

## PLANNING AND HIGHWAYS COMMITTEE

### SUPPLEMENTARY INFORMATION

#### APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number:** 18/03796/OUT

**Address:** Land and Buildings at Meadowhall Way, Meadowhall Drive,  
Carbrook Street and Weedon Street

#### **Report correction**

Page 218, 2<sup>nd</sup> full paragraph, 'Plots 1 and 2' should read 'Plots 1 and 3' and '(Plot 3)' should read '(Plot 1)'.

Page 223, 5<sup>th</sup> paragraph, which states a 50% reduction in brownfield rate for plot 3, should read a 30% reduction.

#### **Additional Representation**

Highways England have issued a formal recommendation that they are content for permission to be granted subject to the imposition of Condition 23 as amended below with the insertion of the additional drawing number.

#### **Amendments to conditions**

##### **Condition 4**

'Subject to conditions 7 to 19' should read 'subject to satisfying conditions 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18:'

##### **Condition 5**

- a) Retail floor space should read 2,495 sqm
- b) Car showroom should read 9,130 sqm
- e) D2 should read 2,000 sqm

##### **Condition 16**

Condition to be split into two separate conditions (and the remainder of the conditions to be renumbered as a result) to read as follows:

##### Condition 16

Prior to the commencement of each phase of development a Local Employment and Training Strategy designed to maximise local opportunities for employment for that phase shall be submitted to and approved by the Local Planning Authority.

The Local Employment and Training Strategy should include details as to how the developer will use Reasonable Endeavours to achieve the following commitments:

- a) Advertising employment vacancies locally through a range of sources including, but not limited to; local press, recruitment support services, relevant local employment partners and stakeholders
- b) Maximise the opportunities for local residents to access employment created during construction, aiming for a target of 20% local employment (defined as being resident of the Sheffield City Council area)
- c) Maximise training opportunities, both through apprenticeships and NVQ's within construction related courses

The construction of the development shall be carried out in accordance with the approved Local Employment Training Strategy.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

#### Condition 17

Prior to the first occupation of each phase an end user Employment and Training Strategy shall be submitted to and approved by the Local Planning Authority. This shall include measures to encourage occupiers to consider undertaking the following:

- a) Advertising employment vacancies locally though a range of sources including, but not limited: local press, recruitment support services, relevant local employment partners and stakeholders
- b) Where applicable, work in partnership with the Local Authority, Jobcentre Plus and other local partners to support employability initiatives such as job fairs and Sector Based Work Academies to enable local people to apply for job vacancies which may arise from the new occupiers.

The occupation of the development shall be carried out in accordance with the approved Local Employment Training Strategy.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

**Condition 23** (will become condition 24 due to condition 16 being split into two conditions)

Drawing number 43616/5505/008 to be inserted in the condition

#### **Amendment to Recommendation**

Item 2 of the Heads of the Heads of Terms has been requested by the developer in order to establish a procedure and trigger points for agreeing the release of land safeguarded on Plot 3 for the innovation corridor road as controlled by condition number 53, should the road scheme not be progressed.

Whilst there are no objections in principle to this it is not considered to be necessary for the granted of planning permission. Therefore the recommendation should only

refer to item 1. This does not however preclude item 2 being included in the legal agreement assuming both parties can agree on the wording.

Therefore the recommendation should be amended to say the following “It is therefore recommended that planning permission be granted subject to the listed conditions and amendments identified in the supplementary report and subject to the applicant entering into a legal agreement to secure the Heads of Terms listed under item 1 on the agenda.”

**2. Application Number: 18/03851/FUL**

**Address: Land between Skye Edge Road and Skye Edge Avenue**

Following member’s concerns regarding the ‘gated’ nature of the proposal, the applicant has submitted an amended plan showing the gates to the existing parking courts removed.

Where new parking courts are to be created as part of the development, to the back to back units at both the north-west and south-east of the site, then these are intended to remain gated.

**Amendment to Condition 2**

Drawing Reference ‘Planning Layout 18042-01 rev K’ to be replaced by ‘Planning Layout 18042-01 rev L’

**3. Application Number: 18/04104/FUL**

**Address: 1 Ecclesall Road South**

**ADDITIONAL REPRESENTATIONS**

Three additional representations have been received from two neighbouring properties, and are summarised as follows:

-Loss of light, privacy and amenity (at No 16 Talmont Road), due to unsympathetic design, dominating scale/height, massing and proximity.

-Outdoor terraced areas lead to overlooking of front and back gardens and side, and kitchen window (of No 16 Talmont Road) and will be close to bedroom and en-suite windows and chimney.

-Lack of clarification / detail relating to screening of roof terraces. They will cause overlooking. Original Planning Officer pointed out that additional screening to terraces was felt to be needed to protect privacy.

-The report’s comments upon the separation and relative height of the townhouses relevant to No 16 Talmont Road, don’t take into account the general street scene and falsely insinuates modest scale and design.

-The 5.1 metres separation between proposed townhouses and No16 Talmont Road represents the closest proximity possible. The townhouses will appear overbearing from No16's side kitchen window.

-Impacts of smoke from No16's open fire will cause concern.

-Townhouses are out of keeping with rest of Talmont Road, and proximity prevents any transition to new dwellings

-Design Statement includes misleading, manipulative and contradictory language. For example, the existing roof-terraced townhouses on Psalter Lane are not close to the site, they represent a small part of the surroundings' characteristics and are different to the proposed townhouses on Talmont Road.

-The need for housing is appreciated, but it is hoped UDP policies BE5 and H14 would be applicable. Committee Report refers to the contemporary approach taken to the proposed housing, apparently making Policies BE5 and H14 redundant. Not understood how the contemporary approach is "strongly supported".

-Reference to the townhouses being principally 3 storeys in height, with the 4<sup>th</sup> storey being a stair core, being below the tree line misleadingly suggests a modest scale of design as it would take something quite spectacular to obscure the trees altogether.

-Staggered frontage actually appears to be beyond line of No16's frontage.

-Housing density targets could still be met with an alternative design.

-Alternative would be the 10/01942/FUL approval, which included pitched roof properties, respecting character of the road and of equivalent height to No16 Talmont Road.

-Lessons from previous approval haven't been applied here, as stated in Design and Access Statement.

-The proposed townhouses will affect the treescape beyond. Trees covered by TPOs should not be cut back.

-Suggested that turning area next to No16 Talmont Road should be left in place, allowing a smoother transition between existing and proposed property design, and would improve road safety and reduce air pollution. The costs of doing this would be a minor inconvenience, leading to an unconfirmed reduction in profit.

-Talmont Road has a long established turning circle (around 93 years) at its northern end, and is therefore subject to an Applied or Prescription Easement. This should be retained and enhanced.

-Revised visitor parking at end of Talmont Road is welcomed. Revised turning head fails, as a refuse vehicle is clearly shown to hit the west wall and street trees at plots 7/8.

-Servicing from Banner Cross Drive only shows a 7.5T box van, and wouldn't

appear to be capable of accommodating turning for a refuse truck.

-Other concerns regarding traffic flow, access, construction disruption, 24-hour car park access, and commercial aspect of plans.

-Planning Agents have confirmed there will be no access path from Psalter Lane to Talmont Road. Whilst this is welcomed it means that the residential development is over 0.5km from the nearest townward bus stop.

-24-hour access to Gym is considered to be totally unacceptable in a residential area. It has recently been suggested that the ex-Napoleons site is also to become a gym. Requested that this unconfirmed development is considered at Planning Committee (with any other recent changes in area). Site is outside of the Banner Cross District Shopping Area.

-Land Registry documentation appears to show land within the site at the Ecclesall Road South/Banner Cross Drive junction is restricted to access only, whereas car parking takes place in this area. Therefore, suggested that access to the commercial portion of the site should be moved to Ecclesall Road South.

## **COMMENTS ON ADDITIONAL REPRESENTATIONS**

The comments made in the additional representations have largely been addressed in the main Committee Report.

Regarding the additional points the following comments can be made:

1- Comments are made relating to the proposed roof terrace area and their impacts on privacy of No 16 Talmont Road. Condition 15 requires agreement of details of solid screening at the terrace area of Level Two (2<sup>nd</sup> floor) to Townhouse-Plot 1, along with its implementation / retention.

On Page 98 of the Committee Report it was stated that screening to the 2<sup>nd</sup> and 3<sup>rd</sup> floor level roof terraces would be required to maintain privacy. However, reference to screening at the 3<sup>rd</sup> floor level was made in error, as it is not considered that harmful overlooking would occur from this more remote terrace area.

2- Easement provisions / restrictive covenants do not constitute material planning considerations. However, it is relevant that the proposal includes a turning head at the end of the extended cul-de-sac which would be available for service / refuse vehicles and existing Talmont Road occupiers.

3- Comments are made that the walking distance to the nearest townward bus-stop is over 0.5km. This point relates to Core Strategy policy CS26 and the 'Housing Policy' section of the committee report at Page 91.

Policy CS26 is based upon out of date housing requirement figures and therefore is considered out of date and having significantly less weight.

As a secondary point, the walking distance from the proposed townhouses to Banner Cross District Centre is around 417metres. This excess of around 17metres above the 400metre walking distance is considered to be insignificant. It would therefore be considered unreasonable to not consider the proposed housing density against the section of CS26 relating to District Shopping Centres.

## AMENDMENTS TO CONDITIONS

### 1. Amendment to Condition 09

Condition amended to read:

*“No development shall commence of the housing development on the upper tier of the site hereby approved until full details...”*

This amendment is required, as the proposed alterations to the existing showroom and workshop buildings will legitimately retain existing drainage connections, so no further information is required for those components of the development.

The amended condition would then need to be inserted into the “Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)” section of the recommendation.

### 2. Deletion of Condition 33

Condition 33 would require the non-residential components of the development to achieve a minimum BREEAM rating of very good. However, the BREEAM system is not applied to conversion of existing buildings, instead being applied to new non-residential buildings only. As a result, it is advised that Condition 33 is deleted from the recommendation.

Committee Members are reminded of Condition 03, which requires the development to achieve a minimum of 10% of its energy needs from decentralised and renewable or low carbon energy sources.

### 3. Amendment to Condition 34

Condition 34 as currently recommended allows customers on the premises between 0730 hours and 2300 hours.

This wording prevents access to the Gym beyond these hours. The report makes it clear at page 99 that the Gym is proposed as a 24-hour facility, and on page 100 that the relevant conditions would need to include a limit on opening hours of the A1/A3 units (i.e. no the D2 Gym).

It is therefore recommended that Condition 34 is amended to:

*“No customer shall be permitted to be on the A1/A3 premises outside the following times: 0730 hours and 2300 hours.”*

### 4. Amendment to Condition 42

To read as follows:

*“The parts of the north facing windows to the approved office space shown as being obscurely glazed shall be glazed with obscure glass to a minimum ...”*

In order to define the relevant portions of glazing required to be obscurely glazed.

### 5. Replacement of Condition 45

The currently recommended wording would prevent any surface water discharge from the entire site to a maximum of 19 litres per second.

The Flood Risk Assessment identifies a flow of 19 litres per second as a 30% reduction of the current surface water discharge from the upper portion of the site. Since the existing showroom and workshop buildings will retain existing drainage connections, it is acceptable that this arrangement continues. However, securing a

reduction in surface water discharge from the upper portion of the site, where the housing development is proposed is reasonable and in accordance with relevant policy.

It is therefore recommended that this Condition 45 is replaced by the following:

*“No development shall commence of the housing development on the upper tier of the site hereby approved until detailed proposals for surface water disposal relating to that part of the site, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.”*

This will give opportunity for evidence to be provided of existing surface water connections and discharges from the upper portion of the site, where the housing is proposed, and require a 30% reduction. Alternatively, greenfield rates will apply.

The amended condition would then need to be inserted into the “Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)” section of the recommendation.

## **ADDITIONAL CONDITIONS**

1. The following additional condition to be inserted into the “Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)”  
*“Use of the A1/A3, D2 and B1 uses hereby approved shall not commence until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park shall permanently operate in accordance with the approved Car Park Management Plan thereafter.*

*Reason: In the interests of traffic safety”*

2. The following additional condition to be inserted into the “Other Compliance Conditions” section of the recommendation:  
*“The A1/A3 and D2 commercial units shall not be used unless their entrances have been provided with entrance doors of minimum effective clear widths of 1000mm, and thereafter such doors shall be retained.*

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

3. The following additional condition to be inserted into the “Other Compliance Conditions” section of the recommendation:

*“There shall be no gates or barriers erected at any point along the extension of Talmont Road.*

*Reason: To ensure access is available at all times.”*

## **AMENDED RECOMMENDATION**

Given IT system upgrade issues during the period of notification on amended plans, a message was placed on the Council's Planning Website that consultation periods were extended for one week.

As a result it is recommended that 18/04104/FUL should be granted, conditionally, for the reasons detailed in the report, provided that the Head of Planning consults the Co-Chairs of the committee on the content of any further representations received between now and the end of Thursday 14th March and they confirm that permission can be granted without referring the matter back to committee.

## **ADDITIONAL ITEM NOT ON THIS AGENDA**

At a previous meeting Members requested an update on the following enforcement matter:

**Application Number: 15/03455/FUL**

**Address      Former Middlewood Tavern 316 Middlewood Road North**

### **Enforcement update**

#### Enforcement history

A section 215 notice was originally served on 09 July 2018 requiring the landowner to do the following:

- (i)      Remove all graffiti and fly posters from the front and side elevations, including all window and doors.
- (ii)     Re-paint all boarded windows and doors black or another suitable dark colour.
- (iii)    Remove from the site, to an authorised place of disposal, all hardcore, building waste and demolition materials.

Following the serving of the above notice the property changed ownership and the new owner contacted the Council in September 2018 to request that the building materials (bags of hardcore) remain in situ as it was needed for the development, which was due to commence before September 2018. It was agreed at that time that the building materials could remain in place as development was indicated to take place very shortly, and the owner had only just acquired the land.

#### Update

Enforcement officers met the landowner again on the 1st March 2019 to discuss an immediate plan of action as no progress had been made on the development. The site owner has agreed to fix a mesh screen to the existing Herris fencing, along the front of the land in order to screen the building materials on site. The windows of the building will be painted black and the redundant signage and associated fixtures and fittings will be taken down and removed. All of the above works are due to be completed by the 29<sup>th</sup> March.



The site owner has indicated that this site is the next in line to be developed from the portfolio of properties acquired last year from the previous owner. The works to tidy up the site are due to commence on 12th or 13th March.

The current planning consent to convert the building expires on the 20<sup>th</sup> July 2019. Enforcement officers will monitor the situation over the next few weeks and months with a view to considering further action if the interim works and the planning permission are not implemented.

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