

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 26/04/2016

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	16/01104/RG3
Application Type	Application Submitted by the Council
Proposal	Erection of winding wheel monument (Full application under Reg 3 - 1992)
Location	Land Opposite 164-170 Woodhouse Lane Beighton Sheffield S20 1AE
Date Received	18/03/2016
Team	City Centre and East
Applicant/Agent	Sheffield City Council
Recommendation	Grant Conditionally

Subject to:

**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:
  - (a) Site location plan received 18th March 2016.
  - (b) Site plan and general arrangement Dwg ref: AR574/A1/C.

Reason: In order to define the permission

### **Pre-Commencement Condition(s)**

### **Pre-Occupancy and Other Stage of Development Condition(s)**

### **Other Compliance Conditions**

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

Site Location



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## BACKGROUND AND INTRODUCTION

This application is one of two applications on this planning committee agenda which seek permission to install a coal mining winding wheel in two different locations in Beighton. Planning permission was previously granted a number of years ago to site two half winding wheels in Beighton in locations different to those proposed in these applications; however the wheels were not installed and have remained in storage ever since. The installations comprise of half winding wheels mounted on a low wall, the presence of this type of structure is common in towns and villages across the country which have historic associations with the coal mining industry.

## LOCATION AND PROPOSAL

The application site comprises of an area of grass verge located on the north side of Woodhouse Lane between the junction with the A57 and Robin Lane. To the north of the site is open farmland and to the south is a modern housing estate.

It is proposed to site a half winding wheel within the verge, the wheel is approximately 6 metres wide 2.4 metres high and is to be mounted on a 600 mm high brick wall (overall height 3 metres).

The application site is located in a Housing Area as defined in the adopted Sheffield Unitary Development Plan.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## SUMMARY OF REPRESENTATIONS

No letters of representation have been received.

## PLANNING ASSESSMENT

### Policy Issues

The National Planning Policy Framework states that local planning authorities should apply the presumption in favour of sustainable development.

Policy H10 (Development in Housing Areas) lists preferred, acceptable and unacceptable uses in the policy area, the proposed development does not fit into any of the above categories and therefore in accordance with Policy H10 the proposal must be considered on its individual merits. Policy H14 'Conditions on Development Housing Areas' part (i) and (j) seeks to ensure that non housing development occupies only a small area of land and does not lead to a concentration of non-housing uses which would not prejudice the provision of sufficient housing land.

As noted above this type of structure is very common in towns and villages across the country which have historic links with coal mining and as such the provision of the structure on a route into Beighton is considered acceptable in principle. The proposal occupies only a small parcel of highways verge which is not considered suitable for any form of housing development. As such the proposal does not conflict with Policies H10 or H14 part (i) and (j).

#### Design Issues.

Policy H14 part (l) seeks to ensure the development is of a scale consistent with the residential character of the area.

The proposed structure is not considered to be out of character or harm the appearance of the street scene in any way; in fact it is considered to contribute positively to the character of the area. The wheel will form a gateway feature when entering Beighton from the A57 and will largely be read against a back drop of mature hedging which forms the boundary to the farmland to the north. In light of the above the proposed siting and design of the structure is considered acceptable.

#### Highways and Amenity Issues

Policy H14 (k) seeks to ensure that development does not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The development is not considered to give rise to any noise, smell or amenity issues that would harm the amenity of nearby residents.

The site is located on the north side of Woodhouse Lane equidistant between the roundabouts with the A57 to the west and Robin Lane to the east. The wheel is not considered to be an overly distracting feature which would harm highway safety and it has been positioned to ensure that the existing visibility splay is maintained for vehicles approaching Robin Lane from the west and to ensure that it does not conflict with any existing highways signage. In light of the above the proposal is considered acceptable from a highways and amenity perspective and is not considered to conflict with Policy H14 part (k).

#### SUMMARY AND RECOMMENDATION

This application seeks permission to site a half winding wheel on the north side of Woodhouse Lane within the highway verge. The design, siting and appearance of the structure is acceptable and the proposal is not considered to give rise to any highways issues or conflict with any other adopted local and national planning policies.

In light of the above it is recommended that planning permission is granted conditionally.

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Case Number	16/00640/OUT
Application Type	Outline Planning Application
Proposal	Demolition of existing garages and erection of 2 dwellinghouses (Amended description)
Location	Site Of Garage Block Rear Of 14 To 22 Marlcliffe Road Sheffield S6 4AG
Date Received	17/02/2016
Team	West and North
Applicant/Agent	Mr Peter A Rudd
Recommendation	Grant Conditionally

Subject to:

#### **Time Limit for Commencement of Development**

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. Application for approval in respect of any matter reserved by this permission must be made 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.

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

#### **Approved/Refused Plan(s)**

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

Site plan received on 17/02/2016

Access positions shown on drawing number 1686/01 Rev A (excluding the indicative layout and landscaping shown)

Reason: In order to define the permission.

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

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

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

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

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

8. No development shall commence until a report detailing the flow of surface water through the site and measures to control water runoff has been received and approved by the Local Planning Authority. The report shall include detail on how the dwellinghouses will be protected from surface water flooding events, and how water will flow through the site during heavy rainfall events. Thereafter, the measures recommended in the report shall be implemented prior to the occupation of the development.

Reason: In order to mitigate against surface water flooding risk.

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

9. 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.

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

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

11. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 30% less compared to the existing peak flow. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

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

12. Before work on site is commenced, details of a suitable means of site enclosure including new boundary walls, railings, and plot division shall be submitted to and approved in writing by the Local Planning Authority, and



the development shall not be used unless such means of site enclosure have been provided in accordance with the approved details and thereafter, such means of site enclosure shall be retained.

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

13. The development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details thereafter.

Reason: In the interests of satisfactory drainage arrangements

### **Other Compliance Conditions**

14. No gates or barriers shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

15. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

16. 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.

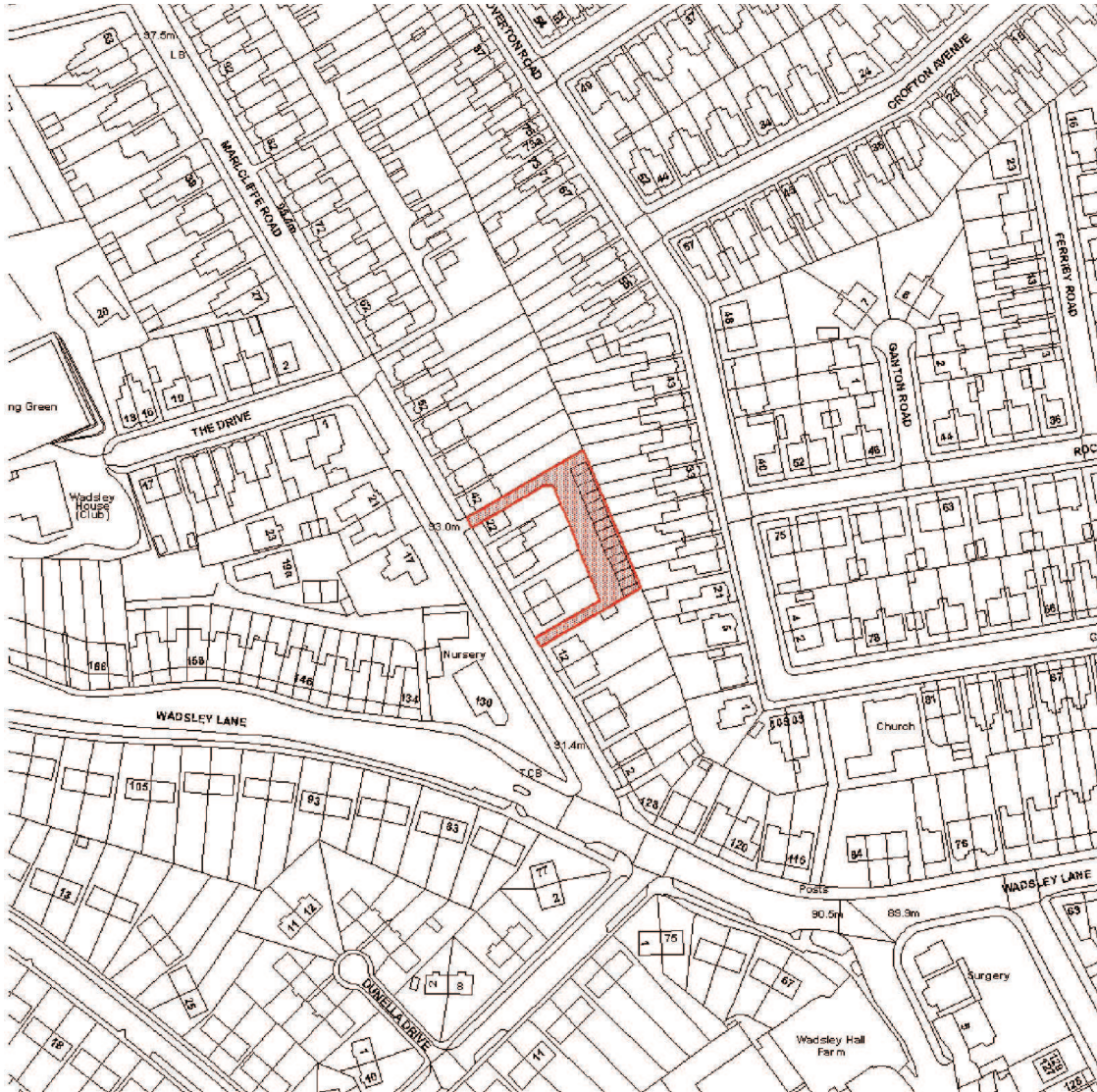
Attention is Drawn to the Following Directives:

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. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of

demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from SCC Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. The applicant and agent are advised that the submitted scheme for the indicative design, scale and layout of the houses is not viewed favourably. You are therefore advised to amend the appearance of the houses as advised in the officer report prior to the submission of a scheme to approve reserved matters concerning appearance.

# Site Location



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## LOCATION AND PROPOSAL

The proposal refers to a plot of land currently occupied by a series of 15 garages that are rented out. The site is accessed via two routes between numbers 22 and 42 Marlcliffe Road and between numbers 12 and 14.

The application seeks outline consent to demolish the garages and erect 2 dwellinghouses. This is an amendment from the original proposal (in amended plans received on 29/03/2016), which sought the erection of 4 houses in two semi-detached blocks.

The proposal is outline, with all matters reserved except the method of access from the highway. As a result, no consent is sought for the layout, scale, design or landscaping of the scheme. As such, the position of the houses and their scale as shown on the plans are not part of any consent.

## RELEVANT PLANNING HISTORY

There is no recent relevant planning history for this site.

## SUMMARY OF REPRESENTATIONS

Seventeen representations have been received with regards to this proposal raising objections to the scheme. The representations are summarised as follows:

### Highway Safety

The driveways to the houses are narrow, steep and difficult to turn into and out of. Access will therefore be dangerous.

The removal of the garages will increase on-street parking on Marlcliffe Road, which has a poor on-street parking capacity.

The poor visibility of the access driveways will cause danger to pedestrians, including children.

There is a lack of space on site to allow for vehicle manoeuvres.

Access to the site during construction cannot be facilitated.

### Impact on Neighbouring Houses

The proposals will overlook the rear gardens of neighbouring houses on Marlcliffe Road and the houses on Overton Road.

The proposals may allow views into the rooms of neighbouring houses.

The proposed houses will have an overbearing impact for those houses on Overton Road, exacerbated by ground level differences.

The new houses will block direct sunlight to neighbouring houses and their gardens.

The proposal will result in an increase in traffic levels compared to the existing garages, which will disturb local residents.

#### Design

The proposal is overdevelopment of the site.

There are already enough houses in the local area.

The development here would be out of character with the area.

The scale of the new houses would be out of character with the larger terraces and semi-detached and detached houses in the local area.

#### Other Matters

Emergency vehicles, including fire appliances, will be unable to access the new houses due to the steepness and narrowness of the proposed access drives.

The proposals will increase flood risk as drainage is a problem for the site.

The new houses may be subject to flooding as water drains from Marlcliffe Road to the existing garage site.

The proposals may add to pressure on retaining walls.

Vehicles accessing the site may impact on the foundations of adjoining property.

People living in the houses may increase the risk of crime, and may use drugs.

Impact on the capacity of local schools.

#### Non Material Planning Matters

Impact on views.

The impact on the use of garages to store items (this matter is subject to a contract agreement between the owners of the garages and tenants, and is not a planning related matter)

Lack of capacity in the drains for new properties (Yorkshire Water are responsible for assessing whether new houses can be connected to the sewer network)

Deeds for the garages may restrict their use.

Tenants of the garages should be notified of the proposals (a site notice has been placed on Marlcliffe Road. Unfortunately, the local planning authority has no access to the necessary information to send direct letters to tenants).

Two representations have written in stating that they object to the proposal for 2 houses as much as that for 4. This is noted. For this purposes of the report, all the objections received will all be taken into account with regards to the assessment in any case.

## PLANNING ASSESSMENT

### Policy Issues

In terms of National Policy, the National Planning Policy Framework carries material weight.

Paragraph 14 states that: “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”. It also explains that, for decision making, this means approving development proposals that accord with the development plan. Paragraph 17 of the NPPF summarises the key planning principles, one of which is to “always seek to secure a ... good standard of amenity for all existing and future occupants of land and buildings”. Paragraph 7 states that sustainable development has 3 dimensions, an economic role, a social role, and an environmental role.

Paragraph 12 of the NPPF emphasises that it does not change the statutory status of the development plan as the starting point for decision making, and proposed development that conflicts with the development plan should be refused unless other material considerations indicate otherwise.

In terms of local planning policy, weight is given to the saved policies from the Unitary Development Plan (UDP), and the policies of the Core Strategy.

Policy H14 ‘Conditions on Development in Housing Areas’ from the Unitary Development Plan (UDP) stipulates conditions and requirements for development in designated Housing Areas, such as this site. Policy BE5 ‘Building Design and Siting’ carries weight with regards to the appearance of the proposal and impact on the local area.

The Sheffield Core Strategy also includes relevant policies. Key issues of reference will be with regards to policies CS31 ‘Housing in the South West Area’ and CS74 ‘Design Principles’.

The pre-submission City Policies and Sites document exists in draft form dating from 3 April 2013. Paragraph 216 of the NPPF states that decision takers may give weight to relevant policies in emerging plans. However, the NPPF does explain that this consideration should be according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections, and the

degree of consistency of the relevant policies in the emerging plan to the policies of the NPPF. Although there is a relatively good degree of consistency with the NPPF, the Council is no longer progressing with this document, which was also subject to outstanding objections. As a result, very little weight can be given to it.

#### Principle of Development

The application site is located within a Housing Area as allocated in the Sheffield Unitary Development Plan. Policy H10 lists housing as the preferred development type. The principle of residential development is therefore accepted.

The site is considered to be previously developed. The reuse of this brownfield site will contribute towards the objectives of policy CS24 and the target of delivering at least 88% of new housing on previously developed land.

The current site is 0.05 hectares in size (excluding the access driveways). As such, building development would be to a density of 40 dwellings per hectares.

Between numbers 14 and 22 Marlcliffe Road, the density of these is 50 dwellings per hectare. The wider streetscene, however, has a density of around 40 dwellings per hectare, such as in the terrace from number 42 to the North.

Policy CS26 seeks to promote the efficient use of land and sets out that in urban areas the density should be 30 – 50 dwellings per hectare. As a result, the density proposed is considered to be in line with the range of densities considered appropriate for such an area. In addition, having been amended to 2, as opposed to 4, dwellings, the principle of two houses here is in line with the range of densities of the local area.

As a result, the development of the site to occupy 2 dwellinghouses, in principle, meets general policy requirements.

#### Design and Layout

Although an outline scheme, with all matters reserved, the assessment needs to explore whether the principle of 2 houses can be accommodated whilst being compliant with relevant design policies.

Core Strategy policy CS74 'Design Principles' requires development to respect and enhance the distinctive features of the city, its districts and neighbourhoods.

Unitary Development Plan (UDP) policy H14 'Conditions on Development in Housing Areas', under part a) requires development to respect the local area. Policy BE5 encourages original architecture and states that new buildings should complement the scale, form and architectural style of surrounding buildings. It also seeks a comprehensive development design amongst other things.

In terms of National Policy, the NPPF, in paragraph 58, requires decisions to ensure that developments add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development;

respond to local character and history; create safe and accessible environments; and are visually attractive.

Due to the above policies, there is a need for the development layout to not appear overly contrived or out of scale with neighbouring property or the local area.

Representations have included objections based on housing here being out of character with the built form of the local area.

The arrangement of the accesses will be the same as the existing arrangement from the garages and, as such, does not propose an alteration to the existing layout of roads and accessways in the local streetscene. The existing built development includes built garages between Marlcliffe Road and Overton Road, and new house here would not necessarily alter this general arrangement.

New houses, unlike the garages, may feature a second storey, which would make them more prominent. As a result, there is a risk that such a design may appear out of character with the local area, as development behind the main building lines are presently ancillary to the local area. The current indicative plans show the formation of two-storey houses, which would have gable ends that would be prominently viewed, especially from Overton Road. This would likely not be in character with the more ancillary nature of backland development here.

As this is an outline application where scale is reserved, an assessment of the currently proposed built form cannot be undertaken. However, an assessment of the site indicates that a built form where the houses are constructed with a lower eaves and ridge height, possibly incorporating use of the roofspace as opposed to a full two-storey height can be accommodated. As a result, the principle of lower scale buildings here is possible, and the assessment therefore has to recommend that a successful design can be achieved with substantial amendments of the general built form sought.

The layout of new development is a reserved matter. However, ancillary development behind Marlcliffe Road, consisting of garages, exist in a variety of forms and sizes and, as such, development of residential accommodation here for two dwellings is possible in a variety of forms that would be in character with the area. Two houses here can be accommodated without resulting in an overly contrived layout that would be harmful to the local area.

### Landscaping

In addition to the design policies referenced above, policy BE6 'Landscape Design' from the UDP seeks good quality landscape design in new developments.

Landscaping details of a proposed scheme are not shown comprehensively on the indicative plans submitted, and the assessment needs to conclude whether there is enough scope to provide suitable landscaping within a development of 2 houses on site.



Whilst the scheme lacks detailed landscaping, it can be seen that the layout permits some limited planting opportunities around the houses within their garden areas. The footprint of new houses would logically be less than that for the existing garages, which occupy a high proportion of the site, and could allow for better landscaping than at present. From Marlcliffe Road, the opportunity for landscaping would be limited to the repaving of access drives, which is considered reasonable.

### Highways Issues

A significant number of the representations received raise concerns about the number of houses and the consequences on highway movements and parking capacity.

The outline consent sought includes consent for the access to new development, and shows the use of the two accessways as individual drives for each dwellinghouse.

The access drives have a gradient of 1:7. This is a not inconsequential gradient, especially given that highway colleagues recommend that driveways for parking should have a gradient of no more than 1:12. However, the roads will be used primarily for access and not for maintaining a stationary vehicle. The amount of land available provides capacity for parked vehicles, which is considered sufficient to provide suitable parking accommodation for two dwellinghouses.

The existing vehicular routes are already in situ. As 15 garages presently utilise this accessway, the level of potential car movements in and out of them is relatively high. It is noted in representations that the level of car movements is likely lower, as a majority of the garages are utilised for storage as opposed to daily parking. However, this still requires relatively regular use of the access routes to enable goods to be transported to and from the garages.

The level of car movements for a single house should equate to approximately 4-6 car movements per day, presuming a 2-car household (with commuting to work and travel for leisure/shopping). The level of movements over the course of a day will not be overly significant, and would not be significantly higher than the existing garages (with an assumption that each garage could be visited, on average, twice per week).

The existing accessways do not benefit from pedestrian or vehicular inter-visibility splays, and would suffer from poor visibility of the pavement in particular. This is due to the height of existing boundary treatments. As these are in neighbouring property, there is no opportunity to lower these to an appropriate level to enable excellent visibility.

This arrangement is not ideal. However, bearing in mind the existing use of the accessways, and the fact that car movements should not be materially different, the scheme should not cause a material increase to the danger to pedestrians here. The danger is further limited by the gradients of the drives, whereby cars existing the site will be travelling uphill, which should ensure lower speeds as cars exit the site.

Marlcliffe Road in this position is not heavily trafficked, and is straight. In addition, parked cars on the road result in a limitation to traffic speeds here. The movements of cars in and out of the accessways should, therefore, not cause a material harm to traffic safety.

The submitted plans show that there is space for a turning circle for each property, which will enable cars to leave in a forward gear, which will result in a reasonable standard of outlook from the drives, more so than reversing vehicles.

In terms of parking, there is space on site to provide appropriate parking for 2 family dwellinghouses in addition to the footprint of the house and room for turning. This will limit the amount of on-street parking by residents. The loss of garage spaces will limit the availability of potential parking. However, the garages are not commonly used for car storage, which limits the potential for parking demands to spill out onto the street. In any case, around 50% of houses on the immediate stretch of Marlcliffe Road benefit from off-street parking, whilst the absence of a traditional frontage residential opposite the site provides a reasonable level of street parking. As such, there is scope for parking for any potentially displaced vehicles, even though the amount is limited by the present use of the garages.

Parking by football spectators is an issue for the local area. However, this is limited to set times of the week, and the amount of on street parking available during match times will always be highly limited notwithstanding if development of 2 houses occurs here.

The two accesses are too narrow to allow for emergency vehicle access. However, this does not prevent appliances parking on Marlcliffe Road and accessing the site on foot. For fire appliances, there is a need for any new houses to be within 45m of the highway to allow hoses to stretch across. The access roads are between 24 and 30m in length, which allows scope for houses to be erected within reach of the hoses. Should a development require a layout with parts further than 40m distant, then sprinkler systems can be employed and enforced by condition to allow for extra time during an emergency for longer hoses to be employed.

#### Impact on the Amenities of Neighbouring Property and Potential Occupiers

UDP Policy H14 (part c) requires development to not lead to a significant loss of light, privacy, or security for residential property. Paragraph 17 of the NPPF includes measures with similar aims.

The scheme is outline, with no consent sought for the layout and scale of the proposal except the principle of 2 houses. An assessment of the indicative scheme can, however, be used to demonstrate if the proposal for 2 houses can be achieved without causing significant nuisance to the amenities of neighbouring property.

In order to judge what is acceptable, reference is given to the provisions of the Supplementary Planning Guidelines (SPG) on 'Designing House Extensions'.

Although this scheme is for a new development, as opposed to new dwelling houses, these provide a guide on acceptable separation distances to avoid significant overlooking and overshadowing/overbearing impacts, which logically also apply to the impact of new buildings as well as extensions.

In terms of forming an adequate separation distance to neighbouring property, SPG guideline 5 states that, to avoid a significant overshadowing impact occurring, a new two-storey wall should be built at least 12m distant of a primary window of a neighbouring property. In this case, the indicative plans show buildings set over 12m from the properties on Marlcliffe Road and Overton Road – the minimum distance being from 23 Overton Road, there the new houses would be 12m distant from the rear windows of a single-storey extension this house benefits from (other houses on Overton Road are at least 15m distant due to the absence of substantial extensions).

There is a significant land height difference between the site and the houses on Overton Road, which sit approximately 2.5m lower in elevation to the site, meaning that the ground floor of any new house is approximately level with the first-floor of houses on Overton Road. The supporting plans have not fully surveyed the exact nature of the fall in land, but place the houses 2.5m lower. The SPG states that land level differences should be taken into account, requiring longer separation distances in some cases. In addition to this, the new houses in the indicative plans are shown close to the curtilage boundary with Overton Road, which would have a significant impact upon the garden areas of these properties. As a result, the assessment concludes that the scheme in the indicative plans would not likely be acceptable in the present form.

As the layout and scale of the new houses are reserved matters, the assessment needs to explore whether the houses can be designed or sited in a manner to have an acceptable impact to neighbouring houses. Looking at the site, there is clearly enough space to allow houses to be set in from the curtilage with Overton Road houses without encroaching the 12m rule with regards to Marlcliffe Road. In addition, there is scope for new houses to feature a lower eaves or ridge height in order to limit the impact further still. Due to these considerations, it is considered that two dwellings can be accommodated without causing a substantial overshadowing or overbearing impact to neighbours.

There is equally enough space to allow a layout of two houses that do not overshadow each other.

With regards to privacy, SPG guideline 6 is that a 21m separation distance should be achieved to the windows of neighbouring houses from the windows of new development. In this case, the site allows for an orientation where windows do not directly face the neighbouring houses on Overton Road or Marlcliffe Road, allowing for this rule to be met. Between the indicative properties, shown on the indicative plans, a separation distance of 18m is shown, which is deficient of the ideal 21m. There is scope, however, for the use of bungalows to prevent direct overlooking, or an unconventional layout to prevent direct window-to-window overlooking for the houses. As such, it is considered that outline consent can still be given subject to

a revised scheme being thought through at reserved matters stage to overcome this issue.

With regards to neighbouring gardens, SPG guideline 6 refers to the need to avoid wide views over neighbouring gardens. Guideline 4 infers that a separation distance of 10m should be provided up to the curtilage of a neighbouring property in order to provide for suitable privacy. However, a separation distance of 7m is inferred as acceptable in the Town and Country Planning General Permitted Development Order 2015, whereby extensions of two-stories are allowed 7m distant from a rear curtilage.

Angled views from the main rear and front windows of any house 90-degrees to the curtilages on Overton Road and Marlcliffe Road would allow for some splayed views. Setting the buildings in at least 2m from either curtilage should reduce the extent of these views to an acceptable degree, however. There is sufficient space on site to allow for this.

With regards to direct views to neighbouring houses, the indicative scheme shows that a 7m distance can be achieved to neighbouring gardens. However, bearing in mind SPG guidance, it is considered that this should occur alongside design measures to limit the prominence of any windows, such as setting the first-floor at a lower elevation, or setting the buildings slightly further in from the curtilage boundaries of 12 and 42 Marlcliffe Road, so that the separation distance is closer to 10m. An 8.5m separation distance can be achieved by moving the houses so that their own garden length between them is 7m long, which is considered to be a more appropriate arrangement. Given that the section of gardens impacted to numbers 12 and 42 are at the end of their garden, and are not primary patio areas, an 8.5m separation distance (greater than 7m) is considered sufficient, and can be achieved on site.

Comments received with regards to the noise generated by the new residents are noted. However, the houses are a good separation distance away from existing residential houses on neighbouring streets, which all have closer neighbours at present. As a result, the level of noise from new residents should not have a significant impact on the noise experienced by existing neighbouring property. Traffic noise should not be significantly greater than at present, given the existing use of the site.

#### Construction Noise and Traffic

Comments received that the access roads would not allow for construction traffic are noted. However, there is no guarantee that construction work would require wide accesses, and certain works can be done through pedestrian routes. As such, this is not a material reason to justify a refusal.

Construction traffic and noise during construction works are relatively short term in nature. Any unreasonable noise or construction hours are enforced by the Environmental Protection Service should a statutory nuisance occur.

## Contamination Issues

Due to the previous use of the land, where garages may have been used for small scale industrial processes, there is potential for contaminants to be present. As a result, a desktop Contaminated Land Survey will be required to assess for risks and to mitigate against them prior to development. These measures, however, can be provided as part of a reserved matters submission such that a suite of conditions is recommended, as measures to de-contaminate the land in the event of any findings can be undertaken before any construction works commence.

## Sustainability Issues

There is no reason to believe that a scheme for 2 houses could not meet the above aims, nor requirements under CS64 to provide for a design to mitigate against climate change, such as grey water recycling, passive heating and cooling etc. As the development is for 2 houses (under 5), there is no requirement for development to provide 10% of its predicted energy needs through renewable or low carbon on-site energy sources.

Policy CS67 seeks to ensure that the impact of flooding should be reduced by requiring developments to limit surface water runoff.

There is a need to limit water runoff. Several representations have referred to concerns that the site suffers from water runoff from Marlcliffe Road. At present, the access roads comprise of compacted ground. Although not fully surfaced in hardstanding, the need for vehicle movements has compacted the land to a degree where water penetration does not occur to the same level as soft ground on neighbouring sites. Some soft grass is present opposite the garages, but is limited in size and scope. The development of two houses here should, logically, result in the formation of soft landscaping for gardens, and the reduction in the built footprint due to the demolition of the garages. As a result, the scheme should not result in an increase in water runoff compared to the existing situation.

The Environment Agency identifies that the site is at risk of flooding from surface water. This is water flowing overground during rainfall events as it cannot soak into the ground. It is exacerbated on this site due to the access roads falling away from Marlcliffe Road. The site is not in a flood risk zone from rivers or streams, and as such does not require the use of a sequential test or submission of a Flood Risk Assessment.

There is scope to site the houses at a higher floor level to mitigate against flood risk from overground water flows which, by their nature, should not result in deep floodwater. The flow of water has the risk of falling further onto land at Overton Road. The risk map by the environment agency includes these in the existing risk area. In order to ensure that the removal of the garages does not result in excessive water flows down to Overton Road, it is considered that a surface water management plan is required in order to ascertain what measures, if any, are required to direct water flow from the land.

## Community Infrastructure Levy and Affordable Housing

The system of contributions has been replaced by the Community Infrastructure Levy (CIL), which is paid by certain developments to provide city-wide funding for education, transport, and open space demands of new development. The site is in an area where CIL contributions are required. Funding for improvements, therefore, will come from the CIL contributions from other development. This will help to provide for school places, which is an issue identified in one of the representations received.

The site is not of a size that would require provision of public open space on site.

## Ecology

NPPF paragraph 118, states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a set of principles. These include avoiding harm caused by development; taking account of Sites of Special Scientific Interest; permitting developments where the primary objective is to enhance biodiversity; incorporating measures to promote biodiversity in developments; and refusing development that leads to a loss of irreplaceable habitats.

As the site is not an identified habitat, nor a site of designation, it is not considered that the site is an important habitat that would justify a refusal of the application. Additional landscaping as part of domestic gardens around the housing should, on balance, improve the level of biodiversity present compared to the existing situation.

## RESPONSE TO REPRESENTATIONS

Many of the concerns raised have been covered in the above assessment. The remaining issues are discussed below;

With regards to the impact on retaining walls, any scheme would need to comply with building regulations. As such, an assessment of the stability of the site for construction of a building would be subject to a full assessment under this method of control.

Concerns that vehicles accessing the site will cause structural damage to foundations are noted. Of note, the existing accesses currently already allow for vehicle movements in proximity, and the level of movements of two houses should not cause significant additional disturbance. With regards to construction vehicles, any movements will be over a short period of time, and any damage would be a civil matter as opposed to material planning consideration.

With regard to crime, there is no material evidence that residents would likely be criminal or commit crime, anymore so than existing neighbouring houses.

## SUMMARY AND RECOMMENDATION

The redevelopment of this brownfield site for residential purposes is the preferred land use in policy terms.

The proposal is outline in nature for 2 houses. Any consent will only be agreeing that 2 houses (of unspecified scale, design, and location) accessed from two separate access roads can be accommodated in principle. Consideration of the indicative plans has assisted in assessing whether 2 houses can be feasibly accommodated on this site.

Assessing the indicative scale and layout plans shown, it is clear that the accommodation of new dwellinghouses on site would need to be amended significantly in order to minimise the impact on neighbouring properties on Overton Road and the gardens of 12 and 42 Marlcliffe Road as discussed in the report below. Imaginative design of the new houses, including incorporating lower eaves and ridge heights than that shown, would also likely be required in order to make the development appear subservient to the existing built form of the area and to further limit the impact on adjacent gardens. A layout to minimise window-to-window overlooking between the houses would also be required.

An assessment of the site should that there is scope to make the above alterations in order to allow a scheme for 2 houses on site to be approved in the event of the receipt of adequate information at reserved matters stage.

The scheme is located in a relatively sustainable location within the existing built up area of Sheffield. This together with the level of on-site parking proposed, the relatively high level of existing on-street parking availability, and the density of the scheme complying with the range recommended by Core Strategy policy means that the scheme will have an acceptable impact on highway safety in the locality.

For the above reasons the scheme is compliant with relevant national and local policies and is recommended for outline approval subject to the listed conditions.

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Case Number	16/00623/LBC
Application Type	Listed Building Consent Application
Proposal	Use of part of library as café bar, including alterations and refurbishment and erection of two-storey rear extension
Location	Walkley Library South RoadWalkleySheffieldS6 3TD
Date Received	16/02/2016
Team	West and North
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally

Subject to:

**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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

**Approved/Refused Plan(s)**

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

Drawing numbers 2329\_001 Rev B; 2329\_002 Rev B

Reason: In order to define the permission.

**Pre-Commencement Condition(s)**

**Pre-Occupancy and Other Stage of Development Condition(s)**

**Other Compliance Conditions**



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.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to Walkley Library, a Grade II Listed Building. The main building has a frontage faced in stone, and is stepped up from South Road and the road level between South Road and Walkley Road. The land rises steeply to the rear, and the rear aspect is approximately level with the road level of Walkley Road alongside. The rear of the building is faced in stone. A small rear yard area exists behind the library building, and features a steep bank flanked by stone walls on two sides.

Application reference 16/00622/FUL seeks planning consent to erect a two-storey rear extension to the library building, and to undertake a range of internal alterations. This application, for listed building consent, seeks associated Listed Building Consent for the alterations sought.

## RELEVANT PLANNING HISTORY

16/00622/FUL	Use of part of library as café bar, including alterations and refurbishment and erection of two-storey rear extension Pending Consideration
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## SUMMARY OF REPRESENTATIONS

Sixteen (16) representations have been received with regards to the listed building application. The comments raised are summarised below:

The addition of an extension to the rear would have a negative impact on the building, resulting in 'overcrowding'.

Reassurances should be sought that the stone boundary walls to the site should not be affected by the development.

Drawings are inadequate with regards to the following:

No cross sections through the mezzanine are shown.

No indication of work to be carried out to those parts of the building mentioned in the listing have been provided.

Details should be provided of the vents and extracts required for the building.

No details have been provided of the new stonework, guttering, or fascias.

Lack of information has been provided on the proposed windows or doors of the extension.

The grey aluminium windows to the extension would detract with the existing windows of the library.

Use of glazed brick on the elevation of the new extension facing the highway appears incongruous.

The external seating areas will adversely affect the setting of the building, and will over-dominate the outside spaces.

The proposed mezzanines will require changes to the roof trusses of the building, which will be unacceptable alterations for a Grade II listed building.

Comments from the representations regarding matters not connected to the listed building application have been considered under the concurrent assessment for 16/00622/FUL.

The Victorian Society have also written in, and raise objections to the proposed mezzanine structures on the basis that such a structure would conceal views of the roof and cut across the large windows, which would be visible from the exterior. They raise that the accommodation provided by the mezzanine could be provided within the extension. They also raise that, to mitigate any damage caused by the mezzanine, restorative works to re-instate a decorative cupola and railings would be undertaken.

The Sheffield Conservation Advisory Group considered the proposal at their meeting on 15<sup>th</sup> March 2016, and have commented that the Group felt that there was no objection, in principle, to the development and welcomed the continuity of use of the building

## PLANNING ASSESSMENT

### Policy

NPPF paragraph 131 states that, in determining applications, planning authorities should take account of the desirability of sustaining and enhancing the significant of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF, in paragraphs 132-133 is specific in that in considering the impact of a proposed development on a designated heritage asset, the loss of an asset should be refused unless it is necessary to achieve substantial public benefits.

NPPF paragraph 134 states 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 scheme.

Unitary Development Plan policy BE5 'Building Design and Siting' states:

“Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.”

Policy BE19 'Development affecting Listed Buildings' states:

"Proposals for internal or external alterations which would affect the special interest of a Listed Building will be expected to preserve the character and appearance of the building and, where appropriate, to preserve or repair original details and features of interest."

This policy also requires that proposals for change of use will be expected to preserve the character of the building and 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.

#### Assessment

Walkley library was first listed in February 1992. In addition to this listing, the boundary wall and a plaque is also grade II listed. The library and wall date from 1904.

Externally, the main changes to the building shown comprise of the addition of the rear extension, and the amendments to the rear entrance door to form a level entrance.

With regards to the extension, this has been designed to be visually detached from the main building through the use of a glazed link, which will have a height based under the eaves of the building. This will enable the main roof form to be preserved as at present. The link also allows the retention of the original rear windows and external wall, and will allow these features to be still readily identified.

The extension itself will impact upon the setting of the building viewed from the rear. It is designed to contrast in form. However, its siting is sensitively located behind the building. The absence of views or vistas of the building from the rear of the site essentially should reduce any potential visual harm to the main building caused by the bulk of the new addition.

The new addition has been designed to be set back from the frontage with Walkley Road, with the wall set alongside the diagonal inset of the building. This will ensure that the original form of the building should remain apparent.

In terms of facing and roofing materials, it is proposed to utilise brick on most of the elevations, matching the material on the rear of the main library. The use of stone is proposed on the elevation facing Walkley Road, to tie in with the use of this material on the main library frontage. The flat roofed form and relatively anomalous window forms are considered appropriate in principle to ensure that the new addition does not appear over-dominant and does not prejudice the dominance of the main building.

Concerns with regards to the external quality of materials of the extension are noted. However, these details can be conditioned to ensure suitable quality, and relevant conditions exist in the recommended list of conditions for application reference 16/00622/FUL, which runs concurrently with this proposal.

The proposed loss of the rear yard area with the extension is noted. However, given the siting of the addition, the outward impact upon the setting of the building should not be significant.

The alterations to the existing rear entrance door will result in the removal of the existing feature, and its replacement with a new level set of double doors. The proposed materials are designed to blend seamlessly with the existing library, and the impact of this should not impact upon the overall form of the original building to an extent where the impact would warrant a refusal of the scheme.

It is proposed to site flues on the building. These are shown to be sited in the least prominent position on the building possible, and will be viewed as ancillary additions.

In line with the NPPF, it is noted that the external works will alter the fabric of the original building, hiding direct views of the rear aspect, and removing an original rear doorway, whilst adding some visible clutter in the form of the extraction flue. However, efforts to mitigate the impact of the extension with regards to its siting, low profile, and method of attachment to the existing building should allow the additions to have a more limited impact, which should ensure that the impact is less than substantial. In line with the economic benefits, and the benefits of allowing internal refurbishment and the provision of a level access for disabled users, the benefits clearly outweigh the harm identified.

Internally, a main benefit of the proposal will be through the removal of existing false ceilings in the main building, which will allow for the original full height ceilings to become visible from ground floor level. Internal refurbishment, including repairs of the original library fabric, will also provide benefits.

Minor changes to the internal arrangements to form a new doorway into a disabled WC and a new doorway between the dining areas and between the library area and covered walkway are noted. All of these changes will not interfere with the existing cornicing features, as the height of door required will not reach the height of this element. The width of new openings shown are relatively narrow, and should allow the main original walls to remain visible, maintaining the original form of the structure.

Cross sections have been provided on 06/04/2016, which better identify the proposed mezzanine areas. The details show that these are to be free-standing platforms, with no direct attachment to the walls that would otherwise run the risk of covering up or removing cornicing or other decorative features. The proposal will require cross bracings in the roofspace to be replaced at a higher level. These are relatively thin in profile, and are not a substantial visual element of the scheme. As such, the replacement is less than substantial in harm, and any harm would be outweighed by the benefit of allowing continued library storage and the refurbishment of the building as a whole.

Representations from the Victorian Society have objected to the Mezzanines on the basis that they will enclose the internal space, and block views of the roof

internally, as well as being potentially visible from outside the building. However, the Mezzanines are considered necessary in order to prevent the need for additional extensions to the rear, which would be harmful to the setting, and have been designed to be set in from the windows, with the floor level with the wider cross beam of the windows, which will limit the prominence of the mezzanines from external views. The existing ceiling to the rooms comprises of a false ceiling, which will be removed by the addition, allowing more views of the roof internally than at present. As a result, the net harm of the mezzanines is not significant, and does not outweigh the benefits of the scheme.

Although measures to restore an external cupola and railings would be desirable. There is not considered to be suitable grounds to require the applicant to undertake this.

Associated with the new use includes the provision of new tables and seating areas external to the building. At present, it should be noted that existing benches already exist. The new tables will be relatively low rise in height and, therefore, should not result in an overall impact to the setting that would be noticeably harmful to the listed building.

The proposals do not propose any alterations to the profile of the main front elevations nor the front stone wall, maintaining these assets in situ.

## RESPONSE TO REPRESENTATIONS

Listed building considerations raised by representations not covered in the above assessment are considered below:

With regards to the application not indicating work to be carried out to those parts of the building covered in the listing, it is considered that the cross sections and plans detail what works are proposed. Of note, repair works separate to material changes (e.g. replacement of the roofing materials like-for-like) would not require listed building consent.

Additional details of the detailing of the extension and the appearance of the vents and extracts shown will be conditioned as part of 16/00622/FUL.

## SUMMARY AND RECOMMENDATION

The scale of works to the listed building are considered acceptable against relevant policy. As a result, members are advised that the scheme should be Granted Conditionally.

Of note, conditions to ensure the quality of the development have been added to the recommendation for 16/00622/FUL, and should not be repeated in this consent for ease.

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Case Number	16/00622/FUL
Application Type	Full Planning Application
Proposal	Use of part of library as café bar, including alterations and refurbishment and erection of two-storey rear extension
Location	Walkley Library South RoadWalkleySheffieldS6 3TD
Date Received	16/02/2016
Team	West and North
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally

Subject to:

**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:

Drawing numbers

2329\_001 Revision B (with the exception of hours restrictions marked out for the seating area facing South Road)

2329\_002 Revision B

2329 Mezzanine Access Statement

Reason: In order to define the permission.



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

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

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

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

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

Doors  
Windows  
Eaves and Guttering  
Downpipes  
Window Reveals

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

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

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

The attachment of the mezzanine relative to the floors and walls of the building.

The width and profile of the replacement cross brackets for the roof.  
New internal and external windows and doors.

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

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

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

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

7. Management of the external areas of the café bar, and associated staff training and guidance, shall be in accordance with an agreed management plan to be submitted to, and approved in writing by, the Local Planning Authority prior to the café bar use commencing. The management plan shall include measures to prevent use of the external areas fronting Walkley Road and adjacent to No. 285 Walkley Road by customers after 2100 hours.

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

8. 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. All such plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use. 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.

9. The café bar use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall be in accordance with Defra document; 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems' and shall include:

- a) Plans showing the location and arrangement of the external fume extract ducting relative to the adjacent property, and terminating with a low resistance cowl.
- b) Acoustic emissions data to show the system's operational noise level does not exceed the LA90 background noise level when calculated or measured at the position of the nearest window serving a habitable room.
- c) Details of a suitable system of odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter 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.

10. Before the café bar use hereby permitted is commenced, Validation Testing demonstrating compliance with the specified external plant and fume extraction system noise criteria shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified 'below background' operational noise level for all external plant and equipment has been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the café bar is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

11. Prior to the installation of the internal mezzanine for the library, full details of the use of the above-ground floor level accommodation created shall be provided and approved by the Local Planning Authority, including details of the provision of access for disabled persons should unique facilities be proposed for this level. The mezzanine and its operation shall thereafter be provided in accordance with the approved details.

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

12. The approved use shall not be used unless a level threshold has been provided to the rear entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained. The details provided should include details of how the level access shall be advertised to users.

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

## Other Compliance Conditions

13. No customer shall be permitted to be on the premises outside the following times: 0800 and 0000 hours on any day

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

14. No sales of food or drink shall be made on the premises between the times of 2330 and 0800 hours on any day.

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

15. 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.

16. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

17. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

18. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

19. Prior to the placement of new seats, tables and ancillary structures over 1m in height, full details shall be provided of the structures to be employed in all

the external seating areas facing Walkley Road and South Road. The structures shall then be installed and retained in accordance with the approved details.

Reason: To ensure an appropriate quality of development and to prevent any harm to the setting of the listed building.

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. 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.

# Site Location



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## LOCATION AND PROPOSAL

The proposal refers to a library building situated at the corner between South Road, and Walkley Road. The building dates from 1904, and is Grade II Listed. It is a prominent building, set up from the corner. No level access exists to the main front entrance. To the rear lies a small outside yard area, which includes a steep bank and bushes. The rear doors do not provide a level access currently.

The proposal seeks consent to erect a two-storey extension behind the main building to provide a commercial kitchen, staff facilities and toilets; plus consent for a change of use of part of the library to form a café/bar. The proposals also include retaining a library use towards the front of the building facing South Road, currently in use as the children's library section.

It is understood that the proposals are designed to sell the building to the operator of the café/bar, and for the remainder of the building (to be retained as a library) to be leased back to the Local Authority.

There is a concurrent Listed Building Application under 16/00623/LBC seeking listed building consent for the alterations to the building and the rear extension, which will affect the setting of the building.

## RELEVANT PLANNING HISTORY

16/00623/LBC	Use of part of library as a café/bar, including alterations and refurbishment and erection of two-storey rear extension.	Pending Consideration
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## SUMMARY OF REPRESENTATIONS

Sixteen representations have been received in connection with this application. 15 make objections to the scheme, and one points out concerns they wish for additional clarification upon. Nine additional objections have been received from persons not passing comments on 16/00622/FUL with regards to the listed building application under 16/00623/LBC. Several of these comments raise issues that are relevant to this application, and are also covered below.

Objections are summarised below:

### Loss of a Community Facility

The loss of a large part of the building will reduce the fundraising ability of volunteers to raise funds to maintain library services on site.

A bar/cafe is not compatible with a children's library, which will threaten this part of the building.

Drinkers and smokers are not compatible with a safe children's library facility.

The primary use of the building as a drinking establishment for paying customers will disenfranchise a large section of the community who will be intimidated by the "posh pub" atmosphere and setting and/or be put off by the proximity of alcoholic beverages.

Over 200 square meters of available space will be lost to the library and this will inevitably restrict the services the volunteer staff are able to offer. Libraries depend on physical objects - books, computers, magazines and leaflets - as well as people and under these plans library users will inevitably be offered a restricted service.

The smaller library space available will make it impossible to hold ancillary community functions such as a drop in centre, crèche, training events and other ancillary and allied uses to the library.

The proportion of the library lost to form a café/bar is out of proportion with the main use of the building, and is contrary to the recommendation of policy CF2 from the Unitary Development Plan.

The mezzanine areas will result in a loss of light that will make use of the facilities less workable.

## Highways

The application makes no provision for parking for its staff or customers or deliveries.

The proposal will cause parking congestion problems in Walkley.

Delivery vehicles parked outside the site will block views from the crossroads, causing a safety hazard.

No public transport exists at night, and along with the steepness of the topography, this will encourage the use of private vehicles.

## Access

The provision of a disabled access through the bar/café area to the library would be degrading for such users, and not suitable.

A level access to the front of the building should be provided.

No disabled access to the mezzanine areas of the library will be available.

The purpose built WC is in the wrong location and should be sited next to the new accessible entrance.



## Noise and Disturbance

The opening hours proposed of up to midnight are excessive and out of character with a residential area.

The proximity of the building to residential property will result in a café/bar causing significant noise disturbance to neighbouring residents.

The outdoor drinking areas shown will cause late night disturbance.

Additional vehicles travelling to the site will cause additional noise nuisance.

Extraction systems will result in noise and odour issues for neighbouring residents.

Reassurances are needed that the flue system will terminate suitably away from the rooflights of 401 South Road.

Smokers will cause air pollution to neighbouring residential property.

New traffic to the site will cause additional air pollution.

## Design and Listed Building Matters

There is insufficient information on the proposals with regards to the cross-section through the proposed library building, and the details of gutters, fascia's and the stone walls of the new extension.

The proposed mezzanine areas will interfere with the library roof structure, and needs clarification.

Screens and outside heaters provided for the outside drinking areas would diminish the appearance of the building.

New signage should be controlled to limit any clutter on the building.

Additional information on external vents should be provided.

Glazed brick on the internal wall of the extension would appear incongruous to the original listed building.

The size of the additions are overdevelopment of the plot.

The above comments are all material planning considerations, and will be referred to in the assessment below.

## Other Matters

An environmental impact statement should be provided. (The scale of the application does not fall within the remit of the Town and Country Planning (EIA) Regulations 2011 to require an Environmental Impact Statement).

A traffic impact analysis should be provided. (The scale of the application is not such that such an impact analysis is considered necessary. Traffic and highways matters will be considered, however, in the assessment).

The two-storey extension will overlook neighbouring property (This is assessed below)

An equality impact assessment should be provided. (It is not fully quantified by representation why this is required).

Comments that the extension will result in a void next to 401 South Road, and this may gather rubbish and attract vermin, as there is no access to clean this space. (This matter will be assessed below).

The loss of trees to the rear of the site is contrary to Council Policy (the visual impact of the loss of these is noted and will be assessed. However, it is not known which Council Policy is being referred to).

The proposal will lead to the loss of trees, which support wildlife (the impact on trees is assessed below, as will issues of biodiversity)

An additional drinking venue will increase pressure on police resources. (Impact on crime is to be assessed below).

Building works for the construction of the extension will result in noise and pollution to neighboring houses. (This is noted. However, construction works are temporary in nature, and controls exist under environmental protection to limit pollution and noise at unsociable hours, which is considered sufficient for the size of addition sought to limit the impact to residential neighbours).

Comments received with regards to the offering of the freehold to other unidentified interested parties (this is not a planning matter)

Employment created is limited to casual hospitality, and will not be to workers who care for the local area, who will not be concerned with community concerns on parking and anti-social behaviour (matters on parking and crime are referred to in the assessment. However, no direct link between employees and anti-social behaviour can be evidenced).

Suggestions on alternative uses for the building, such as letting out to individual small scale businesses (these are noted, but cannot be taken into account in a planning assessment, and are matters for the owners of the building to consider instead).

Questions over what name will be given to the café/bar (this is not a material planning consideration, where consideration can only be given to the practicalities of the change of use and extensions/alterations sought).

An objection to the listed building application by the Victorian Society is considered under 16/00623/LBC.

The Sheffield Conservation Advisory Group considered at the proposal at their meeting on 15<sup>th</sup> March 2016, and have commented that the Group felt that there was no objection, in principle, to the development and welcomed the continuity of use of the building

#### Non material Planning Matters

The description of the application does not fully reflect that the library is to be reduced significantly in size. (The description provided is an accurate reflection of the permission sought).

Moral issues with regards to the sale of the building, which is a community facility. (Moral issues are not a material planning consideration; whilst issues of the private sale are determined by other Local Authority sections separate from the Planning Authority).

Issues regarding competition and the impact on existing local cafes and businesses. (This is not a material planning consideration).

The proposal is for individual financial gain. (This is not a material planning consideration).

The dining/function room should be made available for library users, and its use as a dining area would make such use impractical. (The application shows this area as part of the café/bar, and the assessment will note this. Private agreements between the private operator and neighboring library are not a material planning consideration).

The outside space is currently maintained by a local gardening group, and should not be replaced by a corporate planting scheme. The owner should allow doe volunteers to continue the voluntary gardening on site. (This depends on private agreements, which are not a material planning consideration).

Comments with regards to altering the traffic lights, and the position of a bus stop. (These are separate highways matters, and an agreement for changes cannot be made as part of the planning assessment, although traffic hazards referred to in comments above will be considered).

Comments with regards to preferred internal decoration of the new café/bar and library. (This is not covered by the consents sought, as internal paintwork and décor does not require planning or listed building consent).

Comments in support are summarized below:

The removal of false ceilings and exposing of the roof structure is positive.

## PLANNING ASSESSMENT

### Policy

Overarching planning policy is provided by the National Planning Policy Framework (NPPF). Paragraph 14 explains that at the heart of national planning policy is a presumption in favour of sustainable development. Paragraph 7 explains that there are economic, social and environmental dimensions to sustainable development.

The location is in a Local Shopping Area as designated by the Unitary Development Plan (UDP). As a result, overarching local policy is determined through policies S7 'Development in District and Local Shopping Centres' and S10 'Conditions on Development in Shopping Centres' by the UDP.

Each matter considered in the assessment below also relates to specific policy, which is referred to where appropriate.

### Principle of the Change of Use

Policy S7 from the UDP 'Development in District and Local Shopping Centres' lists A3 uses 'Food and Drink Outlets' as an acceptable use for such areas. In addition, A4 uses 'Drinking Establishments' also fall as 'acceptable'. Shops (A1) are the preferred use for such areas. Community facilities and institutions (D1 use class) are classed as an 'acceptable' use.

In principle, therefore, the proposal is not contrary to general use class policy for the Local Shopping Centre designation of the area as it does not result in the loss of a 'preferred' use, and introduces a use that is not contrary to policy.

Policy CS39 'Neighbourhood Centres' from the Core Strategy identifies that development for shops and community facilities to serve the everyday needs of the community are encouraged. This does not have any caveat preventing new A3 and A4 uses, but does place an emphasis on ensuring the works do not lead to a loss of a community facility.

### Impact on the Community Facility

The NPPF references the need, in paragraph 70, to guard against the unnecessary loss of valued facilities and services, and to plan positively for the provision of shared space, community facilities and other local services. Paragraph 69 encourages facilitating social interaction, and to encourage opportunities to encourage meetings between members of the community who might not otherwise come into contact with each other, including through mixed use developments.

The Unitary Development Plan (UDP) emphasises in policy CF2 'Keeping Community Facilities' that development that would result in the loss of community facilities will be permitted if the loss is unavoidable, and equivalent facilities would be provided in the same area; or if the facilities are no longer required; or where a change of use is involved, equivalent accommodation would be readily available elsewhere.

Scaling from the plans (as opposed to utilising the application forms), the proposal in this case would result in a loss of a significant amount of the floorspace of the current D1 use. The useable floorspace of the existing library is 335 square metres. The proposal will leave 125 square metres of ground floor library space remaining, with an additional 67 square metre sizes mezzanine.

The proposals, by any measure, do result in a loss to the library facility floorspace. As a result, justification of this against the remit of CF2 from the UDP is required.

The scrutiny report for the disposal of the library building to the applicant identifies that refurbishment of the building is required, and paragraph 1.3 identifies that the existing building requires significant investment to put into decent condition. The Local Authority does not have funding available for repair works other than priority health and safety works.

As a result, the Local Authority has identified that a sale to an external provider is required to ensure refurbishment and continued survival of a library facility here. Contracts with the sale will ensure that the library facility is rented by the Local Authority with a peppercorn rent with a lease of 120 years, ensuring its long-term retention on site.

The scrutiny report explores options for the disposal, and in section 6 identifies the current model, with disposal to the applicant, as the only viable option where funding for refurbishment of the building can be guaranteed.

As a result, it is demonstrated that the loss of the library floorspace is unavoidable in context of the scrutiny report evidence seen.

The benefits of the scheme with regards to retention of the library facility on a smaller part of the site is that refurbishment of the building can be ensured, whilst allowing retention of the library facility. The remaining floorspace of 125 square metres at ground floor level is still large enough to provide for a local library service.

It is agreed that reduced space available for community facility events may result in a loss of ancillary facilities to the library, such as the use of an on-site crèche, training events etc. However, this has to be judged against the circumstances if the building was not sold, and retained as present in its un-refurbished state. The long-term consequences with no identified funding is that the facility as a whole would be at risk of closure. The scrutiny report makes clear that no evidence of long term funding for the building can be identified by other sources.

It is considered that the benefits of a full refurbished library facility, even with the loss of some space, would provide an equivalent or improved community facility than that of an un-refurbished building in poor state of repair.

The assessment approved above is ratified by legal cases elsewhere, where it is held that when considering whether to refuse an application that would result in the loss of an existing use (in this case, a larger floorspace of the library), it is necessary to show on the balance of probability that in doing so, the site would effectively put to the desired use. (e.g. London Residuary Body v Lambeth LBC 1990, Christchurch BC v SoS and Barratt Southampton 17/3/92 and Nottinghamshire CC v SoS 29/3/2001). In the event of a refusal, the short term survival of a full library facility would be likely. However, long term survival would be under doubt, which justifies the change of use sought.

The lease agreed is for 120 years, which is a long term period, longer than the present age of the building.

Concerns raised that the smaller library facility will attract less fundraising are noted. However, without the maintenance costs of the building to fund, it is considered that this outweighs any potential loss in fundraising ability for the library.

The proposed mezzanine should not result in an unacceptable impact to light reaching the remaining library area. The mezzanine will be to a similar level as the current suspended ceiling. As such, roof heights to the remaining library should not be dis-similar to the existing arrangement, with a similar impact on natural light levels.

Comments have been received that the new café/bar will not be compatible with a children's library, and would threaten this facility, as well as being potentially disconcerting for people who may be intimidated by such a facility. This is noted. However, the library will have its own main customer entrance, separate from the bar (except for a new disabled access, which does not currently exist); and would be screened off from the cafe/bar area. This should limit any disturbance to this facility. Disturbance from the outside seating area beside this should be relatively limited, given that it is separated by a wall, with windows set above ground level, which will prevent direct views over this area.

It should be noted that the NPPF, in paragraph 69, encourages social interaction and the new café/bar itself will form a new meeting place in line with what the NPPF promotes, including in paragraph 70.

#### Design and Impact on the Listed Building

NPPF paragraph 131 states that, in determining applications, planning authorities should take account of the desirability of sustaining and enhancing the significant of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF, in paragraphs 132-133 is specific in that in considering the impact of a proposed development on a designated heritage asset, the loss of an asset should be refused unless it is necessary to achieve substantial public benefits.

In terms of design, UDP policy BE5 'Building Design and Siting' seeks to ensure the good design and use of good quality materials are applied in new and refurbished buildings and extensions. In addition, part c) of the policy seeks to ensure all extensions respect the scale, form, detail and materials of the original building.

The existing library building is grade II listed. UDP policy BE19 'Development Affecting Listed Buildings' seeks to ensure that internal and external alterations preserve the character or appearance of the building, and preserve or repair original details and features of interest. Proposals for development in the curtilage should preserve the character and appearance of the building and its setting.

The policy states that the original use of a listed building is preferred, but other uses will be considered where they would enable the future of the building to be secured. Following the assessment above, the report has already demonstrated that the change of use of part of the building is required to ensure its long term survival.

The main impact of the proposals will be through the construction of a new rear extension.

Structurally, the addition is designed to be set back from the most prominent section of the building, viewed from Walkley Road. Although the footprint is large, its impact is mitigated by the siting where neighbouring boundary walls are of a similar height. The new addition is set in line with the rear diagonal corner of the building, retaining prominence of the original rear form of this feature.

The addition is shown with a glazed link to the main building, juxtaposing the difference between the new addition and the older library building. The proposal facing materials are appropriate in principle, matching those of the existing building.

Large scale details (of gutters, downpipes and new windows reveals) and material samples will be required to ensure suitability. However, these can be conditioned and provided for at a later date.

Internally, the proposals to remove the false roof are positive in nature, and will help restore the original proportions of the rooms. The proposed mezzanines are proposed to be free-standing structures, with no significant impact on existing features.

Cross sections through the library building have been received during the assessment to show that the mezzanines can be provided, but require alterations to some metal cross brackets. This work is relatively minor in scope, however, and is not sufficient enough to be considered an unacceptable alteration.

Minor works to form a disabled entrance, whilst revised doorways internally are minor in scope, and retain the fabric of the original layout, which has an acceptable impact on the original building.

Tables and ancillary structures to the front of the building, by themselves, would appear inconspicuous by their low height and scale. Conditions to restrict ancillary screens and heating columns are considered necessary, however, to limit any direct clutter that would diminish from the prominence of the building.

The proposals will not have a significant negative impact on the heritage asset of the building that would be contrary to the aims of the NPPD paragraphs identified above.

Any new signage to the building will require listed building consent, covered under a separate application.

### Landscaping

UDP policy BE6 'Landscaping' seeks to ensure that good quality landscape design is provided in new developments and refurbishment schemes.

The proposal shows that a series of tables and planting areas will be provided, alongside some resurfacing. Given the limited scope for landscaping, the arrangement is considered acceptable. Full details of materials and planting can be provided by condition. It is noted that a community group appear to tend for the gardens around the front of this site, and this arrangement may continue dependant on the property owner.

It is noted that trees are proposed to be removed to the rear of the site. However, these are not significant species, or of significant visual merit. As a result, their loss can be justified. Physical observation is that the trees are not worthy of a protection order, and individual permission for their removal would not be required.

No protected species are identified as being present within these trees that would warrant protection of them.

### Impact on Neighbouring Property

UDP Policy S10 (part b) seeks to ensure that development and changes of use do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety. This is important to ensuring development is sustainable, in meeting its social and environmental roles to support strong, vibrant and healthy communities (NPPF paragraph 7).

The proposal for a café/bar will include late night opening, which has the potential to cause disturbance to neighbouring residential property. This issue is considered in a separate section in the report.



Amplified sound is not explicitly proposed for the unit. Conditions to prevent any loud piped music or live performances should help limit noise breakout from the unit.

The proposals include an indicative flue position. Details shown in cross sections received on 06/04/2016 plotting the position of the flue relative to the neighbouring rooflight confirm that it will be sited above the height of the rooflights of the neighbouring adjacent building, limiting the direct odour impact to this side. It is also more than 20m distant from the curtilage to the rear, which should limit any direct odour issue for residences behind. The row of shops on South Road do include uses that require an extract, such as a Chinese takeaway and an Italian takeaway. As such, the introduction of an extraction system is not out of line with the range of odour systems common to the area.

Precise details of the odour neutralisation and noise attenuation will be required before any system is installed, however, including the need for any noise assessments, so as to ensure no direct noise nuisance occurred to neighbouring residences. This can be conditioned. Likewise, any new extraction systems elsewhere will require similar tests.

Given the presence of the site in a Local Shopping Centre, a degree of existing traffic noise is already present, such as cars visiting and collecting from neighbouring takeaways, and people visiting local restaurants. The level of car movements, and car exhaust pollution, associated with an additional late night use should not be overly significant in this context, especially given the presence of the neighbouring traffic lights, which results in standing traffic at certain times.

Noise from staff and deliveries to the unit can be controlled by condition to ensure that activities with regards to bin emptying and collections as well as deliveries are limited to reasonable hours.

Outside areas for smoking are distant enough from the main windows of neighbouring residences so as to not cause a health hazard.

Concerns from one representation concerning the potential for litter to gather in a void area, with no access, have been addressed in amended plans which detail the use of a maintenance access for the area, which will allow for debris to be removed with ease if it becomes necessary.

Concerns with regards to privacy are noted. However, the rear extension proposed no first-floor windows that will directly overlook neighbouring property. The only windows shown at first-floor level are high level windows, which overlook the inner courtyard of the library building, and not directly into garden areas.

#### Opening Hours

A number of representations have raised concerns that the sought opening hours until 0000 hours would result in noise disruption to neighbouring residents.

The Supplementary Planning Guidance 'Night Time Uses' was approved by Cabinet on 26 October 2005. The document contains 2 guidelines. Guideline 1 relating to the controlled area within the City Centre, and Guidelines 2 relating to the rest of the city.

Guideline 2 stipulates that leisure, food and drink uses will be allowed providing that, amongst other criteria, (a) conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance. In considering the criteria, the Council will take into account the cumulative harmful effect of existing leisure and entertainment uses. The Council may attach conditions to permissions to ensure that these criteria are met. The reason for this guidance is that people living in neighbourhoods close to licensed premises are entitled to protection from unacceptable levels of noise and disturbance. This would be particularly important outside the City Centre, where there are significant numbers of existing and proposed residents within established residential units that could be affected.

It should be noted that South Road itself includes some pubs and restaurants, as well as takeaways. Most close by 23.30 hours. Some established pubs further along South Road have late opening hours, whilst one single takeaway opposite on South Road also has late opening hours up to 1am at weekends. A neighbouring Chinese takeaway opens until 0000 hours. Noise levels do significantly drop by midnight on South Road, and drop significantly earlier on Walkley Road, which is primarily residential. Late night noise focussed on South Road is not, in principle, out of character with the immediate area. It is noted, however, that noise migration to houses and flats both within and outside of the Local Shopping Centre does need to be reduced to an acceptable degree.

The closest residential properties to the building are the apartment above 401 South Road, and the residential house at 285 Walkley Road. Opposite the site on Walkley Road lies an apartment scheme, whilst a row of shops and flats (including some at ground floor level) lie opposite on South Road.

In terms of noise, South Road is a relatively busy road, and consists of a variety of A3 uses and A5 takeaways in the vicinity which result in some late night noise. It is also a relatively busy road, with steady traffic into the evening. Walkley Road, likewise, is also a busy through route, but is more residential in character.

Daytime disturbance from patrons entering the premises, and sitting in the outside areas is likely to be minimal for the residences on South Road and opposite on Walkley Road, given the separation of the areas with the road in-between. In addition, the flat above 401 South Road is suitably distance from the main sitting out areas shown.

285 Walkley Road lies immediately to the side of the proposed outside area. The garden, however, lies next to the extension site, ensuring that the outside sitting areas are to the side of the blank gable of this residence, as opposed to being beside the garden or adjacent to main windows. Given that traffic noise is generally high on Walkley Road during the day, and that the outside areas

proposed are not immediately adjacent to the amenity areas of this house, daytime use of the beer garden area by patrons should not be overly noisy or disruptive.

When outside noise on Walkley Road recedes, which is observed in the late evening, use of the outside areas will become more noticeable against background noise levels. In addition, occupants of houses are more likely to wish to sleep at such times, which will make them more sensitive to noise.

The application forms received suggest opening hours until midnight. However, the applicant has insinuated in some supporting documents that hours until 0000 hours on Sunday to Thursday, and 0100 hours (allowing drinking up time following a 0030 cease on drinks sales) on Fridays and Saturdays are sought instead. This is on the basis of business reasons, and the fact that they believe they would be at a disadvantage to local pubs that open until 1am at the weekend. The planning assessment needs to balance the business merits of the scheme against the potential harm of the opening hours to come up with a reasoned judgement.

In support of longer opening hours, the applicant identified a range of public houses that open beyond 2330, naming The Florist, the Palm Tree Inn, Rose House, Walkley Cottage, The Springvale, The Closed Shop, The Old Grindstone, and The Ball. However, it should be noted that the range of pubs provided as comparators are all historic public houses which have been established for decades (pre 1947). As a result, they do not benefit from any planning controls on their opening hours. In addition, any residents to houses close to these would have moved in well aware of the established late noise of these businesses, which is not the case with Walkley Library, where the present library use itself is not disruptive or would result in late night noise disruption. They also do not provide justification to introduce disruptive opening hours in an area that does not suffer from significant late night noise.

The operator also identified that their other units all operate to after 2330. However, most of these are established pubs outside of planning control, similar to those named. The only exception is the York in Broomhill, where longer operating hours were allowed based on the greater degree of existing late night noise here, and the absence of ground floor living accommodation in the vicinity.

Attention has been given to the information provided, and consideration has been given as to what opening hours are appropriate and could occur without causing significant harm to neighbouring property in terms of noise nuisance.

In the immediate area, there is only one operator who opens until after midnight – an Indian Takeaway. This lies opposite the site on South Road. It is a small unit, with a focus on deliveries. As a result, it does not attract a high number of people to the local area at night, and does not result in a high degree of late night noise. The closest public house that opens until after 2300 is the Palm Tree, which is 150m distant. Such a distance is significant enough to limit any direct late night noise from patrons to the area immediately adjacent to Walkley Library.

The noise from people entering and leaving the unit, which has the potential to include a relatively high numbers at closing time, has the potential to cause

disturbance at night. It is considered that the best approach is to encourage customers to gradually depart the premises from 2330 hours, so that late night noise subsides before midnight. This should ensure that, after midnight, the level of noise from taxis and crowds of people talking should not be excessively worse than at present.

As a result of the above, it is considered that any consent would require a condition to restrict evening operating hours to 2330 hours, allowing time for customers to leave the area by 0000 hours, by which time background noise levels are significantly lower. A condition requiring drink sales to cease by 2330 hours, and customers to have left the site by midnight appears to provide a logical methodology to encourage this, and should strike a good balance between meeting the needs of business and the needs of local residents.

Although the applicant would prefer longer opening times, officers believe that longer opening hours would result in the risk of significant disturbance to neighbouring properties. Customers entering and leaving the premises will cause noise from their voices as they talk, laugh and shout, which will be more noticeable after 0000 hours. There would also be traffic noise, particularly from taxis parking to pick up passengers, leaving engines running and making noise through the opening and closing of car doors. Another vehicular activity of concern is that vehicular traffic would likely use neighbouring residential streets to undertake manoeuvres to enable them to travel in the opposite direction on South Road and Walkley Street, which could cause additional traffic noise and disturbance in the early hours on residential roads such as Palm Street and Orchard Road.

It should also be noted that the principle concerns of opening hours in an area with neighbouring residential property were echoed for restrictions to opening hours on Ecclesall Road, which is comparable with regards to the proximity of residential streets (albeit forming a slightly more commercial area). Applications for extended opening hours at Nonna's restaurant to 0130 hours (07/03386/FUL), Porter Brook pub to 0100 hours (07/03510/FUL), and Chunky's takeaway to 0300 hours (13/01367/CHU) were refused. Subsequent appeals were dismissed in December 2008, January 2009 and February 2014 respectively, where the inspectors concluded that:

"Later closing times ... would extend the potential for noise and disturbance later into the night to the detriment of the amenity of those living in and around this part of Ecclesall Road. Noise and disturbance can come from customers talking or even shouting as they gather outside or walk away from the premises after closing time ... Noise and disturbance can also come from customers being picked up by family or friends in cars or getting into taxi's. This could involve engines being stopped and started and car doors being slammed. This activity may not necessarily be confined to Ecclesall Road but to numerous side streets as customers disperse. Talking and shouting in the quieter ambience of narrower residential side streets are likely to be particularly intrusive to those living in these streets." (APP/J4423/A/08/2074870/NWF; paragraphs 14-15)

These comments are considered to be pertinent to how this very similar case should be considered with regards to the impact of extended opening hours in a location where residential premises and housing lie nearby.

With regards to external seating areas, such use of these areas would allow for noise to transfer to neighbouring property. This is especially pertinent for the property at 285 Walkley Road, which is adjacent to part of the external area. As any noise would be long standing (as customers would use the area for a relatively long time), and as there is no sound insulation that would occur from internal users of the library building to the wider area, it is considered that there is a need to restrict the use of outside areas in the evening, to limit any noise dispersal to neighbouring property. It is considered that the use of conditions restricting access to external areas after 2100 hours would be suitable to ensure that disturbance is limited to an acceptable degree when children may choose to sleep for instance.

Significant negotiation with the applicant has taken place, whereby arguments have been made that this would not be workable and that the external areas should remain in use until 2300 hours. From a disturbance perspective, such use would result in direct noise nuisance to 285 Walkley Road, and would also encourage noise on Walkley Road at night, on a road that is primarily residential and quieter at night.

On balance, a compromise position where the outside areas used after 2100 hours are restricted to only include the frontage on South Road, which consists of neighbouring takeaways opening until 2330 hours and 0000 hours on the same side of the road can be supported, as the level of noise from these already causes a level of street noise, in addition to waiting traffic at the traffic lights. However, usage of the other areas is likely to be problematic after 2100 hours, and would be contrary to policies designed to protect the living conditions of neighbours.

A condition requiring a management plan for the external seating areas, with a requirement for the frontage of Walkley Road to not be used after 2100 hours is considered the most appropriate approach in this case.

Licencing controls on opening hours also exist. However, the Licencing section assesses different criteria to planning, and does not take account of the impact on the wider area, such as the noise from patrons leaving the site. As a result, opening hours controls from a planning perspective are still required. This has been ratified in a recent legal case, *Gold Kebab Ltd v Secretary of State for Communities and London Borough of Brent* 2015, where Mr Justice Cranson noted that it is well accepted that the planning and licensing regimes are separate and the legal considerations underpinning them are different, although he acknowledged that there is sometimes an overlap.

#### Highways and On-Street Parking

UDP Policy S10 (part f) requires development to be served by adequate transport facilities and to provide safe access to the highway network with appropriate off-street parking.

The site does not provide for off-street parking due to the original built form of the building. As a result, customers and staff will likely arrive at the site either using on-street parking on neighbouring roads, or by walking. Public transport is also available, notably on the 52 bus route.

The café/bar use will have a floorspace of 210 square metres of public area, and is proposed to have up to 25 staff. Given the location of the premises within a Local Shopping Centre, neighbouring uses, including restaurants, traditionally rely on on-street parking, and for customers to walk to the premises from neighbouring houses. This is in common with other local facilities, such as the ASDA supermarket, which has no parking area.

The nature of the location should not result in significant demands for on-street parking in this circumstance, where many users will likely be from the local built up area, or utilise taxis or public transport (when bus routes are running).

Deliveries to the unit will require a delivery vehicle to be parked up on the road. Full details of servicing arrangements will be required. Controls exist upon on-street parking outside on Walkley Road during 8.00am to 9.30am and between 4.30pm and 6.00pm preventing loading at these times (the route being an Urban Clearway). As a result, no blockage of vehicles should occur at these times, presuming that highway enforcement is effective. Information on deliveries received with twice weekly deliveries of wine, spirits and beers, and daily deliveries of fresh food. This will not result in an excessive number of deliveries per day, and is consistent with deliveries to neighbouring shops on South Road.

The road on Walkley Road is straight, and overtaking traffic (of stationary busses) is common, which would reduce the hazard of a stationary vehicle here outside peak times for temporary deliveries.

South Road could also be used for deliveries, and is safer than Walkley Road, with parking bays available further to the East.

To encourage sustainable travel, bike storage areas are shown, enabling this alternative if available to staff (and customers).

#### Disabled Access

UDP Policy BE7 'Design of Buildings Used by the Public seeks to ensure that buildings used by the public provide people with disabilities safe and easy access to the building, with appropriate parking spaces. Internal access and accessible toilet facilities are also considered appropriate.

The existing library building does not provide disabled access as no level access exists, whilst the doors do not provide for a suitable opening width.

The proposals will provide a level access into the building from Walkley Road, which will provide direct access to the café/bar area. Through routes will also provide wheelchair access to the library area (via the café/bar).

Representations have observed that this is not as ideal as a direct access to the library. This is noted. However, it does provide an access where one currently does not exist. As such, it is a net improvement over the current situation. Due to the confines of the building, it is not considered practicably possible to provide a new level access that does not go through the proposed bar/café area given that the kitchen areas are required for the rear, whilst a new lift or ramped system to the front of the building would significantly detract from the appearance and setting of the listed building. One suggestion to subdivide the café bar to provide a protected walkway would make use of this area impractical, and is not a solution that would work in practice due to this.

Although not an ideal route, its net improvement over the existing arrangements, and the practicalities of providing this are noted and justify the arrangements sought. Conditions to provide for signage to notify users of the route are considered necessary to ensure that users will be aware of its presence.

Providing level access to outside terraces around the library building would require significant landscaping works that would involve ramps and would diminish the appearance of the listed building and, therefore, is not a practical improvement that can be made. In addition, alterations to the steps to the front to be up to date with modern standards would cause harm to the approach to the listed building.

Concerns with regards to Health and Safety legislation are separate to the assessment under planning and listed building consent, and so cannot be commented upon.

The proposals provide facilities for disabled people through the proposed shared disabled WC, which is adequately sized. Although one representation raises concerns with regards to its location, its position is logical when providing a suitable site close to both the library and the café/bar. In addition, provision of an additional WC next to the accessible entrance would result in further sub-division of the listed building, which would not be desirable from a heritage perspective, and the harm of this would significantly outweigh any benefit of a further disabled WC. The entrance door to the disabled WC opens inwards, as opposed to outwards. This is not ideal. However, an outwards opening door would conflict with pedestrian movements in the space alongside (the main entrance area to the library). On balance of the benefit of providing the facility, an inwards opening door for the disabled WC is considered acceptable on balance. In addition, the room for the disabled WC is relatively large, and allows space for manoeuvres to open the door from inside with relative ease.

Due to the nature of this development, off-street disabled parking cannot be provided. However, the site is in a very accessible location next to high-frequency bus routes and in a Local Shopping Centre, which will both aid accessibility to and from the site, as opposed to providing alternative facilities in a less accessible location.

Disabled access to the mezzanines are not proposed in the initial drawings. Supporting evidence by the agent suggests that these areas will provide library facilities that cannot be provided at ground floor level (being used primarily for the

storage of books as opposed to providing public access), and should not result in disabled people being denied services accessible to others. However this has been conflicted by separate information received by the chair of Walkley Community Library to the Local Authority's Access Officer, commenting that they would wish to use the space as offices and unique facilities not provided at ground floor level. In this instance, where a final use of the space has not been agreed, it is logical to condition details of the use and any disabled access to this space. The supporting statement does state that the mezzanines are designed to provide a lift access if required.

The mezzanine for the café area provides seating, which is also available at ground floor level. As such, lift access to this area is not considered to be required.

#### Other Matters

Representation comments with regards to the proposal causing an increase in demands for the police is noted. However, the local area already consists of local restaurants and pubs in the Local Shopping Centre. As such, the potential for additional crime from anti-social behaviour should be more limited. There is no quantifiable evidence that the proposal will result in an increase in crime to a significant degree.

#### SUMMARY AND RECOMMENDATION

The scheme is considered acceptable against relevant national and local policy, taking into consideration the status of the existing library building, subject to conditions placed on operating hours. Members are therefore recommended to Conditionally Grant consent for the proposal.



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Case Number	16/00255/RG3
Application Type	Application Submitted by the Council
Proposal	Erection of winding wheel monument (Full application under Reg 3 - 1992)
Location	Eckington Way/Owlthorpe GreenwaySheffieldS20 7PQ
Date Received	22/01/2016
Team	City Centre and East
Applicant/Agent	Sheffield City Council
Recommendation	Grant Conditionally

Subject to:

**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:

- (a) Site location plan received 22nd January 2016.
- (b) Site plan and general arrangement Dwg ref: AR574/A1/C.

Reason: In order to define the permission

**Pre-Commencement Condition(s)**

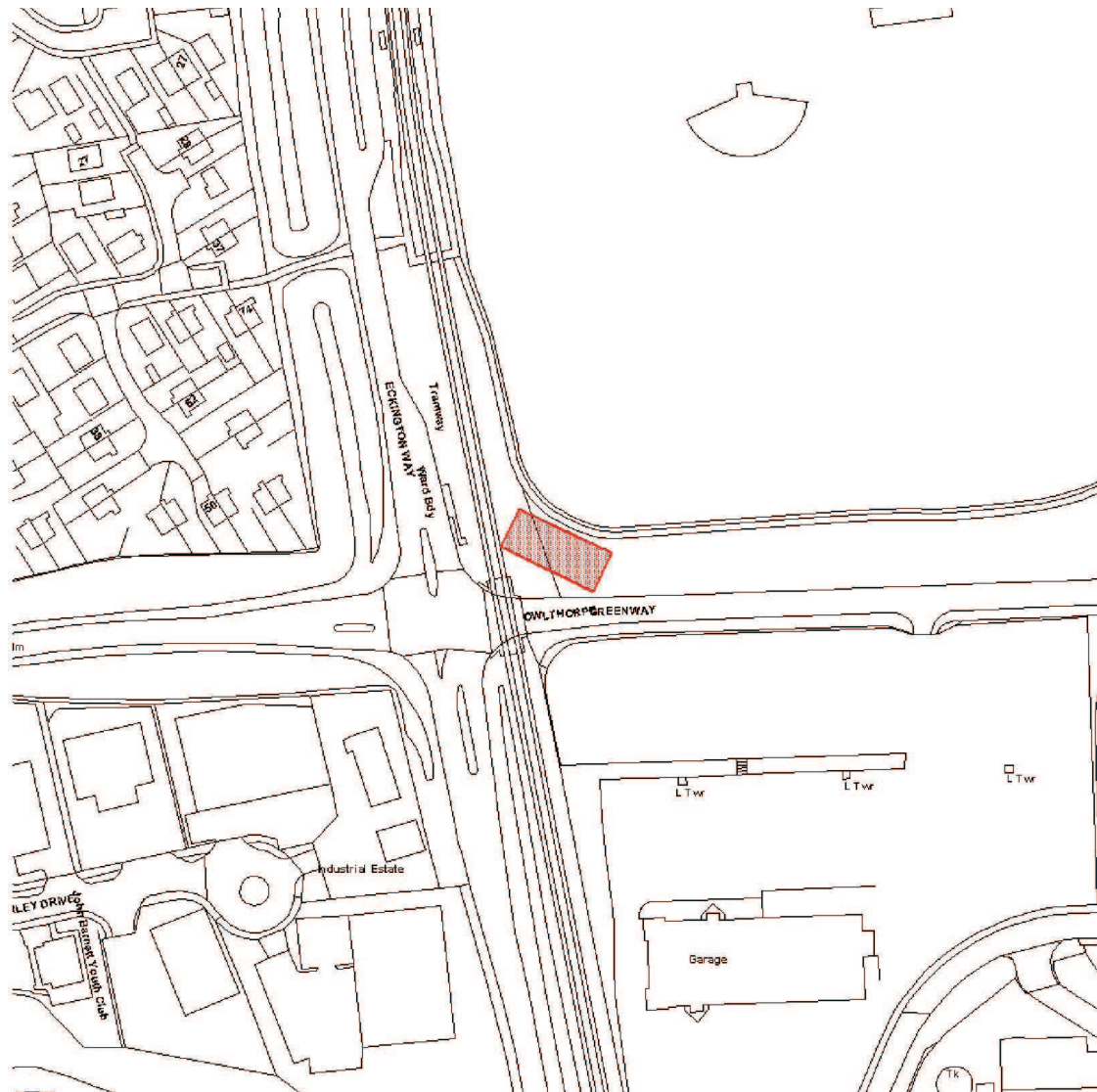
**Pre-Occupancy and Other Stage of Development Condition(s)**

**Other Compliance Conditions**

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

# Site Location



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## BACKGROUND AND INTRODUCTION

This application is one of two applications on this planning committee agenda which seek permission to install a coal mining winding wheel in two different locations in Beighton. Planning permission was previously granted a number of years ago to site two half winding wheels in Beighton in locations different to those proposed in these applications; however the wheels were not installed and have remained in storage ever since. The installations comprise of half winding wheels mounted on a low wall, the presence of this type of structure is common in towns and villages across the country which have historic association with the coal mining industry.

## LOCATION AND PROPOSAL

The application site comprises of an area of grass verge adjacent to Westfield School Beighton. The wheel is proposed to be located to the north of the Eckington Way and Owlthorpe Greenway junction. To the south of the site is the Direct Cars sales site and to the west is the Supertram line which runs parallel to Eckington Way.

The application site itself is elevated approximately 2 metres above the highway level as the verge rises from the carriageway towards the boundary with Westfield School.

As noted above the wheel has been cut in half and is approximately 6 metres wide, 2.4 metres high and is to be mounted on a 600 mm high brick wall (overall height 3 metres).

The site is located in an Open Space Area as defined in the adopted Sheffield Unitary Development Plan.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## SUMMARY OF REPRESENTATIONS

No letters of representation have been received.

## PLANNING ASSESSMENT

### Policy and Design Issues

The National Planning Policy Framework states that local planning authorities should apply the presumption in favour of sustainable development.

Policy LR5 'Development in Open Space Areas' identifies a number of circumstances whereby development in open space areas should not be permitted; primarily these circumstances relate to situations where development would harm

the setting of listed buildings; cause damage to mature or ancient woodland; significantly detract from the city wide green network; harm the appearance of conservation areas, historic parks or gardens and existing public open space; render open space ineffective as an environmental buffer; result in the overdevelopment of a site; and/or be incompatible with its surroundings.

Policy CS47 'Safeguarding Open Space' of the Core Strategy seeks to protect open space from inappropriate forms of development and ensure that a suitable supply of open space is provided city-wide.

In this case the proposed winding wheel is not considered to conflict with any of the above policies. The site comprises of a part of the verge/embankment adjacent to the road and is viewed in the context of the school playing fields, surrounding commercial and residential development and the busy junction of Eckington Way and Owlthorpe Greenway. The highway verge is not considered suitable for any form of open space use (i.e recreational or sporting provision) as it is simply a landscaped verge between Westfield School and Owlthorpe Greenway and the loss of such a small area of open space is not considered to detrimentally affect the provision or supply of open space city-wide.

As noted above this type of structure is very common in towns and villages across the country which have historic links with coal mining and the proposed structure is not considered to be out of character or harm the appearance of the street scene in any way, in fact it is considered to contribute positively to the character of the area. The wheel will be largely read against a backdrop of the grass verge and the boundary fence of the neighbouring school, no formal landscaping is present at the junction and the verge comprises of tussocky grass. In light of the above the proposed siting and design of the structure is considered acceptable.

#### Highways Issues

The site is located close to a busy road junction which accommodates Supertram movements on Eckington way; however the structure is not considered to be overly distracting to highways users and is positioned and sited to ensure that it does not affect the visibility of drivers using the junction. An existing public footpath is located to the rear of the site which is unaffected by the development. In light of the above the proposal is considered acceptable from a highways perspective.

#### Amenity Issues

The proposal does not give rise to any amenity issues.

#### SUMMARY AND RECOMMENDATION

This application seeks permission to site a half winding wheel at the junction of Eckington Way and Owlthorpe Greenway. The design, siting and appearance of the structure is acceptable and the proposal is not considered to give rise to any

highways issues or conflict with any other adopted local and national planning policies.

In light of the above it is recommended that planning permission is granted conditionally.

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Case Number	15/03670/FUL (Formerly PP-04539610)
Application Type	Full Planning Application
Proposal	Demolition of bungalow and garage, erection of 10 apartments and provision of 17 parking spaces (as amended 29.03.16, 05.04.16 and 07.04.16)
Location	Site Of 58 Ivy Park RoadSheffieldS10 3LB
Date Received	07/10/2015
Team	West and North
Applicant/Agent	FJF Construction Ltd
Recommendation	Grant Conditionally

Subject to:

**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:

Red-lined Location Plan drawing  
Drawing no. 1058/009 (Design Proposals Existing Elevations)  
Drawing no. FJF/IP/002 (Level Drawing and Drainage Connection)  
all received on 07.10.15.

Drawing no. 1058/025A (Design Proposals South and West Elevations)  
Drawing no. 1058/026B (Design Proposals North and East Elevations)  
Drawing no. 1058/027A (Design Proposals Site Section Elevations/Materials Proposed)  
all received on 29.03.16

Drawing no. 1058/020C (Design Proposals Lower Ground Floor)  
Drawing no. 1058/021C (Design Proposals Ground Floor)  
Drawing no. 1058/022C (Design Proposals First Floor)

Drawing no. 1058/023C (Design Proposals Second Floor)  
Drawing no. 1058/024C (Design Proposals Roof and Site Plan)  
all received on 05.04.16

Drawing no. IPR 01A (Tree Survey)  
Drawing no. IPR02A (Tree Constraints Plan)  
Drawing no. IPR 03 Revision C (Tree Protection Plan)  
Drawing no. IPR 04 Revision D (Landscape Masterplan)  
all received on 07.04.16

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees and shrubs to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

4. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

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.

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

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

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.

7. Large scale details, including materials and finishes, at a minimum of 1:10, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
  - (a) windows and glazing framework
  - (b) window reveals
  - (c) doors
  - (d) eaves and verges
  - (e) external wall construction including string coursing
  - (f) brickwall detailing
  - (g) balconies
  - (h) roof ridge
  - (i) rainwater goods
  - (j) parapets

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

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

8. 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.

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

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

10. Before development commences details of the alterations to the front boundary wall and pavement including arrangements to remove and reposition the gate pier resulting from the widening of the southernmost access to the site shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the alterations to the wall and pavement have been carried out in accordance with the approved details.

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

11. Before development commences details of the layout and appearance of the bin store and cycle store including cycle stands shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the bin store and cycle store have been provided in accordance with the approved details. Thereafter the bin store and cycle store shall be retained.

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

12. Before development commences details of the retaining walls on the site shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the retaining walls have been constructed in accordance with the approved details.

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

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

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

14. Before development commences details of the roof terrace including screen planting and glazed screens shall have been submitted to and approved in

writing by the Local Planning Authority. Notwithstanding the details shown on the submitted drawings the roof terrace shall include glazed screens on the east side of the roof terrace in addition to glazed screens on the west and south sides of the roof terrace. The apartments shall not be occupied until the roof terrace has been provided in accordance with the approved details and made available for use by occupants of the proposed apartments. Thereafter the roof terrace, screen planting and glazed screens shall be retained and maintained.

Reason: In the interests of the amenities of occupiers of adjoining property and the future occupants of the proposed apartments.

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

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

16. 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 the safety of road users.

17. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the apartments shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

18. The apartments shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the apartments commencing, and shall thereafter be retained.

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

19. Notwithstanding the details shown on the submitted drawings, details of the surfacing of the access drive and parking areas shall have been submitted

to and approved in writing by the Local Planning Authority before development commences. The apartments shall not be occupied until the surfacing of the access drive and parking areas has been carried out in accordance with the approved details and thereafter retained.

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

20. Before development commences details of the sustainable measures to be incorporated into the development shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the sustainable measures have been provided in accordance with the approved details.

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

21. Before the first occupation of the apartments hereby permitted the following windows and glazed screens shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and the windows and screens shall be permanently retained in that condition thereafter:

- (a) the windows on the north facing elevation of the building to apartments nos. 2, 4 and 5;
- (b) the rooflights to apartment no. 9 on the north facing elevation of the building;
- (c) the glazed screens on the north side of the balconies to apartments nos. 4, 7, 8, 9 and 10;
- (d) the windows on the north facing elevation of the communal stair and lift core;
- (e) the windows on the south facing elevation of apartments nos. 1, 3 and 6 and glazed doors to apartment no. 1;
- (f) the glazed screens on the south side of the balconies to apartments nos. 3 and 6;
- (g) the glazed screen on the west, south and east elevations of the roof terrace;

Reason: In the interests of the amenities of occupiers of adjoining property

### **Other Compliance Conditions**

22. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

23. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

24. No development shall take place until details of the proposed means of disposal of surface water drainage, including any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto: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.

## Site Location



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## LOCATION

The site is located on the east side of Ivy Park Road in a predominantly residential area of Ranmoor.

The site comprises approximately 0.21 hectares of land consisting of a detached bungalow (no. 58) and its large garden. There is a detached garage within the garden positioned alongside the northern boundary towards the rear of the site. The bungalow is set back from the road frontage and is also sited towards the northern part of the site.

The ground levels of the site and the surrounding area generally fall by approximately 5 metres from the north part of the site to the south with the existing bungalow slightly cut into the rising ground level.

The site has a slightly curved frontage of approximately 45 metres which follows the alignment of the road. The depth of the plot to the rear boundary varies from approximately 33 metres to 62 metres.

The site's frontage consists of a stone wall behind which are several mature trees. The main vehicular access to the site is towards the northern end of its frontage with a hard surfaced drive running up to the detached garage. There is a second gated access at the southern end of the site's frontage.

Within the site there are lawns to the south side and to the rear of the bungalow with mature shrubs and trees alongside the garden boundaries. A wall runs along the side boundaries, whilst the rear boundary is partly walled and partly fenced.

## PROPOSAL

The proposal seeks full planning permission to demolish the existing bungalow and garage on the site and erect a building to provide 10 two-bedroomed apartments.

The application has been amended since its original submission to reduce the number of apartments from 11 to 10 and to revise the layout and appearance of the building.

As originally submitted the proposed building had a generally 'T-shaped' footprint. The front elevation comprised a part four-storey and part three-storey element with the four-storey element situated on the higher ground level towards the northern end of the site and the other a three-storey element set on the lower ground level. The rear wing positioned centrally on the rear elevation is sited on the lower level and had four-storeys. The proposed rear wing would be sited in a similar position as the existing bungalow.

The building would be faced in stone (natural Derbyshire gritstone), would have a combination of hipped roofs faced in grey slate, and would have aluminium powder coated window frames. The design of the proposed building included balconies on the front elevation and on the east facing rear elevation of the rear wing.

Vehicular access was proposed from the southern access which would be widened to 4.5 metres which lead to the proposed parking area for 17 cars situated on the southern half of the site. A cycle store was proposed close to the northern boundary and access. A bin store was proposed on the southern boundary next to the parking area.

The proposal sought to remove two trees (reference as T11 and T12) to enable access to the parking area. Two trees (T18 and T20) in the centre of the site's frontage were also shown to be removed, and two further trees (T17 and T21) were proposed to have their canopies trimmed. Replacement tree planting is proposed as part of the landscaping scheme for the site.

As amended, the proposal has been reduced to 10 apartments. The three main elements of the building have been repositioned into a generally 'L-shaped' layout linked by a central circulation area and provided an element of separation between them.

The ridge height of the northernmost block has been reduced by approximately 5 metres, the southernmost by approximately 4 metres. The ridge height of the rear block generally remains unchanged.

The two frontage blocks have been set back from the frontage by a further 3 metres and set further away from the northern boundary by a further 4 metres. The southernmost of these two blocks has rotated thereby increasing the separation from the southern boundary by a further 5 metres.

The rear block has been repositioned 7 metres closer to the northern boundary.

The hipped roof over the southernmost block has been replaced with a flat roof terrace bounded by parapet walls and a 1.8 metre high planted screen. The hipped roofs over the other two blocks have been replaced with gabled roofs. Balconies have been added to the rear facing east elevation of the southernmost block.

The car parking layout has been revised with 5 of the parking spaces being repositioned to the northeast corner of the site. The northernmost access has been reduced in width to pedestrian access only. The bin and cycle store locations have been swapped over.

Seven trees on the southern boundary and southern part of the frontage are now shown for removal (T9, T10, T11, T12, T13, T15 and T16). Trees T18 and T20 on the frontage are no longer proposed for removal but will have the eastern extent of their canopies reduced.

The applicant has submitted a Design and Access Statement and a Tree Survey in support of this application.

#### RELEVANT PLANNING HISTORY

There is no recent relevant planning history relating to this application site.



## SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letters to neighbouring properties, by newspaper advertisement and by display of site notices.

Neighbours have also been re-notified by letter following the submission of amended plans.

15 representations of objection were received to the application as originally submitted relating to the following matters:

- need has not been justified, there are a number of shared occupancy buildings in the locale;
- out of scale, four storeys is a departure in scale from characteristic of conservation area, inappropriate overdevelopment, footprint to plot ratio unbalanced, out of keeping and proportion with neighbouring properties, inconsistent with its surroundings, dwarfs properties in immediate vicinity, too large a mass for the site, in close proximity to highway uncharacteristic of the area, cramming a site in this area where there are numerous other opportunities opens up a precedent;
- overbearing on adjacent residents;
- impact on no. 60 Ivy Park Road which has its primary openings looking south including overlooking of its rooms and garden, affecting outlook, overbearing, overshadowing;
- overlooking and intrusive on 50 Ivy Park Road;
- multi occupancy building does not justify its placement simply by its size;
- cannot be considered to preserve or enhance character or appearance of the conservation area, existing bungalow as a subservient structure to its immediate neighbourhood must be a relevant consideration, area typified by large and medium sized houses in spacious grounds;
- does not reflect prevailing densities of less than 30 dwellings per hectare;
- redevelopment of site does not achieve sense of integration;
- design is mediocre not of a sufficient quality lacking architectural merit, devoid of modelling, contain no hierarchy, highly imposing, takes no account of its topographical setting;
- lack of sufficient information, insufficient detail on material finishes, rainwater goods and downpipes, and mix of setts, tarmacadam, reinforced grass polythene matting, plans do not specify lighting, window style or type of stone used, hope these match original stone properties;
- the applicant has not demonstrated compliance with the South Yorkshire Residential Design Guide (2011), difficulty of meeting 25 degree rule from the backs of adjacent properties on Ivy Park Road and the proposed development height, does not provide necessary shared space for flats (minimum 50 sqm plus 10sqm);
- not convinced that the development would deliver accommodation designed in compliance with Council's disability access guidance;

- lack of open space for proposed residents, there are no nearby parks or public open space;
- loss of trees and loss of boundary treatment along the frontage is unjustified, walls should remain untouched, trees will require pollarding and will be lost, development will encroach onto root protection areas of many trees, will result in greater tree loss than supposed, substantial destruction of green space contrary to nature of conservation area, concern at loss of any further trees which border and screen garden leaving property overlooked by upper storeys;
- road is busy, this part of Ivy Park Road is difficult for traffic, steep hill, sharp bends;
- increase traffic flow to and from the site would pose extra hazard, would need significant management, too dangerous especially in winter conditions;
- 17 parking spaces inadequate, increase on street parking at dangerous point of poor visibility, parked cars will cause a collision;
- does not adhere to Council's sustainable drainage guidance;
- the division of a substantial plot (no. 44 Ranmoor Cliffe Road) into two plots to allow the owner to build a second dwelling at no. 58 Ivy Park Road that was not speculative for profit appears relevant;
- no need to replicate mistake of five storey Ivy Park Court apartment block, demolition of 1960's block on Ivy Park Road should carry no weight;
- environmental destruction would not be necessary for a more appropriate development, requires sympathetic consideration to existing gardens amenity and rooflines, plot has scope for one two or three significant dwellings, due to heavy plant/lorries clean road on regular basis;
- enlarge gate opening to improve visibility, yellow no parking signs above and below on both sides of the road, insist damage to road is totally resurfaced, consider traffic calming to increase safe pedestrian crossing in the area particularly across Gladstone Road/Ranmoor Cliffe Road where school children cross;
- drawing inaccuracies, relative heights of no. 60 not correct, north elevation fails to show openings to first floor master bedroom, block plan omits balconies;
- the Design and Access Statement fails to explain the design principles and concepts, context and access;
- request visit by Planning Committee;
- contrary to Local Plan policy (UDP policies H5, H7, H14, BE1, BE5, BE6, BE15, BE16, CS74) and National Planning Policy Framework relating to matters of sustainable development, housing design and heritage management/conservation.

The Sheffield Wildlife Trust has stated;

- the Trust has been contacted by a member of the public concerned that there are bats, wildlife and birds that use the site. The Trust have no

further detail but urge the developer to commission an appropriate ecological assessment of the site for scrutiny.

The Ranmoor Society has expressed concerns:

- the proposed development represents a completely inappropriate development and in no way contributes to the grain of the Conservation Area as outlined in the Statement of Special Interest;
- the development cannot maintain or enhance the Conservation Area in any way;
- the site is adjacent to several properties of architectural and historic interest including a building of contemporary design and the substantial Hillcrest, and the proposed flats would unacceptably detrimentally dominate this part of the road. Ivy Park Court further up the road is generally agreed to be a mistake which should not be repeated;
- several local residents have expressed concern that this part of Ivy Park Road is relatively steep which can encourage speeding and with limited visibility. Adding an exit for 17 cars at this point would represent a significant traffic hazard.

The Sheffield Conservation Advisory Group consider that the development was too bulky for the site and the footprint too large. The Group felt that the design was unacceptable and the boundary wall and gateposts would be altered unsympathetically. The Group considered that the loss of trees would be unacceptable.

Following the submission of amended plans 7 representations of objection have been received (including 3 from one property) relating to the following matters:

- the revisions do not address the previous objections raised by many parties;
- the changes made do not alter the fact that the proposed scheme is far too large to be allowed in the conservation area, if accepted it would set a precedent that could lead to further deterioration of the conservation area;
- the scheme is appallingly designed failing to take account of its neighbours or its townscape context, disproportionate to surrounding properties on Ivy Park Road, would dominate this stretch of road, would be no stepped progression down Ivy Park Road as still be higher than no. 60, needs to be moved away from boundary will overdevelop the site, within Ranmoor Conservation Area, the majority of properties sit within spacious plots giving the area a low density of housing;
- it is of no architectural merit;
- its claim that it is designed to Building For Life standards seems impossible;
- little quality amenity space or living space for new residents;
- large number of trees lost (7) or cropped (27) would alter street view, replacements would be small;
- environmental and ecological implications of wildlife crossing the site;

- will overlook all surrounding properties;
- loss of amenity to the architect designed (Russell Light) property at no. 60 Ivy Park Road, would dominate, offer no privacy, restrict natural light, be intrusive and direct view from balconies and main stairway into all main living areas of 60 Ivy Park Road, plant cover and tree planting would be too low lying;
- balconies and roof terrace will look through velux windows into bedrooms of no. 50 Ivy Park Road;
- intrusion of privacy onto 40 Ranmoor Park Road, the trees would not screen property at no. 40 throughout autumn, winter and spring, a tree previously removed has not been replaced, high-storey balconies will directly overlook garden of no. 40, communal driveway and parking directly next to garden of no. 40 increases likelihood of intrusion posing safety risk and noise and pollution from traffic;
- the revised application is no improvement on traffic hazard still insufficient parking, will generate parking on the road on a blind bend, dangerous for motorists and pedestrians, will be accidents;
- increased traffic will be dangerous and probability of road traffic accident with pedestrians at Junction between Ranmoor Cliffe Road and Gladstone Road where school children cross;
- drawings not a fair representation of impact on the site;
- this is example of developer trying to maximise profits by putting as many properties on a site with no regard to impact on the area and its residents;
- remove balconies and roof terrace, insist on more evergreen planting along boundary wall to screen views into garden, ensure external glazing to lift shaft and stairs is obscure glazed, allow pedestrian crossing and safety speed bumps;

## PLANNING ASSESSMENT

### Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

The Pre-Submissions version of the Draft City Policies and Sites (CPS) Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State.

Both the UDP and the Draft CPS Proposals Map identify the site as being within a Housing Area where housing is the preferred use in principle subject to satisfactory details. The proposal complies with UDP Policy H10 relating to development in housing areas.

The UDP also identifies the site as being within the Ranmoor Conservation Area.

Core Strategy Policy CS26 sets out appropriate density ranges for different locations in relation to accessibility. This site is not near to a District centre or high frequency public transport route and therefore the appropriate density range is 30-

50 dwellings per hectare. Densities outside these ranges can be allowed where they achieve good design, reflect the character of the area or protect a sensitive area. The site area is approximately 0.2 hectare giving a range of 6 to 10 units under Core Strategy Policy CS26. The proposal for 10 apartments is at the upper end of this range.

The proposal would make a net contribution to the provision and supply of housing within the city. The latest update of the Council's Strategic Housing Land Availability Assessment (SHLAA) estimates that there is a shortfall of deliverable housing sites over the 5 year period. The SHLAA estimates that there is a 4.7 year supply of deliverable sites for housing in the city.

The Government's National Planning Policy Framework (NPPF) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (NPPF paragraph 49). Paragraph 14 of the NPPF relating to housing policies states that for decision making where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or specified policies in the Framework indicate that development should be restricted.

In this instance it is considered that the key issues for the proposed development of the site are its impact on the character and appearance of the Ranmoor Conservation Area, its impact on the highway safety, and its impact on the amenities of the locality and nearby residents.

#### Highway and Transportation Issues

The application site fronts onto the outside of a bend on the lower section of Ivy Park Road between its junctions with Whitworth Road and Clumber Road.

The northernmost access is 3.6 metres wide, the southernmost access is 2.6 metres wide. The proposed widening of the southernmost access to 4.5 metres wide would allow cars entering and leaving the main parking provision on the site to pass each other at this entrance.

The proposed access arrangements are considered to be satisfactory. There are no highway objections to the proposed siting and widening of the southern access to the site or to the use of the northernmost access as a pedestrian access only.

The proposal seeks to provide 17 off-street car parking spaces to serve the 10 apartments which is within the range of acceptable provision contained in the Council's maximum car parking guidelines. It is considered that the provision of 17 off-street parking spaces would be acceptable for the proposed development and would not lead to significant on-street parking that would harm the safe and free flow of traffic on Ivy Park Road.

There are no highway objections to the proposal subject to appropriate conditions.

## Impact on the Amenities of the Locality

The site is within the Ranmoor Conservation Area.

UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

UDP Policy BE6 seeks good quality landscape design. UDP Policy GE15 seeks to encourage and protect trees and woodland and particular requires developers to retain mature trees wherever possible and replace any trees which are lost.

UDP Policies BE15, BE16 and BE18 seek to preserve or enhance the character and appearance of conservation areas. The Government's planning policy guidance on the historic environment is contained in the National Planning Policy Framework (NPPF).

The appearance of the street in the vicinity of the site is of stone walls along front boundaries with mature trees behind. Buildings are generally set back from the street frontage and whilst there is a variety of plot widths reflecting a range of house sizes several properties have larger more spacious gardens reflective of the generally low density of development in the area.

This part of Ivy Park Road has a less uniform streetscape pattern with varying architectural styles.

The adjacent dwelling to the north of the site at no. 60 Ivy Park Road is part two-storey, part three-storey with a flat roof and is set back from the frontage by between 12 to 15 metres.

The adjacent dwelling to the south of the site at no. 50 Ivy Park Road is single-storey in appearance with accommodation in parts of its roofspace. It is sited close to the road frontage and has an elongated footprint running generally west to east.

The bungalow on the application site has a staggered twin pitched roof with its gables facing towards the Ivy Park Road frontage. The low ridge heights and being slightly cut into the rising ground levels results in the bungalow having little impact on the character of this part of the conservation area. It is considered that the bungalow and its garage are not significant heritage assets and its demolition would not harm the character and appearance of the Ranmoor conservation area.

It is considered that the proposed widening of the lower access to the site would not significantly harm the character and appearance of the stone boundary wall on the site's frontage.

The proposed apartment building, as amended, would have a significantly larger footprint and massing than the existing building on the site and would significantly change the character and appearance of the site.

The proposed building would be sited approximately 2.1 to 2.6 metres closer to the site's frontage than the existing bungalow giving it a set back distance of between 9.5 and 13 metres from the site's frontage. Its orientation would be slightly angled to the front and side boundaries of the site.

The proposed building would be approximately 24 metres wide and sited between 6 and 7 metres from the northern boundary of the site and between 12 and 14 metres from the southern boundary of the site.

The massing and height of the front elevation of the proposed building is stepped and generally follows the falling ground levels of the site. The northern element of it would be three-storeys below a ridged roof, whilst the southern element is sited on ground level approximately 3 metres lower and has three-storeys with a roof terrace.

The height of proposed building would be approximately 0.6 metres higher than the adjacent dwelling to the north at no. 60 Ivy Park Road. The parapet height of the southern element of the proposed building would be 5.3 metres and 4 metres higher than the ridges of the adjacent dwelling to the south at no. 50 Ivy Park Road.

It is considered that the siting and massing of the front elements of the proposed building would retain sufficient separation and openness to both sides of the building. The stepping down of the overall height of the proposed building's front façade following the falling contours of the site and the street breaks up the massing of the building and ensures that it retains the character of spaciousness whilst not appearing overly dominant and imposing within the streetscene.

The siting and massing of the rear block will be visible in part from the road frontage, however it is considered that it would have limited impact on the appearance of the streetscene.

The architectural style of the proposed building follows a contemporary approach incorporating some traditional features and plain decorative detail. The elevations include string courses to denote the lower storey plinth and the top storey of the building. The main windows on the building are grouped providing an element of verticality. The remaining window treatment on the upper floors includes stone heads and cills. The building would be mainly faced in stone and slate. The massing has been broken into three main elements linked by a mainly glazed central core.

It is considered that the scale, proportions and design of the building are acceptable on this site. Overall the proposed building is an acceptable response to this site and its setting within this part of the Ranmoor Conservation Area.

The removal of the existing access drive and re-landscaping of the northwestern part of the site improves the setting of the proposed development.

The access drive and provision of parking spaces on the southern and rear part of the site would change the appearance of this existing garden. Most of the mature trees around this perimeter of the site are to be retained.

However the proposal will result in the loss of seven mature trees on this southern part of the site three of which are part of the frontage belt of trees and all are visible within the context of the streetscene. The trees to be removed are three less prominent trees (a maple -T9, a cedar -T10, and a mountain ash -T11) and four lower quality trees in the frontage belt (a holly -T12, two beech -T13 and T14, and a sycamore -T16). The removal of these trees will open up a view into the site although the pinch point created by the retained frontage trees and the adjacent building to the south would ensure that the character of the street is not harmed.

It is considered that the loss of these trees is acceptable and would not significantly harm the general character of the area. Replacement tree planting is proposed as part of the landscaping of the site.

It is therefore considered that the proposal would not significantly harm the character and appearance of the Ranmoor Conservation Area.

The proposal complies with UDP Policies BE5, BE6, BE15, BE16, BE18 and GE15, and Core Strategy Policy CS74.

#### Effect on the Amenities of Residents

UDP Policies H5 and H14 are particularly relevant to development in Housing Areas.

UDP Policy H5 seeks to ensure that the concentration of flats, bed-sitters and shared housing would not cause serious nuisance to existing residents, that the living conditions would be satisfactory for occupants of the accommodation and that there would be appropriate off-street car parking.

UDP Policy H14 relates to conditions on development in Housing Areas including matters of design, amenity and highway safety.

There are residential properties adjacent and close to the site off Ivy Park Road, Whitworth Road, Ranmoor Cliffe Road and Clumber Road.

The properties at no. 60 Ivy Park Road and 33, Whitworth Road adjoin the northern boundary of the application site.

The dwelling at no. 60 Ivy Park Road has an 'L-shaped' footprint. Its three-storey side elevation and a recessed two-storey wing on higher ground levels both include windows facing south towards the application site. There is a separation distance of approximately 11 metres and 21 metres respectively from these elevations to the application site and an overall separation distance of approximately 19 metres and 29 metres between the opposing elevations of the proposed apartment building. This relationship complies with the daylighting guidance in the South Yorkshire Design Guide.



It is considered that this separation distance is sufficient to ensure that the proposed building would not significantly overbear or overshadow the adjacent property at no. 60 Ivy Park Road.

The side elevation of the proposed apartment building facing north towards no. 60 includes bedroom and lounge windows on the lower two storeys and the fourth storey of the rear wing, and two windows at ground level on the frontage block. The proposed central stair core which is recessed back from the main north elevation also includes obscure glazed windows on each landing of the stairs facing northwards towards no. 60.

As the lower cill of the roof windows on the fourth storey of the rear wing would be below 1.7 metres above the internal floor level of the rooms these windows would require the provision of obscure glazing to mitigate any potential overlooking of the adjacent property. Whilst the other windows on the lower two storeys would be below the height of the boundary wall running along the northern boundary it is considered that these would require obscure glazing to prevent overlooking of the upper floor windows of the property at no. 60.

The proposed apartment building also includes the provision of balconies on the front and rear facing elevations. The proposals include provision of 1.8 metre high obscure glass screens on the north facing side of these balconies.

It is considered that subject to the provision of obscure glazing to the north facing windows and rooflights, the north facing stair core windows and the north facing side elevations of the balconies the proposal would not significantly overlook the adjacent property at no. 60 Ivy Park Road.

The dwelling at no. 33 Whitworth Road has a rear garden approximately 36 metres long. It is considered that this separation distance would ensure there would be no significant overbearing or overshadowing of no. 33 from the proposed development. The provision of obscure glazing to the rooflights and north facing side elevations of the balconies would ensure there would be no significant overlooking of the property at no. 33.

The dwelling at no. 50 Ivy Park Road is sited close to the southern boundary of the site and is sited on land approximately half a storey lower than the southern part of the application site. This dwelling has ground floor windows and rooflights on its elevation facing northwards towards the application site.

The side elevation of the proposed building facing south towards no. 50 includes study and lounge/dining room windows on each of its three storeys and glazed doors on the ground floor with a separation distance of approximately 16 to 17 metres between the proposed building and the side facing windows of no. 50. The proposed apartment building also includes the provision of balconies on the rear facing elevation of this southern block and a roof terrace. The proposals include provision of 1.8 metre high obscure glass screens on the south facing side of these balconies and on the west and south sides of the roof terrace.

It is considered that despite the elevated position of the proposed building in comparison to the property at no. 50, the proposal would achieve satisfactory separation between these opposing buildings to ensure there would be no significant overbearing or overshadowing of no. 50 from the proposed development. This relationship complies with the daylighting guidance in the South Yorkshire Design Guide. However to ensure there would be no significant overlooking of no. 50 the south facing side windows of this southern block of the proposed building and the south facing side elevations of its balconies would require glazing with obscure glass. As the windows are secondary windows to those apartments there would be no significant impact on the living conditions of the future occupants of those apartments.

The rear wing of the proposed building also includes south facing windows, however the separation distance of approximately 30 metres would be sufficient to ensure there would be no significant overbearing, overshadowing or overlooking of no. 50.

The properties at nos. 40, 42 and 44 Ranmoor Cliffe Road adjoin the rear boundary of the application site. These properties have long rear gardens of approximately 35 metres or more which will ensure that there would be sufficient separation distance between the rear elevations of these dwellings and the proposed building.

The proposed building would however have its rear and partly its south side elevations which include balconies and the glazed eastern elevation of the central stair core which face towards the end of the rear gardens of the properties at nos. 40, 42 and 44 Ranmoor Cliffe Road. These elevations and balconies would be approximately 15 metres at their nearest point to the site's boundary with the neighbouring gardens at nos. 40, 42 and 44. The roof terrace would be approximately 17 metres away from the eastern boundary. The glazed stair core is approximately 23 metres from the eastern boundary of the site.

It is considered that the separation between the proposed building and the end of the rear gardens of nos. 40, 42 and 44 would be sufficient to ensure there would be no significant overlooking from the windows and balconies of these end gardens of these properties. However to ensure there is no significant overlooking from the more intensive use of the roof terrace continuation of the proposed 1.8 metre high glazed screen around the east side of the terrace would be required.

The proposed building achieves sufficient separation to other properties opposite the site and in the surrounding locality.

Overall, it is considered that, subject to the provision of obscure glazing to specified window, balcony screens and roof terrace, the proposal provides sufficient separation distances with neighbouring properties adjacent and opposite the site and in the surrounding locality to safeguard the living conditions of nearby residents.

The proposed parking spaces, bin store and cycle store will result in the movement of people and vehicles within the site close to the site's boundaries with adjacent

properties. The site is bounded by low walls and fencing. It is considered that the noise and disturbance created by the movement of vehicles and pedestrians generated by this development of 10 apartments would not be so significant to cause harm to the living conditions of adjacent and nearby residents.

Seven of the apartments have balconies. The proposed site layout provides private communal open space on the retained garden areas alongside the north and eastern perimeters of the site with additional communal space on the proposed roof terrace. Together these provide approximately 590 sq metres of private and communal space which is just below the guidance of 60sq metres per unit contained in the South Yorkshire Residential Design Guide. The frontage tree belt is not included in this assessment of open space. The proposal provides alternative qualities of open space comprising the lawned area beneath the tree canopies on the eastern boundary, more open areas alongside the apartment building and the more formal roof terrace.

It is considered that the proposal would provide sufficient quality of open space to serve the future occupants of the proposed apartments.

The proposal complies with UDP Policies H5 and H14.

#### Sustainability

The Government's National Planning Policy Framework (NPPF) sets out a commitment to sustainable development. Core Strategy Policies CS63 to CS65 relating to climate change are also relevant.

Whilst the site is located approximately 510 metres and 530 metres from the bus routes running along Sandygate Road to the north and Fulwood Road to the south, the site is within an existing residential community and would make an efficient use of land. On-site cycle parking facilities are proposed.

The proposed scheme would incorporate photovoltaic tiles set flush within the south facing roof to generate electricity with envisaged surplus being sold back to the grid. In addition to natural light to the rooms the use of LED and low energy lighting is proposed to mitigate excessive use of artificial light. Insulation standards in excess of the Building Regulations are proposed.

The proposed drainage strategy would continue to direct foul drainage to the public sewer. Water saving measures are to be incorporated in the internal plumbing arrangements. The ground conditions will be investigated to enable the use of soakaways for surface water roof drainage. Reinforced grass polythene matting/geogrid type cellular matting is proposed within the parking areas to provide permeable areas of drainage.

Conditions are recommended to secure the incorporation of sustainable measures with the development.

The proposal complies with Core Strategy Policies CS63 to CS65.

## Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 5 where the contribution is £80 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs.

### SUMMARY

The proposal involving the replacement of a bungalow with a three/four-storey apartment building would have a substantial impact on the character and appearance of this site.

Whilst the proposal has been amended since its original submission, it nevertheless seeks to maximise the development potential of this site.

The site has several features worthy of retention including stone boundary walls and mature trees and is situated in an established residential area with neighbouring properties adjoining the site.

It is acknowledged that there is a shortage of deliverable housing sites in the city, however the key issues in this instance whether any adverse impacts outweigh the benefits.

The principle of housing development is acceptable. The proposed density is at the upper end of the acceptable range under Core Strategy Policy CS26..

There are no highway objections to the proposal subject to appropriate conditions. The proposed access arrangements are considered to be satisfactory.

The proposed provision 17 off-street car parking spaces to serve the 10 apartments is within the range of acceptable provision contained in the Council's maximum car parking guidelines and would not lead to significant on-street parking that would harm the safe and free flow of traffic on Ivy Park Road.

The appearance of the street in the vicinity of the site is of stone walls along front boundaries with mature trees behind. Buildings are generally set back from the street frontage and whilst there is a variety of plot widths reflecting a range of house sizes several properties have larger more spacious gardens reflective of the generally low density of development in the area. This part of Ivy Park Road has a less uniform streetscape pattern with varying architectural styles.

The bungalow and garage on the site are not significant heritage assets and their demolition would not harm the character and appearance of the Ranmoor conservation area. The proposed widening of the lower access to the site by would not significantly harm the character and appearance of the site's frontage.

It is considered that the siting and massing of the proposed building would retain sufficient separation and openness to both sides of the building. The stepping down of the overall height of the proposed building's front façade following the

falling contours of the site and the street breaks up the massing of the building and ensures that it retains the character of spaciousness whilst not appearing overly dominant and imposing within the streetscene.

The siting and massing of the rear block will be visible in part from the road frontage, however it is considered that it would have limited impact on the appearance of the streetscene.

The architectural style of the proposed building which follows a contemporary approach incorporating some traditional features and plain decorative detail is acceptable and the scale, proportions and design of the building are acceptable on this site. Overall the proposed building is an acceptable response to this site and its setting within this part of the Ranmoor Conservation Area.

The access drive and provision of parking spaces on the southern and rear part of the site would change the appearance of this existing garden. Whilst most of the mature trees around this perimeter of the site are to be retained, the proposal will result in the loss of seven mature trees on the southern part of the site which are visible within the streetscene.

The trees to be removed are three less prominent trees and four lower quality trees. It is considered that the loss of these trees is acceptable and would not significantly harm the general character of the area. Replacement tree planting is proposed as part of the landscaping of the site.

It is considered that the proposed development would not significantly harm the character and appearance of the Ranmoor Conservation Area.

Consideration has been given to the impact on nearby residents in particular those close to the site.

The proposed building will be higher than adjacent houses and includes windows on all its elevations. Balconies are proposed on the west and east facing elevations and a roof terrace is proposed on the southernmost block.

Overall, it is considered that, subject to the provision of obscure glazing to specified windows and the roof terrace, the proposal provides sufficient separation distances with neighbouring properties adjacent and opposite the site and in the surrounding locality to safeguard the living conditions of nearby residents.

It is considered that the noise and disturbance created by the movement of vehicles and pedestrians generated by this development of 10 apartments would not be so significant to cause harm to the living conditions of adjacent and nearby residents.

It is considered that the proposal would provide sufficient quality of open space to serve the future occupants of the proposed apartments.

The proposal includes the use of photovoltaic tiles and other sustainable measures.

The Community Infrastructure Levy (CIL) is applicable to this development. The site lies within CIL Zone 5 where the contribution is £80 per sq m. The funds generated through CIL will be used in connection with strategic infrastructure needs.

The proposal complies with UDP Policies H5, H10, H14, BE5, BE6, BE15, BE16, BE18 and GE15, Core Strategy Policies CS26, CS63 to CS65 and CS74, and the Governments planning policy guidance contained in the NPPF.

In conclusion, it is considered that whilst the proposal would result in a substantial change to the character and appearance of the site, it would not cause any significant adverse impacts that would outweigh the benefits of the proposal.

#### RECOMMENDATION

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

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Case Number	15/03350/FUL (Formerly PP-04480656)
Application Type	Full Planning Application
Proposal	Erection of 2 dwellinghouses and garages (Resubmission of 15/01933/FUL) - As amended by drawings received 2 and 10 February 2016
Location	Land At Rear Of 6 To 14 Canterbury Avenue Sheffield S10 3RT
Date Received	09/09/2015
Team	West and North
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally

Subject to:

**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:-
  - Drawing No. 11-0515-SK1.10C (House Type A - Proposed Floor and Elevations);
  - Drawing No. 11-0515-SK1.11C (House Type B - Proposed Floor and Elevations);
  - Drawing No. 11-0515--OS3 A (Site Section and Street Scene);
  - Drawing No. 11-0515-OS2F (Site Plan); and
  - Drawing No. 11-0515-OS1D (Location Plan/Site Plan)

received on the 9 September 2015, 2 February 2016 and 10 February 2016 from Cero Architecture

Reason: In order to define the permission.

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

3. Prior to the commencement of construction works on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:
  - Location of site compound and temporary car parking arrangements for contractors; and
  - Times when construction works and movement of construction traffic will be restricted.

Reason: In the interests of protecting the residential amenity of neighbouring properties during the construction phase

4. No development shall commence until full details of measures to protect the existing trees to be retained including off-site trees, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs.

Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

Reason: In the interests of protecting on and off-site trees from damage during construction

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

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

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

6. The development shall not be used unless turning space for vehicles has been provided within the site, in accordance with details to be submitted to



and approved in writing by the Local Planning Authority and thereafter such turning facilities shall be retained.

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

7. 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.

8. A comprehensive and detailed hard and soft landscape scheme for the site, which shall include the planting of a minimum of four extra heavy standard trees shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. 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 five year period shall be replaced unless otherwise approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the surrounding area.

9. 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 the safety of road users

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.

#### **Other Compliance Conditions**

11. The dwellinghouses shall not be occupied unless a sprinkler system, fitted to the requirements of BS9251, and with a minimum pressure of 1.0 bar has been provided. The sprinkler system shall thereafter be retained.

Reason: In order to ensure the safety of occupants in the event of a fire.

12. The dwellinghouses shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

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

13. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of the adjoining properties, bearing in mind the close proximity of the site to neighbouring properties

15. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

Reason: In the interests of highway safety

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

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

17. The application must be carried out in accordance with the recommendations and mitigation measures set out in the Ecological Impact Assessment Report prepared by ACCESS ECOLOGY dated November 2015. These include the following:

- All works be carried out outside the bird nesting season (Mar - Aug), or a pre-works checks of all bird nesting features by a Suitably Qualified Ecologist if done within the bird nesting season.
- Compensatory measures of the installation of two bird boxes on the completed site to offset against the loss of nesting opportunities;
- Any trees being removed with low potential for roosting bats are to be done so using soft felling techniques where trees section with bat roosting features are to be left on the ground overnight to allow any bats within to escape;

- During any clearance works on site, all contractors should be made aware that badgers are active in the area.
- Should badgers or badger setts be discovered during construction, all works must stop and advice sought from a suitably qualified ecologist;
- Any trenches/excavations should be left covered overnight, or with a suitable ramped escape route for badgers; and
- Any temporary fencing installed around the site should not obstruct mammal commuting routes and allow passage through the site. Such fences should have a gap beneath them such as Heras fencing or if fencing is to go to the ground, two way badger gates should be installed to allow the passage of badgers.

Reason: In the interest of the protection and welfare of species protected under the Wildlife & Countryside Act 1981 (as amended) and the Habitat Regulations 2010.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side (western) elevation(s) facing 31 and 33 Chorley Road of the dwellinghouse (House Type B) hereby permitted without the prior written approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto: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.
2. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. 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

The application relates to land to the rear of 6 to 14 Canterbury Avenue in Fulwood. The land is overgrown and was previously used as a garden in connection with No. 14 Canterbury Avenue that is situated to the immediate south of the application site.

A pre-application enquiry was submitted in 2014, under 14/00335/PREAPP to establish whether it would be acceptable in principle to develop the site for two detached dwellinghouses. This application has been submitted in response to the advice given by officers in connection with the pre-application enquiry and subsequent planning application for three dwellinghouses that was withdrawn in August 2015, under planning No. 15/01933/FUL.

## LOCATION AND PROPOSAL

The application site is a rectangular parcel of undeveloped land (greenfield) covering an area of approximately 832 square metres. At its widest, the site measures 40m by 20m and is enclosed by a combination of timber fencing and mature hedging along its boundaries. On site are a small cluster of self-set trees. The site is accessed via a narrow driveway, some 50m in length that runs up between Nos. 12 and 14 Canterbury Avenue. At the top end of the vehicular driveway, the access widens and comprises 6 garages, three on each side that are within the ownership and used for parking by three neighbouring dwellinghouses. The application site is approximately 450mm higher than the ground levels of the driveway

The application site is identified in the UDP as being within a Housing Area and lies to the north of Fulwood Conservation Area. The surrounding area is made up of predominately large detached and semi-detached properties that sit within good sized garden plots. To the north of the site separated by a small group of mature trees is Fulwood Sports Club, to the east is the uppermost section of the rear garden of No. 4 Canterbury Avenue, and to the west are the rear gardens belonging to Nos. 31 and 33 Chorley Road.

The applicant is seeking full planning permission to erect two 5-bedroomed detached dwellinghouses on this site. As part of the development, the applicant is proposing to widen the existing driveway along its front section through the removal of a short strip of land belonging to No. 14 Canterbury Avenue. This will involve removing the existing kerbstone, the stone entrance post and the length of timber panel fencing. It is also proposed to lower the site levels by approximately 450mm to provide level access into the site from the driveway.

## RELEVANT PLANNING HISTORY

14/00335/PREAPP – Erection of two dwellinghouses – Closed

15/03350/FUL – Erection of 3 dwellinghouses with garages and associated landscaping works – Withdrawn 27/08/2015

## SUMMARY OF REPRESENTATIONS

Representations have been received from eleven neighbouring properties; of these ten are objecting to the application and one in support. A summary of the comments are listed below:-

### Objection (10)

- The development has access problems; There is no way that the access can be made safer due to the houses (No. 12 and 14 Canterbury Avenue); The driveway is extremely tight and exits directly onto the pavement opposite an extremely busy church;
- Highway safety Issues; Access onto Canterbury Avenue will be hazardous due to the narrow nature of the road; Canterbury Avenue is a busy thoroughfare used by residents, children and church groups;
- Access for emergency and other large vehicles to gain access to the site would be difficult;
- Increase traffic in an area that is already severely affected;
- There is still wildlife living in the area (Bats, badgers, owls and foxes);
- The land would be better used for allotments or left for wildlife;
- Noise disturbance to neighbouring properties during construction works;
- Light pollution; The removal of the trees will result in additional light pollution from the floodlights at Fulwood Sports Club;
- Loss of trees;
- Overdevelopment of the site;
- The development would mean a further 2 properties using the existing driveway as their only entrance. Given the size of the proposed homes it is likely that they will each have 2 or 3 vehicles. This would mean a significant amount of traffic using a narrow entrance that would result in significant impact on their privacy;
- Overlooking Issues; The dwellinghouses will overlook the gardens and windows of many dwellinghouses in the neighbourhood; and
- The development would be contrary to Core Strategy Policies CS31, which seeks to safeguard the important features and characteristics of south west Sheffield, which Fulwood is part;
- The proposed buildings are not in keeping with the homogenous design and style of houses on Canterbury Crescent;
- Inconsistencies and errors within the application submission; and
- It is believed that there is Japanese knotweed on site;

## Support (1)

- Support the proposal as a resident whose former land is the site of part of the proposal and whose driveway will be used to access the new houses;
- Widening the driveway will improve the current access arrangements and greatly increase the angle of visibility onto Canterbury Avenue;
- Canterbury Avenue is a very quiet residential street, apart from times when there is an event at the adjacent Christ Church Fulwood. The nature of the traffic is considered to be slow moving and for the 30 plus years cannot recall a road accident involving either cars or pedestrians;
- There are six garages that are located at the top of the driveway; two are used for storage by their owners with the rest being used for parking. The access is therefore already being used on a daily basis for four vehicles.
- The supporting Ecology Report shows that there are three main animal species that would be potential affected by the development (bats, badgers and general common birds). The factors range from low to moderate impact with the report recommending steps that the developer should take to counteract any issues;

## PLANNING ASSESSMENT

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

- (i) The Principle of Development – Policy and Land Use
- (ii) Highway Issues;
- (iii) Design Issues and its effect on the character and appearance of the surrounding;
- (iv) Effect on the residential amenity of neighbouring properties.
- (v) Landscaping Issues;
- (vi) Flood Risk Management;
- (vii) Disruption and disturbance during construction phase;
- (viii) Ecology Issues and protection of endangered species;
- (ix) CIL Issues; and
- (x) Other Issues

These are considered in turn below.

### (i) Principle of Development – Policy and Land Use

The application site is situated in a Housing Area, where housing is the preferred use under UDP Policy H10.

While the development would accord with UDP Policy H10 in terms of use, consideration should also be given to the development of a greenfield site, given that the application proposes the development of a greenfield site. The relevant policy position with regard the use of previously developed land for new housing is Core Strategy Policy CS24. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that the development of greenfield sites may be acceptable on small sites within the existing urban areas and larger villages, where it can be justified on sustainability grounds.

With regard to this, the latest figures show that the Council is exceeding its target by achieving 94% of all development on previously developed land (between 2004-2016). The erection of two dwellinghouses on this site is therefore unlikely to prejudice or undermine the Council's targets for the development of previously developed land across the city, while its location close to good public transport links can be justified on sustainability grounds.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. However, the policy does allow allowances outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area. In terms of this policy, the development of two houses on this site equates to a density of approximately 24 dwellinghouses per hectare. While the density of the development falls outside the policy range, given that the site is situated within an area that is characterised by large houses that sit within generous garden plots, the proposal to develop the site at this lower density can be justified.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to this, Sheffield currently can demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site for two houses would make a small but positive contribution to housing land supply across the city and should be given weight.

Given the above, it is considered that the principle of erecting two dwellinghouses on this brownfield site is acceptable and would be in general accordance with UDP Policy H10(a) and Core Strategy Policies CS24 and CS26 and government guidance in National Planning Policy Framework.

#### (ii) Highway Issues

UDP Policy H14(d) requires new development be provided with safe access to the highway network and be provided with appropriate off-street parking.

Access to the dwellinghouses would be via the existing driveway from Canterbury Avenue with on-site parking for a minimum of 2 vehicles per dwellinghouse. The application also proposes to widen the existing driveway by approximately 0.9m-1.2m along part of its western side to No. 14 Canterbury Avenue. The proposal to widen the driveway is welcomed and would improve the existing access arrangements and visibility onto Canterbury Avenue.

It is noted however that despite the proposal to widen the driveway, it would still prove difficult for a fire appliance to gain adequate entry into the site. South Yorkshire Fire and



Rescue (SYFR) normally specify that the furthest point of a property to the public highway being no more than 45-50m. Given the distance from the furthest most part of the dwellinghouses to Canterbury Avenue is over 70m, SYFR has advised that it will be necessary that the dwellinghouses incorporate a sprinkler system into their design. With the provision of a sprinkler system, they have raised no objection to the proposal.

Subject to conditions seeking full details of the proposed access arrangements, a turning space for vehicles being provided within the site and the use of a sprinkler system, it is considered that the development is acceptable from a highway perspective and would be in general accordance with UDP Policy H14(d). While officers acknowledge that a number of objections have been received with regard to the restricted site access, the proposal to widen the driveway, albeit by less than 1m in places would enable larger vehicles including ambulances and delivery vehicles to gain access.

(iii) Design Issues and the effect of the development on the character and appearance of the surrounding area

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

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

Core Strategy Policy CS31 relates to housing in the south-west area of the city and states that in these areas, priority will be given to safeguarding and enhancing its areas of character. The scale of the development will be largely defined by what can be accommodated at an appropriate density.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The proposal is to erect two pitched roof detached dwellinghouses with side integral garages with accommodation over. The dwellinghouses would be very similar in appearance to each other, with their main body measuring 10m by 9.6m (footprint) with a height to their eaves of 4.3m and ridge of 7.2m. Features of the dwellinghouses would be their ground floor bay windows, 'gablet' dormers, stone heads and cills and subservient front gable. They would be faced in coursed natural stone, have a natural slate roof and grey coloured aluminium windows. In terms of their siting, as shown on Drawing No. 11-0515-OS3 Revision C, the two dwellinghouses would be turned perpendicular to one other with House Type B orientated southwards towards the vehicular driveway and House Type A orientated westwards to face House Type B. The private gardens of both properties would be situated behind their rear elevations, each 7m deep and enclosed by 1.8m high timber fencing.

Amendments have been made to the appearance of the dwellinghouses on the advice of officers with changes to the position of the garage on House Type A, this being move to the northern side of the dwelling, and changes to the size and position of window openings to give the dwellinghouses more balance and more verticality. Following these amendments, it is considered that scheme is acceptable from a design perspective and would not detract from the character and appearance of the surrounding area. The dwellinghouses are considered to be well-proportioned and an appropriate response to the context of the site. Given the site location to the rear of a 50m long driveway views of the dwellinghouses from Canterbury Avenue would be limited to glimpses only. Any effect on the character and appearance of the Conservation Area would therefore be minimal.

In terms of space standards, it is considered that each property would be afforded with a good standard of accommodation as well as being provided with gardens that would exceed the minimum set out in SPG Designing House Extensions. Drawing No. 11-0515-OS3 Revision C shows that each house would be provided with private gardens in excess of 100 square metres.

It is considered necessary to control any future extensions/outbuildings to the two dwellinghouses given their relatively close proximity of neighbouring properties. It is therefore recommended that the properties 'PD' rights be removed by condition

Following the changes sought by officers, it is considered that the development would now be in general accordance with UDP Policies H14 (a) and BE5 and Core Strategy Policies CS31 and CS74.

#### (iv) Residential Amenity Issues

The application site is bounded by gardens of seven neighbouring properties; No. 21 Slayleigh Lane to its north, No. 4 Canterbury Avenue to its east, Nos. 6 and 8 Canterbury Avenue and Nos. 31, 33 and 35 Chorley Road to its west. Other properties affected by the proposed development are Nos. 12 and 14 Canterbury Avenue that stand on either side of the vehicular driveway from Canterbury Avenue.

In terms of 21 Slayleigh Lane, this property is situated to the north of the site and benefits from an extensive rear garden that would abut the site at its southern end. A distance of over 70m would be maintained between the nearest part of the proposed eastern dwellinghouse (House Type A) and this neighbouring property. Owing to this separation distance and the fact that the main outlook of the proposed dwellinghouse would face east-west and away from this property, any impact on this property's residential amenity as a result of the development would be minimal.

In terms of 4 Canterbury Avenue, this property's rear garden extends along part of the application site boundary. This neighbouring property's rear garden however is relatively extensive; some 47m in length with only the furthest part of the garden being affected by the development. While it is acknowledged that some overlooking of this rear garden would be taken from the first floor bedroom windows, given the distance of the dwellinghouse from the nearest part of the garden being over 7m away and that views would be onto the more remote part of the garden, it is considered that any effect on this property's residential amenity would be minimal.

In terms of 6 and 8 Canterbury Avenue, these two properties are situated to the south of the site. Both properties have long rear gardens, some 25m in length that abut the site at their northern end. It is considered that this distance would prevent the houses having an overbearing appearance or lead to any problems of overlooking that would be harmful to their residential amenity.

In terms of 31, 33 and 35 Chorley Road, these two properties are situated to the west of the site and benefit from extensive rear gardens. The separation distance from the side elevation of the proposed western dwellinghouse to these two neighbouring properties would be over 40m. Given this distance and the fact that the proposed dwellinghouse's main outlook would be north-south and that the side elevation would have no first floor windows, any impact on these two properties' residential amenity would be minimal. As the distance between the side elevation of the western house facing these two properties gardens would be less than 3m, it is recommended that a condition be attached to any grant of planning that restricts new first floor window openings within this elevation to prevent any problems of overlooking in the future.

In terms of the two dwellinghouses either side of the driveway (12 and 14 Canterbury Avenue), given the scale of the development (two dwellinghouses), the number of additional vehicle movements using the driveway in connection with the dwellinghouses is expected to be low and unlikely to generate any significant noise disturbance/light pollution that would be harmful to their residential amenity. While it is acknowledged that both properties have main windows within their side elevations facing onto this driveway, the residents of both these properties would already be subject to the general coming and goings of vehicles up and down the driveway in connection with the garage court. The development does not therefore involve bringing vehicles and persons into an area where there is none, where the impact of such would be significantly greater.

In light of the above, it is considered that UDP Policy H14 (c), which seeks to protect the amenity of neighbouring properties' amenity from loss of light and privacy from new development is met.

#### (v) Landscaping Issues

The application commissioned Anderson Arboricultural Contractors and Consultants to carry out a tree survey of the site. This tree survey shows that there are 18 trees either within or close to the site boundary. These include one oak, two silver birches, two ash and several sycamores. Of the 18 trees, only seven trees are on site with the rest included in the survey as they could potentially be affected by activities within the site. Without exception, all the trees in the survey have been classified as Category C (Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm).

The tree report concludes that the site's trees are all fairly nondescript and not of high enough quality to stand in the way of the site's development. It is considered necessary that the off-site trees are protected from accidental damage during the construction period.

It is clear from the tree report/survey that the development of the site would not involve the loss of any trees that are considered to be of significant amenity value. There is an

opportunity to plant further trees on site to compensate for the trees that would be removed to accommodate the two dwellinghouses, and it is therefore recommended that the permission include a condition that requires the planting of 4 extra heavy standards. It is also recommended that a further condition be attached that requires tree protection measures to be put in place during the construction of the houses to ensure that the trees beyond the northern boundary are not placed at unnecessary risk.

(vi) Flood Risk Management

Policy CS67 relates to Flood Risk Management and sets out how the extent and impact of flooding will be reduced. These include requiring that all developments significantly limit surface water run-off and the requiring the use of SUDS or sustainable drainage techniques on all sites where feasible and practicable. No details have been provided in respect of what measures if any will be incorporated into the scheme to limit surface water run-off. As such, it is recommended that a condition be attached that requires details to be submitted showing measures that would be incorporated to reduce surface water run-off.

(viii) Disruption and disturbance during construction phase

It is noted that some concerns have been raised that the occupants of neighbouring properties would be unduly harmed during the construction of the development. Given the site is accessed via a narrow driveway that runs up alongside two dwellinghouses, officers would suggest that these two neighbouring properties in particular could be subject to some noise disturbance during their construction. It is therefore recommended that a condition be attached that requires details to be submitted on car parking arrangements for contractors, times of construction and movement of construction traffic to ensure that any disruption and noise is suitably controlled.

(viii) Ecology Issues and protection of endangered species

Policy GE11 relates to nature conservation and development. This policy seeks to protect and enhance the natural environment and details that the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

The applicant commissioned Access Ecology to carry out an Ecological Impact Assessment of the site, with the aims of the report/survey to identify any potential ecological constraints to the proposed development, and where appropriate set out mitigation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects. The Survey/Report was carried out in November 2015.

The report details that of the trees surveyed, two had moderate potential for roosting bats (T12, T13) and two had low potential (T6 and T7). The site survey found that there was evidence of mammal activity (badgers) but no evidence of setts or foraging activity. On-site evidence would indicate that badgers are only using the site to commute. The site does contain habitats suitable for nesting birds in the form of hedgerow, scattered trees and tall ruderal habitat.

To ensure bats and badgers and nesting birds are not affected by the development, the report recommends a number of mitigation measures. These include works to be carried out outside the bird nesting season (Mar - Aug), compensatory measures of the installation of two bird boxes on the completed site to offset against the loss of nesting opportunities, any trenches/excavations should be left covered overnight, and any temporary fencing installed around the site should not obstruct mammal commuting routes and allow passage through the site. A condition requiring the development to be carried out in accordance with the mitigation measures set out in the report should be attached.

#### (ix) Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The development site falls within an area where CIL is applicable with the amount payable based on 420 square metres of net additional floorspace. The CIL form has been signed by the applicant's agent on their behalf.

#### (x) Other Issues

Some of the representations received state that there is Japanese knotweed on site. Members are advised that the treatment and removal of Japanese Knotweed is controlled through other legislation and is a non-planning matter.

### SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect two detached dwellinghouses on part of the former garden of 14 Canterbury Avenue in Fulwood.

The principle of erecting two dwellinghouses on the former overspill garden of 14 Canterbury Avenue is accepted under Policy H10 of the UDP and Policy CS24 of the Core Strategy and would not prejudice or undermine the Council's targets for the development of previously developed land across the city. Following revisions to the design and siting of the dwellinghouses, officers are satisfied that the proposal represents an appropriate form of development and would not unduly harm the character and appearance of the surrounding area or adjacent Fulwood Conservation Area. While the development would be constructed on part of the former garden of No. 14 Canterbury Avenue, the garden is somewhat detached from the main garden of this property and its removal would not diminish its residential amenity.

It is considered that the proposal would not impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed. Conditions have been attached that would secure improvements to the existing driveway, new tree planting to compensate for the trees that would be felled and mitigation measures in the interests of nature conservation and protection of endangered species.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H10, H14, BE5 and GE11 and Core Strategy CS24, CS31 and CS74 and is recommended for approval subject to the conditions listed.

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Case Number	15/02699/FUL (Formerly PP-04351147)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 103 student apartments (sui generis) in a 4/5/6 storey block with ancillary facilities and landscaped courtyard
Location	Silverpride Works Matilda Street Sheffield S1 4QF
Date Received	17/07/2015
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

Subject to:

**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:

15-390 PL-01  
15-390 PL-04A  
15-390 PL-06A  
15-390 PL-07A  
15-390 PL-08A  
15-390 PL-10C  
15-390 PL-13  
15-390 PL-14E  
15-390 PL-15F  
15-390 PL16D  
15-390 PL17E

Reason: In order to define the permission.

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

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

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

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

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

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, 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 post-investigation 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.

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

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)**

8. 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.

9. Large scale details, including materials and finishes, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows  
Door and window reveals  
Edges and verges  
Balustrade to edge of roof  
Rainwater goods  
Cladding

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

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

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

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

11. 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.

12. 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.

13. The residential accommodation hereby permitted shall not be occupied unless the scheme of sound insulation works given in section 5 of the noise

report by Environmental Noise Solutions (Ref. NIA/4098/12/3656, July 2012) has been implemented and thereafter retained. Such works shall:

- a) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
- b) Include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

15. 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.

16. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway.

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

17. The development shall not be begun 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.

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

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

19. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

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

21. 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 the safety of road users.

22. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

24. 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.

#### **Other Compliance Conditions**

25. No door, window or gate shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety

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

The notice should be sent to:-

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

For the attention of Mr P Vickers

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

3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
5. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
  - (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a site bounded by Matilda Street to the north and Eyre Lane to the east. The site is currently occupied by a part single-storey, part two-storey industrial building constructed from brown and red brick. The brown brick element has a flat roof and fronts Matilda Street with the red brick element with pitched roof abutting this on Eyre Lane. A second red brick wing runs parallel to the Eyre Lane block and is largely shielded by the perimeter buildings.

The surrounding area is varied with a large residential development under construction to the north-east, a car park to the west and north-west and small industrial units to the south-east and south-west.

The site is located within a Fringe Industry and Business Area as designated in the adopted Sheffield Unitary Development Plan. It also falls within the Cultural Industries Quarter Conservation Area and is defined as being within the Arundel Street Character Area. The layout of this area is characterised by a strong, regular grid iron pattern of streets and smaller lanes. These divide up plots that were historically home to "Little Mesters", who were the craftsmen specialising in cutlery and tool manufacture.

Planning permission is sought for the demolition of the existing buildings and the erection of 103 studios in a 4/5/6 storey block with ancillary facilities and landscaped courtyard.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

Neighbours have been re-consulted on the proposal (owing to new description as student accommodation) and new site notices have been put up on site, these expire on the 25<sup>th</sup> April. Any new comments will be reported to committee.

One letter of representation has been received from a member of the public and the points raised are detailed below:

- Question whether scheme is open market residential or is a student scheme.
- The planning statement defines the proposal as open market, however correspondence on the file indicates that the scheme will now be for student accommodation.
- Concentration of student accommodation contravenes Core Strategy Policy CS41, which seeks to deliver mixed communities, through a mix of house types and tenures and limiting shared and student accommodation where these uses would create imbalance
- The change of use and contravention of CS41 renders the final planning statement unfit for purpose



- The development is higher than the majority of buildings in the locality and fails to meet the relevant criteria for a tall building outlined in CS76
- No evidence of sensitivity in the choices of materials, design and architectural form as set out in UDP policy BE5. Does not reflect or conserve the character of the Cultural Industries Quarter Conservation Area as set out in BE17.
- In contravention of BE17 rather than a traditional approach the developers plan to (page 42 of planning statement), deliver an attractive contemporary designed building.

The Conservation Advisory Group considered the scheme at its meeting on 20 October 2015. The Group felt that a building of this height would create unsatisfactory, unacceptable enclosure ratios in Newton Lane and a canyon-like feeling, which would adversely affect the character of the Conservation Area. The Group considered that the development should be reduced by one storey, in line with the recommendations of the Urban Design Compendium and should be built in red brick or industrial brick, to reflect the industrial character of the Conservation Area.

## PLANNING ASSESSMENT

### Land Use

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026. Regard must also be had to the National Planning Policy Framework (NPPF).

The application site is located in a Fringe Industry and Business Area as defined in the adopted Sheffield Unitary Development Plan. Policy IB6 “Development in Fringe Industry and Business Areas” sets out the preferred, acceptable and unacceptable uses in these areas. Business (B1) and Industry (B8) are the preferred use whilst Housing (C3) is acceptable. A number of housing schemes have been developed in the immediate vicinity of the site over recent years and the policy states that housing may be acceptable where living conditions are satisfactory and they would not hinder industrial and business development. Although the scheme is for student housing, this use is not explicitly mentioned in the policy and is most similar to C3 housing.

Core Strategy Policy CS6(a) “Manufacturing and the City Centre – Transition Areas” is also relevant, and discourages manufacturing uses within this part of the City Centre.

Core Strategy Policy CS17 “City Centre Quarters” seeks to consolidate and strengthen the role of the various quarters in the city. Part C of the policy identifies the Cultural Industries Quarter (CIQ) as an area with a wide mix of uses and established as the main location for the City’s creative and digital industries. The proposed development does not help to deliver this specific element of CS17c.

The Core Strategy policy was reflected in the proposal in the draft City Policies and Sites document to designate a Business Area in this location where employment uses should dominate by limiting housing uses to no more than 40% of the floorspace within the area. The Economic Prosperity and City Region Background Report 2013, paragraphs 7.184 – 7.186, notes that residential uses were still below this maximum figure at the time the draft City Policies and Sites were published. Given this, there is no objection in terms of the balance of uses within the area.

### Creating Mixed Communities

CS41 “Creating Mixed Communities” promotes a mix of housing which meets a range of needs and does not lead to concentration of certain forms of residential development.

Part (a) of CS41 states that housing should provide for a broad range of smaller households in the City Centre with no more than half of new homes in larger developments (60 or more dwellings) consisting of a single house type. The scheme indicates that all the accommodation will be studios, 83 (80.5%) of these will be standard studios and 20 (19.5%) will be large studios. As the development only provides studios it is clearly contrary to CS41(a). However, despite requests to alter the mix of units, the applicant wishes to proceed with the current accommodation schedule.

Whilst not ideal, it is considered that there is not an established community in the locality of the application site which would be imbalanced or harmed by the proposed development. As such it cannot be said that the development would be contrary to the aims of creating a mixed community as advocated by CS41. Furthermore there are a number of other examples of city centre developments where CS41(a) has not been complied with, in these cases, as with the current site there was not an established community which would be imbalanced by the contravention of CS41(a).

It is also noted that the scheme could be adapted and converted in the future should the market for studios decline.

The proposal is for student accommodation and is within the City Centre, an area identified as a preferred location for student housing in CS41(c). Part (c) also states that new purpose-built student accommodation shall be built as a mix of housing development, with a mix of tenures and sizes on larger sites. There is no definition of larger sites; however it was intended for sites larger than this development, where for example, a number of blocks/buildings could be accommodated on a site. As such the development is not contrary to CS41(c).

Part (d) of CS41 seeks to ensure an area is not imbalanced by the overprovision of hostels, purpose-built student accommodation or Houses in Multiple Occupation. This policy will be achieved by limiting the number of shared units within a 200 metre radius of a site to 20%. In this instance, the concentration of shared units is greater than 20% (including permissions). However, as the proposal is for studios which are not classed as “shared units”, the proposal would result in a reduction in the density of shared units and would increase the overall offer and mix in this

area. It is however noted that the development will increase the number of students within the area; but given the proximity to Sheffield Hallam University it is considered that this would be acceptable.

In summary, the proposal is contrary to CS41(a) and partly contrary to CS41(d), however, there are no established communities within the area which would be harmed as a result of the introduction of student accommodation. The site is close to Sheffield Hallam University and appears as a logical location for student housing which could free up other forms of housing in the suburbs. Furthermore, the scheme will secure the redevelopment of an existing site and buildings which do not contribute to the character of the Conservation Area.

#### Housing Density

Core Strategy Policy CS26 “Efficient Use of Housing Land and Accessibility” aims to make efficient use of land for new housing and sets out appropriate density ranges dependent on location and accessibility. The recommended density for City Centre sites is at least 70 dwellings per hectare. This site achieves a density of approximately 1067 dwellings per hectare and therefore more than meets the policy requirement.

#### Design

Policy CS74 “Design Principles” of the Core Strategy states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city’s transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families , children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Unitary Development Plan Policy BE5 “Building Design and Siting” states that good design and the use of high quality materials will be expected in all new buildings.

Policy BE16 “Development in Conservation Areas” states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy BE17 “Design and Materials in Areas of Special Architectural or Historic Interest” requires a high standard of design using traditional materials and a sensitive and flexible approach to layouts of building and roads.

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development should be well designed and be of a scale and nature appropriate to the site.

The Conservation Advisory Group have commented on the application and have raised concerns that the height of the building would create an unsatisfactory enclosure ratio to Newton Lane and a canyon like feeling which would be harmful to the character of the Conservation Area. The Group considered that the development should be reduced by one storey and should be finished in red brick or industrial brick, to reflect the industrial character of the Conservation Area.

The Sheffield Urban Design Compendium sets out general and specific design guidance for the City Centre and the Cultural Industries Quarter. This states that “innovative and imaginative designs should be encouraged to create a unique architectural identity which reflects the contemporary character of the area”. It also goes on to detail how the existing building line should be respected and buildings should generally be 3 to 5 storeys in height.

The development site is located in the heart of the Cultural Industries Quarter, at the edge of the area closest to the city centre that has already undergone extensive redevelopment. The site sits within predominantly industrial low rise buildings but is also seen within the context of new development.

The proposal is for an “L” shaped, 4-6 storey building, built up to the back edge of the pavement on Eyre Lane and Matilda Street. The siting will reflect the existing robust and straightforward street pattern. The development is lowest towards Newton Lane and steps up to six storeys towards Matilda Street. The height of the development is considered to be acceptable and reflects the heights of surrounding development. The land slopes slightly down Arundel Street from north to south and the development will reflect this topography by being set lower than the new development at 704 Matilda Street (former Gatecrasher Site) and higher than buildings to the south which are predominantly low rise industrial buildings. Similarly the land slopes down Matilda Street from west to east and the development will reflect this topography by being lower in height than the Jury’s Inn Hotel, yet higher than buildings directly to the east.

The proposed heights also reflect the hierarchy of streets by ensuring the highest part of the development is located on the primary street (Matilda Street), with the lower development fronting the secondary streets. The stepped nature of the mass ensures the development sits comfortably within its urban block with prominence at the corner of the plot, nearest to other new development of similar scale.

It is noted that the Conservation Advisory Group considered that the height should be reduced by a storey, to reduce the impact on Newton Lane. The development is at its lowest nearest to Newton Lane to the south west of the site at four storeys in height. Furthermore, the development is not directly adjacent to Newton Lane as there is a small site between the application site and the highway and as such this reduces its impact. It is therefore considered that the impact of the building on Newton Lane and all other highways as discussed above is acceptable and in line with other developments in the locality.

The development is considered to be well designed, with its overall mass broken up by articulation in the elevations and roof form, a multi layered approach to the brick work, deep window reveals and the use of several different materials. The

materials palette comprises red brick, zinc and metallic rain sheet. These will reflect the materials in the locality and will be conditioned to ensure they are of a high quality.

The ground floor contains ancillary spaces including the management suite, reception, study hub and coffee lounge; these provide an active frontage to Matilda Street and Eyre Lane which is welcomed. The ground floor is accentuated by increased window heights to add interest adjacent to the highway.

The “L” shape allows for the provision of an internal courtyard area which will be landscaped and provide private amenity space for residents.

The entire site lies within the CIQ Conservation Area and, as such, the proposals must be assessed in terms of their impact on the character of the area. The CIQ Conservation Area Appraisal identifies the site as falling in the Arundel Street Character Area.

The existing buildings are not of architectural merit and their removal will not be harmful to the Conservation Area. The development will provide a high quality contemporary addition to the conservation area whilst also reflecting the character of the area through the siting (back edge of footpath), scale and use of high quality red brick as the main material.

#### Amenity

Policy IB9 “Conditions on Development in Industry and Business Areas” states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

Policy IB11 “Housing and Residential Institutions in Industry and Business Areas” is also relevant and states that Housing will be permitted only where the development would not suffer from unacceptable living conditions including, ground contamination, noise, other nuisance or risk to health and safety.

The plans illustrate that all rooms will have a source of natural light and outlook, the rooms are small in size, however as the Council does not have any adopted space standards, this matter cannot be considered further. A reasonable amount of external amenity space is to be provided for residents.

A noise report has been submitted in support of the scheme. This identifies that during the daytime the ambient noise climate at the application site is formed by local road traffic noise and industrial operations at nearby light industrial units. Additionally, noise emissions from the adjacent electricity substation are noted to contribute to the ambient noise climate at the application site.

A scheme of sound attenuation is proposed to mitigate against background noise levels. The Environmental Protection Service has assessed this and considered it to be acceptable. As such the development will provide suitable living conditions

for future residents and will not prejudice the operation of existing business in the area.

A Phase One Risk Assessment has been submitted; this identified the potential for contamination from past/existing uses. As such a phase II Contamination assessment should be carried out and a remediation strategy implemented as appropriate. This work can be secured by condition.

In light of the above the scheme complies with policies IB9 and IB11 and will provide acceptable living conditions for future residents.

### Highways

Section (f) of Policy IB9 states that new development or change of use applications will be permitted provided that they are adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The development does not provide any off-street parking; however the site is located in a city centre location in close proximity to a wide range of amenities and services, including Sheffield Hallam University. Furthermore the site is within walking distance of high frequency bus routes on Arundel Gate and the train station.

The development will provide a number of secure cycle spaces and this will promote and encourage cycling which is welcome.

The proposal is therefore considered to be in compliance with section f) of Policy IB9.

### Sustainability

Policy CS64 of the Core Strategy deals with climate change and the sustainable design of developments. This says that development should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

This policy originally required new build residential development such as the proposal to achieve Code for Sustainable Homes Level 3. However, Code for Sustainable Homes has recently been dropped and the scheme must now be assessed on its individual elements.

With regard to the proposed design and construction, the development will be designed to minimise energy and water consumption, as required by Policy CS64. A brown roof is to be provided at roof level of floor four, although only small in scale, this will improve sustainability and biodiversity. Furthermore the scheme is set in a highly sustainable location with easy access to local amenities and a number of transport modes. The scheme also provides features such as landscaping and cycle parking which further aid its sustainability credentials.

Policy CS65 of the Core Strategy says 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. The Design and Access Statements shows that this has been considered and will be provided by photovoltaic panels at roof level on floor five.

It is considered that the proposal meets the sustainability policy requirements set out within the Sheffield Development Framework Core Strategy.

#### Drainage

Core Strategy Policy CS67 deals with flood risk management and requires the use of Sustainable Drainage Systems on all sites where feasible and practical.

At present the site comprises building and hard surfacing with no landscaping. The proposed development incorporates soft landscaping in the courtyard area and a small brown roof. Both of these features will improve drainage on the site. The drainage statement indicates that on site water storage tanks will be used to reduce surface water. This is an urban intensive site with limited options for sustainable drainage, the options proposed are considered to be suitable and the scheme is acceptable in line with policy CS67.

#### Archaeology

Policy BE22: Archaeological Sites and Monuments within the UDP sets out how archaeological interest will be safeguarded from the impacts of development.

A desk based assessment assessing the archaeological potential of the site has been submitted in support of the scheme. This identifies the need for further investigations which will be secured by way of condition.

#### Public Art

UDP Policy BE12 (Public Art) encourages the provision of these works in places that can be readily seen by the public and as an integral part of the design of major developments. The provision of public art will be secured via condition.

#### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and replaces all other financial contributions, with the exception of affordable housing. The development is subject to a CIL charge of £30 per square metre, the relevant CIL information has been submitted with the application.

#### Affordable Housing

Core Strategy Policy CS40 requires developers of new housing development to contribute towards the provision of affordable housing where practical and financially viable. The Affordable Housing Interim Planning Guidance 2014 locates the site in the City Centre West Affordable Housing Market Area where the

expected contribution is equivalent to 10% of the units on the site being transferred at the Transfer Price. That is the price per square metre at which properties will be sold by the developer to a Registered Provider.

The financial viability of the scheme has been assessed by the District Valuation Office who have concluded that the scheme would not be viable if the full 10% contribution was applied. However the scheme can offer a smaller sum towards the provision of affordable housing, this equates to a sum of £39,820. The applicant has agreed with this contribution and this will be secured via legal agreement. It is highlighted that at the time of writing this report that the legal agreement had not been completed, an update of this situation will be provided at committee.

## RESPONSE TO REPRESENTATIONS

The development has been re-advertised as student accommodation through neighbour letter and site notices. It is highlighted that the internal layout and accommodation schedule has not altered since the first round of consultation.

Policy and design issues have been addressed in the above report.

The objector refers to the tall building policy, the Urban Design Compendium defines tall buildings as those over 15 storeys, as such the proposal is not a tall building and CS76 does not apply in this instance.

## SUMMARY AND RECOMMENDATION

The application seeks permission for the demolition of existing buildings and the construction of a new 5/6 storey building to provide 103 student studios.

Whilst the scheme is contrary to parts of Policy CS41, on balance it is considered that the development will not imbalance an existing community and will in fact reduce the concentration of shared accommodation in the locality.

The scale, siting, massing and detailing of the proposed building is acceptable and will not detract from the character of appearance of the surrounding area or CIQ Conservation Area.

The development will provide acceptable living conditions for future occupiers and is in a highly sustainable location, close to excellent public transport links and a range of amenities. Renewable energy will be provided through photovoltaic panels and surface water run-off from the site will be reduced.

The development will be CIL liable at a charge of £30 per square metre and will also provide a financial contribution of £39,820 towards affordable housing.

The scheme complies with the NPPF, UDP Policies IB6, IB9, IB11, BE5, BE12, BE16, BE17, BE22 and Core Strategy Policies CS6, CS17, CS26, CS40, CS41 (in part), CS64, CS65 and CS67 and is recommended for conditional approval subject to the completion of a legal agreement.



## Heads of Terms

The developer shall provide a contribution of £39,820 towards the provision of affordable housing within Sheffield before the commencement of the development.

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Case Number	13/04204/CONRG3 (Formerly PP-04685438)
Application Type	Condition Approval submitted by Council
Proposal	Application to approve details in relation to condition number 12. (Affordable Housing) of planning permission 13/04204/RG3
Location	Abbeydale Grange School Hastings Road Sheffield S7 2GU
Date Received	08/12/2015
Team	South
Applicant/Agent	JVH Planning Ltd
Recommendation	Cond approved subject to Legal Agreement

Subject to:

1 **Conditions Discharged:**

No conditions relate to this section of the notice.

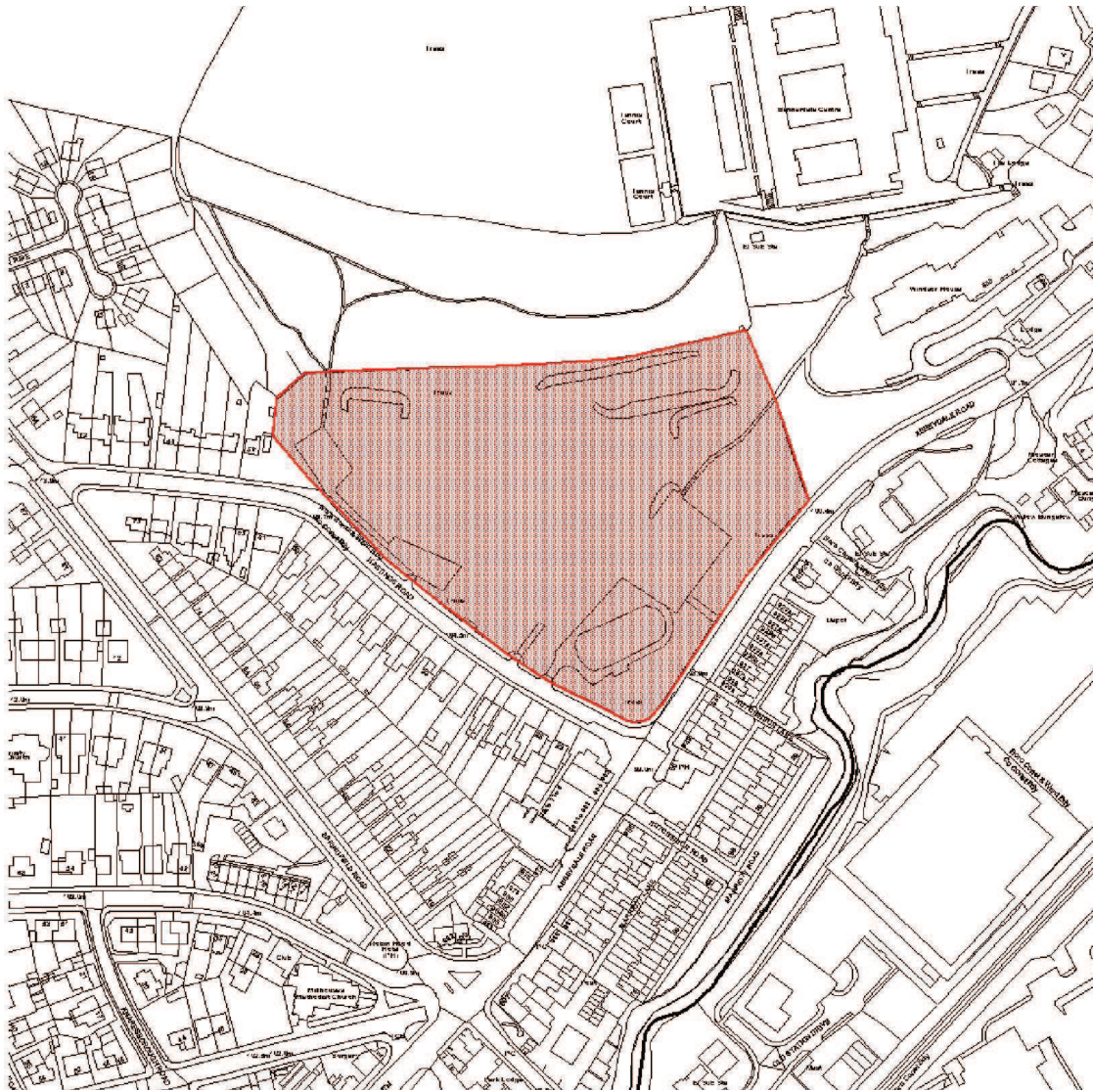
2 **Details Approved But Condition(s) Remain In Force:**

Condition number 12

3 **Details Not Approved**

No conditions relate to this section of the notice.

Site Location



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## LOCATION AND PROPOSAL

The application site relates to the ex Abbeydale Grange School site, located at the junction of Hastings Road and Abbeydale Road.

The site was previously granted outline planning permission for the residential development of the site in March 2014.

Members will recall that an application dealing with the outline approval's reserved matters was approved at the Planning and Highways Committee Meeting dated 23<sup>rd</sup> February 2016. The reserved matters scheme incorporated 58 dwellinghouses.

The current application seeks the approval of details as required by Condition Num.12 of the outline approval. This condition requires development at the site to deliver affordable housing at no less than 30% of the development's floor space, or an alternative figure that may be agreed following an independent viability assessment.

The current application was accompanied by a viability appraisal which concluded that the scheme could not viably provide any affordable housing.

This document has been assessed by the District Valuation Office in line with the Council's normal procedure.

## RELEVANT PLANNING HISTORY

13/04204/RG3: Residential development with associated open space and landscaping (outline permission)  
Approved 12/3/14

15/03543/REM: Erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (Reserved Matters Scheme).  
Approved 24/2/16

## SUMMARY OF REPRESENTATIONS

One written representation has been received, and can be summarised as follows:

- No details are publicly available, therefore difficult to make a comment. However, it's understood that application seeks to make no provision for affordable housing.
- Submission appears contrary to Core Strategy Policy CS40, which seeks up to 40% of developments of over 10 homes to be affordable housing. This is contrary to the relevant condition of the outline approval which requires 30% affordable homes.
- The Interim Planning Guidance on Affordable Housing says normally provision on site would be required, although off-site can be acceptable if it would lead to better outcome/s for affordable housing provision.

- The outline planning application initial appraisal indicated a £600,000 contribution could be made, but this would be subject to development appraisal at reserved matters stage. No appraisal was submitted at the reserved matters stage given the current application.
- Ben Bailey no longer exists and has become part of the Avant Homes Group, who signed a legal agreement in January 2016 committing to a £1.8m off-site contribution to affordable housing, later making an application to not meet this requirement based on affordability.
- Avant Homes have a turnover of £250m, and built homes last year worth £230m.

## PLANNING ASSESSMENT

The Sheffield Local Plan Core Strategy Policy CS40 states that developers of new housing in all parts of the city will be required to contribute to the provision of affordable housing where this is practicable and financially viable.

Affordable Housing Interim Planning Guidance (IPG) was updated in 2014, and was then replaced by the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) in December 2015. Guideline GAH2 of the SPD sets required levels of developer contribution towards affordable housing in different parts of the city, and identifies a contribution requirement of 30% for sites in the South West Affordable Housing Market Area, in which this site falls, subject to scheme viability.

The NPPF at paragraph 173 states that ‘to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing.....should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable’.

The applicant has submitted a financial appraisal which states that the proposed development cannot viably provide any affordable housing. In line with normal practice in such cases, and reflecting the requirements of the NPPF and policy CS40, the District Valuation Service (DV) has independently assessed the developer’s viability case.

The DV’s report advises that a contribution of 22.13%, equating to £2,934,294 could be delivered whilst retaining scheme viability with a reasonable land value, and a reasonable developer profit. In these circumstances a 22.13% contribution is therefore considered necessary in order to meet the requirements of policy CS40 and Guideline GAH2.

Following the DV’s assessment the developer’s initial offer of 0% was increased to 2.1%, equalling £278,000. This amount would continue to represent a significant shortfall in affordable housing provision against the expectations of Policy CS40 and the SPD. However, in this instance, the Council is the landowner and is able to commit a share of the capital receipt for the land to affordable housing to make up the shortfall. This would be similar to the arrangements under which the off-site affordable housing contribution was accepted in housing proposals for Matthews

Lane and Furniss Avenue, which were also Council owned. Given that land value reflects the cost of planning obligations, it is normal that on any development site, regardless of ownership, the major part of the cost of affordable housing would be borne by the landowner.

## RESPONSE TO REPRESENTATIONS

In regards to the representation the following comments can be made:

- Core Strategy Policy CS40's precise details were superseded by the Affordable Housing IPG, which has now been replaced by the CIL and Planning Obligations SPD. This specifies a 30% affordable housing requirement for this site, subject to viability appraisal.
- The reference at outline stage to £600,000 was not based upon a detailed appraisal and was acknowledged as being subject to appraisal at this stage.
- Ben Bailey / Avant Homes activities within Sheffield and beyond would not constitute a material consideration in this case.

## SUMMARY AND RECOMMENDATION

The current application seeks the discharge of a condition relating to affordable housing provision imposed upon an outline planning consent for residential development of the former Abbeydale Grange school site.

The developer initially offered a 0% affordable housing contribution, compared to a full policy requirement of 30%. This offer was increased to 2.1% or £278,000 through the course of the application. The DV has advised that a contribution of £2,934,294 would be viable, amounting to 22.13% affordable housing. For the reasons set out above, as landowner and local planning authority, the Council is in the unique position of being able to commit a portion of the capital receipt towards off-site affordable housing to make up the shortfall.

On this basis, it is recommended that the application should be approved subject to a unilateral undertaking with the developer securing the payment of a commuted sum for affordable housing provision.

Heads of Terms for Unilateral Undertaking:

- (i) The owner(s) of the site shall serve on the Council, within 21 days of the commencement of development, notice of the commencement of the development, and in the event of such notice not being served, covenant to pay the Council, immediately on demand, all sums due under the provisions of this Deed,
- (ii) On or before the occupation of the 1st dwelling, the owner(s) shall pay to the Council the sum of £278,000 towards the provision of affordable housing within the South West Affordable Housing Market Area. The owner shall not permit occupation of more than one dwelling until such sums have been paid.