a 'dark' area akin to rural or semi rural areas the 'ambient' light levels in evidence are relatively low in the evening/night time hours. It is considered that the proposed lighting scheme will introduce an entirely different type of light source both in terms of scale and luminance.

A luminance isometric has been submitted with the application indicating that a lighting level of 30 lux will occur at the nearest residential property. (No. 11 Brentwood Road). It is therefore apparent that luminance levels at residential dwellings will exceed 10 lux. The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light', recommends a level of lighting not exceeding 10 Lux, for this type of area.

The conclusion in this instance must be that the ILE's guidelines will be breached with regard to direct light spill onto adjacent residential property.

In addition, whilst illumination further afield is difficult to assess definitively, given the information submitted, all of the properties that share boundaries with the courts (and many beyond) will experience the glow of the courts from main aspect windows in their front or rear elevations, where currently they enjoy only

natural/ambient light or the lower level illumination of street lighting or the existing light from the single illuminated court.

The lighting system employed does not appear to be a bespoke system for outdoor sport but rather one generally employed to light car parks or service yards. The luminaires themselves (Deluce Shield II) do not appear to have anti spill cowls and to all intents and purposes appear as larger versions of typical domestic security lighting. The manufacturers own website refers to the system as 'ideally suited for industrial and commercial installations'. This gives rise to serious concerns regarding the ability to direct light with a minimum of spillage.

In conclusion it is considered that both in terms of direct light spill to No.11 Brentwood Road and the general change in character to this residential area that would arise as a result of floodlighting the proposal is unacceptable with regard to Policies H14 and CS74.

Intensification of Use

During the Summer months (without floodlighting) play on all courts would be possible until approximately 22:00 hours. Currently play is more considerably more limited in the Autumn and Winter. Introduction of two additional floodlit courts would enable a more extensive use of the courts in question up until 21:00 hours during these months (were the hours of use be similarly conditioned to the existing floodlit court).

As a result of such an extension of playing hours any disturbance caused by noise generated not only on the courts themselves but also from the coming and going of club members/visitors/guests would also be extended.

Since the clubs activities at the site date back a considerable time it is accepted that the later evening play and associated activity during the Summer months is a given and that the planning system cannot offer any greater protection to local residents in regard of disturbance during this periods.

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

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

It is therefore considered that the introduction of additional floodlights would have a deleterious effect on the amenity of occupants of neighbouring residential property and the wider locality and the proposal would therefore be contrary to Policy H14 of the Unitary Development plan.

Lighting and the wider environment

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

Sport in the community

The National Planning Policy Framework at Paragraph 73 states:

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

Unitary Development Plan policy LR2 states:

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

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

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

The additional hours may also enable an expansion of the coaching programme at the club.

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

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

Highways matters

There are a limited number of courts on the site and only a single court that is currently fitted with floodlights. Even with the addition of two further courts being floodlit there would be a certain self limiting affect on the numbers able to play at any one time.

Anecdotal evidence suggests that on street parking does occur but strictly in terms of highway safety the situation in the Winter months would be no greater than that occurring at other times of the year.

Other matters

The majority of matters raised in objection letters have been dealt with in the main body of this report.

Bats

The potential impact of the floodlighting on the local bat population has been raised by an objector. Bat vision works best in dim light. This vision can be interrupted by greater luminance, thus causing disruption in natural patterns of movement and foraging. However, Pipistrelle are known to swarm around lighting that emits in the blue/white spectrum as this attracts insects. Research suggests that hoods which restrict light emission below the horizontal plane reduces potential impacts on bat activity. In this case there is insufficient evidence that this state of affairs could be achieved given the apparently primitive design of the luminaires. However, the exact extent of any effect on the local bat population is difficult to quantify. Given the recommendation in this report no further research has been undertaken but, even given the luminaire design it is not considered that a robust reason for refusal can be based on potential foraging disruption.

Energy efficiency.

It is not considered that an accurate appraisal of energy efficiency can be made since the degree of potential court activity relative to floodlight use cannot be determined at this time.

RECOMMENDATION

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

It is considered that the floodlights will cause both direct light intrusion towards neighbouring properties and alter the evening/night time character of the immediate locality.

It is also felt that the additional activity engendered by an additional hours of play on the courts with associated vehicular movements, is likely to represent a tangible impact on residential amenity.

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

It is therefore considered that, the proposed development is contrary to the intentions of the National Planning Policy Framework, Policy CS74 of the Core

Strategy and with UDP Policy H14 and so it is recommended that permission be refused.

Case Number	12/01933/FUL (Formerly PP-02051011)
Application Type	Full Planning Application
Proposal	Reorganisation of depot site including demolition of buildings and provision of new salt barn, modular two storey mess building, new green waste bays and alterations to side entrance gates and walls, alteration to existing building to create offices and additional parking (Amended Scheme)
Location	Sheffield City Council Olive Grove Depot Olive Grove Road Sheffield S2 3GE
Date Received	29/06/2012
Team	SOUTH
Applicant/Agent	Amey
Recommendation	Grant Conditionally

Subject to:

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

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

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

Appendix B/1 P1, Appendix B/2 P2, Appendix B/3 P2, Appendix B/5 P1, Appendix D P0, Appendix C P2, Appendix E P2, Appendix F P1.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

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

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

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

In order to ensure an appropriate quality of development.

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

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

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

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

- 7 Before the use hereby permitted begins, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of lighting from the development on adjacent dwellings. The report shall be carried out in accordance with The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution 2000' and the development shall thereafter be carried out in accordance with the approved details.

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

- 8 In the event that any unexpected contamination is encountered at any stage of the development process, the Local Planning Authority shall be notified immediately. This will enable consultation with the Environment Protection Service to ensure that the site is developed appropriately for its intended

use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.

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

- 9 No buildings/structures shall be erected within 3 metres of the public sewer.

To ensure satisfactory drainage arrangements.

- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

To prevent pollution of the Water Environment.

- 11 The development hereby permitted shall not be commenced until such time as a scheme to improve the surface water disposal system has been submitted to and improved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

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

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

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

- 13 The development shall not be used unless the car parking accommodation for 240 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

- 14 Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles,

including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

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

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

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Fringe Industry and Business Areas

BE8 - Access to Workplaces

CS2 - Business and Industrial Development on Brownfield and Greenfield Land

CS3 - Locations for Office Development

CS51 - Transport Priorities

CS53 - Management of Demand for Travel

CS64 - Climate Change, Resources and Sustainable Design of Developments

CS65 - Renewable Energy and Carbon Reduction

CS67 - Flood Risk Management

CS74 - Design Principles

Overall it is considered that the development complies with the relevant policies and proposals in the development plan and would not give rise to

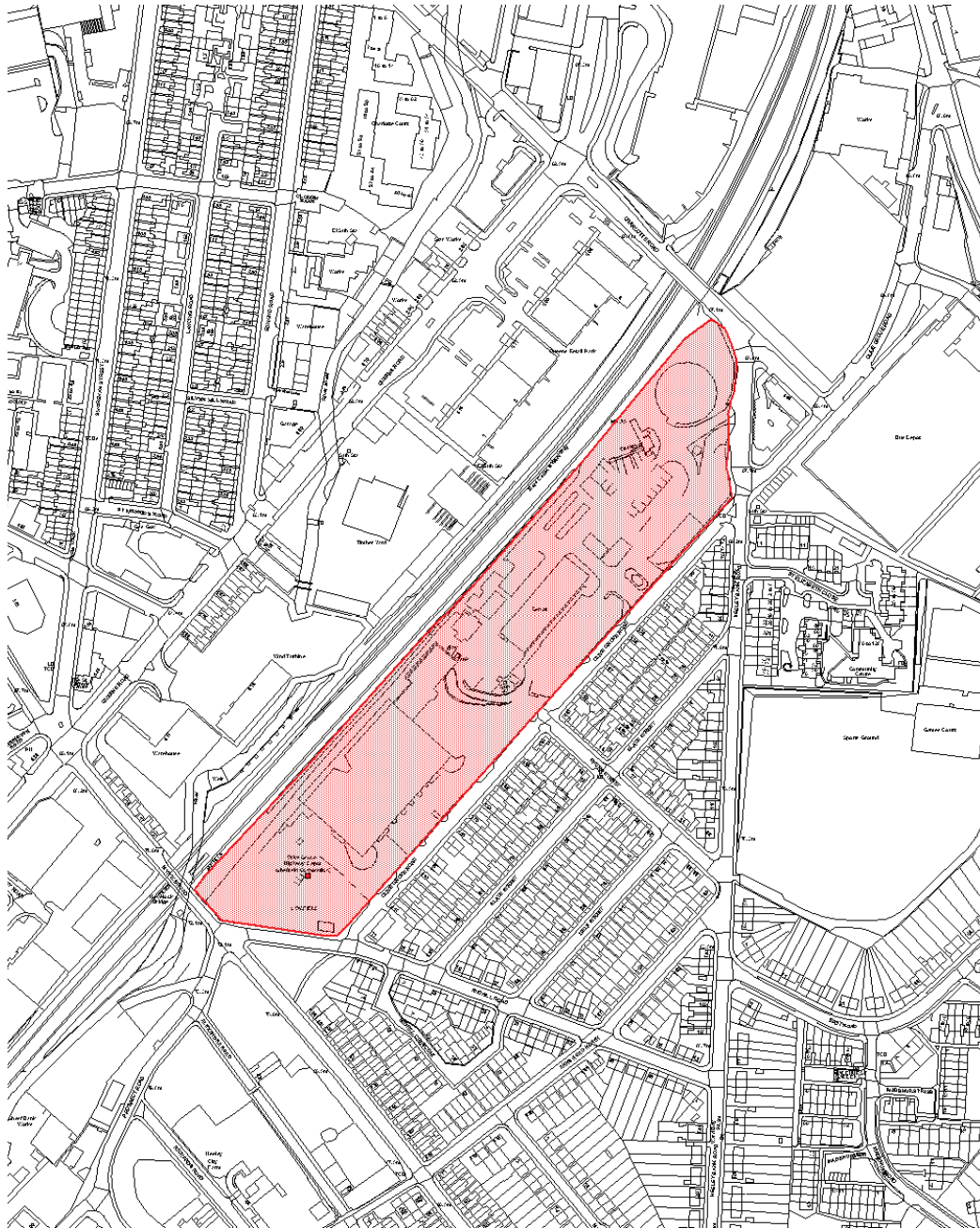
any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
4. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.

Site Location



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which are the subject of the application and those which fall into the category of permitted development.

RELEVANT PLANNING HISTORY

There are numerous planning applications for the site that all relate to the long established depot use. The earliest of these is ref. No. 78/04541/FUL.

SUMMARY OF REPRESENTATIONS

Two rounds of consultation with local residents have taken place, the first on the original submission and the second on the amended scheme.

The first round resulted in 5 letters of objection. The comments are:

The site already generates a lot of noise and disturbance that affects people living opposite on Olive Grove Road and this proposal will increase this.

The areas marked 2 and 3 on the plans will be used on a 24 hour basis increasing noise and disturbance. At present, work starts at about 5.30am and workers shout to each other with no regard to neighbours.

Smells from waste.

Additional noise from the new salt barn, particularly the loading of salt onto lorries which currently takes place outside. It is especially noisy in winter.

Detrimental impact on air quality.

Extra traffic on Olive Grove Road.

HGV lorries make noises when driving over speed humps on Olive Grove Road.

Danger to children playing on Olive Grove Road.

Dust from the site.

This use should be in an industrial area, not residential.

The second round comments attracted objections from 4 addresses and many of the same comments as round one. These will not be repeated. There were, however, additional comments which are:

The increased traffic will place additional pressure on the parking bays on Olive Grove Road currently used by local residents.

Over dominant impact of the new salt barn which is nearer to houses.

The increased height of the office block to two storeys will result in a loss of privacy affecting people living opposite.

PLANNING ASSESSMENT

Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of a Fringe Industry and Business Area. UDP policy IB6 says that the preferred uses in such areas are Business (B1), General industry (B2) and Warehouses (B8). The existing depot falls into this category and has been established for many years, and is a sui generis use, falling outside any particular use class.

As such the changes proposed must be determined on their individual merits.

UDP policy IB9 says that new development should not lead to a concentration of uses that would prejudice the dominance of business and industry in the area. This application would not affect existing business and industry as the site would remain the same.

Core Strategy policy CS2 says that priority for new business and industrial development will be given to previously developed land. Core Strategy policy CS5 says that manufacturing, distribution, warehousing and other non-office businesses will be located in, amongst other areas, the Sheaf valley.

Core Strategy CS3 deals with locations for new office development and does not identify this site as a preferred location but the extra office space proposed would be ancillary to the depot use and this policy would not be applicable.

Layout, Design and external Appearance.

UDP policy IB9 says that buildings and storage should be of a scale and nature appropriate to the site and be well designed.

Core Strategy policy CS74 expects good quality design.

The existing depot comprises a group of functional buildings that do little to lift the visual quality of the area. The most recognisable is the large cream coloured dome at the north east end of the site but the remaining buildings are of grey and red brick and grey cladding. These are one and two storeys in height and there are two depot/storage buildings which are large, one being centrally located and the other at the southern end of the site.

The amended layout shows new buildings, additional car parking and the re-arrangement of functions within the site. The layout also shows an increased amount of open storage areas, some set behind the brick boundary wall and other areas within the site. The re-sited storage areas within the depot are classed as permitted development because there is no material change to the use and no new structure. This application limits itself to the new buildings and the car parking.

The existing dome would remain but an additional salt barn is proposed in the centre of the site. An existing storage building would be demolished to allow this to be built. The plans as originally submitted showed the salt barn at the rear of the site but here it was above sewers and water mains so was not acceptable because of access requirements to these utilities.

The new salt barn would be a simple structure of single storey concrete walls on three sides with a curved green coloured fabric roof above and the front and rear ends would also be fabric above the wall. The entrance would be in the middle of the north east facing end. The barn would be 14 metres high which is about 2 metres lower in height than the existing dome, 23 metres wide and 65 metres long. The design is plain and functional but would not be out of character with existing buildings. The salt barn would be a substantial structure but would not be out of scale or over dominant because of the extent of the existing depot. Also, the barn would be about 35 metres from the boundary with Olive Grove Road and this part of the site is at a lower level than the highway.

The new two storey offices would be located at the side of the existing large storage/depot building and would be 23 metres long, 6 metres wide and 8 metres high. They would have a flat roof and cladded exterior, which would be similar to other buildings in the depot. This building would be acceptable in terms of scale and design.

At the rear of this new office building, the existing offices would be refurbished to be used as a mess area for staff, and there would be very minor alterations to the exterior of this building.

There would also be alteration to the vehicle entrances to improve visibility but the red brick boundary treatment would remain. The width of the entrance would remain the same but at each side part of the wall would be removed and galvanised fencing inserted.

The new green waste bays would be located behind the road materials storage area and would have a minimal impact from Olive Grove Road. They would be covered by a curved metal roof on a steel structure that would rise to about two storeys. The design reflects that of the salt barn and one side would be open to allow access to materials. These will contain materials to be recycled.

The internal appearance would also alter by way of storage areas being moved to different parts of the site, but as stated earlier in the report, this is permitted development outside the scope of this application.

The design, scale and external appearance of the proposed buildings complies with appropriate policy and is acceptable.

Sustainability.

Core Strategy policy CS64 deals with climate change and sustainable design of development and this requires all new buildings to be designed to reduce emissions of greenhouse gases. Designs should include solar energy, passive

heating and cooling, water recycling and other measures to reduce energy consumption.

Core Strategy CS65 seeks to reduce carbon emissions and provide a minimum of energy needs from decentralised or renewable energy.

Due to the types of construction proposed the scope for a high sustainability specification is limited. However, surface water run off will be restricted by rain water harvesting to be used to clean vehicles and sustainable drainage is proposed.

It is intended to make existing and proposed buildings more energy efficient by upgrading and improving efficiency. The design and lightweight construction of the salt barn has a low embodied energy/carbon footprint.

This approach is considered to be acceptable and in line with policy guidance.

Noise, Disturbance and Impact on Neighbours' Amenities.

UDP policy IB9 says that development should not harm the amenities of residents and Core Strategy policy CS74 says that new development contribute to sustainable and successful neighbourhoods.

The issue of the potential for increased noise and disturbance is a theme which is repeated in the representations from local residents. They say that activity at the depot starts early in the morning resulting in noise and disturbance. There is concern that the increased activities including 24 hour use will make this disturbance worse. In assessing this issue, it is not possible to take into account the re-sited storage areas because there is no planning control over this.

In terms of disturbance from the new buildings, there would be no noise and impact from the offices and the new salt barn would be about 50 metres from the nearest house. It is considered that any noise from this resulting from activities outside the barn entrance would be limited because of the distance involved.

With respect to potential over dominance and loss of privacy, again owing to the distances involved between new buildings on site and existing housing, differences in levels and the boundary wall which provides screening, there would be no detriment to neighbours here.

It is likely that additional lighting within the site will be required and a condition would be attached to control the locations and specifications of this to ensure that this does not harm the amenities of neighbours.

In this respect, the application would not be contrary to policy.

Highways, Parking, Access and Transportation.

UDP policy IB9 says that new development should be adequately served by transport facilities and provide safe access to the highway network with appropriate off street parking.

Core Strategy policies CS51 and CS53 seek to prioritise transport and manage the demand for travel.

There are access points on three sides of the depot that link the site with Olive Grove Road, Midhill Road and Heeley Bank Road/Charlotte Road. The accesses will remain, the principal one being at Heeley Bank Road, and all are likely to experience extra traffic. This is particularly relevant to the access close to the junction of Midhill Road and Olive Grove Road because the additional car parking will be mainly located here. It is proposed to improve this access to ensure that vehicles can enter and exit safely.

With respect to additional traffic generation, it is anticipated that the staff numbers on the site will increase from the existing 300 to a maximum of 460. The existing depot generates over 1100 vehicle movements per day between 6.00 am and 6.00pm. Initial information submitted by the applicant indicates that there could be in the order of 140 additional vehicle movements between 06.00 and 09.00 hours but more accurate updated information now suggests it will be closer to 90 extra movements. This period of activity is before the period of peak traffic activity between 08.00 and 09.00 hours. The movements will be spread over two vehicle entrances to the site, on Olive Grove Road, and on Heeley Bank Road. It is anticipated that these extra movements can be accommodated safely on the highway network.

There are 274 parking spaces currently within the depot with 136 being for cars and 138 for goods and maintenance vehicles. As part of the proposal, it is intended to increase the number of car parking spaces to 247, which is an increase of 111. There would also be additional parking for motor cycles, cycles and operational vehicles.

With regard to parking guidelines for the depot use there is no specific guidance due to the nature of the use but it is considered that the additional spaces will be able to accommodate the additional demand. Consequently, a major concern of local residents, namely the potential for depot workers to use the existing street parking bays, would be resolved.

The applicants have indicated a strong willingness to adopt a Travel Plan and a framework for such a plan has been submitted in support of the application. The intention would be to reduce vehicle movements in the long term by various means. The implementation of the Travel Plan would be controlled by a condition.

It is considered that the parking and access arrangements would be acceptable and that the surrounding road network and application site can accommodate the increases in traffic.

Air Quality

The site entrances lie within 250 - 300m of Queens Road corridor, which along with other arterial routes in the city is known to carry in excess of 17000 vehicles per day. Combined with air quality monitoring information, it is known that this will be an area where Nitrogen Dioxide levels are above recommended limits.

The level of most significantly increased traffic generation concentrated in the period between 6.00am and 9.00am is not at a level to have a noticeable impact upon air quality levels. At around 30 vehicles per hour, spread over two access points some 40m apart, this increase is below the threshold for consideration of air quality impacts and mitigation. It is also worth noting that the increases in traffic generation are much less at other times of the day.

Flood Risk.

Core Strategy policy CS67 seeks to limit and control the extent of flooding.

The applicant has submitted a Flood Risk Assessment which shows that the site where it fronts Olive Grove Road is in Flood Zone 1 and the remainder at the rear is in Flood Zone 2. Zone 1 has a low probability of flooding and zone 2 is medium probability. Only a small part of the area to be developed as part of this application is within zone 2 and this relates to the salt barn and a fuel storage area, the latter being outside the scope of the application. The salt barn and fuel area would be raised by 600mm so that they would not be subject to the risk of river flooding at a 1 in 100 year probability.

The proposals satisfy policy criteria and it is noted that Environment Agency have not objected to the application.

A number of sewers and water supply pipes are routed through the site and the application, as originally submitted, showed the salt barn built across a sewer. The amended scheme now avoids any buildings sited across sewage or water supplies.

Disabled Access.

UDP policy BE8 says that for all new development which provides in excess of 20 new jobs, and this one does, suitable access arrangements for disabled people will be promoted.

Core Strategy policy CS74 says that new development should meet the needs of disabled people.

The applicant has stated that disabled provision will comply with all requirements which will include parking spaces and there should be 12 of these to meet requirements. Additional information is required about entrances and disabled toilets need to be provided. The applicant has committed to meeting the needs of disabled people and it is anticipated that this can be provide. Consequently this will be controlled by way of an appropriate condition.

RESPONSE TO REPRESENTATIONS

A number of issues have already been addressed in the report but some further responses are required.

It is accepted that there is potential for additional noise and that some will result from increased activity on the site but it has already been explained in the report that much of this activity is outside the scope of this application.

With respect to the impact on air quality, it is not clear if this representation relates to additional vehicles or smells from materials on site or both. Smells from materials is largely outside the control of this application and it is considered that the numbers of additional vehicles would not have a significant impact on air quality because of the overall traffic volume in the area. The latter issue has been responded to in the main section of the report.

SUMMARY AND RECOMMENDATION

This application seeks planning approval for the demolition of buildings with replacement with a new salt barn, offices, new green waste bays, alterations to entrance gates, alteration to an existing building to create new offices and car parking.

The design and layout of the proposal is considered to be acceptable and there would be no harmful impact on the amenities of residents. The design of buildings is considered to be functional rather than of good quality but this is acceptable in the context of the existing appearance and impact.

There will be additional vehicle movements in association with the increase in numbers of staff and increased activity but the existing accesses will be able to accommodate the traffic and the additional car parking spaces will accommodate extra demand.

The application complies with all policy criteria, is considered to be acceptable and is, therefore, recommended for conditional approval.

Case Number 12/01916/FUL (Formerly PP-02049758)

Application Type Full Planning Application

Proposal Erection of an 8 metres tall wind turbine (9.2 m maximum height including rotor) and fence

Location Whirlow Hall Farm Trust
Broad Elms Lane
Sheffield
S11 9RQ

Date Received 28/06/2012

Team SOUTH

Applicant/Agent EWB Sheffield

Recommendation Grant Conditionally

Subject to:

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

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

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

Drawings dated 28 June 2012, livestock fence photograph dated 16 July 2012 and Small Wind Turbine Feasibility Study for Whirlow Hall Farm dated June 2012,

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.

- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

GE1 - Development in the Green Belt
 GE2 - Protection and Improvement of the Green Belt Landscape
 GE3 - New Building in the Green Belt
 GE4 - Development and the Green Belt Environment
 GE8 - Areas of High Landscape Value and The Peak National Park
 CS63 - Responses to Climate Change
 CS71- Protecting the Green Belt

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Site Location



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LOCATION AND PROPOSAL

Whirlow Hall Farm Trust lies at the end of Broad Elms Lane in the countryside at the edge of urban Sheffield. The farm consists of an attractive group of stone farm buildings and barns arranged around a yard accessed from the end of Broad Elms Lane where it becomes a track. Beyond the farm into the countryside are further barns and at the top on the other side of Coit Lane, a public bridleway that runs along the top of the farm are the piggery buildings.

There are fields on all sides of the farm apart from the east where the urban edge begins.

This application seeks approval to erect a 700W wind turbine that would be 8 metres tall reaching to 9.2 metres including the maximum height of the rotor. It

would be located in the corner of the field adjoining the north side of the piggeries, enclosed by a fence and the purpose would be to provide power to the piggery buildings. Whirlow Hall Farm Trust provide and promote environmental education particularly with younger people and this project would assist in raising the awareness of renewable energy.

SUMMARY OF REPRESENTATIONS

Four letters of objection have been received from residents.

- Noise and disturbance from the turbine.
- The design is of poor quality and it is visually intrusive.
- Inappropriate use at this location and would have a detrimental impact on the Conservation Area.
- The site is close to Coit Lane, a public bridleway and to Limb Lane and will impact on those using these routes.

Guidelines for new wind turbines say that they should be no nearer than 350 metres to houses. This would be within 200 metres of houses.

Detrimental impact on wildlife.

PLANNING ASSESSMENT

Policy Issues

The adopted Unitary Development Plan (UDP) shows that the whole of Whirlow Hall Farm lies in the Green Belt and the site of the proposal lies just within an Area of High Landscape Value.

The National Planning Policy Framework (NPPF) at paragraphs 79 to 92, refers to the establishment of Green Belts and their protection. It identifies appropriate development as including buildings for agriculture. Whilst the proposed turbine is not of itself specifically needed for agricultural purposes, its sole purpose is provide energy for the farm element (piggery) of the Whirlow Hall Farm Trust. However, the turbine is not essential for the provision of agriculture on the site and it is not therefore considered that it could be described as 'appropriate' within the meaning of the NPPF.

If a development is not appropriate (i.e. it is inappropriate) then the NPPF makes clear that, as with previous Green Belt policy inappropriate development is by definition harmful to the Green Belt and should only be permitted in 'very special circumstances'.

UDP policies GE1 and GE2 seek to restrict inappropriate development and protect and improve the landscape in the Green Belt. Policy GE3 says that the construction of new buildings will not be permitted, except in very special

circumstances, for purposes other than agriculture, amongst other uses. Policy GE4 says that the scale and character of any development which is permitted in the Green Belt should be in keeping with the area and, where possible, enhance the character.

UDP policy GE8 deals with Areas of High Landscape Value and says that the protection and enhancement of the landscape will be the overriding consideration.

Core Strategy policy CS71 seeks to protect and maintain the Green Belt.

Policy CS63(e) says that, in response to climate change, development that generates renewable energy should be promoted.

The sole purpose of the proposed wind turbine is to provide renewable energy for the piggery buildings. This is a sustainable use wholly in accordance with policy CS63. However, the application needs to be set against policies that seek to protect the Green belt from inappropriate development.

Impact on Open Character of the Green Belt

The turbine tower would be 8 metres high with a 2.4 metre rotor diameter giving a maximum height of 9.2 metres and the area within which it would be erected would be enclosed by a livestock fence. The turbine tower would be a metal tube no more than a few inches wide held in place by stabilising wires. The turbine would be on top of this and a fin would allow the turbine to turn in the wind to maximise output. The design is bespoke, and is slim and functional in contrast to the more standard white, robust turbines which are introduced around the country.

In terms of visual impact, from close quarters in the field it would be clearly visible but given the profile of the structure, from any distance, it would have a minimal presence and would be difficult to see against a backdrop of trees. The Coit Lane bridleway runs close along the eastern boundary but this is a sunken track that does not allow views into the field because of level differences, the wall along the top and the trees. Therefore, from Coit Lane, immediately to the east, it would not be possible to see the proposal. There are glimpses available from the north and south but the tower would be absorbed into the landscape and farm buildings.

It is proposed, for safety reasons, to fence the turbine off within a small area at the edge of the field next to the piggeries and livestock fencing would be used. This is appropriate in farmland where the use of this type of fencing is commonplace.

It is accepted that the turbine would have an impact on the immediate surroundings but it would be sited close to the piggery buildings against a backdrop of trees and a full view of the proposal would not be available from Coit Lane. It is considered that the turbine would not therefore cause significant harm to the open character of the Green Belt and Area of High Landscape Value and that there would be no significant harm.

Very Special Circumstances

The proposed wind turbine will provide a valuable sustainable contribution to the energy needs of the Trust, by powering heating and lighting for the adjacent pig shed, and therefore meets the aims of policy CS63, as referred to above. In order to achieve this it must be located in close proximity to the pig shed, and the benefits that will accrue from its siting would not occur if located elsewhere.

The Whirlow Hall Farm site provides a valuable educational facility for local school children and the turbine will enhance those facilities, whilst at the same time raising awareness amongst the school children of the benefits of renewable energy, and sustainable development.

It is therefore considered that the above represents very special circumstances, especially when considering the very light weight construction and lack of visual harm or impact on the Green Belt.

Impact on Neighbouring Residents

Local residents have raised the issue of noise and disturbance, which has been taken up with the applicant. This is a small scale turbine and would generate low levels of noise. The applicant has referred to a comparable (though 1 kw rather than 700w) installation, where at the base of the turbine a normal conversation could take place without raised voices, and where at a distance of 100m the noise is imperceptible. The nearest house is approximately 250 metres away so noise impact would be significantly reduced across that distance. It would be possible to hear this from Coit Lane but this would be against a background of noise from the piggery and other farm activity so would not be intrusive, or likely to cause nuisance.

Archaeology and Listed Building Implications

The application has archaeological implications because a recent project at Whirlow Hall Farm demonstrated that important archaeological features of the Romano-British period survive in this area. Consequently, a condition would be attached that sets out a strategy for investigation.

The farm buildings are Listed Grade 2 but the turbine would have no impact on these.

RESPONSE TO REPRESENTATIONS

A response has already been provided in relation to impact on the Green belt, design, appearance, noise and disturbance.

A minimum separation distance of 350 metres between wind turbines and houses is quoted as a national guideline but this applies to larger turbines and a separation distance of 250 metres is considered appropriate for a small scale turbine such as this.

There would not be a detrimental impact on wildlife and the fence around the site would prevent any possible harm to livestock.

SUMMARY AND RECOMMENDATION

This application seeks planning approval for a wind turbine rising to a maximum of 9.2 metres including an upright rotor blade and livestock fencing around it. The impact of the turbine on neighbouring residents is not considered to be significant, owing to the limited noise levels to be produced by the turbine and the distance between it, and the nearest dwelling.

Although the turbine is inappropriate development in the Green Belt, within the terms of the National Planning Policy Framework definitions, it is considered that the applicant has demonstrated very special circumstances. In addition, the harm to the Green Belt or Area of High Landscape Value would be extremely limited, although there would be a presence next to the farm piggeries. Any small potential detriment in this respect is outweighed by the sustainable and educational benefits that would be provided by the proposal.

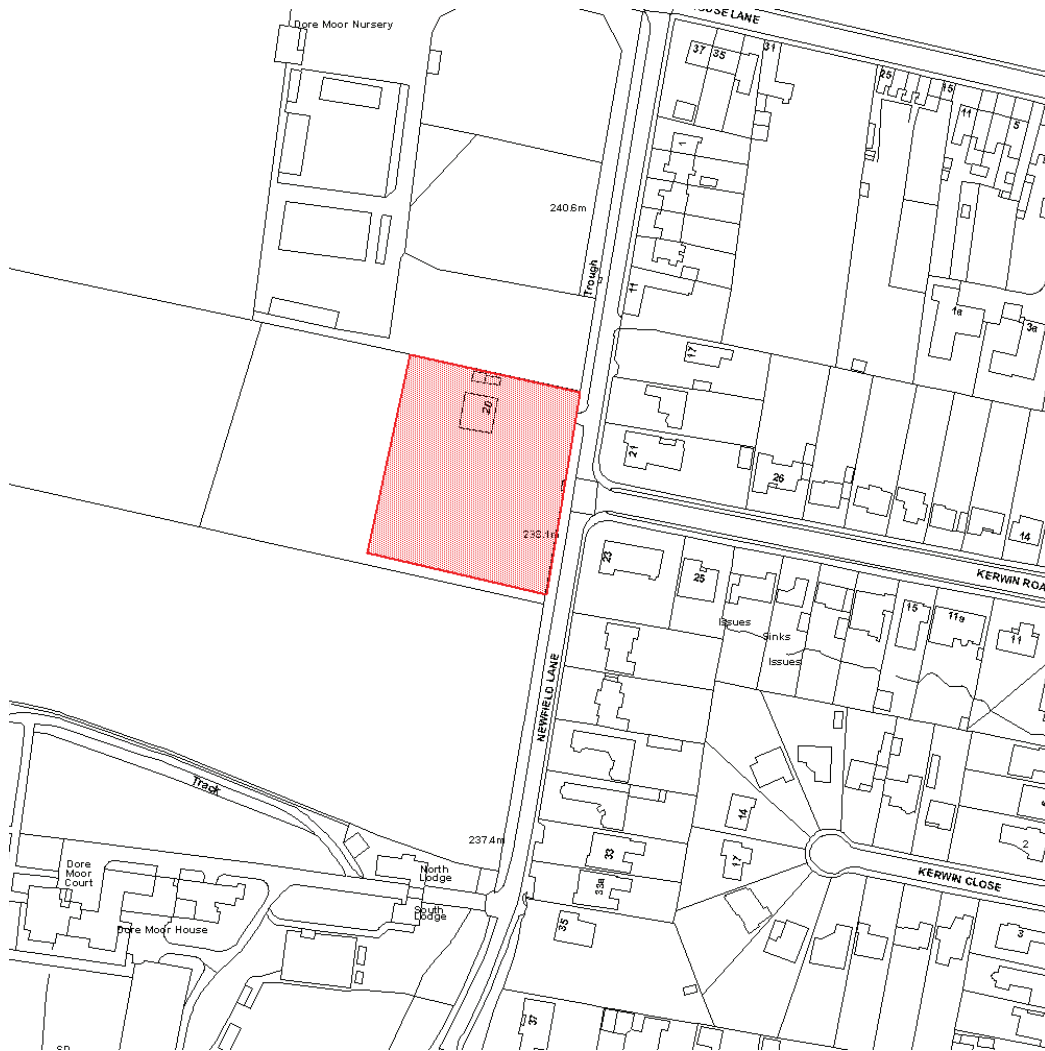
The application is, therefore, recommended for conditional approval.

Case Number	12/00610/LD2
Application Type	Certificate of Lawful Use Development
Proposal	Erection of building for use as quadruple garage, workshop, home office, indoor golf practice area, tennis pavilion, music room and gymnasium, all incidental to the use of No.20 Newfield Lane as a dwelling (Application Under Section 192)
Location	Newfield Farm 20 Newfield Lane Sheffield S17 3DA
Date Received	24/02/2012
Team	SOUTH
Applicant/Agent	Mr J R Fillingham
Recommendation	Refuse

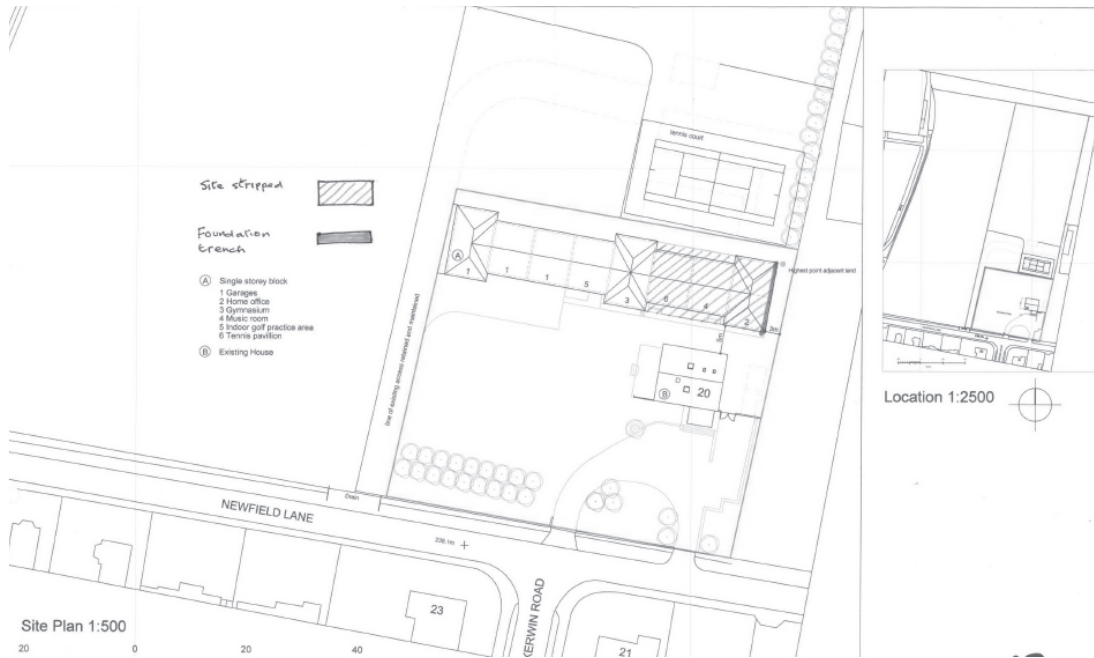
For the following reason(s):

- 1 The application site is the subject of a Direction under Article 4(1), the effect of which is to remove deemed planning permission under Class E of the Town and Country Planning (General Permitted Development) Order 1995 (and any amendments) in respect of the provision of buildings within the curtilage of a dwellinghouse.
- 2 The proposed building includes two floor levels and is therefore contrary to Class E.1(c) of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008.
- 3 The scale of the proposed workshop, music room, tennis pavilion and gymnasium are excessive in relation to the reasonable enjoyment of the domestic activities associated with the dwelling and the office is not associated with the domestic enjoyment of the dwellinghouse.

Site Location



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INTRODUCTION

This application was deferred from the agenda for the meeting on 23 July 2012, to allow for further consideration of legal matters.

An Article 4(1) Direction has since been made in respect of the application property. The Direction was made on 10 September. The effect of the Direction is to remove various 'permitted development' provisions, including curtilage buildings, extensions to the dwellinghouse and any means of enclosure. Planning permission is now required to carry out any of the works specified in the Direction.

The Direction has been advertised and is subject to a statutory consultation period which ends on 22 October 2012. Following the consultation procedure the Direction will need to be submitted for confirmation by the Secretary of State and must be confirmed within 6 months of the date it was made.

LOCATION AND PROPOSAL

The application relates to development within the curtilage of a modest detached dwelling within the Green Belt.

The single storey dwelling has a footprint of approximately 120m² and is set back approximately 25m from Newfield Lane. It has large private garden areas to 3 sides which extend to approximately 3500m². To the rear is a tennis court which has been built on the site of dilapidated agricultural outbuildings associated with a former use, and a paddock of approximately 0.65ha. The whole site covers approximately 1.375ha.

There is an unmade driveway giving access along the southern boundary of the site to the paddock at the rear. The driveway is outside the domestic curtilage. A driveway in front of the dwelling gives access for parking in front of the dwelling.

Agricultural land adjoins the southern boundary beyond which is the historic Dore Moor Estate. Dore Moor Nursery adjoins the northern boundary. There are dwellings directly opposite in Newfield Lane.

The application seeks confirmation that a proposed outbuilding would be lawful as 'permitted development' within the meaning of Class E to Part 1 of the Town & Country Planning (General Permitted Development) Order (GPDO). The applicant contends that the 1995 Order is applicable due to a foundation trench being excavated prior to the Order being amended on 1 October 2008.

During the course of the application, the proposals were amended to indicate a smaller building. However, these amendments have subsequently been withdrawn and the application is therefore to be considered as originally submitted.

The building is proposed to be located to the rear of the dwelling and extends across almost the entire width of the rear garden area. The overall dimensions are 58.7m x 12.8m and the building has a footprint of approximately 627m². The building is largely single storey despite parts of the building having the appearance of a two storey building. However, there is a mezzanine floor within the gymnasium to enable the building to address the fall in external ground levels at this point. The overall height of the building is approximately 6.75m.

The proposed building provides a workshop (12.8m x 7.75m), a quadruple garage (14.6m x 9.75m), a gymnasium (12.8m x 7.75m), a golf practice area (7.4m x 9.75m), a tennis pavilion (7.4m x 9.75m), a home office (7.4m x 9.75m) and a music room (12.8m X 7.75m). Access to the garages and workshop is proposed from the existing unmade driveway to the southern boundary of the site.

RELEVANT PLANNING HISTORY

An application to establish the lawful use of land to the south of the dwelling as an extension to the residential curtilage of the dwelling was granted in November 2009 (ref 09/02263/LU1). There had been a number of earlier applications relating to the extension of the dwelling and an application for boarding kennels and a cattery was withdrawn in 2002.

The planning history is not relevant to consideration of the current application.

SUMMARY OF REPRESENTATIONS

39 letters of representation were received from local residents in relation to the application as originally submitted. In addition, representations have been received from Councillors Keith Hill, Joe Otten and Colin Ross, the Dore Village Society, the Dore Conservation Group and the Campaign to Protect Rural England. A petition with 237 signatures has also been received.

All the representations object to the application proposals. The objections are summarised below:

- scale and massing is not incidental to footprint of existing dwelling
- scale, massing and design is inconsistent and inappropriate for the stated uses – excessive room sizes for purported purposes
- building still has windows at what would normally be first floor level, appearance is still reminiscent of a hotel or employment unit – reasonable to suspect that applicant has other intentions for the building
- 'incidental' building should be subsidiary or secondary to the enjoyment of the dwellinghouse – this proposal is significantly larger than the dwelling and cannot be 'incidental' – could easily be converted to a dwelling or commercial use
- proposed uses cannot be regarded as incidental to the existing use and are remote from the dwelling
- proposed access is outside residential curtilage (from farm track)
- Newfield Lane is a clear boundary between the City and the Peak District and is a historical and 'fitting' boundary for a lovely village – this sort of development represents gradual erosion of farming land and conversion to building land and fails to preserve a rural 'window'
- significant and detrimental visual impact on the Green Belt area, open views in Area of High Landscape Value and surrounding roads
- general loss of amenity including for existing dwelling
- applicant has not demonstrated what incidental purposes he intends to enjoy or why the proposed areas are so large – far in excess of requirements for a couple in a domestic setting – need has not been demonstrated
- exceeds 4m overall height and 2.5m eaves height restrictions specified in Class E
- no special circumstances to justify a development of this nature – contrary to relevant UDP and Core Strategy policies
- could never have been the legislator's intention to allow planning requirements to be circumvented by gaining an extended residential curtilage and subsequently using Class E to build substantially in the Green Belt
- will be overbearing on adjacent and surrounding properties and will form a prominent landmark from Blacka Moor which is a Site of Special Scientific Interest (SSSI)
- increased traffic detrimental to road safety and noise, traffic and parking will be intrusive and unacceptable
- will destroy habitats
- need to protect area from quick money-making schemes and consider people who live in the area

One of the objectors has enclosed a précis of various appeal decisions relating to the incidental use of outbuildings.

Those making representations were notified about the revised scheme for a smaller building and 24 further representations were received confirming that the objections to the original proposal were still relevant. However, these later

comments are no immaterial as the scheme has reverted to the original submitted plans.

PLANNING ASSESSMENT

Legislation and Policy

For the purpose of this proposal it is considered that the 2008 GPDO is the relevant Statutory Instrument. This is primarily due to the foundation trenches that were excavated in September 2008, not being at that time specifically related to the building indicated in the application. Notwithstanding this, the trenches did not contain any foundations prior to being filled in again.

Class E to Part 1 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008 (GPDO) permits:

“the provision within the curtilage of a dwellinghouse of –

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container use for domestic heating purposes for the storage of oil or liquid petroleum gas.”

“Development is not permitted by Class E if –

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed:
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.”...

The site lies within the Green Belt and an Area of High Landscape Value. However, the GPDO makes no concessions for these designations in applying ‘permitted development’ criteria. National and local planning policies are therefore not material to the consideration of this application.

Consideration is necessarily restricted to establishing whether the development can be lawfully implemented as ‘permitted development’ within the meaning of Class E.

Building Dimensions

The Government’s published Technical Guidance to the GPDO: “Permitted Development for Householders” defines ‘Height’ and confirms that ‘height’ is the height measured from ground level. Ground level is ‘the surface of the ground immediately adjacent to the building in question. Where ground level is not uniform (e.g. if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.”

In this instance, the ground slopes from north to south and is slightly banked towards the western boundary. Although the overall height of the workshop, garage and golf practice area is approximately 6.75m, the building when measured from the highest point is only 4m above ground level. At the same point, the eaves are only approximately 2.1m above ground level, despite being approximately 4.5m above the lowest external ground level.

Although the overall height has been distorted by the lie of the land, the proposals do meet the GPDO criteria in Class E.1. Providing that the use of the building is considered to be ‘incidental to the enjoyment of the dwellinghouse’, the height of the building meets the criteria for ‘permitted development’.

Part E of the GPDO does not place any restrictions on footprint other than to prevent more than half of the total curtilage being covered by buildings. The building sits in a very large garden and is comfortably within this criterion.

The appearance of the building is not a consideration under Class E. The layout as a single storey building is the key factor in considering Class E criterion (c). Despite elements of the building having the appearance of a two storey structure, the building generally has a single floor level. The exception is the mezzanine floor within the gymnasium. The floor plans indicate a flight of 13 steps from the mezzanine to the lower ground floor level. The mezzanine is approximately 3m wide. This is consistent with a domestic staircase and indicates that a floor is accommodated below the mezzanine. The building therefore effectively contains a two storey element and fails the ‘permitted development’ test under Class E (c).

In view of the above, the two storey element exceeds the specified criteria within Class E.

Incidental Use

The GPDO Technical Guidance provides little assistance in the interpretation of 'incidental to the enjoyment of the dwellinghouse'. It does confirm that 'incidental' includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house'. It also states that Class E allows 'a large range of other buildings' including 'garden sheds, other storage buildings, garages, and garden decking' but does not include 'normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.'

Case law and numerous appeal decisions relating to incidental uses are available and are material considerations in determining whether the uses proposed in this application can be regarded as incidental to the enjoyment of the dwellinghouse. The courts have established that it is a matter primarily for the occupier to determine what incidental purposes he proposes to enjoy. The test is whether the building is reasonably required for a purpose incidental to the enjoyment of the particular dwellinghouse (as opposed to dwellinghouses in general) and the test must retain an element of objective reasonableness. Case law has also established that the fact that a proposed outbuilding would provide more accommodation for secondary activities than the dwelling provides for primary activities is not part of the test as to what buildings fall within Class E.

The proposed building includes garaging for 4 vehicles in a space measuring approximately 14.6m x 7.75m. Whilst the garages are generously proportioned, the footprints are not unreasonably excessive. The applicant has stated that he has two cars and two tractors. The use of one or more of the garages to house a tractor(s) is unusual within a domestic set up but, in this instance, not unreasonable as the applicant has a significant amount of land immediately adjacent the residential curtilage and the tractors may be used to maintain that land which has no storage facilities. Notwithstanding this, in the absence of any other garaging within the curtilage of the dwelling, the 4 covered parking spaces seem reasonable and consistent with many residential properties across the City.

The location of the garages is remote from the dwelling. Whilst this may make their use potentially inconvenient it does not make the garages unreasonable. The access track to the garages lies outside the domestic curtilage but on land owned by the applicant. There will be no material change of use of the access track i.e. it will remain as a means of vehicular access.

Although a workshop may be a feature of many outbuildings in residential curtilages, the dimensions of this workshop (12.8m x 7.75m) result in a floor area of marginally under 100m². The applicant has stated that the workshop and garages are needed in connection with 2 cars and 2 tractors owned by the

occupiers. This appears excessive for reasonable use in association with the use of the dwelling, particularly as the building includes garaging for 4 vehicles.

The applicant has stated that he has played golf for over 50 years and needs to practice to maintain his skill level. There is no reason to dispute the applicant's hobbies and, as mentioned earlier, the size of the accommodation relative to the dwelling does not determine whether a building falls within Class E. Case law in *Emin V SoS for the Environment* (1989) established that a primarily outdoor sport (in that case, archery) could be a hobby and be practised in a building. This golf practice proposal has distinct similarities and is therefore capable of being reasonable and incidental to the enjoyment of the dwelling. The golf practice area has reverted from approximately 14.6m x 7m to the originally submitted 7.4m x 9.75m. It is not clear whether this space is fit for purpose. The larger dimensions had previously been stated as appropriate to accommodate a putting green, indoor nets and a flightscope projector.

The gym and music room are approximately 12.8m x 7.75m (plus mezzanine to gym of approx 12.8m x 3m). There is no indication of the equipment that may be accommodated within the gym and only a piano and violin are mentioned in respect of the music room. The floor spaces are approximately 130m² and 100m², respectively, and appears far in excess of reasonable requirements to serve the needs of the occupiers of the relatively modest sized dwelling. The applicant has stated that he and his wife are in poor health and need 'physical conditioning'. He also wishes family members to be encouraged to keep fit. Little weight can be attached to the needs of family members that do not live on the site.

The tennis pavilion incorporates a changing room with two toilets and two showers but these facilities only occupy approximately 25% of the floor space. The remainder of the space appears excessive and it is also noted that the entrance door to the pavilion is located on the opposite side of the building facing away from the existing tennis court.

The home office is required in order to allow the occupiers to manage their 3 companies. This is clearly connected with a business use rather than the enjoyment of the dwellinghouse.

In view of the above, the building cannot be said to be wholly incidental to the enjoyment of the dwellinghouse.

Article 4(1) Direction

Regardless of the considerations above, the recent Article 4 Direction prevents any buildings normally falling within Class E to the GPDO being built without prior planning permission.

SUMMARY AND RECOMMENDATION

The application is to establish that a large outbuilding within the curtilage of a modest dwelling is 'permitted development'. An Article 4(1) Direction has been made in respect of the application property during the course of the application and

removes 'permitted development' for any buildings within the residential curtilage of the dwellinghouse.

Notwithstanding the above, the building complies with relevant criteria within Class E of the GPDO in terms of location and height restrictions. However, a part of the building is two storeys high due to the creation of a mezzanine floor to accommodate the change in ground level across the site. Two storey outbuildings are not permitted under Class E.

The proposed outbuilding is of a much larger scale than the host dwelling. However, case law has established that the scale of a proposed outbuilding for secondary activities in relation to the scale of the host dwelling for primary activities is not part of the test as to what buildings fall within Class E. The test is the degree to which the proposed uses are incidental to the primary activities. Planning policies are not a material consideration.

In this instance, the activities proposed within the building cannot be considered to be wholly incidental to the enjoyment of the dwelling. The scale of the workshop, music room, tennis pavilion and gymnasium are excessive in relation to the reasonable enjoyment of the domestic activities associated with the dwelling and the 'home office' is associated with the applicant's business interests rather than domestic enjoyment.

In view of the above the building is not considered to be 'permitted development' and it is recommended that a Certificate of Lawful Development is refused.

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