

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the City Centre, South and East Planning and Highways Committee
Date Of Meeting: 29/04/2013

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	13/00735/CHU
Application Type	Planning Application for Change of Use
Proposal	Change of use from A1 (Shops) to A4 (Drinking Establishment)
Location	308 - 310 London Road Sheffield S2 4NA
Date Received	01/03/2013
Team	South
Applicant/Agent	Miss J Maciejewska
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:

Application forms and drawings received on 04/03/2013

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 No commercial cooking on the premises is 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 the 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.

- 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 Before the use of the building as a drinking establishment 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 A4 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 drinking establishment to the flats above to levels complying with the following:
Bedrooms: Noise Rating Curve NR25 (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 of the residential occupiers of the building.

6 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 the interests of the amenities of the locality and of the residential occupiers of the building.

7 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

8 No customer shall be permitted to be on the premises outside the following times: 0800 hours to 2300 hours Monday to Saturday and 0800 hours to 2300 hours Sundays and Bank Holidays.

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

9 No deliveries to the building shall be carried out between the hours of 2200 hours to 0800 hours (on the following day) Mondays to Saturdays and 2100 hours to 0900 hours (on the following day) Sundays and Public Holidays.

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

10 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/s within the site of the development (shown on the plan) between 2200 hours to 0800 hours (on the following day) Mondays to Saturdays and 2100 hours to 0900 hours (on the following day) Sundays and Public Holidays.

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

- 11 Before the use of the building as a drinking establishment is commenced, details of screening for the bin store shall have been submitted to and approved by the Local Planning Authority. Thereafter, the screening shall remain in place.

In the interests of the visual amenities of the locality.

- 12 The drinking establishment shall not be used unless a level threshold has been provided to the entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

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

- 13 The use of the outside areas for eating or drinking shall occur only between 0900 hours and 2100 hours on any day. No external tables or chairs shall be positioned within the forecourts to the side, front or rear of the unit outside the above hours.

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

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
BE7 - Design of Buildings Used by the Public

On balance, with suitable attenuation/mitigation measures, the proposal is unlikely to seriously affect the amenities of local residents and is compliant with the appropriate land use policies of the Sheffield Unitary Development Plan and Sheffield Core Strategy, and as such will comply with the main provisions of policies S7 and S10 from the Unitary Development Plan in addition to BE7 concerning disabled access.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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 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.
2. 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.
3. Plant and equipment shall be designed to ensure noise levels do not exceed 10dBA (LA90) below background noise levels when measured at the site boundary.
4. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

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

Site Location



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LOCATION AND PROPOSAL

The proposal refers to a large retail unit situated on the corner between London Road and Ward Place. The site is at the southern end of the London Road District Shopping Centre. The unit is occupied by a discount store, which falls under an A1 (retail) use class. This application seeks planning permission to change the use of the building from the existing retail shop use to an A4 use public house. The applicant has confirmed that the proposed hours of operation of the proposed restaurant will be 10:00 hours to 23:30 hours (Mondays to Saturdays) and 12:00 hours to 23:30 hours (on Sundays and Bank Holidays).

The application property is the ground floor accommodation of a large two-storey building that occupies a prominent corner position at the junction of London Road and Ward Place. The property is a double-fronted unit and has a large 2-storey rear off-shot extension which occupies the majority of the rear yard area of the site (a gap of c.1m down the rear acts as a private accessway to an external stairway to the flats above. The accommodation at first-floor and second-floor level is used as separate residential accommodation for 3 flats accessed via an external staircase at the rear of the property. The application site immediately backs onto the gardens of residential dwellings on Mount Pleasant Road.

The application site is located at the end of a short shopping parade consisting of 7 units (2 of which are double-fronted units). Other uses within the shopping parade include a sandwich shop (Class A1) next door at 306, a grocery retail shop at 304, a hair and beauty salon at 300 - 302 and, a further grocery retail shop at number 298. At present therefore the whole block consists of retail Class A1 shops.

Opposite the site lies Highfield Library and a row of 4 shops, where half of them are in A1 use.

RELEVANT PLANNING HISTORY

Under 94/01065/FUL, planning permission was Granted Conditionally for an extension and erection of new shop front on 01/07/1994.

Under 94/01609/FUL, planning permission was Granted Conditionally for a first-floor extension on 12/09/1994

Under 05/00364/FUL, planning permission was Granted Conditionally for alterations to the first and second floors to form 3 flats, including dormer windows on 18/07/2005

Under 10/02018/FUL, planning permission was Granted Conditionally to extend the time limit for 05/00364/FUL on 23/08/2010.

Under 11/02706/CHU, an application was Withdrawn for the change of use of the unit from use class A1 to A3 on 07/02/2012.

SUMMARY OF REPRESENTATIONS

One written representation from a property to the rear has been received objecting to the proposal on the basis that there will be difficulties with waste storage from the unit, the proposal may cause noise problems, especially at night, and that customers may end up urinating in the local area, including the gardens of neighbouring property.

PLANNING ASSESSMENT

Land Use Policy Issues

The site is located within the London Road District Shopping Centre (DSC) as defined in the Sheffield Unitary Development Plan (UDP). The residential properties located at the rear of the site (on Mount Pleasant Road and on Ward Place) are also designated as being within the London Road District Shopping Area.

Whilst the preferred use in District Shopping Policy Areas is for retail shops (Use Class A1), the Unitary Development Plan does identify food and drink outlets (Class A3, A4 and A5 Uses) to be acceptable in principle (subject to there not being a dominance of non-Class A1 retail uses and also subject to there being no detrimental harm for existing residents, no highway safety issues and, that the scheme is well designed).

UDP Policy S10 (Conditions on Development in Shopping Areas) seeks, amongst other things, to preserve the dominance of retail uses within District Shopping Centres in order to protect the primary shopping function.

At present, when the 'dominance issue' is assessed based on actual number of units, the figures show that the number of retail uses only occupy approximately 48% of the London Road District Shopping Centre which is below the 50% threshold level. It is also worth pointing out that the figures show that the London Road District Shopping Centre has a 14% vacancy rate which is slightly higher than the Sheffield average of 10%. Clearly therefore, to lose another retail unit would reduce the 48% retail use even further.

However, if the 'dominance issue' is assessed based on actual retail floor-space, then the data suggests that there is currently a 62% figure for Class A1 retail use in the District Centre and as such, this proposal would not affect the Class A1 retail dominance of the Centre. It should be noted that the floor-space figures for Class A1 retail use in the centre is high because of the inclusion of the nearby Waitrose superstore which although is only one Class A1 retail unit does have a very large Class A1 retail floor-space. It's also worth pointing out that although designated as being within the London Road District Shopping Centre, the Waitrose Superstore is at the extreme end of the district shopping location and as such is almost a stand-alone shopping location in its own right that has limited bearing on the character or viability of the main London Road district shopping centre.

The issue of dominance is therefore a finely balanced consideration that requires a more site specific and localised approach to fully assess the impact of the proposal on the viability and vitality of the District Shopping Centre (DSC). In this regard officers have assessed various factors such as the need to ensure retained operational daytime activity (as opposed to closed-up shop frontages) and, the need to ensure a healthy mix of uses in the centre whilst also recognising an above average vacancy rate.

The application site is located within an existing shopping parade of 7 units within a defined block that nestles between Ward place and Sitwell Place (of the 7 units in this block, the application site and one other unit are double-fronted units). If approved, in this particular block/shopping parade, the proposal would result in 5 out of the 7 units being Class A1 retail units (71.5%) and 2 units being non-Class A1 retail (28.5%).

When officers have analysed the street frontage and looked beyond the immediate block/parade i.e. looked at the units extending 50 metres either side of the application site, the results show that there are 2 double-fronted units in non-A1 retail use (i.e. a double-fronted restaurant unit and a double-fronted dental practice), the analysis also shows that there are 8 units in Class A1 retail use (including the subject unit) and 4 vacant Class A1 retail units. Therefore based on this localised assessment there are 25% (2 double-fronted units) being in non-Class A1 use, 50% (7 single units and 1 double-fronted unit) being in active Class A1 use and, 25% (4 single units) being vacant Class A1 units. In a much localised sense therefore, there would still remain a feeling and general appearance of this stretch of the shopping parade being dominated by Class A1 retail uses.

To conclude the policy position therefore, floor space for the whole District Shopping Centre shows that A1 retail use is dominant, but actual retail unit numbers show A1 retail to be weak and, localised assessments (of occupied units)

show retail dominance to be high. The perception/context of the District Shopping Centre is very much of reduced/limited A1 facilities, and this is confirmed by the data on unit occupancy. However the perception of this particular stretch of London Road is still very much of Class A1 retail uses. Therefore, taking into consideration the localised nature of this stretch of London Road (particularly with the unit being at one end of the District Shopping Centre and away from the main hub/core of commercial activity) and, the general perception and feel of retail use in the localised area, it is considered that in this instance the loss of the retail use of the property would not adversely affect the retail function of the centre and as such it is considered (on balance) that the proposal would not be in conflict with Policy S10 (a) of the Sheffield Unitary Development Plan.

Amenity Issues

Noise

UDP policy S10 includes provisions to ensure that development does not cause disturbance or a significant loss of amenity to residents.

The proposal places residential above an A4 use. The significant potential break-in point for external noise is the glazing to habitable rooms. There is also the potential for internal noise breakthrough from commercial activity and amplified sound affecting the residential use above (and vice versa). The floor/ceiling structure between these uses is a potential breakthrough point for noise. In addition to the above, there is potential noise disturbance from patrons outside the premises. This disturbance includes people's voices talking, laughing and shouting when using mobile phones and/ or smoking. Vehicles arriving, parking and departing may also intensify noise levels causing more annoyance.

There are some late night uses in the immediate area, and the site is aligned along one of Sheffield's main arterial routes into and out of the City Centre, and therefore, given that the site is also located within a District Shopping Area, it is unreasonable to impose onerous restrictions on the operating times of the premises that are tighter than the standard opening times (23:30 hours), however, it would be reasonable and also in the interests of local residents to control the hours of operation (to 21.00 hours) of any external seating through the use of a condition given the presence of a forecourt to the front and side of the unit. It is noted that there are nearby residential uses. As a result, it is appropriate to limit the opening times to 23:30 on and 23:00 (Sundays and Bank Holidays) to prevent late night/early morning disturbance from patron entering and leaving the premises.

Discussions with the Environmental Protection Service have confirmed that it would be possible for internal sound insulation to be positioned in order to limit the potential for noise disturbance to the flats above to an acceptable level. The floor separation between the ground floor and first floor would need to be subject to a scheme of sound insulation works based upon the details contained in the Building Regulations 2000, Approved Document E; "Resistance to the passage of sound"; Section 4; Wall treatment 1." The applicant has indicated that such insulation has already been installed. However, there is no evidence of this being the case. A

condition requiring the submission of a noise survey report to demonstrate that the flats above will not suffer from significant noise levels will be required.

The proposed is likely to include externally mounted plant and equipment for air handling/cooling applications, and for the extraction of kitchen fumes and odours. There is a potential for such equipment to be a source of disamenity to the residents above, neighbours and the locality, due to noise. As a result, details of these systems and means of noise abatement will be required and will be reserved by condition.

To limit noise from the servicing of the unit, it will be possible to place conditions limiting the servicing hours.

Odour

The planning application makes no reference to on site cooking. However, correspondence with licensing indicates that the applicant is applying for a license that would allow for the cooking of food on the premises. The cooking of food in itself will not cause an amenity problem as long as it is suitably extracted.

The Council's Environmental Protection Service have recommended that the applicant be required to provide details of the planned means of odour management, which will be reserved by condition.

Bin Store

The shop at present utilises the side forecourt for the storage of bins, due to the fact that there is no suitable space to the rear of the unit. This situation is far from ideal, given the visual prominence on Ward Place. There is the opportunity for the introduction of a new bin enclosure area to help minimise odour and other forms of nuisance and to also ensure some visual improvement to the street-scene by not having waste bins openly on display. A condition requiring details of suitable screening is therefore recommended. When enacted, the screen will lead to a visual improvement to the street scene.

Highway Issues

Whilst the site has no provision for off-street car parking, the site is considered to be within a highly sustainable location, being close to regular public transport routes along London Road and Abbeydale Road. There is also some capacity within the immediate area for on-street parking without causing displacement nuisance or inconvenience for local residents. Officers therefore do not feel that the lack of off-street car parking provision in this location will lead to any increased highway safety problems or nuisance for existing residents.

Access

UDP policy BE7 states that development for buildings used by the public should make provisions for wheelchair users.

Correspondence with the applicant indicates that they wish to install a ramp to the front to provide level access. There is capacity for this to the front of the unit, where a forecourt of approximately 1m in width is present, and the sketch shows a suitable gradient and landing being achieved. Although officers have seen sketch plans of this, no formal plan has been submitted and it is considered that a more finely designed scheme is required, which will be reserved by condition.

The proposal includes a suitably wide WC for disabled wheelchair users, which is positive.

SUMMARY AND RECOMMENDATION

This is an application for a change of use from a retail shop (Class A1) to a drinking establishment (Class A4) use and it is proposed to resolve this by use of a planning condition.

In land use policy terms, the policy position is finely balanced with retail use dominant in floor space terms but not when assessed in relation to actual numbers of units. The localised mix of units is however still retail (Class A1) dominant. Although noting the wider context and perception of a lack of A1 uses within the centre, given the localised context and the visual impression of the local area still being predominantly retail in character, it is considered that the further loss of an A1 unit would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area and as such, officers feel that the proposal is compliant with Policy S10 of the Sheffield Unitary Development Plan.

There is the opportunity for the proposal to improve the appearance of the bin storage facing Ward Place, and the provision of bin store screening is considered necessary in response to any concerns that the use of the bins by the A4 use will result in an unsatisfactory arrangement. This will be reserved by condition.

Due to the District Centre location and proximity of late night restaurants and traffic, the noise from patrons entering and leaving the unit and driving to and from the area should not be significant. There is a need to demonstrate that residents will not be adversely affected by noise inside the unit, or fumes/noise from any extraction equipment. The Council's Environmental Protection Service advise that mitigation measures can ensure that residents are not adversely affected, and these will be reserved by condition.

For all of the reasons outlined above, it is considered that on balance, the proposal is unlikely to seriously affect the amenities of local residents and is compliant with the appropriate land use policies of the Sheffield Unitary Development Plan and Sheffield Core Strategy, and as such will comply with the main provisions of policies S7 and S10 from the Unitary Development Plan in addition to BE7 concerning disabled access. It is recommended that this application be conditionally approved.

Case Number 13/00724/FUL (Formerly PP-02479967)

Application Type Full Planning Application

Proposal Use of site as a temporary car park

Location Plot V
Europa View
Sheffield Business Park Phase I
Sheffield

Date Received 05/03/2013

Team City Centre and East

Applicant/Agent Turley Associates (Leeds)

Recommendation GRA GC subject to Legal Agreement

Subject to:

1 The use shall cease on or before 1st May 2018.

A permanent consent for a surface level car park would be an inefficient use of this site and would be contrary to the Council's long term aspirations to promote sustainable transport methods at Sheffield Business Park.

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

Sustainable Car Park Management Strategy prepared by Travel Plan Services including Drwg. No. PL 003 (Site Layout).

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

3 The maximum amount of car parking spaces on the site shall be restricted to 156 spaces, including 149 standard spaces and 6 disabled spaces.

In the interests of limiting commuter car parking and defining the permission.

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

CS53 - Management of Demand for Travel

This application seeks planning permission to extend the use of a vacant plot as a surface car park for a further temporary period of 5 years. It is proposed that this car park be increased in size to accommodate 149 car spaces and 6 disabled bays.

It is considered that this proposal is contrary to relevant Core Strategy policy CS53 by virtue that it promotes car parking on the site and does not encourage sustainable travel methods. It also installs additional car parking on the Business Park which further exceeds the parking provision within this site and the maximum parking guidance figure. The Applicant argues however, that an increase in parking is required to help retain, satisfy and encourage occupiers until major improvements to the site's public transport infrastructure and economic climate improve. Furthermore, a Sustainable Car Park Management Strategy is now proposed to help organise the car parking via permits and ring fence revenue generated from such permits to spend solely on travel plan measures across the Business Park. This was not proposed in 2011 and is a means to help justify the continued retention and addition of more car parking in this area. These measures will be secured by the S106 Agreement.

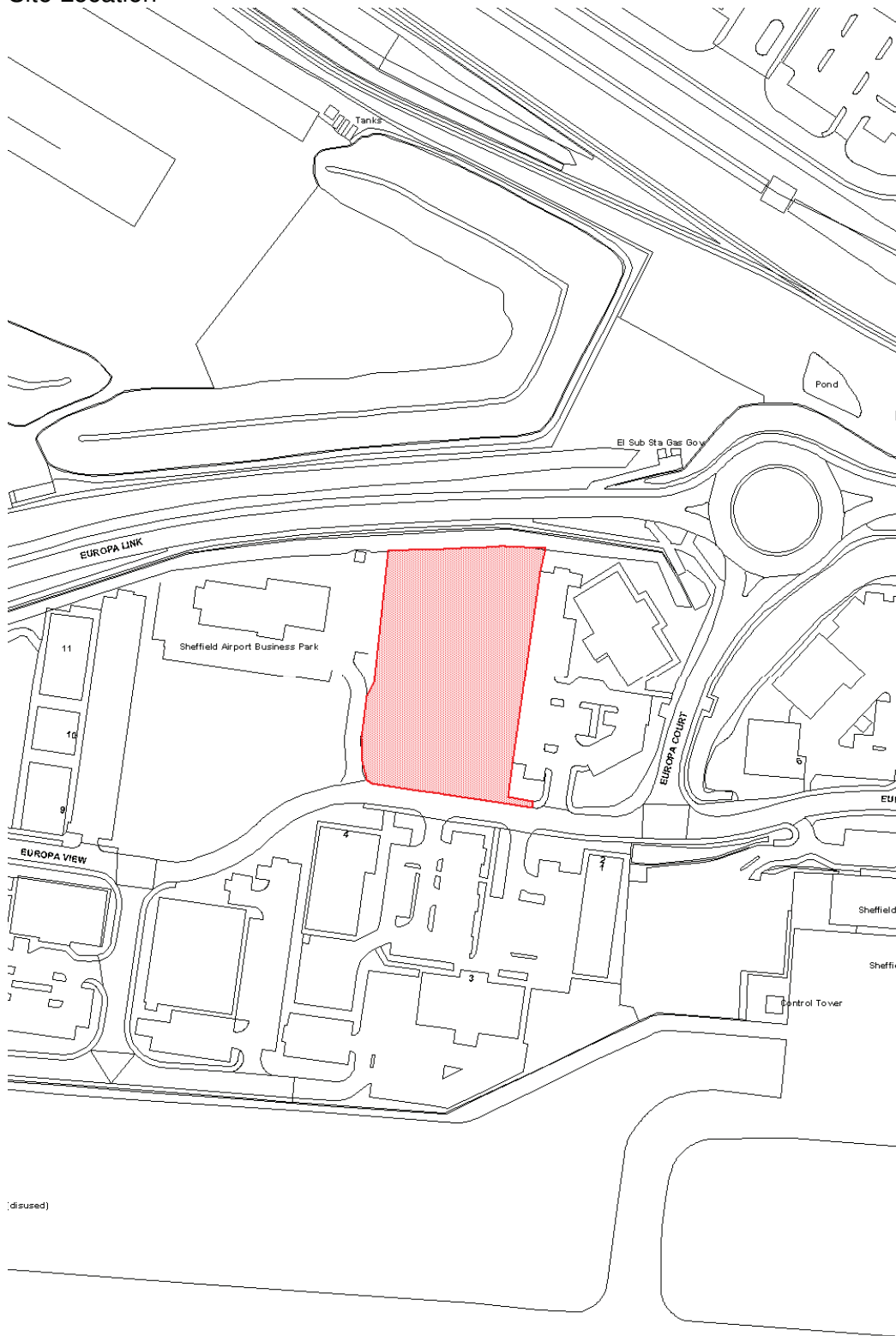
It is considered that a balance has been struck between the long-term policy aspirations for sustainable travel methods and a short-term understanding. As per the previous 2011 approval, it is felt that the Council must show some flexibility in the current economic climate and it is considered that the new car park, which is proposed for a temporary period and on land that is identified as a development plot is - on balance - a reasonable solution to current identified pressures in the existing economic climate in order to support business, ensure that jobs stay in the Sheffield area and in recognition that the current public transport facilities are inadequate.

Therefore, whilst contrary to Policy CS53, it is recommended that temporary planning permission is granted subject to the proposed conditions and the agreed Section 106 Planning Agreement.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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 application relates to part of Site V of Zone 4 at Sheffield Business Park Phase 1. This is a level piece of land that is one of the remaining undeveloped plots on Phase 1. The plot already benefits from planning permission for a temporary car park providing 100 spaces (including 6 spaces for people with disabilities). This planning permission is due to expire on 4th May 2014.

The site area is located towards the eastern end of the Business Park and in terms of immediate surroundings the site is bounded by Europa Link to the north and Europa View to the south. There are existing office buildings beyond the east and west boundaries, which include esg. and SIG. The site is one of the remaining vacant plots on Phase 1.

This application seeks planning permission to continue to use the plot for car parking for a further temporary period of five years. It is also proposed to provide 149no. spaces as well as 6 spaces for people with disabilities, and this is intended to be achieved by extending the car park into the northern part of the plot. This will form a surface car park across the whole plot. Vehicle and main pedestrian access to the car park will continue to be from Europa View.

As previously, the applicant has advised that the need for this temporary car park has come about because of a rise in the demand for car parking as Phase 1 of the Business Park has been built out and successfully occupied. It is also the case that they are facing very stiff competition for retaining and attracting occupiers from elsewhere. There is concern that high levels of on-street car parking, which existed prior to the original grant of the temporary car park (ref. 11/00394/FUL), creates the wrong image for the business park as an attractive area to locate and market to new tenants. It is advised that the Business Park is currently enforcing a no street parking strategy, which in the current economic climate is impacting directly on occupiers and their occupational decisions both immediately and their future plans for job creation. Whilst it is appreciated that there is a need to balance modes of transport, it is argued that making appropriate temporary car parking provision while Phase 2 comes forward, is central to the operational effectiveness, marketability and overall amenity of Sheffield Business Park.

RELEVANT PLANNING HISTORY

11/00394/FUL - Use of site as temporary car park, Granted Conditionally 04.05.2011.

This application was subject to a number of conditions, which requires that the amount of car parking available be reduced at an agreed rate during the third and final year of the approved period: for example, a reduction of 25 spaces per quarter. This condition was recommended in order to ensure that some control was exercised over the amount of parking, help influence travel modes of staff and ensure there are not 100 additional cars with nowhere to park when the permission expired. It was also proposed that a percentage of the proposed spaces be restricted to use by car-sharers in order to try and promote more sustainable methods of travel and ultimately attempt to keep car travel down.

Members are advised that the surrounding vacant land to the north and south-west has been subject to planning applications in the recent past. However, the extant permissions have not been implemented due to the downturn in the economic environment and reluctance to build speculatively.

RESPONSE TO REPRESENTATIONS

The site has been advertised by neighbour notification letter and the Applicant has displayed a site notice.

No public representations have been received.

A representation has been received from South Yorkshire Passenger Transport Executive (SYPTe) which states that SYPTe and the transport operators have no objections to this proposal. Although the increase in parking provision will certainly increase the number of car based trips, it is considered that the proposed Sustainable Car Park Management Strategy (see 'Planning Assessment') will help to mitigate this impact. SYPTe are satisfied that if this is properly enforced, targeted marketing and ticketing promotion could help make public transport easier and more attractive for members of staff.

PLANNING ASSESSMENT

Policy Issues

The application site is allocated within a 'Fringe Industry and Business Area' in the Sheffield Adopted Unitary Development Plan (UDP). Therefore, Policy IB6 of the UDP which relates to 'Development in Fringe Industry and Business Areas' is considered to be relevant. This policy identifies car parks as an acceptable use in this area therefore the principle of development is acceptable at this location, subject to it complying with other most relevant policies.

Highway Issues

The main policy to consider in the assessment of this application is Policy CS53 of the Sheffield Development Framework's Core Strategy document which relates to 'Management of Demand for Travel'. This includes a package of measures to make better use of road space and encourages greater reliance on good quality public transport at peak periods. It also promotes more efficient and sustainable use of vehicles through car clubs, car sharing schemes etc. and the management of public car parking to reduce long-stay commuter parking in favour of short-stay as well as the provision of long-stay park-and-ride facilities near the edge of the main urban area.

Members should be aware that, as per the previous 2011 application, officers consider the current application to be contrary to the above policy and would result in a significant over provision of car spaces relative to office floor space that is occupied on site. The new parking provision proposed exceeds the Council's maximum parking guidance figure for the floor space currently at the Business

Park and it will increase the amount of parking available to workers that could otherwise travel to work by alternative means on a daily basis. The additional car parking is proposed to accommodate parking which would otherwise occur on internal access roads (and being enforced by the applicant) and the surrounding public highway, but, also the parking availability is likely to encourage more cars to the Business Park. Clearly, this is considered to be a less than an ideal solution for managing the demand for travel and promoting sustainable travel methods.

Further to the above, the Highways Development Control Section has advised that no supporting evidence has been provided to show that this level of demand currently exists or that effective measures have already been introduced to help employees use more sustainable transport modes to get to work.

Notwithstanding this, however, the current circumstances and demands being imposed on the Applicant - in order to help retain, satisfy and encourage occupiers - are also recognised by officers. In the current economic climate it is acknowledged there is very stiff competition for occupiers and a risk of losing or not attracting them if they cannot accommodate the required needs.

It is argued that the existing public transport provision at this site does not provide a realistic option for most workers at this out-of-centre location. Members are advised that significant improvements to the public transport provision are proposed as part of the Travel Plan measures and S106 legal agreement for Sheffield Business Park Phase 2 (formerly known as Blue Skies and proposed comprehensive redevelopment of the former Sheffield City Airport site). This proposal included additional funding and support for the South Yorkshire Passenger Transport Executive to help significantly enhance bus services, which will hopefully benefit the entire site (Phase 1 and 2) when delivered. However, the current economic circumstances have hindered the pace of development and demand on the Business Park, which in turn has delayed the implementation of Phase 2 and occupancy on site to trigger delivery of the anticipated Travel Plan measures and S106 funds.

The current bus service has a 30 minute frequency which is not attractive and it is advised that services really need to run at 20 minute intervals to be attractive to commuters. Previously, SYPTE indicated that existing limited demand for the A1 bus service means that service frequency will not be increased until it can become self-sustaining and this is unlikely to occur until such a time as significant development takes place as part of Phase 2 and demand increases. This view does not appear to have changed.

With regard to cycling, for many the Business Park is not a convenient cycling distance despite the fact that the route from the city centre is flat, mainly off road and can be cycled in 30 - 40 minutes.

Proposed Strategy/Mitigation Measure

The Applicant has provided a Sustainable Car Park Management Strategy with this application to support the case for more car parking.

It is expected that this strategy will complement the existing Sheffield Business Park Travel Plan and it is suggested that its purpose is to provide the short term car parking wanted but at the same time restrict the use of spaces to those organisations at the Business Park that are willing to take positive steps to try and reduce their car parking demand in the long term.

In summary, the Strategy indicates that it is intended that the parking spaces be laid out as either 'Permit Holder Bays' or 'Pay & Display Bays'. Those occupiers who are successful in applying for spaces within the temporary car park (see below) will be issued with a set number of spaces, for which permits for these bays will be issued.

When parking within the car park, vehicles will need to display either - 1) a valid parking permit for licensed spaces, or 2) a valid pay and display permit as well as a pay and display ticket. It will be the responsibility of the Business Park to enforce the use of these spaces.

In order for an application for spaces in the temporary car park to be approved an organisation must either meet or sign up to the following criteria. It is advised that if this is not met at the outset, or in subsequent years when reapplying for spaces, then the application would be refused.

1. The organisation must have developed and had approved by both Sheffield City Council and Sheffield Business Park management a travel plan strategy;
2. The organisation must participate in the Sheffield Business Park travel survey process, completing both an occupier survey, and achieving a minimum response of 30% to staff survey;
3. The organisation, within their Travel Plan Strategy, will be required to outline how they will proactively manage their existing parking stock to ensure that those with the greatest business need for access to a car are accommodated within the site;
4. The organisation must submit a travel plan update report annually upon re-applying for spaces within the temporary car park.

In addition to this "permit strategy" it is also proposed that there be a commitment by Sheffield Business Park that 30% of all net revenue generated from the temporary car park would be ring fenced and spent solely on travel plan measures across the Business Park to improve sustainable transport measures in the long term. It is advised that these measures could include:

- The offer of Personal Travel Plans - in partnership with SYPTE;
- Electric charging points;
- Promotion of lift share scheme;
- Promotional and marketing material;
- New site wide measures - such as Dr. Bike sessions, 'Try Cycling' events etc.
- Taster bus tickets - in partnership with SYPTE;
- Investigate the feasibility of running some form of site mini bus;
- Additional resources to deliver the role of Travel Plan Coordinator;
- The review of occupier travel plans.

Finally, it is proposed to reduce the amount of spaces over the period of the planning position. It is proposed that:

- first 3 years of operation - 149 spaces;
- the next 6 months of operation (3.5 years) - 125 spaces;
- the next 6 months of operation (4 years) - 100 spaces;
- the next 6 months of operation (4.5 years) - 66 space; and
- the final 6 months of operation (5 years) - 33 spaces

This reduction of spaces is akin to a condition imposed on the previous 2011 consent at this site, albeit spread over 5 years rather than 3 years. As per this previous proposal, it is considered that this way forward will help to maintain some control over the amount of parking, help influence travel modes of staff and ensure there are not 149 additional cars with nowhere to park when the permission expires in 2017.

The proposed layout and design of the car park facility is considered to be acceptable for the temporary period proposed.

Overall, Members are advised that this proposal is considered acceptable for only a short-term period and it is not a long-term solution. It is expected that more development on the Business Park will trigger better public transport and better travel planning. The behaviour of staff will have to change as these facilities improve.

It is recommended that the mitigation measures proposed in the Sustainable Car Park Management Strategy be secured by a S106 Agreement and this is currently being prepared by the Applicant.

SUMMARY AND RECOMMENDATION

This application seeks planning permission to extend the use of a vacant plot as a surface car park for a further temporary period of 5 years. It is proposed that this car park be increased in size to accommodate 149 car spaces and 6 disabled bays.

It is considered that this proposal is contrary to relevant policy CS53 by virtue that it promotes car parking on the site and does not encourage sustainable travel methods. It also installs additional car parking on the Business Park which further exceeds the parking provision within this site and the maximum parking guidance figure. The Applicant argues however, that an increase in parking is required to help retain, satisfy and encourage occupiers until major improvements to the site's public transport infrastructure and economic climate improve. Furthermore, a Sustainable Car Park Management Strategy is now proposed to help organise the car parking via permits and ring fence revenue generated from such permits to spend solely on travel plan measures across the Business Park. This was not proposed in 2011 and is a means to help justify the continued retention and addition of more car parking in this area. These measures will be secured by the S106 Agreement.

It is recommended that the application be approved and a balance struck between the long-term policy aspirations for sustainable travel methods and a short-term understanding. As per the previous 2011 approval, it is felt that the Council must show some compassion within the principles of no additional long-term parking and it is considered that new car park, which is proposed for a temporary period and on land that is identified as a development plot is - on balance - a reasonable solution to current identified pressures in the existing economic climate in order to support business and ensure that jobs stay in the Sheffield area.

Therefore, whilst contrary to Policy CS53, Members are recommended to grant temporary planning permission subject to the proposed conditions and completion of the approved Planning Agreement under Section 106 with the following Heads of Terms identified below.

Heads of Terms:

1. Agreement that the Owner shall allocate 30% of net income received from the temporary parking spaces to be ring fenced to help promote and implement sustainable transport measures.
2. Agreement that the Owner shall enforce the car park and ensure that the temporary car parking spaces will only be used by employees/visitors of organisations who have been granted a licence/permit to park in these spaces because they periodically meet the criteria set out in the Sustainable Car Park Management Strategy.
3. Agreement that the owner shall reduce the number of car parking spaces within the car park in accordance with the following schedule:
 1. 1st May 2013 to 1st May 2016 - 149 spaces and 6 disabled spaces;
 2. 2nd May 2016 to 1st November 2016 - 125 spaces and 6 disabled spaces;
 3. 2nd November 2016 to 1st May 2016 - 100 spaces and 6 disabled spaces;
 4. 2nd May 2016 to 1st November 2016 - 66 spaces and 6 disabled spaces;
 5. 2nd November 2016 to 1st May 2018 - 33 spaces and 6 disabled spaces.

In the event that a satisfactory S106 planning agreement covering the Heads of Terms set out in the preceding paragraphs is not concluded before 1st May 2013 (in order to meet the Government's target time for determination of the application), it is recommended that the respective application be refused for the failure to make adequate provision in this regard.

Case Number 13/00695/FUL

Application Type Full Planning Application

Proposal External alterations to the Barber Road and Burns Road frontages, including a new shop front and provision of a level access (As amended plans received 05/04/2013)

Location Hadfield Hotel
24 - 28 Barber Road
Sheffield
S10 1ED

Date Received 27/02/2013

Team South

Applicant/Agent HTC Architects

Recommendation Grant Conditionally

Subject to:

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

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 1081-13-A Proposed Elevations
Drawing No 1081-12-A Proposed Ground Floor Plan
Drawing No 11031-194-2DT Topographical Survey
Drawing No 11031-194-G Existing Ground Floor Plan
Drawing No 11031-194-1 Existing First Floor Plan
Drawing No 11031-194-E Existing Elevations

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The building shall not be used unless a Manifestation is provided on the glazed entrance door and full height fixed glazing - two bands in a colour which is clearly distinguishable from both sides of the glass in all lighting conditions. Thereafter such manifestation shall be retained.

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

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:

BE5 - Building Design and Siting

BE7 - Design of Buildings Used by the Public

This is an application for a new shop front providing a level access, removing the existing ramped access on the Burns Road elevation and blocking up three windows on the rear facing the courtyard. The proposal is considered acceptable in terms of its appearance, and allows level access to the building, complying with Policies BE5 and BE7 of the Sheffield Unitary Development Plan.

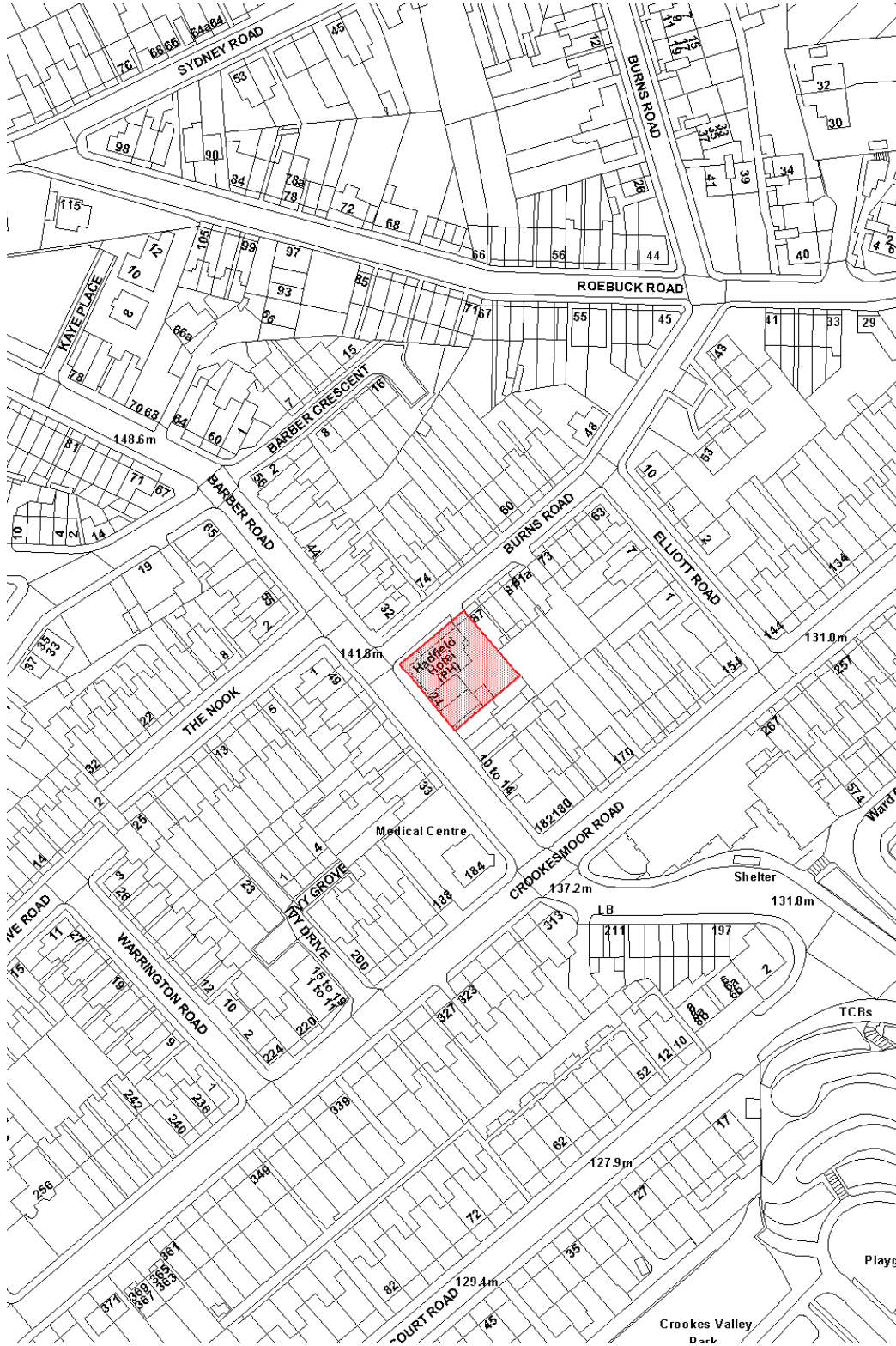
The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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 be aware that the ATM as shown on the approved plans, is not approved. This will need a separate planning application to assess its impact.

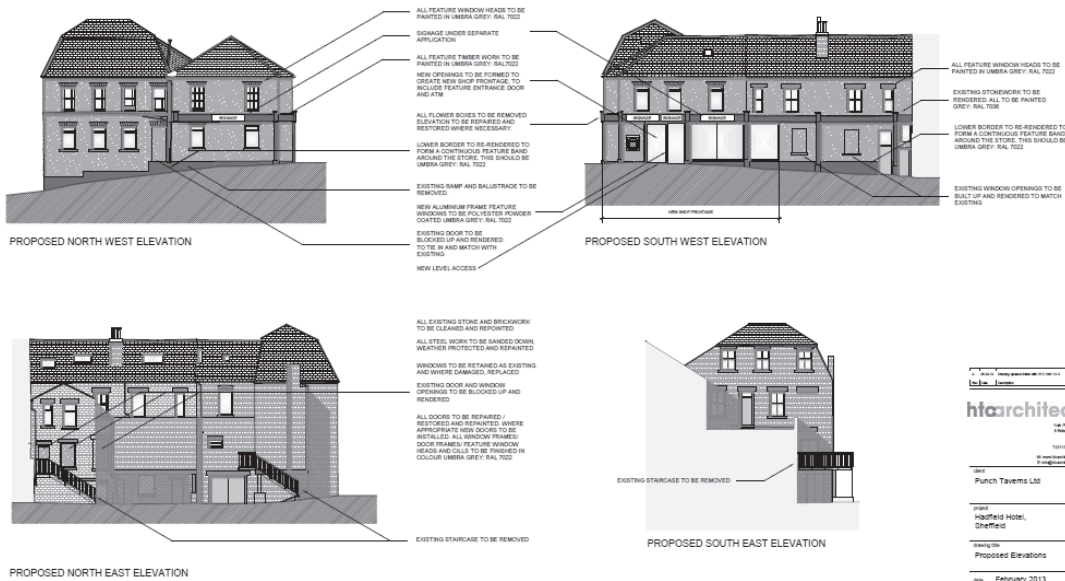
Site Location



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Architectural drawings showing the proposed elevations for 'THE HADFIELD' pub building, including a north west elevation, a south west elevation, a north east elevation, and a south east elevation. The drawings include detailed annotations regarding window treatments, door specifications, and structural elements.



h|a|r|c|h|i|t|e|c|t|s

1001
Punch Taverns Ltd

1001
Hadfield Hotel
Sheffield

1001
Proposed Elevations

1001
February 2013
1001
Planning Issue
1001
1:100 @ A1
1001
R2/2
1001
1081 Aug 13 1001 A

LOCATION AND PROPOSAL

The proposal relates to the former Hadfield Hotel Public House located at the corner of Barber Road and Burns Road. The building is currently vacant, having ceased trading as a public recently. The surrounding area is made up of commercial properties on the north east side of Barber Road, with terraced housing on the opposite side. The side streets running from Barber Road and including Burns Road directly opposite the application property also consist of predominately terraced dwellings.

Located at the rear of the building is a courtyard area which appears to provide parking and bin storage to the building. The land to the rear slopes so that the rear elevation facing the courtyard area is a storey lower than the Barber Road elevation.

The adopted Sheffield Unitary Development Plan defines the site as falling within a Local Shopping Area running along Barber Road, with the wider area allocated as a Housing Area.

This application seeks permission to make external alterations to the appearance of the building by creating a new shop front and providing a level access. The existing ramped access at the side of the building is to be removed and the door blocked up, a new glazed entrance and surround is proposed on the Barber Road elevation, and a number of windows and doors on the rear are to be blocked up. The frontage would predominantly consist of large areas of glazing with proposed signage above (which would be the subject to a separate advert application).

It is important to note that planning permission is not required for the change of use of the building from a public house to an A1 retail unit, and therefore the principle of the change of use can not be considered in the application. Furthermore, owing to the limited nature of the proposed alterations, which do not include any changes to the way the building is serviced, the impact on the surrounding highway network can not be taken into consideration in determining this application.

RELEVANT PLANNING HISTORY

There is no recent planning history to the application site.

SUMMARY OF REPRESENTATIONS

There have been 34 representations received in total objecting to the proposed application. Of these, only two representations are objecting to physical alterations to the appearance of the building.

Physical Alterations:

Converting a pub into a store is never going to be a good aesthetic fit on any parade; however the applicants have done their best to make the frontage as sympathetic as possible.

To replace the frontage of the Hadfield Pub with a shop front is to lose part of a valuable and individual building, diminishing the diversity of the area and how will level access be achieved given the narrowness of the pavement outside the building?

Other factors:

A petition objecting to the planning for Sainsbury's store to open at the Hadfield Hotel has been received containing 20 individual signatures.

There have also been a large number of objections that raise other issues. These include issues regarding: traffic generation/impact, deliveries, trade and competition objections, absence of need for further convenience stores, noise and air pollution, loss of community space/facility, public nuisance, public safety, inadequate justification etc.

These matters are relevant to the use only which is not the subject for this application. The property can lawfully change its use from a public house to an A1 retail use under permitted development rights, and therefore without the need for planning permission. Furthermore, it would not be lawful to impose restrictive conditions on the use on the basis of a change to the physical appearance of the shop front, removal of the access ramp, and blocking up several windows on the rear.

PLANNING ASSESSMENT

Design and Access Considerations

Policy BE5 'Building Design and Siting' requires good design and the use of good quality materials in all new and refurbished buildings and extensions. It seeks to ensure that designs meet the needs of users, particularly people with disabilities, elderly people, people with children, and women and encourage the refurbishment of good existing buildings particularly where their loss would lower the quality of the street scene.

The design of the shop front does not depart substantially from the overall appearance of the building. The existing doorway is to be filled in and replaced with a large glazing panel with the entrance door being repositioned slightly closer to the junction with Burns Road. Three further areas of glazing are proposed along the Barber Road elevation, which extend from the existing plinth up to the existing fascia board. The original pilaster features are to be retained, made good and re-painted, with the elevations to be made good where there are openings to be blocked up and re-painted. There is an existing ramped access on the Burns Road elevation which is to be removed and the door blocked up, with three windows to be blocked up facing towards the rear courtyard area. The building is not listed, and the design is considered appropriate and sympathetic to the original architecture of the building and will not create a discordant feature in the street scene.

Policy BE7 'Design of Buildings Used by the Public' states that In all buildings which are to be used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and to appropriate parking spaces. The provision of other facilities for people with disabilities or with young children will be encouraged, including safe and easy access within the building and between floors.

The main entrance to the building is to be moved slightly closer towards the junction with Burns Road where the land levels are marginally higher and therefore this will allow the level of the shop floor to tie in with the adjacent pavement creating a level access. This will remove the need for a separate access ramp to be constructed either externally or internally. The main entrance is to feature a sliding automatic doorway which will improve the overall accessibility of the shop, with the commercial element restricted to the ground floor, which is all level internally.

The design of the proposed shop front, removal of the access ramp from the Burns Road elevation, and the blocking up of several of the windows at the rear will not cause rise to any amenity issues to occupiers of properties within the immediate vicinity.

SUMMARY AND RECOMMENDATION

This is an application for a new shop front providing a level access, removing the existing ramped access on the Burns Road elevation and blocking up three windows on the rear facing the courtyard. The proposal is considered acceptable in terms of its appearance, and allows level access to the building, complying with Policies BE5 and BE7 of the Sheffield Unitary Development Plan. Planning permission is recommended for approval in this instance.

Case Number	13/00383/FUL (Formerly PP-02448029)
Application Type	Full Planning Application
Proposal	Erection of 14 apartments in 2 no. blocks with associated car parking accommodation and landscaping works (Resubmission of 11/00567/FUL - Amended scheme)
Location	135 Dore Road Sheffield S17 3NF
Date Received	06/02/2013
Team	South
Applicant/Agent	Wireframe Studio
Recommendation	Refuse

For the following reason(s):

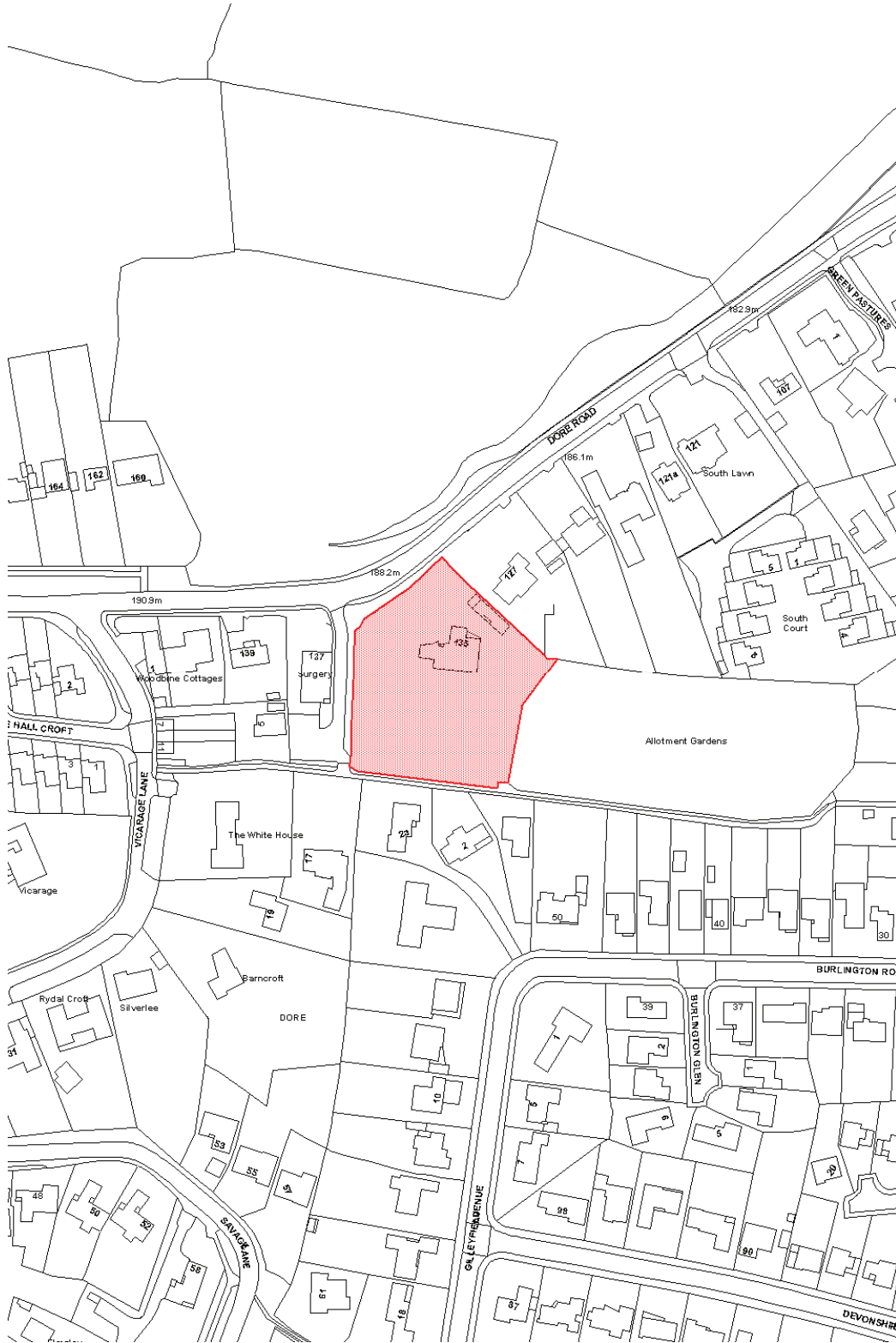
- 1 The Local Planning Authority consider that owing to the excessive footprint, scale, bulk and massing of the proposed development, and its overall design the apartment blocks would represent overdevelopment of the site, resulting in an over dominant feature in the street scene, and within the immediate locality, out of scale and character with the surrounding context. The proposed development therefore fails to respond to local character, identity, and distinctiveness. As such, it is contrary to the aims of Policies BE5 (a) and H14 (a) and (c) of the Unitary Development Plan for Sheffield, and Policies CS31 and CS74 of the Sheffield Development Framework Core Strategy.
- 2 An assessment of open space provision within the locality has identified a shortfall of informal and formal open space, and the applicant has not provided a completed S106 Planning Obligation, securing a financial contribution to allow for enhancement of existing off site open space. As such the proposal fails to comply with the requirements of Policy H16 of the Unitary Development Plan for Sheffield.

Attention is drawn to the following justifications:

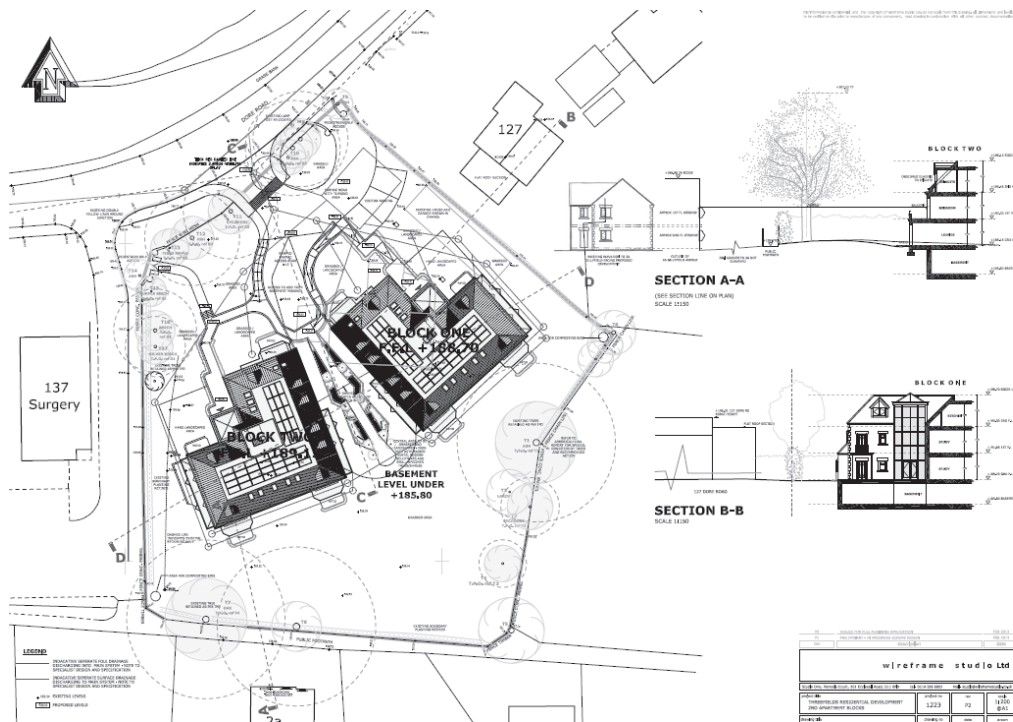
1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application was submitted without the applicant having entered into meaningful pre-application discussions about the planning policies that apply to the

proposal and has shown insufficient regard for those policy requirements, so it has not been possible to reach an agreed solution in this case.

Site Location



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LOCATION AND PROPOSAL

The application site is located to the south of Dore Road. The site previously played host to a large single, detached dwelling sited within substantial sized gardens that contained trees and planting. The dwelling and ancillary outbuilding has since been removed and the site is devoid of any previous structures. Some of the trees on the site are covered by a number of Tree Preservation Orders.

Vehicle and pedestrian access is currently gained via two separate points, broadly located at the eastern and western points of the site frontage. Generally the site is level, although there is a small incline up from the street into the site.

The surrounding land uses include other dwellinghouses, a Doctor's Surgery at the site immediately to the west, and an allotment to the south-east. The open fields on the opposite side of Dore Road are allocated within the Unitary Development Plan as being Green Belt. The dwellinghouses in the vicinity are typically large detached houses, set within reasonably substantial sized grounds and set wholly within a defined Housing Area, as identified in the Unitary Development Plan.

The application seeks consent to erect a total of 14 flats within two buildings. Each block would contain 7 apartments; of these apartments two would be large three bedroomed units, whilst the other 12 would be spacious 2 bedroomed units. The units would comprise of 30 bedspaces in total.

Each block would include 2 storeys to the eaves with additional accommodation in the roof. Vehicle parking would be provided within a basement level beneath the two blocks. The basement level parking area would give a total of 28 car parking

spaces. Three additional visitors car parking spaces are provided to the front of block one.

Vehicle access would be achieved via a newly created access point, located approximately at the mid-point of the site frontage onto Dore Road. Pedestrian access is proposed to be achieved from two other points of access along the site frontage onto Dore Road.

This application is a resubmission of a previous planning application that sought permission for 14 apartments set within two, three storey blocks (11/00567/FUL). The application was refused and then dismissed at appeal. The assessment section of this report identifies the relevant differences in the two applications.

RELEVANT PLANNING HISTORY

The site relating to this application has been the subject of various planning applications. The most relevant planning history is:
08/04806/FUL; Erection of 8 dwellinghouses with garages. Approved 21 January 2009

09/02316/FUL; Erection of 6 dwellinghouses with garages. Approved 23 December 2009. The applicant has commenced work on implementing this permission, and officers have confirmed that works represent implementation. However, this has been challenged by a local resident (See Representations)

11/03316/FULR: Erection of 8 dwellinghouses with garages (application to extend time limit for implementation of 08/04806/FUL) - Approved 23 February 2012

11/00567/FUL: Erection of 14 apartments in 2 no. blocks, with associated car parking and landscaping (in accordance with amended drawings received 14.12.2011 and 23.01.2012) - Refused 7 February 2012 and dismissed at appeal on the 17 January 2013.

The Local Planning Authority (LPA) refused the application for the following reason:

The Local Planning Authority consider that owing to the excessive footprint, scale, bulk and massing of the proposed development, and its overall design the apartment blocks would represent overdevelopment of the site, resulting in an over dominant feature in the street scene, and within the immediate locality, out of scale and character with the surrounding context. The proposed development therefore fails to respond to local character, identity, and distinctiveness. As such, it is contrary to the aims of Policies BE5 (a) and H14 (a) and (c) of the Unitary Development Plan for Sheffield, and Policies CS31 and CS74 of the Sheffield Development Framework Core Strategy.

This view was shared by the Planning Inspector and the appeal was dismissed for the above reasons.

Prior Approval to demolish the existing building was granted on 14 November 2012 and, the dwelling and outbuildings have since been demolished.

There is also a current application (12/03921/FULR) submitted to renew the permission for 6 dwellings (09/02316/FUL)

SUMMARY OF REPRESENTATIONS

The application has been publicised in accordance with the Council's adopted Statement of Community Involvement and 4 site notices have been posted around the perimeter of site. The number of people notified of the proposal by post has exceeded both Government and LPA guidance on such matters.

The application has raised significant interest from local residents and ward Councillors. The majority of the representations are a typed letter with signatures and addresses written on the bottom. The majority of the letters are from the surrounding S17 postcode; however, others have been received from the S2, S10 and S20 areas. Furthermore, whilst 180 representations have been received, approximately 1/3 of these are multiple responses received from residents residing at the same address.

The duplicate letter can be summarised as objecting to the proposal because:

- The proposal does not address the concerns raised in the 2000 objection letters, or the Planning Inspectorate's refusal of planning permission for the previous scheme which this application is a resubmission of;
- The three storey development should not be permitted in an area that has only single and two storey dwellings and the Council should give material weight to its decision made on 13 February 2013 that refused consent for a three storey development at 162 Dore Road;
- The footprint, scale, height and bulk of the two blocks is completely out of keeping with the nature and character of the area. The blocks will dominate the surrounding single and two storey properties that have much smaller footprints and will result in a significant loss of amenity for all neighbouring properties;
- The design is not in keeping with the locality and no other property on Dore Road has a glass tower;
- No other scheme on Dore Road is so densely constructed as to require an underground car park. The density in the surrounding area is less than 7 dwellings per hectare. The proposed scheme equates to 32 dwellings per hectare and represents an increase of 465 percent over the existing density in the area;
- The substandard access and egress arrangements coupled with its locality, on a very dangerous bend, make the site unsuitable for a scheme of such a significant density, and;
- The village is becoming unsustainable and the development will put further pressure on parking, traffic, drainage, education, dental and medical services.

Dore Village Society submitted 1 written response in relation to this proposal and these comments can be summarised as follows:

- The proposal is contrary to the National Planning Policy Framework as it would be detrimental to the character of the area because it involves development within a residential garden;
- The proposal does not enhance the area's natural setting and is inappropriate because of its density. Owing to this, the proposal is contrary to Core Strategy Policy CS31 by reason of the proposals' footprint, scale, height and bulk;
- The density of the proposal does not reflect the character of the area;
- The proposal does not include any affordable housing;
- The drainage of the site is likely to increase the risk of flooding on Dore Road and at the junction of Dore Road and Abbeydale Road;
- The design of the proposal does not respect or take advantage of the distinctive features of the neighbourhood. The scale and bulk of the two blocks are overlarge and uncharacteristic of this part of Dore Road;
- The site will be overdeveloped and deprive adjoining residents of light and privacy;
- The proposal does not provide sufficient visitor car parking space or sufficient turning space for larger vehicles;
- Pedestrian access to the buildings is poor and will encourage people to park on the access road.

Four representations have also been received that have not adopted the prose of the duplicated letter. The representations raise the following concerns and can be summarised as:

- The proposal does not make a credible attempt to address the concerns of the Planning Inspector;
- The new scheme would create a proposal that is wider than the previous refused apartment scheme and be of a scale and massing that would visually impact upon the character of the area;
- The proposal would have a density that is not consistent with the surrounding area;
- The proposal would be an overdevelopment of the site and would not be in character with the surrounding area;
- The scale of the proposal is inappropriate and raises amenity issues such as loss of privacy;
- The proposal would lead to drainage issues and potential flooding;
- The proposal would create highway issues owing to the access and siting of the large proposal on an already dangerous bend;
- Consideration should be given to other decisions recently made by the Local Planning Authority regarding three storey developments along Dore Road;
- The consultation process has been flawed with the developer not consulting the public at all and the planning authority not engaging fully with the wider community.

A further letter has been received from an adjoining neighbour, in addition to a previous representation of his, and this has been requested to be put on this application file. The letter disputes the lawfulness of the implementation of the 6 dwelling permission (09/02316/FUL). It states that this consent has now expired

and the previous scheme is not a fall back position should this application not be successful.

All previous decisions referred to in the planning history are material considerations for this current application. They are recent decisions taken on submitted proposals for residential developments, as is the current application.

In the case of the 6 dwelling house scheme (09/02316/FUL), this was determined in accordance with the UDP and Core Strategy policies that remain applicable. Therefore, notwithstanding the need to respond to the residents suggestion that its implementation is not lawful, the decision taken to grant planning permission in the first instance is material.

Officers are currently seeking advice on the question of the lawfulness of the implementation of the permission, and it is expected that additional information on this point will be provided for members at the Committee meeting.

PLANNING ASSESSMENT

Principle of Development

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

The proposal involves the re-development of a site that was originally occupied by a dwelling house and ancillary outbuildings. The National Planning Policy Framework (NPPF) promotes the use of previously developed land; however, it places a strong emphasis on sustainability. Although the grounds of the original house are excluded from the definition of previously developed land by the NPPF, the presumption in favour of sustainable development would prevail here and the principle of development is considered acceptable.

National Planning Policy Framework

Since the submission of the previous application, the National Planning Policy Framework (NPPF) has been adopted. The NPPF is a material consideration to be taken into account in determining planning applications.

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

Specifically with regard to Housing, the NPPF confirms the Government's key objective as increasing significantly the delivery of new homes, including increasing the supply of housing; delivering a wide choice of high quality homes and

opportunities for home ownership; and creating sustainable, inclusive and mixed communities.

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

Housing Land Availability

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

Information presented to the Inspector during the previous appeal confirmed that a deliverable supply of housing land over the coming five years cannot be demonstrated and since the date of the appeal, this situation has not changed. It is noted that since the planning appeal, the NPPF has been adopted for over one year and therefore due weight should be given to the relevant policies in existing plans according to their degree of consistency with the NPPF.

Paragraph 49 of the Framework advises that relevant policies relating to housing supply should not be considered to be up to date if a five year supply cannot be demonstrated and that the presumption in favour of sustainable development should apply.

This issue of a shortage in housing land availability supports the principle of residential development at this site and it can be agreed that the proposal would provide a small and helpful contribution to the local supply of housing land. However, for reasons outlined in the following report, and those outlined in the Planning Inspectors decision, the harm that would be caused to the character and appearance of the area would not demonstrably outweigh the benefit of a few additional residential units to Sheffield's housing stock.

Housing Demand Issues

It has been questioned in the representations whether the demand for the residential units proposed is there in Dore. It should be noted that there are various factors as to why certain units may or may not sell and that the Local Planning Authority has limited influence in such matters. The onus is therefore on the developer to ensure that proposal meets local demand. The most recent Housing Needs Assessment is based on data from 2007 and is therefore somewhat out of date.

Affordable Housing

It has been raised in a letter of representation that the proposal does not make provision for affordable housing and that as such; this proposal does not accord with the Councils' Policies and Sites document of the emerging Sheffield Development Framework (SDF).

The Core Strategy policy document, which is an adopted section of the SDF, states within policy CS40 that no affordable housing contribution is necessary where the residential development is less than 15 units in size. This may change in future if the emerging Cities Sites and Policies document of the SDF is adopted. However, the document referred to in the representation has not been adopted by the Local Planning Authority and is not therefore applicable in this instance. As with the previous application for 14 apartments, no affordable housing contribution is required in this instance.

Efficient Use of Land

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

With regards to density, based upon the site area as defined in the application the proposal would involve a density of 29 dwellings per hectare. CS26 states that a density range of 30 to 50 dwellings per hectare is acceptable in urban areas. As such, the scheme would be considered to represent an efficient use of land that would satisfy this policy. However, consideration must also be given to the impact this has on the character of the surrounding area.

Relevance of Planning History

Two previously approved schemes granted consent for 8 houses (ref. 08/04806/FUL) and 6 houses (09/02316/FUL). As previously mentioned, the decision to consider the implementation of the 6 house scheme as lawful is being disputed by a neighbouring resident. However, the previous consents are material considerations and given weight accordingly.

The most relevant planning history and that which is of greatest weight is the refusal of planning permission for the erection of 14 apartments in two, three storey blocks. The application was refused by the Planning Inspector in 2013.

The principle of some form of residential development was previously considered to be acceptable, and established by previous decisions. Moreover, the appeal Inspector's decision does not take a different view. The Unitary Development Plan policies, which applied to the principle of development in those previous cases, continues to apply to this application.

Principle within the Unitary Development Plan and the SDF Core Strategy

The application is located within a Housing Area under the provisions of the Adopted Unitary Development Plan.

Policy H10 of the UDP states that Housing is the preferred use in this location. Therefore, the principle of residential development would be considered to be acceptable. However, this would be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas'.

Policy CS24 of the Core Strategy sets a target of no more than 12% of new housing to be developed on Greenfield land. A number of circumstances are given where this would be acceptable. Part (b) allows greenfield sites to be developed for housing 'on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds'. The site is within the urban area in a relatively sustainable location and would fit the criteria within the policy.

As such, the proposal is not considered to be contrary to the provisions of policy CS24 of the Core Strategy, and it is not considered that it would be possible to support an argument for refusal based upon this issue.

Overall, the principle of the proposed development would be considered to be acceptable, and there are not considered to be any reasons to resist the proposed scheme in relation to these issues. Indeed the delivery of a reasonable number of new housing units would support the aim of recent Government Policy.

Sustainability Issues

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

The proposed development of the site would be required to be assessed with regards to Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF. Policy CS64 would require the development to achieve Code for Sustainable Homes Level 3 as a minimum. The applicant has outlined in an appraisal of the scheme how this would be achieved, referring to specific measures and methods. In order to ensure that any development met this requirement, an appropriate condition could be added to any consent granted.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. Solar panels to the flat roof areas have been referred to as providing a sustainable source of energy in way not visible to the surrounding areas. These are also shown on the roof layout drawings. The submission of precise details, including yield data etc, from such measures would be required to be added as a condition to any consent granted to ensure that policy CS65 was satisfied.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments exceeding 10 dwellings to incorporate a green roof which covers at least 80% of the total roof area. It was agreed with the applicant in the previous application that an area of green roof could be incorporated into the scheme, whilst also providing measures to achieve a minimum of 10% of the development's needs from decentralised energy in line with policy CS65. However, in this application, the changes to the buildings footprint means that the roof area is reduced by almost $\frac{1}{4}$ and the incorporation of a green roof would mean the loss of some or all of the solar panels. In this instance, it is considered that as the roof

space is being utilised for the provision of a means to provide renewable energy, the guidance cannot be strictly adhered to and it would not be reasonable to refuse the scheme on this reason alone.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water run off to be reduced as far as is feasible by design measures such as attenuation or permeable paving. Such measures can be reasonably required by suitable planning conditions attached to any approval.

Design Issues

Policy BE5 of the UDP states that the new buildings should complement the scale, form and architectural style of surrounding buildings.

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

Core Strategy policy CS31 'Housing in the South West Area', states that in south-west Sheffield, priority will be given to safeguarding and enhancing its areas of character, with the scale of new development being largely defined by what can be accommodated at an appropriate density. Policy CS74 'Design Principles' states that development should take advantage of the townscape and landscape character of the city's districts and neighbourhoods, with their associated scale, layout and built form, building styles and materials.

It was agreed by the Planning Inspector during the appeal for the previous scheme that the site is relatively sustainable and close to amenities and access to public transport. Ultimately, however, it was considered that the social benefits and support to economic growth were outweighed by the demonstrable harm caused to the surrounding built environment. Accordingly, the proposal was found not to constitute sustainable development within the meaning of the NPPF and refused due to the comprehensive visual harm to the character and appearance of the surrounding area.

The original scheme proposed two square apartment blocks that were set back from the public highway and within modest sized grounds. The proposal incorporated a palette of materials that would respect the mix of materials used in the surrounding housing stock. Furthermore, details found in the architectural style, such as the bay windows and gable ends, were considered to enliven the elevations of the buildings and provide an architectural style that would be complementary to the surrounding Edwardian and Victorian villas. However, despite the architectural detailing, the proposal could not escape the fundamental objections to the proposal in terms of its excessive scale.

A comparison was drawn with the original approved proposal for detached dwellings; however, it was found that although the dwellinghouses were closer to the public highway than the proposed apartments, the apartment blocks would inevitably dominate the street and adversely impact upon the character of the area.

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the surrounding local character and be visually attractive as a result of good architecture.

Unlike the previous application, this proposal has not been assessed against the criteria outlined in CABE's, now superseded, 'Building for Life' assessment. The replacement to CABE's 'Building for Life' has been modified but is in the process of being adopted and put into practice. In this instance, the design is to be assessed on its own merits and against the current national and local planning policies.

This application seeks permission to erect two, three storey apartment block within the grounds of the original dwelling, no. 135 Dore Road. The proposed units would have undercroft car parking similar to the previously refused scheme and a similar layout and positioning. The materials proposed would, in the most part complement the surrounding area and the only real difference between this scheme and its predecessor is that the two blocks are no longer square in footprint, but rather 'L' shaped. The detailing of the units is also radically different with a three storey glass access staircase that is sited in the middle of the 'L'.

The proposed 'L' shape has been adopted to reduce the overall bulk and mass of the building that is visible from the public highway. However, the bulk and mass of the building when viewed from the public right of way to the rear would be marginally bigger than the previous apartment blocks. The Inspectors decision made reference to the fact that the trees would provide minimal screening at certain points of the year and the views through to the site, from all compass points, would be of the large mass and expanse of the two residential blocks. The apartment blocks have had small sections removed from the northeast corner of block one and the northwest corner of block two. The massing of the buildings has been rearranged, rather than reduced in scale. Accordingly, the massing is still considered to be readily apparent and visually intrusive when set in the context of Dore village.

The proposal, unlike the original scheme has altered the detailing of the elevations significantly with the most noticeable feature being the glass encased stair case on each building. The feature would be very much alien to the surrounding area and does not help integrate the façade of the building within the surrounding area. Moreover, with the incorporation of bay windows, second storey balconies and dormer windows, the elevation details create a confused and cluttered frontage that lacks coherence and architectural direction. This, together with the height and massing of the buildings means that the proposed design would be more obvious within the context of the street.

The proposed materials include ashlar stone, and slate type tiles which are appropriate; however, Dore Road is considered to be characterised by housing of varying ages and styles, drawn together by a consistent scale and massing. This proposal is not considered to reflect this character. The scale and massing of the blocks is still considered to be overly dominant. The height and footprint of each

block is too great. The depth of the blocks and accommodation housed at top floor level result in a roof form which is considered to be over-dominant and uncharacteristic of the wider surrounding area.

The design of the scheme is considerably at odds with the surrounding predominant character of large scale individual dwellings within substantial individual plots. Unlike the previous individual dwelling schemes, the footprints of the two blocks dwarf those of neighbouring residential properties, being approximately 400% larger than neighbours on Dore Road, Vicarage Road and Gilleyfield Avenue. In this respect, the scheme fails to respond adequately to local character as required by the above local and national guidance.

Existing developments in the area are noted, including the three storey apartment scheme located to the west, approximately 200m along Dore Road. However, this is considered to be an anomaly in the street scene, rather than an example of the prevailing character of the area, and should not be a reference point, or benchmark for a poor quality scheme to be introduced into the area.

Owing to the above, the proposal is considered to be out of keeping with the character of the area and non-responsive to the concerns raised by the Planning Inspectorate. In this regard, it is considered to fail to meet the requirements of UDP policies BE5 and H14 (a and c), and Core Strategy policies CS31 and CS74.

In the representations that have been received, it is noted that an extension to a property on Dore Road was recently refused by the LPA. The circumstances of this application were entirely different to this proposal and significant weight cannot be afforded to this decision.

Neighbouring Amenity

UDP policy H14 seeks to protect the amenities of the neighbouring properties in terms of light, outlook and security and to help interpret this policy, guidance can be found in a Supplementary Planning Guidance document; Designing House Extensions. Although specifically used to for small scale residential extensions, the aims of the guidance are applicable to new build residential schemes as well.

The proposed buildings are located in almost identical positions to the original residential apartment scheme. However, owing to the changes in the side elevations of the buildings that would face out onto the boundaries facing east and west, some of the proposed windows would now be set further away from these neighbouring properties.

Overall, the windows created and the overall mass of the building remains very similar to the previous application. Whilst windows in the proposed 'oriel' windows are not marked as being obscure glass, this could be secured through conditions.

The Planning Inspectors report found that with regards to overlooking, visual impact, loss of daylight and sunlight, the proposal would not be detrimental to the amenities of the neighbouring properties.

The separation distances between the proposal and the neighbouring properties has changed only very slightly and although the massing of the building has been

re-arranged; the siting, massing and overall height of the buildings are not considered to harmfully impact upon the amenities of the neighbouring properties. Furthermore, owing to the removal of the northeast and northwest corners of the block of apartments, the building is set slightly further away from no. 127 Dore Road and no. 137 Dore Road.

Subject to a condition being attached to any approval requiring obscure glazing in certain windows, there is no reason to take a different view to the outcome of the previous appeal. Accordingly, the existing living conditions of the neighbouring properties are not considered to be compromised and the proposal is therefore deemed to be acceptable in terms of UDP policy H14.

Amenities of the Potential Occupiers of Proposed Apartments

Apartments are required by UDP Policy H5 to provide satisfactory living conditions for their occupants. Policy H15 requires housing to provide adequate communal amenity space, and acceptable standards of daylight, privacy, security and outlook for all residents.

The proposed apartments are each of acceptable size internally. The individual rooms are considered to be served appropriately by windows, giving reasonable outlook, natural lighting and ventilation opportunities.

In relation to the separation distance between the two proposed blocks, each of the respective side elevations would feature proposed windows serving habitable rooms. The windows in question are separated by distances ranging from approximately 7 to 14metres. This would fall below the standard guideline distance of 21 metres between facing habitable room windows. It should be pointed out that the ground and first floor windows in question are 'oriel' type windows, which could be partly glazed with obscured glazing to eliminate overlooking potential. At second floor level the dormer windows would be set up the roof slopes and further away from each other. In some cases these windows are secondary to other windows serving the same rooms, and would not be relied upon in the same way for outlook etc. as primary windows. This doesn't apply toward the rear of the block, where the windows would be separated by approximately 13/14metres.

Additionally, the area in the intervening space is proposed to be a landscaped area, through which residents will access the communal amenity area to the rear of the blocks. As such the area is semi-public in its use.

Therefore, whilst the proposed arrangements would not meet the guideline separation distance of 21metres, the proposed arrangement would be considered to be acceptable in this regard, providing adequate amenities for potential residents. This view was reinforced by the Planning Inspector who found there to be no issue regarding overlooking between the two apartment buildings.

On the basis of the above comments the proposed apartments would be considered to provide acceptable living conditions for the potential occupiers. The external amenity space amounts to a substantial area in total, and would be considered to make a reasonable contribution to potential occupants' living

conditions. Overall, the proposal would be considered to satisfy the requirements of UDP policies H5 and H15.

Highways Issues

The proposal has been assessed in terms of its implications for highway safety and takes fully into consideration the findings of the Planning Inspectorate. However, whilst the proposal does incorporate the same number of parking spaces for the same number of units the proposed parking arrangements are different to the previously refused scheme owing to the layout of this revised scheme.

The previous scheme was considered acceptable in highway safety terms and the Planning Inspectorate agreed with this judgement. It was considered that only a small increase in traffic would be generated by the greater number of units compared to the dwellinghouses previously proposed. This factor, together with the removal of any site entrance gates and proposed off street car parking sufficient for two cars per unit, enables the proposal to discourage parking on the street that could be potential hazardous; especially as the point of the site entrance arcs round from the northeast in a westerly direction, thus limiting drivers visibility along Dore Road.

The proposed parking provision would include 2 spaces for each of the apartments and 3 visitor spaces. This would be in line with the council's maximum parking guidelines in terms of residents parking. The guidelines would seek a maximum of 4 visitor spaces, and therefore the scheme would represent a small under provision below these maximum guidelines.

Cycle storage facilities would be made available within the basement level. The provisions allocated to each individual apartment would promote an alternative mode of transport. This is considered to represent an acceptable method of securing cycle storage to each apartment.

Whilst the provisions for car parking in the previously refused scheme were considered to be acceptable by the Local Planning Authority, and the Planning Inspectorate, the changes to the proposed blocks of apartments means that the car parking at basement level has had to be re-arranged and it is now questionable as to how viable the parking provisions will be. For instance, parking spaces for units 5 and 12 are sited behind plant rooms and lift shafts and would be extremely difficult to manoeuvre in to if spaces for units 6 and 13 are being used. Moreover, other spaces which are a standard 2.5 metres in width are divided by support columns and again, not considered to be realistically practical. Likewise, the spaces provided for disabled access are 3.264 metres in width and located tightly into a corner that is surrounded by a bin storage area.

The car parking layout results in awkwardly located car parking spaces that, in practice, are not likely to be used. The proposal as it currently stands is considered to encourage on street car parking. However, it is considered that whilst no amendments to the scheme have been received indicating a more usable car park layout, changes to the car parking layout could be secured through the use of a condition and as such, it would not therefore be reasonable to refuse the

application on these grounds. Accordingly, the proposal is considered to be acceptable, subject to amendments been secured through a condition, and would not be detrimental to highway safety. In this respect the proposal is not therefore contrary to the aims of UDP policy H14.

Landscaping

As identified above a number of trees within the site are covered by Tree Preservation Orders. In broad terms, these are located across the frontage of the site, and adjacent to its two rear boundaries. A tree would be removed at the site frontage to accommodate the access to the site.

The proposal, like the previous application, ensures the impact to the trees is kept to a minimum and it is not considered that the proposal would adversely impact upon the future health of the protected trees. The proposal is therefore considered to meet the requirements of UDP policy GE15, which requires mature trees to be retained.

Ecology

The site has been cleared since the previous application was submitted. The City Ecologist and the Inspector both agreed that no record of protected species nesting within 500 metres of the appeal site had been found.

The situation is not considered to have changed, especially as the site has been substantially cleared. The evidence available is considered sufficient to conclude that the ecological value of the site would not be undermined as a result of this proposal.

Drainage

The issue of drainage has been referred to within a substantial number of neighbour's representations. These have included concerns about existing drainage problems in the area and the unsustainable use of the existing foul water sewer in Dore Road.

It is critical that the surface water from the site does not exceed current levels, and there is a requirement in CS67 to reduce surface water run off. Like this applications predecessor, these issues could be covered by condition as part of any consent granted. Such conditions would require approval and implementation of details that would secure a reduction in surface water discharge from the site. This view was considered by the planning inspectorate and it is considered that there is no reason why this shouldn't be the case here.

Access/ Mobility

The scheme would need to be designed to satisfy the provisions of UDP policy H7, which requires a minimum of 25% of housing to be suitable as mobility housing. The proposed scheme, as it currently stands is considered to be inadequate in this regard in a number of respects, and would require some relatively limited

modifications. These revisions and improvements could be required by condition on any approval that may be granted, without impacting significantly upon the approved built form of the development.

Open Space Contributions

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

An assessment has been carried out, which demonstrates that there is an under provision of informal recreation space and children's play facilities and the need to improve outdoor sport facilities within the catchment area to the site. A commuted sum of £11,340.30 would therefore be required in relation to informal recreation and children's play facilities and improvement of outdoor sport facilities. Should consent be granted, this will need to be subject to a completed legal agreement securing this payment.

The applicant has not submitted a signed agreement and in the absence of this it is recommended that the application be refused for the failure to comply with the provisions of UDP policy H16.

Education Facilities

The proposed scheme leads to the need to assess implications for education facilities within the site's locality. It has been concluded that a development of this nature would not be expected to have an impact upon local schools, as it would not generate sufficient school pupils to warrant a contribution being required.

SUMMARY AND RECOMMENDATION

The application seeks permission for fourteen apartments, within two separate buildings. Each building would be three storeys in height, including accommodation in the roof space. Vehicle access to the site would be achieved from an access point at the site frontage onto Dore Road.

The principle of the proposed development is considered to be acceptable, in light of the Planning for Growth Agenda, National Planning Policy Framework and UDP/Core Strategy policies.

The applicant has confirmed that the scheme is intended to satisfy the requirements of Core Strategy policies CS64 and CS65 which relate to sustainable building design. In this respect the appropriate details can be secured via condition in the event of an approval.

The amenities afforded to the potential residents of the proposed apartments are considered to be acceptable and to meet the requirements of UDP policies H5 and H15.

The proposed scheme is considered to be acceptable in relation to its impacts upon the TPO covered trees within the site and, therefore, the scheme is considered to meet UDP policy GE15.

The previous scheme carried out various ecological surveys and the Planning Inspector found there to be no reason why the development should undermine the ecological value of the site. As the site has been cleared since the original application, there is no evidence contrary to the previous surveys and thus, the proposal is considered to be acceptable with regards to UDP policy GE11.

The scheme is considered to have an acceptable impact upon the amenities of neighbouring occupiers. Furthermore, the proposal is not considered to impact upon the amenities of the neighbouring properties provided that conditions are attached to any approval requiring certain windows to be glazed with obscure glass. Accordingly, in this respect the proposal would be considered to meet the requirements of UDP policy H5 (b) and H14 (c).

In drainage terms, officers are satisfied that an acceptable scheme can be provided reducing surface water run off. In the event that an approval was to be given, such issues could be satisfactorily resolved through appropriate planning conditions.

However, the proposed development is considered to be out of keeping with the character of the area, having an unacceptable impact upon the street scene. The scale and massing of the blocks independently, but more so in combination is considered to be overly dominant. The footprint size and height of the blocks is considered to be excessive, overbearing, and entirely out of character within the locality.

On this basis the proposal is considered to fail to comply with the requirements of UDP policies BE5 (a), H14 (a and c), and Core Strategy policies CS31 and CS74.

Therefore, overall, despite the principle of housing development being acceptable, and also acknowledging the positive contribution the development would bring in terms of the delivery of housing units in a relatively sustainable location, the scale, design and form of the development is out of character with its surroundings.

There is a requirement, in accordance with UDP policy H16 to provide a financial contribution of £11,340.30 towards the enhancement of local open space, to be secured by a S106 Planning Obligation. In the absence of the receipt from the developer of such an obligation, officers conclude that the developer has failed to comply with the requirements of policy H16.

It is therefore considered that the scheme fails to meet the relevant requirements of UDP policies BE5, H14, H16 and Core Strategy policy CS31 and CS74.

Accordingly, it is recommended that the application is refused.

Case Number 13/00035/FUL

Application Type Full Planning Application

Proposal Demolition of existing building and erection of 16 flats in a 2/3 storey block with associated landscaping (As amended 20/03/2013 and 16/04/2013)

Location Lynthorpe House
86 Charlotte Road
Sheffield
S1 4TL

Date Received 04/01/2013

Team South

Applicant/Agent Mr Mark Beech

Recommendation Grant Conditionally 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:

Drawings (Freehand Architecture)
PL 241212 102 Rev B
PL 241212 103 Rev B
PL 241212 104 Rev B

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 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.

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

In the interests of the visual amenities of the locality.

- 6 Before the development is commenced details of measures to secure a safe evacuation route from the dwellings in the event of flooding shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the evacuation route shall be provided in accordance with the approved details and retained.

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

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

- 8 Prior to the commencement of development, full details of mobility housing provision at a scale of 1:50, relating to at least 4 of the units shall have been submitted to and approved by the Local Planning Authority. Thereafter the units shall be provided in accordance with the approved details.

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

- 9 Before the development is commenced details of the proposed footpath across the Baron Street Open Space shall have been submitted to and approved in writing by the Local Planning Authority and the flats shall not be occupied unless the footpath has been provided in accordance with the approved details. Thereafter the footpath shall be retained.

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

- 10 Details of a suitable means of boundary treatment, including a minimum 1800mm high brick wall to the rear boundary of dwellings on John Street, shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the existing building. The approved boundary wall to the dwellings on John Street shall be provided in accordance with the approved details immediately upon completion of the demolition of the parts of the existing building that form the said boundary or in an alternative timescale to have first been approved in writing by the Local Planning Authority. Thereafter such boundary treatment shall be retained.

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

- 11 The flats fronting Baron Street shall not be occupied unless the treatment to the boundary with the Baron Street Open Space referred to in the foregoing condition has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 12 Prior to installation of the windows facing the rear of dwellings on John Street, full details thereof shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures to maintain privacy for proposed and adjoining occupiers and to reduce light spillage.

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

- 13 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.

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

In order to mitigate against the risk of flooding.

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

In the interests of the visual amenities of the locality.

- 16 Unless otherwise approved the proposed green roofs (vegetated roof system) shall cover a minimum area of 80% of the roof of the building facing Baron Street and shall be provided prior to the use of the building commencing. Full details of the green 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. Unless an alternative specification is approved the green roof shall include a substrate based growing medium of 80mm minimum depth and incorporating 15 - 25% compost or other organic material and the vegetation type shall be herbaceous plants. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

In the interests of biodiversity.

- 17 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

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

In order to ensure an appropriate quality of development.

- 19 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
External deck access
Rainwater goods

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

In order to ensure an appropriate quality of development.

- 20 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.

- 21 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.

- 22 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.

- 23 The finished floor levels shall be 66.5m above Ordnance Datum unless otherwise approved in writing by the Local Planning Authority.

In order to mitigate against the risk of flooding.

- 24 The flats shall not be used unless the car parking accommodation for 3 cars (accessible spaces) 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.

- 25 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

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

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

- 27 The flats shall not be used unless the cycle parking accommodation shown on the approved plans has been provided in accordance with further details to have first been submitted to and approved in writing by the Local Planning Authority. 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).

- 28 The Baron Street public open space shall be retained and shall remain accessible for public use at all times.

In the interests of the amenities 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:

H5 - Flats, Bed-Sitters and Shared Housing
H7 - Mobility Housing
H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
H15 - Design of New Housing Developments
H16 - Open Space in New Housing Developments
BE5 - Building Design and Siting
GE20 - Flood Defence
CS23 - Locations for New Housing
CS24 - Maximising the Use of Previously Developed Land for New Housing
CS26 - Efficient Use of Housing Land and Accessibility
CS40 - Affordable Housing
CS41 - Creating Mixed Communities
CS63 - Responses to Climate Change
CS64 - Climate Change, Resources and Sustainable Design of Developments
CS65 - Renewable Energy and Carbon Reduction
CS67 - Flood Risk Management
CS74 - Design Principles

Overall, the proposed development is considered to comply with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment or public interests of acknowledged importance. The proposed development is well designed to respond to the significant constraints of the relatively small enclosed site which adjoins the rear of terraced housing on 3 sides. On balance, adequate residential amenity can be provided and maintained for proposed and existing residents as a result of an unorthodox window design that is necessary to maintain privacy to properties on John Street.

The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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 £97 or £28 if it relates to a condition on a householder application for development.

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

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

You should apply for a consent to: -

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

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

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

The notice should be sent to:-

Sheffield City Council
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.

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

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

5. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
6. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
 - (a) limited/no car parking provision is available on site for occupiers of the building,
 - (b) resident's car parking permits will not be provided by the Council for any person living in the building.
7. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
8. Failure to carry out this development in accordance with the approved plans may result in enforcement action. Please contact the Planning Department if you wish to amend any design or specifications for your proposed development.
9. 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.
10. 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.

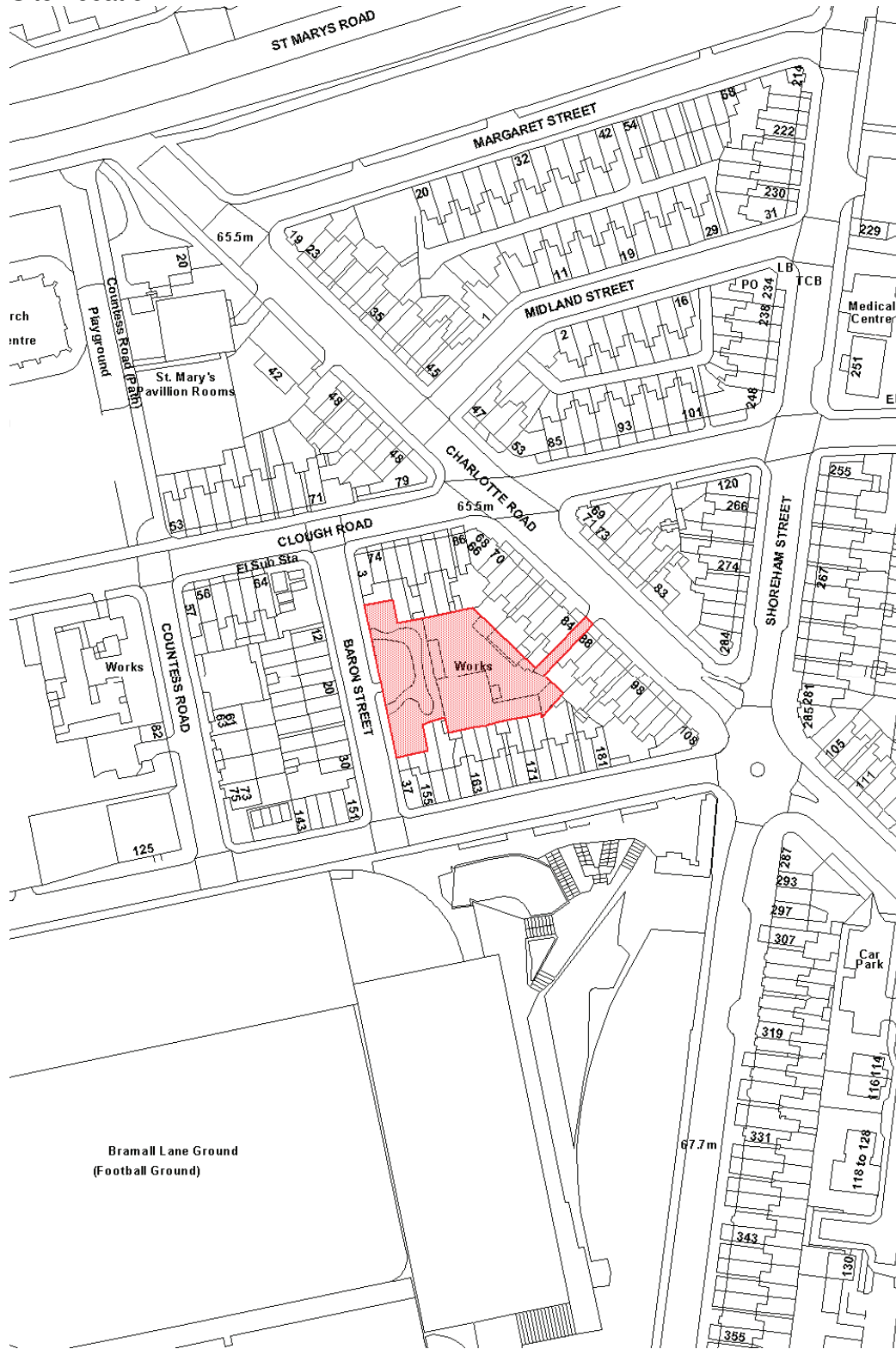
11. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure 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.
12. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

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

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

13. Details of installations and alterations arising from Building Regulations requirements in terms of fire protection, means of escape, acoustic attenuation and insulation, natural and mechanical ventilation, disabled access and the provision of natural and artificial lighting may be subject to a further listed building application before implementation. Please seek guidance from the Local Planning Authority before proceeding with such alterations.
14. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

Site Location



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LOCATION AND PROPOSAL

The site is currently occupied by offices in a Victorian 2 storey building with later single storey and 2 storey extensions. The site is bounded by the rear gardens of traditional 2 storey terraced housing in Charlotte Road, John Street and Clough Road and a small landscaped public open space in Baron Street. Traditional housing lies directly opposite the open space.

The sole means of vehicular/pedestrian access to the site is taken between dwellings from Charlotte Road.

The bulk of the building forms the rear boundary of gardens to dwellings in John Street. The remainder of the site is hard surfaced and used for car parking. There is an approximately 2 metres high brick wall to the boundary with the open space and evidence that there was originally a vehicular access into the site from Baron Street.

The application is for the clearance of the existing buildings and the erection of 16 two bedroom flats in a 2 and 3 storey 'L' shaped building. The building will be set back approximately 1 metre from the boundaries with the John Street dwellings and the Baron Street open space. The 3 storey element is to the central portion of the building facing Baron Street, reducing to 2 storeys at each end. The elevation to John Street is 2 storeys.

Parking is proposed to be restricted to provision for people with disabilities and cycles only with access as existing. A footpath link to one of the entrances to the building is proposed across the open space in Baron Street.

RELEVANT PLANNING HISTORY

Outline planning permission for 14 dwellinghouses in a similar scale building was granted in December 2008 (ref 08/05113/OUT). The permission was renewed in March 2010 (ref 09/03925/FULR) and a further renewal is currently being considered (ref 13/00793/OUTR).

A previous application for 24 flats was withdrawn in 2007 (ref 07/01867/OUT).

SUMMARY OF REPRESENTATIONS

Councillor Robert Murphy has made representation:

- a number of residents have spoken to Green Party councillors about the application
- site is backed onto by houses on Clough Rd, Charlotte Rd and John St plus the valued green space on Baron St - important that any development is appropriate to this unusual location - clear danger of overdevelopment
- residents concerns about being overlooked by a 3 storey residential building in 24 hour use at the rear of their houses need to be listened to and addressed
- lack of detail in the Design and Access Statement
- previous concerns raised by Cllr Creasy in commenting on the planning application in 2008 are still relevant in most cases except that the application is now for flats:
- new rear wall to yards in John Street considered acceptable if no windows and no increase in height but yards need to be protected during demolition/construction
- concern about overdevelopment of site and potential for increased activity - particularly increased use of Charlotte Road entrance
- suggests maximum 8-10 units
- not enough car parking spaces - queries capacity of area for parking and provision of permits and acknowledges need for access from open space and no objection provided path is located to one end rather than across middle. Prefer to prevent direct access to individual dwellings which is likely to result in 'desire lines' that would alter character of open space - prefer individual accesses to be from courtyard only - need to ensure that there is clear demarcation to ensure that space is preserved as public space and does not become front gardens
- would like to see new building set back even further from Clough Road/Charlotte Road to reduce impact on adjoining houses

A resident in Baron Street objects:

- community already inundated with rental properties, predominantly multi-occupancy - over the years my local area has been devastated by an increased transient population that has led to an inherent lack of thought, care or commitment to the local community. A further increase in the number of flats alongside other similar proposals from Sheffield United FC

- only deepens the negative impact this would have - decrease in the quality of the environment from noise pollution, additional vehicular pollution. Littering and poor wheelie bin maintenance (leaving bins out for several days) leading to risk of rats/vermin, parking difficulties for existing residents
- issues associated with disruption to the community and impact on the quality of life during any proposed build - car parking is already limited and challenging at the best of times, disruption from trucks, vans and deliveries; further noise; building detritus
 - increased use of the roadways would have serious implications for local safety - the current road layout encourages through traffic on Charlotte Rd, Clough, Baron and John Street to be used as a "rat run" often at criminal speeds. The build would create further safety concerns with regard to this through traffic problem
 - the few families and small children that live in the surrounding neighbourhood would be placed at increased risk at this time of major disruption to the community.
 - (in relation to the proposed build) - has been sad and steady decline in the community over the years, largely due to the increased transient and student populations - some individuals in rented accommodation have often paid little respect to the properties and their surrounding yards and gardens. Landlords are more often than not absent and display a woeful disinterest in maintaining acceptable standards for the environment and that of their tenants' behaviour
 - strongly object to the proposed build and firmly believe that the quality of the environment will further suffer - proposed build will further impact negatively on the character of this already declining community
 - believes that in these matters the views and feelings of the "little people" are often ignored and passed over as an irrelevance or an irritation, and are seen as a barrier to inevitable "progress"
 - accepts need for good housing in Sheffield but this cannot be blindly sought without a sophisticated analysis of what makes a community
 - faith in those decision makers to take a more sensitive and intelligent view is limited - suspects that objections will be dismissed and rejected out of hand
 - strongly recommends that plans for this build are rejected and that time and effort is invested in the community that will encourage families to return to a neighbourhood that has been known and loved for many years.

2 objections have been received from neighbours in John Street:

- no objection in principle to the re-development of Lynthorpe House and feel a suitable and sensitive re-development would be of benefit to the site and surrounding area but objects to the specific plans on the following grounds
- loss of privacy to the surrounding dwellings due to their being overlooked by proposed windows in close proximity
- density of the proposed accommodation in an already densely populated area and the potential associated problems of noise and other nuisance
- lack of variety in the proposed accommodation which is unlikely to result in any family or otherwise varied occupancy
- impact on the Baron St green-space of being overlooked and bordered by the numerous doorways of the proposed plans

- Lynton House site is large enough to accommodate a sensitive re-development which has minimal impact on the privacy of surrounding properties; maintains the integrity of the Baron St green-space as a public area; attracts a varied occupancy; and does not unduly add to the density of residential accommodation. A smaller development with fewer and more varied units would help achieve this. However, does not feel the current plans are suitable for the site for the reasons outlined above
- 3 storey building will cut out sky which is already limited
- Building will be only 31' from back rooms of existing dwelling and 24' from kitchen window
- Build programme will leave John Street rear garden boundaries open - security risk and of particular concern to couple in 80's who sometimes use outside wc
- Windows facing John Street will need to be heavily obscure glazed - prefer no windows on this elevation
- Previous owner kindly attached hooks for washing line to rear of existing building which are still in use - can these be provided on new building?
- Overlooking of properties in all surrounding streets to some degree
- Concern that open space will be sold to developer
- Cumulative impact of SUFC proposals at John St/Shoreham St - will be liking living on central reservation

PLANNING ASSESSMENT

Policy

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The Housing designation is retained in the Sheffield Local Plan (SLP) Proposals Map (pre-submission version). The site is not affected by any special designations.

The most relevant UDP and SLP Core Strategy policies are:

- H5 (Flats, Bed-Sitters and Shared Housing)
- H7 (Mobility Housing)
- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)
- H15 (Design of New Housing Developments)
- H16 (Open Space in New Housing Developments)
- BE5 (Building Design and Siting)
- GE20 (Flood Defence)
- CS23 (Locations for New Housing)
- CS24 (Maximising the Use of Previously Developed Land for New Housing)
- CS26 (Efficient Use of Housing Land and Accessibility)
- CS40 (Affordable Housing)
- CS41 (Creating Mixed Communities)
- CS63 (Responses to Climate Change)
- CS64 (Climate Change, Resources and Sustainable Design of Developments)
- CS65 (Renewable Energy and Carbon Reduction)
- CS67 (Flood Risk Management)

CS74 (Design Principles)

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not strictly applicable to these proposals, the guiding principles are relevant.

The National Planning Policy Framework (NPPF) has replaced previous national planning guidance. However, the technical guide to the former PPS25 (Development and Flood Risk) remains relevant and can be a material consideration.

Little weight can be given to the SDF City Policies and Sites (pre-submission version) (CPS) document at this stage of the adoption process. However, there are no additional implications for these proposals in the CPS.

Principle, Density and Mix

The principle of replacing the offices (Class B1) with housing (Class C3) has been established in the previous applications. Housing is the preferred land use in accordance with Policy H10 (Development in Housing Areas).

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

Policy CS26 specifies density ranges for new housing developments. Subject to protecting the character of an area, at least 70 dwellings per hectare are normally expected in areas within or near to the City Centre.

The proposals represent a density of approximately 270 units per hectare. (This calculation excludes the Baron Street open space which is within the 'red line' site boundary). The traditional housing in the area is typically around 145 units per hectare. The proposed density far exceeds the 70 units quoted in Policy CS26 and is significantly in excess of the density of the surrounding terraced housing. However, it is inflated by the form of development (flats) which obviously accommodates more units in a smaller space than traditional housing. The building is comparable in overall height to the surrounding buildings and much smaller scale than the majority of flats within the surrounding area e.g. at The Anvil complex further along Clough Road.

In these circumstances and in this easily accessible sustainable location, the high density is considered acceptable and in accordance with Policy CS26.

The proposals provide a single house type (2 bedroom flats). There is no policy requirement for mixed house types in this scale of development and the area has a good mix of 2 and 3 bedroom properties in housing and flats developments. In these respects, there is no conflict with Policy CS41.

Flood Risk

The site lies within Flood Zone 2 where there is 'medium probability' of flooding (between 1 in 100 and 1 in 1000 annual probability). It was formerly in Flood Zone 3 ('high probability'). This redesignation of the flood zones follows more up to date modelling.

A previously submitted Flood Risk Assessment (2007) has been resubmitted in support of this application. The consultant has confirmed that the data remains relevant and that the recommendations are still appropriate.

The NPPF requires a sequential test to site selection to be passed for this type of development in Zones 2 and 3. The overall aim is to steer development towards Flood Zone 1 (less than 1 in 1000 annual probability). The sequential test must demonstrate that the development cannot reasonably be located in Flood Zone 1 before considering proposals for development in Zones 2 and 3.

Housing development in Zone 3 that passes a Sequential Test must also pass an 'exception test'. The exception test must demonstrate that the development will provide wider sustainability benefits to the community that outweighs flood risk. It must also locate development, where possible, on brownfield land and there must be no increase in flood risk elsewhere. This requirement does not apply to housing development within Flood Zone 2, unless basement dwellings are proposed.

A sequential test has been undertaken on the basis of sites identified in the 2012 Strategic Housing Land Availability Assessment (SHLAA) that are comparable in size and have permissions for development of similar type and scale. This has significantly reduced the parameters of the search criteria but has identified 9 alternative sites for the application site to be tested against in a range of locations across the City. The sites have been investigated with the following findings:

151 Arundel Street - let as offices and not available.

9 - 13 Ashgate Road - not available and only suitable for 10 units

Brincliffe Oaks - under construction

2 Haymarket and 5-7 Commercial Street - tenanted building. Not available.

335-337 Ecclesall Road South - site owned by Tesco and not currently available

Norton Church Hall - site sold and due to be developed

Forge House, Arundel Street - site now developed

39 Wellington Street - to be developed by current owner

Land at Langsett Road/Whitehouse Lane - site transferred to housing association and development due to commence

In the circumstances, there are no currently available alternative sites and the Sequential Test requirement has therefore been satisfied in accordance with the NPPF. The Environment Agency has raised no objection to the development subject to the Sequential Test being satisfied and the imposition of conditions regarding drainage and finished floor levels.

It should be noted that Government guidance regarding the Sequential Test is open to a degree of interpretation by individual planning authorities. The approach taken in this instance is not necessarily the sole approach that could be taken. A case could be made for requiring assessment against larger sites that would be capable of accommodating the proposed development as part of a wider scheme. However, at present, the evidence base is insufficient to conclude that this more rigorous method of assessment is the correct approach and the sequential test undertaken is considered reasonable in this instance.

The approach taken will not set a clear precedent for sequential testing of future development proposals. These will be considered on their own merits having regard to individual circumstances and the latest documented practice or agreed approach at the time.

With appropriate conditions, the proposals comply with Policies GE20 and CS67 which seek to mitigate flood risk. As previously, this includes raising the finished floor level to 66.5m aOD to provide 600mm clearance above the 1 in 100 modelled flood level. This represents a 300mm increase above the floor level of the existing building.

Design

The building is of similar scale to the indicative building in the previously approved scheme of dwellings. It has a series of flat roofs in lieu of the previously indicated curved roofs. The building is proposed to be constructed in red brick with flat roofs and aluminium windows. A full height glazed stair core is proposed with entrances from within the site and from the Open Space in Baron Street. The block fronting Baron Street will have a 'green' roof. The block facing the dwellings in John Street will have solar panels on the two storey roof.

Entrances to the ground floor units are proposed to be taken direct from the Baron Street elevation and courtyard elevation, respectively. This will result in a more active frontage that relates to the pattern of activity at ground floor level in the surrounding streets. External walkways are proposed to give access to the upper floors from the stair core. The massing of the building is broken down by the external walkways and by a series of recessed panels and projecting piers. The overall height has been reduced by approximately 600mm during the course of the application to reduce the impact to the rear of dwellings in Charlotte Road.

Consideration has been given to pedestrian routes into the site. The previously approved scheme for 14 units indicated a pathway across the Baron Street Open Space at a point close to the rear of dwellings in Clough Road. That location was chosen in order to maintain the integrity of the green space. This application proposes a route that will effectively divide the green space. The location is

necessary in order to ensure a direct route to the building and to discourage activity at the end of the building which will need to be secured. The Open Space appears to provide visual amenity rather than accommodating specific activities and the overall openness and function will not be compromised. The footpath will need to be designed sympathetically to complement the space (e.g. bound gravel).

Coloured glazing is proposed to the stair core. This will add interest and reduce light spillage. Full details can be conditioned. Similar treatment is proposed to the bedroom windows on the elevation of the building facing the dwellings in John Street. A bespoke window design has been developed on this elevation to reduce light spillage and minimise overlooking. This demonstrates the constraints of the site and the need for unconventional treatments to meet the needs for the developer to achieve viability through a high density scheme. The window treatments are discussed further under the Residential Amenity section.

Overall, the building is well designed to accommodate the restricted dimensions of the site. Subject to satisfactory building materials being used, a good quality scheme can be achieved and the proposals will comply with Policies BE5, H14 and CS74.

Sustainability

The site is in a highly sustainable location being within easy walking distance of the City Centre and London Road District Centre. The proposals represent very efficient use of a previously developed site. The re-use of the existing building would be a more sustainable form of development but it is acknowledged that the existing building is outdated and inefficient. The developer contends that it would be uneconomic to bring it up to modern standards.

The proposals include 'green' roofs to the Baron Street elevation. This will increase biodiversity and will reduce surface water discharge from the site. Solar panels are proposed to be located on the roof facing the John Street properties. A parapet will provide screening. The building is designed to be energy efficient and the submitted Sustainability Statement outlines measures that will be incorporated, including A-B rated appliances, low energy lighting and increased insulation. There is no reason why this development could not achieve Level 3 in the Code for Sustainable Homes. This can be conditioned.

Surface water run off will also be significantly reduced as a result of the provision of soft landscaping within the existing hard surfaced courtyard.

The overall package of measures will result in an energy efficient building which will comply with Policies CS63, CS64, CS65 and CS67.

Residential Amenity

In some respects the scheme compares favourably to the layout indicated in the previously approved outline scheme for 14 dwellings in terms of residential amenity. The 3 storey element is not as extensive as previously indicated and is consequently further away from the John Street and Clough Road properties. The

building is set back 1 metre from the boundary with the John Street gardens (previously located on the boundary) and the separation to the rear of Nos88 and 90 Charlotte Road has also increased.

In other respects the scheme compares unfavourably to the previous indicative layout. The Baron Street block has a deeper footprint than previously indicated and is consequently 1 metre closer to the rear of Nos74 - 84 Charlotte Road. The flat roof design has resulted in a higher elevation with windows on 3 floor levels. The previous scheme indicated a curved roof which tapered down from Baron Street so as to reduce the wall height facing the rear of those dwellings. The windows facing Charlotte Road serve bedrooms and bathrooms rather than the main living areas. The separation distance to main windows in the rear of dwellings in Charlotte Road varies between 14m and 17m. This is well below the normally expected 21m stated in the SPG "Designing House Extensions". However, the existing and proposed dwellings are angled away from one another so that windows will not be directly facing.

A key issue is the bedroom windows on the elevation of the building facing the John Street dwellings. These windows will be within 8m of the directly facing rear elevations of the existing dwellings. The existing building and the previous indicative plans have blank elevations to this boundary. To prevent direct overlooking the windows to these rooms project from the building at an angle. The main portion of the window will be obscure glazed and will oversail a narrow plain glazed window which, in turn, will be angled at approximately 85 degrees from the rear elevations of the John Street dwellings. This is an unorthodox solution but will prevent overlooking of the rear elevations of the dwellings and minimise any overlooking of rear garden areas. A bespoke glazing specification is indicated to prevent light spillage. This is essential and full details can be conditioned. A consequence of this window treatment is that there will be limited outlook for residents. However, the main living areas have a good outlook.

Boundary treatment to a minimum 2m should be maintained to the John Street boundaries. Details can be conditioned.

There is adequate separation to properties on the opposite side of Baron Street due to the location of the proposed building behind the existing Open Space.

A communal garden area is proposed within the courtyard and will provide a reasonable level of external amenity to serve the flats. The adjacent Open Space provides extra external amenity space albeit a public space.

On balance, adequate levels of residential amenity can be provided and maintained for proposed and existing residents and in these respects the proposals thereby comply with Policies H5, H14 and H15.

There will be no overall increase in height at the boundary with the Charlotte Road dwellings and the majority of the John Street dwellings. The exception is an increase of up to 1.4m which affects two existing dwellings. This is countered by a reduction of up to 2.6m which affects 3 dwellings.

The proposals bring development to within 14m of the main windows of the rear elevations of dwellings in Clough Road. These dwellings currently adjoin the car park to the site and are to the north of the site. Some loss of sunlight is inevitable. The minimum separation guideline is 12m. The proposals comfortably exceed this and the maximum height of the end unit is relatively low, being no greater than 6.2m. Windows are indicated to overlook the courtyard and open space, respectively.

Overall, the impact on residential amenity is considered, on balance, to be acceptable in accordance with UDP Policy H14.

There are no constraints that would prevent the provision of mobility housing in accordance with UDP Policy H7.

Mobility Housing

The ground floor units are suitable for mobility housing in accordance with Policy H7.

Open Space

The integrity of the adjoining area of public open space can be adequately maintained albeit with a new footpath route in a roughly central location. Additional consent from the Council (Neighbourhoods) will be required for the footpath. The site boundary includes the entirety of the Open Space as the applicant initially aspired to purchasing this land. The location of the footpath route is well away from the mature trees on the site. Large shrubs have recently been pruned almost to ground level as part of the Council's maintenance programme.

It is acknowledged that the centrally located footpath to the flats may give rise to the notion that the open space is solely to serve the dwellings. However, it is stressed that the Open Space will remain fully available for public use. A low boundary wall will be maintained to separate the individual flats from the Open Space.

A legal agreement has been completed to secure a contribution of £12,442.80 towards the provision/enhancement of local recreation facilities in accordance with Policy H16 and the associated SPG, as it has been demonstrated that the area has an open space deficiency.

Affordable Housing

An independent viability assessment has been undertaken by the District Valuer and has concluded that the scheme can support a 10% affordable housing contribution. Provision will be made off site as the nature of the development does not lend itself to on site provision. A legal agreement has been completed to secure a sum of £56,880.00 for off site provision.

In view of the above, the proposals comply with Policy CS40.

Highway Matters

The site is in an accessible location and within easy walking distance of the City Centre. The existing access is substandard with no potential for widening and any new vehicular access from Baron Street would seriously undermine the value of the open space. The proposals indicate parking provision solely for people with disabilities (3 spaces), together with provision for cycles.

The development can be expected to lead to additional demand for on street parking in an area where demand is already high. However, there are parking controls in the surrounding streets and a resident's parking scheme is proposed in the near future. Given the accessible location, the reduced level of parking is considered acceptable in this instance. It will also reduce the potential for disturbance to the rear of the existing dwellings from larger numbers of manoeuvring vehicles. On street parking permits can be refused to ensure that the development is essentially car free and that demand is managed accordingly.

SUMMARY AND RECOMMENDATION

The site lies within a designated Housing Area. The principle of residential development on this site has previously been established by granting outline planning permission for 14 dwellings in 2008 and 2010. The proposals have satisfied sequential testing in accordance with national planning policy relevant to developments located within Flood Zone 2. Floor levels will be raised by approximately 300mm to ensure that they are above the 1 in 100 year flood level.

The proposed building is well designed to respond to the significant constraints of the relatively small enclosed site which adjoins the rear of terraced housing on 3 sides. Renewable energy and green roofs are included in the design. On balance, adequate residential amenity can be provided and maintained for proposed and existing residents as a result of an unorthodox window design that is necessary to maintain privacy to properties in John Street.

A proposed footpath access to the development will cross the centre of a small public open space in Baron Street. It is acknowledged that the new footpath may give rise to the notion that the open space is solely to serve the dwellings. However, it is stressed that the open space will remain fully available for public use.

Car parking is restricted to disabled spaces which is considered acceptable due to existing on street parking controls and the accessible location. Cycle parking is included in the scheme.

Contributions of £12,442.80 and £56,880.00 have been secured by a legal agreement in respect of provision for recreation space and Affordable Housing.

It is considered on balance that the proposals comply with the quoted policies and guidance and it is recommended that planning permission is granted subject to conditions and the completed legal agreement.

Case Number 12/03137/FUL (Formerly PP-02240457)

Application Type Full Planning Application

Proposal Application to allow an additional 15,000 tonnes of waste per year (bringing the total to 65,000 tonnes annually) to be collected from outside the Sheffield Waste Disposal Authority Area, and to widen the catchment area for that waste to include Doncaster, Bolsover, Bassetlaw, Newark and Sherwood, Amber Valley, Derbyshire Dales, High Peak, Ashfield and Mansfield (Application under section 73 to vary condition 3 (waste catchment area and tonnage) of planning permission 01/01035/FUL (Replacement energy recovery facility (incinerator), office building, staff and refuse collection, parking and landscaping) as amended by 10/03861/FUL)

Location Incinerator
Bernard Road Service Centre
Bernard Road
Sheffield
S4 7YX

Date Received 10/10/2012

Team City Centre and East

Applicant/Agent Sheffield Environmental Services Ltd

Recommendation Grant Conditionally

Subject to:

- 1 The development shall be begun not later than the expiration of five years from 26th September 2002.

In order to comply with the requirements of the Town and Country Planning Act.
- 2 The existing incinerator shall be shut down and the site redeveloped and reclaimed in accordance with the approved plans and to a timescale to be submitted to and approved by the Local Planning Authority before any development commences.

In order to ensure that the existing incinerator does not continue to operate once the proposed incinerator has been commissioned, to the detriment of recycling, air quality and in contravention of national waste planning policy.

- 3 Unless otherwise agreed by the Local Planning Authority:
- Waste received at the facility shall be restricted to Municipal Solid Waste and Commercial and Industrial waste collected within the following Waste Disposal Authority areas: Sheffield, Rotherham, Barnsley, Doncaster, Chesterfield, North East Derbyshire, Bolsover, Bassetlaw, Newark and Sherwood, Amber Valley, Derbyshire Dales, Ashfield and Mansfield.
 - Waste received at the facility from outside Sheffield Waste Disposal Authority area shall be limited to 65,000 tonnes per annum.

In the interests of ensuring the ERF retains sufficient capacity for Sheffield's waste and prioritises the management of Sheffield's household and Commercial and Industrial waste in accordance with Core Strategy policy CS69.

- 4 The Bernard Road Energy Recovery Facility shall process Domestic arisings collected within Sheffield City Waste Disposal Authority area unless;
- It is processed higher up the waste hierarchy.
 - It is unsuitable without further treatment for processing at the ERF.
 - During and around maintenance periods, emergencies when the ERF is not operational or exceptional circumstances such as during periods of prolonged adverse weather.

In the interests of ensuring the ERF retains sufficient capacity to process Sheffield's household waste and priorities the management of Sheffield's household waste in accordance with Core Strategy policy CS69.

- 5 Annual monitoring of the C&I waste managed by the applicant within Sheffield Waste Management Area shall be made available to the Local Planning Authority in a report submitted annually on the anniversary of this consent. Should the tonnage of C&I waste collected from within Sheffield's waste collection area and processed higher up the waste hierarchy than landfill, fall below 58,000 tonnes per annum a scheme for maintaining this figure shall be submitted to the Local Planning Authority for approval within 3 months of the monitoring report identifying a shortfall. Thereafter the scheme shall be implemented until such time that the shortfall is rectified or an alternative scheme (which for avoidance of doubt may include a lesser tonnage of C&I waste if it is demonstrated that it is not reasonably practical to maintain this tonnage) is approved by the Local Planning Authority.

In the interests of ensuring the Sheffield's Commercial and Industrial waste is not displaced and moved down the waste hierarchy and that the ERF priorities the management of Sheffield's Commercial and Industrial waste in accordance with Core Strategy policy CS69.

- 6 No more than 50,000 tonnes per annum of waste from outside of the Sheffield City Waste Disposal Authority area shall be processed at the Bernard Road Energy Recovery Facility until the permitted Tinsley

commercial materials recycling facility shown on drawing VES-DTO-TINS-005 Rev B has become operational.

In the interests of ensuring that Commercial and Industrial Waste is not moved down the waste hierarchy in order to provide capacity to process additional municipal waste from outside the local area.

- 7 The total tonnage of waste received at the Waste Management Facility shall not exceed 225,000 tonnes per annum.

To ensure the incinerator is not oversized, does not prejudice increased recycling in the longer term and to ensure the environmental impact is consistent with the assessment submitted as part of the application.

- 8 Heat and energy shall be recovered from the incineration of the waste in accordance with the details submitted as part of the planning application unless otherwise agreed in writing by the Local Planning Authority.

To ensure that energy is recovered in accordance with national and regional planning policy to move waste processing up the waste hierarchy.

- 9 The elevations of the office building fronting onto Bernard Road are not approved as part of the consent. Revised details shall be submitted to and approved by the Local Planning Authority prior to construction of this building commencing.

The proposed elevations are considered to be in need of improvement in the interests of the visual amenities of the locality, whilst the siting and scale of the office buildings is considered to be satisfactory.

- 10 Before the development is commenced, full details of the proposed external materials and colours shall have been submitted to and approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 11 Before any development commences details of the depth of recess/projection of the following elements of the incinerator buildings shall be submitted to and approved by the Local Planning Authority:-

- a) Translucent corners to the boiler hall.
- b) Curtain-walling system to the lift/stair towers.
- c) Ribbon window system.
- d) Translucent panel set within the projecting bay to the boiler house.

In the interests of the visual amenities of the locality.

- 12 Before the building is occupied details of a public art lighting scheme and external floodlighting shall be submitted to and approved by the Local Planning Authority unless some other alternative scheme is agreed in

writing. The approved details shall be implemented before the building is brought in to use.

In the interests of the visual amenities of the locality.

- 13 The buildings shall not be used unless the car parking accommodation for 45 cars and 1 coach as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained.

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

- 14 The development shall not be begun until the access improvements shown on Drawing No. 57383/001 have either:-
- (a) Been carried out; or
 - (b) Arrangements have been entered into which will ensure they are carried out before the new incinerator is brought into use.

In the interests of traffic safety.

- 15 Within 6 months of the first occupation of the new offices a travel plan, which is in accordance with the travel plan framework supplied as part of the planning application, shall be submitted to the Local Planning Authority for approval. The plan shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvements. The plan shall be implemented in accordance with the approved details.

In the interests of encouraging access to the site by means other than the private car and the objectives of PPG13.

- 16 Before the building is occupied details of the location, design and number of cycle parking stands and covers along with details of the shower facilities, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the buildings are brought into use and thereafter permanently retained.

In the interests of encouraging access to the site by means other than the private car in accordance with UDP policies and the objectives of PPG13.

- 17 At all times that construction works are being carried out equipment shall be provided to the satisfaction of the Local Planning Authority for the effective cleaning of the wheels and bodies of the vehicles leaving the site so as to prevent the depositing of mud and waste on the highway but before the development is commenced full details of such equipment shall have been submitted to and approved by the Local Planning Authority. When the above-mentioned equipment has been provided thereafter such equipment shall be properly maintained.

In the interests of traffic safety.

- 18 Before any development commences details of the parking arrangements for construction staff shall be submitted to and approved by the Local Planning Authority. The approved details shall be retained throughout the construction period.

In the interests of traffic safety.

- 19 The landscaping scheme shown on the plans shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the first occupation of the buildings and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5-year period shall be replaced to the satisfaction of the Local Planning Authority.

In the interests of the amenities of the locality.

- 20 Before any development is begun which might affect the office/workshop building (which adjoins Bernard Road and the canal) a programme of archaeological work for the recording of the office/workshop adjoining Bernard Road and the canal shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved programme.

In the interests of ensuring a record of features of archaeological interest are preserved.

- 21 The development of the site shall be carried out in accordance with the recommendations contained within Annex D, "Controlled Waters Risk Assessment Report" submitted as part of the consultation response document.

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

- 22 If any visibly contaminated or odorous material is encountered on the site during the development work, the Local Planning Authority must be informed immediately of the nature and degree of contamination present, and its potential for the pollution of the water environment. A Reclamation Method Statement should also be submitted to the Local Planning Authority for written approval, which should include details of the appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring. The development shall then proceed in strict accordance with the measures approved.

To protect the water environment and ensure that the remediated site is reclaimed to an appropriate standard.

- 23 The developer should ensure that there is no possibility of contaminated water entering and polluting groundwater and surface water. All water pumped from the proposed excavations should be retained on site in suitable bunded tanks and tested for contamination prior to the site operator obtaining an appropriate consent to discharge to sewage or arranging for the waters to be tankered to a suitable licensed waste disposal facility.

To protect the water environment and ensure that the remediated site is reclaimed to an appropriate standard.

- 24 Prior to the decommissioning of the facility hereby approved, a scheme and timetable for the demolition of the buildings and plant, and decontamination of the land, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be implemented as approved.

To ensure that the land is capable of beneficial use as advised by Environment Circular 02/98.

- 25 Before any development commences details of a dust prevention scheme during construction, covering the items outlined in Section 4.51 of Appendix A, air quality, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented throughout the construction period.

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

- 26 All works of demolition and construction and ancillary operations which are likely to be audible within 2 metres of any noise sensitive properties (including offices, workplaces and residential uses) surrounding the site shall only be carried out between the hours of 0800 and 1800 Monday to Friday and between the hours of 0800 and 1300 hours on a Saturday and at no time on Sundays and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 27 All piling shall use the continuous flight augered (CFA) method, unless otherwise agreed in writing by the Local Planning Authority.

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

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:

National Planning Policy Framework
Planning Policy Statement 10

CS63 - Responses to Climate Change
CS65 - Renewable Energy and Carbon Reduction
CS66 - Air Quality
CS68 - Waste Development Objectives
CS69 - Safeguarding Major Waste Facilities
Sheffield Waste Management Strategy.

The efficient operation of the ERF, the provision of low carbon energy and the movement of municipal waste up the waste hierarchy is supported by planning policy. Due to decline waste arisings the ERF has become more reliant on commercial and industrial waste and importing waste from outside Sheffield than originally envisaged. Veolia predict that if the planning conditions remain as they are they will not be able source sufficient waste to enable the ERF to operate efficiently and to maintain the efficiency of the District Heating Network. They are predicting further declines in household waste within Sheffield and have shown that from 2015 they are unlikely to be able to source much household waste from outside Sheffield within the catchment area permitted under the current conditions.

There is however some uncertainty over predictions of the level of future waste available to the ERF and a risk that local waste may be displaced if the shortfall is not as high as predicted by Veolia.

It is considered that it is justified to permit the additional tonnage to be imported from outside Sheffield from the extended catchment area provided that capacity for Sheffield's waste is safeguarded. With the proposed additional conditions in place it is considered that this will be secured.

Therefore it is concluded that with these safeguards in place planning consent should be granted as the proposal is consistent with national policy in that it will support the delivery of low carbon energy and the efficient operation of the plant. It will also be consistent with CS69 in ensuring that the ERF is retained to meet the city's long term waste requirements and it will move other authorities' household waste and Sheffield's commercial waste up the waste hierarchy.

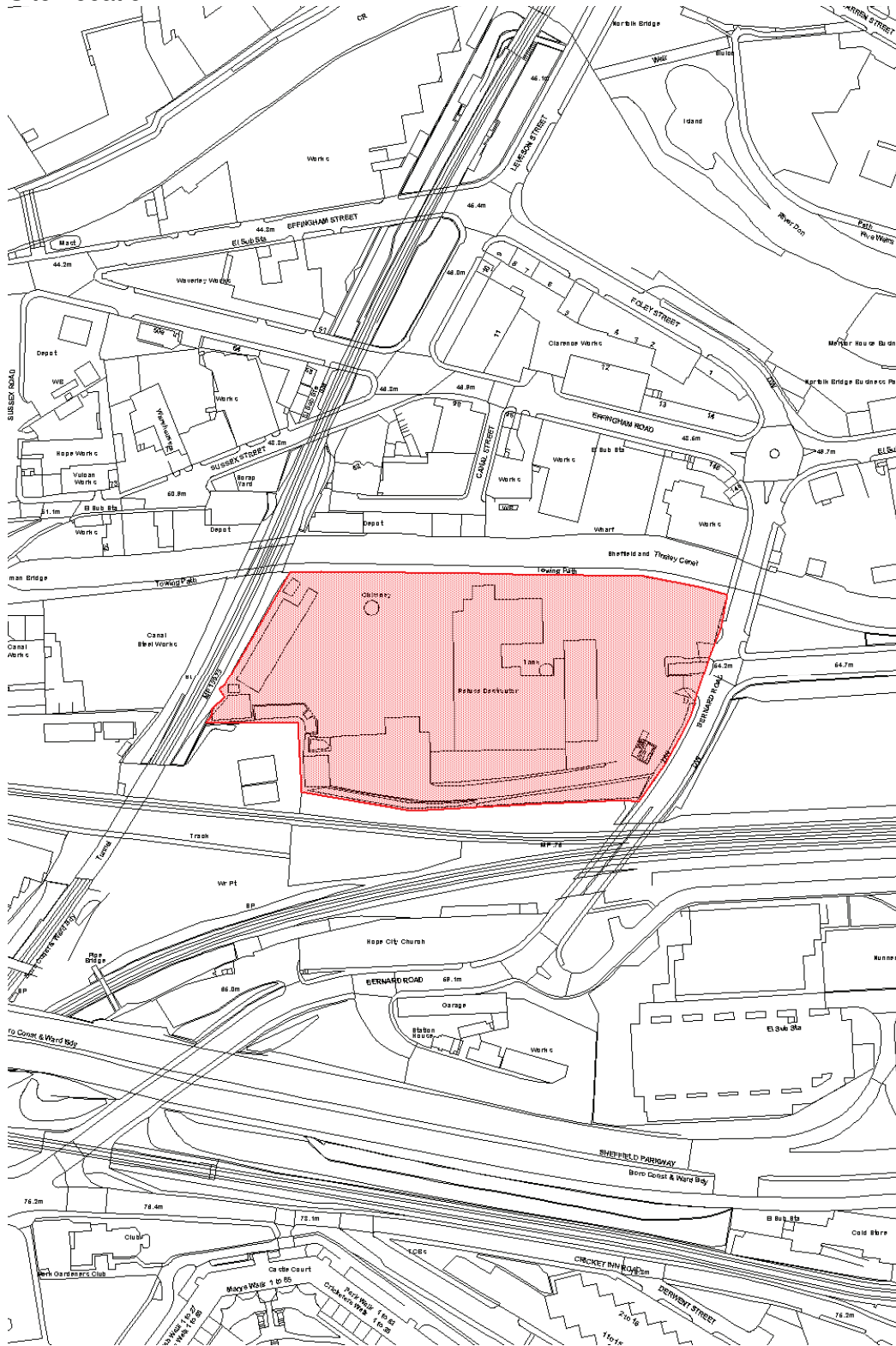
The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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 condition No(s) 1, 2 and 7-27 were imposed by planning permission No. 10/03861/FUL and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Site Location



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INTRODUCTION

Veolia were awarded the contract for managing Sheffield's municipal waste in 2001 for a period of 35 years. In 2002 planning permission was granted for a replacement Energy Recovery Facility (ERF) at Bernard Road, planning permission 01/10135/FUL. This has the capacity to burn 225,000 tonnes of waste and also provides energy to Sheffield's District Heating Network and exports electricity to the National Grid.

Condition 3 of the above permission states:

"Unless otherwise agreed by the Local Planning Authority waste received at the facility shall be restricted to waste collected within the Waste Disposal area of Sheffield, Rotherham and North East Derbyshire; and, No more than 10% of the waste received at the facility shall be collected from outside the Sheffield Waste Disposal Authority Area."

This limits the waste imported from outside Sheffield to a maximum of 22,500 tonnes a year. The reason for the condition is, "In the interests of ensuring that waste is dealt with in accordance with the proximity principle as required by Regional and National Waste Planning Guidance."

In 2011 the above condition was varied by application 10/03861/FUL as follows:

"For a temporary period of 6 years from the 23.5.11 the waste received at this facility shall be restricted to MSW and C & I waste originally collected within the waste disposal authority areas of Sheffield, Rotherham, Barnsley, and North East Derbyshire and Chesterfield, and no more than 50,000 tonnes shall be collected outside the Sheffield Waste Disposal Authority Area. Thereafter the waste received at this facility shall be restricted to MSW and C & I waste originally collected within the Waste Disposal Authority area of Sheffield, Rotherham and North East Derbyshire and no more than 10% shall be collected from outside the Sheffield Waste Disposal Authority Area."

This increases the waste that can be imported from outside Sheffield to 50,000 tonnes and extends the catchment area to include Barnsley and Chesterfield as well as Rotherham and North East Derbyshire. However the permission is temporary until May 2017 when the catchment controls revert to the original permission. A temporary consent was granted due to the benefits of moving municipal waste up the waste hierarchy whilst adjoining authorities put in place new facilities; due to the uncertainty over future waste streams; and it was felt that the increasing landfill tax might result in the ERF being more successful in attracting local commercial waste.

LOCATION AND PROPOSAL

The application site is located in the Attercliffe area of the city. It is bounded by the Sheffield and Tinsley canal to the north, by railway lines to the west and south and by Bernard Road to the east. To the north and west the area is characterised by industrial uses, to the south there is the Mega Centre community facility and to the

east there are a mixture of industrial and office uses. The site is accessed from Bernard Road.

This application seeks a further variation to condition 3 to read as follows:

"Unless otherwise agreed with the Local Planning Authority:

Waste received at the facility shall be restricted to MSW (Municipal Solid Waste) and C&I (Commercial and Industrial) waste collected within the following Waste Disposal Authority areas: Sheffield, Rotherham, Barnsley, Doncaster, Chesterfield, North East Derbyshire, Bolsover, Bassetlaw, Newark and Sherwood, Amber Valley, Derbyshire Dales, High Peak, Ashfield and Mansfield. Waste received at the facility from outside Sheffield Waste Disposal Authority area shall be limited to 65,000 tonnes per annum."

The key points of this change are that permanent permission is being sought to widen the catchment area to include additional Waste Disposal Authority areas in Derbyshire, South Yorkshire and Nottinghamshire and to increase the tonnage that can be imported from outside Sheffield by a further 15,000 tonnes to 65,000 tonnes. The changes do not affect the overall capacity of the ERF.

RELEVANT PLANNING HISTORY

Planning permission was granted for a replacement energy recovery facility (incinerator), office building, staff and refuse collection parking and landscaping in September 2002, planning permission 01/10135/FUL.

Planning permission was granted in June 2011 to vary condition 3 of planning permission 01/1035/FUL to permit Sheffield Energy Recovery Facility to receive up to 50,000 tonnes of waste from outside of the Sheffield Waste Disposal Area, namely Rotherham, NE Derbyshire, Barnsley and Chesterfield, planning permission 10/03861/FUL.

SUMMARY OF REPRESENTATIONS

Sixteen representations objecting to the proposal have been received, including comments from Councillor Gillian Creasy and Sheffield Friends of the Earth. The grounds of objection are as follows.

- The ERF should be for Sheffield's waste. Burning more waste results in more toxins being discharged to air.
- If consent is granted it should be conditioned to require the applicant to demonstrate biannually their efforts to secure local C&I waste from within Sheffield Waste Disposal Authority Area.
- There is no evidence that the imported waste would be residual waste and that this could not be recycled. Therefore it would discourage the processing of waste higher up the waste hierarchy in those authorities where the waste is being imported from. Any imported waste should be truly residual and not be capable of being recycled. The Derbyshire authorities that will send waste to the facility do not have full recycling

facilities in place. Therefore the waste will not be residual. The proposal will therefore suck waste from recycling towards destruction by incineration. Derbyshire's waste can be processed higher up the waste hierarchy and incineration creates fewer jobs than recycling/re-use and composting. Waste being brought from Nottinghamshire could easily be recycled. This could be part of a strategy to abandon plans for a new incinerator in Nottingham with additional residual waste disposal capacity being provided by the existing incinerator at Eastcroft for those collection authorities nearer to Nottingham with the rest going to the Sheffield incinerator. There is no evidence to support Veolia's statement that municipal waste from Nottinghamshire is available for processing in the ERF. Following the refusal of the Rufford incinerator it is not clear how residual waste from Nottinghamshire will be managed.

- A local company says Veolia have rejected local waste from their company whilst making an application to extend the catchment area. If Veolia priced waste disposal more attractively for C&I waste it would not need to import waste.
- The proposal is contrary to the proximity principle in that the waste that will be directed to the ERF is not local waste. Newark & Sherwood, Amber Valley, Ashfield and Mansfield are all nearer to Nottingham's Eastcroft incinerator and these areas should be excluded from this permission. If permission is granted the next application will be widen the area further.
- Transporting local waste elsewhere increases emissions when it could be disposed locally. It will result in an increase in HGV movements in an area that does not meet acceptable air quality standards and make it difficult to achieve the Nitrogen Dioxide limit values. There are objections unless the material is transported to the site by rail or canal. The site is adjacent to the rail freight line that leads to Stocksbridge and it should be possible to design a system to transfer the waste to the plant.
- It will increase traffic and noise levels.
- Importing waste from a long distance would make the plant a high carbon facility. Burning waste produces carbon dioxide and therefore the ERF is a high carbon development not a low carbon development. The ERF wastes resources, as most of the material processed could be recycled.
- The proposal will bring forward deaths due to particulate emissions.
- The Secretary of State's decision following the Twinwood's Incinerator inquiry (Bedfordshire) noted that "a planning condition seeking to restrict the source of waste should not necessarily fail to meet the tests of circular 11/95. He notes that such conditions have been imposed in the past and sees no reason why they should not in the future, were they couched effectively, deemed appropriate, and in line with relevant policies and guidance."

Doncaster Borough Council have commented as follows:

They point out that South Yorkshire has an imminent shortage of treatment and recovery facilities to divert municipal, commercial and industrial waste from landfill. New plants are needed in Barnsley, Doncaster and Rotherham but are not expected to come forward until at least 2015. They comment that the proposal will allow waste that is currently landfilled to move up the waste hierarchy and reduce the amount of waste going to landfill. It would also provide a contingency if due to unforeseen circumstances Barnsley, Doncaster and Rotherham were not able to process waste within their area. They are however concerned about the long term and long distance transport of waste across boundaries and the impact of this on carbon dioxide emissions and traffic congestion due to HGV movements.

They conclude that they have no objections to the proposal. However they consider a time limit of up to 6 years should be imposed on the Barnsley Doncaster and Rotherham catchment. This would allow the situation to be reviewed in the light of changes such as the impending review of government waste policy and the increased capacity of new facilities across the region. They have no objection to a permanent permission being granted in respect of the other catchment areas to address their medium to long term recovery needs.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which it defines as having economic, social and environmental dimensions.

It reasserts planning law, that planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

One of the twelve core planning principles defined in the NPPF is that planning should support the transition to a low carbon future in a changing climate, and encourage the reuse of existing resources.

The NPPF states that planning should support the delivery of renewable and low carbon energy and associated infrastructure. Local Planning Authorities should have a positive strategy to promote low carbon energy and design policies to maximise low carbon energy development.

The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. This has been delayed until the end of 2013 when it will replace the 2007 waste Strategy. The NPPF advises that the Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published.

Waste Strategy for England 2007 establishes an aim to reduce waste and break the link between growth and waste growth. It states that most products should be

re-used and their materials recycled. Energy should be recovered from other waste where possible. It emphasises the importance of the waste hierarchy with waste reduction being the preferred option, then re-use, recycle and compost, energy recovery and landfill. Objectives include meeting and exceeding the landfill diversion targets for biodegradable municipal waste, increasing diversion from landfill for non-municipal waste and securing better integration of treatment for municipal and non-municipal waste. National targets for recycling and composting of household waste are set at 40% by 2010, 45% by 2015 and 50% by 2020 and recovery targets for municipal waste are 53% by 2010, 67% by 2015 and 75% by 2020.

Planning Policy Statement 10 'Planning for Sustainable Waste Management' states that the objectives of Government Policy on Waste is to produce less waste, using it as a resource where possible. It seeks to move the management of waste up the 'waste hierarchy' to prevention, preparing for re-use, other recovery and disposing only as a last resort. It states that the planning system is pivotal to the adequate and timely provision of new facilities.

In terms of determining planning applications it advises that development plans should form the framework within which decisions on proposals should be taken. Planning authorities should not be concerned with the control of processes which are a matter for the pollution control authority. It also advises that modern plants should pose little risk to health and the detailed consideration of waste management processes and the implications, if any, for human health are the responsibility of the pollution control authorities.

Core Strategy Policy CS 63 'Responses to Climate Change' states that action to reduce climate change will include generating energy from waste.

Core Strategy Policy CS 65 states that developments will be encouraged to connect to the City Centre District Heating Scheme.

Core Strategy Policy CS 68 'Waste Development Objectives' states that in its current Waste Strategy the Council is committed to its energy-from-waste policy for managing the majority of its municipal waste. It will meet the national targets for recovering value from municipal waste by utilising the existing energy-from-waste plant and developing services and facilities to meet agreed performance targets for recycling or composing household waste.

Core Strategy Policy CS 69 states that the energy recovery plant at Bernard Road and the landfill site at Parkwood Springs will be retained to meet the city's long-term requirement for waste management. The commentary to this policy states that the Energy Recovery facility although designed primarily to take municipal waste is flexible enough to accept some non-municipal waste.

Sheffield's Waste Management Strategy 2009-2020 sets out how waste in Sheffield will be managed to 2020. It has 3 overall objectives.

- (i) To reduce Sheffield's Waste.
- (ii) To help residents and businesses to recycle.

(iii) To minimise Sheffield's waste that goes to landfill.

It states that:

- Prior to 2005 we were seeing an annual increase in the amount of waste produced but that this has now been reversed and waste arisings are falling.
- By December 2010 households in Sheffield will have a new kerbside recycling service collecting more materials from the kerbside for recycling.
- The Council is committed to increase the recycling rate every year and work towards achieving 45% recycling by 2015.
- The Council will explore the option of a commercially dedicated recycling site to make it easier for businesses in the City to recycle by 2013.
- The Council will work with other Local Authorities in the region to plan for waste treatment facilities to reduce the use of landfill.
- By continuing to increase the amount of waste we recycle we will be reducing the amount of household waste sent to the ERF and have opportunities to use this spare capacity to secure the movement of more waste up the waste hierarchy away from landfill disposal. This means there will be more capacity at the ERF to treat other waste.
- By moving business waste up the waste hierarchy through stimulating more recycling opportunities for this waste there will be less demand for the ERF for this waste and therefore more municipal waste can be processed at the facility.
- By working with Veolia we will seek a joined up approach to sharing waste treatment facilities, including our ERF facility, to maximise the carbon saving for municipal waste.
- The current 10% allowance for imported waste could be doubled without compromising the priority of Sheffield municipal waste through the facility. Increasing the allowance of municipal waste from other local authorities to the ERF in Sheffield will contribute to achieving a reduction in biodegradable waste to landfill and the UK meeting the requirements of the landfill directive.

Veolia have drawn attention to a document by DEFRA titled 'Energy from Waste A guide to the debate', Feb 2013. This document does not set any new policy but highlights key environmental, technical and economic issues, and aims to raise the level of understanding and debate around emerging energy policy.

Veolia has drawn attention to the sections of the report that refer to the proximity principle. The guide says that the proximity principle is an underlying principle of waste being managed close to its source. However this does not mean that local authorities need to be self-sufficient in handling waste from their own area. It requires mixed municipal waste to be recovered in one of the nearest appropriate installations, this does not mean it has to be the absolute closest. It does not imply that a facility can only process local waste. It states that an over emphasis on restricting facilities to 'local waste', particularly defining it to administrative ownership of waste and the boundaries and quantities this implies can lead to a sub-optimal solution. Paragraph 155 of the document says, "The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity for residual waste. For an

existing plant, taking waste from a range of locations should be seen as a positive by keeping the plant running at maximum efficiency. In many places waste from a number of authorities is processed at the same site very successfully."

The guidance makes it clear that the Government's goal is to move waste up the waste hierarchy. That an up-to-date Local Plan is the keystone of the planning system against which individual planning applications should be judged. It states that energy from waste plants do require a certain amount of waste to be viable, however problems with plants competing with managing waste higher up the waste hierarchy can be avoided by setting realistic capacity requirements and plants being allowed to seek out waste from other sources (ie commercial contracts or joint working with other authorities) to make up any shortfall. It advises that at present 50% of commercial and industrial waste goes to landfill presenting a significant opportunity for those authorities and plants able to exploit it.

In summary planning policy seeks to move waste up the waste hierarchy and to support the efficient operation of the low carbon energy which is produced by the District Heating Network which is in turn powered by the ERF plant. There is a Core Strategy policy objective that the ERF gives priority for processing Sheffield's waste, both municipal and commercial and industrial waste where suitable. Waste management policy also acknowledges that the amount of municipal and commercial and industrial waste from Sheffield being sent to the ERF will decline and the amount of municipal waste imported from other authorities can be increased which will maximise carbon savings.

The key issues are to ensure that any commercial advantages to Veolia of importing municipal waste to the ERF do not displace Sheffield's municipal or commercial and industrial waste which is currently managed at the ERF and force it down the waste hierarchy. Secondly, that the plant has sufficient feedstock to operate efficiently and the low carbon energy benefits of the District Heating Network are maximised.

Use and reasonableness of conditions restricting the source of waste

The applicant has drawn attention to a number of appeal decisions where planning inspectors or the Secretary of State has determined that it is not reasonable to restrict the source of waste to supply ERF facilities. They refer to the Eastcroft Appeal where the Council sought to restrict the origin of the waste. The planning inspector commented that "to adopt such an approach would conflict with the advice in PPS10 companion guide which suggests that waste planning authorities should not arbitrarily restrict the movements of waste across borders" "Such an approach would conflict with the key planning objectives in PPS10 that the delivery of planning strategies should encourage competition."

In the Milton Ernest appeal the Secretary of State decided in the circumstances of that case, where it was estimated that waste would primarily be sourced with the plan area and therefore be in line with the development plan, that a condition restricting the source of waste would not be necessary. He noted that "the market is likely to ensure that waste arisings are necessarily treated close to their source and that in the current economic climate it is important that planning restrictions do

not impose unnecessary burdens on business". However he also stated that a planning condition to restrict the source of waste would not necessarily fail to meet the tests of circular 11/95. He noted that such conditions have been imposed in the past and he sees no reason why they should not in the future, were they are couched effectively, deemed appropriate and in line with the relevant policies and guidance.

Veolia conclude that whilst in their view the imposition of a catchment condition is questionable, they are still willing to accept one to assist the Council achieving its objectives.

Need for the Proposal

Household Waste

At the time the original permission was granted the expectation was that the 225,000 ton capacity of the ERF would be filled with 195,000 tonnes of MSW (municipal waste) and 30,000 tonnes of C&I waste. It was predicted that household and municipal waste would grow by 2% per annum until 2006 with no growth thereafter. Recycling was expected to increase from 4% to 18%.

Over the period October 2010 to September 2011 a recycling and composting rate of almost 30% was achieved. It is estimated in the application that 129,808 tonnes of domestic and HRC (Household Recycling Centre) waste would be accepted at the ERF which is approximately 4k tonnes above the actual 2012 tonnage. This includes the additional kerbside green waste collected within the black bin waste following the cessation of the free service offered to residents. The HRC waste accepted at the ERF is residual waste following the extraction of recyclable elements.

In 2013 Veolia have predicted that there will be 116,827 tonnes of MSW and HRC wastes processed at the ERF. They consider the amount of waste will decline to reflect the expectation that the alternate weekly collection (AWC) service will result in reductions in the volume of black bin waste collected. This is approximately in line with the tonnages recorded following the introduction of AWC over October and November 2012 when these monthly figures are projected across a full year - actual figures show that during October 2012 approximately 440 tonnes per day of domestic waste has been recorded with 438 tonnes per day in November 2012 (equating to 114,296 tonnes per annum if factored up over 12 months). Veolia consider the assumptions in the planning application in terms of predicted waste and expected reductions due to the move to AWC are robust when compared to the actual figures and this will allow for any for any additional green waste entering the residual waste stream following the decision in 2012 to revert to a paid green waste collection service.

The planning application predicts that municipal waste will reduce further from 116,827 tonnes in 2013 to 108,857 tonnes in 2020. This is based on a number of factors including the objective of the Sheffield Waste Management Strategy to reduce household waste production by 2% per year to 2014. The Strategy also includes a long term objective to increase the roll out of garden waste collections

across the City which is expected to divert waste away from the ERF (although in the short term the paid green waste collections might have the opposite effect).

Veolia point out that prior to 2005 annual increases in the amount of waste produced were being experienced, however in recent years this has been reversed and waste arisings have fallen significantly. They suggest this may be due to a number of factors, including the prevailing economic conditions, increased public awareness of waste issues from national and local campaigns (such as home composting, real nappy campaigns and reuse of certain wastes), and other initiatives such as those by supermarkets to reduce the amount of packaging on goods and schemes to reduce the weight of packaging materials. They say that future initiatives are likely to include reductions in waste packaging, which is a significant tonnage in Sheffield residual waste bins. One of the targets in the Revised Waste Framework Directive (and reflected in the UK's Waste Management Strategy) is to increase the recycling, composting and reuse of household waste, as a percentage of total household waste, to 50% by 2020.

The Council's Waste Management Section has raised some doubts about Veolia's predictions about declining household waste. They consider it would be risky to rely too heavily on the limited information about the impact of AWC. They have also pointed to the Council's predictions of growth in population and households and have suggested that an alternative scenario might be future increases in household waste when the country comes out of the recession.

Commercial and Industrial Waste

Veolia argues that the availability of C&I waste in Sheffield has diminished due to the prolonged slowdown in the economy, increased recycling and landfill avoidance initiatives and increasing quantities of the city's C&I waste being exported to surrounding areas for treatment. They also anticipate that C&I waste arisings may fall further as landfill diversion initiatives are rolled out across the city.

As part of the 2010 application to vary the planning condition that controls the importing of waste Veolia commissioned a report to establish a more accurate volume of C & I waste available for the ERF. This concluded that in 2006/7 Sheffield businesses produced an estimated 654,000 tonnes, of which it was estimated that following recycling/composting only 130,500 tonnes of C & I waste would be suitable feedstock for the ERF. Veolia consider this figure to be an absolute maximum and could be significantly reduced due to various factors including the economic downturn, further increases in waste minimisation and competition from other waste management companies. As a result they estimate that only 60-70,000 tonnes per year of C&I waste feedstock is available to the ERF.

Veolia also argue that due to the significant landfill volumes available in South Yorkshire the gate fees for landfilling of waste are suppressed and as low as £13 per tonne. They say that even with the landfill tax at £64 per tonne this has resulted in the landfilling of commercial waste which is potentially suitable for the ERF. The ERF has to compete with 32 other operators for C&I waste within Sheffield and also with operators outside Sheffield. These operators along with

Veolia are also seeking to recycle increased quantities of C&I waste in accordance with the waste hierarchy and this reduces the volumes available to the ERF.

In 2012 43,798 tonnes of waste was predicted to be delivered to the ERF directly by Veolia Environmental Services (VES) vehicles, 9,600 tonnes delivered from VES Tinsley Waste Transfer Site. This is the waste collected by Veolia's commercial arm. A further 11,810 tonnes is predicted to be delivered from other 3rd Party Operators taking their C & I waste direct to the ERF. The predicted total for all the C & I waste from Sheffield is 65,208 tonnes in 2012. It is anticipated that this tonnage will increase to 68,532 tonnes in 2013 and then fall by approximately 1% in the following years to 2017 (totalling around 66-67,000 tonnes per annum). The actual figures for 2012 were 58,404 tonnes in total of which 50,404 tonnes was delivered direct by Veolia and 8,000 tonnes by third party operators.

Veolia propose to develop a materials recovery facility (MRF) at Tinsley which will become operational from 2013 enabling up to 25% recycling of C & I wastes, which were previously delivered to the ERF (VES Commercial Collections and Tinsley WTS). This is expected to reduce the overall tonnage of C & I waste delivered to the ERF to between 50,000 to 55,000 tonnes by removing the recyclable elements from this waste. The overall quality of C & I waste processed at the ERF may drop to 52,902 tonnes by 2017. Veolia consider the MRF will allow their commercial collection business to evolve to become more competitive in the City, thus maintaining tonnage and managing waste higher up the hierarchy. They argue that by assuming that C & I waste available to the ERF will remain at its present level (subject to the removal of the recyclable elements referred to above) illustrates their commitment to managing the City's C & I waste. They point out that other reports are predicting significant reductions in C & I waste in the future.

Given the lack of available/reliable data on C & I waste it is difficult for officers to judge whether Veolia could secure more C & I waste from Sheffield than they are predicting. Notwithstanding the trends of declining commercial and industrial waste highlighted by Veolia, the Council's waste management section has suggested that given the long-term nature of the application and the importance of safeguarding the capacity of major waste facilities for Sheffield's waste, that it would be prudent to consider trends of increased C&I waste volumes in Sheffield. They suggest that there is the potential for more commercial waste to begin to be generated again in Sheffield once the economy begins to recover.

There is a concern that it may be easier and more commercially attractive for Veolia to secure larger contracts for municipal waste from adjoining authorities rather than source C & I waste locally from Sheffield. This could result in some of Sheffield's C & I waste potentially going to landfill rather than it being used to recover energy. Whilst other authority's municipal waste would be moved up the waste hierarchy, Sheffield's C & I waste might be pushed down the waste hierarchy and disposed of further from its source which could be inconsistent with the proximity principle. It would also mean the ERF was not being used fully in accordance with Policy CS 69 which seeks to retain it for the processing of Sheffield's waste. However given the lack of data, officers do not have any clear evidence to challenge the applicant's predictions on C & I waste.

ERF Waste Shortfall

Veolia's predictions of future waste arisings suggest that 161,759 tonnes should be sufficient to accommodate Sheffield's municipal and C & I waste going forward. That is, 108,857 tonnes of municipal waste by 2020 and 52,902 tonnes of C/I waste by 2017 giving at total of 161,759 tonnes. As the capacity of the ERF is 225,000 tonnes this leaves a predicted gap of approximately 63,241 tonnes. This fits reasonably well with their proposal to vary condition 3 to allow an additional 15,000 tonnes (65,000 tonnes in total) of waste to be imported from outside Sheffield's Waste Collection area.

The following details have been provided of the predicted waste deliveries to the site for 2012.

Sheffield Domestic	129,808 tonnes
Commercial (Beighton)	43,798 tonnes
Commercial (Tinsley transfer station)	9,600 tonnes
Commercial (Direct to ERF)	11,810 tonnes
Rotherham MBC	10,240 tonnes
Derbyshire WTS	18,244 tonnes
Chesterfield	1,500 tonnes
Total	225,000 tonnes

Currently about 30,000 tonnes are delivered from outside the Sheffield Waste Collection area, that is, Rotherham, Derbyshire and Chesterfield.

The applicant has advised that due to increased recycling and reduced waste growth and the resultant shortfall in MSW the gap in feedstock has had to be increasingly made up of MSW from adjoining authorities and C&I waste. The amount of MSW available from the immediate neighbouring authorities is likely to decrease as new disposal facilities are provided. Barnsley, Doncaster, and Rotherham's long term waste management contract has been awarded and the new facility is expected to be in available from spring 2015 with output exported to West Yorkshire. Veolia also estimate that Derbyshire will have its own long term waste management facilities in place from 2016.

Veolia also consider that the shortfall cannot be sustained by importing C&I waste as due to the competitive nature of this market and the current restrictions on sourcing waste.

Veolia has predicted that with the existing catchment condition controls that there will be a shortfall of feedstock for the ERF of 26,000 tonnes in 2013 increasing to 63,000 tonnes in 2017 and beyond. They predict that this shortfall can be filled primarily be sourcing municipal waste from north Nottinghamshire, that is Bassetlaw, Newark and Sherwood, Mansfield and Ashfield.

Veolia advise that Nottinghamshire municipal waste provides the only local source of reliable secured waste which they can access through its existing long term waste management contract. They also conduct trade waste collections in North Nottinghamshire, Derbyshire, Barnsley, Doncaster and Rotherham.

Veolia consider that there is significant C&I waste available within the proposed catchment area that could provide suitable waste for the ERF. They say that within Barnsley, Doncaster and Rotherham areas there is inadequate capacity to deal with the volumes available and this results in some waste going to landfill. It is stated that any C&I waste attracted from Derbyshire is most likely to be derived from the northern part of the County and the emerging Derbyshire Core Strategy suggests there is a slight surplus in capacity in the county. Commercial wastes drawn from the wider catchment area would, where feasible, first be processed at Veolia's material recovery facility at Tinsley, to recover recyclables. Veolia consider the nearest alternative recovery facility is the Eastcroft Incinerator in Nottingham which is approximately half way between Amber Valley and Ashfield and Mansfield districts.

Veolia has advised that varying the planning condition will allow for increased quantities of MSW and C&I waste to be drawn from the extended catchment. This is needed due to the decreasing volume of Sheffield's Municipal Waste and the decreasing volume of Sheffield's commercial and industrial waste due to their proposals for increased recycling. Given this and the new processing facilities which are expected to come on line within the existing catchment boundary they consider that the boundary needs to be extended and the amount of waste they can collect from outside Sheffield increased to 65,000 tonnes.

Benefits of the proposal

One of the core planning principles of the National Planning Policy Framework is that planning should support the transition to a low carbon future in a changing climate and encourage the development of renewable energy. Paragraph 97 states that local planning authorities should have a positive strategy to promote renewable energy and low carbon sources and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy systems.

The applicant has stated that the District Heating Network on average prevents over 21,000 tonnes of CO₂ from being released across the city. When connected to the District Heating network a building no longer relies on fossil fuels to generate heating. If the ERF were to operate at a reduced level it would lead to the fuel being supplemented by fossil fuels resulting in the carbon off-setting being substantially reduced. Veolia argue that if the ERF is not allowed to increase the amount of waste it can import from outside Sheffield and extend its catchment area there is a strong possibility that it will be unable to operate at its most efficient and will need to use fossil fuels to supplement the operation of the District Heating Network. Veolia have advised that it is their intention to grow the District Heating Network in the future, although they have not provided any evidence of specific proposals to do so.

Veolia argue that the Municipal Waste processed at the ERF from outside Sheffield would otherwise be landfilled, owing to a deficit in waste treatment capacity over the medium term or because it would be residual waste from an existing operational treatment facility. Therefore there will be significant climate change

benefits from reducing the landfilling of municipal waste and this is supported by the landfill diversion targets referred to above.

Risks of allowing the proposal

In the planning application Veolia's 2012 predictions are that 129,808 tonnes of household waste would be directed to the ERF and 65,208 tonnes of C & I waste collected within Sheffield giving a total of 195,016 tonnes leaving a shortfall of 29,984 tonnes.

The actual figures for 2012 were 122,296 tonnes tonnes of household waste and 58,404 of C & I waste collected within Sheffield giving a total of 184,404 tonnes leaving a shortfall of 40,596 tonnes.

Whilst Veolia are predicting that the amount of household and C & I waste available for the ERF within Sheffield will decline there are alternative scenarios as described above. This might mean that Sheffield's waste does not decline as predicted or even grows in the future.

Given this uncertainty about the future waste arisings there is a risk that allowing more waste to be sourced from outside Sheffield could result in Sheffield's C & I waste being displaced to accommodate household waste from other authorities, which is likely to be more commercially attractive to Veolia. This could result in Sheffield's commercial and industrial waste being processed lower down the waste hierarchy. It would also be contrary to Policy CS 69 which seeks to prioritise the ERF for processing Sheffield's waste.

Traffic and Transport

Guidelines for the Environmental Assessment of Road Traffic (Guidance Note No. 1) prepared by the Institute of Environmental Assessment (IEA) recommends that highway links should be considered where the development would increase flows by more than 30% and in sensitive areas where it is increased by more than 10%.

Base traffic flow data was obtained in 2007/2008 and in 2009 for Attercliffe Road. The ERF was operating to its consented capacity during these surveys. Growth of traffic on the highway network since the survey period has been factored in the baseline flows.

The traffic generated by the proposal has been compared to the traffic that could be generated by the original permission which allowed for 22,500 tonnes of waste to be imported from outside Sheffield and the 2010 permission which allowed up to 50,000 tonnes to be imported from outside Sheffield. The latter scenario results in reduced movements as it offers the potential for a greater proportion of waste to be delivered on larger bulk vehicles.

Veolia has estimated the likely locations and tonnages of waste expected should the variation to the planning condition proposed as part of the current application be granted consent. Due to the greater proportion of waste being delivered on bulk vehicles the total daily number of deliveries falls from 105 in the original consent to

100 in the 2010 consent and further to 82 in 2015 and 81 in 2020 under the current proposal. This is a reduction in 48 daily movements from the original consent and 38 from the 2010 consent. The proposal will therefore result in a beneficial impact on the local highway network. Given the reduction in movements it is concluded the proposals do not create any road safety concerns.

Air Quality

The National Planning Policy Framework states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Core Strategy Policy CS66 states that action to protect air quality will be taken in all areas of the city. Action to improve air quality will be taken particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The concentrations of Nitrogen Dioxide (NO₂) and small particles (PM₁₀ and PM_{2.5}) have been modelled for the roads likely to be used to access the site. The background annual-mean concentration of NO₂ is predicted to be 27ug.m³ in 2010 and 21.8ug.m³ for PM₁₀ and 16.2ug.m³ for PM_{2.5}. The predicted increase at 2015 and 2020 when compared with the base scenario in the same years is less than 0.05% of annual-mean air quality objective which is 40ug.m³. In all cases the significance of the impact is judged to be negligible. In terms of PM₁₀ and PM_{2.5} the predicted increase at 2015 and 2020 when compared with the base scenario in the same years is less than 0.05% of the annual-mean air quality objective. In all cases the significance of the impact is judged to be negligible.

The household waste imported from outside the city, other than that from Nottinghamshire, will be transported on vehicles which are owned by the relevant waste management authority. Veolia's ongoing HGV Fleet Replacement Policy is to frequently upgrade its HGVs to higher emission specifications (including consideration of replacing existing HGVs with vehicles fitted with EURO V engines). It is also committed to improving environmental performance on an ongoing basis by using fuel-efficient vehicles supported by driver training and fuel consumption monitoring (eg. within Sheffield they currently have 48 refuse vehicles fitted with driving efficiency and safety devices which report engine over revs, road speed limit infringements and engine idling above 6 minutes thus improving environmental performance). In addition the latest 3 new Refuse Collection Vehicles added to the Sheffield fleet are fitted with an additional fuel saver pack that further reduces the drivers' ability to waste fuel by controlling engine accelerator inputs thereby reducing the environmental impacts of its collection fleet in Sheffield.

Veolia has also explored the potential offered by alternative fuels with ten recycling and waste collection HGVs fuelled by compressed natural gas and the trial of the electric light vans and more recently a Nissan Leaf, both powered by lithium-ion batteries.

In addition, Veolia's scheduled maintenance programme ensures HGVs are maintained in accordance with manufacturer's recommendations which lead to consistently high performance standards through the life of the HGV.

Conclusion

There is clearly a strong sustainability argument for allowing additional waste to be imported from outside Sheffield if this ensures that the ERF is able to operate efficiently and maintains the sustainability benefits which are delivered by the existing District Heating Network. This approach is supported by the NPPF and Local Development Plan policies. There are also benefits in allowing additional household waste from other authorities, which would otherwise go to landfill, to be processed higher up the waste hierarchy whilst these authorities put in place sufficient waste management capacity locally.

It would however be contrary to Core Strategy Policy CS69 if importing additional waste from outside Sheffield were to lead to Sheffield's C & I waste that is currently processed at the ERF to be displaced and pushed down the waste hierarchy, due to it being more attractive commercially for Veolia to prioritise household waste from other authorities. National waste planning policy seeks to move waste up the waste hierarchy and it is an underlying principle that waste should be processed close to its source in accordance with the proximity principle.

Although government advice states that there should not be an over emphasis on restricting facilities to local waste, Sheffield has an up-to-date Core Strategy policy which seeks to prioritise the ERF for Sheffield's waste and there are some uncertainties over future waste arisings.

The Council's objectives should be to ensure that ERF is not restricted so that it cannot operate efficiently whilst safeguarding sufficient capacity for processing Sheffield's Household and C & I waste and ensuring existing waste does not move down the waste hierarchy.

It is considered that these objectives can be achieved, allowing Veolia the flexibility to bring in additional waste from a wider catchment area and operate the plant at its maximum efficiency, by agreeing to the proposed variation to condition 3, and also by attaching additional conditions which prioritise Sheffield's waste and ensure waste is moved up the waste hierarchy.

In order to ensure sufficient capacity is maintained for processing Sheffield's household waste the following additional condition is proposed. This will ensure that even if domestic waste arisings increase, sufficient capacity will be retained to process domestic waste arisings from within the city whilst not deterring waste from being processed higher up the waste hierarchy.

Condition

The Bernard Road Energy Recovery Facility shall process Domestic arisings collected within Sheffield City Waste Disposal Authority area unless;

- It is processed higher up the waste hierarchy.
- It is unsuitable without further treatment for processing at the ERF.
- During and around maintenance periods, emergencies when the ERF is not operational or exceptional circumstances such as during periods of prolonged adverse weather.

In order that Sheffield's C & I waste that is currently processed at the ERF is not displaced or moved down the waste hierarchy the following additional condition is proposed. This requires Veolia to continue processing the level of C & I waste that is currently processed at the ERF. This will be monitored through an annual report which will need to be approved along with a strategy to maintain this level unless it can be demonstrated that this is not practical or viable, in which case a lower amount of C & I waste can be managed by the applicant. The condition does not prevent Veolia moving the tonnage specified up the waste hierarchy and thereby releasing capacity for additional municipal waste to be processed at the ERF. Whilst Veolia have accepted this condition they do have concerns as C & I is not under their control and its treatment is driven by market considerations. However their predictions in the application are that they should be able to secure this level of waste for the foreseeable future.

Condition

Annual monitoring of the C&I waste managed by the applicant within Sheffield Waste Management Area shall be made available to the Local Planning Authority in a report submitted annually on the anniversary of this consent. Should the tonnage of C&I waste collected from within Sheffield's waste collection area and processed higher up the waste hierarchy than landfill, fall below 58,000 tonnes per annum a scheme for maintaining this figure shall be submitted to the Local Planning Authority for approval within 3 months of the monitoring report identifying a shortfall. Thereafter the scheme shall be implemented until such time that the shortfall is rectified or an alternative scheme (which for avoidance of doubt may include a lesser tonnage of C&I waste if it is demonstrated that it is not reasonably practical to maintain this tonnage) is approved by the Local Planning Authority.

Veolia's predictions that there will be a shortfall of 65,000 tonnes of waste are based on their predictions of declining municipal waste and also on a proportion of the C & I waste from Veolia's commercial operations being recycled at a new material recovery facility being developed at their Tinsley site. Given this it is considered to be reasonable to require this facility to be operational before the more than 50,000 tonnes of waste are imported from outside Sheffield. 50,000 tonnes is permitted level of imported waste under the current permission.

Condition

No more than 50,000 tonnes per annum of waste from outside of the Sheffield City Waste Disposal Authority area shall be processed at the Bernard Road Energy Recovery Facility until the permitted Tinsley commercial materials recycling facility shown on drawing VES-DTO-TINS-005 Rev B has become operational.

RESPONSE TO REPRESENTATIONS

The ERF will not process any more waste than that which it was intended to process and which is already permitted under the existing consent; the proposal should not result in more emissions from the plant. The Environment Agency monitors and controls emissions under an Environmental Permit, emissions are set at levels that will not be harmful to human health.

Objections have been submitted on the basis that waste imported from other authorities could be recycled and that the proposal will discourage the waste from being processed higher up the waste hierarchy. It is also argued that there is no evidence that waste will be available from these authorities.

In your officer's view it is for these other authorities to determine the best way to manage their waste. They are best placed to decide whether waste is residual, in the context of their objectives and the waste management facilities that are available at the time. They can determine whether their waste is being managed in accordance with the proximity principle and they can decline to send waste to the plant if they consider there are better and more local options for moving waste up the waste hierarchy.

The local company who have advised that they have had waste rejected have been requested to provide details about when this occurred and what reasons were given, they have declined to provide any further information. In any case this is largely an operational business decision for the applicant.

The impact of the proposal on air quality and transport is assessed in the application. At the time of the original application it was determined that it was not practical and viable to transport waste to the site by canal or rail. This is likely to be even less viable with an extended catchment area and as the waste delivered from outside Sheffield is likely to be tied to shorter term contracts. The transportation of waste should ideally be minimised in accordance with the proximity principle, but this should not be at the exclusion of all other factors. This needs to be balanced against the benefits of the efficient operation of the plant and the District Heating Network and the benefits of reducing the landfilling of waste. It is for other authorities to decide the most sustainable waste management solution for their waste.

SUMMARY AND RECOMMENDATION

The efficient operation of the ERF, the provision of low carbon energy and the movement of municipal waste up the waste hierarchy is supported by planning policy. Due to decline in waste arisings the ERF has become more reliant on commercial and industrial waste and importing waste from outside Sheffield than originally envisaged. Veolia predict that if the planning conditions remain as they are they will not be able to source sufficient waste to enable the ERF to operate efficiently and to maintain the efficiency of the District Heating Network. They are predicting further declines in household waste within Sheffield and have shown that from 2015 they are unlikely to be able to source much household waste from outside Sheffield within the catchment area permitted under the current conditions.

There is however some uncertainty over predictions of the level of future waste available to the ERF and a risk that local waste may be displaced if the shortfall is not as high as predicted by Veolia.

It is considered that it is justified to permit the additional tonnage to be imported from outside Sheffield from the extended catchment area provided that capacity for Sheffield's waste is safeguarded. With the proposed additional conditions in place it is considered that this will be secured.

Therefore it is concluded that, with these safeguards in place, planning consent should be granted as the proposal is consistent with national policy in that it will support the delivery of low carbon energy and the efficient operation of the plant. It will also be consistent with Core Strategy Policy CS69 in ensuring that the ERF is retained to meet the city's long term waste requirements and it will move other authorities' household waste and Sheffield's commercial waste up the waste hierarchy.