

Planning and Highways Committee

Tuesday 25 May 2021 at 2.00 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2H**

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Peter Price (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword on telephone no. 0114 273 5033 or by emailing abby.brownsword@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
25 MAY 2021**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 6th April 2021.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 13 - 14)
Report of the Director of City Growth
- 7a. Application No. 21/00497/FUL - Site Of South Yorkshire Trading Standards (West Site), Thorncliffe Lane, Sheffield, S35 3XX** (Pages 15 - 50)
- 7b. Application No. 20/03568/FUL - 162-170 Devonshire Street, Sheffield, S3 7SG** (Pages 51 - 78)
- 8. Enforcement Report** (Pages 79 - 86)
Report of the Director of Development Services
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 87 - 96)
Report of the Director of City Growth
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 15th June 2021.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 6 April 2021

PRESENT: Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar and Jim Steinke

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 Councillor Jack Clarkson declared a personal interest in Agenda Item 7d, Application No. 21/00415/FUL – 40 Haggstones Road, Sheffield, S35 0GP, as a member of Stocksbridge Town Council. Councillor Clarkson declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

3.2 Councillor Alan Law declared a personal interest in Agenda Item 7d, Application No. 21/00415/FUL – 40 Haggstones Road, Sheffield, S35 0GP, as a member of Stocksbridge Town Council. Councillor Law declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 23rd February 2021 were approved as a correct record.

5. TREE PRESERVATION ORDER NO.440 (HALLAM CRICKET CLUB, 314 SANDYGATE ROAD, SHEFFIELD, S10 5SE)

5.1 Sam Thorn (Planning Officer – Landscape) attended the meeting and presented the report.

5.2 Sam Thorn informed Committee that an application was made to the Council's

Planning Department for the erection of ball-stop netting along the northern and southern boundaries of the cricket ground (and associated support-masts). The installation of the masts would have required significant excavations into the Root Protection Area of these trees which would almost certainly have led to the loss of several specimens. It had therefore been expedient to create a Tree Preservation Order.

5.3 No objections had been received.

5.4 **RESOLVED:** That Tree Preservation Order No. 440 be confirmed.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. APPLICATION NO. 20/03568/FUL - 162-170 DEVONSHIRE STREET, SHEFFIELD, S3 7SG

6a.1 The Chair moved that the application be deferred pending a site visit. Councillor Law seconded the motion.

6a.2 **RESOLVED** that Application No. 20/03568/FUL - Demolition of existing buildings and erection of a fourstorey office building (Use Class E) (Amended information, including Heritage Statement, published on 10 February 2021) at 162-170 Devonshire Street, Sheffield, S3 7SG be deferred pending a site visit.

6b. APPLICATION NO. 20/02764/FUL - WITHIN THE CURTILAGE OF 27 CAWTHORNE GROVE, SHEFFIELD, S8 0NB

6b.1 Further representations, along with the officer response were included within the Supplementary Report circulated and summarised at the meeting.

6b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

6b.3 Yvonne Colverson and Councillor Ian Auckland attended the meeting and spoke against the application.

6b.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.

6b.5 The need for an additional directive to ensure the construction was respectful of the need for blue badge parking on the street was discussed and moved by Councillor Peter Garbutt and seconded by Councillor Andrew Sangar.

6b.6 **RESOLVED** that (1) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the rection of 3 dwellinghouses with integral garages within the curtilage Of 27 Cawthorne Grove, Sheffield, S8 0NB (Application No. 20/02764/FUL);

(2) an additional directive be added to ensure the construction was respectful of the need for blue badge parking on the street.

6c. APPLICATION NO. 21/00303/CHU - 6 BISHOPDALE RISE, SHEFFIELD, S20 5PE

6c.1 Councillor Dianne Hurst moved that the application be deferred to allow a site visit to take place. Councillor Chris Rosling-Josephs seconded the motion. On being put to the vote the motion was lost. Members were reminded that if they did not feel that they had enough information to make a decision without a site visit, then they could consider abstaining from the vote.

6c.2 Further representations, along with the officer response were included within the Supplementary Report circulated and summarised at the meeting.

6c.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

6c.4 Pat Williams, Malcolm Lilley, Councillor Tony Downing and Clive Betts MP attended the meeting and spoke against the application.

6c.5 Carl Nelson attended the meeting and spoke in support of the application.

6c.6 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.

6c.7 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the use of dwellinghouse as residential children's home (Use Class C2) for up to 3 residents including 1 bedroom for staff member at 6 Bishopdale Rise, Sheffield, S20 5PE (Application No. 21/00303/CHU).

6d. APPLICATION NO. 21/00415/FUL - 40 HAGGSTONES ROAD, SHEFFIELD, S35 0GP

6d.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of

the meeting.

6d.2 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

6d.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the erection of single-storey side extension including porch to dwellinghouse at 40 Haggstones Road, Sheffield, S35 0GP (Application No. 21/00415/FUL).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

7.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received and planning appeals allowed or dismissed by the Secretary of State.

7.2 Committee was informed that an appeal had been submitted against the refusal of the Hollin Busk application and this had been referred to a Public Inquiry.

7.3 A detailed report on the outcome of the Owlthorpe Public Inquiry would be submitted to a future meeting of the Committee.

8. DATE OF NEXT MEETING

8.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 27th April 2021 at 2pm.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 25/05/2021

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond & Dinah Hope 2039183

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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.

Category of Report: OPEN

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Case Number	21/00497/FUL (Formerly PP-09475604)
Application Type	Full Planning Application
Proposal	Erection of food store (Use Class E) together with access, car parking, servicing, landscaping and associated works
Location	Site Of South Yorkshire Trading Standards (West Site) Thorncliffe Lane Sheffield S35 3XX
Date Received	04/02/2021
Team	West and North
Applicant/Agent	Morbaine Limited And Ackroyd & Abbott
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents, all published 4th February 2021:

Drawing 7255/50 Rev B Site Location Plan (showing red line boundary)
Drawing 7255/52 Rev H Proposed Site Plan
Drawing 7255/53 Rev A Store Plans
Drawing 7255/54 Rev C Store Elevations and Sections
Drawing 7255/55 Rev D Site Sections
Drawing 7255/56 Rev C Site Sections
Drawing 7255/57 Rev D Site Sections
Drawing 7255/58 Rev E Hard Landscaping Plan
Drawing 7255/61 Rev B Site Boundary Sections
Drawing 4463 02 Rev C Planting Plan
Drawing 7744-MJM-00-ZZ-DR-C-5210 Proposed Schematic Drainage Layout

Reason: In order to define the permission.

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

3. No development shall commence until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. Details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

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.

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

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

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

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

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

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

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

8. Any remediation works recommended in the approved Phase II Intrusive Site Investigation Report (ref: E13186/2, dated: 11/2020, prepared by: DTS Raeburn) shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

10. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail

phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

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

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

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

12. Notwithstanding the submitted plans, before the development commences, full details shall have been submitted to and approved in writing by the Local Planning Authority of all retaining structures supporting public highway (as a minimum sections 5 & 13 on drawing number 7255/61 rev B), including full construction details, structural calculations and method of construction (a full AIP submission). Retaining structures shall only be provided in accordance with the approved details.

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

13. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use and the development shall not be brought

into use until the highway improvements listed below have been carried out.

Highways Improvements:

- i) provision of site access arrangements for vehicles and pedestrians broadly in accordance with drawing number 190302/1 (which will be subject to further detailed design), including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility, all subject to a stage 2 road safety audit;
- ii) provision of a pedestrian crossing facility on Lane End in the vicinity of the site, the type and design to be informed by additional speed surveys;
- iii) reposition of the bus stop opposite the site on Lane End (with raised kerbs, tactile paving, shelter) to allow for the provision of a pedestrian crossing);
- iv) any other accommodation works to statutory undertakers' equipment, traffic signs, road markings, lighting columns and general street furniture deemed necessary as a consequence of the development;
- v) review/promotion of Traffic Regulation Orders in the vicinity of the site that are deemed necessary as a consequence of the development (waiting/loading restrictions) entailing advertising, making and implementing the Order in accordance with statutory procedures (including the provision of signs/lines as necessary)

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

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

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

15. The development shall not be used unless the car parking accommodation has been surfaced, drained, formally marked out and lit in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

16. Notwithstanding the submitted plans, suitable and sufficient long-stay secure and sheltered cycle parking accommodation for staff shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained/maintained for the sole purpose intended.

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

17. The development shall not be used unless the car parking accommodation for the development as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

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

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

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

19. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

20. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

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

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

22. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings (both existing and proposed). The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 Guidance Notes for the Reduction of Obtrusive Light. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the resources pages of the ILP website.]

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

23. Prior to the commercial use hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

24. 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. All plant shall be specified to have cumulative noise output level of 74dBA in accordance with the External Mechanical Services Equipment recommendations of the approved Noise Impact Assessment (ref: P19-128-R01-V1, dated: 03/2019, prepared by: Hepworth Acoustics).

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

25. The development shall not be used for the purposes hereby permitted unless the scheme of sound attenuation works detailed in the Noise Impact Assessment, Proposed Retail Food Store, Lane End, Chapeltown, Sheffield, ref: P19-128-R01-V1, dated: 03/2019, prepared by: Hepworth Acoustics has been carried out as specified in the Report. Such works shall be thereafter retained.

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

26. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

27. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 (three point five) litres per second, and agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

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

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

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

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

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

30. Before the development is brought into use, short-stay cycle stands shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

32. Prior to the development being brought into use full details of the measures to bring about net gains for biodiversity, as indicated on the Ecological Enhancement Plan shall be submitted to the Local Planning Authority for approval. The measures shall thereafter be implemented and retained in accordance with the approved details.

Reason: To bring about net gains for biodiversity.

33. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan, designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the operational phase of the proposed development.

Other Compliance Conditions

34. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 07:30 to 20:00 Mondays to Saturdays and between the hours of 08:00 to 16:00 on Sundays and Public Holidays.

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

35. No amplified sound shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

Reason: In the interest of the amenity of occupiers of neighbouring property.

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

In the interest of satisfactory and sustainable drainage

37. No customer shall be permitted to be on the premises outside the following times: 08:00 and 22:00 on any day.

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

38. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:30 and 20:00 hours Monday to Saturday and 07:30 and 16:00 hours on Sundays and Public Holidays.

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

39. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

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

40. The Local Planning Authority shall be notified in writing when the landscape works are completed.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.
3. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

6. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

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

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

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

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

9. Dependent upon the nature of the highway works being undertaken, you may be required to pay a commuted sum to cover the future maintenance of new and/or improved highway infrastructure.

The applicant is advised to liaise with Highways Maintenance Division early on to determine the approximate cost. In the first instance contact should be made with the S278 Officer:

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

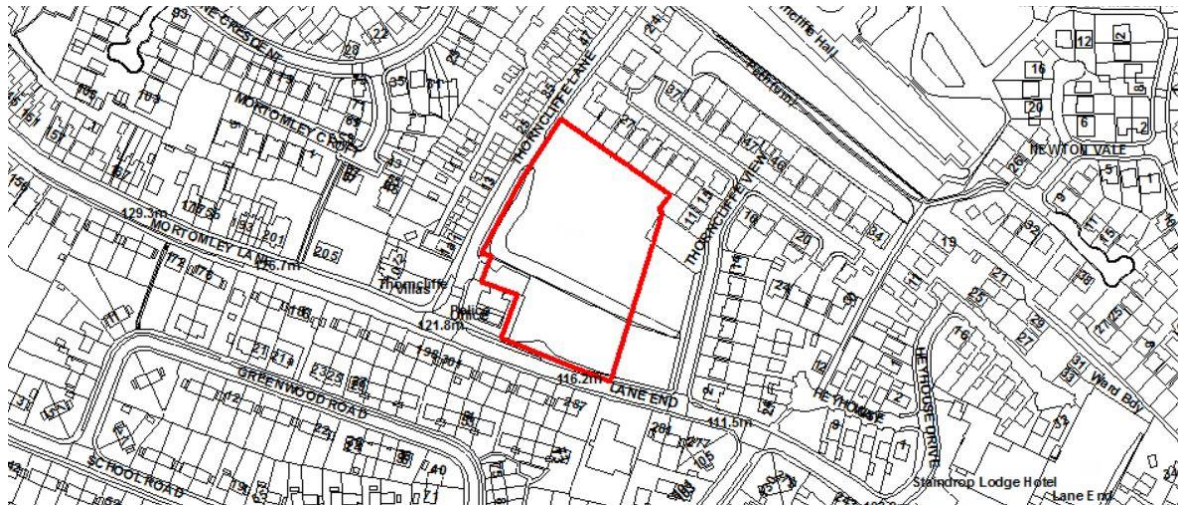
Tel: (0114) 273 6349

Email: james.burdett@sheffield.gov.uk

10. The developer is advised that foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

11. The developer is advised that if they are looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact Yorkshire Water's Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements
12. The applicant is advised that the development should be built to comply with Secured by Design standards. Further information on Secured by Design standards and SBD accreditation can be found at the following website www.securedbydesign.com
13. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
14. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.

Site Location



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LOCATION

The application relates to a vacant piece of land that has previously been used by South Yorkshire Trading Standards. Buildings on the site have been cleared and the principle of redevelopment has already been established, most recently for the erection of a food store and 8 dwellings when outline planning permission was granted by the Planning and Highways Committee on 4th August 2020 (application 19/02085/OUT refers).

The site is located on the north side of Lane End in Chapeltown. To the west the site is bound by Thorncliffe Lane and to the north are the rear gardens of residential properties on Thorncliffe View. A further 8 dwellings are proposed on Thorncliffe View which will bound the site to the east.

The existing ground levels generally fall towards the east across the site although the northern half of the site was mainly plateaued (to accommodate the former buildings and yard) with a small embankment around the western and southern fringe of the plateaued area.

A small single-storey building and associated parking area on the corner of Lane End and Thorncliffe Lane is outside the application site.

The Thorncliffe business park lies further to the north beyond the houses off Thorncliffe View and Thorncliffe Lane.

The surrounding area is predominantly residential, and the site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

PROPOSAL

Outline planning permission was granted in August 2020 for the erection of 8 dwellinghouses (use class C3) and a retail food store (use class A1) with access, car parking, servicing, landscaping and associated works. Details of the access were included for approval, but all other matters were reserved for consideration at a later date.

The site has since been split. A full planning application has been submitted and recently approved for the erection of 8 dwellings on Thorncliffe View, which will back onto the site (application 21/00498/FUL refers).

This application seeks approval for the erection of a food store (Use Class E) with associated access, car parking, servicing and landscaping. The store would be operated by Lidl, providing a net sales area of 1,256sqm (1,900sqm gross internal area). This is slightly smaller than the food store that has consent (the outline approval was for a store with a gross internal area of 1,951sqm).

Please note changes to the Use Classes Order mean that former Use Class A1 is now Use Class E. The use proposed, as a food store, is still the same as that which received approval under the outline application.

The proposed vehicular access to the store would be directly off Lane End with a pedestrian link to Thorncliffe Lane. Parking for 112 cars would be largely to the south and west of the building, with landscaping around the periphery of the site.

The entrance to the store would be at the southern end (looking out towards Lane End), under a large oversailing canopy. At the northern end of the building would be a loading bay surrounded by acoustic fencing, with a further landscaped area providing a buffer to the housing to the north and east.

RELEVANT PLANNING HISTORY

Several applications were submitted on this site prior to 2006 relating to the former use of the site by South Yorkshire Trading Standards and the former South Yorkshire County Council.

In 2006 an outline planning application submitted by Sheffield City Council for residential development of the site for 30 units (with all matters of detail reserved for subsequent approval) was granted planning permission (application no. 06/02366/RG3 refers).

The land was subsequently sold and in 2008 full planning permission for residential development comprising 24 dwellinghouses and garages with associated landscaping was granted subject to a unilateral planning obligation to secure a financial contribution for the provision and enhancement of recreation space (application no. 08/01151/FUL refers). This permission was not implemented and subsequently lapsed.

As already mentioned, outline planning permission was granted by the Planning Committee at the meeting which was held on 4th August 2020 for the erection of a food store and 8 dwellings (application 19/02085/OUT refers). Details of siting, external appearance and massing were reserved; however indicative plans showed the building to be in a similar position to the application that is currently being considered. The means of access was considered in detail and approved.

Full planning permission has also been granted for the erection of 8 dwellings to the east of the site (application 21/00498/FUL refers). This piece of land was included in the outline application above, but the site has since been split.

SUMMARY OF REPRESENTATIONS

The application has been publicised by letters of notification to nearby residents, by newspaper advert and by display of site notices.

Representations have been received from 17 interested parties, all local residents, objecting to the proposed development.

In addition, Ecclesfield Parish Council have commented that they support residents' objections to the application.

The representations raise the following issues:

Retail Policy:

- There is no need for another food store as the area has numerous food stores which serve the local community and are within walking distance. This includes one low-cost store which has recently opened (Heron Foods, Greengate Lane).
- The development would take trade away from smaller retailers and would be harmful to Chapeltown shopping centre.

Highways Issues:

- Increase in traffic including HGVs, construction traffic etc using roads that are already congested and heavily parked.
- The proposed site entrance is where vehicles travel at speed, with parked cars on the highway. This is in a dangerous position.
- The proposed pedestrian crossing would not be safe.
- Relocation of the bus stop may mean visitors to the care home would have to walk further.
- The transport assessment is not accurate and presents inaccurate information.
- A well-used 'cut through' used by many local residents (through Thorncliffe Industrial Estate) has been closed off meaning traffic surveys are no longer relevant as traffic flows have considerably changed.

Noise:

- Concerns that there will be substantial noise generated from the building's mechanical plant when it is operational, particularly if this plant is to be located on the roof.
- Noise from delivery vehicles, customer vehicles and people will also be harmful to residential amenity especially in the mornings and evenings.

Light Pollution:

- Lighting columns will typically be employed to illuminate the footpaths and car park areas around the store. There will be light spill from these columns and from other luminaires mounted on the side of the building. Due to level changes light spill could affect residents.

Appearance:

- The plans show fencing and landscaping to create a buffer for local residents. This will take years to come to maturity and will do little to reduce the impact on local residents on Thorncliffe View.
- The development is not in keeping with the character of this residential area.

Drainage:

- The drainage layout does not provide sufficient room to construct the outfall pipes to Thorncliffe View. The pipes are directly along the boundary of No 11 Thorncliffe View and raise concerns that they may interfere with the footings for this property / boundary fence.
- The proposed surface water drainage does not manage water on or near the surface as required nor does it provide distributed storage across the site. Discharge to a soakaway without any effective treatment of the water to remove pollution is not considered an effective form of treatment in the SUDS Manual (CIRIA C753).
- There is no exceedance assessment for the surface water drainage to show that exceedance flows will not affect the properties in Thorncliffe View.

Air Pollution:

- The development would result in elevated Nitrogen Dioxide levels from cars manoeuvring at low speeds, parking (occasionally idling) and starting the engines.

Other Issues:

- There is knotweed in the southern edge of the site. It should be conditioned that knotweed is effectively removed from the site prior to any construction works starting.
- The development, cumulatively with other schemes that have recently received planning approval would have a negative effect upon the area.
- The development would provide an area for anti-social behaviour to take place.
- The development could attract vermin and result in increased litter.
- The site would be put to better use as a park / green space or for housing.

PLANNING ASSESSMENT

The redevelopment of the site for retail purposes has been established through the granting of application 19/02085/OUT. Had the site not been split, so that the residential element now forms a separate planning consent, an application for reserved matters would have been required for details of the siting, appearance, scale and massing of the building.

This should be born in mind when considering the current proposal which is slightly smaller than the foodstore that received consent.

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

The Government's planning policies and guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which

means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

NPPF paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 120 states that planning policies and decisions need to reflect changes in the demand for land.... Where local planning authorities consider there to be no reasonable prospect of an application coming forward for the use allocated in a plan: ... (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Policy Issues

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

Sheffield Unitary Development Plan (UDP)

The UDP Proposals Map identifies the site as being within a Housing Area. UDP Policy H10 sets out that in Housing Areas housing is the preferred use of land.

The policy also states that small shops (formerly use class A1, now use class E) are acceptable in principle in Housing Areas. The UDP defines small shops as usually with not more than 280 sqm sales area or which are ancillary to other acceptable uses in the Area.

For larger shops over 280 sqm sales area, UDP Policy H10 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a

District or Local Shopping Centre.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitates housing delivery and is consistent with paragraph 59 of the NPPF.

In addition NPPF paragraph 67 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period.

The Council published its latest 5-year housing land supply position, adopting the latest guidance, in December 2020. It shows that the Council currently has a 5.4-year supply of deliverable sites.

The test for retail development outlined in Policy H10 is not up to date as it is not consistent with the thrust of the NPPF, due to it appearing to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The housing preferences in Policy H10 have significant weight, whilst the test for retail is given less weight as taking an absolute approach to refusing permission for large shops would not be consistent with the NPPF, unless it was also considered in the context of the sequential and impact tests.

To summarise, whilst the size of the proposed foodstore would mean that it would be classed as an unacceptable use within this area under the terms of UDP Policy H10, this has been superseded by the guidance contained within the NPPF which sets out that subject to the satisfaction of sequential and impact tests these kinds of uses may be acceptable. These tests will be considered in more detail later in the report.

The site is relatively small (approximately 0.86 hectares). Whilst it would be desirable to maintain as much land as possible for housing, the Council do have a 5.4-year supply of housing land and the loss of the site, which could accommodate between approximately 16 and 22 additional dwellings (based on previous consents), would not prejudice the 5-year housing land supply and/or give rise to a shortage of land for the preferred housing uses.

In principle the redevelopment of the site for a non-housing use is considered to be acceptable.

Retail Policy Issues

The Government's National Planning Practice Guidance (NPPG) on Town Centres and Retail was updated in July 2019.

The proposed development is for a retail food store which will be operated by Lidl. Due to the size of the store (1,900 sqm) it is deemed to be a 'main town centre use' as defined in annex 2 of the NPPF. The site is not within or at the edge of an existing centre.

UDP Policy S4 states that food retail development will be promoted within District Shopping Centres and, where there are no suitable sites within such Centres, at their edges. As the proposed development is not within or at the edge of a District Shopping Centre, the proposed development is not promoted by Policy S4 as it identifies the Central and District Shopping Areas as the main areas for shopping facilities. Policy S4 is in part conformity with the NPPF and has moderate weight.

UDP Policy S5, which relates to shop development outside the Central Shopping Area and District Shopping Centres, provides some policy support for such development and has three parts to it.

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

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

The current proposal does not satisfy items (a) to (d) of Policy S5 and is in conflict with this aspect as it represents a wholly new out-of-centre development which is not a small shop.

The third part of Policy S5 lists seven criteria that all retail development outside the Central Shopping Area and District Shopping Centres (which the proposal is) must satisfy, including: not undermining the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and not jeopardising private sector investment needed to safeguard the vitality and viability of centres. It should also be easily accessible by public transport and on foot, not harmfully effect public transport or movements on the highway network, not generate traffic that would result in a significant increase in trips; not take up land where other uses are required nor give rise to shortages of land for preferred uses; and comply with other relevant policies.

The highways and access issues identified in Policy S5 will be considered later in this report.

UDP Policy S5, like H10, is not however considered to be fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF. When considering this proposal Policy S5 requires an assessment to be

made of the cumulative impacts of other recent or proposed development, the NPPF does not.

Secondly, as written, the text of UDP Policy S5 appears to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or in other out of centre locations, other than in a Retail Park or in Meadowhall.

This is not consistent with the thrust of the NPPF which does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The High Court Judgement (Aldergate/Mansfield) does however make it clear that even out-of-date policies still remain part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. This means the criteria in Policy S5 need to be considered. Nevertheless, it is considered that Policy S5 in this instance carries less (moderate) weight in light of the more up to date guidance contained in the NPPF and NPPG.

Core Strategy Policies CS34 and CS39 are supportive of District and Local Centres.

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

Core Strategy CS39 states that, in Neighbourhood Centres (or Local Centres as they are referred to in the NPPF), new developments for local shops and community facilities to serve the everyday needs of the community will be encouraged.

These policies are supportive of the sequential approach to ensuring the vitality of town centres (which includes district and local centres) and so broadly align with the aims of the NPPF and have significant weight.

Sequential Test

The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (NPPF paragraph 85).

The NPPF (paragraphs 86 to 90) describes the circumstances where-by local planning authorities should apply a sequential test to planning applications for main town centre uses and require an impact assessment which should include impact on investment and on town centre vitality and viability. Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or

expected to become available within a reasonable period) should out of centre sites be considered (paragraph 86).

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The NPPF is clear that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (paragraph 87).

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development have been fully considered.

The applicant has provided an updated Retail Impact Assessment which includes a sequential test. The only land the statement considered that is of a suitable size (around 0.5 hectares) is the Thornccliffe Cricket and Social Club in Chapeltown (which is a 1.2-hectare, edge of centre site). This site is protected from development as a designated Open Space Area in the UDP, which is valued by local people and is therefore not deliverable. In terms of availability, four alternative sites were found; however, these were all considered to be too small to accommodate the proposal.

In this instance, the proposal passes the sequential test as there are no sites within the primary catchment (Chapeltown and High Green area) that are suitable for the proposed development.

Impact Assessment

The NPPF (paragraph 89) states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). In this instance there is no locally set floorspace threshold. The proposal does not exceed the 2,500 sqm threshold and so an impact assessment is not required to meet the requirements of paragraph 89 of the NPPF.

However, UDP Policy S5 does require an assessment of issues relating to impact. Policy S5 part (b) also states that retail development outside the Central Shopping Area and District Shopping Centres must not jeopardise private sector investment needed to safeguard vitality and viability of the Central Shopping Area or District Shopping Centres.

Policy S5 is not fully up to date with the NPPF for the reasons identified earlier in this report but the aforementioned Aldergate/Mansfield High Court Judgement makes it clear that even out-of-date policies are still part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. The local planning authority may give less weight to Policy S5 but only after it has been considered.

Whilst the proposal falls below the 2,500 sqm threshold for an impact test to be

applied under NPPF paragraph 89, the applicant has submitted a Planning and Retail Statement which considered the health of the Chapeltown District Centre and the impact of the proposed retail development. This has recently been updated (May 2021) to take into account the latest population data as well as the effect the pandemic may have had upon retail premises in Chapeltown.

In terms of the impact of the proposed development on existing public or private investments in neighbouring centres; and the proposal's effect on the viability or vitality of those centres, the main trade diversion would be from Asda at Chapeltown.

The updated Retail Impact Assessment shows that this store would still continue to trade successfully after the proposed development has been implemented. The report also sets out that trade diversion from other centres would be limited and the proposal would not materially impact on these centres' trading performance.

The applicant's calculated impact of the proposal on Chapeltown District Centre has increased by about 1% since the assessment was previously carried out under the approval granted last August. This is a small amount brought about by more accurate sales density information of the proposal (it is now confirmed that Lidl will be occupying the proposal whereas under the extant approval it was a generic discount foodstore), and updated population and expenditure data from Experian (October 2020) which accounts for an increase in online shopping as a result of the Covid-19 pandemic.

The applicant has also updated the healthcheck for Chapeltown. This indicates that the Centre is vibrant and healthy with only 8.5% of units vacant (the national average is 14.6%) and a good range of comparison, convenience and service uses. The applicant made these observations during a site visit on 5 May 2021 after shops and services had reopened following the latest lockdown.

It is considered that the proposal is not likely to lead to a significant adverse impact on Chapeltown District Centre or any other centre in its catchment.

As such the development in principle is considered to be acceptable and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90 (considerable weight) as well as UDP Policy S5 (which is afforded less weight).

Effect on the Amenities of Residents

UDP Policy H14 sets out conditions on development in housing areas and includes matters of amenity (significant weight).

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users. NPPF (paragraph 180) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health which includes (a) mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse

impacts on health and the quality of life.

The site is surrounded on all four sides by residential properties. The proposed building has been positioned to provide sufficient separation distances to existing and proposed dwellings to ensure that the development would not harm the living conditions of residents in terms of overshadowing and loss of light with sun analysis plans submitted to support this.

The building has been designed to sit as low as possible in the site and the cross sections indicate that the development would not be overbearing upon neighbouring dwellings.

Windows within the store would be confined to the front portion, facing onto Lane End. The car park would also be enclosed by banking and / or fencing and it is considered that the development would not result in a significant loss of privacy to occupiers of neighbouring properties.

The applicant's submitted Noise Impact Assessment surveyed the prevailing noise climate of the area and assessed the noise impact of the proposed development. Three aspects of operational noise have been considered: external mechanical services equipment, delivery noise and car parking.

An external compound for plant and equipment is to be sited in the north-east corner of the site. This will be set down beneath store level and would be enclosed by 3m high acoustic fencing with a further landscaped strip between the compound and the boundary with residential properties.

To further reduce the risk of noise disturbance the Noise Impact Assessment sets out other mitigation measures that should be employed such as the use of low noise emission plant as well as housing equipment within acoustic enclosures and orienting fans/motors away from dwellings.

The plans show the delivery area to also be in the north-east corner of the site. The Noise Impact Assessment identifies the noise source being from delivery lorries manoeuvring, reversing and then driving away, and predicts this would have a low impact on adjacent properties with the proposed acoustic barrier in position.

On-site car parking would also generate noise from the manoeuvring of vehicles, closing of car doors and starting of engines. Parking is proposed to the front and side of the store. This would be set back from and at a lower level than Thorncliffe Lane and at a higher level to the rear of houses off Thorncliffe View. The Noise Impact Assessment considers that it is unlikely to give rise to any significant noise impact on residents on Thorncliffe Lane and that the impact to the rear of properties on Thorncliffe View would be modest, the building itself providing attenuation as well as the proposed acoustic fencing.

It is considered that, subject to the imposition of conditions requiring the noise attenuation measures outlined in the Noise Impact Assessment to be implemented the development would not give rise to noise that would result in unsatisfactory living conditions for local residents.

Conditions should also be imposed requiring details of all externally mounted plant and equipment to be provided for Local Authority approval; restricting the hours of use by customers and requiring the applicant to provide a Delivery Management Plan (DMP). The DMP shall include permitted timings for deliveries and associated activities, and set out procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable (and as recommended in the Noise Impact Assessment).

The development has the potential to cause a degree of harm to occupiers of neighbouring property by way of light spill. As such a full Lighting Impact Assessment is required (and this should be made a condition of any consent) to ensure that lighting in the car park and attached to the building does not affect occupiers of neighbouring dwellings.

Overall, in terms of the effect the development would have upon residential amenity the proposal in principle complies with UDP Policy H14 (significant weight) as well as paragraph 127 of the revised NPPF, subject to the imposition of conditions discussed above.

Affect on the Character and Appearance of the Area

UDP Policy H14 - Conditions on Development in Housing Areas sets out matters of amenity and design. In addition UDP Policy BE5 and Core Strategy Policy CS74 seeks good quality design in new developments.

Policies H14, BE5 and CS74 are consistent with the NPPF and have significant weight.

NPPF paragraphs 124 to 132 relate to achieving well designed places. NPPF paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

The proposed store will be set down within the site with existing stone walls along the site boundaries to Lane End and Thorncliffe Lane retained. Around the periphery of the site soft landscaping is proposed to provide a buffer between the proposed development and the neighbouring uses.

The building itself is proposed to be of a simple form with the low-pitched roof extending beyond the building to provide a covered walkway to the front of the building. The part of the building facing Lane End would be glazed, again defining the entrance, with the remainder of the building clad in white and grey metal sheeting.

The South Yorkshire Police 'Designing Out Crime Officers' have reviewed the application and have no objections to the proposed development. They recommend that the building be constructed in accordance with guidance contained in their Secured by Design standards.

In terms of design the development is considered to accord with UDP BE5 and H14 as well as Core Strategy Policy CS74.

Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policies CS63 to CS65 are consistent with the NPPF and have significant weight.

The applicant has set out in their Design and Access Statement that a 'fabric first' approach is likely to be adopted and the building will exceed the energy efficiency of Part L compliant stores. How this is done will depend upon the fitting out of the building and so it is recommended that a condition be imposed requiring further details of this to be submitted for Local Authority approval.

The applicant has also set out that as well as efforts to reduce carbon dioxide emissions, the store will aim to reduce water consumption through rainwater harvesting, to be re-used for servicing of the store, as well as other measures including aerated taps and dual flush toilets. This is to be commended.

Highway and Transportation

UDP Policy H14 sets out that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. For non-housing uses the policy states that development should not lead to excessive traffic levels.

UDP Policy T28 relates to transport infrastructure and development and seeks to ensure that new development which would generate high levels of travel would be served adequately by public transport services and infrastructure and by the existing highway network. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided, or commitment entered into to secure their provision before any part of the development comes into use.

Policies H14 and T28 are broadly consistent with the NPPF and have significant weight.

Core Strategy Policy CS51 relates to the strategic priorities for transport including maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Policy CS51 is in conformity with the NPPF, whilst CS53 is in part conformity, and both have significant weight in respect to the proposed development.

The NPPF (paragraphs 102 to 111) promotes sustainable transport. NPPF paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site would be accessed from Lane End which is part of a route running along Lound Side, Lane End, Mortomley Lane and Wortley Road between Chapeltown centre (to the south-east) and the A61 (to the northwest) and is a classified road (C47).

Lane End is on a bus route served by route nos. 1, 29, 72 and 135. There is a south-east bound stop with shelter on the application site frontage and a northwest bound stop opposite the site. Service 1 generally provides 4 buses an hour on Mondays to Saturdays whilst services 29 (6 buses a day), 72 and 135 (both 1 per hour) on Mondays to Saturdays are infrequent.

The submitted plans indicate that provision will be made for cyclists in the form of hoops that bikes can be locked to, positioned under the canopy close to the entrance into the store. There would be passive surveillance of the cycle stands from the adjacent windows.

The supporting documentation indicates that service vehicle movements can be accommodated on the highway network without any detriment. The submitted plans provide tracking for service vehicles and demonstrate that service vehicles can adequately manoeuvre within the site.

The level of parking proposed is for 112 vehicles (97 standard parking spaces, 9 parent and toddler spaces and 6 disabled parking spaces).

This application has been supported by a transport assessment (TA). The TA has considered the surrounding highway network and accessibility by pedestrians, public transport, vehicles and by cycle. The traffic generation potential of the proposed retail element of the development has been assessed using trip rates extracted from the TRICS national database.

The use of the TRICS database is a nationally accepted method of estimating levels of trip generation when considering development proposals.

The development proposal has attracted less online representation than the already approved outline planning application (19/02085/OUT) granted August 2020. For that application, all matters were reserved for subsequent approval except for the access arrangements. The size of the store was 1951 sq.m. The size of the store for this new application is 1900 sq.m. The access arrangements are identical to the already consented application.

The principle of the type/scale of development and the access arrangements have

been established by the granting of 19/02085/OUT.

The applicant submitted an updated transport assessment to support this fresh application. Their consultant has again interrogated TRICS to derive the number of trips likely to be generated by the proposal and, as generations were calculated from a different selection of sites, it has resulted in a lower predicted generation for this fresh application than for the already approved 19/02085/OUT.

The thrust of the online objection (from a highways perspective) towards this full application remains the same as for the outline; a view that the traffic generation has been underestimated, that the base traffic survey is inaccurate; and that historic road traffic accidents haven't been sufficiently considered.

New food retail vehicle trips generally tend to be modest compared with the surveyed background flows (and most of them are not actually new trips). It is accepted by highways practitioners that trips attracted to this type of development are mostly already circulating on the local highway network.

Types of trips are broken down as follows: New Trips are classed as trips not previously on the highway network prior to the development opening. Transferred Trips are already present on the local road network, accessing similar existing sites in the locality of the proposed development and have the potential to transfer their destination to the new development. Linked Trips are trips that have multiple destinations within a proposed development site (say between food and non-food uses). In these instances, trips shouldn't be double counted. Pass-by Trips are already present on the road network directly adjacent to the points of access and simply turn into the development. Diverted Trips are already present on the local road network, but not on the road from which site access is taken and will divert from their existing route to access the site. These are like Pass-by Trips, but they must deviate to make use of the development, before returning to their original route. Existing Trips are those that were attracted to the previous use of the site and should be deducted from the new generation. TRICS Research Report 95/2 suggests only around 30% of trips attracted to food retail developments are new to the local highway network.

In commenting on the application Highway Officers have given more weight to the original transport assessment which predicts 90 vehicular arrivals and 90 departures during the network peak period of 1630 hrs to 1730 hrs.

In benchmarking the generation predicted above, officers undertook a couple of pre-Covid 'snap' surveys at the Doe Royd Lane Lidl Store off the A61. It should be noted that a 'snap' shot is just that. Flows could be influenced by events occurring on the network at the time of the survey, possibly skewing the results.

The gross floor area of the Doe Royd Lane Store is 1560 sq.m. The Lane End Store would be 1900 sq.m (22% bigger).

A survey was undertaken at Doe Royd Lane, to capture the times pupils are walking to and from school (between 1445 – 1545 hrs). At Doe Royd, the mid-afternoon hour-long survey was 90 vehicles in, 81 vehicles out, two-way 171 trips.

Increase this by 22% gives a two-way generation of 208 trips. The consultant's prediction for the late-afternoon peak at Lane End (1630 – 1730 hrs) is 180 two-way trips, which is more than the actual mid-afternoon at Doe Royd of 171 two-way trips, but 28 two-way movements less when taking account of the respective Store's gross floor areas. The Doe Royd Lane Store is located on a busy dual carriageway with significantly more passing traffic (thereby attracting more custom per floor space) and the Lane End predictions contained within the transport assessment are for a later time period, by 1 hour 45 mins (so not an exact like-for-like comparison). However, the surveys at Doe Royd Lane have given officers the confidence that the consultant's predicted generations in the original Transport Assessment were suitable to form the basis of the modelling work.

The site access and the nearby junction of Thorncliffe Lane with Mortomley Lane were modelled using the software package Picardy. The average queue length during the peak period for right-turning traffic from the main road was less than one vehicle. Even if the generation was theoretically increased, the two junctions would still perform satisfactorily.

With regards to the survey information contained in the transport assessment, officers have no reason to doubt the submission. However, as a quick desk-top exercise, officers reviewed the transport statement submitted for the Sainsbury's Local on the former Old Cart & Horses site, off Mortomley Road.

This application was originally refused at Planning Committee but approved on appeal. The Sainsbury's application counted two-way traffic on each approach to the roundabout. For Mortomley Lane (back in 2012) the PM peak two-way flow was 680 vehicles. The two-way Saturday peak was 475 vehicles. The two-way weekday peak for the current application along Mortomley Road/Lane End was 632 (a reduction of 7.5%). Traffic flows on the local highway network vary day-to-day (10 % is not uncommon). Given the significant spare capacity within the junction analysis/modelling, officers raise no concerns in relation to the traffic count data contained in the transport assessment.

Recorded injury accidents have been reviewed by officers along the length of Lane End for the past 5 years, there have been 6; two resulting in serious injuries and four resulting in slight injuries. The review extended slightly into Mortomely Lane and slightly into Lound Side at each end. There are no dominant causation factors.

Driver age is mostly middle-aged, a couple of young drivers and one elderly driver. Most of the accidents occurred in daylight, with the road surface being dry. In conclusion, from a road safety perspective this route would not be prioritised for any intervention measures in the foreseeable future.

Moving to the internal layout, the access arrangements and internal layout are as indicated in the already approved outline application. A new priority junction would serve the site, mid-point between Thorncliffe Lane and Thorncliffe View. A zebra crossing on Lane End will provide the pedestrian connectivity, which requires a bus stop to be slightly relocated. These alterations to the highway network will be the subject of road safety audits.

Officers are also satisfied that the amount of car parking provision proposed accords with guidelines, and that the location of the Store is close to a high number of households within a reasonable walking distances for smaller 'basket' type shopping trips.

It is considered that there would be no material impact on the operation of the local highway network or specific safety concerns if planning permission is granted. The proposal complies with UDP Policies H14, and T28 as well as Core Strategy Policies CS51 and CS53 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Air Quality

UDP Policies GE22 and GE23 relate to pollution and air pollution and seek to ensure that development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it, while Core Strategy Policy CS66 promotes action to protect air quality.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels, amongst other matters, of air pollution.

The local development plan policies align with the NPPF's aim of reducing and mitigating the impacts of development on air quality and are therefore afforded weight.

The site is located within Sheffield's city-wide Air Quality Management Area (AQMA) for exceedances of nitrogen dioxide and particulate matter.

The applicant has undertaken an air quality assessment and has modelled the impact of the proposed development on annual mean levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) concentrations on the site frontage and west of Thorncliffe Lane.

The Air Quality Assessment states that in this location the base NO₂ levels are around 28% of the target level with the development increasing this by less than 2%. The other pollutants including PM₁₀ and CO would have the same or negligible/zero effect.

It concludes that in quantitative terms the effects of the proposed development would be negligible and emissions would be under target levels. The air quality effects are therefore considered to be not significant.

The proposal complies with Core Strategy Policy CS66 and UDP Policies GE22 and GE23 (significant weight).

Ecology

UDP Policy GE11 seeks to protect the natural environment. GE11 is in part

conformity with the NPPF and has moderate weight.

The NPPF (paragraph 170) states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant has submitted an Ecological Appraisal of the site involving a desk study and field survey of habitat types and potential for habitats to support protected and notable species. The Ecological Appraisal assesses the habitats on the site, following recent scrub clearance, to be common and widespread in the locale with limited ecological value, and limited suitability for bats, birds and badgers. Non-native invasive Japanese knotweed and wall cotoneaster have been identified on the site.

The Ecological Appraisal considers that the proposal is unlikely to impact upon designated sites in the wider area due to distance and lack of connectivity. An Ecological Enhancement Plan has also been submitted that shows measures that could be included within the development to enhance bio-diversity. This includes the provision of bird and bat boxes, planting to enhance bio-diversity, a bug hotel, hedgehog boxes and the provision of holes in the fencing to provide access for hedgehogs.

It is recommended that a condition be attached to any consent to secure the measures proposed. Subject to this the development would comply with UDP Policy GE11 (moderate weight) and the Government's planning policy guidance contained in the NPPF, particularly paragraph 170.

Land Quality

The NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site falls within a Development High Risk Area as defined by the Coal Authority.

The applicant has submitted a Preliminary Risk Assessment as well as a Coal Mining Risk Assessment.

Both of these reports are considered to be satisfactory. Outline remedial measures are recommended in the Coal Mining Risk Assessment in the form of retaining localised contaminated hotspots at depth and the installation gas protection measures (GPM).

The Coal Authority have reviewed the applicant's submissions and have no objection to the proposed development subject to a condition requiring site investigation works to be undertaken and any remediation works carried out prior to the commencement of development.

Flood Risk and Drainage Strategy

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

Policy CS67 is in conformity with the NPPF and has significant weight.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 1 where there is a low risk of flooding. The applicant has submitted a Flood Risk Assessment and Drainage Strategy report and an addendum. The FRA concludes that the risk of flooding from all sources is considered to be very low and that surface and foul water could drain to the respective existing sewers subject to surface water attenuation.

Since this FRA was prepared infiltration tests have been successfully undertaken on site and it is therefore proposed that the surface water on site will be disposed of to a soakaway located under the new car park.

It is also proposed that the surface water will be collected by positive drainage in external areas i.e. by gullies and channels at the surface then by underground pipes to the soakaway.

The Local Lead Flood Authority has no objection to the principle of the proposed development.

Yorkshire Water has stated that the applicant's Flood Risk and Drainage Strategy is acceptable and has no objections to the proposed development subject to conditions to secure separate drainage foul and surface water systems and restrictions on the rate of surface water discharge to the public sewer.

Employment

The development is anticipated to employ 17 full time and 13 part time members of staff.

Sheffield City Council (SCC) would like the developer to consider delivering employment and skills outcomes as a result of this planning application and it is recommended that a condition be attached to the consent requiring the developer to submit an inclusive Employment and Development Plan, covering the construction phase, and if applicable, the operational phase which will be designed to maximise the economic and social benefits for local communities from the proposed development.

The Plan should include a detailed implementation schedule, with arrangements to review and report back on progress achieved to the Local Planning Authority.

The developer will also be advised to consult with Talent Sheffield in Sheffield City Council who will be able to provide information and guidance on drafting the relevant documents required.

RESPONSE TO REPRESENTATIONS

Representations relating to the provision of a further foodstore, highway safety, noise, drainage and lighting have been dealt with in the main body of the report.

There is no indication that plant is to be installed externally upon the roof of the building.

The possibility of increased litter and vermin, devaluation, or damage to property as a result of the development are not planning considerations and would not be valid reasons to withhold planning permission.

SUMMARY

Planning permission is sought for the erection of a retail foodstore, to be operated by Lidl, on the site of the former South Yorkshire Trading Standards depot.

The UDP identifies the site as being within a Housing Area and is surrounded by residential uses.

The site is not within an existing district or local centre, and so a store of this size would not be considered to be acceptable under UDP Policy H10.

Nevertheless, it passes the sequential test for out of centre proposals and would not have a significant impact on the vitality and viability of existing centres. In this instance the principle of the retail development is acceptable. Furthermore, outline planning permission has recently been granted for a retail foodstore of a similar size on this site, thereby establishing the principle of development. There have been no changes to the relevant land use policies since the issuing of this planning approval.

The proposed development would provide safe access onto the existing highway network (and already has approval under the extant outline consent), with the vehicular access being taken from Lane End. A pedestrian access from Thorncliffe Lane is also proposed. 112 car parking spaces would be provided within the landscaped car park.

It is considered that the development would not cause significant harm to the amenities of adjacent and nearby residents or the character and appearance of the locality.

In relation to paragraph 11 of the NPPF, the most important policies in the

determination of this application, which in this case revolve around housing and retail policy, highway and access design, and neighbourliness impacts, do, when considered as a collection, align with the NPPF. As such paragraph 11(d) of the NPPF is not applied in this instance. The proposed retail development is not promoted by UDP Policy S4 and S5 (moderate weight) however the retail policies in paragraphs 85 to 90 of the NPPF have greater weight.

The proposal complies with UDP Policies H14, BE5, GE22, GE23, T28 (significant weight), GE11 (moderate weight), Core Strategy Policies CS63 to CS65 (significant weight), CS67 (significant weight) and CS74 (significant weight), and the Government's planning policy guidance contained in the NPPF in particular paragraphs 85 to 90, 97 and 109, 117 to 123, 124 to 132, 156 to 165, 170, 178.

RECOMMENDATION

It is recommended that planning permission is granted subject to the proposed conditions.

Case Number	20/03568/FUL (Formerly PP-09131119)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a four storey office building (Use Class E) (Amended information, including Heritage Statement, published on 10 February 2021)
Location	162-170 Devonshire Street Sheffield S3 7SG
Date Received	12/10/2020
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents, all published 4th February 2021:

Drawing 7255/50 Rev B Site Location Plan (showing red line boundary)
Drawing 7255/52 Rev J Proposed Site Plan
Drawing 7255/53 Rev A Store Plans
Drawing 7255/54 Rev C Store Elevations and Sections
Drawing 7255/55 Rev D Site Sections
Drawing 7255/56 Rev C Site Sections
Drawing 7255/57 Rev D Site Sections
Drawing 7255/58 Rev F Hard Landscaping Plan
Drawing 7255/61 Rev B Site Boundary Sections
Drawing 4463 02 Rev C Planting Plan
Drawing 7744-MJM-00-ZZ-DR-C-5210 Proposed Schematic Drainage Layout

Reason: In order to define the permission

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

3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site in accordance with the hereby approved plans has been made and evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority.

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

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

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

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

5. Development shall not commence until a Construction Environmental

Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

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

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

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

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

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

Reason: In order to ensure that new development makes energy savings in

the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

9. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

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

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

11. 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 before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

12. Prior to construction of the following elements commencing large scale details at 1 to 20 scale shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented.

- Oversailing eaves
- Typical window details including the curved corner window
- Entrance details
- Brickwork detailing.
- Reveals to recessed brickwork

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

13. Prior to construction above ground level commencing, details of a scheme to incorporate public art into the design of the development shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the first occupation of the building.

Reason: In the interests of the visual amenities of the locality and in order to comply with Unitary Development Plan Policy BE12.

14. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:
- a) Be based on the findings of an approved noise survey of the application site.
 - b) Be capable of achieving the following noise level: Noise Rating Curve NR40 (0700 to 2300 hours).
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.
- [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

15. Prior to above ground construction commencing, details of obscured glazing to the three bays opposite the student flats facing on to Westhill Lane along with details to prevent overlooking from the level three offices and terrace opposite the student flats shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the offices are brought into use and shall thereafter be retained.

Reason: In the interests of protecting the privacy of adjacent residential occupiers.

16. The building shall not be used unless the cycle parking accommodation has been provided and details of the cycle stands have been submitted to and approved by the Local Planning Authority. Thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

17. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of any upper floor offices from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to such use commencing and be thereafter retained and maintained.

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

Other Compliance Conditions

18. The development shall be carried out in accordance with the details in the submitted drainage report (Surface Water Discharge Assessment KRP/37024-003 (dated 29 August 2014)), unless an alternative scheme has first been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

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

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

20. No doors or windows shall open out over the highway

Reason: In the interests of pedestrian safety

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

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

22. Should the building be used as a cafe/restaurant, the restaurant shall only be used between 0800 hours and 0030 hours (the following day) on any day.

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

Attention is Drawn to the Following Directives:

1. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

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

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.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

3. The applicant is advised to give consideration to the security recommendations of the Police which can be viewed on the application file on the Council website. However the Council would be unlikely to support flush entrances.
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 on the Council website here:

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

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

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

5. As the proposed development abuts the public highway you are advised to

contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

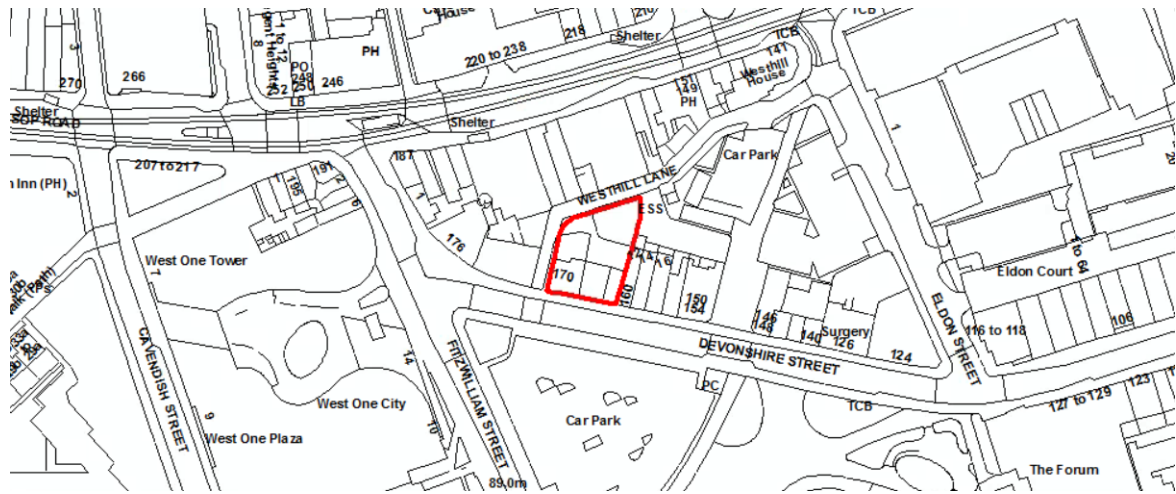
6. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the land contamination reporting submitted in connection with preceding planning proposals for the site (ref.17/00532/COND1), but there may be contamination within the land which has not been discovered by the surveys/assessments.
7. The developer is advised that, in the event that any unexpected contamination or deep made ground 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
8. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

10. The applicant is advised to consider the guidance from CADENT and the Northern Power Grid which can be viewed on the online application file.
11. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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INTRODUCTION

Planning permission was granted a number of years ago for the demolition of 162-170 Devonshire Street and the erection of a three-storey building to form ground floor commercial units with residential units above (reference 14/03473/FUL). The scheme that was granted permission was for a traditional design to Devonshire Street replicating the Georgian style architecture but with a modern wing to the rear.

This application attracted a high degree of public interest; a significant concern being the loss of independent traders who occupied the shops at the time. Other representations were concerned with the loss of the existing buildings which were considered to be an important part of Sheffield's townscape and heritage.

A further permission under Section 73 of the Planning Act granted alterations to the approved plans but retained the design character of the original scheme (reference 17/00532/FUL).

LOCATION AND PROPOSAL

The application site is located on the north side of Devonshire Street adjacent to the junction with Westhill Lane. It comprises of three 3 storey Georgian properties with vacant shops on the ground floor forming part of a terrace of shops. The buildings are faced in red brickwork one of which has been painted/rendered. They have sash windows on the upper floors with modern shop fronts and pitched slate roofs. The rear area is surrounded by a galvanised palisade fence and is overgrown.

Devonshire Green and the associated surface car park are across the road to the south of the site. There are 3 storey shops to the east with flats on the upper floors accessed from the rear. To the west there is the rear of Bar Beyond with the West One mixed use scheme beyond that. To the north are the rear elevations of commercial uses that face on to West Street and a contemporary 7 storey student block.

The application is seeking permission to demolish the existing buildings and construct a contemporary 4 storey office building with 100% site coverage. Although the scheme is clearly designed as an office building the changes to the use classes order mean that it can also be used for shops and cafés /restaurants without the need for a change of use. Pedestrian access to the building will be from Devonshire Street with cycle storage, bins and back of house facilities accessed from Westhill Lane. Each floor has an open plan office layout providing approximately 1100m² of floorspace.

The building is positioned to the back edge of the footpath on all the frontages. The illustrations show it faced in a black/grey brickwork with large regular window openings set within deep reveals between brick columns, with floor levels defined by solid course brickwork. The corners to Westhill Lane are curved and decorative brickwork is proposed to the parapet. The fourth floor is fully glazed and has been designed with an oversailing metal roof, it is set back approximately

1.2m which allows for a small terrace.

The applicant has advised that the previous scheme was marketed 'softly' by several letting agents. Two retail/food and drink operators are identified as having shown interest but ultimately did not proceed. They have advised that, following tenders, construction costs on the previous scheme proved prohibitive. They have stated that, even pre-Covid, the viability of the retail/leisure and food and drink sector had begun to change due to saturation of convenience goods operators and due to the number of units available; and that the pandemic will exacerbate this significantly. The applicant's view is that offices will still be required in this location where the scheme will suit flexible and cost sensitive operators. They consider that an office use is an active use in terms of the number of people within the space and patronising the area, and activity/vibrancy in terms of comings and goings. The use class proposed does allow for retail and food and drink uses and these uses would be their first choice, but they consider that the deals are not there to be done in Sheffield City Centre at the present time. They have stated that the previous occupiers of the shops struggled to pay rents at rates that were set 10 years ago and that rents in Devonshire Street are lower than Sharrowvale Road or Broomhill/Banner Cross. They also suggest that some of the existing shops on Devonshire Street opened for reduced hours even before the pandemic and this is indicative of the low viability of this location.

RELEVANT PLANNING HISTORY

14/03473/FUL - Granted Conditionally 26.03.2015 – Demolition of 162-170 Devonshire Street and erection of a three-storey building to form ground floor commercial 4 units (one A1 shop unit and one A3 restaurant/café unit), 2 studio apartments, 6 one-bedroom apartments and 4 two-bedroom apartments.

This scheme was of considerable public interest and the decision was subject to a judicial review (CO Ref: CO/2151/2015) on the grounds that the Local Planning Authority failed to consult English Heritage and failed to determine whether the impact of the proposal on the setting of the two nearby listed buildings was harmful or not. The judicial review was dismissed. The submission of the subsequent Section 73 variation (17/00532/FUL) and conditions applications, together with limited works being carried out on site in early 2018, mean that the approved permission has been implemented and therefore the permission is still valid and extant.

The approved scheme allowed demolition of the existing buildings and replaced them with a traditional façade to Devonshire Street of a similar design to the existing buildings, with a modern wing to the rear. The permitted uses are a shop and food and drink unit on the ground floor with apartments above.

SUMMARY OF REPRESENTATIONS

64 objections have been received one of which is on behalf of the resident's association for the City Centre and one from Hallamshire Historic Buildings. The grounds of objection are as follows:

- The buildings should be restored and are ideally suited to small independent businesses, they are of historical interest being some of the oldest commercial and domestic buildings in the city centre and part of a street frontage of character buildings. The buildings are identified in the Urban Design Compendium as an important early group of buildings. Sheffield has few historical buildings in the City Centre, and these should be retained.
- Demolition will result in the total loss of locally important heritage assets which are vitally important to the character of the Devonshire Quarter. They have value in their own right and group value as whole that is more than the sum of the parts.
- The scheme will have a negative impact on the distinct character of the Devonshire Green Area of Special Character and on the listed Wharncliffe Fire Clay Works. 162-170 Devonshire Street are a significant part of a row of historic frontages which form a complimentary setting to appreciate the listed building.
- The negative impact of this loss was to some extent mitigated by the complementary design of the previous scheme. The heritage statements fail to assess the impact on the west facing frontage of Wharncliffe Works. The rundown appearance of the rear yards is not a visual/setting problem. The yards are a dominant feature in the setting of the works and present the original historic context for the building. As a result, the development will be detrimental to its setting in contravention of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which should be given significant weight.
- The design is poor, unimaginative, an eyesore, bears no relationship to its surroundings, will dominate the area, adds to the blandness of the City Centre and the architecture and is not in keeping with this part of the city.
- It significantly increases the massing from the previous scheme and extends well above the roof line of the existing buildings. It is bulky and the brick colour is insensitive. The design would not appear out of place in a modern inner-city development but fails to acknowledge the local historic context.
- The design should be a sympathetic like for like development as was the previous scheme which accords with UDP policies BE15 and BE18(c) which have been confirmed as still applying in recent appeal decisions. The proposal is contrary to paragraphs 39, 127 of the NPPF and to the National Design Guide paragraphs 41, 43, and 48. These recognise that development should be sympathetic to local character and history and point to the importance of community acceptance of a design.
- The design and access statement, planning statement and heritage statements are criticised as containing contradictory arguments. It is argued that the original heritage statement would have at least concluded that the current proposal would have a moderately negative impact. It is stated that the most recent heritage addendum is an incoherent addition to the original statement and reaches its conclusions without a proper explanation. It is argued that it is not clear that a proper heritage statement has been submitted.
- The scheme should provide independent shops and apartments and a social focus, which could support the areas focus for arts. Loss of this character will affect the number of visitors to the city. Policy CS74 of the Sheffield Core Strategy indicates that development is expected to "respect, take advantage of and enhance the distinctive features of the city" including the distinctive heritage of the city, which the current proposal fails.

- Permission was granted previously for a more sympathetic scheme and now it is claimed that this establishes the principle of demolition. That previous scheme may no longer be commercially viable and the full weight of the impact of the loss of the unlisted local heritage assets should be considered during the planning balancing exercise.
- There is no need for more student accommodation and the scheme is unlikely to be viable. There is no need for office space an office block will not bring vibrancy to the area and support the local residents and Devonshire Green and it does not create an active frontage.
- The owners have neglected the site for 5 years allowing it to become an eyesore. The structural surveys indicate the buildings are serviceable and demolition is not required for health and safety reasons.
- Demolition will have a negative ecological impact and undermines carbon neutrality. A development that fails to take the opportunity to maximise re-use by re-using the building cannot be considered sustainable and cannot be considered to be well-designed.
- Lack of parking will exasperate existing parking problems.

PLANNING ASSESSMENT

Policy

The National Planning Policy Framework (NPPF)

Paragraph 38 of the NPPF says local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 80 says significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Paragraph 11 defines the presumption in favour of sustainable development to be:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Development Plan Policies

The site is located within the Central Shopping Area in the Unitary Development Plan. Policy S3 says shops (A1) are preferred whilst B1 office uses (now class E) are defined as being acceptable. The commentary on the policy says that there are opportunities for shopping on Devonshire Street and good opportunities for specialist shops in accessible but less costly locations. It accepts that it is not necessary to have high concentrations of shopping in these areas and other uses like offices are also acceptable. The policy says all development must comply with Policies H12 and S10.

Policy S10 says that in shopping areas new development will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre. Dominance is defined as a level of development sufficient to help secure an adequate supply of the preferred land use (or uses) for city-wide needs in appropriate locations and to establish or maintain the distinctive character and role of the Area. This will usually mean that non-preferred uses do not occupy more than half of the Area. In this case even with the development on this site, shopping uses will remain dominant in the Central Shopping Area.

The site also lies within the City Centre Housing Priority Area. Unitary Development Policy H12 says that housing will be promoted in the City Centre where it would help to strengthen existing communities where it is already established. It says in the City Centre Housing Priority Zone, housing will be expected to form a significant proportion of any new development. The commentary on the policy says that housing will play an important part in the Council's plans to make the City Centre more lively, safer and interesting. It will help prevent dead areas occurring when shops and offices are closed. It says that there is a lot of pressure for commercial development in the Housing Priority Zone. Commercial uses are encouraged in those parts of the Zone which lie in Business and Shopping Areas but it is important to include a suitable proportion of new housing. The Zone has a generally satisfactory environment including some significant areas of open space which will be important for residents.

Core Strategy (CS) Policy CS3 promotes the City Centre as a location for office development.

Policy CS17 says that the distinctive and fundamental roles of different quarters in the City Centre will be consolidated and strengthened. For the Devonshire Quarter this is – a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses together with the City Centre's largest green space, Devonshire Green.

Core Strategy (CS) Policy CS18 does not include Division Street / Devonshire Street as part of the 'Primary Shopping Area' where retail uses are required on the ground floor frontages, but it is recognised as one of the Shopping Streets at the approaches to the Primary Shopping Area. On such streets, small shops, food and drink outlets and services that would promote the vitality of the area will be acceptable on ground floor frontages.

Core Strategy Policy CS27 is concerned with housing in the City Centre and says further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, will form part of a mix of uses. Around Devonshire Green is one of the areas where this policy applies.

Other relevant land use policy

Other Council strategies single out Devonshire Street and Division Street as locations to promote small shops. These include the Devonshire Quarter Action Plan (2001) and the draft City Centre Plan (2018) the latter of which states: *“Division St and Devonshire St are currently the main City Centre concentration of independent fashion, specialist shops and food and drink, supported by its strong footfall and lively Devonshire Green park. The Council wants to retain the distinct character of this area and will continue to support independent retailers to thrive”*. It is then noted as a location for ‘small and independent retail and food & drink’ on Plan iv. These are material considerations and should be given weight, especially given the strength of public opinion concerning these properties in recent years. The Action Plan says that on Devonshire Street a maximum of one third of the linear ground-floor frontage on any block (i.e. all those properties contained between any two public highway junctions) will be permitted to change to non-shopping uses. The Green Room is a food and drink use and one of the shops is used as a Tattoo Parlour (sui generis use) in the same block and combined with an office use on the ground floor of the development over 50% of the frontage will be in non-retail usage. Therefore, the proposal is contrary to the Devonshire Quarter Action Plan.

In September 2020 the government altered the Use Classes Order to include a broader range of uses within a new use class E (commercial, business and service). Prior to this offices, A1 retail and restaurants/cafes were in separate use classes but now they all fall within the same use class. It is the government’s intention with this change to allow greater flexibility for changes of use within town centres unless there are clear reasons not to do so.

The most recent Employment Land Review (2020) noted an overall shortage of land for economic uses. This review would seem to support an employment use on this site.

Policy Conclusion

The development plan policies promote retail uses (on the ground floor), residential uses and offices in this area of the City Centre. However, none of the policies say any of these uses must be provided on this site except the Devonshire Quarter Action Plan which requires the retention of a proportion of shopping uses on the Devonshire Street ground floor frontage. However, given the recent changes to the use classes order, which allows a broader range of uses and more flexibility in the new Class E, it is concluded that restrictive policies on the percentage of a frontage that should be given over to a specific use are out of date.

The proposal will replace vacant shop units with offices. The applicant was encouraged to provide shopping and food and drink uses on the ground floor

frontage facing Devonshire Green during pre-application discussions in order to promote the vitality and viability of the area and maximise active uses but has declined to do so. Given the weak market for new retail uses; the governments changes to the use classes order; and the age of the Devonshire Quarter Action Plan, (which is now 20 years old) it is concluded that there is insufficient justification to resist this application on the basis that it does not provide retail uses. If permission is granted, the building can be used for retail uses without the need for planning permission.

Both office uses and housing uses are acceptable in policy terms and the main development plan land use policies (with the exception of ground floor frontage policy) cited above are up to date and should be given significant weight. Bar Beyond has been granted permission on appeal to use the external area immediately to the west of the site up until 03.30 hours on any day with music allowed until 10pm. There are also several other late night uses around this site. This means that this is not an ideal location for housing and, in many ways, is more suited to a daytime office use.

The proposed office development is supported by up-to-date development policies and therefore paragraph 11d) is not engaged in this instance.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that Local Planning Authorities shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 192 of the NPPF says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard

to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 says that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The glossary of the NPPF defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Unitary Development Plan Policy BE19 is concerned with development affecting listed buildings. It says that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting. This policy can be attributed significant weight as it is in line with the NPPF.

Unitary Development Plan BE20 says that the retention of buildings which are of local interest but not listed will be encouraged wherever practicable.

Policy BE15 refers to preserving or enhancing areas of special architectural or historic interest, it says that development which would harm the character or appearance of listed buildings and Areas of Special Character (ASC) will not be permitted. The site lies within an ASC as defined in the Unitary Development Plan Proposals Map. Policy BE18 says that in ASC the following will be expected:

- (a) the submission of planning applications which provide enough information to enable an assessment to be made of the impact of the development on the Area; and
- (b) the retention of buildings, walls, trees, open spaces and other features that contribute to the character of the Area; and
- (c) new development which respects the appearance and character of the Area.

This policy has very little weight as ASC's were effectively candidate Conservation Areas and this one has not been designated 23 years after the plan was produced. The Inspector for the UDP Inquiry said this policy would cease to have effect if the areas were not quickly changed to Conservation Areas. Only a small number have subsequently become Conservation Areas.

The National Planning Practice Guidance says that significance derives not only from a heritage asset's physical presence, but also from its setting. It states that in the planning context heritage interests may be archaeological, architectural, artistic, or historic. Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent, and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of

development proposals. Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) to identify which policies apply. It goes on to say the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. It also says that it may be influenced by other environmental factors such as noise and dust and other land uses in the vicinity.

Historic Environment Good Practice Advice in Planning. Note 3: The Setting of Heritage Assets (Historic England 2017a) provides guidelines on assessing impacts on the setting of heritage assets.

Conservation Principles and Guidance for the Sustainable Management of the Historic Environment (2008) by Historic England provides guidance on assessing the significance of built heritage assets.

Sheffield Urban Design Compendium defines the terrace of properties which include the application buildings as unlisted buildings which contribute to the character of the area. It describes distinct character areas and the row of shops and the Wharnccliffe Fireclay Works on Devonshire Street as an important early group of buildings, forming part of a group including the Fitzwilliam to Eldon Street section of West Street.

The application is supported by an archaeological assessment and building appraisal which was prepared in 2015 to support the previous application. In addition, a Heritage Statement Addendum Report dated February 2021 assesses the impact of the current scheme on heritage assets.

There are a number of designated heritage assets in the area comprising of listed buildings and the Hanover Conservation area which is located approximately 235m to the west of the site and the City Centre Conservation area is approximately 250m to the east of the site. Taking into account the nature of these assets, the scale of the development, the surrounding built form and distance of these heritage assets from the site, it is considered that the setting of only the former Wharnccliffe Fireclay Works and the sewer gas lamp, which are to the two nearest designated heritage assets, will be affected by the proposal.

Nos 140 to 146 Devonshire Street (the former Wharnccliffe Fireclay Works) which is listed grade II are located approximately 40m to the west of the site. These are a 2 and 3 storey brick faced building fronting on to Devonshire Street (and Devonshire Green across) and date from the late 19th century. The building is faced in red brick with stone dressings and ornate terracotta decoration and has an attractive shopfront. Now used as shops, café and restaurant with flats above. Wharnccliffe Works has historic and aesthetic/architectural interest.

Close to the corner of Westhill Lane and Eldon Street there is a sewer gas lamp which is listed grade II. This is a cast iron structure dating from late 19th century.

The sewer lamp has historic and technological interest.

The original setting of these two listed structures was of densely packed domestic, industrial, and commercial buildings. This has been eroded by demolition of much of their original surroundings, the loss of street frontage and by modern development such as the Royal Plaza development and the car park on the corner of Westhill Lane and Eldon Street.

The setting of Wharnccliffe Works will be affected due to the loss of context by the demolition of buildings on site which are of a similar scale and character to the designated heritage assets. However, the limited quality of the buildings to be lost, (due to unsympathetic alterations, rebuilding of the frontage of one of the units and their poor condition, particularly the rear of the site), diminishes their importance to the setting of the designated heritage assets. The condition of the rear part of the site currently has a negative impact on the setting of the heritage assets. The scheme will remove this blight and will improve the aesthetics of Westhill Lane and help to address security and antisocial behaviour issues by improving the level of surveillance. This will result in a minor improvement in the setting of the sewer lamp. The loss of the buildings on site however will have a minor negative impact on the setting of Wharnccliffe Works due to the reduction in its historic context. This will have a less than substantial impact, but this is judged to be very much at the lower end of the spectrum of what would be considered to be less than substantial.

The demolition of the buildings on site will lead to the complete loss of a non-designated heritage asset of local importance. The buildings on the site comprise of a row of terraced shops fronting Devonshire Street of 3 storeys which date from the early 19th century. They are faced in brickwork although the brickwork on the western most building has been painted white. They have pitched slate roofs with stone dressings and sash windows on the upper floors. The frontage of the middle unit has been rebuilt. The shopfronts have been significantly altered. The side and part of the rear elevation has been rendered and there is a large mural painted over part of the rear elevation. The rear yard is bounded by a palisade fence and is overgrown with some rubble and debris on site. The buildings are not listed and do not lie within a conservation area and therefore are non-designated heritage assets.

The buildings have some evidential value in that they are typical of the regency period; however the principle façade of numbers 164-166 is a modern rebuild which reduces the buildings' overall significance. The buildings have retained some historic fabric which is of importance. However, numbers 168-170 have lost a substantial number of original features and the removal of walls and fittings and windows has reduced their significance. They are one of the oldest commercial and domestic buildings in the centre which adds to their significance. They have some historic value as small independent shops from the early 19th century until recently. They have some aesthetic value as typical shops and dwellings of the era, but this has been diminished by modern alterations and rebuilding works and the poor condition and appearance of the rear of the site. They have considerable communal value as shown by public interest in the application which derives from people seeing the buildings as a source of identity and distinctiveness.

The setting of the site has changed considerably since the buildings were built. This has been due to the loss of historic fabric during the 1940s air raids; slum clearance; the landscaping of Devonshire Green and the modern developments such as West One. However, the neighbouring 19th century buildings to the east which are of similar scale and character contribute to the historical significance of the buildings and their location, facing on to Devonshire Green, makes a positive contribution to their setting.

Having regard to the significance of the buildings as described above their total loss is considered to have moderate negative impact on the locality.

The replacement building adopts an unashamedly contemporary design and extends above the roof of the existing traditional terrace to which it is attached. It is a high-quality scheme which responds in a modern way to the heritage sensitivity of the site. This takes the form of a perimeter block scheme that reinforces the historic street pattern. A design which embodies a vertical emphasis and regular rhythm of window openings with a modern brick finish which are contemporary responses to the historic context. The mix of traditional and modern materials helps to tie the development in with both its traditional and modern neighbours.

Whilst the current scheme is taller than the adjoining terraces it addresses this prominent corner site and responds to the large open space of Devonshire Green. The new design will form an abrupt change from the existing traditional terrace; however it should not be a requirement for new development to copy traditional architectural designs even if it were within a conservation area. Contemporary schemes can be equally successful provided that they are of high quality and take account of their context. In this case the scheme will contribute positively to its context, enhancing both the Devonshire Street frontage and the rear of the site which has become degraded and run down. It will also reinstate the street frontage to Westhill Lane with large glazed openings creating a welcoming and permeable frontage. Considering the quality of the replacement scheme and the loss of existing buildings it is concluded that the impact on the heritage assets will be minor negative.

It has been assessed that the development will result in a minor improvement in the setting of the sewer lamp and will have a less than substantial impact on the setting of the Wharncliffe Works and a minor negative impact will result due to the loss of the non-designated existing buildings. It is therefore necessary to consider whether there is a clear and convincing justification for the development and to weigh the harm to the significance of the heritage assets against the public benefits of the proposal as required by paragraphs 194 and 196 of the NPPF. It is also necessary to weigh up the minor negative impact of the loss of the existing non-designated heritage buildings in the balance of overall benefits and disbenefits. This exercise is undertaken in the conclusion section of this report.

Design Issues

Core Strategy Policy CS74 says that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city including the townscape character of the city's quarters, with their associated

scale, layout, built form, building styles and materials and the distinctive heritage of the city, particularly buildings associated with the City Centre. It also says that development should contribute to place making, be of high quality and help to transform the character of physical environments that have become run down and are lacking distinctiveness.

The NPPF promotes well designed buildings and places in paragraph 124.

Paragraph 127 says that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This group of buildings, together with the remainder of the street frontage onto Devonshire Green, creates a widely recognised and distinctive image of the city, to both residents and visitors.

The Sheffield City Centre Urban Design Compendium recognises the contribution that this group of buildings has to the distinctive character of the Devonshire Quarter, identifying them as buildings of character.

Although run-down the existing buildings make a positive contribution to the character of the local townscape. Their loss would cause an abrupt change to what is a harmonious run of buildings of similar age and scale. The previous scheme sought to temper this by largely recreating the style.

However, it is recognised that the principle of the demolition of the existing buildings has already been established under the 2014 consent. The buildings are not listed or in a conservation area and the applicant has re-submitted a brief structural report submitted with the previous 2014 permission which raises some structural issues, particularly in respect of the upper floors of No. 162 and the gable wall, upper floors and roof structure of Nos 168/170. It says that in the longer term, if the properties are to remain in occupation, several issues will need to be addressed. The assessment was dated April 2014 and there is no evidence of

significant repair work having been undertaken since.

The new scheme maintains the existing building line to Devonshire Street.

The scale and massing of the building with the setback upper floor extending one storey above the ridge line of the adjacent shops is acceptable and does not over dominate the existing buildings in the terrace.

The confident modern design utilises brick as the main material which is appropriate to the context albeit of a contrasting colour. The design adopts a regular rhythm of window openings with a strong vertical emphasis which echoes the established rhythm of the traditional buildings nearby. The curved corner with larger window openings responds to this key focal point and will help to establish a sense of place. The large window openings throughout the main elevations will provide a welcoming and active frontage to the street. The deep reveals and brick detailing will create strong modelling to the elevations and add visual interest.

It is considered that the modern design is high quality and will create a visually attractive frontage to this prominent site. Its positioning on the site, scale and massing, use of materials and contemporary interpretation of traditional design features is sympathetic to the character of the area. It is considered that by these means the design has responded to local character and history. It is accepted that slavishly reproducing traditional designs is not the only way to achieve a considered response to local character. As paragraph 127c of the NPPF says when promoting well-designed places, developments should be, *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

The new design is welcoming and will help to create a sense of place with its glazed elevations which will contribute positively to natural surveillance.

It is therefore considered that the proposal meets the development plan and NPPF design policies, and the design should be supported.

Amenity Issues

There are existing flats at first and second floor level above the shops immediately to the east of the site. The ones nearest to the site are accessed from the rear by external steps across a single storey flat roof rear extension to the shops.

The new office building will be constructed along the shared boundary with the adjacent flats and shops and will present a brick elevation between 3 to 4 storeys high with a slightly set back upper floor on top. This will extend approximately 16m past the rear elevation of the adjacent shops/flats. There are windows to the flats which are set in from the boundary approximately 1.5m. The layout of the flats is unclear but from a previous application report it seems that the first floor contains a kitchen and living room with the second-floor accommodating bedrooms. It seems likely that the kitchen/dining areas are at the rear with the living room at the front although this has not been confirmed. If this is correct it means the outlook and

natural lighting from the nearest flat will be adversely affected by the office building. There is evidence on google maps of a table and chairs which suggest that some of the flats use the terrace on top of the ground floor extension as outdoor space in summer. This area is unlikely to receive much direct sunlight as it is north east facing and already screened from midday and afternoon sun. Any late afternoon early evening sunlight will be lost, and the side wall of the office building is likely to appear quite overbearing.

The applicant has been asked to set back the building along this boundary or create a courtyard at the rear to mitigate the impact on the nearest flat. They have resisted this on the basis that they do not consider there will be a detrimental impact on adjoining occupiers. More reasonably they also argue that creating a courtyard would have a significant impact on the layout of the offices as the stair core would need to be relocated, which would make the rear part of the site unmarketable and restrict the space for offices at the front. The applicant also argues that windows facing on to a courtyard would create overlooking of the adjoining flats, although your officers consider this could be designed out to a large degree. Furthermore, they argue that the development would restrict overlooking from the student scheme to the north on the opposite side of Westhill Lane. Whilst this is true, the overlooking would not be significant in a city centre context as there is some 20m of separation and in any case a courtyard scheme would present a frontage to Westhill Lane and so would also prevent this overlooking. They also point out that there is a large area of amenity space close by on Devonshire Green.

Despite the above points your officers remain firmly of the view that the proposal will have a significant harmful impact on the amenity of the nearest flat primarily due to the overbearing impact of the large flank wall on the outlook from the windows and on the approach to the flats. On the positive side it will remove the dilapidated rear yard which is currently detracting from the amenity of the flats.

Setting back the development on the boundary with the flats will potentially put at risk the whole scheme. Whilst the impact on the nearest neighbour will be significant there are wider community benefits from developing this site which are referred to in the conclusion and in this case are considered to outweigh the amenity impacts.

Westhill Lane is a narrow Lane and the office windows on this elevation will be directly facing the student apartment windows to the north on the opposite side of Westhill Lane. The window separation is approximately 5m and the lower level south facing windows in the student scheme will also be affected by loss of sunlight. This arrangement will result in a serious loss of privacy for the student bedrooms unless mitigated. Whilst window to window outlook distances across a street of 12m wide have been accepted on numerous occasions in city centre locations, 5m is considered to be unacceptable particularly given that the windows are so large. Removing part of the development along the Westhill Lane frontage or removing windows would not be desirable as the built form helps to reinforce the original street pattern and removing windows altogether would significantly affect the attractiveness of the scheme and detract from the elevations. In this instance a reasonable mitigation is that the lower part of the office windows to above eye level are obscure glazed in order to minimise the privacy issues whilst still allowing light

into the offices. This has been accepted by the applicant.

Sustainability

The site is sustainably located and has the potential to minimise the need for travel by private car. Development of brownfield sites is encouraged, although re-use of existing buildings is more sustainable than redevelopment. There is some doubt in this case as to whether the existing buildings could meet modern business needs. New buildings are more energy efficient and conditions are proposed that will require the new building to meet the Council's sustainable design standards in Policies CS64 and CS65 of the Core Strategy. This means the office building will need to be designed to BREEAM Very Good standard and designed to ensure 10% of the predicted energy needs are met from renewable or low carbon sources or by additional energy efficiency measures. This is secured by condition.

Access Issues

The proposed development results in 100% site coverage and consequently no off-street vehicle parking is proposed. There are extensive on-street parking controls in the vicinity of the site so parking should not have an adverse impact on the highway or the amenities of adjoining occupiers. The site is highly accessible being close to the tram stop on West Street and high frequency bus services. Given this, there is no requirement for off-street parking and the lack of parking will encourage sustainable travel to the site.

A small cycle parking area is provided on the ground floor within the building with wider door openings to facilitate access with a bike.

Level access is provided to the building from Devonshire Street and lift access and disabled toilets on all floors therefore the proposal will facilitate inclusive access.

Archaeology

The South Yorkshire Archaeological Service has advised that building recording and below ground archaeology should be investigated in this case. A method statement for both these elements was approved under a condition discharge application under the previous 2014 permission. However as this is a new permission and considerable time has passed it is appropriate to apply the same condition to this application in order to ensure archaeological interest is properly investigated.

Drainage

The drainage report says the ground conditions will not support soakaways and the site is remote from a watercourse. Therefore, surface water will be discharged to the public sewer via a storage tank with a restricted discharge of 5 litres/second across return periods up to 1 in 100. Yorkshire Water has advised that the submitted details are acceptable and that a condition should be attached requiring the approved details to be implemented.

SUMMARY AND RECOMMENDATION

The proposed use is supported by Development Plan policies and will support economic growth. It will deliver an employment use in a sustainable location. This should be given significant weight as required by paragraph 80 of the NPPF.

The site has been vacant for several years and is run down, with the rear of the site detracting from the appearance and amenity of the area. The proposal will regenerate the site and improve its appearance. The new building is a high-quality design which responds to the context in a contemporary way in line with paragraph 127c of the NPPF. It will have a strong relationship with the surrounding street frontages and Devonshire Green and the large, glazed opens will provide active frontages and natural surveillance. It meets the Development Plan and NPPF design policies, and the strong design should be given significant weight in the planning balance.

The proposal is judged to have a less than substantial harmful impact on the setting of the listed Wharncliffe Fireclay works and a beneficial impact on the setting of the listed sewer lamp.

The total loss of the existing buildings which are undesignated heritage assets will have a minor harmful heritage impact. The heritage impact should be given significant weight. The significance of the heritage impact is limited as it is judged that it will have a minor impact on the setting of the listed former Wharncliffe Fireclay Works. The buildings on site which will be totally lost will have a minor heritage impact taking into account their significance as local undesignated heritage assets of limited quality, against the heritage benefits of the replacement scheme.

There will be harmful impact on the amenity of occupiers of the nearest flats due to the dominance of the flank wall when experienced from the nearest flat and external terrace. This should be given moderate weight.

The previous consent which permits the demolition of the buildings with a traditional design and providing accommodation for a shop/food and drink use and flats has been lawfully started but has not been progressed and the site remains a vacant blight on its surroundings.

Given the heritage impacts outlined above it is necessary to consider whether there is a clear and convincing justification for these impacts; whether they are outweighed by the public benefits and taking into account the significance of the total loss of non-designated heritage assets as required by paragraphs 194, 196 and 197 of the NPPF.

As concluded above the heritage impacts are judged to be minor negative. The economic benefits from developing the site for offices and the environmental benefits of regenerating this run-down site in a prominent location with a high-quality scheme that will enhance the streetscape and Devonshire Green provide a clear and convincing justification for the development and as such it is concluded that the public benefits outweigh the heritage harm. The benefits of the scheme

also outweigh the harm to the amenity of adjacent residential occupiers.

Regard has been given to the desirability of preserving the setting of listed buildings as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is concluded that the development complies with Development Plan and NPPF policies when taken as a whole and that the scheme constitutes sustainable development which should be granted planning permission subject to the listed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Development Services

Date: 25 May 2021

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised change of use of land to a storage yard and the unauthorised construction of footings/foundations on land situated between 94 and 98 Wheel Lane, Sheffield, S35 8RN

Recommendations:

That the Planning Enforcement Team of Development Services be authorised to take any appropriate action including under Parts VII and VIII of the Town and Country Planning Act 1990 and instructing the Director of Legal & Governance to institute legal proceedings to secure the cessation of the storage use and the removal of the metal containers, fork truck, fencing, building and non-building materials and other paraphernalia etc. and the removal of the footings/foundations that have been laid and associated waste.

Background Papers:

Category of Report: OPEN

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PLANNING SERVICES

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

DATE: 25 MAY 2021

ENFORCEMENT REPORT

UNAUTHORISED CHANGE OF USE OF LAND TO A STORAGE YARD AND THE UNAUTHORISED CONSTRUCTION OF FOOTINGS/FOUNDATIONS ON LAND, SITUATED BETWEEN 94 AND 98 WHEEL LANE, SHEFFIELD, S35 8RN.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform the Area Team Manager of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 The land is situated between 94 and 98 Wheel Lane. The land is within a Housing Area as defined by the Sheffield Unitary Plan (UPD). The site also falls within a Local Nature Site with geological interest as identified by the UDP Proposal Map. The land to the rear of the site is in Green Belt.
- 2.2 The land was a former covered reservoir site which was subsequently decommissioned and filled in. Therefore, any previous use of the site is no longer material and is considered abandoned. Any further use of the land requires planning permission.
- 2.3 Several planning applications have been submitted to redevelop the site however these have been refused, the most recent one being 20/02057/FUL for the erection of two dwellings with associated access, parking, and landscaping, which was refused at Committee on the 3 February 2021. To date no appeal has been made against this decision.
- 2.4 The Council received several complaints that work had started on site without consent and the land was being used for storage purposes.
- 2.5 Officers visited the site and found that there are two large metal storage containers (one stacked on top of the other), a fork truck, temporary fencing and other building and non-building materials stored on the site. Concrete footings/foundations have also been laid in connection with planning application ref: 18/00924/FUL which was for the erection of a dwellinghouse. This permission was however quashed by the Court's and therefore the footings/foundations are unauthorised.

- 2.6 The owner has stated that the containers and the other materials, machinery etc. are being stored on a temporary basis whilst he is waiting for planning permission to be approved. The equipment will then be used in connection with the site's redevelopment.
- 2.7 Part 4, Class A of the General Permitted Development Order allows for the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. However, development is not permitted by Class A if planning permission is required for those operations but is not granted or deemed to be granted. In this case there is no extant planning consent for the redevelopment of the site and there are no current live planning applications. The owner has been told to clear the site and to remove the footings/foundations.
- 2.8 The owner has stated that an appeal will be made against the recently refused planning decision (20/02057/FUL). As of the 10th May no appeal has been submitted or registered. The current breaches of planning control and previous applications and related appeals are matters that need to be dealt with separately. Given that the owner has not made any attempt to clear the site or remove the footings/foundations it is now considered expedient to take formal action.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The use of the land for the storage of materials would require a change of use of the land from a nil use to storage of materials which falls under Use Class B8 – (Storage and distribution).
- 3.2 Unitary Development Plan Policy H10 'Development in Housing Area' states that the use of land for open storage purposes in Housing Areas is unacceptable because such uses harm living conditions for people living nearby. They can attract heavy commercial vehicle movements in close proximity to established residential areas properties which are likely to cause disturbance and noise nuisance.
- 3.3 Unitary Development Plan Policy H14 'Conditions on Development in Housing Area' states that new development or change of use will only be permitted if it does not lead to air pollution, noise, smells, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.
- 3.4 Unitary Development Plan Policy GE4 'Development and the Green Belt Environment' states that the scale and character of any development which would be conspicuous from the Green Belt to be in keeping with the area and, wherever possible, to conserve and enhance the landscape and natural environment.

- 3.5 Unitary Development Plan Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.
- 3.6 It is considered that the use of the land for the open storage of materials is a harmful use of land within a Housing Area. The loading and unloading of materials would be sources of excessive noise and disturbance for the living conditions of the neighbouring residents and the storage also harms the residential appearance and character of the area. It is not considered compatible with the character of the area and it contravenes Policy H10, H14, GE3 and GE13, of the Unitary development plan.
- 3.7 The footings/foundations and partly constructed development do not have planning permission.
- 3.8 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply for physical design:
- (a) Original architecture will be encouraged but new buildings should complement the scale, form and architectural style of the surrounding buildings.
 - (b) Designs should take full advantage of the site's natural and built features.
- 3.9 Unitary Development Plan Policy H14 'Conditions on Development in Housing Area' states that new development will only be permitted where they are well designed and in scale and character with neighbouring buildings.
- 3.10 Unitary Development Plan Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.
- 3.11 Sheffield Development Framework Core Strategy Policy CS74 'Design Principles' states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods.
- 3.12 NNPF 127 Planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 3.13 The partially constructed concrete foundations/footings are considered to be detrimental development and are causing visual harm to the residential character and general appearance of the area and as such contravene Policy BE5, GE4, GE13, H14 and CS74 of the Unitary development plan and paragraph 127 of the NPPF.

4. PHOTOGRAPHS SHOWING THE SITE



5. REPRESENTATIONS

- 5.1 Several written complaints have been received from local residents stating that works had started on site without consent and the land is being used for the storage of containers, machinery, fencing and building materials, which are causing an eyesore.

6. ASSESSMENT OF ENFORCEMENT OPTIONS

- 6.1 The service of an Enforcement Notice under Section 172 of the 1990 Act enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the Notices would require the cessation of the unauthorised storage use and the removal of the metal containers, fork truck, fencing and other

building and non-building materials and other paraphernalia etc and the removal of the footings/foundations that have been laid and to remove all the associated waste materials. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However, it is considered that the Council would be able to defend any such appeal.

7. EQUAL OPPORTUNITIES

- 7.1 There are no equal opportunity implications arising from the recommendations in this report.

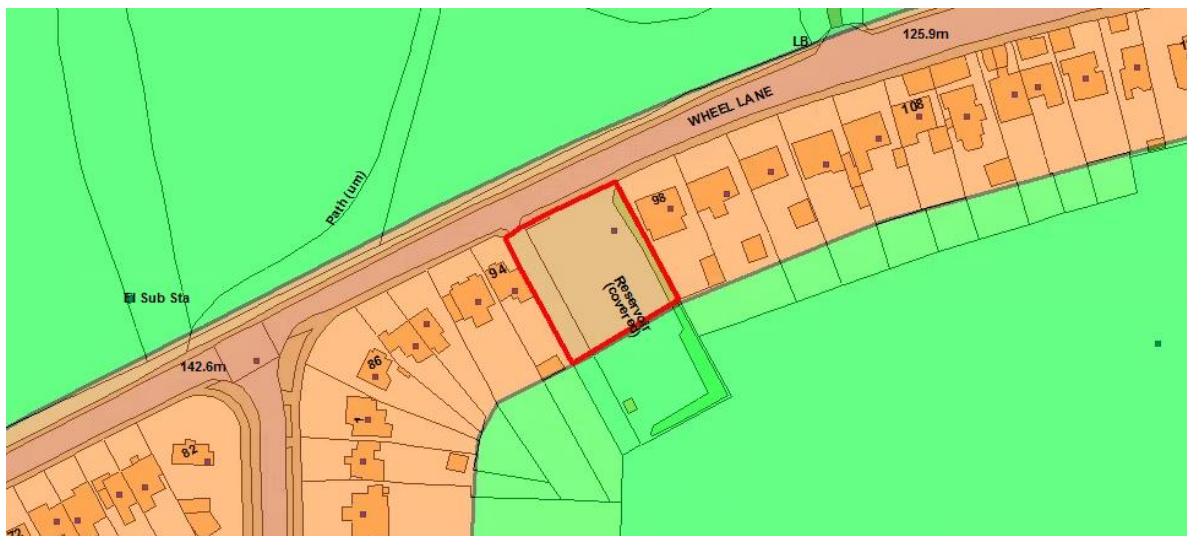
8. FINANCIAL IMPLICATIONS

- 8.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is highly unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

9. RECOMMENDATIONS

- 9.1 That the Planning Enforcement Team of Development Services be authorised to take any appropriate action including under Parts VII and VIII of the Town and Country Planning Act 1990 and instructing the Director of Legal & Governance to institute legal proceedings to secure the cessation of the storage use and the removal of the metal containers, fork truck, fencing, building and non-building materials and other paraphernalia etc. and the removal of the footings/foundations that have been laid and associated waste.

SITE PLAN





SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 25 May 2021

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the City Council for the non-determination of a planning application for the alterations and extensions to roof space to form additional habitable accommodation including erection of rear dormer, erection of first floor side extension over attached garage, and erection of single-storey rear extension at lower ground floor level including raised terrace at lower ground floor and ground floor level with new access steps to garden at 43 Pingle Avenue, Sheffield, S7 2LP (Case No: 20/04403/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey front extension to dwellinghouse at 8 Southey Drive, Sheffield, S5 7NR (Case No: 20/04098/FUL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposed extension on the character and appearance of the existing building and a streetscene with a high degree of consistency and clear pattern of development, though not a conservation area.

The proposed extension encompassed the full width of the front elevation of the dwelling and was faced with brickwork with a single wide window to the front. However, given the small size of the garden, the proximity to the road and the scale of the proposal, the Inspector agreed that it would appear highly prominent and incongruous, conflicting with the existing pattern of development and at odds with the character and appearance of the streetscene.

The Inspector also noted that the extension conflicted with the Council's

Supplementary Planning Guidance (SPG) Designing House Extensions, which states that extensions to the front should not project out more than 1.5m.

The Inspector concluded that the proposal would be harmful to the character and appearance of the existing dwelling and the character and appearance of the streetscene, in conflict with policies BE5 and H14 of the UDP, the guidance contained within the SPG and paragraph 127 of the National Planning Policy Framework.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a two-storey rear extension, alterations to roof space to form habitable accommodation including erection of front and rear dormer windows, formation of ground floor front box window and first-floor front balcony (amended description 24.08.20) at 808 Ecclesall Road, Sheffield, S11 8TD (Case No: 20/02169/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- i) The effect of the front dormer on the appearance of the building and the area;
- ii) The effect of the two storey extension on the living conditions of no.810 Ecclesall Road in terms of light.

They agreed with officers that in respect of i) the dormer was too large, dominated the roof plane, and would be a discordant addition that would adversely affect the character of the area.

However, in respect of ii) they considered that despite the mass of the first floor extension in close proximity to no.810, the adjacent property would not suffer significant loss of light that would lead to unacceptable living conditions.

The appeal was therefore dismissed owing to the matters arising in i).

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 15 metre high monopole and associated ancillary works (Application for determination if approval required for siting and appearance) at Telecommunications Mast at junction with Ecclesall Road South and Abbey Lane, Sheffield, S11 9PW (Case No: 20/01900/TEL) has been dismissed.

Officer Comment:-

The main issue was identified as the effect of the proposal on the character and appearance of the area.

The Inspector noted the location had a residential character adjacent to Parkhead Cricket Ground and the presence of an existing 12.5m monopole

immediately adjacent which is prominent given the open, corner location. He noted the replacement pole was bulky in appearance and would be taller than other existing structures, including the prominent trees within the cricket ground, such that it would be highly prominent in views in and around the junction and from neighbouring residential properties. He also considered there would be additional impact from the associated cabinets that would lead to a cluttered appearance in a prominent location.

Whilst noting the public benefits of enhanced communication he concluded this did not outweigh the harm to the character and appearance of the area and found conflict with policies BE14 and H14 of the UDP in dismissing the appeal.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of side porch, erection of two-storey side and single-storey rear extension to dwellinghouse at 62 Linaker Road, Sheffield, S6 5DT (Case No: 20/01503/FUL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the character and appearance of the host property and street scene.

The Inspector noted that houses in the locality generally feature generous set backs from both the highway and other properties, resulting in a spacious and open character to the street scene. The Inspector felt that the space to the side of this two storey semi-detached corner property, which mirrors that of the corner property facing the appeal site, contributes positively to the openness of the area.

The Inspector concluded that, as the proposal would extend beyond the clearly apparent building line on this section of Robertson Road and erode the spaciousness of the corner plot, it would harm the open character of the area and the appearance of the street scene, in conflict with Policies BE5 and H14 of the UDP, Policy CS74 of the Core Strategy, advice in the SPG and the design aims of the National Planning Policy Framework.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of residential accommodation (Use Class C3 - dwellinghouses) as a HMO - (Sui-Generis), replacement windows and doors, provision of new means of vehicular access with off-street car parking accommodation and removal of a tree at 35 Glen Road, Sheffield, S7 1RA (Case No: 20/00667/FUL) has been dismissed.

Officer Comment:-

The main issues were identified as i) the impact on the character and appearance of the host property and ii) whether the proposals preserve or enhance the character and appearance of the Nether Edge Conservation Area.

The Inspector noted the traditional character of the host property, and the incremental harm, identified in the Conservation Area appraisal, being caused to the character of the Conservation Area by small scale alterations such as those proposed. He further noted the presence of the Article 4 direction intended to halt and reverse such harm.

He considered the use of modern upvc windows, with bulkier, flatter, smoother and shinier appearance than traditional timber windows, and the loss of the front garden for hardstanding would cause significant harm and erode the verdant character of the street scene, and have a detrimental effect on the character of the Conservation Area.

He noted other examples locally of hard standings and upvc windows, nevertheless he considered these were not sympathetic to the character of the Conservation Area.

He therefore agreed with officers that the works failed to meet the statutory duty to preserve and enhance the character of the Conservation Area and was contrary to UDP Policies BE16, BE17 and H14 and CS74 of the Core Strategy. In addition, he considered any public benefit arising from providing off street parking would be negated by the loss of on street space, and this did not therefore outweigh the harm to the heritage asset in the terms of paras 193 to 196 of the NPPF, and dismissed the appeal.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for an application to allow use of basement as a living room or bedroom (Application under Section 73 to remove condition 3 of planning permission no. 10/01518/CHU) at 7 Nile Street, Sheffield, S10 2PN (Case No: 19/03389/CHU) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the basement would provide suitable living accommodation with particular regard to outlook, daylight, privacy and ventilation.

The Inspector concluded that owing to the orientation of the room; the restrictions on outlook caused by the lightwell and presence of a boundary wall; the ability to open windows; and limitations on views into the room; the basement would provide satisfactory ventilation and privacy, but that the poor outlook and low light levels in the room would mean views dominated by a stone wall at close proximity and a heavy reliance on artificial light, such unsatisfactory living conditions would be provided overall, and the removal of condition 3 was not justified.

As such the appeal was dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the removal of 9.7m monopole and associated cabinets and erection of 20m monopole with 7no associated equipment cabinets and associated works at Telecommunications Mast north west of 285 Psalter Lane, Sheffield, S11 8UU (Case No: 20/02204/FULTEL) has been allowed.

Officer Comment:-

The main issues identified by the Inspector were:-

- i) The effect on the setting of the Nether Edge Conservation Area;
- ii) The effect on the character and appearance of the locality;
- iii) If harm is caused whether this is outweighed by other considerations.

In terms of i) the Inspector considered owing to topography and road layout and the distance of over 100m to the Conservation Area boundary, the works would have a neutral impact on the setting of the Conservation Area.

Regarding ii) the Inspector concluded the pole would have a significant incongruous effect that would be out of scale and character with surrounding structures, and whilst he found the appellants evidence of the search area to be lacking, accepted that the utilisation and replacement of an existing site was warranted. He found this conflicted with UDP policy BE14 and CS74 of the Core Strategy.

Other considerations (iii) were recognised by the Inspector who considered the social and economic benefits of improved bandwidth, system capabilities and delivery of next generation capabilities to represent significant potential improvements and benefits for private and business users that had potential to enhance home working, reduce travel requirements and benefit emergency services. These factors and the potential future benefits of mast sharing were matters that weighed in favour of the development.

Overall the Inspector considered the Planning Balance to lie in favour of the development as the overall degree of harm identified in ii) was limited and that would be outweighed by the telecommunications enhancements and associated benefits.

(ii) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of existing building and erection of a three/four-storey building to form 9 apartments including bike store, car parking, communal garden space and landscaping works at The White House, Vicarage Lane, Sheffield, S17 3GX (Case no: 20/00040/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be:-

- i) The effect of the development on the character and appearance of the area, and the setting of the adjoining Dore Conservation Area;
- ii) The effect on the living conditions of occupiers of no's 5, 17 and 19 Vicarage Lane with particular regard to outlook.

The Inspector considered for i) that the replacement building although much larger than the existing building on the site was set away from boundaries, providing a spacious setting, and the height, footprint and scale would not result in overdevelopment, and the design was appropriate, As such it would not harm the character or appearance of the area, nor the setting of the Dore Conservation Area and would comply with policies BE5, BE16, H14 (UDP) CS31 and CS74 (Core Strategy) and paragraph 127 of the National Planning Policy Framework (NPPF).

In terms of living conditions, the Inspector considered the outlook from no5, whilst affected would not be of an overbearing or oppressive presence, owing to the separation (including public footpath) and angle of view.

The distance from, and orientation of no17 were also such that although the property would be visible from the rear garden it would again not be overbearing or oppressive.

Equally, whilst visible from gable windows within no19 the Inspector noted most windows faced another direction and that no harm would result.

Overall on this point the Inspector acknowledged the greater presence of the proposed building but did not feel this would be at a level that could be considered harmful to living conditions of 5, 17 and 19 Vicarage Lane and found no conflict with policies BE5, H14 (UDP) CS31, CS74 (Core Strategy) and paragraph 127 of the NPPF.

The appeal was therefore allowed.

5.0 CIL APPEALS DECISIONS

(i) To report that a CIL appeal (Regulation 117(1)(a)) against the decision of the City Council to impose a surcharge to the chargeable amount of CIL for the application for the change of use to retail at ground floor (Use Class A1) and 4x flats (Use Class C3) at first & second floor at 727 - 729 Chesterfield Road, Sheffield, S8 0SL (Case No: 20/01178/FUL) has been dismissed.

Officer Comment:-

A surcharge was imposed on the application above under CIL Regulation 83 Surcharge for failure to submit a commencement notice.

An appeal under Regulation 117(1)(a) is that the alleged breach that led to the surcharge did not occur. The appellant claimed that they had posted a commencement notice, but they did not have proof of postage and the Council did not have any evidence of receiving it.

The Planning Inspectorate highlighted that the Liability Notice clearly warns of the possible consequences of failing to submit a commencement notice and explains that on receipt of a commencement notice the Council will issue an acknowledgement. That it is was the appellant's responsibility to ensure the Council were in possession of a valid commencement notice before commencing works on the chargeable development. Therefore, the onus was on the appellant to make sure the Council were in safe receipt of the commencement notice and that there is no onus on the Council to provide evidence that they have not received documents.

The Planning Inspectorate could not be satisfied that a commencement notice was submitted from the evidence provided and therefore, concluded that the alleged breach occurred. The appeal fails accordingly and it was dismissed and the surcharge of £2,500 upheld.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice is without planning permission, the unauthorised use of the land as car sales and the erection of fencing and other materials at land adjoining the Adelphi Club, Vicarage Road, Attercliffe, Sheffield, S9 3RH (Planning Inspectorate Ref: APP/J4423/C/21/3270054).

(ii) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a large timber building at field at rear of 254 and 254A High Greave, Sheffield, S5 9GR (Planning Inspectorate Ref: APP/J4423/C/21/3270434).

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

25 May 2021

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