

## SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 14/11/2017

### 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	17/03331/FUL
Application Type	Full Planning Application
Proposal	Retention of dwellinghouse and decking including amendments to fenestration and facing materials (Retrospective application)
Location	Garage Site Adjacent 4 Langsett Avenue Sheffield S6 4AA
Date Received	27/07/2017
Team	West and North
Applicant/Agent	Haywood Design
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Site Location Plan received 25th August 2017

Proposed Elevations: Dwg No: JJ00212/2 received 24th August 2017

Proposed Plans: Dwg No: JJ00212/1 received 25th August 2017

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. Notwithstanding the approved plans, the dwellinghouse shall not be occupied unless a 1.8 metre high close boarded fence has been erected on the eastern boundary of the site which adjoins the rear gardens of 587 to 597 Middlewood Road. The boundary fence shall extend along this boundary from the front elevation of the dwellinghouse up to the rear boundary of the site, and thereafter such means of site enclosure shall be retained.

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

**Other Compliance Conditions**

4. The dwellinghouse shall be faced using the red multi brick slip sample inspected on site as shown in the photograph scanned dated 1st November 2017.

Reason: In order to ensure an appropriate quality of development

5. 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 dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

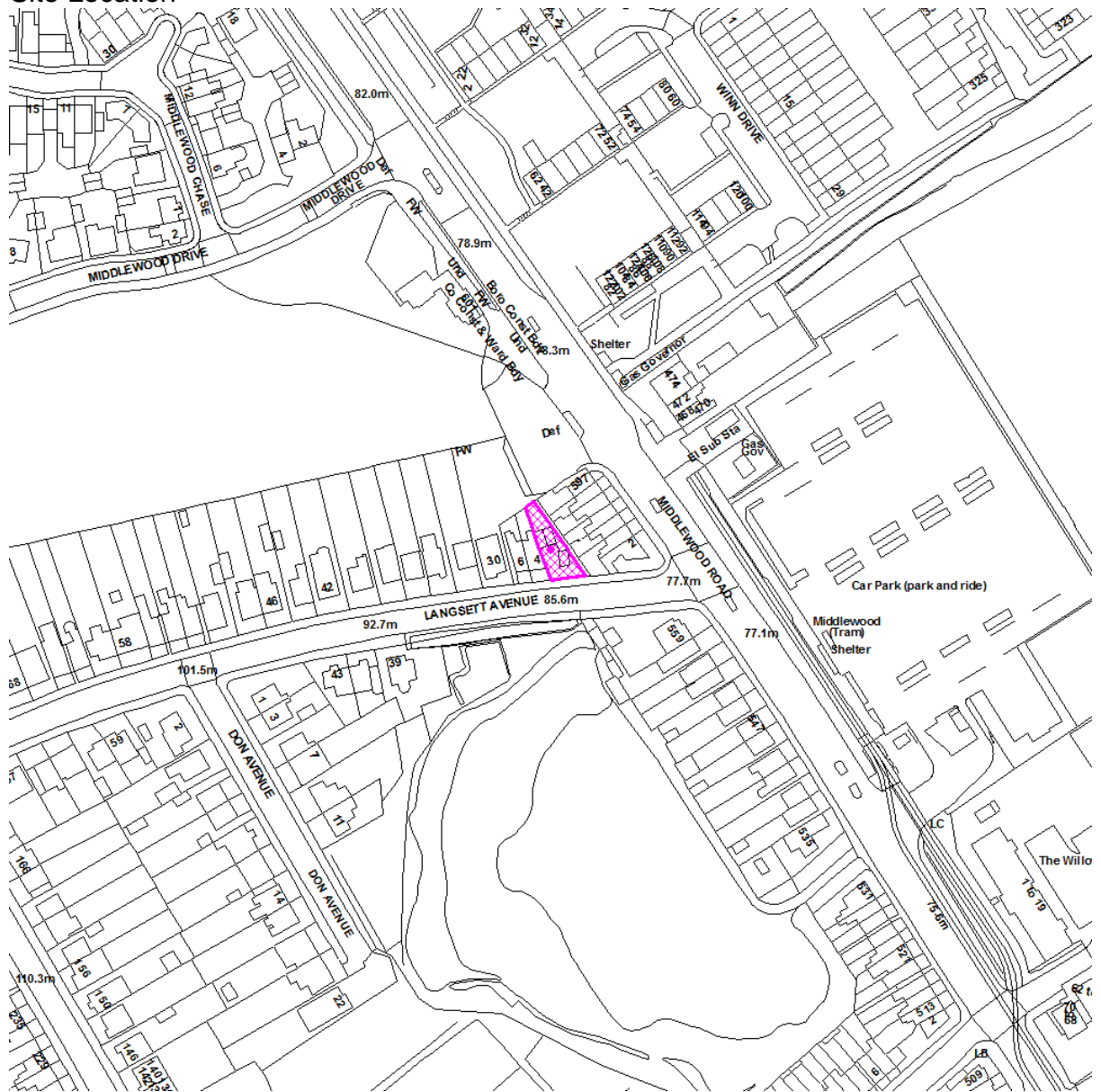
6. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a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

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

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 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.

# Site Location



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## LOCATION AND PROPOSAL

This application relates to erection of a bungalow within the former curtilage of 4 Langsett Avenue. Planning permission for a bungalow has previously been granted on the site under planning reference 15/03015/FUL. The bungalow has not been built in accordance with the approved plans. The fenestration detailing and material finishes (render) are not in line with the approved plans and the dwelling is slightly higher than previously approved.

The bungalow is nearing completion, however the external finish has not been applied and landscaping works have not been undertaken.

No.4 Langsett Avenue which is located immediately adjacent to the site is a semi-detached property with two-storeys plus attic accommodation. The land falls steeply to the East, and the land to the side which comprises of the application site is approximately 2 metres lower than No.4. To the East lies a row of terraced properties on Middlewood Road, which have their main rear aspect facing the site. These properties are situated a storey lower than the application site.

The locality consists of a mix of dwellings of varying design, style and age. Due to the steepness of Langsett road, several properties do not have off-street parking. The site is located close to Middlewood Tram stop, and the street appears to be used by commuters for parking during the day.

This application seeks planning permission for the retention of the bungalow and decking, including amendments to fenestration and facing materials of the property.

## RELEVANT PLANNING HISTORY

15/02133/FUL - Demolition of existing garages and provision of 3 storey building containing 3 self-contained flats (Further plans received 24th June 2015) – Refused

15/03015/FUL - Erection of a dwellinghouse – Granted conditionally – this was for a single-storey building.

16/03854/FUL - Erection of dwellinghouse – refused – This application was for a two-storey dwellinghouse and was refused on design grounds and impact to neighbouring properties.

## SUMMARY OF REPRESENTATIONS

Two letters of representation have been received. They are summarised below:

- Not overly impressed with the revised plans. (neighbour at No.597 Middlewood Road)

- Reasonably happy now with the general appearance of the development (Neighbour at No. 595 Middlewood Road).
- Concerns about the height of the fence, will be nearly 4metres high from the path below, it is too high.
- No problem with the material or construction of the fence, but feel it should be a universal height all the way along. It will be higher to the back to accommodate the raised height of the decking.
- They want a house on the site and are not bothered about how other people feel or complain.

## PLANNING ASSESSMENT

### Land Use Policy.

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. UDP policy H10 says that housing is the preferred use so the broad principle is acceptable.

The principle of accommodating a dwellinghouse on the site has been established under the previous planning permission – reference 15/03015/FUL

### Layout, Design and External Appearance.

UDP policy H14 and Core Strategy policy CS74 expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5.

The proposed design of the building shown on the submitted drawings is broadly in line with that approved under reference 15/03015/FUL. The principle of a single-storey flat roofed dwelling on this site has therefore been established. The building as erected has however been constructed contrary to the previously approved plans. The building has been rendered and includes elements of artificial slate cladding to the front elevation. A rendered finish is not considered appropriate in this location. The property is located to the side of a Victorian red brick semi-detached property and to the rear of brick Victorian terraces situated on Middlewood Road.

In this instance it is considered that a red brick finish to match the neighbouring properties is required in order to minimise the visual impact of the property and to ensure that the dwelling does not appear overly prominent in the street scene, particularly given that the plot is in a relatively prominent position visible from Middlewood Road. The use of red brick would reduce the prominence of the dwelling and ensure it will be read in context with the neighbouring properties.

The previous application which was granted planning permission was considered acceptable as it was to be effectively viewed as an extension to No.4 Langsett Avenue, and therefore not as an incongruous addition to the street scene.

The dwelling as built means that a brick finish cannot be provided without complete demolition and re build. A brick finish being added to the current build would negate any pedestrian access to the side of the building given the proximity of the building to the side boundary.

In light of the above the applicant is proposing to use a brick slip which is similar in colour and texture to the brick on the neighbouring dwellings either side of the site. A brick slip is a thin section of brick that replicates the appearance and dimensions of a conventional brick. In this case the use of a brick slip system is considered acceptable and would result in an appearance effectively the same as that of a traditional brick construction. The use of brick slips will also ensure that the pedestrian access to the side and rear of the building is retained.

The fenestration shown on the proposed drawings varies slightly from that previously approved. The proposed front elevation shows four window openings in the same location, all of which have matching head and cill heights. This differs from the previous scheme which included three of the four window being full height opening falling to the floor level. The fenestration to the rear is the same as that previously proposed. The only variation to the side elevation is that the previously approved high level window has been divided to form two smaller high level windows. The relatively simple form and fenestration proposed is similar to that granted previously and the alterations are therefore considered acceptable.

In light of the above the scheme is considered acceptable from a design perspective.

#### Amenities of neighbouring residents

UDP policy H14 says that new development in housing areas should not cause harm to the amenities of existing residents.

Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods.

It is important to ensure that the alterations to the approved scheme would not result in a significant and/or unreasonable loss of privacy to neighbours nor result in a development having an overbearing nature which would be to the detriment of neighbours' amenities.

The dwelling as constructed is located on the same footprint and has the same separation distance to all neighbouring properties as that previously granted permission. The approved scheme was considered acceptable in terms of impact upon neighbouring living conditions. The only material difference is that the building has been constructed approximately 250mm higher than that previously approved. This additional height is not considered significantly harmful given that the dwelling is read against the backdrop of a two-storey gable end which is located on a higher land level than the application site.

The side elevation of the dwelling as constructed includes two windows and the main door to the house. These windows are located so that they allow direct

overlooking to the first floor bedroom windows of the terraced houses on Middlewood Road which is not acceptable. Following negotiations with the applicant the submitted plans and elevations have been amended so that the cill of the windows in the side elevation are to be 1.7 metres above the floor level of the dwellinghouse. The provision of high level windows will ensure that no harmful overlooking occurs.

The fenestration now proposed is effectively the same as that previously approved and would therefore not give rise to any additional privacy issues.

A raised decking area to the rear has been constructed which runs flush with the floor level of the dwelling. This currently allows overlooking to the rear gardens of the houses on Middlewood Road due to the absence of any boundary treatment. The applicant has agreed to construct a 1.8 metre high close boarded fence along the side boundary to ensure any overlooking from the rear garden of the proposed dwelling is prevented. The 1.8 metre high fence would run along the side boundary line from the front elevation extending all the way to the rear boundary. The main door to the house is located within the side elevation and therefore this boundary fence would also prevent any overlooking to the houses on Middlewood Road from people accessing the dwelling. A condition will be attached to ensure that this fence is erected before occupation of the dwelling and that the fence remains in perpetuity.

Permitted Development rights will be removed as any additions or alterations to the dwelling could give rise to amenity issues.

#### Amenities of future occupiers

The main outlook for the property would be to the front and rear elevations. Each room in the house would have either a window or glazed door. Outlook and lighting levels are considered acceptable in this instance.

The dwelling would have a rear private garden proportionate to the size of the dwelling.

The plot size is such that any future extensions would reduce the garden size to an unacceptable level. A condition removing Permitted developments rights is therefore considered to be appropriate.

In light of the above the proposal is considered acceptable from an amenity perspective.

#### Highways

UDP policy H14 requires new development to have adequate on-site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.



The site plan submitted shows that the property would have one off-street parking space, as permitted under planning permission 15/03015/FUL. The site benefits from a dropped kerb as it previously housed two garages.

The site is also considered to be located in a sustainable location, being in close proximity to the Middlewood Supertram terminus and Middlewood Road which has regular bus routes.

In light of the above the proposal is considered acceptable from a highways perspective.

## RESPONSE TO REPRESENTATIONS

Whilst the concerns raised from a neighbour with regards to the proposed boundary fence are noted, it is considered that this fencing is necessary to prevent overlooking to the terraces on Middlewood Road.

## SUMMARY AND RECOMMENDATION

The principle of redeveloping the site for a single storey dwelling is established as planning permission has previously been granted on this site (reference 15/03015/FUL). The dwelling which has been constructed on site does not accord with the previously approved plans. This application seeks permission to regularise the changes that have been made to the approved scheme and includes amendments to the external materials to provide brick slips, along with alterations to the fenestration and provision of boundary treatment.

The amendments shown on the submitted drawings are considered to be acceptable from an amenity and design perspective.

In light of the above the proposal is considered to accord with the provisions of the Unitary Development Plan, the Core Strategy and the National Planning Policy Framework and it is recommended that planning permission is granted conditionally.

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Case Number	17/03102/RG3 (Formerly PP-06248017)
Application Type	Application Submitted by the Council
Proposal	Construction of a bituminous macadam surfaced shared use route for pedestrians, cyclists and equestrians including removal of existing trees and vegetation, installation of fencing, a bridge over the Little Don river with access ramps and minor planting and habitat management works as amended 06.10.17, 11.10.17, 20.10.17 and 24.10.17
Location	Route Running Between Level Crossing Over Liberty Steel Rail Lines Into Fox Valley Housing Site And Track Running To Ellen Cliff Farm Leading From Wortley Road Deepcar Sheffield S36 2TB
Date Received	21/07/2017
Team	West and North
Applicant/Agent	Sheffield City Council
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

REP/LDLD/12/C Proposed Bridleway Planning Layout received on 24.10.2017;  
REP/LDLD/15/B Track Construction Typical Sections received on 20.10.2017;  
REP/LDLD/10A Vegetation Clearance Planning Layout received on 06.10.2017;  
REP/LDLD/14 Layout details received on 21.07.2017;  
REP/LDLD16 Vehicle Gate Details received on 21.07.2017;  
REP/LDLD/28A Tree Removal and Retention received on 06.10.2017;

060907.2 KB7 Barrier received on 21.07.2017;  
All Square Horse Hop 2m Width drawing received on 21.07.2017;  
SL(0)01 Rev B Preliminary Ramp & Bridge Details received on 21.07.2017;

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees 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 further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the safety and stability of the proposed development.

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

5. Before any illumination of the route is provided, full details shall have been submitted to and approved in writing by the Local Planning Authority. Illumination, if provided, shall only occur in accordance with the approved details.

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

6. Before the cycle/pedestrian route is opened for public use, wayfinding signage shall have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved signage shall be retained.

Reason: In the interests of the amenities of the locality

7. Before the cycle/pedestrian route is opened for public use, a K-barrier and horse/hop/gate shall have been provided towards the western end of the route (with fencing to suit), all in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the Interests of pedestrian safety.

### **Other Compliance Conditions**

8. The development shall be carried out in accordance with the recommendations contained in Section 6 of the Bat Survey Report: Tree and Nocturnal Surveys (Ref: 0684.17 Version 1) dated 3 October 2017 prepared by Wildscapes, and the recommended working methods, the Little Don - Deepcar Invasive Plant Species Management Plan dated July 2017, and mitigation measures contained in the submitted Little Don Cycle Link - Deepcar Planning Statement dated October 2017 Revision E.

Reason: In the interests of biodiversity.

9. No obstruction including landscaping features shall be located over or within 3 metres either side of the centre line of the public sewers i.e. a protected strip width of 6 metres, that crosses the site. Changes to ground level within the 6 metre protected strip shall only be permitted following approval of details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow sufficient access for maintenance and repair work at all times.

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. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

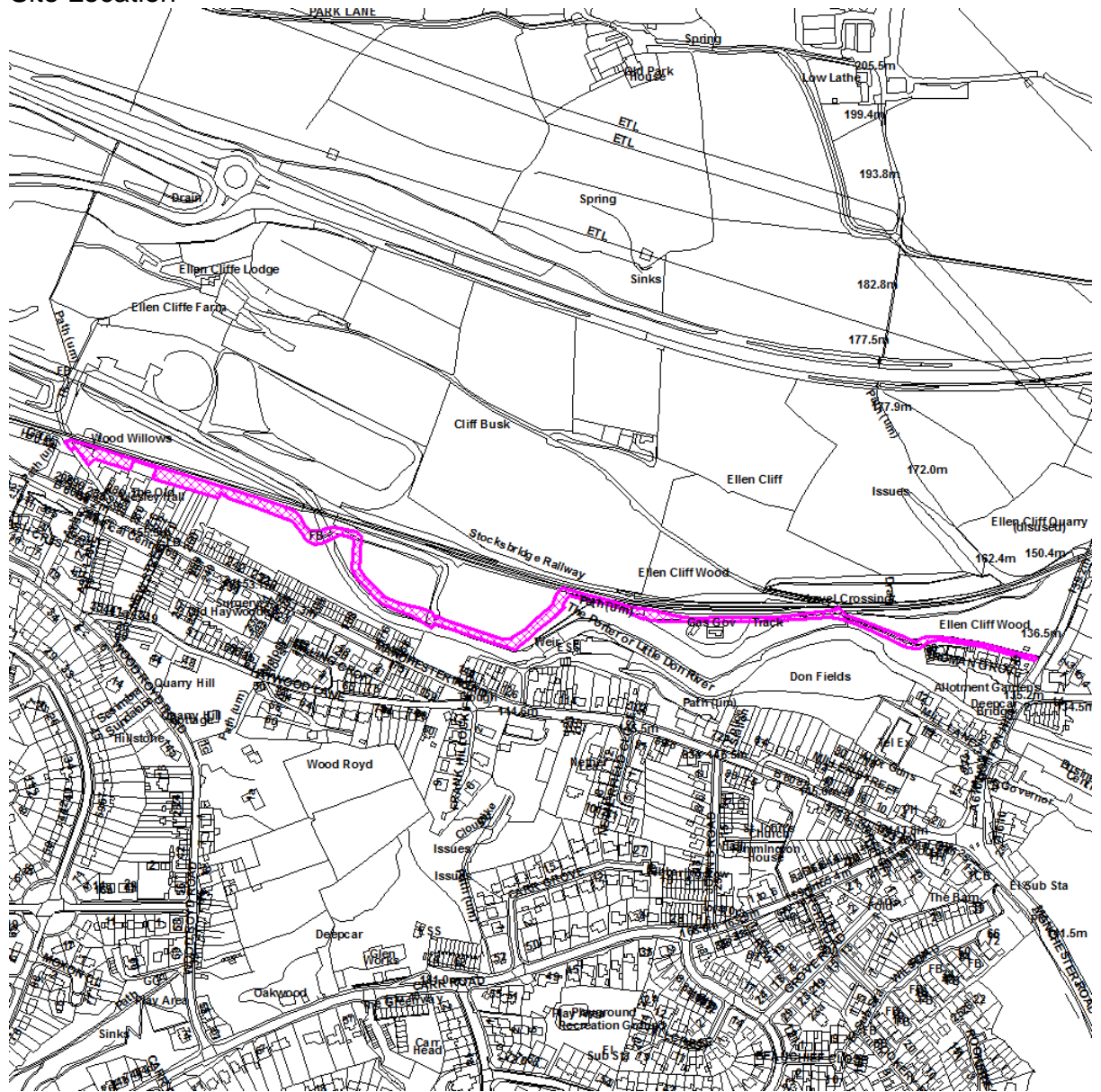
To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used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

If you require any further information please contact:

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Howden House, 1 Union Street  
Sheffield  
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# Site Location



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## LOCATION

The application site comprises a corridor of land in Deepcar running along the bottom of the Little Don River between Wortley Road to the east and an existing footpath running between properties at nos. 286 and 288, Manchester Road to the west.

The route runs alongside the rear gardens of residential properties at the eastern end of the route off Truman Grove, passing alongside the railway track serving the steelworks, and the Little Don River with a bridge link over the river, and passes alongside the rear gardens of residential properties off Manchester Road at its western end.

Part of the route, at the eastern end, runs along an existing track off Wortley Road that provides access to the railway line and is used for access to residential property higher up the hillside.

On the northern side of the railway line at the western end of the route is a housing development currently under construction.

## PROPOSAL

The proposal seeks full planning permission for the construction of a footpath/cycleway/bridleway between Wortley Road, Deepcar and an existing footpath running between properties at nos. 286 and 288, Manchester Road to the west.

The proposal has been amended since its original submission to realign the route further away from the railway line and closer to the rear gardens of the residential properties at the far western end of the route.

The applicant has stated that the Little Don Cycle Link is a joint project between Sheffield City Council, Barnsley Metropolitan Borough Council, Derbyshire County Council and the Peak Park Authority.

The project will create a new off road cycle and pedestrian track linking northern Sheffield into the Peak Park via Wharncliffe Woods, Deepcar, Stocksbridge and Langsett.

The proposal would connect to the recently completed section of the Link above Stocksbridge via a shared use route through Fox Valley and Hunshelf Road.

The applicant has stated that the Little Don Link forms part of Sheffield City Council's Green Routes Network programme, creating a series of strategic new off road cycle routes to improve cycling infrastructure for leisure and commuter use.

It will provide a link for existing Stocksbridge and Deepcar residents towards both Langsett and the Peak District, and into Wharncliffe Woods and onto the Trans Pennine Trail to either head north to Penistone and beyond, or south to Sheffield.

The applicant has stated that the proposed section of the route will provide a significant local benefit for utility cycling as a traffic free alternative to the busy Manchester Road through Deepcar, and linking the proposed large residential development off Station Road to the southeast and Stocksbridge town centre to the west.

The proposed route would have a clear surface width of 3 metres and a minimum 0.5 metre grass verge. Access controls are proposed incorporating horse styles and 'K-frames'. Ground level solar lighting are proposed to be installed on parts of the route.

The proposed route would be smoothly surfaced with bituminous macadam, with a soft grassed verge for equestrian use where possible. Gradients have been reduced wherever possible to maximise accessibility, and new access controls are included to minimise the risk of illegal motorbike use. The existing pedestrian footbridge over the Little Don river will be replaced with a new multi user bridge.

Parts of the proposed route would incorporate fencing along the edge of the route. A 2 metres high as screen fence is proposed on the southern edge of the route as part of the boundary treatment. At the eastern end of the route a 1.1 metre high post and rail fence would be provided along the southern edge of the route, increasing in height to 1.8 metres in places. A 2m high security fence is proposed on parts of the northern edge of the route alongside the railway line.

A tree survey, ecology report, geo-environmental risk assessment and a flood risk assessment has been submitted in support of this application.

## RELEVANT PLANNING HISTORY

There have been numerous planning applications in the area relating to the steelworks, the mixed use office and retail development at Fox Valley, and the residential development being constructed in the valley.

There is no relevant planning history on the route.

## SUMMARY OF REPRESENTATIONS

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

3 representations have been made to the proposal as originally submitted:

1 representation of objection from a resident whose property takes access from the lane at the eastern end of the route has concerns, lack of passing points along the lane for horses cycles and walkers to pass vehicles safely, how will unhindered rights of access be maintained, clear signage needs to be located at the bottom of the track to prevent cyclists and horses going on private driveway, health and safety issue with cyclists and riders coming down lane too fast not expecting vehicles.

2 neutral representations commenting on the original proposal have been received:

- no provision for installation of rubbish bins, dog waste bins, clearing up horse droppings, stricter penalties and monitoring needed;

- will lighting be on throughout hours of darkness, will it resist vandalism, will it encourage anti-social behaviour?

Following the submission of amendments to the proposed route and re-notification of neighbours, the above objection to the original route was repeated and 16 further representations of objection have been received including 14 from residents on Manchester Road relating to the following matters:

- access/exit to the trail is inappropriate, hazardous as it is directly opposite a residents drive who reverse vehicles down the single vehicle lane, this plan will put people at risk, request enforceable signage regarding no parking on the lane, it's an emergency access to the railway;

- new proposed route would impact negatively on neighbourhood;

- affect tranquillity and calm;

- increase footfall including horses;

- loss of privacy to residents whose back gardens back onto where the path, trees will be cut down allowing clear view into back garden;

- compromise security of residents, 1.8 metre fence is no deterrent;

- lights have a positive impact regarding visibility, safety and security;

- loss of trees which screen housing being built, trees offer home for nesting birds, preservation of wildlife and nature, removal of habitat unacceptable, loss of absorption of noise, loss of carbon absorption provided by mature woodland, suppressed Japanese Knotweed will make its way back;

- little maintenance to present woodland;

- no space to plant trees or a privacy hedgerow, self-set trees would be difficult to manage, no intention to replace any of trees removed;

- building path and people using path will create noise, noise from train is manageable and not an issue, path is close enough for people to throw litter into garden;

- need no fouling signage bins and regular collection;

- noisy illegal use by off road motorbikes;

- tarmac surface material is disappointing;



- increase light pollution;
- appearance, ugly green fence;
- will be lack of access to stone boundary wall for maintenance and repair;
- encroach on land used as garden;
- will not be able to let dog off lead in woodland;
- route next to river should be changed so wildlife on river is not disturbed;
- why not build it through the housing being built, a new bridge would not be needed.

Sustrans and Cycle Sheffield have stated that they support the creation of new cycle routes and welcome the route but object to installation of cycle barriers on cycle routes as inconvenience making route less appealing, awkward for public, discriminates against more vulnerable people, ineffective at preventing motorised bikes.

Stocksbridge Town Council has raised concerns regarding the amendment to the proposed cycle route which will result in an invasion of privacy for properties adjacent to this route and the potential health and safety concerns regarding sewerage issues. The Town Council request that the application be presented to the Planning Committee for consideration and that a site visit be carried out to gain a clear understanding of the issues along the route.

## 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).

In the immediate vicinity of the site the UDP Proposals Map identifies land and properties on the north side of Manchester Road and off Vaughton Hill and Wortley Road as being within a Housing Area, the former industrial land to the north and south of the railway line as being part of a General Industrial Area, two pockets of Open Space Areas alongside the river, and land on the north side of the river as being within the Green Belt.

The majority of the proposed route east of Wortley Road runs through areas identified on the UDP Proposals Map as being within Green Belt. Either side of the proposed bridge over the river the route runs through an Open Space Area and the end of the General Industrial Area, before running through the strip of land to the rear of houses on Manchester Road which is identified as part of a Housing Area on the UDP Proposals Map.

The Government's planning policy guidance is contained in the National Planning Policy Framework (NPPF). NPPF paragraph 28 states that planning policies should support sustainable rural tourism and leisure developments. NPPF Paragraph 89 sets out that the provision of appropriate facilities for outdoor sport and recreation can be acceptable as long as it preserves the openness of the Green Belt.

UDP Policies GE1 to GE4 seek to protect the openness and character of the Green Belt.

It is considered that although the proposed route would require some engineering works these would not be of such an extent that they would harm the character and openness of this part of the Green Belt or the character of the Open Space Areas.

In this instance the proposed route would provide essential facilities for outdoor recreation and complies with UDP Policies GE1 to GE4 and the Government's planning policy guidance contained in the NPPF.

#### Highway Issues

UDP Policy H14 relating to conditions on development in Housing Areas including matters of highway safety.

The proposal route links into the existing highway and footpath network and would provide a beneficial facility for local residents and recreational users.

There are no highway objections to this proposal. The use of suitable barriers to prevent the misuse of the route by off road vehicles raises is considered acceptable in highway terms.

Conditions are recommended to secure provision of a 'K-barrier' and horse-hop/gate towards the western end of the route and ensure any illumination is appropriately designed.

#### Impact on the Amenities of Residents

UDP Policy H14 relating to conditions on development in Housing Areas including matters of amenity.

The proposed route would run alongside the gardens of existing residential properties at the eastern and western ends of the route. The eastern end of the route is also used by existing residents to gain access to their properties and by the land owner to gain access to the railway line.

Currently, the existing track at the eastern end between Wortley Road and the railway crossing is a public right of way (ref: STO/10). Between this railway crossing and the existing footbridge to the west, there is a currently a permissive route (ref: STO/PERM/1) which the land owner allows the public to use.

The natural incline of the existing and proposed route at the eastern end of the site would result in the route being at a higher level than the adjacent residential gardens.

At the western end the alignment of the route has been amended since its original submission to accommodate the land owner's (Liberty Steel) request to safeguard land alongside of the railway to allow future potential for a second railway line). The ground levels along this part of the route fall towards the railway line.

The originally proposed alignment of the route alongside the existing railway would require gabion walls to raise the level on the trackside of the route. This original alignment would retain a strip of trees between the proposed route and the rear garden boundaries of residential properties at the western end of the route.

The amended proposal, as a consequence of the request to safeguard land alongside the railway line, moves the route closer to the boundary with the residential gardens and whilst the finished level of the route would be similar to the original submission it would now be cut into the rising ground level with a gabion retaining wall supporting the retained ground level alongside the garden boundaries.

The applicant has since redesigned the retaining wall and screen fence to enable the screen fence and proposed planting to be upgraded. This revision would enable the screen fence (now situated on top of the retaining structure) that would be on top of the retaining wall to be increased in height from 1.8 metre to 2 metres and its specification to be enhanced to incorporate acoustic properties. The position of the screen fence would be sited closer to the proposed track creating additional space for planting between the screen fence and the neighbouring properties gardens. The proposed hedge planting would be replaced by a line of extra heavy standard trees to provide instant amenity and screen value underplanted with shrub species to provide a dense screen.

The use of the proposed route by walkers, cyclists and horse riders will generate new and increased activity. It is considered that the potential increase for noise and disturbance from the use of this route would be appropriately mitigated by the proposed boundary treatments. It is considered that the revision to enhance the proposed landscaping strip including replacement tree planting would soften the appearance of the screen fence and provide additional screening between the route and residents gardens.

Overall, it is considered that whilst the proposal would introduce activity close to residential properties, the proposal would incorporate sufficient mitigation measures to ensure that there would be no significant harm to the living conditions of nearby residents.

The proposal complies with UDP Policy H14.

Ecology

Whilst the route has endeavoured to limit the impact on trees the proposal would involve the removal of some trees and undergrowth.

Several trees in the site area could potentially be in use as bat roosts and for foraging for several bat species. Of these 1 tree have been identified as having high potential, 2 moderate and 6 low/moderate roost potential. The ecology report recommends inspection by a suitably licenced ecologist before felling and supervision during felling operations.

To mitigate this impact an area of new native woodland planting (including 122 trees) is proposed between the route and railway lines, and between the route and the rear gardens of residential properties off Manchester Road.

All works would take place outside the bird breeding season. The mitigation measures also include the provision of 14 bird boxes and 15 bat boxes.

It is considered that satisfactory mitigation measures are proposed and there would be no significant impacts on ecological interests.

#### Land Quality

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

The Coal Authority has no objection to the proposed development.

#### Flood Risk

The site lies in flood zone 3 where there is a probability of flooding. The proposed bridge has been designed to sit above the 1 in 100 year flood water level and would be at low risk of flooding.

The Environment Agency has no objections to the proposal.

#### RESPONSE TO REPRESENTATIONS

There are non-native invasive species such as Japanese knotweed on or close to the route. An Invasive Plant Species Management Plan has been submitted to appropriately manage the presence of invasive species in accordance with the Environmental Protection (Duty of Care) Regulations 1991 and the Wildlife and Countryside Act 1981.

#### SUMMARY

The majority of the proposed route east of Wortley Road runs through areas identified on the UDP Proposals Map as being within Green Belt. Either side of the proposed bridge over the river the route runs through an Open Space Area and the end of the General Industrial Area, before running through the strip of land to the

rear of houses on Manchester Road which is identified as part of a Housing Area on the UDP Proposals Map.

The proposal is appropriate development within the Green Belt.

It is considered that although the proposed route would require some engineering works these would not be of such an extent that they would harm the character and openness of this part of the Green Belt or the character of the Open Space Areas.

There are no objections in principle to the proposed development.

There are no highway objections to this proposal. The use of suitable barriers to prevent the misuse of the route by off road vehicles raises is considered acceptable in highway terms.

Overall, it is considered that whilst the proposal would introduce activity close to residential properties, the proposal would incorporate sufficient mitigation measures to ensure that there would be no significant harm to the living conditions of nearby residents.

It is considered that satisfactory mitigation measures are proposed and there would be no significant impacts on ecological interests.

The proposal complies with UDP Policies GE1 to GE4 and H14 and the Government's planning policy guidance contained in the NPPF.

#### RECOMMENDATION

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

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Case Number	17/02651/FUL (Formerly PP-06174867)
Application Type	Full Planning Application
Proposal	Erection of raised decking to provide outdoor seating area to restaurant
Location	Panahar 478 - 480 Fulwood Road Sheffield S10 3QD
Date Received	26/06/2017
Team	West and North
Applicant/Agent	James Roberts
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Drawing 1714 100 - Site Location Plan  
Drawing 1714 201- Ground Floor Plan as Proposed  
Drawing 1714 202 - Roof Plan as Proposed  
Drawing 1714 203 - South East Elevation as Proposed  
Drawing 1714 204 - North East Elevation as Proposed

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. Large scale details, including materials and finishes (and if required samples), at a minimum of 1:20 of the decking, plinth, balustrading and means of support shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Thereafter, the works shall be carried out in accordance with the approved details.

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

### **Other Compliance Conditions**

4. The external seating area which is hereby granted planning permission shall only be used between the hours of 12:00hrs and 21:00hrs on any day of the week.

Reason: In the interest of occupiers of neighbouring residential properties.

Attention is Drawn to the Following Directives:

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

UDP Policy BE15, S7 and S10

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

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

2. The developer's attention is drawn to:

(i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and

(ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

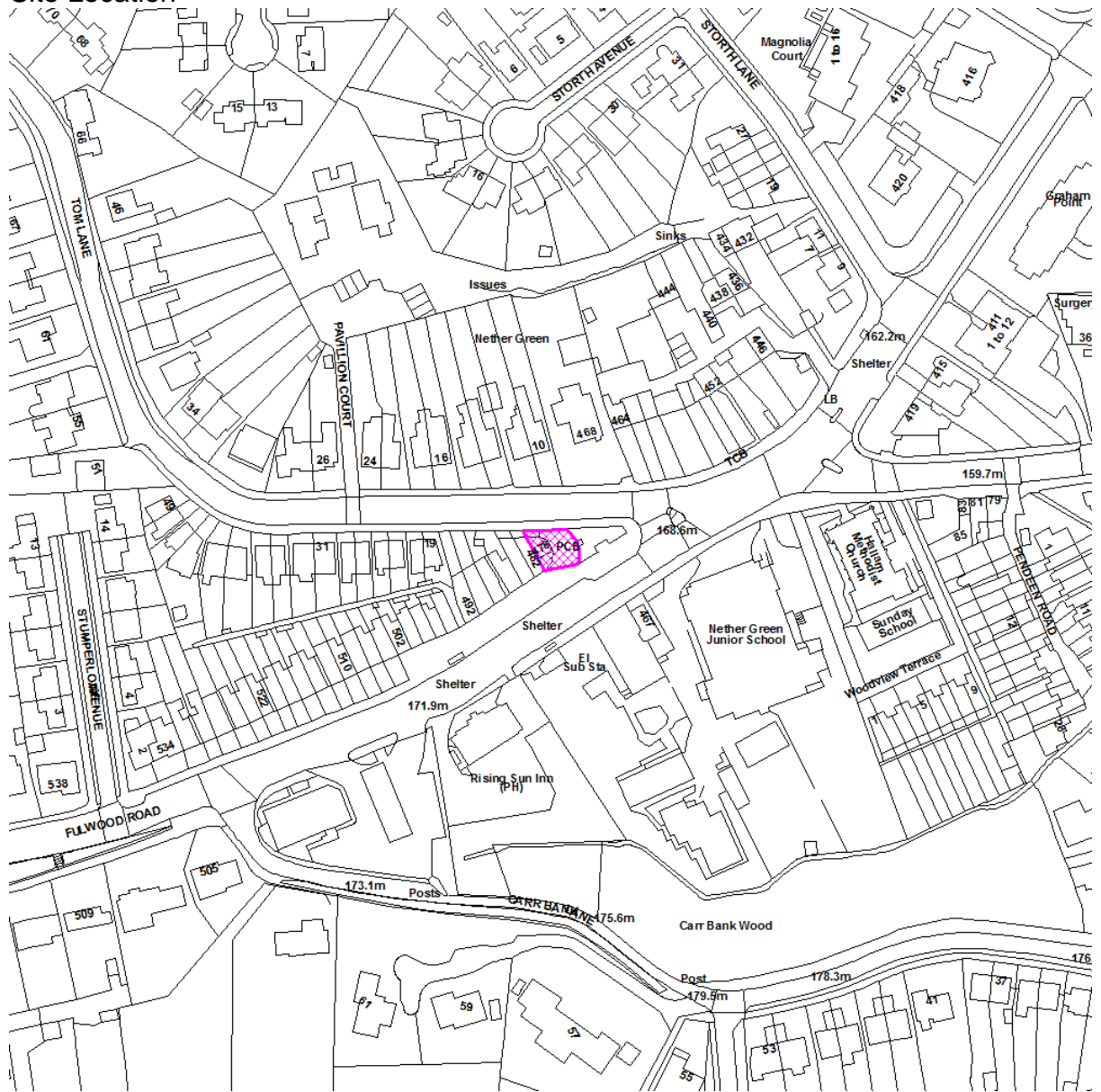
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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



# Site Location



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## LOCATION AND PROPOSAL

The application relates to an existing restaurant located on the corner of Fulwood Road and Tom Lane.

The site is identified on the Unitary Development Plan Proposals Map as being within a Local Shopping Centre and is adjacent to other retail uses which have residential accommodation on the upper floors. To the side and wrapping around the property is a fairly large forecourt area which is at present open (as are the forecourts to the neighbouring units).

The site slopes up from Fulwood Road and there are residential properties to the rear on Tom Lane. The opposite side of Tom Lane is within a Conservation Area and there are Grade II Listed Buildings at 446 - 464 Fulwood Road. On the opposite side of Fulwood Road is Nether Green Junior School which is also Grade II Listed.

Planning permission is sought for the erection of an area of raised decking which would allow customers to sit outside the restaurant. The decking would provide a level platform with a floor level equivalent to that of the restaurant. The decking would project a maximum of 2.5m from the existing building and would be constructed from timber with reinforced glass balustrading on steel supports. The top of the structure (top of the balustrading) would be between 1.2 – 1.8m above ground level. The decking area would be located on the forecourt area to the front of the property which does not form part of the public highway.

## RELEVANT PLANNING HISTORY

Planning permission was granted for the use of the property as a restaurant by application 06/00282/CHU. Attached to this consent were conditions restricting the hours of use of the restaurant, deliveries and the sorting of bottles/waste outside the building (limiting the hours to 23:30 hours). These conditions were attached to protect the amenity of occupiers of neighbouring properties.

Planning permission was sought for a single-storey extension to the property under application 06/01118/FUL. This was refused as inadequate information was provided with regard to bin storage and disabled access. A later application (06/02723/FUL) was withdrawn. Later under application 06/04528/FUL consent was granted for a single-storey side extension and the erection of a new shop front.

## SUMMARY OF REPRESENTATIONS

A representation has been received from Cllr Sue Alston. This asks that the views of local residents be taken into account. The site is within a residential area and the proposal would be likely to give rise to noise and exacerbate parking problems.

26 representations have been received from local residents objecting to the proposed development. These raise the following issues:

- The addition of further covers at the restaurant could lead to additional car parking pressures.
- The loss of the area of the forecourt would result in delivery vehicles parking on the surrounding streets which are already congested.
- The hours of use (from 12pm – 11pm) would coincide with school pick up time which adds further congestion to the area.
- The use of the decking would result in increased noise and disturbance to the occupiers of the flat above the restaurant and other flats within the parade.
- Occupiers of neighbouring residential properties already suffer from noise from people using the Rising Sun (which has an outdoor terrace) and the petrol station as well as noisy customers leaving the existing restaurant. The proposed development would worsen this.
- The development would result in overlooking to neighbouring properties and gardens, resulting in a loss of privacy.
- The development would be contrary to the aims of the Core Strategy which seeks to safeguard residential areas.
- The wide forecourt area is used by pedestrians. It is not clear whether there would be sufficient room for push chairs / double buggies to pass if the decking is erected.
- Food may be able to fall between the gaps of the decking and may lead to vermin.
- The surrounding area is residential, occupied by many families which would not welcome this kind of development which is more akin to a city centre use.
- The site is adjacent to a Conservation Area (on the opposite side of Tom Lane).
- The development would affect the setting of Nether Green Junior School which is a Grade II Listed Building.
- The development could lead to overlooking to the school.
- The development would have an overbearing impact upon pedestrians using the footpath.
- The existing property is old and slates etc could possibly fall onto customers.
- The decking would be likely to be busiest during warm weather when local residents would be more likely to have windows open, exacerbating noise problems.
- The area is already vibrant and the restaurant successful. The proposed development would not add much in terms of employment and a better solution would be to open another restaurant elsewhere within the city.
- The plans say 'do not scale' and so it is unclear how large the decking area will be / how high the development would be elevated above the footway.
- The existing extraction equipment often emits smells. An intensification of use would increase this.

- The decking could be misused and be a magnet for antisocial behaviour when not in use.
- The decking would be likely to be used by smokers.
- The decking would be a fire hazard.
- An intensification of use would be likely to result in more waste. At present the bins for the premises are left on the pavement causing an obstruction.
- There may be covenants restricting the sale /consumption of alcohol on the premises so as to protect the amenity of local residents.
- The development would significantly increase the number of covers the restaurant has.
- One representation has been received in support of the proposal. This sets out that there are other establishments within the vicinity with outdoor areas.
- The area is already relatively noisy with comings and goings from the pub, mini supermarket /petrol station and neighbouring takeaway.
- The area suffers from parking problems largely in the day (particularly around school drop off and pick up times) and the restaurant use would be more in the evenings.
- The restaurant serves local residents, the majority of which walk or get a taxi.

## PLANNING ASSESSMENT

The site is identified on the Unitary Development Plan Proposals Map as being within a Local Shopping Centre. UDP Policy S7 sets out that within such areas shops are the preferred use; however food and drink outlets are identified as being an acceptable use.

UDP Policy S10 – Conditions on Development in Shopping Areas sets out that within such areas new development or change of use will be permitted provided it would, amongst other things, (a) not lead to a concentration of uses which would prejudice the dominance of preferred uses within the area; (b) not cause residents or visitors to suffer from unacceptable living conditions including air pollution, noise, other nuisance or risk to health or safety; (d) be well designed and of a scale and nature appropriate to the site and (f) be served adequately by public transport facilities and provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

### Dominance

The proposed development would be an addition to an existing use within the parade of shops and would not compromise the dominance of retail uses within the Local Shopping Centre. As such the development would comply with UDP Policy S10 (a).

### Residential Amenity

Concerns have been raised that the development would be detrimental to occupiers of neighbouring residential property, in particular by way of noise, smells and increased disturbance. The property is within a Local Shopping Centre but is close to residential uses and there are residential properties above the restaurant. On the opposite side of Fulwood Road is The Rising Sun pub which has an outdoor seating area which fronts onto Fulwood Road and is within 50m of the application site. The use of the premises as a restaurant is existing and the application seeks to allow users to sit outside. Due to the sloping nature of the forecourt a decking area is necessary to allow tables and chairs to be provided on a level surface.

Given that the site is in an established local shopping area, the use is existing and there are other outside seating areas within close proximity to the site, it is considered that a refusal of the application on the grounds that it would result in increased noise and disturbance to local residents cannot be justified; however it is acknowledge that the use of the decking area late into the night could be detrimental to occupiers of neighbouring property and so it is recommend that, should planning permission be granted, a condition be attached to any consent restricting the hours of use such that the decking cannot be used outside the hours of 12:00 – 21:00 hours on any day.

It is considered that the increased number of people using the restaurant would not give rise to significantly greater cooking smells or waste and would not be a risk to health and safety.

Concerns have been raised that users of the decking could overlook neighbouring property. The proposed decking would be elevated to provide level access into the premises and would be no higher than the existing ground floor level of premises which has windows that look out onto the highway. There would be a distance of over 26m to the nearest residential property to the north, on the opposite side of Tom Lane which is at a higher level and over 30m to nearest properties on the opposite side of Fulwood Road. It is considered that the development would not give rise to unacceptable levels of overlooking.

Concerns have also been raised that the decking could be a magnet for antisocial behaviour in the evening when not in use. The site is at the junction of Tom Lane and Fulwood Road where at present there is a wide space with a grass verge, several trees and a bench. It is considered that people are no more likely to converge on the proposed decking than they are on the existing bench / open space and so a refusal of the application on these grounds cannot be justified.

It is considered that, with the imposition of conditions restricting the hours of use, the decking would not be harmful to occupiers of neighbouring properties and the development would accord with UDP Policy S10 (b).

#### Highway Safety

The decking would be positioned within an existing private forecourt area and would not encroach into the public highway or compromise the use of the

pavements to the front, side or rear which are wide. It is considered that the development would not be a danger to pedestrians.

On-street parking can be difficult; however the use is established and the site is within a sustainable location, on a main bus route within easy walking distance of surrounding residential areas. It is considered that the proposed development would not result in a significant increase in customers which would generate any significant parking problems or highways safety issues. As such a highways based refusal cannot therefore be justified. The proposed development would not conflict with UDP Policy S10 (f).

### Design Issues

The property is within a prominent location. On the opposite side of Tom Lane is a Conservation Area and there are Listed Buildings within 50m of the site. However the property is not viewed in context with the Listed Buildings being separated by the highways with street furniture, trees and level differences. It is considered that the development would not affect the setting of these neighbouring Listed Buildings and would accord with UDP Policy BE15 – Areas and Buildings of Special Architectural or Historic Interest, which sets out that development which would harm the character or appearance of a Listed Building or Conservation Area will not be permitted.

The proposed decking would be constructed from timber, steel and glass and it is considered that if the proposed development is high quality and would not have an adverse impact upon the character and appearance of the area. Furthermore the site benefits from substantial screening provided by the existing trees and landscaping located in the highway on the corner of Fulwood Road and Tom Lane.

In order to ensure an appropriate quality of development it is recommended that a condition requiring large scale details of the decking, alongside full details of the proposed materials and finishes is submitted for approval. In light of the above the proposal is considered acceptable from a design perspective and accords with UDP Policy S10 (d).

### RESPONSE TO REPRESENTATIONS

Issues of appearance, residential amenity and parking have been dealt with above. Other issues raised are not planning considerations. Although adjacent to a housing area the site is within a Local Shopping Centre. The imposition of restrictive covenants would be a private legal matter; any possible fire hazard would be a matter for building regulations and the potential for vermin is something that can be controlled with proper maintenance and food hygiene.

### SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a decking area to the front / side of an existing restaurant to allow the restaurant to have an outdoor seating area.

It is considered that, subject to the imposition of appropriate conditions, the development would not be harmful to the amenities of occupiers of neighbouring residential property; and would not have an adverse impact upon the character and appearance of the area or present a danger to pedestrians and road users. The development would accord with UDP Policy S7 and S10 as well as BE15.

The development would also accord with the aims of the National Planning Policy Framework (NPPF) which sets out a presumption in favour of sustainable development. The application relates to an existing business within a Local Shopping Centre in a sustainable location.

It is recommended that the application is granted conditionally.

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Case Number	17/02624/OUT (Formerly PP-06139180)
Application Type	Outline Planning Application
Proposal	Application to remove requirement for provision of affordable housing (Application under Section 73 to remove condition 22 (Affordable housing provision) from planning permission 16/01169/OUT)
Location	Oughtibridge Mill Sheffield Site 22 - 24 Main Road Wharnccliffe Side Sheffield S35 0DN
Date Received	22/06/2017
Team	West and North
Applicant/Agent	Miss Suzanne Phillipson
Recommendation	Grant Conditionally Subject to a Legal Agreement

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

1. 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.

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the date of approval of the last reserved matters application for the first phase or before the expiration of five years from the date of this permission.

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

3. No development of a phase shall be commenced unless and until full particulars and plans have been submitted to and approved by the Local Planning Authority in respect of (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by the permission).

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.



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

4. The development shall be carried out broadly in accordance with the following approved plans:

01 Use and Development Area (Dwg. Ref. no. 1526:10 Rev N)  
02 Landscaping and Open Space (Dwg. Ref. no. 1526:11 Rev E)  
03 Storey Heights (Dwg. Ref. no. 1526:12 Rev B)  
04 Density (Dwg. Ref. no. 1526:13 - Rev D)  
05 Access (Dwg. Ref. no. 1526:14 - Rev C)  
06 Tree Removal Plan (Dwg. Ref. no. 1526:15 Rev F)  
Proposed Access Arrangement Langsett Road North (Dwg. No. 15/215/TR/003)  
Proposed Footway Widening Scheme on A6102 Langsett Road North: Drawing 1 (Dwg. Ref. no. 15/215/TR/008 Rev B), Drawing 2 (Dwg. Ref. no. 15/215/TR/009 Rev C), and Drawing 3 (15/215/TR/010 Rev B).

Reason: In order to define the permission.

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

5. No advance infrastructure and enabling works (including but not limited to any works of demolition and/or works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes, site remediation, archaeological investigation, earthworks and/or re-profiling of site levels) within a Phase ("Advance Infrastructure and Enabling Works") shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications pursuant to Conditions 1 and 2 and without compliance with pre-commencement conditions 7, 8, 9, 10, 14, 16, 17, 18, 21, 23, 25, 26, 30, 31 and 32.

Reason: To safeguard highways safety and amenity during early development activities.

6. No development of a phase shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following matters in respect of the development of the phase:

i. The parking of vehicles of site operatives and visitors  
ii. Means of access for construction traffic  
iii. Loading and unloading of plant and materials  
iv. Storage of plant and materials used in constructing the phase of development  
v. The erection and maintenance of security hoarding  
vi. Wheel washing facilities  
vii. Measures to control the emission of dust and dirt during construction

- viii. Measures to protect potential reptiles during construction
- ix. Measures to protect potential otters during construction
- x. Measures to protect badgers from being trapped in open excavations and/or pipe culverts.

Reason: To provide for appropriate on-site facilities during construction, in the interests of highway safety and the general amenity of the area.

7. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 prior to the commencement of development a phasing plan setting out the proposed phasing of construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase submitted pursuant to Condition 3 above shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" or "phase of development" shall be interpreted as being a reference to a phase as defined on the phasing plan approved or subsequently updated pursuant to this condition.

Reason: To ensure the satisfactory delivery of elements of the proposed development.

8. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing:
- i. Means of crossing the River Don for pedestrians and cyclists and links into wider footpath/cycleway network;
  - ii. The provision of pedestrian access points onto Main Road/Langsett Road North;
  - iii. The provision of public art; and
  - iv. The timing of the provision of i, ii and iii.

Thereafter the approved scheme shall be implemented in accordance with the timescales set out within the approved scheme.

Reason: To provide sustainable travel options to local services and facilities within Oughtibridge and Wharnccliffe Side and in order to satisfy the requirements of Policy BE12 of the Unitary Development Plan.

9. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing:

- i. Means of crossing the River Don for vehicles; and
- ii. The timing of the provision of i.

Thereafter the approved scheme shall be implemented in accordance with the timescales set out within the approved scheme.

Reason: To provide a satisfactory vehicle crossing over the River Don.

10. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until a Phase II Intrusive Site Investigation Report in respect of that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. The report will confirm that supplementary intrusive site investigations, gas monitoring and risk assessment have been undertaken as recommended in report Geoenvironmental Appraisal Report of land at Oughtibridge Mill, ref: C6485A, Final Rev A, dated March 2016, Volumes 1 to 3 (Sirius), and as are required by the Environmental Protection Service. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.

11. No development of any phase, or other operations being undertaken on site in connection with the development, shall take place until the following documents, prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) for that phase, are submitted to and approved in writing by the Local Planning Authority:

- Tree protection plan and barrier details (TPP)
- Arboricultural Method Statement (AMS)

No development or other operations shall take place except in complete accordance with the approved TPP and AMS. The erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved TPP and AMS before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure trees are adequately considered and protected during construction of the development.

12. Part A (pre-commencement)

No development within the areas outlined in red and orange on Figure 11 of NAA Report No. 16/10 (v.3, March 2016), including the Advanced Infrastructure and Enabling works as defined in Condition 5, 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.

Part B (pre-occupation/use)

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 has 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.

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

13. No dwellings within any phase of development shall be occupied until the vehicular site access has been implemented in accordance with the details approved by Dwg No. 15/215/TR/003 (Proposed Access Arrangement Langsett Road North), or any alternative access arrangements submitted to, and approved in writing by, the Local Planning Authority which is substantial accordance with this plan.

Reason: In the interests of highway safety.

14. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no phase of development shall commence until an agreed timetable for implementation of the Proposed Footway Widening Scheme has been agreed in writing by the Local Planning Authority. Thereafter the approved widening scheme shall be implemented in accordance with the details approved by: Drawing 1 (Dwg. Ref. no. 15/215/TR/008 Rev B), Drawing 2 (Dwg. Ref. no. 15/215/TR/009 Rev C), and Drawing 3 (15/215/TR/010 Rev B), or any alternative improvement scheme agreed in writing with the Local Planning Authority, and the agreed timetable for implementation, subject to such variations as may be agreed by the Local Planning Authority.

Reason: In the interests of highway safety.

15. Prior to the commencement of demolition of buildings fronting Langsett Road North/Main Road, a conditions survey of the retaining structure supporting Langsett Road North/Main Road shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter any remediation measures required by the conditions survey in order to maintain the structural integrity of the retaining structure shall be carried out in conjunction with the demolition works. If, ultimately, the retaining structure is back-filled, full details of materials, method of compaction, drawings and any calculations shall have been submitted to and approved in writing by the Local Planning Authority in advance. If, ultimately, the retaining structure is not being back-filled, details of the space being set aside to allow the Local Planning Authority access to carry out periodic inspections of the retaining structure shall have been submitted to and approved in writing by the Local Planning Authority prior to any dwellings being constructed, with any remedial/strengthening/construction works identified by the inspection being undertaken by the owners of the retaining structure with immediate effect.

Reason: In the interests of highway safety

16. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 prior to the commencement of any phase of development, a detailed Travel Plan for that phase which is in broad accordance with the Bryan G Hall Framework Travel Plan (March 2016), and finalises the measures to be put in place for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan for that phase shall thereafter be carried out and operated as approved.

Reason: To promote the use of more sustainable modes of transport.

17. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until full details of the proposed surface water drainage for that phase have been submitted to and approved by the Local Planning Authority, including the arrangements for surface water infrastructure management for the life time of the development. These works shall be carried out concurrently with the development of the phase to which they relate and shall be operational in accordance with the approved details prior to the occupation of any dwellings within the relevant phase of development.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged.

18. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 the surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow as referred to within Table 1 of the Drainage Assessment (Oughtibridge Mill, Oughtibridge, Sheffield - Drainage Assessment, Final Report v1-0, March 2016, Weetwood Services Ltd). This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site. Detailed proposals for surface water disposal for each development phase, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to commencement of any phase development. Each phase of development shall thereafter be carried out in accordance with the approved details for that phase.

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding.

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed for each development phase in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

20. The access to Wharnccliffe Side Waste Water Treatment Works shall be maintained throughout all phases of the development.

Reason: To ensure access to Wharnccliffe Side Waste Water Treatment Works is maintained throughout the development.

21. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, a minimum of 1.38ha shall be provided as public open space for the development as a whole. Such public open space shall comprise of informal amenity space, including the riverside walkway, and facilities for children's play. No development within a phase shall commence until the Local Planning Authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that phase of the development to include the following matters in respect of the phase:
- i. The delineation and siting of the proposed public open space;
  - ii. The type and nature of the facilities to be provided within the public open space, including where relevant children's play provision;
  - iii. The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development; and
  - iv. The arrangements for the future maintenance of Public Open Space.

The open space for that phase shall be completed in accordance with the approved details and arrangements for that phase.

Reason: To ensure adequate provision of public open space to meet the needs of future occupiers of the development in accordance with saved UDP Policy H16.

23. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until a Remediation Strategy Report detailing those remediation works recommended within the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10 for that particular phase 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) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures, including the YAHPAC Technical Guidance (October 2014), Acceptable Methods of Validating Capping Thickness (May 2013) and Verification of Gas Protection Measures (February 2009).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.

24. Upon completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy, for a phase, a Validation Report shall be submitted to the Local Planning Authority in respect of that phase. No dwellings within a phase shall be occupied until the final Validation Report for that phase has been approved in writing by the Local Planning Authority. The Validation Reports 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, including the YAHPAC Technical Guidance (October 2014), Acceptable Methods of Validating Capping Thickness (May 2013) and Verification of Gas Protection Measures (February 2009).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25

25. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development of any phase shall take place until a woodland management plan has been submitted to, and approved in writing by, the Local

Planning Authority, which details measures to manage the adjacent woodland edge up to the existing fence line, and the timescales for the implementation of such measures. Thereafter the approved scheme management plan shall be implemented in accordance with the approved details.

Reason: To ensure that the ancient woodland surrounding the site is adequately considered and protected.

26. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no phase of development shall commence until details of mitigation measures as set out within Section 5 of the Ecological Survey prepared by Baker Consultants (March 2016) for that particular phase have been submitted to, and approved in writing by, the Local Planning Authority, to the extent only that such measures are relevant to the particular phase under consideration. Mitigation measures are specific to the following paragraphs of the Ecological Survey:

- i. Replacement bat roost habitat - Paragraph 5.3.9 (p48);
- ii. Provide nesting and feeding habitats for birds - Paragraph 5.3.17 (p49); and
- iii. Invasive species management - Paragraph 5.3.18-5.3.20 (p49).

The details will include a timetable for the implementation of mitigation measures for that particular phase. Thereafter, the development of that phase shall be carried out in accordance with the approved details.

Reason: To ensure adequate protection of species and habitats.

27. Demolition of Buildings B10 and B18 as shown in the Ecological Survey prepared by Baker Consultants (March 2016) and removal of the existing vehicular bridge shall not commence unless the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (R53 Licence) authorizing the specified activity/development to go ahead; or
- b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require an R53 Licence.

Reason: To protect the interests of bats as a protected species.

28. No dwellings within a phase of development shall be occupied until a scheme of sound insulation works for that phase has been installed. Such scheme of works shall be first submitted to and approved in writing by the Local Planning Authority and shall:

- a) Be based on the findings of approved Noise Assessment report ref. 15/0651/R1-3.
- b) 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); and
  - External Amenity Areas (rear gardens): LAeq (16 hour) 55dB (0700 to 2300 hours).

c) Where the above internal noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Such works shall thereafter be retained.

Reason: In the interests of residential amenity.

29. Prior to the occupation of any phase of development, Validation Testing of the scheme of the sound insulation works provided for dwellings pursuant to Condition 28 shall have been carried out for each house type within that phase and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with a method statement approved by the Local Planning Authority.

b) Demonstrate that the noise levels specified in Condition 28 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 for the relevant development phase shall be submitted to and approved by the Local Planning Authority before any dwellings within the phase are occupied. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before any dwellings within the phase are occupied and shall thereafter be retained.

Reason: In the interests of residential amenity.

30. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, unless it can be shown not to be feasible and viable, no phase of development shall commence until details identifying the strategy for providing a minimum of 10% of the predicted energy needs arising from that phase from decentralised and/or renewable or low carbon energy, or an alternative energy saving mechanism, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall be carried out in accordance with the approved details.

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

31. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development of land adjacent to Main Road/Langsett Road North shall commence until details of the landscape buffer to be provided along the Main Road/Langsett Road North boundary as indicated on Parameter Plan 02: Landscaping and Open Space (Dwg. Ref. no. 1526:11 Rev E), to include species, timescales for implementation, and future management, has been submitted to and approved in writing by the Local Planning Authority. The landscape buffer shall comprise the retention of existing trees as shown on Parameter Plan 06: Tree Removal Plan (Dwg Ref. no. 1526:15 Rev F) and new planting, with a minimum depth of 10m and shall thereafter be implemented in accordance with the agreed details. Existing trees retained within the identified landscape buffer shall be managed and enhanced with new planting, in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area



32. Save for any Advance Infrastructure and Enabling Works approved to pursuant to Condition 5, no phase of development shall commence until a "lighting design strategy for biodiversity" for semi-natural habitats including ancient woodland, sensitive species has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats, badgers and otters, ancient woodland, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure adequate protection of species and habitats

#### **Other Compliance Conditions**

33. The development shall comprise no more than 320 dwellings.

Reason: to ensure that the development can be safely accommodated on the highway network in line with the submitted Transport Assessment.

34. Site levels shall be set in accordance with the approved Flood Risk Assessment (FRA) Weetwood dated March 2016 and the following mitigation measures detailed within the FRA:

- Site levels for the development platform and floor levels of any building are set no lower than the 1 in 1000 year (ie 0.1% annual probability) flood level.

No dwellings within a phase of development shall be occupied until the above mitigation measures have been fully implemented for that phase.

Reason: To prevent the increased risk of flooding to the proposed development and future occupants.

35. Each phase of the development shall be carried out in accordance with the details shown on the submitted Drainage Assessment reference 2992/DA/Final/v1.0 dated 18/03/2016 prepared by Weetwood, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage.

36. Each phase of development and the associated remediation of the phase shall proceed in accordance with the recommendations of approved Remediation Strategy approved for the phase pursuant to Condition [23]. In the event that remediation for that development phase is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works on that development phase shall 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: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.

37. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

38. A minimum 5m wide vegetated buffer zone shall be provided in accordance with the Woodland Buffer indicated on Parameter Plan 01 Use and Development Area (Dwg. Ref. no. 1526:10 Rev N).

Reason: In the interests of biodiversity and protection of the adjoining ancient woodland from deterioration.

Attention is Drawn to the Following Directives:

1. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). There are fees, which are also set by the Government.
2. 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.
3. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: stephen.turner@sheffield.gov.uk

4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

The notice should be sent to:-

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

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

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

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

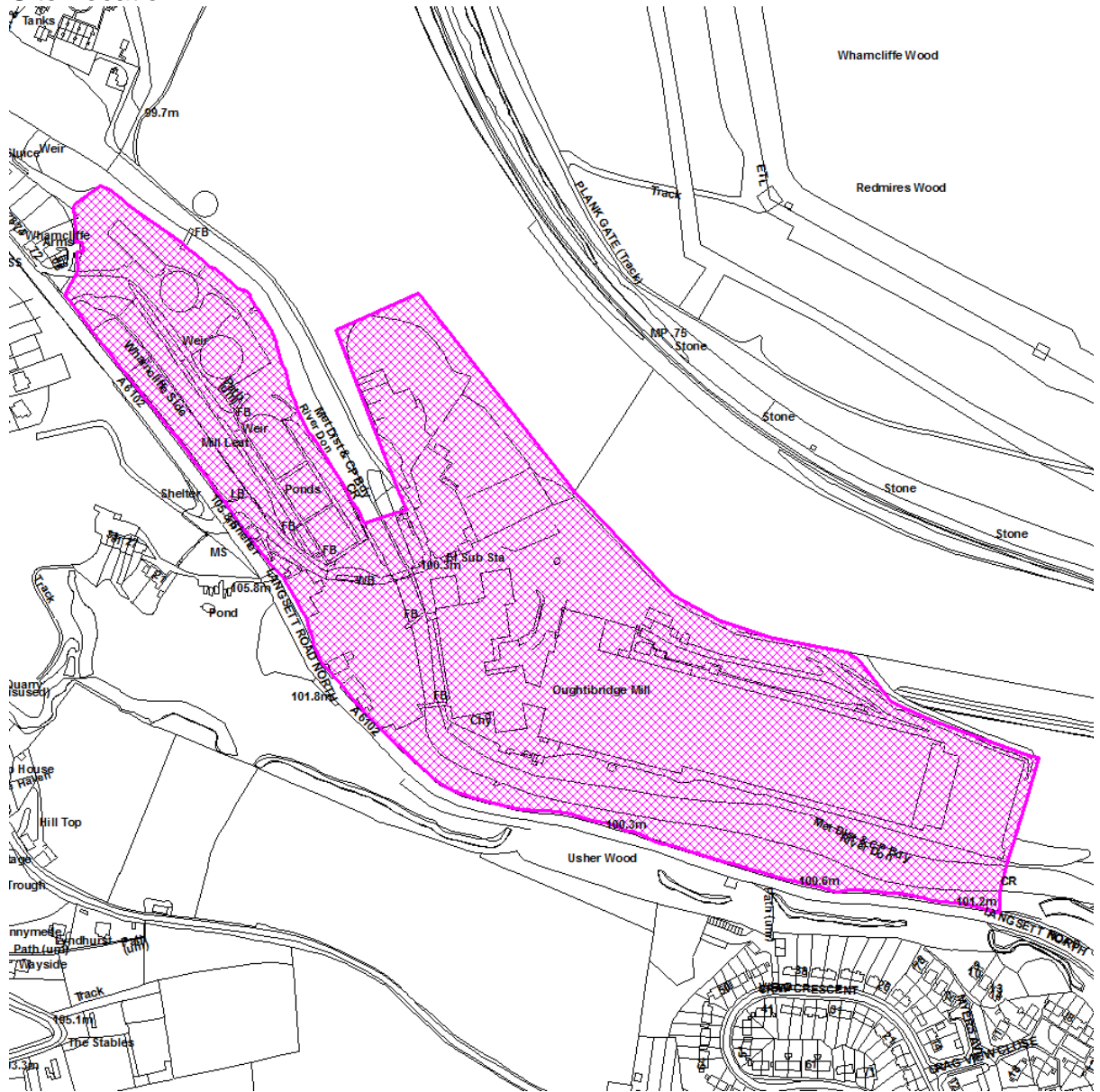
6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

7. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
8. On 23 February 2016 Barnsley Metropolitan Borough Council's Planning & Regulatory Board resolved to authorise the delegation to Sheffield City Council pursuant to Section 101(1)(b) of the Local Government Act 1972 of Barnsley Metropolitan Borough Council's decision making functions as local planning authority for a forthcoming outline planning application and planning related activities relating to the Site.

# Site Location



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## BACKGROUND

The application relates to the site of Oughtibridge Mill, a former paper mill that lies on the eastern side of Main Road/Langsett Road North (A6102).

Members may recall that outline planning permission was conditionally approved in October 2016 for the demolition of the site's existing buildings and structures and the development of the site for residential use (Use Class C3). The permission was granted subject to thirty-nine conditions, one of these conditions (No. 22) secured the delivery of affordable housing equivalent to 10% of the gross internal floor area of the total number of dwellings.

Following the grant of outline planning permission, the applicant (CEG, working on behalf of the landowner, ASEII Developments) submitted a S73 application (planning reference No. 16/04679/OUT) seeking to remove the condition in order to reduce the requirement to provide affordable housing as a part of the development at Oughtibridge Mill. The applicant considered that the site was eligible for Vacant Building Credit (VBC) following its reinstatement in the Government's Planning Practice Guidance (PPG) in May 2016 and as such that the site should be exempt from the requirement to provide affordable housing. The issues relating specifically to VBC are discussed further below but for background purposes, Members are advised that the planning guidance on VBC at Paragraph 21 of the Planning Practice Guidance states that 'Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation'. Exemptions to this include building(s) that have been abandoned, or in instances where the building has been made vacant for the sole purpose of redevelopment.

Further clarification on how Local Planning Authorities (LPAs) should apply VBC was given by the High Court following its reinstatement in Planning Practice Guidance in May 2016. Instead of being applied as a 'blanket requirement' as many believed, the application of VBC should be treated as a material consideration that sits alongside other material considerations when considering the merits of planning applications that involve the redevelopment of brownfield sites containing vacant buildings.

When considering the merits of the outline planning permission to impose Condition 22 and the subsequent S73 application to remove the condition, it was considered by officers, and upheld by Members at the Planning Committee, that in the first instance VBC was not applicable with regard to the development of the site and secondly, that even if it was, greater weight should be attached to the Council's policies in respect of the delivery of affordable housing than the weight that should be afforded to PPG on the issue of VBC. As such, and despite the applicant's view that VBC should apply, it was considered that the condition seeking the delivery of affordable housing should not be removed from the outline permission. This view was accepted by Members and the application refused by notice on the 8th March 2017 for the following reasons:-

1. The LPA consider that Vacant Building Credit (VBC) is not applicable in respect of the application. As stated at Paragraph 023 of Planning Practice Guidance on Planning Obligations (PPG), the purpose of the VBC is to incentivise the development of brownfield land, including empty and redundant buildings. The evidence presented by the Council shows that VBC was not needed to incentivise the development of this site so in accordance with the PPG, having regard to the intention of national policy, it is considered that VBC should not apply to this development.

2. It is the opinion of the Local Planning Authority that the buildings at Oughtibridge Mill have been abandoned. As such, it is considered that VBC is not applicable to the scheme as detailed at Paragraph 023 of the PPG.

3. Notwithstanding the above, in the opinion of the Local Planning Authority the delivery of affordable housing pursuant to Core Strategy Policy CS40 should be given greater weight in respect of this application than the national policy for VBC (should it apply to this development). Sheffield has a significant need for affordable housing, which is currently not being met. The shortfall of affordable housing to be delivered through planning permissions, as established by the 2013 SHMA, is 725 homes/year. If the Council were only to take full contributions towards affordable housing from greenfield sites (or brownfield sites that have been cleared of existing buildings) then this would have a significant effect on its ability to meet the identified need. It is considered therefore that the development would be contrary to the provisions of Core Strategy Policy CS40 and guidance contained in Supplementary Planning Guidance CIL & Planning Obligations 2015.

Members should be aware that in conjunction with this application, the applicant has appealed the decision of the Council to refuse the earlier S73 application to remove Condition No. 22 to the Planning Inspectorate. Depending upon the outcome of this current application, the appeal is set to be heard at an Informal Hearing on the 6 December 2017.

## PROCEDURAL ISSUES

Oughtibridge Mill is located in both the administrative boundaries of Barnsley MBC and Sheffield City Council. On account of this, discussions between the two authorities took place in advance of the outline application being submitted in order to establish the procedural matters relating to the cross boundary nature of the site. It was agreed between the two authorities that the decision making authority in respect of the application (and all subsequent applications for the approval of reserved matters, S73 applications, NMAs and applications to discharge conditions) be delegated to Sheffield City Council. Despite the largest part of the site being within Barnsley, the site's location along Langsett Road North adjoining the two settlements of Wharncliffe Side and Oughtibridge, and its remoteness from the main built up areas of Barnsley, would mean that it will function and draw mainly if not entirely upon the services located in Sheffield and not Barnsley.

## LOCATION AND PROPOSAL

The Oughtibridge Mill site is located relatively equidistant between Wharncliffe Side to its north and Oughtibridge to its south. The site covers an area of approximately 13.79 hectares and is bisected by the River Don. The land to the south and west of the River Don is located within the administrative boundary of Sheffield City Council, and is designated a General Industry Area (without Special Industries), whilst the land to the north and east of the River Don is located within the administrative boundary of Barnsley Metropolitan Borough Council (MBC). The land located within Barnsley's area is designated as Green Belt.

The application site sits on the valley floor with the main area of the site either side of the river being relatively flat ranging from 90m (AOD) to 102m (AOD). This is in contrast to the steep valley sides and undulating sloping landform.

The application comprises previously developed land including a number of existing buildings and structures that include traditional 19<sup>th</sup> Century stone buildings fronting onto Langsett Road North, a large 20<sup>th</sup> Century warehouse shed, in addition to areas of cleared land, hardstandings and metalled roads. Building heights vary from two storey buildings fronting Langsett Road North, to the site's much higher warehouse buildings, which are up to 13m in height. Details submitted at the outline stage state that the site's remaining buildings provide in excess of 32,000 square metres of floorspace and have an overall mass of 215,000 cubic metres. The majority of the site's buildings and structures including the large warehouse building is located on the northern side of the River Don within the administrative area of Barnsley MBC. The level of existing buildings within the administrative boundary of Sheffield are minimal by comparison.

This application seeks permission to remove Condition No. 22 (Delivery of affordable Housing). The application has been made under Section 73 of the Town and Country Planning Act 1990 (as amended) which allows for the grant of a fresh planning permission without Condition No. 22.

Unlike the previous S73 application, the applicant has submitted additional justification to support the removal of the condition by including a Viability Report prepared by Allsop LLP (dated 17 June). They have submitted the Viability Report without prejudice to the applicant's view that the scheme's viability is not a relevant factor in the applicability of VBC.

## RELEVANT PLANNING HISTORY

16/01169/OUT - Demolition of existing buildings and structures and erection of residential development (Use Class C3) with means of site access including a new vehicular bridge and a pedestrian/cycle bridge across the River Don, and associated landscaping and infrastructure works (As amended by drawings received on the 11 and 16 August 2016) – Approved 28 October 2016

16/01676/FUL - Erection of a new pedestrian/cycle bridge over River Don onto Langsett Road North (As amended by drawings received on the 17 November 2016 and 1 December 2016) – 5 December 2016

16/01677/FUL – Erection of a vehicular bridge over River Don – Approved 18 October 2016



16/04679/OUT – Application to remove requirement for provision of affordable housing (Application under Section 73 to remove condition 22 (Affordable Housing) – Refused 8 March 2017. The applicant has appealed the decision to the Planning Inspectorate, which is due to be considered at Informal hearing in December 2017. Appeal reference No. APP/J4423/W/17/3178568

## SUMMARY OF REPRESENTATIONS

A number of representations have been received in response to the application. These include objection letters from Angela Smith MP, Bradfield Parish Council, Loxley Valley Protection Society and Campaign for the Protection of Rural England (CPRE). Objection letters have also been received from five local residents. A summary of all the representations are listed below:-

### Angela Smith MP

No objection in principle to the level of redevelopment on this site given that the derelict site can become an eyesore, but believe that the original application should have been refused due to the scale of the development, highway hazards, biodiversity and ecological considerations, pressure on utilities, education and other local services. The Council refused the previous S73 application to remove the requirement to deliver affordable housing for three reasons pertaining to VBC. It is considered that the applicant should have been required to sign an agreement to undertake the obligations set out in the planning conditions attached to the approval. It is disappointing therefore to find that the applicant is now seeking to remove conditions already agreed on the basis of a view on VBC not shared by the LPA, and now on the basis of the overall viability of the scheme.

It is accepted that the brownfield land can be more costly to remediate, but it is noted that the LPA has only asked for an affordable housing contribution of 10%, significantly lower than that which would normally be requested of developments in a high-demand area. The LPA has already given consideration to the viability of the scheme and made allowances for this, in much the same way as the applicant must have considered these matters when signing the agreements pertaining to the original permission. The fact that the public information boards presented at the public consultation event referred repeatedly to affordable housing suggests that the applicant was aware of the likely requirements regarding affordable housing and had considered this during its deliberations about whether to proceed with the project. Object strongly in the applicant's latest attempt to remove the planning condition relating to affordable housing. The original application was and remains highly controversial within the community and risks considerable additional burden upon already-strained local infrastructure and services. The very least that the applicant can do is to fulfil the community obligations to which it has previously agreed.

### Campaign for the Protection of Rural England (CPRE)

CPRE states that they wish to object to the application, which they regard as a further, inappropriate attempt by the applicant to renege on their obligations to contribute to affordable housing. CPRE consider that the application to be a national test case for local authorities' ability to deliver affordable housing on brownfield sites.

Fully support SCC's previous refusal to remove Condition No. 22 under application No. 16/04679/OUT. The objections cited under the previous application stand in their entirety in relation to this current application.

CPRE's position that the site was evidently bought with no intention to bring the buildings back into industrial use remains, and that this qualifies as abandonment, which disqualifies the site from eligibility for Vacant Building Credit.

Even if the scheme were deemed to be eligible for VBC, the Council has discretion to determine the weight given to VBC compared to the Local Plan policies and Sheffield's dependence on brownfield sites to deliver affordable housing in a way that is consistent with the Core Strategy should carry substantial weight.

It is noted that the applicant has now changed their position on the viability of the affordable housing provision. It is impossible to see how either the site-specific viability, or the overall market viability of affordable housing in Sheffield could have changed in such a short time in the absence of any major economic shifts in circumstances. This is considered to be a cynical manoeuvre by the applicant to renege on obligations to which they have so recently made a commitment.

Owing to the importance of the case, CPRE obtained legal opinion from John Hobson QC, Landmark Chambers on three matters about VBC and relating to i) size threshold above which VBC would or would not apply, ii) "abandonment" and iii) status of VBC as a material consideration.

In terms of Part i), he comments that there is no legal basis for establishing a size threshold above which VBC would not apply; this despite the references in the Written Ministerial Statement (WMS) to 'unlocking small-scale development'. In terms of part ii) he comments that as neither the WMS nor the PPG provides any definition of "abandonment", this is a matter for the LPA to consider on its own merits. The focus should be on the buildings themselves rather than the site as a whole and advises that if in the light of all the evidence, the Council concludes that there is no realistic prospect of the resumption of an industrial, or any other use, the Council may decide that the buildings have been abandoned, and the development would not be eligible for VBC. In terms of part iii), VBC is a government policy not legislation and as such it up to the LPA to exercise their discretion as to whether it would be appropriate to consider the proposed development eligible for VBC. It is a material consideration, and it is for the Council to decide the weight to attach to it compared to other considerations, including the need to provide affordable housing.

Loxley Valley Protection Society (LVPS)

LVPS consider that the situation between this and the previous application has not materially changed and objects to the removal of the condition due to the great need for affordable housing in the area. LVPS state that their objection to the previous application still stands (see bullet points below) and support SCC in the decision to refuse the application and the stance made by CPRE.

- LVPS considers that the system for the provision of affordable housing in this country is, to all intents and purposes, “broken”, while planning law states it is for the developer to provide for this, this is what should be happening.
- The outline application was submitted with a commitment to provide 10% affordable housing in line with Core Strategy Policy CS40. Given that the application was submitted prior to the reinstatement of the VBC in PPG on the 19th May 2016, it should be taken from this that the development at Oughtibridge Mill is not one where VBC would be applicable.
- The idea that developers can agree to the provision of affordable which is later conditioned in the decision to grant the application, and then after granting apply to have that condition removed places the Council and general public in a completely untenable position.
- In order to qualify for VBC, the site would need to be deemed vacant and not abandoned. In this case, due to both the economic situation pertaining and flooding, the then owners of Oughtibridge Mill decided to halt production. The Council was engaged in a “call for sites” and this site was put forward. Based on those factors, any reasonable person would feel the factory had been abandoned as a place of production by the company running it and the most likely scenario of it being put forward in the call for sites would be to develop the site for housing (As in the Wednesbury Principle of reasonableness).
- If developers are consistently going to agree to affordable housing provision then withdraw it on the granting of permission, local authorities will find it impossible to grant permission under these circumstances, due to the breach in trust between LPA and developer.

#### Bradfield Parish Council

Bradfield Parish Council recommends that the application be refused on grounds of local need and housing provision.

#### Neighbour representations

Five representations have been received from residents of neighbouring properties. Their comments are summarised as follows: -

- The developer is attempting to wiggle out of an entirely reasonable and lawful requirement for a modest affordable housing provision;
- The UK housing market in general is in need of affordable housing. It would be a disgrace if this development goes ahead with no provision for affordable houses, simply to increase the profit margin of the developers. The developer should not be let off from its obligations;

- It is doubtful that this housing development is unviable with the inclusion of 10% affordable housing. The application is clearly aimed at increasing the profit margin for the developer rather than considering the needs of the local community. The argument presented including one that the site is not abandoned is an attempt to wriggle out of the commitment to affordable housing on a technicality;
- Many people who live in Oughtibridge moved here because it offered a range of properties available at different prices that ensure a mixed community;
- With 90% of the development classified as 'unaffordable' this should still provide the developers with a healthy profit margin;
- This village is desperate for affordable homes so our children can stay in the area, close to family and friends.
- At the roadshow by the developers this was one of the things they told us would be happening and it is a disgrace that they have decided to go for maximum profit and no benefit to the local community. This area needs young families who will establish links with the community through schools and be able to contribute to village activities; and
- It does not want to become a commuter area with people who have no interest in local organisations.

## PLANNING ASSESSMENT

The applicant is seeking approval to remove Condition 22 of planning approval No. 16/01169/OUT, the second of two S73 applications that has been submitted by the applicant seeking to remove the condition. As previously stated, the first was refused by the Council in March 2017, which is subject to an appeal and currently scheduled to be heard at an Informal Hearing in December. In support of the application to remove the condition, the applicant has submitted a Viability Report prepared by Allsop LLP dated 17 June 2017. In addition to this report, the applicant has also submitted written advice from Leading Counsel, an appeal decision relating to the VBC, a letter from the applicant's legal advisors Walton & Co and a letter from the applicant's planning agent, which sets out how the application of VBC will incentivise the development of this brownfield site for reasons other than its viability.

As set out in the earlier S73 application, a condition of granting outline planning permission to develop the site for housing in October 2016 was the delivery of affordable housing equivalent to 10% of total number of dwellings gross internal floor area. The condition was attached in line with Core Strategy Policy CS40, which states that in all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. It is also of note that at the time of the outline being submitted, as set out in the applicant's Planning Statement, the scheme was deemed capable of supporting the policy requirement of 10% affordable housing in line with Core Strategy Policy CS40. This position remained unchallenged at the time of the application being determined. As no evidence was submitted by the applicant showing that an affordable housing contribution would make the scheme financially unviable, it was therefore appropriate that a condition be attached securing the full contribution.

Government policy on planning conditions and obligations is contained at Paragraphs 203-206 (inclusive) of the NPPF. Paragraph 203 states that Local Planning Authorities

should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 204 sets out the three tests of a planning obligation, i) necessary to make the development acceptable in planning terms, ii) directly related to the development, and iii) fairly and reasonably related in scale and kind to the development.

The implementation of Core Strategy Policy CS40 is through the CIL & Planning Obligations Supplementary Planning Document (SPD, October 2015). Policy CS40 is an adopted planning policy which is in compliance with the NPPF and as such is afforded full weight. Guideline GAH1 of the SPD sets out that financial contributions will be required from housing developments on sites with a capacity for 15 or more dwellings. Guideline GAH2 sets the required developer contributions for each of the city's 12 Affordable Housing Market Areas (AHMAs). The expected developer contributions set out in GAH2 were adopted in 2014 and are considered to be up to date and robust for the purposes of implementing CS40.

In the Rural Upper Don Valley AHMA, where the site of Oughtibridge Mill is located, it has been shown that a developer contribution equivalent to 10% of gross internal floor area is viable on the majority of sites, and is therefore the requirement for this part of the city. The SPD at Guideline GAH3 sets out circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision. In general, the Council's preference is for developers to provide an off-site contribution towards the delivery of affordable housing in the city as this approach allows a greater number of affordable housing units to be provided than with on-site provision.

The applicant agreed to the attachment of the affordable housing condition in order to receive outline planning permission, this, however, was despite their view that the requirement to provide affordable housing in connection with the development should not be sought following the reinstatement of the Vacant Building Credit (VBC) in the Government's PPG. Without the condition, the application would have been recommended for refusal for the failure to deliver affordable housing contrary to the provisions of Core Strategy Policy CS40, the CIL and Planning Obligations SPD, and government guidance contained in the National Planning Policy Framework (NPPF).

The applicant details in their supporting submissions that in their opinion, the site is eligible for VBC, which the Council should have applied in respect of the outline planning permission and as such, the condition seeking the delivery of affordable housing should not have been attached. The applicant contends that if VBC was applied to the site no affordable housing would be required since the proposed floorspace of the development would be less than that of the existing buildings on the site. The applicant contends that VBC is not subject to viability testing, a view that they say is supported by the appeal decision submitted in support of their application, and that there is no basis on which to conclude that the industrial use has been abandoned to disqualify the site from the application of VBC. In terms of the supporting appeal decision, a mixed use scheme of both housing and retail, the Planning Inspector concluded that the appeal proposal would be eligible for the Vacant Building Credit and that the viability of the scheme in relation to affordable housing was not a determining factor in that case.

To reiterate, Vacant Building Credit (VBC) was introduced as Government policy via a Written Ministerial Statement (WMS) titled 'Support for small scale developers, custom and self-builders' in November 2014. The Government Minister introduced this statement by saying "I would like to update hon. Members on the action that the Coalition Government has taken to free up the planning system and the further new measures we are now implementing to support small scale developers and hard-working people get the home they want by reducing disproportionate burdens on developer contributions." This followed a consultation on a series of measures intended to tackle the disproportionate burden of developer contributions on small scale developers, custom and self-builders. Amongst other measures the policy stated that vacant buildings brought back into use, or demolished for redevelopment, should benefit from a 'credit' equivalent to the floorspace of the vacant building to be offset against affordable housing contributions (unless they had been abandoned). The WMS concluded by stating "We expect the implementation of these measures to have a significant positive impact on housing numbers by unlocking small scale development and boosting the attractiveness of brownfield sites. This will provide real incentive for small builders and to people looking to build their own home." It is the view of officers that the intention of the new policy was clearly to support small scale developers and incentivise the development of brownfield sites.

Following a successful legal challenge in July 2015 against the WMS the Government removed all reference to the VBC from the PPG. This remained the case until the Court of Appeal overturned the earlier decision of the High Court in May 2016, and as a result the Government's policy on VBC was reinstated as lawful. Contrary to submissions made by the applicant, the Council did make its decision in accordance with government policy that existed at the time of the decision (not that which existed at the time of the application). Government policy on VBC was treated as a material consideration when determining the outline planning application in October 2016 and the S73 application in March 2017. However, for reasons that will be explained later in this report it was felt that the policy should not apply to this scheme.

Planning guidance regarding VBC is contained in Planning Practice Guidance – Planning Obligations (PPG) Paragraphs 021, 022 and 023. VBC is an important material consideration, to which weight must be given in the determination of the application. The guidance states that: 'The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.'

It details that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. The guidance advises that VBC would not be applicable to development proposals where the building has been abandoned, or in instances where the building has been made vacant for the sole purpose of redevelopment.

For reasons of completeness, it is considered appropriate again to set out the reasons as to why VBC is not considered to be applicable in respect of this development and also the justification as to why greater weight is given to the Council's policies than Government policy on VBC.

Vacant Building Credit should not be applied to this site

#### Intention and incentivising development

The application of VBC to this, and any, site is at the decision maker's discretion. VBC does not form part of the Council's development plan but is an important material consideration that must be taken into account when decisions are made. The Court of Appeal was very clear when handing down its judgment in May 2016 that the Government policies set out in the WMS should not be applied in blanket fashion (the position that many authorities, believed was the case when it was first introduced in 2014). It is for the Council to consider every case on its merits before deciding (i) whether or not the policy should apply; and if so (ii) how much weight it should be afforded in the planning balance.

The PPG very clearly states 'The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.' As discussed, it is the view of officers that VBC should not be applied to this site because amongst other things it is not required to incentivise development as per the intention of the PPG. In support of this position, officers give significant weight to the fact that the outline application was submitted with a commitment to pay the full 10% affordable housing contribution. The applicant made no attempt to claim viability issues in order to reduce the required contribution as part of the outline application. It is accepted that national policy changed during the course of the application (and, as has been stated, the Council determined the application in accordance with the policy that existed at the time of the decision) however officers are of the view that it was significant that the application was submitted when there was no policy on VBC evidencing that it was not needed to incentivise the development of this brownfield site. To clarify this point, while it is clear from the officer's report that the decision was made in full knowledge of VBC following its reinstatement in May 2016, it is material in officers' opinion that the viability of the development with a 10% affordable housing contribution was never questioned by the applicant at any stage of the application. It should be surmised from this that the development of this site is not one where an incentive through a financial credit is warranted. In their supporting argument, the applicant has detailed that VBC would comprise an extremely limited incentive if its only effect was to make schemes viable, citing that such mechanisms are provided elsewhere under Paragraph 173 of the NPPF. Officers consider that the viability of a scheme runs at the heart of pursuing sustainable development, and despite the applicant's view that it cannot be the only incentive of VBC, it is nevertheless the key component in most instances in the deliverability of a site.

In support of the applicant's view on VBC, the application includes a statement that sets out several reasons why the VBC incentive goes beyond the issue of viability. Amongst other reasons, the supporting statement details that it should not be a precondition of the application of VBC that a development must be unviable with the level of affordable housing which would otherwise be provided without its application. Also, since the VBC is linked to gross floorspace of existing vacant buildings and not what is required to make a development viable, this suggests that its application would not in every instance make a scheme viable. The statement acknowledges that the application of VBC would provide a financial benefit to CEG, either through a higher development revenue or a lower

development cost depending if the affordable housing was on-site or an off-site contribution.

The Statement says the application of VBC could mean the developer achieving a better financial return as a reward for taking on the high cost and high risk of developing Oughtibridge Mill, which in so doing would ensure the development of this brownfield site is prioritised over other sites such as greenfield sites. The statement further details that the application of VBC would help to further enhance the quality of the new build in terms of the dwellinghouses' design and materials, the effect of which, in the view of the applicant would be higher development costs but lower level of profit, but that this would be of benefit to the applicant by assisting in faster house sales and limiting the project risk profile. Other incentives of the application of VBC referred to in the statement include an increase in the applicant's motivation to pay at risk the high upfront development costs such as infrastructure costs; and greater flexibility in terms of phasing and delivery of the development by removing the need to enter into negotiation, construction and sale of the affordable housing units to a Registered Provider.

It is accepted by officers that the incentives of VBC do not solely run to the viability of a scheme as outlined in the applicant's statement, but officers do not agree that the above factors are incentives in this case.

It is not disputed that the removal of the affordable housing requirement would be of significant benefit to the applicant most notably with regard to increasing the applicant's profit levels. The comment that the application of VBC would achieve a better financial return as a 'reward' is considered to be a disguised viability argument, contrary to the applicant's main argument that viability is not material. The other reasons cited by the applicant are less compelling and do not give much justification as to why VBC should be applied with regard to the development of this site.

In terms of issues raised regarding quality of the build, officers give very little weight to this stance given that the applicant is neither the landowner nor a housebuilder. The understanding is that the current owner (ASE II) intends to sell the land on to one or more housebuilders and thus will not be responsible for delivering the detailed design of the scheme; this will be for the ultimate housebuilder(s). It will then be a matter for the housebuilder(s) as to whether they take the additional profit or, for some (inexplicable) reason, put them into designs which (on this thesis) would not add value to their schemes. Indeed, there is no evidence that the applicant will be submitting the application for the approval of reserved matters at all.

The statement also details that the application of VBC would speed delivery of the development. Again, the applicant will not be the housebuilder and, as such, the delivery trajectory for the houses will be in the hands of those who purchase the land and not the applicant. As to the common infrastructure, it would be surprising, in officers' view, if the applicant builds the infrastructure and then retains the site until buyers are found, and it is more likely that the provision of the infrastructure will be timed so that it is close to (or even overlapping) the capital receipts from the sales of the serviced sites. Infrastructure provision would also be directly influenced by the layout and design of the scheme.

Despite the view of the applicant that the application of VBC will provide greater flexibility for delivery, there is no evidence to suggest that the applicant will facilitate bringing the



site forward for development more quickly both in terms of commencement and completion. It is considered that most of the actions will take place long after the owner has parted possession with the land and the applicant's involvement has ceased. Be that as it may, the provision of affordable housing would be phased and, as such, the mechanisms for delivering it would proceed in tandem with the progression of the general market housing. There is nothing to show that this will cause any delay.

It is contended that the key reason behind the introduction of VBC is to remove the upward costs of providing affordable housing as part of the development of a brownfield site in order to allow the developer to secure a reasonable return for the higher risks of developing a brownfield site. Moreover, as already noted, the applicant is not a housebuilder who will be building out the houses, with their involvement understood to be limited to preparing and enabling the site for development. To suggest therefore that an incentive through the VBC is required other than to increase their profit level is somewhat questionable.

As detailed earlier, the planning guidance relating to VBC at Paragraph 023 of PPG states that when considering how the vacant building credit should apply to a particular development, LPAs should have regard to the intention of national policy. It is contended therefore that the policy does not apply with regard to bringing this brownfield site forward for development. The policy is worded clearly to incentivise the reuse of brownfield sites, for example where the likely costs of bringing forward the site, including the obligation to provide affordable housing, would otherwise render it unattractive or unviable, which is not the case with the redevelopment of this site. Importantly, officers also assert that the policy is not relevant with regard to the development at Oughtibridge Mill, a site of over 13.7 hectares, which would provide upwards of 320 homes. The WMS that led to the introduction of VBC in Planning Practice Guidance clearly stated its intention was to help support small scale developers by reducing disproportionate burdens on developer contributions. It is contended by officers therefore that the intention of the policy is to lift the financial burden of small scale developers, custom and self-builders in order to bring brownfield sites forward for redevelopment and is not therefore applicable or representative of major housing sites such as the redevelopment of Oughtibridge Mill.

### SCC Developer Contributions

The Council's required developer contributions towards affordable housing are set out in Guideline GAH2 of the CIL & Planning Obligations SPD (October 2015). This Guideline divides the city into 12 Affordable Housing Market Areas, which have expected developer contributions of 0%, 10% or 30%. These contributions were set based on the analysis of four main sources of evidence:

- Strategic Housing Market Assessment – need
- Strategic Housing Land Availability Assessment (2013) – land availability
- BNP Paribas Affordable Housing Viability Study (2009) – viability
- BNP Paribas CIL Viability Study (2013) – viability

As a result of this work, where a 10% or 30% contribution is expected, this level of contribution should be viable on most sites in the area. The Council therefore expects developers to provide the full contribution, unless an independent viability appraisal

deems that the contribution renders the scheme unviable. In respect of Oughtibridge Mill, the site is located within an area where a 10% affordable housing contribution is viewed to be viable. The issue of viability is discussed separately below in response to the supporting Viability Report prepared by Allsop LLP.

It is noted that the Oughtibridge Mill site was bought by ASE II Developments in October 2015 for £7.4m, to be brought forward by CEG. Companies House records the nature of ASE II Developments' business as 'development of building projects.' At the time of purchase, the VBC had been removed from national guidance following the Court of Appeal's decision. On this basis, the Council asserts that the purchase was made in full knowledge that developing this site would require compliance with the Council's development plan policy for affordable housing, and with the intention of undertaking a building project as per the company's stated business. This is further evidence that VBC is not necessary to incentivise the development of this site and as such, as per national guidance, should not apply.

Further to this, NLP (the agent) on behalf of CEG made submissions to Barnsley MBC in respect of their Local Plan consultation in December 2015. The submission promoted this site for residential development, and requested its removal from the Green Belt. In their submissions they stated that their indicative scheme was "considered to be fully deliverable in the short term and would likely generate considerable interest from house builders, with whom CEG would enter into partnership with, in order to bring the site forward for development." This document concludes by stating "CEG, on behalf of the ASE who own the site, are committed to bringing forward a residential redevelopment of the wider site at the earliest opportunity". This clearly supports the Council's view that the development of this site is viable and deliverable without the application of VBC and that VBC is clearly not needed to incentivise the development of this site.

Following ASE II's purchase of the site, a representative from CEG is reported in the media as saying 'This is one of the prime housing development opportunities in Yorkshire. The riverside and woodland setting at the gateway to the Peak District is unrivalled and CEG looks forward to unveiling a new high quality residential-led proposal which will benefit the scenic Oughtibridge village.' Again, this was during the period in which the WMS had been withdrawn and any application would be expected to provide 10% affordable housing. Further evidencing therefore that VBC was not needed to incentivise the development of this brownfield site.

It is also of interest that the applicant's own agent provided advice on their website with regard to the interpretation of the WMS. They write that 'Our view is that the judgement explains that a 'blanket approach' to these policies/ PPG paragraphs (or any government planning policy or guidance) is not correct, and that the weight to attach to the PPG's approach to small sites not having to make s106 affordable housing contributions, and to VBC, would be for the decision-taker to decide. In this respect, where LPAs' development plan policies are supported by up-to-date evidence, they will be able to continue to seek affordable housing in relation to small sites. And as regards VBC, an LPA might demonstrate, for example, that the credit should not be applied because the LPA's housing requirement is heavily reliant on the re-use of brownfield sites for the delivery of affordable housing.' Officers agree with this statement, particularly given that Sheffield does rely heavily on the re-use of brownfield sites to deliver both general needs and

affordable housing with the most up-to-date figures showing that 94.7% of all new houses citywide are being delivered on brownfield sites.

At the time of the outline application being submitted, and as outlined in the applicant's supporting planning statement at Paragraph 8.10, the applicant had agreed to provide a commuted sum equivalent to 10% on-site provision, which would be secured through a S.106 legal agreement, an approach supported by the Council's Housing and Neighbourhood Regeneration Team. Based on estimated sales values for properties in this AHMA, the contribution would likely be in the order of £5m. This £5m would be incorporated in the Council's Stock Increase Programme and matched against c. £7m of borrowing to deliver approximately 100 homes, assuming average purchase and repair costs of £120,000 and an average Affordable Rent of approximately £100/week. 100 homes is a significant proportion (roughly 14%) of Sheffield's annual affordable housing shortfall.

#### 'Abandonment'

The Written ministerial Statement (WMS) clearly states that the policy on VBC will not apply to vacant buildings which have been abandoned. This is repeated in the PPG which states at Paragraph 023 that 'The vacant building credit applies where the building has not been abandoned.'

The applicant states that the Oughtibridge Mill site is subject to ongoing management and has not been abandoned with the site's existing buildings substantially vacant for some time for commercial reasons. They contend that the site was vacated for commercial reasons, and not for the sole purpose of development (which would also be a reason why VBC would not apply if that were the case).

In terms of whether the buildings have been abandoned, unfortunately the PPG offers no definition on this, and there have been no court cases or guidance issued specific to abandonment in the context of VBC from which a definitive view can be drawn. When considering the applicant's response to Barnsley MBC's consultation, the evidence suggests that the site had been abandoned in this context. Statements in support of this view were;

- (i) The site ceased manufacturing operations in 2007 and due to the economic viability of the site, has ceased all level of operations in early 2015. It is clear that over a period of time the site has become redundant and not viable for its previous industrial use;
- (ii) Importantly, the agents acting on behalf of the previous site owner have advised that the marketing exercise did not elicit any serious interest from parties wishing to acquire the site for continued employment use. Future use of the entirety of the site for employment use is therefore not considered to be a realistic prospect; and
- (iii) CEG, on behalf of the ASE II who own the site, are committed to bringing forward a residential redevelopment of the wider site (incorporating land within Sheffield) at the earliest opportunity.

The applicant acknowledged that the land was no longer a viable employment site in its supporting statement for the application for the original planning permission. There is no doubt that the current owner, bought the site for redevelopment.

Notwithstanding the relatively short period of time that may be considered to have elapsed, on the basis of the above it would appear that the use of the site had ceased and there was no intention to resume it. As such it could be claimed that the use of these buildings have been abandoned and as such VBC would not be applicable.

The Counsel's Opinion produced by the applicant alludes to the well-known planning cases on "abandonment". However, there is nothing in Paragraph 023 of the PPG to suggest that the word "abandonment" is intended to import a legal term of art. It is essential to construe the phrase in the context set by the PPG and not by a diversion into general planning law. The Council submits that, when read in context, "abandonment" is analogous to a demonstrable intention to appropriate the relevant building to redevelopment, as opposed to re-using it.

Officers do not dissent from the approach suggested by Mr Hobson QC on behalf of the CPRE (his para 11 in particular); the only substantial qualification being in his comment that the evidence should demonstrate that the cessation is "permanent". Officers would submit that, insofar as it may be different, the evidence, when assessed objectively, should show an intention for a permanent cessation. Subject to that caveat, officers are content to adopt his non exhaustive list of factors to be taken into account, namely:

- the length of time the buildings have been unoccupied;
- the physical condition of the buildings;
- whether putting the buildings to any beneficial use (not just their former use) would be viable; and
- whether the market has been tested to discover if there is any interest in continuing to use the buildings.

Officers would agree with the observations made by the CPRE and consider it necessary to consider the balance of Paragraph 023. The policy states that it may be appropriate for authorities to consider:

- whether the buildings have been made vacant for the sole purposes of redevelopment; and
- whether the buildings are covered by an extant or recently expired planning permission for the same or substantially the same development

The applicant acknowledged that the land was no longer a viable employment site in its supporting statement for the outline planning application, per:

- In considering the viability of the site for continued employment use, Cushman and Wakefield (the applicant's consultants) report that the age of the premises is an issue as several aspects of the site do not accord with institutional standards for modern premises. Their report highlights that the site is heavily restricted by its location and as such the site cannot compete with more established industrial locations which benefit from ready access to the motorway network.
- Furthermore, it identifies that there is a mismatch between the scale of the former paper mill site and the potential occupier market within the area (Para 7.17)

- Cushman and Wakefield therefore conclude that the accommodation is not realistically viable for employment purposes. Specifically the report identifies that:
  - The site was designed for a specific occupier type and for a particular type of industrial process which is no longer viable and as a result all operations have ceased on site;
  - The market for industrial operations in South Yorkshire has drastically changed in recent years with occupier, investor and developer activity gravitating towards the established and more accessible locations that benefit from public sector incentives – this significantly limits the prospects of more remote locations such as Oughtibridge to retain a sustainable employment use function;
  - The prospects for letting the accommodation are heavily restricted as a result of poor accessibility and the associated restrictions on the scale of the local market and lack of local demand;
  - Connected with the above, the premises themselves are outdated and do not meet with modern occupier requirements;
  - We consider that any attempt to bring the site back into productive employment use would be beset by viability problems as a result of the feasibility and cost of alterations together with the limited demand from occupiers which creates a ‘viability gap’ for any development scheme (Para 7.18).
  - It is considered that based upon market evidence there is no reasonable prospect of the site been brought back into employment use and in any event the site is not in a strategic location where either SCC or BMBC are seeking to focus new employment generating uses. There is also an adequate existing supply of employment land and premises in the local area to accommodate the limited demand that does arise (Para 7.19).

These statements addressed, in part, Paragraph 22 of the NPPF which states that site should not be protected for employment use “where there is no reasonable prospect of a site being used for that purpose”.

Paras. 10.8 and 10.9 of the report state:

[10.8] Whilst redevelopment of the application site represents a loss of employment land, it has been demonstrated that the former mill site is no longer attractive to the employment market given that its location and outdated premises, and that there are significant viability issues in attempting to bring back the site into productive employment use.

[10.9] Therefore, in accordance with national planning policy, it has been demonstrated that there is no reasonable prospect of the site being used for employment use. Paragraph 22 of the NPPF requires that this application should therefore be treated on its merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

These statements are inconsistent with the assertions now being made by the applicant. At para.4.28 of the Statement of Case submitted for the appeal, it is asserted that the buildings are capable of being occupied and used in line with the site's existing lawful use. This unsupported assertion is, plainly, wholly at odds with the expert opinion in the Cushman and Wakefield report - a report which was produced at the behest of, and relied upon by the applicant. In addition to this, in the applicant's supporting statement for the application for the outline planning permission, it states that:

Following the gradual closure of the plant, the whole of the Oughtibridge Mill estate, incorporating the application site and a number of other sites (the latter all located with the Sheffield local authority area); have been marketed for redevelopment. This marketing exercise has led to CEG purchasing the estate portfolio, on behalf of ASE II Developments Ltd, earlier in 2015 (Para 2.2).

Based on the above, there is no doubt in officers' opinion that ASE II bought the site for redevelopment. The current owner, namely ASE II has abandoned the existing (and wholly untenable) existing industrial use.

'Affordable Housing' - The weight attributed to the Council's policy for the delivery of affordable housing and weight attributed to guidance contained in Planning Practice Guidance (PPG) following the reinstatement of the WMS

It is accepted by all parties that it is for the Council to decide on the weight that should be afforded to national policy and the guidance contained in the PPG. Both the National Planning Policy Framework (NPPF, paragraphs 17 and 111) and the Sheffield Plan Core Strategy (Policy CS24) promote the effective use of land by prioritising the development of previously developed (brownfield) land in the first instance. Over the period 2004/5 to 2014/15, 94.7% of housing completions were on previously developed land. This illustrates the importance of previously developed land for Sheffield in order to meet the city's identified housing need. If VBC were to be applied on all brownfield sites that contain existing buildings regardless of other policy objectives, this would considerably diminish the number of affordable homes that could be delivered through new development.

As Members will be aware, Sheffield has a significant need for affordable housing, which is currently not being met. As previously detailed, the Strategic Housing Market Assessment (SHMA – published November 2013) identifies an overall annual shortfall of affordable housing in Sheffield of 725 units per annum. This is not the total need, but the number of affordable homes that would need to be delivered solely through the affordable housing planning policy if the city's affordable housing needs are to be met. Annual delivery of affordable housing in Sheffield since 2013 has averaged 357 homes, less than half the required rate to address the shortfall for 2013-18. In addition to this, in October 2017, there were in excess of 37,500 households with an application on the Council's rehousing register, of which 6,900 were actively bidding for social housing. This further demonstrates the scale of need for affordable housing in Sheffield.

Affordable housing is an important material consideration; a principle which has been established since the publication of Planning Policy Guidance Note 2 in 1993. The National Planning Policy Framework is clear that the delivery of affordable housing

through the planning system is important, stating in paragraph 50 that 'local planning authorities should...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities'.

Sheffield's planning policy on affordable housing is set out in Core Strategy Policy CS40, which states that in all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

The applicant has previously contended that Sheffield's SHMA is out of date and does not accord with Paragraph 158 of the NPPF. The Council does not accept that its SHMA is out of date as contended by the applicant. The SHMA was published in November 2013, and whilst nearly 4 years old, is still considered to be current for these purposes, given that guidance states that 'local planning authorities should not need to undertake comprehensive assessment exercises more frequently than every 5 years' (PPG, para 036 Reference ID: 2a-036-20140306). The approach to estimating housing needs, outlined in chapter 6 of the assessment, follows DCLG's practice guidance.

The applicant has also previously stated that of Sheffield's twelve affordable housing market areas, the location of the application site (within the Rural Upper Don Valley Affordable Housing Market Area) is shown in the 2013 SHMA to have one of the lowest annual shortfalls in affordable housing (two units). However, the key figure relating to the need for affordable housing in Sheffield is the overall shortfall of 725 per annum. In terms of affordable housing delivery, the Council's approach is to consider the need for affordable housing on a citywide basis, and therefore it is not considered to be relevant that the AHMA where the site is located contains one of the lowest annual shortfalls in affordable housing.

However, by way of further relevant evidence, each year since the publication of the SHMA, the Council has produced updated information in the form of housing market profiles. These profiles include updates on aspects relevant to housing need, such as demand for social housing. The 2016 update for the Rural Upper Don Valley notes that 'while bid levels were generally lower than the citywide average, this was partly due to the high proportion of lets of sheltered properties, which tend to attract fewer bids. The one bungalow that was re-let attracted 96 bids, suggesting there is demand for social housing if the right properties are available' (page 22).

In addition, more recent evidence from quarter 1 of 2017 shows that eight social rented properties became available in the Rural Upper Don Valley AHMA in this quarter. These included 3 sheltered properties only available to older people. 84 different households expressed an interest in one or more of the properties.

If the Council were only to take full contributions towards AH from greenfield sites (or brownfield sites that have been cleared) then this would have a significant effect on its ability to meet the identified AH need. On the basis of the above evidence regarding the need for AH, the view was held that with regard to the development of this site, more weight should be given to the development plan policy for the delivery of affordable

housing than the weight given to the Government policy for VBC. As previously referred to, this site could potentially deliver up to 14% of the Council's annual need and given the challenges of securing affordable housing on other sites this is a material consideration of significant weight.

In this regard officers also suggest that the weight afforded to the WMS should be reduced given the questionable nature of whether it is needed to incentivise this development (therefore taking account of 'the intention of national policy') and the lack of viability evidence submitted by the applicant that could support their position.

Since the granting of outline permission, several appeal decisions have demonstrated that it is for the decision maker to determine what weight to give to the reinstated national policy and what weight to give to the development plan and how these competing interests should be balanced against one another. For Members' benefit it should be noted that the WMS introduced two main policies relevant to affordable housing;

- (i) Vacant Building Credit (which is the subject of this application); and
- (ii) a small sites threshold whereby developments of 10 units or less (or no more than 1,000m<sup>2</sup>) should not seek AH contributions.

Contrary to the position advanced by the applicant many of these decisions also clearly show that the viability of a scheme is a factor that Inspectors have taken account of when considering the planning merits of developments that seek to remove their affordable housing contribution. One appeal to which officers consider significant weight should be given related to the re-development of a former equestrian facility to provide 46 new build dwellinghouses and conversion of listed buildings to provide four dwellinghouses (Appeal reference No. APP/N1920/W/163162337). The submitted scheme included the provision of four on-site affordable homes, and was identical to an extant permission for the site, except for the number of affordable homes being provided being reduced from the twenty homes under the extent permission.

The Planning Inspector considered that the Council's policy on the provision of affordable housing was consistent with the National Planning Policy Framework (NPPF) and allowed for a scheme's affordable housing level to be reviewed if viability is an issue. The Planning Inspector noted that the Council's Strategic Housing Market Assessment (SHMA) identified an on-going need for affordable housing and that a number of affordable homes (434) would be needed per annum between 2016 and 2036. He detailed that the provision of twenty affordable homes would make a useful contribution to the delivery of affordable homes and accepted the Council's position of the acute need for new affordable homes.

In considering the merits of the appeal, the Planning Inspector stated that VBC should not automatically be applied without regard being paid to the full circumstances of any given case, including the provisions of development plan policy. The Planning Inspector accepted that the development was eligible for VBC and that the main issue being whether it should be applied. In dismissing the appeal, the Planning Inspector reasoned that reducing the disproportionate burden of developer contributions referred to in the WMS as meaning 'reducing the financial costs associated with new development, with such costs often having a bearing on scheme viability'. He was not persuaded that a viability review under a policy duplicates the intention of the VBC to incentivise brownfield



development and that a detailed assessment of viability should not be cast aside in favour of the application of VBC.

It is clear from this Inspector's decision that whilst VBC forms a material consideration, which significant weight must be given in the determination of the application, it nevertheless remains just one consideration to be set alongside others including policies in the adopted development plan. It is common ground that national policy should not be slavishly followed by LPAs but is a material consideration which has to be weighed in the balance. Thus, national policy is a material consideration which should be placed on the scales with other material considerations.

With regard to the correct approach to the application of the VBC policy, relevant to the application is the advice given by the Planning Inspectorate (PINS) in their letter to the London Borough of Richmond (dated March 2017). According to PINS, the correct approach to the application of VBC would be:

- for an inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution;
- establish whether the proposal is in conflict with those policies if no contribution is provided for and, if there is conflict; and
- only then go on to address the weight to be attached to the VBC as a national policy that post-dates the development plan policies.

Based on this PINS advice, an LPA would therefore be entitled to find in the balancing exercise that the VBC outweighs the development plan policies, as opposed to discounting the development plan's weight at the outset. Members are advised that officers have structured the assessment of this S73 application in having regard to that approach.

In the assessment of this S73 application, officers' views remain unchanged with regard to the position that was previously taken on VBC. It is considered that the applicant would not be eligible for VBC for the reasons set out above. Despite the applicant's position, officers continue to hold the view that VBC is not applicable in respect of the application. As stated at Paragraph 023 of PPG, the purpose of the VBC is to incentivise the development of brownfield land, including empty and redundant buildings with the policy implying that it is intended for brownfield sites which need an incentive to come forward for development. The evidence presented by the Council shows that VBC was not needed to incentivise the development of this site and the PPG is clear that, in considering how VBC should apply to a particular development, local planning authorities should have regard to the intention of national policy. To reiterate; the outline application was submitted with a commitment by the applicant to provide 10% affordable housing (through a commuted sum) in line with Core Strategy Policy CS40 and the CIL and Planning Obligations SPD. The development of Oughtibridge Mill is not one where a VBC should be applicable since the site had already come forward for re-development without any financial incentive through VBC. While officers accept that there are other benefits to a developer than merely the viability of the site, some of these having been discussed above, it is clear in officers' opinion that its main objective is to unlock brownfield sites that would not otherwise come forward for redevelopment. This is clearly not considered to be the case in respect of this site, most notably being demonstrated through the applicant's

initial commitment to developing the site for housing at a time when VBC had been removed from national guidance following the Court of Appeal's decision and the applicant's intention from the outline submission to provide a fully compliant scheme with regard to the delivery of affordable housing. This application for VBC does not therefore accord with the intention of the Government policy on such and therefore the policy should not apply in this instance.

## Viability Issues

In support of the application to remove Condition No. 22 and notwithstanding the applicant's view on VBC as detailed above, the applicant commissioned Allsop LLP to undertake a viability appraisal on a hypothetical scheme of 292 dwellinghouses (comprising 246 houses and 46 flats) with an aggregate gross internal floor area of 28,532 square metres.

The outline planning permission included a condition (No. 33) stating that the development shall comprise no more than 320 dwellinghouses. This condition was attached based on an initial capacity exercise where 320 houses was viewed to be the quantum of development that the site could reasonably absorb to prevent any ill effects on infrastructure and the highway network.

The applicant's Viability Report (VR) details that a quantum of 292 dwellinghouses was selected on the basis that it 'maximises site coverage as best it can', and that increasing the site by an extra 28 dwellinghouses [to the number permitted by the outline permission] will not necessarily add extra value or overall floor space to the land.

Allsop's Viability Report details that the approach taken was to show the outturn Residual Land Value (RLV) utilising a profit on cost of 25% to the developer, which is equivalent to a 20% return on gross development value. The RLV is measured against a threshold land value (TLV), which represents the threshold below which a landowner is unlikely to be incentivised to sell land for development. While there is no commonly accepted TLV for the purpose of viability appraisal for planning, the applicant's VR has measured the RLV against two different benchmark levels: i) Existing Use Value plus 20% (EUV + 20%) and ii) a rate of £300,000 per hectare on net developable area. The report shows that the band of acceptable Threshold Land Value to be £2.6m at its lowest end and £3.1m at its higher end.

In terms of sales revenues, the Viability Report has drawn comparable evidence for current market sales estimates from two key schemes nearby, the first is a development by Linden Homes at Top Road Worrall and the second by Stonebridge Homes at Stocksbridge

The Viability Report details that a scheme of 10% affordable housing and full planning requirements, namely S106 contributions towards education and highway works, would produce a residual land value below the applicant's lower end Threshold Land Value and subsequently 10% is not viable. The viability report includes two appraisals, the first including a 10% affordable housing scheme including all other S106 contributions, and the other, a non-complaint scheme with no affordable housing. In short, the viability report purports to show that the development only becomes viable when the on-site affordable

housing provision is reduced to 12 dwellinghouses or 3.75% GIA floorspace, the on-site equivalent of £690,000.

As is normal practice by SCC, the DVS (District Valuation Service) was instructed to provide an independent opinion on the viability of the scheme in terms of the extent to which the applicant's appraisal is fair and reasonable and whether the assumptions made are acceptable and can be relied upon to determine the viability of the scheme.

The District Valuer (DVS) details that many of the applicant's viability appraisal inputs are considered to be reasonable, which include such matters as sales revenue, construction costs of the dwellinghouses and legal fees. The key differences between the applicant and the DVS are mostly limited to i) the development period and associated finance costs and ii) site value. With regard to part i), the DVS considers that the development period would be shorter, a net effect of this being lower finance costs and to part ii), considers that the upper end site value (Threshold Value) of the site is lower.

In terms of development period, the applicant has contended that due to the complexity of the proposed scheme it would be unrealistic to expect that demolition and other groundworks would begin in Month 2 as set out in the DVS's initial appraisal. This has been accepted by the DVS who has allowed for a pre-construction period of 6 months. However, the DVS continues to remain of the opinion that it is reasonable that first sales could take place 6 months after house construction with development and sales achieved on the north west part of the site and that a typical prudent developer would put the necessary measures in place to allow the north western part of the site to be developed as a priority to support the scheme financially at the early stages.

The DVS considers a benchmark figure of £2.6m to be reasonable and contends that it is unrealistic for the landowner to expect an uplift of 20% on the existing land value. The DVS states that significant holding costs for the existing site relating to insurance, maintenance, security, and business rates would amount to £200,000 per annum. Based on these holding costs, together with the significant abnormal costs that would be required to bring forward the site for development a typical landowner would not expect an uplift on EUV.

A further point of contention between the DVS and the applicant is the issue of ground rent revenue. The applicant argues that ground rent revenue should be removed from the appraisal following a consultation paper from the Government that new-build apartments could be sold subject to a peppercorn rent. This is set out at Paragraphs 3-3.7 inclusive) of Allsop's Report titled 'Response to DVS Report of 8 September 2017', which details that the Government is minded to introduce measures limiting ground rents in new leases to start and remain at a peppercorn level. However, the DVS contends that until there is evidence that flats are to be sold on long leaseholds subject to a peppercorn ground rent, it is appropriate to include the income generated from ground rent in the viability appraisal. The DVS did however agree to amend their appraisal in response to Nationwide Building Society's announcement not to lend on new mortgages where the ground rent is greater than 0.1% of capital value.

Based on his updated appraisal, the DV concludes that the development could afford the policy requirement 10% on-site affordable housing provision. In terms of off-site provision, the DV concludes the development would be able to afford a financial contribution of

approximately £2.8m, which equates to approximately 5.5% against a required contribution of 10% (approximately £5.1m).

With regard to the viability of the scheme, it is clear from the DVS' viability reports that the scheme can deliver a policy-compliant level of affordable housing whilst providing an appropriate level of profit to the developer. It is acknowledged that there are discrepancies between the position of the DVS and Allsop with regard to the financial viability of the scheme with the key differences mainly limited to development programme, site value, and ground rent, all of which having a significant effect on final figures.

In terms of construction period, it is considered by officers that a pre-construction period of 6 months would be reasonable to allow for matters such as design and contract procurement. It is also considered reasonable that sales of the houses could take place 6 months after commencement of house construction. It is considered feasible as highlighted by the DVS that the North West part of the site, which incidentally is the only part of the site within the Sheffield administrative boundary, could commence without first undertaking the necessary design, procurement and construction period on the new road bridge and diversion of Northern Power Grid's 11kV HV cable. The DVS considers that any prudent developer would put the necessary measures in place to ensure that this part of the site is developed within the first phases of the development. The view that the development cannot commence on the houses until the bridge construction and diversion of Northern Power Grid's cable is implemented is questionable. It is also questionable in officers' opinion as to why Allsop consider that first house sales would not occur at 6 months from the construction of the first dwellinghouses as suggested by the DVS, and instead contend that the first house sales would only occur at 9 months from construction.

Although it is accepted that build rates can vary depending on a number of factors such as weather and ground conditions etc, it is common practice that volume housebuilders generally appear to set a target of between 40 and 80 units built and sold from each outlet annually (Communities and Local Government 'Factors Affecting Housing Build-out Rates' – FEB 2008). In terms of Sheffield completions in 2014/15, data taken from the Sheffield and Rotherham Strategic Housing Land Availability Assessment Part 1 dated November 2015 shows that a high number of brownfield sites were being constructed at a rate of more than 30 dwellinghouses per annum, with many being constructed at a greater rate than this. For Allsop to therefore suggest that the first house sales would not take place until at least 9 months from first construction of the dwellinghouses appears to be at significant odds with expected completion and sale rates of major housebuilders, no more so if 2 or more housebuilders are operating from the site, which would expect faster sales. The difference in development programme between the DVS and Allsop's appraisal has a marked effect on the finance costs of the scheme.

In terms of site value, the DV states that his benchmark land value to be reasonable and contends that it would be unrealistic for any willing land owner to expect an uplift of 20% on the existing use value given the high abnormal costs associated with developing the site and high holding costs. It is acknowledged that it not unusual for a developer to expect an uplift on existing land value in instances where the holding costs would be low. The DVS details that the holding costs on the site would be in the order of £200,000 per annum. It is considered that the DVS opinion on benchmark land value for the site is reasonable and that seeking an uplift on land value of 20% above existing land value is optimistic and that a willing land owner is unlikely to expect any uplift of any significance

given the very high abnormal costs associated with the site's redevelopment and onward holding costs.

In terms of ground rent income, the DVS has calculated that the developer would expect to receive income from ground rent associated with the proposed new-build apartments. This is challenged by Allsop on the basis of a Government consultation paper, which states that they [The Government] are minded to introduce legislation limiting ground rents in new leases. The DVS stands by the position that ground rent revenue should be included in the appraisal stating that there is no evidence to suggest that this would happen. Officers' agree with the view of the DVS. While it is acknowledged that the government's position may change in the future with new building apartments sold subject to peppercorn ground rent, there is no legislative position on this, and because of this, it is considered inappropriate to remove rent income revenues from the appraisal. It is contended by officers therefore that the appraisal of the scheme should therefore be based entirely on the current position at the time of the viability report being prepared/written, not what may or may not happen in the future.

As can be seen from the above, there is significant disagreement between the Allsop's viability appraisal and the independent viability report issued by the DVS. The DVS considers that the developer can provide a fully 10% compliant on-site scheme (approximately 32 dwellinghouses), or alternatively could afford to make a financial contribution of £2.8m for off-site provision. This is in sharp contrast to Allsop, which shows that the scheme can only support 12 dwellinghouses or 3.7% GIA, the equivalent of a £690,000 on-site contribution, or £850,000 off-site contribution. The key areas of dispute have a significant bearing on the viability of the scheme, with a net difference of £1.95m between the two appraisals with regard to off-site contribution. Officers consider that the DVS report is sound and robust and represents a comprehensive assessment of the scheme's viability. The reasons proffered by the DVS with regard to construction period, site value and ground rent incomes, all of which having a significant effect on viability are considered well-reasoned and justifiable.

Having taken legal advice on these matters, the applicant has stated that their view on the viability of the scheme remains unchanged and challenge the DVS position on the complexities of bringing forward this particular brownfield site in terms of construction and sales periods and in terms of the stance taken on the Threshold Land Value (TLV). In an attempt to resolve this impasse and in order to seek a swift resolution of the application, the applicant proposed a 'without prejudice' offer of £1,025,000 towards off-site affordable housing provision. Given the significant difference between what the DVS calculates could be provided, this offer was dismissed by officers as it did not represent a fair representation between the two positions of the viability reports. Following further discussions between officers and the applicant, a second 'without prejudice' offer has been made by the applicant agreeing to make a financial contribution of £1.75m for off-site provision, equivalent to an approximate 3.4% provision. This was initially subject to the proviso that four conditions attached to the outline planning permission could be varied to allow greater flexibility on matters of vehicular access, highway improvement works and the agreed 10m landscaping buffer between the development site and Langsett Road North. This proviso to amend the conditions has now been dropped by the applicant.

In terms of the second offer, officers consider that the figure represents a reasonable compromise between the differing views of the DVS and Allsop, particularly bearing in

mind the planning appeal that the applicant has lodged to remove the requirement of affordable housing on grounds of VBC. Despite the applicant's viability report being based on a hypothetical scheme of 292 dwellinghouses which may not be the scheme that is ultimately built out, raising doubts to the report's conclusions of the scheme's 'true' viability, officers nevertheless consider that the offer of £1.75m is a reasonable compromise and would secure the delivery of approximately 35 affordable houses city wide in combination with other sources of funding.

It is considered therefore that due to the pending appeal, and the risk associated with this, leads officers to the conclusion that, on balance, the offer of £1.75m offered by the applicant is appropriate and should be accepted by Members.

Should Members be minded to accept the £1.75m, this would be secured by legal agreement and the condition would be removed.

Advice from SCC legal department

The Council's position is that the appeal lodged by the applicant should be dismissed and a 'Statement of Case' has been submitted to the Planning Inspectorate which sets out the Council's arguments and evidence. A copy of the Statement of Case is posted on the Council's Planning Website together with supporting documents.

The ramifications and details of the applicant's offer are being discussed with CEG; however, the broad principles relating to the conduct of the appeal would appear to be:

(a) If Members decide to reject the offer, then the appeal will (unless it is withdrawn) proceed to its scheduled Hearing on the 6 December 2017 and, after having examined the evidence and submissions submitted to him at the Hearing, the Inspector will determine the appeal. If he concludes that the VBC applies, then he will be entitled to further conclude that planning permission should be granted without any requirements relating to affordable housing. If he concludes that the VBC does not apply, then he will have to decide whether the applicant's case on viability justifies a reduced affordable housing contribution or whether it precludes the making of any payment at all.

(b) If Members decide to accept the offer, then it will be necessary to conclude a planning agreement (which provides for the £1.75m contribution) and to issue the fresh permission under this current Section 73 application. CEG will then be in the position where it can withdraw its appeal.

There is a multitude of possible permutations and so it is hoped that better particulars can be provided to Members once the discussions with the applicant, on this point, have been concluded.

## SUMMARY AND RECOMMENDATION

The application relates to Oughtibridge Mill, a 13.7 hectare brownfield site that is situated between the settlements of Wharncliffe Side and Oughtibridge. Outline planning permission was granted in October 2016 to develop the site for housing subject to 39 conditions, one of these conditions (No. 22) being attached to secure the delivery of

affordable housing equivalent to 10% of total number of dwellings gross internal floor area in line with Core Strategy Policy CS40.

The applicant is seeking approval to remove Condition No. 22 of the outline planning permission and remove the requirement to make a contribution towards the Council's delivery of affordable housing. In support of the application, the applicant contends that following the reinstatement of the VBC in Planning Practice Guidance (PPG) in May 2016, the development of this site should not include any requirement to make provision for affordable housing. The applicant contends that national policy and the guidance contained in PPG is a significant material consideration, to which greater weight should be afforded than that which should be attributed to the delivery of affordable housing pursuant to Core Strategy Policy CS40. The applicant also contends that VBC is not subject to viability testing, providing evidence of an appeal decision in 2016 where an Inspector concluded that it was not relevant to the application of VBC, this was despite accepting there was a quantitative need for affording housing.

Despite the applicant's position, it is considered that VBC is not applicable in respect of the application. As stated at Paragraph 023 of PPG, the purpose of the VBC is to incentivise the development of brownfield land, including empty and redundant buildings with the policy implying that it is intended for brownfield sites which need an incentive to come forward for development. The evidence presented by the Council shows that VBC was not needed to incentivise the development of this site and the PPG is clear that, in considering how VBC should apply to a particular development, local planning authorities should have regard to the intention of national policy. It is considered that the incentives of VBC to enable the delivery of this brownfield site has not been justified, with greater weight being placed on the delivery of affordable housing pursuant to Core Strategy Policy CS40.

The DVS has shown that the hypothetical scheme of 292 dwellinghouses is viable and could support 10% on-site affordable housing site, or alternatively the developer would be able to afford an off-site contribution of approximately £2.8m towards the delivery of affordable housing city wide. The applicant however disagrees with the DVS's viability appraisal of the scheme and instead considers that the scheme only becomes viable when the on-site affordable housing provision is reduced to 12 dwellinghouses or 3.75% GIA floorspace, the equivalent of a £690,000 on-site contribution. With regard to an off-site contribution, the applicant confirms that the scheme provides for a £850,000 contribution, which represents a net difference of £1.95m between the view held by the DVS to the scheme's viability

Owing to the differing positions between the DVS and Allsop's viability appraisals, and in the hope of reaching a swift resolution of the application, the applicant has made a "without prejudice" offer to make a financial contribution of £1.75m towards the provision of affordable housing (off-site).

As detailed above, it is the view of officers that the DVS's appraisal of the scheme is sound and robust and that the scheme is able to support a fully on-site complaint requirement of 10%, or secure an off-site contribution of £2.8m. However, it is considered that due to the pending appeal, and the risks associated with this, leads officers to the view that the offer should be accepted.

It is therefore recommended that Condition No. 22 be removed and that planning be conditionally granted subject to (i) the applicant entering into a legal agreement to make a financial contribution of £1.75m that would be used by the Council to deliver affordable housing city wide set out in the Heads and terms below and (ii) written confirmation that the pending appeal seeking the removal of this condition under 16/04679/OUT being withdrawn.

#### Heads of Terms

The applicant entering into a legal agreement to secure the phased payment of £1.75m towards the provision or enhancement of affordable housing in the Council's area; and

As per the previous S106 agreement:

- a contribution towards education provision based on a contribution per qualifying dwelling of £2548 towards primary education provision and a contribution per qualifying dwelling of £2743 towards secondary education provision.
- the payment of £10,000 to be split equally between financing a Traffic Regulation Order seeking to reduce the speed limit along the A6102 in the proximity of the site to 40mph and monitoring of a Travel Plan
- the payment of £40,000 for the provision of and/or enhancement of bus shelters on the A6102 in the proximity of the site



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Case Number	17/02570/FUL (Formerly PP-06158653)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 5-9 storey building comprising 131no apartments, flexible commercial unit to ground floor (421sqm - Use Class A1/A2/A3/B1(a)) with associated access, refuse and cycle storage, car parking, landscaping, amenity space and public realm improvements
Location	Site Of Mackleys Building And 2 Chatham Street Sheffield S3 8EG
Date Received	19/06/2017
Team	City Centre and East
Applicant/Agent	Mr Adam Murray
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

2. The development shall be carried out in accordance with the following approved plans:-
  - Drawing no. 500 Rev C, 'Proposed Site Plan', received 20.10.2017;
  - Drawing no. 501, 'Proposed Landscaping Plan';
  - Drawing no. 600 Rev C, 'Ground Floor', received 20.10.2017;
  - Drawing no. 601 Rev C, 'First and Second Floor', received 20.10.2017';
  - Drawing no. 602 Rev C, 'Third and Fourth Floor', received 20.10.2017;
  - Drawing no. 603 Rev C, 'Fifth and Sixth Floor', received 20.10.2017;
  - Drawing no. 604 Rev C, 'Seventh and Eighth Floor', received 20.10.2017;
  - Drawing no. 700 Rev C, 'Elevations', received 20.10.2017;
  - Drawing no. 701 Rev C, 'Elevations', received 20.10.2017;
  - Drawing no. 702 Rev C, 'Elevations', received 20.10.2017;
  - Drawing no. 703 Rev C, 'Elevations', received 20.10.2017;
  - Drawing no. 800, 'Section'; and

- Drawing no. 1, 'Context Elevations'.

Reason: In order to define the permission

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

3. 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.

4. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

5. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This should include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

6. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven.

A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the

site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

7. 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.

8. 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.

9. No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either:
  - a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

#### Highway Improvements:

- Construction of a 2 metres deep footway surfaced in secondary palette as per the Urban Design Compendium, including provision of pedestrian drop crossings and tactile paving.
- Promotion of a Traffic Regulation order (loading/waiting restrictions) in the vicinity of the development site and the provision of road markings and signage, all subject to the usual formal procedures.
- Accommodation works to street furniture, including lighting columns, moving them to the new rear of footway and out of the way of entrances, service laybys and possibly windows.
- Provision of KEEP CLEAR road markings in the carriageway by the proposed car park entrance.
- Provision of 2 service laybys, possibly at footway level with half battered (45 degrees) kerb faces.
- Provision of a totem signal-head and pole for the Pitsmoor road primary signal on the approach to Mowbray Street (owing to refuse vehicles obstructing sight-lines to the existing arrangement).

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

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

11. Supplementary intrusive site investigation shall be undertaken post demolition and post underground tank and associated infrastructure removal and a revised Phase 2 report and Ground Gas Risk Assessment shall be submitted and approved prior to construction commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure the safe redevelopment of the site

12. 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.

13. 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.

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

- a) Be based on the findings of Noise Assessment; Report ref.LH0111162NR2 (7th June 2017).

- b) 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).

- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

15. Before the use of the development is commenced, Validation Testing of the sound insulation works to internal habitable rooms 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 insulation 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 future occupants from noise

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. 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.

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 installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjoining and adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing 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 of the fume extracts external ducting and termination point, including a low resistance cowl.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

Reason: In the interests of protecting future occupants from odour and noise

20. 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.

21. Large scale details, including materials and finishes, at a minimum of 1:20 scale, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
- cladding
  - decorative brickwork across the buildings
  - door openings
  - window openings
  - parapet
  - brick feature/screen facing onto Pitsmoor Road
  - louvered openings to car park
  - balconies (including acoustic specifications)

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

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

22. No construction of buildings or other structures shall take place until an Employment and Training Strategy, including an implementation plan has been submitted to and approved by the Local Planning Authority. Thereafter the strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic benefits of the scheme for the local community.

23. Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit, shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and birds and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging and commuting; and
- b) show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests maintaining a satisfactory wildlife habitat.

24. 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.

25. 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.

26. Prior to the use of the buildings, a car parking management plan, which shall detail arrangements for the allocation of parking spaces, shall have been submitted to and approved by the Local Planning Authority and thereafter the car park shall operate in accordance with the approved management plan.

Reason: To ensure satisfactory allocation of spaces, in the interests of highway

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

Reason: In order to define the permission.

28. The development shall be provided with a minimum of 4 artificial bat boxes, bat access tiles, artificial roosts, and bird boxes which shall be integrated into the structure of the buildings. Prior to the construction of development, full details of the proposed bat boxes/access tiles/roosts and bird boxes, including a site plan identifying their location shall have been submitted to and approved in writing by the Local Planning Authority and the bat/bird accommodation shall be provided in accordance with the approved details and thereafter retained. Evidence that such bat/bird accommodation has been provided shall be submitted and approved by the Local Planning Authority.

Reason: In the interests of enhancing the wildlife habitat.

29. Notwithstanding the submitted plans, before the development is commenced or an alternative timeframe to be submitted to and approved in writing by the Local Planning Authority, full details of a widened pedestrian access into the site from Pitsmoor Road (ungated) and new direct access from Pitsmoor Road to the bin store for refuse vehicle operatives shall have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be provided prior to occupation.

Reason: In the interests of pedestrian safety.

30. The development 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 development commencing, and shall thereafter be retained.

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

31. Notwithstanding the submitted plans, before the development is brought into use or an alternative timeframe to be submitted to and approved in writing by the Local Planning Authority, full details of an appropriate car parking layout, which includes 2 disabled spaces, shall have been submitted to and approved in writing by the Local Planning Authority. The new layout (which might require amendments the



landscaping arrangement) will address disabled, pedestrian and cycle routes from the car park to the inside of the building. Once approved, the parking shall be provided in accordance with those plans prior to occupation 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.

32. Prior to the commencement of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

33. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and if in the event that breeding birds and young are present, the young shall be allowed to fledge.

Reason: In the interests of protecting wildlife habitats.

34. The cycle parking layouts indicated on the submitted plans and door widths and door locations leading to the cycle parking are not approved. Before the development is brought into use or an alternative timeframe to be approved in writing by the Local Planning Authority, full details of suitable arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be provided prior to occupation.

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

35. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low

carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

### **Other Compliance Conditions**

36. All entrances into the buildings shall be provided with level thresholds.

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

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

Reason: To ensure satisfactory drainage arrangements.

38. The development shall be carried out in accordance with the recommendations set out in the Flood Risk Assessment report, Rev C, dated September 2017, prepared by EWE Associates Limited.

Reason: In the interests of flood prevention and the amenities of future occupants of the site.

39. 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.

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

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

41. No doors/gates shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

42. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

43. The proposed window reveals to all new brick elevations shall be set at a minimum of 150mm for windows.

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

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 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.
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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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 should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Richard Harris  
Ecology Manager  
Sheffield City Council  
Meersbrook Park

Brook Road  
Sheffield  
S8 9FL  
Tel: 0114 2734481  
E-mail: richard.harris@sheffield.gov.uk

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

8. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

9. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones

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

Tel: (0114) 273 6136  
Email: dawn.jones@sheffield.gov.uk

10. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

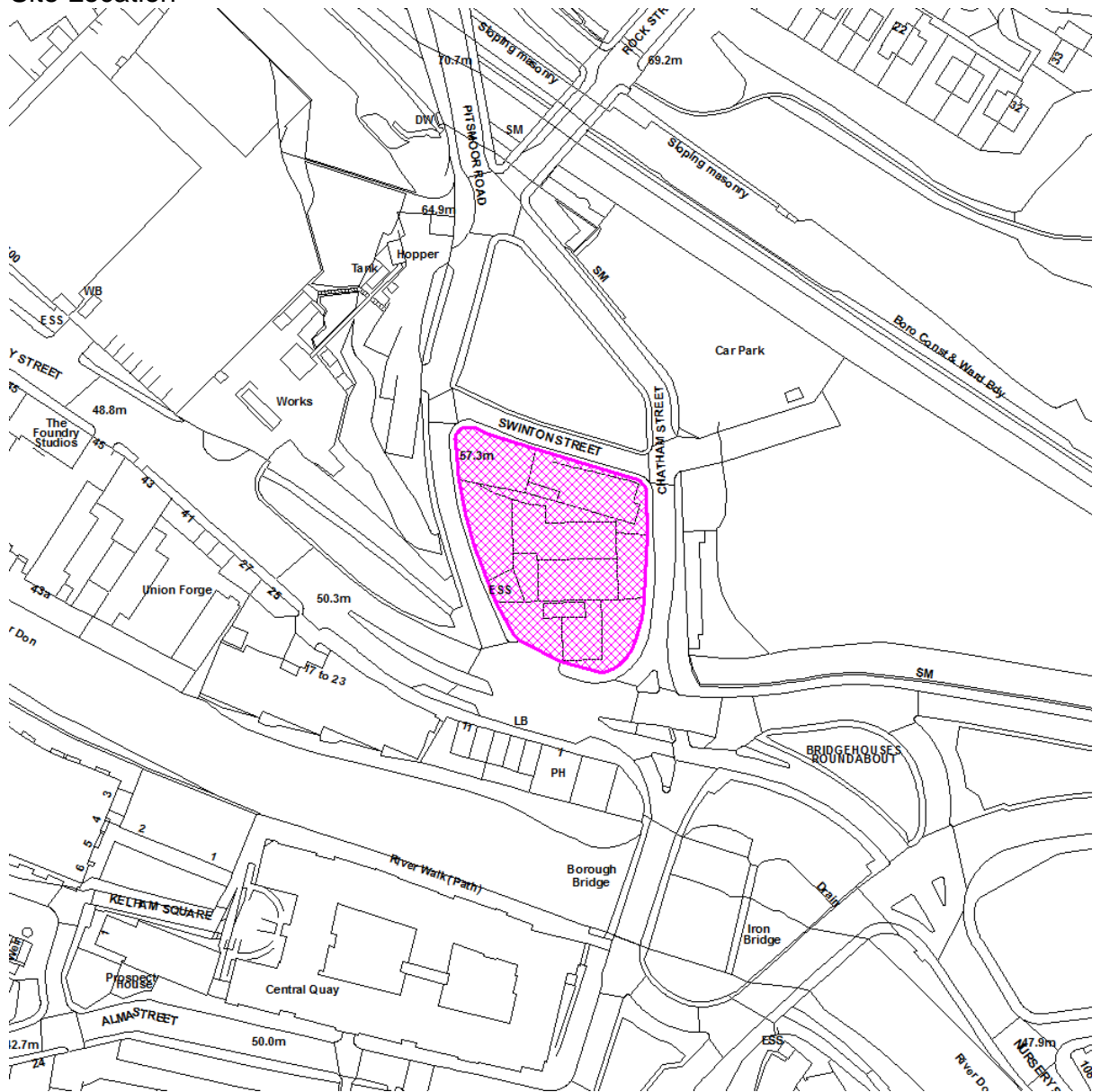
If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: stephen.turner@sheffield.gov.uk

11. The applicant should be aware that there is known Yorkshire Electric apparatus in the area, details of which can be viewed on the Council website.

# Site Location



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## LOCATION AND PROPOSAL

The site lies within the riverside area, immediately to the north of the Kelham Island Conservation Area and relates to a parcel of land, which occupies a prominent position, at the junction of Mowbray Street, Chatham Street, Swinton Street and Pitsmoor Road. The site comprises a series of buildings, of brick construction, ranging in height from single-storey to three storeys, which are set back from the Mowbray Street frontage behind a garage forecourt.

At the rear of the site, along the northern edge, fronting onto Swinton Street is a hardstanding which is used for informal parking. Areas of shrub and trees spread along the north and west, the latter of which fronts onto Pitsmoor Road.

The site is relatively flat along the southern edge and thereafter the land rises significantly towards the north.

The site is located within a designated Industrial area, as defined in the Unitary Development Plan, although the character, both in terms of uses and the visual appearance of the area has changed considerably following the redevelopment of many sites within the area. To the south/south-east, is the ring road, and immediately opposite the site, to the south is Mowbray Street, which is characterised by a traditional row of two and three storey properties, whilst further to the west along this frontage is later development comprising of residential and office accommodation up to a height of six storeys. To the north is a vacant unkempt plot of land, and to the west is a green space, the edge of which is denoted by mature trees fronting onto Pitsmoor Road. To the east is a high retaining wall which forms the boundary to a surface car park.

A mixed use scheme is proposed, which will involve the demolition of the existing buildings to accommodate the erection of buildings, up to 9 storeys, which will be arranged as a series of blocks along the perimeter of the site overlooking onto a semi-enclosed forecourt comprising a car park (with vehicular access from Pitsmoor Road) and landscaped amenity area. The development will provide flexible commercial space (421 square metres) at ground floor level along the southern boundary, which is proposed to be used for Class A1 (retail), A2 (offices used by the public), A3 (café/restaurant) and B1(a) (offices) purposes. Upper floors will provide 131 residential units in the form of 4 studios, 72 one bed apartments and 55 two bed apartments. Provision will be made for plant, refuse and cycle storage within the development.

## RELEVANT PLANNING HISTORY

There is no planning history for the site which is relevant to the determination of this application, although the applicant did engage in pre-application discussions before submission of the proposal.

## SUMMARY OF REPRESENTATIONS

The application was advertised in June 2017 and a number of site notices were displayed on adjacent highways (20.07.2017). Following neighbour consultation,

11 letters of objection have been received in respect of the proposed scheme. The comments are summarised below:

- Excessive height - 4 storeys higher than recommendations in the Action Plan
- Insufficient car parking and little amenity space
- Parking is already a serious problem in the area for residents, visitors and businesses.
- Overdevelopment of the site
- No mix of housing to attract long term residents and families. Heavily weighed towards 1 and 2 bed flats. This is likely to have a detrimental effect on the unique character of the area.
- In favour of development at the site.
- The Kelham Neepsend Action Plan (KNAP) and Transport Assessment are inconsistent in terms of height of development and key views.
- A lower scale building would be a better fit with the architectural surroundings.
- Some bold and innovative designs should be considered instead of 'red brick' heritage structures.
- Development not in line with design guidance of the KNAP.
- Why has the development not been considered in terms of air pollution?
- How will the development be serviced etc?
- Will increase traffic congestion and further hinder the movement of buses.
- Green space to rear is a haven for birds in the area.
- Overshadowing of other residents
- Already existing and new commercial spaces within the locality, some of which are vacant. The extra retail space will only further give the impression that the area is derelict or struggling, which will not enhance the sense of community or vitality of the neighbourhood.
- Large multi-storey 1-2 bed apartments are not in keeping with the original vision for the regeneration of Kelham Island.
- Developments are excessively priced; many young professionals are priced out of the area.
- No provision for additional services such as a GP practice.

Councillor Johnson (a City Ward Councillor) has made representations, on behalf of a number of local residents, who are reasonably supportive of appropriate development on the site and do not object to a proposal. However, a number of concerns have been raised, as referred to below:

- A tall development is likely to affect the existing residential buildings on Mowbray St, particularly as the land rises quickly up from Mowbray St.
- This is the first major development on the north side of Mowbray Street and if growth of the area continues, we will expect to see future developments along this side of the street. An 8 or 9 storey building should not set the benchmark for other future developers.
- Maximum height of 5 storeys is set within the Kelham Island and Neepsend Action Plan.
- It is not altogether clear that the quality of finish is sensitive to the heritage nature of the surroundings.



- Concerns have been raised in respect of parking and transport issues. In particular, the amount of traffic and shortage of parking. There have now been a number of major developments which have exacerbated parking difficulties and this proposal will inevitably result in an overspill of parking onto neighbouring streets.
- The proposal has only 20 spaces for 131 homes, which is a lot less than the recommended one space per unit.
- No proposal to encourage walking, cycling and public transport. There is no travel plan.
- Suggest the reinstatement of the former bus stop on Pitsmoor Road and possible condition which requires residents not to keep a car.
- Concerned about the balance of commercial and residential uses bearing in mind the industrial and commercial nature of the Kelham Island area.
- Question the need for a large block of flats. Does not appear to contain any large or family housing or affordable housing.

## PLANNING ASSESSMENT

### Land Use Policy

It is necessary to identify and assess the development against relevant local planning policies, which are those contained within the Unitary Development Plan (UDP) and the Local Development Framework, Core Strategy (March 2012).

The site is situated within a General Industrial Area, as defined in the adopted Sheffield Unitary Development (UDP), and thus, Policy IB5, which relates to development in such areas, is relevant. It advises that the preferred uses are B2 (General Industrial) uses and B8 (warehousing), although there are a variety of other uses which are acceptable, such as small shops (A1), food and drink (A3-A5), business (B1), community facilities and institutions (D1) and hostels. It lists residential uses as unacceptable.

However, this designation is out of date following the adoption of the Core Strategy. Policy CS6(b) identifies the area as a transition area, where manufacturing should be encouraged to relocate. Furthermore, Core Strategy Policy CS17(j), which relates to the city centre quarters, identifies Kelham/Neepsend as formerly dominated by industry but becoming a focus for new riverside housing and jobs. This new policy approach in the Core Strategy was also reflected in the draft City Policies and sites document that proposed a Flexible Use Area in this location and a site allocation, where a range of uses are acceptable, but B2 and B8 are not. The proposed development comprising apartments and flexible commercial space is in line with the above policies and as such, the redevelopment of the site for such purposes is considered acceptable.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part A of CS41 seeks to provide a broad range of smaller households in the City, with no more than half of the new homes in larger developments (large

developments being defined as 60 or more dwellings) consisting of a single house type. The proposal will provide 131 units, comprising of a mix of 3% studios, 55% one bedroom units and 42% two bedroom units and as such, is strictly contrary to Part A of Policy CS41. However, given that the percentages are very close to the policy requirement it would be unreasonable to resist the proposal on this basis and furthermore, such provision of housing will contribute to achieving the 5 year supply of housing for the City.

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires appropriate housing densities to ensure the efficient use of land. Given that the site is within the City Centre, the recommended density should be at least 70 dwellings/ units per hectare. The proposal will achieve a housing density of 385 per hectare and thus, will meet the requirement of Policy CS26.

### Design and Conservation Issues

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policies BE15, BE16, and BE17 are also relevant. Such policies are principally concerned with preserving and enhancing the character and appearance of the Conservation Area and as such, a high standard of design is expected together with the use of traditional materials. The same principles as set out in the policies will also be material considerations in considering proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area, as is the case with this site.

The site is immediately adjacent to (north of) the Kelham Island Conservation Area and therefore any future development will affect its setting and appearance. The proposal seeks to demolish existing buildings on the site. It is not considered that the buildings have any significant heritage value such that they are not worthy of retention. The loss of the buildings will not have a detrimental impact on the character and appearance or the setting of the Conservation Area. As such, the principle of demolition is considered acceptable.

The Urban Design Compendium (UDC), adopted September 2004, outlines the vision for Sheffield's regeneration, setting out the design principles for the City

Centre, although this site lies just beyond the boundary identified as 'Kelham Island' in the compendium. Nevertheless the Compendium refers to the fact that exceptions to predominant building heights can be made where a building is on a corner or gateway site as is the case here. The Kelham Island & Neepsend Action Plan (KNAP) sets out a 10 year vision for the area, by providing guidance for the protection of the area's heritage, for the growth and development of its residential and business communities, and for improvements to public spaces and the river. One of the plan's objectives is to create an attractive place to live, with varied housing types including affordable flats, executive apartments and student/key worker accommodation. The plan sets out the urban design strategy for the area, requiring new development to respect the scale, height, proportion and materials of the existing historic built form to ensure the retention of the area's distinctive character, in accordance with the Urban Design Compendium. Generally, building heights will not exceed the existing maximum of 5 storeys.

## Design Issues

### Siting, Scale and Massing

The proposal comprises a series of blocks, in an 'L' shaped layout, which will wrap around the site, reinforcing the back edge of pavement arrangement, a typical feature characteristic of the streetscape. The ground floor will incorporate commercial units, amenity areas and entrances, which will generate activity and natural surveillance at street level. The layout will reinforce the courtyard form of arrangement; another feature reflective of the character of the area.

This is a stand-alone site, which sits adjacent to a wide stretch of highway and opposite an original terraced row of two and three-storey properties, with later developments further along this frontage, which increase in height to approximately six storeys. The proposed development will comprise of blocks ranging in height from four storeys up to eight storeys/eight and a half storeys. The blocks will positively respond to the natural topography and hierarchy of streets within the area, and thus, will vary in height accordingly. The scale and massing creates a robust response to the prominent corner along the ring road, which is wide at this point, with the tallest of the blocks being positioned in this location, fronting onto Mowbray Street which reads as the most distinct and prominent element of the site, whilst the lower scale blocks address the secondary streets towards to the north, up Pitsmoor Road and Chatham Street. It is acknowledged that the scale of the development is larger than the recommended 5 storeys reiterated in the KNAP, however, given the topography, and its gateway location, it is considered that it can accommodate the additional height, and thus, the scale is appropriate, and will better relate in scale to the ring road.

The proposal has been amended in line with pre-application discussions and now creates a collection of urban blocks that respond to the existing context. The massing has been broken down, to reflect the finer grain of the historical context. Articulation of the building facades with projections in the elevations break up the general massing as well as achieve a better relationship between each of the

blocks. The use of fenestration and introduction of balconies also break down the appearance of the building mass as well as provide visual interest.

## Detail

The KNAP identifies Pitsmoor Road, Chatham Street and Mowbray Street as being key frontages and therefore it is important that these frontages are appropriately treated such that they will positively contribute to the appearance of the street scene and the views into and within the area. This has largely been achieved.

The main entrance into the building will be centrally positioned along the main façade of the tall block, facing onto Mowbray Street. A double height frontage which will be well grounded by brick columns will provide a robust street frontage. The set back of the building has allowed a generous footway which will incorporate elements of soft landscaping, which will help reinforce the building's importance and prominence at street level.

The blocks have been expressed in a simple grid pattern, with generous punctuations achieved. Although a fairly repetitive window arrangement is proposed throughout the scheme, it will not read as a monolithic block, but as a series of buildings, owing to the subtle variations in the treatment of the facades and varied heights of the blocks. A change in the tone of the brickwork will primarily provide the variation, although the introduction of feature brickwork and variation in the fenestration will help define each block. The effective positioning of balconies, reinforces the historical vertical pattern of development and where they are positioned at high level with a horizontal emphasis, this adds to the articulation of the facades and further helps reduce the scale of the building.

Colonnade detailing has been introduced along the Chatham Street frontage and as a form of boundary treatment to enclose the courtyard fronting onto Pitsmoor Road and a landscaped amenity area to the north-west corner of the site. Such detailing reinforces the area's heritage, and allows glimpses through into the site, adding further interest to the frontages, which in doing so, positively contributes to the street scene.

The KNAP requires developments immediately adjacent to the Kelham Island Conservation Area to be constructed using high quality materials which complement the palette of materials in the area, which in this case is brick. The use of quality modern materials such as steel, glass and timber may be appropriate provided it is used sensitively. The proposed palette of materials for this development will be red brick in two tones, zinc cladding and glass. The bulk of the development will be brick and zinc will form the façade to a five storey block which fronts onto Chatham Street and into the internal courtyard. Red brick is prevalent in the area and thus, reflects the local vernacular. The use of zinc reflects the industrial influences and coupled with the use of glass, provides a contemporary and complimentary approach.

The accommodation will be served with three level entry accesses which will include the main entrance fronting Mowbray Street, a pedestrian access route from the Pitsmoor Road frontage leading into the courtyard with another entry further

north, up from Pitsmoor Road. The site will be predominantly hard-surfaced, with limited amounts of soft landscaping introduced. The external spaces will provide semi-private courtyards. Although the spaces are limited, they do provide some breathing space within the site, and given the constraints and location of the site this is considered to be an acceptable approach.

The proposal will facilitate the redevelopment of the site, by replacing a poor quality building with a good quality, high density development, which is appropriate for this city centre location. The development has been carefully considered and from a design perspective, will fit into the emerging and changing pattern of development within the locality, without compromising the character of the Conservation Area and the important views into and within the area. It is on this basis that the proposed development is considered acceptable and will accord with the above policies.

### Sustainability

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

In the submitted Planning Statement it has been indicated 10% can be achieved and as such, this will be secured by condition.

### Highway Issues

UDP Policy IB9 states that new development will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The proposal will provide limited parking, which will serve both the residential and commercial elements of the scheme. A total of 20 parking spaces will be provided with two parking spaces for people with disabilities within the courtyard. It is not known yet as to the allocation of spaces for each particular use, but some flexibility can be applied in this case, given the site's city centre location. In any event, a condition will be imposed requiring details of how the spaces will be managed.

Concerns have been raised by a number of objectors regarding the lack of in-curtilage parking. There is no doubt that the level of provision will be very limited and will not meet the standard parking requirements. The needs of the development will dictate the allocation of the parking spaces as referred to above. The site is regarded as a city centre location and as such, offers opportunities for alternative modes of travel. In this regard, the Council is supportive of car-free developments within the city centre.

In respect of congestion and lack of parking within the locality, this is acknowledged and discussions are on-going between Council Officers, regarding the management of parking within particular areas of the city centre. It is

anticipated that the outcome of the parking review will overcome some of the issues raised.

Provision will be made for secure cycle parking, which will be accessible from the Pitsmoor Road frontage. This is particularly welcomed, and will encourage sustainable forms of travel.

Two loading/service bays will be provided; one on the Pitsmoor Road frontage and another fronting onto Chatham Road. These will provide adequate servicing arrangements for the site.

Highway improvements will be required, in the form of new footways, which will be constructed in secondary palette, as per the guidance set out in the Urban Design Compendium.

Subject to the imposition of highway conditions, the proposed development is considered acceptable and will accord with UDP Policy IB9.

#### Amenity Issues

UDP Policy IB9 states that new development will only be permitted provided that satisfactory living conditions can be achieved.

#### Noise and Disturbance

The site is in a very noisy location, given its position on a major junction on the Inner Relief Road and a bus route which is at a gradient. Road traffic noise is predictably the predominant noise source. An Environmental Noise Assessment report has been submitted, which has been considered by the Environmental protection Service (EPS), who has confirmed that the assessment is satisfactory in terms of its assessment of environmental noise levels and the recommendations made for attenuation of noise for habitable rooms.

The development will involve the provision of private amenity spaces in the form of balconies, which will be subject to noise levels that considerably exceed the levels recommended in the World Health Organisation guidance. BS8233 guidance advises that such exceedances may be tolerated where development is desirable, particularly on small balconies, but development should be designed to achieve the lowest practicable levels in such areas. In the case of larger balconies, roof gardens and terrace the BS guidance states that consideration should be given to protecting these areas by screening or building design to achieve the lowest practicable levels. Achieving the appropriate levels or less might not be possible at the outer edge of these areas but should be in some areas. Further consideration for the treatment of lower level balconies facing onto Mowbray Street is advised (eg the introduction of full or partial glazed screening may be an option). The courtyard elevations are partially enclosed and offer the opportunity of being a quiet area if suitable measures are incorporated in the design.

In light of the above, the EPS has recommended that further acoustic details be provided in relation to the suitable design of external amenity spaces to ensure the

lowest practicable levels are achieved in private amenity spaces. It may not be feasible or practical to achieve the minimum standards, without compromising the design of the scheme. This is clearly a negative aspect of the development and whilst this is not desirable, it is considered, in this case, that the benefits of developing this site outweigh the dis-benefits of not meeting the ideal standards for external spaces.

Commercial uses, plant accommodation, bin and cycle storage is proposed at ground floor level, which will generate some degree of noise, which may affect the amenities of future residents. To avoid any potential noise nuisance, a number of conditions will be imposed, which will include details to be submitted of a scheme of sound insulation works, with the required validation testing carried out thereafter and full details of any proposed externally mounted plant/equipment and commercial kitchen fume extraction system. Other conditions will be imposed to control amplified sound and demolition works.

#### Amenities of Future Residents

The proposal will provide residential accommodation in the form of 131 apartments. The layout of the apartments is fairly typical, providing adequate outlook and natural daylight to all habitable rooms, although owing to the orientation and position of the proposed buildings, it is inevitable that some units will have a reduced level of light, albeit this is not considered to be significant. Satisfactory living conditions will be achieved. Many of the apartments will benefit from balconies which will provide outdoor amenity space. It is however not expected that the same level of amenity can be attained as in more suburban areas of the city.

Some level of overlooking will be inevitable, by virtue of the fact that this is an 'edge of pavement' development. The site, although a city centre location, does not experience a high volume of foot traffic and whilst, for the majority of apartments will not suffer from a significant lack of privacy, it is acknowledged that those positioned towards the southern edges of the site, at street level, will be fairly exposed. Owing to the position of the site, and a stand-alone development, the apartments will not be subject to excessive overlooking from adjacent properties, the nearest of which are those on the opposite side of Mowbray Street to the south. This scenario represents a typical street situation and as such, is not unexpected or unacceptable.

In light of the above, it is considered that the proposed development will not adversely affect existing residents and appropriate accommodation will be provided for future residents of the site. As such, the proposed development will accord with UDP Policy IB9.

#### Archaeology

The site has archaeological potential. The site falls within the Bridgehouses area, which is of archaeological interest because 'Bridgehouses' was a separate settlement in Sheffield, shown on 18<sup>th</sup> century maps of the area. The SYAS has

advised that they are sure that the settlement has earlier origins, as the place name is recorded in medieval documents. As such, it is important that the potential impact on any surviving buried archaeological deposits is considered as part of this planning application.

A desk-based assessment will help clarify whether and what archaeological deposits can be expected to survive on this plot. It is therefore considered necessary for a condition to be imposed to secure appropriate archaeological investigations are carried out prior to any development, including demolition is carried out.

### Flood Risk

The site lies within Flood Zone 2 and as such, there is a medium probability of flooding. The proposal seeks to provide residential accommodation, which is classified as being a more vulnerable use. Such uses are acceptable in Flood Zone 2, subject to satisfying the sequential test, which seeks to steer development towards areas of lower risk of flooding. A report has been submitted in respect of the Sequential Test, the contents and conclusions of which are considered acceptable.

A Flood Risk Assessment (FRA) has been submitted, which confirms that finished floor levels will be increased and that a safe escape route in the event of a flood situation can be achieved from the site due to the topography of the site.

### Drainage Issues

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site.

A Sustainable Drainage Statement has been submitted. Following consultation with the Lead Local Flood Authority, it has been confirmed that such information is sufficient to constitute a SUDs Design Statement.

The site has previously been developed and therefore represents a brownfield site. A condition will be imposed requiring a 30% reduction in surface water runoff compared with the existing peak flow, based on a 1 in 1 year storm event, to reduce the risk of surface water flooding, in line with current best practice. A further condition will be imposed requiring full details of the proposed surface water drainage to be submitted and approved before the development commences. The solution is likely to be in the form of attenuation tanks on site.

### Ecology

The key principle of the National Planning Policy Framework (NPPF) is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.



An Extended Phase 1 Habitat Survey report has been submitted, which does not identify the presence of bats or foraging bats in the trees within the site and is unlikely to have significant commuting potential.

The Ecologist has put forward a number of recommendations for the enhancement of the site to benefit wildlife. These include the provision of bat boxes/bat access tiles and artificial roosts and bird boxes integrated into the structure of the buildings, which will encourage their retention and longevity. The Ecologist has also provided advice in respect of lighting and avoidance of light spillage and with regards to the removal of vegetation on the site, to be outside the bird breeding season.

#### Contaminated Land

A Phase I Desk Study, Intrusive Site Appraisal and Gas Addendum Letter have been submitted, which identifies the need for further site investigations and puts forward a series of recommendations.

The Environmental Protection Service (EPS) has confirmed that the Phase 1 is satisfactory. With regards to the Intrusive Site Appraisal, the report acknowledges that large areas of the site have not been investigated and that further investigations are required. As the conclusions and recommendations within the report are based on an incomplete data set the EPS do not consider this to be satisfactory. There are other aspects of the report which are unsatisfactory.

The Gas Addendum Letter suggests there is a minimal risk of gas with no recommendation for any gas protection measures. However, the EPS disputes this and recommends further re-evaluation post demolition. Conditions will be imposed to secure appropriate investigations and remediation measures are carried out to ensure the safe redevelopment of the site.

#### Access Issues

UDP Policy H7 encourages the provision of a proportion of mobility housing in all new or refurbished housing. However, as these standards are not part of an up to date local they have been superseded by the recently introduced Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time.

Two disabled spaces will be made available on site. Lift access is available to all accommodation and level thresholds will be provided throughout the development.

In this regard, it is considered that a reasonable and pragmatic approach has been taken and as such, the proposal is considered acceptable and will accord with UDP Policy H7.

#### Affordable Housing

The site does not fall within a zone where there is a requirement to provide affordable housing.

## Community Infrastructure Levy

The scheme will be liable for a contribution under the Community Infrastructure Levy, which was introduced 15th July 2015. The site lies within CIL Charging Zone 2 where the CIL charge is zero, and therefore no contribution will be necessary in this case.

## SUMMARY AND RECOMMENDATION

In land use terms, the proposal is considered acceptable in principle and will facilitate the redevelopment of a gateway site in a sustainable location.

The design of the proposed development is largely in line with pre-application discussions and it is acknowledged that the scale of the development exceeds the guidance set out in the KNAP. However, it is considered that, given the topography, the site's proximity to the ring road, and its gateway location, the additional height can be accommodated, without detriment to the adjacent Kelham Island Conservation Area.

The proposal will generally provide satisfactory living conditions for future residents. Although the desirable noise standards may not be wholly achievable in relation to the private balconies, it is considered that the benefits of developing this site outweigh the dis-benefits of this negative aspect of the development.

A limited amount of in-curtilage parking will be provided, but given the site's sustainable location and access to other modes of transport, this is considered acceptable. Adequate servicing arrangements will be provided, such that there will be no adverse implications on the public highway.

The proposed development will comply with all other policy requirements such as sustainability, drainage, ecology and archaeology.

On this basis, the proposal is considered acceptable and will accord with the identified policies within the National Planning Policy Framework (NPPF), Core Strategy, and the Unitary Development Plan (UDP).

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Case Number	17/02518/FUL (Formerly PP-06134717)
Application Type	Full Planning Application
Proposal	Two/single storey extensions and alterations to school to form additional teaching accommodation, in order to enable an increase of pupil numbers from 180 to 630, provision of Multi-Use Games Area (MUGA), increase in car parking provision and associated hard and soft landscaping works (amended information received on 13 October 2017, including updated highway mitigation measures).
Location	Ecclesall Infant School High Storrs Road Sheffield S11 7LG
Date Received	14/06/2017
Team	South
Applicant/Agent	ID Partnership Northern
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Site Layout Plan received via email dated 02 November 2017 (Ref: N71-125-PL-06-REVC)

Ground Floor Plan received via email dated 25 August 2017 (Ref: N71-125-PL-07-REVA)

Lower Ground Floor Plan received via email dated 25 August 2017 (Ref: N71-125-PL-08-REVA)

Roof Plan received via email dated 25 August 2017 (Ref: N71-125-PL-09-REVA)

Elevations Plan received via email dated 25 August 2017 (Ref: N71-125-PL-10-REVA)

Sections Plan received via email dated 25 August 2017 (Ref: N71-125-PL-13)

Reason: In order to define the permission.

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

3. No development shall commence until a Construction Vehicle Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include:

1. Tracking information to demonstrate that construction vehicles can ingress and egress the site in a safe manner, including any measures needed to facilitate this.

2. If a particular size of vehicle cannot access the site, measures to limit this type of vehicle visiting the site and details of how such vehicles will be managed/unloaded on the occasions when there is no alternative.

3. Measures taken to ensure construction vehicles are not causing obstruction on public highways surrounding the school.

Once agreed, the Construction Vehicle Management Plan shall be implemented for the duration of the construction phase.

Reason: Given the restricted access and in the interests of highway safety and to protect the amenity of surrounding residents it is essential that this condition is complied with before the development commences.

4. No development shall commence until details of dust control measures to be implemented during the excavation and construction phase have been submitted to and approved by the Local Planning Authority, in the form of a Construction Environment Management Plan. Thereafter the construction phase shall be carried out in accordance with the approved measures.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential that this condition is complied with before the development commences.

5. 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.

6. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been

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

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

7. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven.

A 40% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

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

8. Within three months of development commencing final details of the measures that are to be put in place to ensure surface water run-off from the new car parking areas is not running directly into surrounding residential gardens shall have been submitted to and approved in writing by the Local Planning Authority. These car parking areas shall be provided in accordance with these approved details thereafter.

Reason: In the interests of sustainable development and the amenities of surrounding residents.

9. Prior to the hereby approved extensions being brought into use, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The building/use shall be operated in accordance with this agreement thereafter and any subsequent changes must be agreed in writing by the Local Planning Authority.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy.

10. 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.

11. The use of the Multi Use Games Area (MUGA) facility shall not commence until a Management Plan associated with this facility has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include, but not be isolated to, details of supervision of users and strategies to control noise output. The MUGA shall operate in accordance with this agreed Management Plan thereafter.

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

12. Within three months of development commencing, final details of the structures, including screening, related to the Multi Use Games Area shall have been submitted to and approved in writing by the Local Planning Authority. This part of the development shall be carried out in accordance with these approved details thereafter.

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

13. Notwithstanding the details of the approved drawings, within three months of development commencing a revised drawing showing the provision two parking spaces for low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and be made available for use prior to the occupation of the hereby approved extensions.

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

14. Within three months of development commencing final details of the following measures designed to mitigate against air quality impacts shall be submitted to and approved in writing by the Local Planning Authority.

1. Measures to be taken to encourage the use of low emissions vehicles.
2. Measures to be taken to guard against vehicle idling outside likely drop off areas, including details of signage.

The approved measures shall be permanently implemented thereafter.

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

15. Within three months of any development commencing, a comprehensive and detailed hard and soft landscape scheme for the site, which shall be in substantial accordance with the landscape plan and specifications received via email on 05 September 2017, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of replacement trees, external furniture, any new external steps and ramps and planting around the external car park areas (location to be agreed). The approved landscape works shall be implemented prior to the extensions 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. Within three months of any development commencing, final details of any proposed alterations to existing external land levels on the site and any new retaining features shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details thereafter.

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

17. Within three months of development commencing details of bird and bat boxes, including locations on the site, shall have been submitted to and approved in writing by the Local Planning Authority. These approved bird and bat boxes shall be in place before the hereby approved extensions are occupied.

Reason: In the interests of ecology.

18. Within six months of the commencement of development the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below shall have either;

a) been carried out; or

b) details shall have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the hereby approved extensions are brought into use.

Highway Improvements:

1. Measures to improve the junction of Ringinglow Road/High Storrs Road and Hooper Avenue.
2. Provision of improved pedestrian crossing facilities on High Storrs Road, including a new crossing point.
3. Measures to upgrade the existing pedestrian crossing on Ringinglow Road, to the west of the junction with Edale Road, to full control (subject to survey).
4. Measures to improve all walking routes associated the Walking Bus scheme. Measures to include, but not limited to, tactile paving at junctions, waiting restrictions and pedestrian crossing points.
5. Any Traffic Regulation Orders deemed necessary to facilitate the above work.

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

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

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

20. The hereby approved extensions shall not be occupied until a dedicated drop-off and pick-up zone, consisting of ten parking spaces, has been provided on the High Storrs School site in accordance with a strategy that shall have been agreed in writing by the Local Planning Authority.

This strategy shall include:

- a) How these spaces are to be allocated to parents.
- b) The times when this zone will be used solely for the enjoyment of the allocated users.
- c) Relevant markings/signage.
- d) How the use of this drop-off and pick-up zone will be enforced and promoted.
- e) The location of these spaces.

Once in place this drop-off and pick-up zone shall thereafter be retained and managed in accordance with the approved details/strategy.

Reason: In the interests of mitigating the predicted increased demands on the local highways as a result of the proposals.

21. Prior to the occupation of any part of the hereby approved extensions, a detailed Travel Plan(s) shall have been submitted to and approved in writing by the Local Planning Authority. This Travel Plan shall be designed to:

- a) Meet the requirements of ModeshiftSTARS Bronze from first implementation.
- b) Meet the requirements of ModeshiftSTARS Gold within two years of first implementation.
- c) Reduce the need for and impact of motor vehicles, including fleet operations.
- d) Increase site accessibility.
- e) Facilitate and encourage alternative travel modes,

Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

- 1. Clear and unambiguous objectives and modal split targets;
- 2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
- 3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority.



4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation of the hereby approved extensions, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority. It shall also continue to meet the requirements of ModeshiftSTARS Gold (or any equivalent replacement criteria) thereafter.

Reason: In the interests of delivering sustainable forms of transport.

22. Within three months of development commencing, details of the proposed surfacing, layout, associated signage and marking out of the turning area(s) and one-way system within the site shall have been submitted to and approved in writing by the Local Planning Authority. The extensions shall not be occupied unless the turning area(s) and one-way system have been provided on site in accordance with the approved details and thereafter these measures shall be retained.

Reason: In the interests of highway safety.

23. No deliveries to the building shall be carried out between the hours of 21:00 hours to 07:30 hours (on the following day) Mondays to Saturday and 18:00 hours to 09:00 hours (on the following day) on Sundays and public holidays.

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

24. The hereby approved extensions shall not be occupied unless the cycle and scooter parking accommodation, as shown on the approved plans, has been provided in accordance with those plans and, thereafter, such cycle and scooter parking accommodation shall be retained. Before this parking is put in place full details of the associated covered shelters shall have been submitted to and approved in writing by the Local Planning Authority. Such shelters shall also have been put in place before the extensions are occupied.

Reason: In the interests of delivering sustainable forms of transport.

25. Prior to occupation of the hereby approved extensions, a strategy to promote the following measures shall have been submitted to and approved in writing by the Local Planning Authority:

1) The encouragement of parents to park on highways that do not immediately surround the school site when they are dropping-off and picking-up children.

2) The promotion of considerate parking during events that take place outside of normal school hours, such as parents evenings,

The agreed strategy shall be implemented from the date these extensions are occupied and thereafter.

Reason: In the interests of local highway safety.

26. 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.

27. Within three months of work commencing on site, full details of a Walking Bus scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Four agreed walking routes, including starting locations.
- b) Details of physical improvements to the identified walking routes.
- b) Measures that are to be put in place to ensure this scheme is retained in perpetuity.
- c) Measures relating to how the scheme will be promoted.
- d) Details in relation to timing and student/supervisor numbers.

Thereafter, the Walking Bus scheme shall be provided and retained in accordance with the agreed details/strategy.

Reason: In the interests of delivering sustainable forms of transport.

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

- a) Windows.
- b) Window reveals.
- c) Doors.
- d) External wall construction.
- e) Brickwork detailing.
- f) External staircases.

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

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

29. 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.

30. Within three months of development commencing a report shall have 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 new extensions will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the corresponding extension is occupied, and a report shall have been submitted to

and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation of the corresponding extension. 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.

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

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

32. Before any new external lighting associated with the development is put in place, a lighting scheme, which shall detail the impact of this lighting on adjacent dwellings, shall have been submitted to and approved in writing by the Local Planning Authority. The associated report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

33. Within three months of development commencing, or within 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 hereby approved extensions.

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.

34. 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.

#### **Other Compliance Conditions**

35. The use of the Multi Use Games Area by members of the public and community groups shall be restricted to between:

- 16:00 hours and 19:00 hours Monday to Friday
- 09:00 hours and 18:00 hours on Saturdays
- 09:00 hours and 16:00 hours on Sundays and Bank Holidays.

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

36. There shall be no floodlighting of the Multi Use Games Area facility.

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

37. The development shall be carried out in full accordance with the tree protection measures detailed within the submitted Arboricultural Method Statement prepared by Elliot Consultancy Limited and dated June 2017 (Ref: ARB/CP/1525).

Reason: In order to ensure the trees identified for retention are suitably protected.

38. The development hereby approved shall be carried out in accordance with the ecology mitigation proposals set out within Section 4 (Ecological Assessment and Mitigation) of the Ecological Appraisal prepared by ECUS and dated October 2016.

Reason: In the interests of biodiversity.

39. The new extensions shall not be occupied unless the car parking accommodation 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, which shall include at all times retaining ten car parking spaces within the site for the use of staff associated with High Storrs School.

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

40. Unless an alternative brick is agreed, the brick used in the construction of the hereby approved extension shall be Ashley Red Multi.

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

41. 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.

Attention is Drawn to the Following Directives:

1. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). There are fees, which are also set by the Government.
2. 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.
3. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.
4. 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.
5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

The notice should be sent to:-

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

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

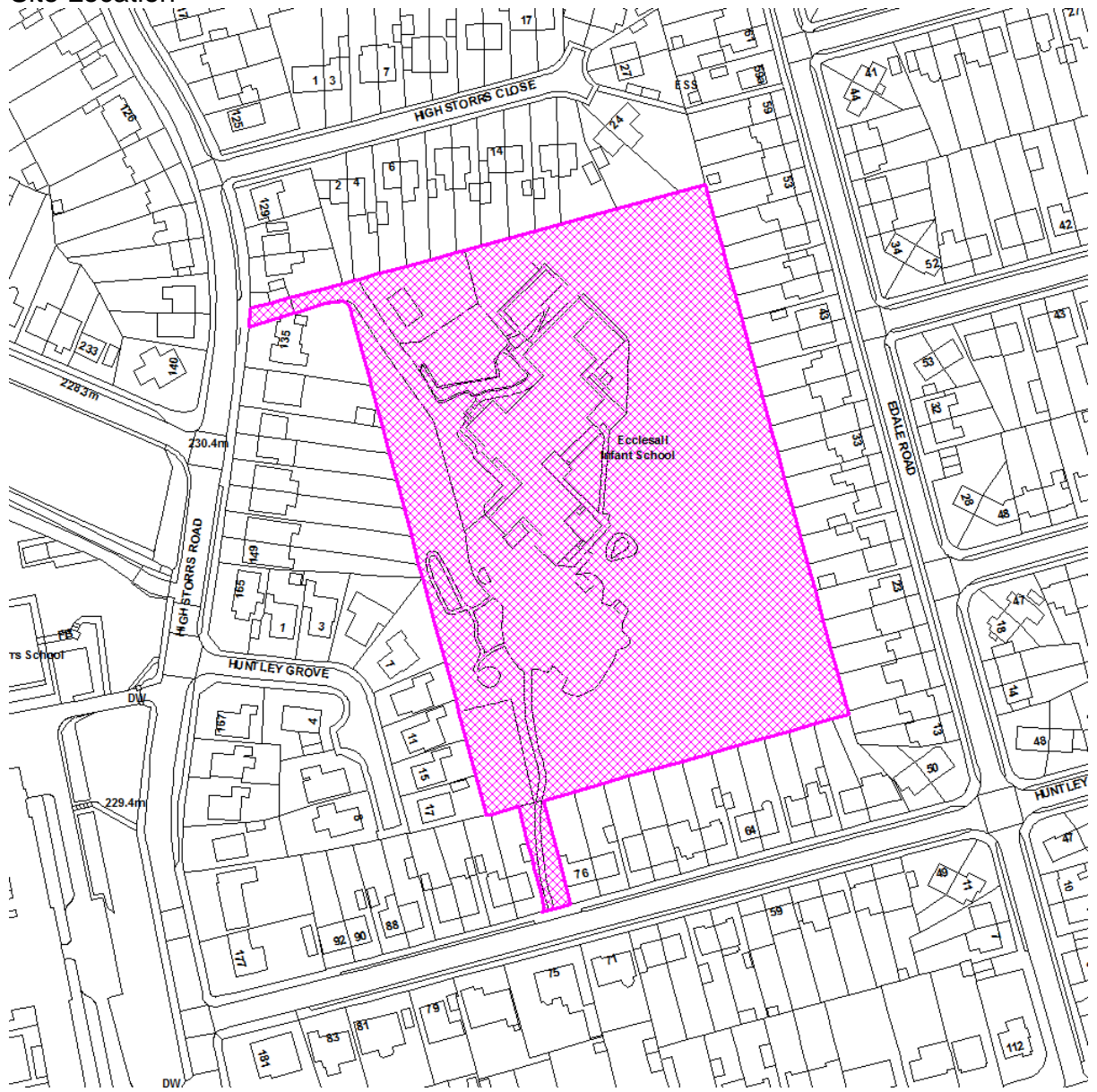
Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

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

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

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

# Site Location



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## INTRODUCTION

This planning application is for the provision of extensions to Ecclesall Infants School and associated facilities including a new Multi-Use Games Area and increased car parking.

These works are designed to facilitate the creation of a 90-place per year 'through' Primary School for year groups ranging from Reception to Year 6. This provides for an overall capacity to accommodate 630 pupils.

Before September 2017 the infant school provided 60 places per year, ranging from Reception to Year 2 and resulting in a capacity of 180 pupils, plus an additional 30 temporary spaces for a further reception class (210 spaces in total).

As a result of recent improvement works, from September 2017 the infant school continues to provide 60 places per year, ranging from Reception to Year 2, plus an additional 60 temporary places made up of a Reception and Year 1 class, resulting in an overall capacity of 240 pupils.

The further increase in pupil numbers and the corresponding need for the extensions and associated works being considered as part of this application would result in the following:

- The creation of a further 30 places (one class) for infant age pupils, alongside the ability to make the current 60 temporary infant places permanent. Overall therefore 90 additional permanent school places would be provided for infant age children (30 per year).
- The closure of Ecclesall Junior School, currently located on Ringinglow Road, and the relocation of the 360 pupil capacity from that site onto the application site.
- This new facility also provides a Special Educational Needs suite, which is a purpose built area to assist with children in need of care, rest and rehabilitation. This suite is also connected to an external courtyard.

It is then anticipated that the existing junior school site will be occupied by Clifford School, who are proposing to create a 30 place per year junior school ranging between Years 3 and 6. The overall capacity for this school would be 120 and it would be fed through the existing Clifford Infant School, which is located on Psalter Lane.

Overall the proposed strategy is intended to tackle an under-provision of school places within the south-west of the city, whilst also addressing the operative issues being created at the junior school site, owing to its current high capacity.

The submission of the application follows the key stages highlighted below:

In February 2016 a Cabinet Report was approved which covered recommendations to meet the requirement for new primary and secondary school places in the north-east and south-west of the city. This report followed on from an



earlier Cabinet Report of July 2015, which set an outline programme in regard to these matters and agreed that consultation should be undertaken on a range of proposals.

These reports proposed the provision of new educational development which balanced various priorities for the Council, including provision of access to great, inclusive schools in all parts of the city; getting value for money; protecting green spaces and meeting housing needs.

The 2016 Cabinet report summarised that births in Sheffield had increased by 25% since 2002, with 1000 more children per year entering Reception year. It also noted that the Office of National Statistics shows population projections of a steady increase in births until 2023.

This Cabinet report also identified that the south-west of Sheffield has an established pattern of young families moving in to the area, adding further pressure to existing high levels of demand for school places.

In the south-west of the city, the report identified that primary school places are under pressure, and additional places are needed from 2017 onwards.

The report's recommendation was to pursue a 90-place per year 'through' primary school at the Ecclesall Infant School site, subject to a further consultation event.

Following this additional consultation, a third Cabinet Report was published in July 2016 recommending that the plan move ahead and this was accepted.

Within the July 2016 report it was noted that the proposals are an essential part of ensuring that there are enough school places for every school age child in Sheffield, which is a fundamental statutory responsibility of local government.

The July 2016 report does however acknowledge the strength of feeling expressed by local residents around existing issues relating to traffic and parking and notes that agreement to proceed with the recommendation is subject to the scheme being acceptable in planning terms, following further engagement and consultation, including work around traffic impact.

The following assessment considers the planning implications of these proposals.

## LOCATION AND SITE DESCRIPTION

The application site is bounded on all sides by residential properties that have frontages onto Huntley Road to the south, High Storrs Road and Huntley Grove to the west, High Storrs Close to the north and Edale Road to the east. These surrounding properties tend to be either detached or semi-detached and are generally two storeys with pitched roofs. High Storrs School is set across High Storrs Road to the west.

The main school buildings, caretaker's house and car park (58 parking spaces) are located to the north and east of the site, while the majority of the southern section

and entirety of the eastern section of the site are utilised as school fields/outside play areas.

The existing school buildings are single storey and largely constructed in a red brick, with the majority of these buildings utilising flat roofs. Several detached single storey buildings, which are in use as temporary accommodation, occupy various areas within the site.

The caretaker's house is two storeys with a pitched roof and sits within its own grounds.

With regard to topography, the site has a downward slope from north to south and from west to east.

Access into the application site is restricted to a single point for vehicles and two points for people arriving by foot, these being as follows:

- The vehicle access into the site is via a single track from High Storrs Road, approximately 30 metres to the north of the High Storrs Road/Highcliffe Road junction. This track is also utilised as a pedestrian route into the site.
- A dedicated pedestrian access is provided via Huntley Road to the south.

A Coal Mining Referral Area encroaches slightly into the north-west corner of the site, and several trees that are subject to Tree Preservation Orders border the western boundary of the application site. These trees are set within the rear gardens of 143-149 High Storrs Road.

The north-west section of the site, which houses the majority of the current built form is located in a designated Housing Area, as defined by the adopted Sheffield Unitary Development Plan (UDP). The remainder of the site is located within an allocated Open Space Area.

## PROPOSAL

The application seeks planning permission for extensions to the main school building, along with associated facilities, including a new Multi Use Games Area (MUGA) and increased car parking.

The first smaller extension is proposed to be attached to the eastern section of the north elevation on an area of the site that in part currently houses a detached single storey temporary building. This extension would be single storey and utilised principally as teaching space.

The second extension is by far the larger of the two and is proposed to be attached to the south east section of the main school building. This extension is largely single storey, but does utilise the falling ground level to create a two storey element in its south eastern corner. This extension has a shallow pitch to its roof.

The ground floor of the larger extension would include twelve classrooms, breakout spaces, a staffroom and a central external courtyard. The first floor accommodation would include three classrooms, an information technology room and toilet facilities.

The proposal would represent 2,083 square metres of new floor space on the site, in addition to the current 1,428 square metres of floor space. Owing to the removal of some temporary buildings this would represent a net floor space increase of 1,950 square metres.

These extensions, which will be constructed using a red brick to match the recently approved extension that is to form the new entrance/reception (see 17/01982/RG3), will include a generous amount of glazing, which, owing to the proportions, provides strong verticality within the elevations.

The new internal layout has flexibility so that it can be utilised for a variety of uses for the school and also the community. For example the existing main hall can extend into two further studio spaces through the use of foldable partitions. The hall, studio spaces and external courtyard can all also be used as four separate entities.

As a result of the increase in staff numbers on the site, which would change from 23 full time equivalent (FTE) to 50 FTE, and the provision of parking spaces on the site for High Storrs School staff (discussed further below), the overall parking provision on the site would change from 20 to 58. Much of the new car parking would be accommodated along the northern section of the west boundary and in the north east corner of the site.

As part of the highway mitigation proposals 10 existing car parking spaces at High Storrs School are to be utilised as a permanent drop-off and pick-up facility for allocated parents who have children attending the new Ecclesall Primary School.

A further consequence of the highway mitigation strategy is the creation of a new one-way system within the site, which is facilitated by the removal of much of the private garden currently associated with the caretaker's house.

The proposed MUGA, which does not include floodlighting, will be located centrally within the site to the south of the existing school building. A new external play area is also proposed to the immediate east of the smaller extension.

## RELEVANT PLANNING HISTORY

Planning permission was granted in July 2017 for a single-storey infill extension attached to the northern elevation of the existing school building.

This extension is to form a new entrance and associated rooms and was considered under planning reference 17/01982/RG3. It should be noted that this extension is in the process of being constructed.

A number of internal alterations are also being carried out, or have recently been completed, in order to modernise facilities and accommodate the increase to infant age pupil capacity from September 2017.

These internal alterations and associated increase in infant capacity do not require planning consent in their own right. It is also noted that this increase in pupil numbers from September 2017 could have been accommodated even if the extension currently under constructed was not approved.

## SUMMARY OF REPRESENTATIONS

### - Sport England

Sport England has confirmed that no part of the site is considered to be a playing field, nor has it been utilised as a playing field in the last five years. They also note that the current site slopes and historic aerial images do not indicate the presence of any pitches.

Sport England therefore conclude that the proposal would not impact on any area that is capable of accommodating a pitch, or part of a pitch. They also welcome the introduction of a MUGA as this will provide formal sporting opportunities that the existing field is unable to offer due to its slope.

Sport England does not therefore wish to raise an objection to this application.

### - South Yorkshire Fire Service

South Yorkshire Fire Service requested confirmation that a Fire Fighting Appliance can access the site, in accordance with the requirements of Building Regulations Approved Document B5, Section 16.

The applicant has subsequently submitted tracking information that demonstrates that a fire tender can enter and leave the site in a forward gear with the use of the playground area.

Having considered this information South Yorkshire Fire Service has now confirmed that emergency access into the site for a fire tender does accord with the relevant standards.

### - Responses to Public Consultation Exercises

Owing to the submission of both additional and amended information during the course of the application process, with particular regard to the Transport Assessment and Framework Travel Plan, three separate public consultation exercises have been carried out in order to publicise the application and seek comment from interested parties.

The most recent consultation exercise has seen 90 neighbours directly notified of the application by letter and seven notices placed at key locations in the vicinity of the site. The application has also been advertised in the Sheffield Telegraph.

Over the course of the application a number of representations have been received from interested parties, both in support and objection to the scheme and these are summarised below.

- Representations from Jared O'Mara - Member of Parliament (MP) for Sheffield Hallam.

Three letters have been received from this MP all of which are intended to pass on comments from constituents.

Two of the letters convey the support of constituents for the proposals based on the following reasons:

- The scheme would lead to increased accessibility for pupils.
- There is an increasing demand for local schools from young families moving into the area.
- The junior school is inadequate owing to the size of the site and this has an impact on students. The new proposal would provide a new modern facility.
- A single site for both existing schools would result in a single drop-off for parents, which reduces the need to travel between the two sites.
- A single site for both existing schools removes the environmental change, and the associated problems, for pupils graduating from infant to junior school.
- Having older siblings in the same school would provide additional support for younger pupils.

The third letter conveys objections from constituents for the following reasons:

- Illegal parking is currently a notable issue on highways surrounding the infant school.
- Concerns that the Transport Assessment is based on a small sample number of current pupils, as there was only a 28% response rate to the parent surveys.
- The Transport Assessment only considered the impact on the highways immediately surrounding the infant school site and this should be expanded.
- Current problems/conflict between child safety and the amount of traffic in the area, which will be exacerbated by these proposals.
- Issues with emergency access to the school, with particular reference to fire tender access into the grounds.
- Loss of green space for children as a result of the expanded school building.
- Increased air pollution as a result in the additional traffic.
- Residents are unhappy as the perceived 'salami slicing' approach to the planning process.
- Residents are not happy that planning committee members do not have to read all the comments made about the application, although it is noted that the planning officer does.
- Further sensible options have not been fully explored by the council, such as the expansion of the current Clifford School site.

- Representation from Councillor Allison Teal

Councillor Alison Teal has stated concerns with regard to the scheme for the following reasons:

- The massive increase in traffic in the area and the safety issues this creates for children and cyclists
  - The increase in parking problems.
  - The increase in air pollution.
  - The negative impact on the local community.
  - Noise pollution for local residents.
- Representation from Councillor Shaffaq Mohammed

Councillor Mohammed has made a representation in his capacity as City Councillor for the Ecclesall Ward. This representation has included a survey that was sent to local residents and a summary of the subsequent responses, which total 87.

25 of these Responses are in support of the proposals, while 54 object to the scheme. 8 respondents offered a neutral comment.

The matters raised within the individual responses are summarised in the 'Individual Representations Section' below.

Councillor Mohammed also states the following:

"The main issues raised by local residents to me in person and via the resident's survey are traffic and highways related. Local residents feel that local roads are already congested with traffic from Ecclesall Infants and High Storrs School, expanding Ecclesall Infants School will only add to this.

Local residents feel that the junction of Highcliffe Road and High Storrs Road is already hazardous and requires urgent action from the City Council to address the current problems.

Residents living on Huntley Road currently face a daily problem with double parked cars that restrict access to larger vehicles requiring to use the road such as ambulances, fire engines etc.

I feel that as a local Councillor I am not able to support the current plans to expand Ecclesall Infants until the City Council is able to come forward with a credible plan to deal with the real concerns that residents have that local roads will not be able to cope with increased traffic that will be generated from expanding Ecclesall Infants School."

- Individual Representations

231 individual representations have been received from members of the public.

110 of these representations are in support of the application, while 114 are in objection. 11 representations offer a neutral response.

On several occasions these representations have been accompanied by photographic evidence to emphasise the points being made. These points/photographs generally relate to traffic conditions and parking issues, but they have also included images from a recent road traffic accident on Huntley Road.

These representations are summarised below.

- Individual Representations in Objection

The individual representations in objection to the application make the following points:

(a) Highways General

- The roads surrounding the site are not designed to cope with the level of traffic being proposed and in fact struggle to deal with the existing demand placed on them by the existing residents. These roads are bursting at the seams.
- The Transport Assessment and Travel Plan submitted with the planning application are very light touch documents that badly reflect the real situation.
- The Transport Assessment seems to be deliberately biased with the author told beforehand what the outcome should be.
- Changes made within the revised Transport Assessment(s) and Travel Plan(s) are minor and do not respond to the numerous objections raised by the local community around the intensification of traffic and pollution brought by the extension.
- The Transport Assessment(s) and Travel Plan(s) do not attempt to propose measures that reduce traffic, or provide a wider plan to tackle congestion and pollution. These documents focus on how best cars can park in the surrounding streets, confirming the fact that the proposed expansion will bring an intensification of the traffic, which simply cannot be mitigated.
- The surveys within the Transport Assessment have not been carried out during bad weather and therefore do not give a fair representation of car parking demand on local highways.
- The parking survey dates proposed are not for a normal school day, owing to the staggered start to the new school year.
- The Transport Assessment does not account for High Storrs School and the future occupation of the junior school site when accounting for key matters such as junction capacity and drop-off and pick-up highway capacity.
- More cars will not travel to the new Clifford Junior School as this will not have a traditional catchment.
- The Transport Assessment discusses an existing network of pedestrian crossings, but in reality such crossings are lacking the area. High Storrs Road for example is heavily used by students and there are no pedestrian crossings. This current safety issue will be intensified by these proposals.
- The modelling in the Transport Assessment does not assess the highway impact of cars arriving at the school before 08:00 hours, which is when people who are dropping children off for 'Breakfast Club' will arrive.
- The proposals do not include any measures to tighten or enforce the existing road safety rules.

- Staggered start and finish times just encourage parents with two siblings to sit and wait in vehicles for longer periods of time. It would also extend the period when highway issues/congestion is experienced.
- Many parents ignore the existing rules and as such many of the mitigation measures will be more than outweighed by the large increase in cars.
- Building a new car park for High Storrs staff is ridiculous as the proposals should reduce traffic.
- High Storrs staff will not use the satellite parking as they will have things to carry and the distance is too great.
- The 118 predicted additional vehicle journeys equates to 46,410 vehicle journeys each academic year.
- Several examples of poor behaviour from parents have been put forward, including parking on the keep clear 'zig zags' outside the existing school and driving through the zebra crossing on Ringinglow Road when children are already crossing. Blocking existing driveways is also pointed out as an issue.
- Nothing has been mentioned about evening and Saturday morning events, which need to be addressed in conjunction with High Storrs School. These events add further inconvenience and detriment to local residents.
- The Transport Assessment mentions that cycling is a viable option for travelling to school, but evidence included in the same documentation shows that at the moment there are only 1-2 children travelling by bicycle. This is because roads around the schools are too dangerous for cycling.
- The topography of the area would also discourage people from cycling to the site.
- Delivery vehicles and school coaches park with little regard to highway restrictions, including the blocking of residents driveways.
- The Transport Assessment/Travel Plan is encouraging cars to park of neighbouring streets, such as Ansell Road and Renshaw Road. This simply shifts the traffic problems onto other highways that also cannot cope with the increase demand. Questions asked include why these roads have been chosen, if the residents of these roads have been consulted and how will such measures be enforced. These roads are also steep and therefore promoting their use could lead to accidents in icy/snowy conditions.
- Emergency vehicles already struggle to access the school site and get stuck on surrounding highways at busy times. This creates a significant problem if there is an issue at the school or the emergency services need to access a residential property surrounding the site.
- Have the Fire Service said this proposal is acceptable?
- Have other options to ease pressures on the highway network been considered, such as using an area at High Storrs School for drop-off, or for staff parking.
- Why ask High Storrs staff to park at the infant school instead of simply extending the High Storrs car park.
- Could a resident's only parking area be created?
- Could a no idling zone be created?
- Could a congestion charge be introduced?
- Would walking buses be an option to explore further?
- The predictions for pupil travel to and from the school are based on a survey that only had a 28% response rate and is therefore not representative. This survey also contains an unknown degree of bias and other forms of surveys, such as a 'hands up' survey with the existing children should have been carried out.



- The survey data should take account of the construction traffic that will be in the area.
- Road safety audits need to be carried out with respect to the proposed mitigation proposals.
- The amount of car parking being provided for staff is excessive and should be reduced. These spaces could then be utilised to ease the pressure on surrounding highways.
- Using the infant school car park for High Storrs School staff will result in an insufficient car parking provision for the infant school staff, who will then park on the surrounding highways, which will exacerbate the highway capacity issues.
- A five minute walking zone is not realistic and parents will naturally want to park as close to the school as possible.
- How will the Travel Plan measures be enforced? It is not reasonable to expect parents or teachers to act as enforcement officers as in reality they have no powers to do so.
- The Transport Assessment has not been submitted with an appendix.
- The fact that the Transport Assessment and Travel Plan fail to account for the upcoming 20 miles per hour zone results in these documents being flawed. The reduction in car speeds will likely increase congestion in the busiest areas.
- Lessons should be learnt from the situation created at Silverdale School, which has a single point of access and a large number of students, which results in issues such as grass verges turned into mud baths in the winter months, grid-lock along Bents Drive for considerable periods and abusive behaviour.
- The proposals will have a negative impact on the ability of the local bus services to honour their timetable.
- The negative traffic impact will be contrary to Policy CS51 within the Sheffield Development Framework Core Strategy, which seeks to contain congestion levels, improve air quality and improve road safety.
- Junction capacity assessments should be carried out along Edale Road at its junctions with Huntley Road, Renshaw Road, Ansell Road, High Storrs Drive and Mylor Road.
- The Travel Plan should have had input from surrounding residents.
- The Travel Plan fails to include all the bus services in the catchment area.

#### (b) Highways Huntley Road

- At peak time, Huntley Road is flanked by cars parked on both sides, which limits visibility and make crossing of this small road very dangerous for young children. In this regard the photographic evidence included in the Transport Assessment is very deceiving as it only shows cars parked and not flowing traffic.
- Huntley Road is narrow and this creates a problem a standard vehicles struggle to get up this road when cars are double parked. Other vehicles such as vans simply get stuck. This creates safety problems and stops residents getting to their houses at peak times.
- At school times Huntley Road is absolute mayhem and adding the proposed number of children/parents/staff, who will arrive in separate cars, will mean this stretch of road will exceed capacity and as a result won't cope.
- Cars also park on grass verges along Huntley Road making even walking on pavements dangerous for children.
- Cars often speed along Huntley Road.

#### (c) Highways High Storrs Road and Site Access

- The restricted vehicle access on High Storrs Road (the only vehicle access point into the site) will create a serious constraint both during the building works and when the school is operational. For example, Heavy Goods Vehicles will be parked or manoeuvring on High Storrs Road, which will create highway safety issues, as well as queuing traffic.
- Heavy Goods Vehicles are unable to access the site currently owing to the restricted access and bin waggons are only able to reverse part way down the access track. This leads to delivery and construction vehicles parking on High Storrs Road, at times illegally, adding to the highway safety problems.
- The increased amount of traffic accessing the site when the school is open will result in greater potential for conflict with cars leaving and arriving at the same time. If this occurs on the narrow driveway this will result in cars reversing onto High Storrs Road, or waiting on High Storrs Road why a vehicle leaves the site. This increases congestion and creates highway safety issues.
- Intensifying the use of this driveway creates safety issue for the children that also use this access point.
- High Storrs Road is a bus route, is extremely busy at peak times and there have already been accidents involving children. Indeed, the flow of traffic at peak times leads the road to become blocked and the traffic stationary. The increase in the number of cars to this stretch of road would make the situation unsustainable and yet more dangerous.
- The driveway into the school is difficult to access for emergency vehicles.
- Double Yellow lines have been put in place on High Storrs Road during the course of the application without the views of residents being sought, which has resulted in surrounding residents losing their evening parking.
- The junction of Highcliffe Road and High Storrs Road is very busy and dangerous. This situation will be made worse by these proposals.

#### (d) Highways Removal of Grass Verge (now not being pursued as an option)

- The removal of a grass verge on Huntley Road, in order to widen the carriageway, is not supported for several reasons. Most notably, because this would result in a drastic change to the look and feel of the road and also increase the amount/flow/speed of traffic, which has a safety implication for pedestrians/children who use this footway.
- The existing verge also helps ensure water run-off rates are reduced.

#### (e) Highways Accidents

- The Transport Assessment lacks sufficient detail with regard to accident data recording.
- The highways surrounding the site have seen a number of accidents, with particular note to the High Storrs Road/Ringinglow Road junction. May other accidents and near accidents also occur in the area but are not reported.
- The chances of accidents occurring will be notably increased if the development goes ahead. This proposal is therefore putting lives at risk.

- A recent accident occurred on Huntley Road around the time the school day finishes that resulted in a car ending up on its roof. This is the second accident to happen in a two week period on local roads (a further accident occurred on High Storrs Road). Photographs of the Huntley Road accident have been submitted.
- The photographs in the Transport Assessment designed to show the typical situation on the highways surrounding the school site are misrepresentative. These highways are much busier and a number of photos have been submitted by local residents to demonstrate this.

#### (f) Air Quality

- Although a nationwide problem, Sheffield is one of the cities at most risk in terms of suffering from issues relating to air pollution.
- The submitted Air Quality Assessment has a flawed methodology and contains unreliable modelling, therefore rendering the conclusions completely untrustworthy.
- Several examples of apparent flaws in the Air Quality Assessment are put forward, including that the annual mean measurement is not applicable to an application of this nature, owing to limited times drop-off and pick-up activity takes place and the sensitivity/young age of the end use/users.
- The Air Quality Assessment should be based on actual measurements, rather than modelled results.
- Owing to the busy nature of the surrounding highways local residents and school children are exposed to poor air quality/toxic fumes and the proposals will increase this as an issue.

#### (g) Amenity

- There is already an issue with noise from the school children using the playground and this will become unbearable for surrounding residents following the threefold increase in the number of children.
- Construction traffic will create noise and disturbance for surrounding residents.
- Owing to changes in land levels the proposed extensions will be over bearing to surrounding properties, with particular note made in respect of the properties fronting Edale Road.
- Given the proximity to existing residents and the changes in ground levels, teachers and children will have easy views into surrounding residential properties. This will unacceptably infringe on privacy.
- The proposals will result in dust nuisance for surrounding residents.
- It is understood the land around the caretaker's house is being excavated, how will this impact the boundary wall to the north?

#### (h) Loss of Green Space

- The proposed expansion will have a big and negative impact on the fields surrounding the school building, with the loss of trees and overall green space.
- The playground is currently home to a large amount of wildlife, indeed foxes and badgers have been observed on the site, and their existence will be severely disrupted.
- Children of the new primary school will be adversely affected by the overall loss of green space for their outdoor/physical activities.

- This green space has been used by many local football teams for training over the years and this will now not be possible. In this regard the stance of Sport England that the proposal does not result in the loss of a playing field is challenged.

(i) Drainage

- The construction of the extension will increase the risk of flooding for surrounding properties, particularly those on Edale Road owing to the sloping topography of the land. The final design should take full account of this.
- The removal of open space for hardstanding results in increased surface water run-off.
- Whilst the drainage might succeed in protecting the school, have the walls at the bottom of the slope been thoroughly checked to confirm they can cope?
- The ground conditions do not lend themselves to a soakaway type drainage solution.
- What is the final drainage solution as concerns about possible solutions expressed by the planning service have not been answered by the applicant?
- If the scheme creates flooding issues for surrounding properties the Council could face civil action for compensation.
- Young children will wonder into any proposed drainage features and potentially drown?

(j) Ground Contamination

- There are high levels of radon gas on the infant school site and this will be exacerbated by the new development. This increases the risk to children, which is unacceptable, particularly given the amount of time/years they would attend this site.
- The building design approach will exacerbate the risk from radon gas as it is being built into the slope. This goes against advice for new buildings that avoids building into slopes when utilising the recommended basic radon protection.
- The existing infant school is only one of five schools in Sheffield that has already required measures to remove elevated levels of radon gas, with sumps being installed.
- The health implications of Radon Gas exposure are also highlighted within the representations. For example 'radon causes over 1,100 deaths from lung cancer each year in the UK. Half of these deaths occur among the quarter of the population who are current smokers.'

(k) Catchment Issues/Questions & Other Options

- The information published by Sheffield City Council with respect to the enrolment figures for local Infant/primary schools offers strong evidence of the fact that the need for extra school places is simply not there.
- The number of catchment children admitted to the expanded three class reception year group this year is 59 out of the 90 children. There is no need for additional places in the catchment based on these figures. The places are required in the Dobcroft catchment.

- The figures produced in the 2016 Cabinet Report on birth rates states that the peak in regard to birth rates peaked in 2012, reduced by 5% in 2013 and levelled off in 2014 and throughout this period places have been added to meet the pressure. It would appear therefore that the peak in reception level entry has already occurred?
- This project as a response to increased pupil numbers does not fit with a collaborative approach to working with the community where sensible alternative solutions to the issue of finding school places have been offered throughout the process. Indeed there has not been suitable consideration of viable alternative proposals.
- Smaller extensions at a number of other schools should have been explored as the solution.
- Why can't the existing Clifford infant site be expanded to create a through school? As a result a number of the existing pupils could be retained on the existing junior school site.
- If the existing junior school site is over capacity and the infant school has fewer children, why can't the schools simply swap sites?
- It does not make sense to overdevelop the existing infant school site and then underutilise the vacated junior school site with the limited number of Clifford pupils.

#### (l) Other Matters

- Why has preliminary work already begun without planning permission being granted? This has included the removal of several trees.
- The planning application should include any Environmental Impact Study.
- A new Infant playground is proposed towards the north-east side of the school. Will earth and banking be needed to support this? How will this playground be surfaced? This will create potential overlooking for the Edale Road properties.
- Within a square mile of the site is the junior school, High Storrs School and Silverdale School. If this proposal goes ahead, the junior school will be populated with children from Clifford School. It's not feasible to keep cramming in more and more children in this specific location and this is damaging the community.
- Most of the comments in support of this proposal keep referring to the poor state of the junior school. However, it is important not to forget that this proposal is not around the quality of the junior school building, but an increase in school places.
- There is no compelling evidence that larger schools produce better educational results. In fact this could harm the education of these children as, for example, senior staff will not know the children as well as they would if the school was smaller.
- The whole scheme has been horribly underhand, with a very clear message from the Council that regardless of what residents think, the plan will go ahead.
- Why are parents being consulted about the implications of the proposals for their children before a decision has been made on the application? Again this points towards the process being biased.
- Not all residents have been informed of the proposals and at the very least every resident on the perimeter of the site should have been informed.
- The inadequate A4 notices (site notices) that go up to supposedly inform the public of proposed changes did not go up until Friday 30th June 2017, which is two weeks after the application was submitted. Another representation states that no site notices have been placed along Huntley Road.

- In the Design & Access Statement (Item 10, Page 18, Section 2.5 (Opportunities and Constraints Analysis)) it outlines an area of land as 'Area for Potential Development'. Does this indicate further expansion at a later stage?
  - In the Design & Access Statement (Page 22, Section 3.1 (Initial Design Concept)) this shows a range of pink/red diagonal lines. There is no supporting information outlining what this boundary is and the implications of this.
  - It is unreasonable for the future pupils of the newly created Clifford Junior School to be placed on the vacated junior school site, which is in a poor state.
  - The documented positive response to consultation events that took place with the community ahead of the application being submitted is misrepresentative.
  - This proposal is/will create mental health issues for those impacted.
  - Putting young and older children on the same site will increase the risk of bullying.
  - The school is canvassing support for the proposal in forums such as school assemblies and this is unethical.
  - If demographic shifts continue what future options are there to accommodate additional catchment pressures? Perhaps the council should invest more money in other schools/areas and then these pressures would not be felt in this area.
  - Has the cumulative environmental impacts of this current proposal in associated within the Bannerdale School and new Clifford Junior School been considered/screened under the Environmental Impact Assessment Directive.
  - The visualisations of the finished school shown within the local press and as part of the planning application are a misrepresentation of the finished project. This makes it look that there is more green space when the school is extended.
  - The building/brick proposed is dark and more colour could be added to the elevations.
  - Is there more than one main entrance into the school building. If not then this is a lot of people using one main entrance.
  - Would there be enough space for children to be evacuated in an emergency give the limited size of the entrances.
  - The width of the extension has doubled during the course of the application.
  - The cabinet decision on 20 July 2016 was based on the conditional granting of planning permission before 01 July 2017. As this date has been missed does this invalidate the original cabinet decision? If an extension of time has been granted by cabinet on what grounds has this been made?
  - Have Statutory Regulations been complied with in regard to the earlier Cabinet decision.
  - The proposal will lead to increased litter.
  - The proposal is a waste of public money.
  - The Public Access website always times out when residents are writing comments and this is very frustrating.
- Individual Representations in Support

The individual representations in support of the application make the following points:

- As the current infant and junior school are near each other the proposal should not increase the amount of traffic in the area.
- The majority of the existing green space will be retained and improved.

- The facilities at the current junior school are not fit for purpose. They are cramped and in a poor state of repair. However, the current mobile classrooms/building can be removed from this site, given the smaller number of children who will feed through from Clifford Infants School. This will ensure it provides the right balance between pupil numbers and facilities, such as outdoor space.
  - Currently the junior school children have to walk to the infant school to share their outside space.
  - Elements of the current infant school are also quite dilapidated and this site will benefit from investment.
  - The new facility will vastly improve the educational experience of the children attending and remove the necessity for them to have to adjust to an alternative site, which is disruptive.
  - A joined up facility will increase a sense of community.
  - Although there will be a slight increase in air pollution, this will still be far below that of an inner city area.
  - The vast majority of existing schools create highway pressures at drop-off and pick-up times, but these manage to cope.
  - Elements of the highway mitigation proposals are welcome, most notably improved crossings on Ringinglow Road and High Storrs Road and the drop-off facility at High Storrs School.
  - If people buy houses close to schools then they must expect traffic issues at certain times.
  - There is a clear need for additional school places in the area and this need must be addressed as a matter of urgency. This is created in part by more and more young families moving into the area, which is a trend that will remain.
  - Owing to the increase in infant places from September 2017 there are now four reception classes between the infant school and Clifford Infants. If this expansion is not approved there would only be three junior classes for these four infant classes to feed into, which does not work. These children would have nowhere to go.
  - The infant school site is the right option in terms of expansion owing to the size of the site.
  - The plans seem well considered with the new extension respecting the height of the existing buildings.
  - Ringinglow Road is busy and dangerous and therefore moving drop-off and pick-up to the quieter roads around the infant school will be a positive thing.
  - Expanding/merging successful schools is a better approach than building a new school. It is also better from a cost perspective.
  - The footpaths outside the existing junior school are too narrow and are therefore unsafe.
  - The infant school site is not boarded by roads or on a bus route, unlike the junior school site.
- Community Consultation Events

Two public consultation events were held on April 2017 ahead of the planning application being submitted and the applicant has provided a Statement of Community Involvement that records the event and subsequent outcomes.

The information provided by the applicant notes concerns of residents in regard to the increase in traffic. It is also noted that, as a result of this consultation, additional screen planting was incorporated along the western boundary.

## PLANNING ASSESSMENT

### - National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will consider these overarching principles.

### - Capacity Need & Proposed Strategy

#### - Policy

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Paragraph 72 then goes on to state that great weight should be given to the need to create, expand or alter schools.

Policy CS43 (Schools) within the Sheffield Development Framework Core Strategy (CS), identifies a requirement to provide sufficient modern education facilities to meet identified needs.

### - Background and Strategy

As discussed in more detail within the 'Introduction and Proposal Section' of this assessment, in July 2016 Sheffield City Council's Cabinet took the decision to approve recommendations to permanently increase the number of school places on the Ecclesall Infant School site.

The approved recommendations proposed the creation of a 90-place per year 'through' primary school for year groups ranging from Reception to Year 6, providing for an overall capacity of 630 pupils on the application site.

This increased capacity would be accounted for through the creation of 90 extra infant age pupil places and the relocation of the 360 pupils currently on the Ecclesall Junior School site.

It is noted however that owing to the recent reconfiguration of the existing infant school buildings, 60 of the additional 90 infant age pupil places were in place from the start of this school year (September 2017) on a temporary basis, providing for an existing capacity of 240 pupils at the infant school site.



It is anticipated that the existing junior school site will then be occupied by Clifford School, who are proposing to create a 30 place per year junior school ranging between years 3 and 6. The overall capacity for this school would be 120 and it would be fed through the existing Clifford Infant School, which is located on Psalter Lane.

In combination, it is therefore proposed that the existing infant and junior school sites would create capacity for an additional 210 children across the seven year groups (30 children per year). Although, as previously noted, owing to the recent internal reconfiguration of the infant school buildings, the capacity on this site was increased from 180 to 240 from September 2017, albeit on a temporary basis.

Therefore the true increase in pupil numbers across the current infant and junior school sites, when compared to the existing situation, would amount to 150 places (across all age ranges).

#### - Changing Demographics and Catchments

The background to the recommendations centre on a shortfall in school places in the catchment areas of Ecclesall and Dobcroft, along with a further recognised need to plan for increasing pressures on school places in the wider area, where neighbouring schools such as Greystones and Holt House have been under increasing pressure.

This rise in the demand for school places, which is being experienced across the south west of the city more generally, results from a combination of increasing birth rates and the significant increase in young families moving to live in this area.

The 2016 Cabinet report summarised that births in Sheffield had increased by 25% since 2002, with 1000 more children per year entering reception year. While the Office of National Statistics shows population projections of a steady increase in births until 2023.

By way of an example of the recent pressures in the catchments of Ecclesall and Dobcroft; between 2014 and 2017 48 children from these areas who were applying as catchment residents, or with a sibling at the relevant school, were refused places. This number actually increases to 70 pupils when the wider area is considered, which incorporates Greystones and Holt House.

Ecclesall and Dobcroft feel this pressure more acutely, as the creation of additional places at Greystones Primary in 2011 eased the pressure somewhat on this associated catchment.

In order to address this issue in the short term 30 temporary places were added at Dobcroft School in 2015 and at the Ecclesall Infant School site in 2016 and 2017, which has ensured that even those who had been refused a catchment place have been able to attend a school in the local area, but clearly a permanent solution is required as forecasting indicates that the combined catchment populations in this area of the city will remain high.

Indeed, the additional proposal would result in 330 reception places across the combined area of Ecclesall, Dobcroft, Greystones and Holt House. While looking ahead, for the two years in which reliable data is available (2018/19 & 2019/20), the demand for reception spaces is expected to be 339 and 322 respectively.

In relation to the proposed new Ecclesall Primary School, this facility will generally take children from within the Ecclesall catchment, but will have some capacity to ease pressures within neighbouring catchments, most notably Dobcroft.

By way of an example, 67 of the current 90 reception age children at the existing infant school are from within the Ecclesall catchment, and approximately 86 are from the combined Ecclesall, Dobcroft, Greystones and Holt House catchment.

Although the new Clifford Junior School would not have a defined catchment, it is also reasonable to anticipate that a number of their students would derive from the Ecclesall, Dobcroft, Greystones and Holt House catchments, although it is understood this figure is likely to be well under 50% of the overall places.

It is therefore accepted that there is the need for school places within the south west of the city and such pressures are being felt acutely within the Ecclesall and Dobcroft catchments. As a result, the proposal accords with Policy CS43 and the relevant aspects of the NPPF in this respect.

#### - Other Options and Capacity Issues at the existing Junior School Site

The Cabinet decision to pursue the Ecclesall Infants School site to provide the recognised additional capacity need for school places has been questioned in a number of representations received from residents. As such a summary of the more pertinent options that were discussed and decided against during this earlier process is set out below.

As already identified above, the main catchment pressures are centred on the Ecclesall and Dobcroft areas. Providing places outside the area of need and out of line with parental preference will not successfully meet the need in the long-term. Therefore the geographical/educational options to meet this need are considered to be limited to Ecclesall or Dobcroft.

Smaller expansions, with limited additional places spread across different schools, have little or no support from the Local Education Authority; parents; governors or school leaders. Furthermore, school admissions law and funding are based on 30 pupils per class. Divergence from this can result in a combination of long-term financial pressure and/or mixed-age classes.

Further, value for money is not achieved through smaller expansions due to the additional building work and costs to increase ancillary accommodation, such as toilets, which would be required across a number of sites. Therefore the proposal sought was to add an extra class (30 children per year) on a single site.

Consultation took place considering the permanent expansion by an extra class per year at both Ecclesall and Dobcroft, with the response being heavily weighted against an expansion at Dobcroft. This came from all stakeholders, including residents, parents, and governors.

One of the chief issues, and a very pertinent factor in terms of differentiating between the sites, was the resulting size of school, and the potential impact on the long-term ability to maintain positive outcomes for all children, with personalised learning and a caring environment that supports emotional health and well-being.

In this respect the Dobcroft school site already had three classes per year (630 children in total) and an expansion would take this to 840 children. In terms of the number of primary children on a single site this would be larger than any other in Sheffield.

There were also considered to be no wider benefits or issues to address with the current organisation of provision in Dobcroft, as distinguished from Ecclesall, where there was the potential to look at positive changes to the organisation of schools, buildings and sites. Ecclesall was therefore considered to be the correct option to pursue, and given the land available at the infant school this was the obvious site for development.

As such, any proposal to add places at Ecclesall needed to consider the complicated organisation of existing provision, with two separate infant schools (Clifford and Ecclesall Infants) feeding to a separate junior school.

It was determined that the extra reception places being created needed to be at Ecclesall Infants School, as this is the community school that serves the local catchment area. Clifford, as a faith school, serves a broader area and therefore extra places there would be less likely to meet the catchment need.

In addition from a size perspective the Ecclesall Infant School site is the largest by some margin and therefore has the capacity to accommodate the extra infant class. The Clifford Infant site in comparison cannot be extended to provide sufficient space, particularly outdoor space.

One option put forward by residents to address this lack of space at the existing Clifford site included purchasing a neighbouring property. However, that is not currently for sale and would also leave the Clifford site extremely constrained with little prospect of addressing this in the future.

Whilst the provision of additional capacity on the infant school site met the need in terms of creating additional reception places, it would have resulted in a situation in which four infant classes (3 on the infants site and 1 on the Clifford site) would then feed into 3 junior classes (all currently on the junior school site). An additional junior age class therefore needed to be accommodated to ensure these children had somewhere to go after Year 2.

A key consideration in terms of available options was that the Ecclesall Junior School site is severely restricted for the current number of pupils. For example, it

does not currently meet the Department for Education's BB103 area guidelines for mainstream schools. Therefore, adding a further junior class onto this site was not possible.

Swapping the Ecclesall infant and Ecclesall junior sites, or splitting the age ranges (including leadership responsibility) in the middle of a key stage to balance numbers across the two sites did get consideration. However, these options would have significant constraints educationally and physically. They would also not reduce the number of children attending both sites. In addition, one of the key supporting factors for the 'through' primary school proposal has been the educational benefits in securing continuity and a single staff team in one building.

Therefore, the decision was taken to move the junior school capacity onto the infant school site and merge the two, which would then allow this vacated site to be utilised for a newly created Clifford Junior School and ultimately address this recognised capacity problem.

It is therefore considered that of all the options, the Cabinet decision to increase school places in accordance with the strategy put forward within this application is the only one that balances the key factors, such as:

- The best use of the available site/building space.
- The long-term sustainable betterment in the environment for children in the new primary school and those in the junior school, through the reduction in pressure on that site.
- The sustainable educational delivery and improvement without splitting children in the middle of a key stage.

It should be noted however that the corresponding Cabinet report(s) did make it clear that, with regard to site selection, the recommendation(s) is subject to the scheme being acceptable in planning terms, following further engagement and consultation, including work around traffic impact.

## Highways

- Policy

The NPPF promotes the location of developments that generate significant movement to be where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

More specifically Paragraph 32 of the NPPF states that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Paragraph 32 continues by stating that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

Policy CS51 (Transport Priorities) within the Sheffield Development Framework Core Strategy (CS) identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

Section d) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The application has been submitted with an accompanying Transport Assessment (TA) and Framework Travel Plan (FTP). These documents have considered a number of factors, including issues around junction capacity, trip generation, cumulative impacts, car parking and the capacity for the highways immediately surrounding the school site to cope with the increased demands with regard to drop-off and pick-ups movements.

#### - Car Parking

The proposal is to increase the existing car parking capacity on the site from 20 spaces to 58. 48 of these spaces would be used for staff of the new primary school and 10 would be utilised for existing staff of High Storrs School.

It should be noted however that four spaces are marked for mobility parking and therefore do not contribute to the general parking number. Overall therefore 44 parking spaces are being provided for the future staff of the primary school.

The Unitary Development Plan guideline for parking requirements gives a parking standard of between 1 and 6 spaces per member of staff. The maximum provision in this instance should therefore be 50 spaces for the primary school, based on the predicted Full Time Equivalent staff numbers.

It is noted that the Transport Assessment states that the new school would have 65 members of staff, but having discussed this with the application team this is considered to be an overestimation.

When allowing for reasonable adjustments for members of staff who arrive at site via an alternative means of transport than a private motor vehicle, this car parking provision, which sits within the acceptable range set by the Unitary Development Plan guidelines, is considered to be acceptable.

#### - Site Access

The vehicle access into the site is via a single track from High Storrs Road, approximately 30 metres to the north of the High Storrs Road/Highcliffe Road junction. This track is also utilised as a pedestrian route into the site.

As well as its restricted width this access is far from ideal for several additional reasons:

- Owing to the internal layout of the site vehicles essentially turn around a 'blind' corner, albeit at low speed, when entering or leaving the track from the main car

park. This poor sight line creates the potential for cars to meet on the single width track and therefore have to reverse either into High Storrs Road or around the 'blind' corner, which is not ideal if children are also manoeuvring around the site.

- The presence of high stone walls of either side ensures very poor visibility when leaving the site.

- This section of High Storrs Road is close to the brow of a hill and also serves as a bus route.

- The access is close to the junction of both High Storrs Road/Highcliffe Road and High Storrs Road/High Storrs Close.

Based on the above, it was deemed as essential something notable needed to be proposed from a mitigation perspective to allow the intensification of this access.

To this end the applicant has proposed to remove a notable section of the garden associated with the caretaker's house in order to create a formal one-way system within the site and straight longer site lines for vehicles leaving. This also ensures there is no reversing around the existing 'blind' corner.

Whilst the situation is still not ideal, it is considered that with this significant mitigation measure accounted for the intensification of the site access is on balance acceptable.

#### - Servicing and Emergency Access

It is noted that following the provision of additional tracking information it has been demonstrated that a bin lorry, fire tender and large service vehicle can ingress and egress from the site in a forward gear.

With regard to the tracking information for a fire tender, South Yorkshire Fire Service has confirmed that they are now satisfied with access into the site in the event of an emergency.

With regard to the tracking information for a large service vehicle, this does show a reversing manoeuvre is required within the site. It is noted that the school does put measures in place to ensure such activities are carried out safely, including limiting the times of day such vehicles can enter the site.

#### - Road/Pedestrian Safety

The Transport Assessment has been accompanied with accident reporting from the most recent five year period for roads and junctions surrounding the infant school.

The majority of recorded accidents throughout this period occurred on junctions and these are broken down as follows:

##### (a) High Storrs Road/Ringinglow Road/Hooper Avenue Junction.

Seven slight accidents have occurred around this junction over the study period, four of which involved cyclists. This accident reporting seems to show a trend of

vehicles exiting the side arms of the junction and failing to see or give proper attention to road users on Ringinglow Road.

In order to seek to address this issue it is proposed to:

1. Remove the give way lines on the High Storrs Road approach and replace these with a stop line, as is in situ on the Hooper Avenue approach.
2. Provide improved road signage on both the Hooper Avenue and High Storrs Road arms of the junction to notify users of hazards.

#### (b) Falkland Road/Ringinglow Road Junction

One serious and one slight accident have been recorded at this junction over the study period.

The serious accident occurred in 2014 when an elderly pedestrian attempted to cross the road between parked cars and was struck by a vehicle on Ringinglow Road. In the description the cause was that this pedestrian 'failed to look properly'.

The slight accident occurred when a cyclist was struck by a car turning right from Ringinglow Road into Falkland Road. The accident report notes that the driver was impaired by 'dazzling sun'.

The two accidents at the Falkland Road/Ringinglow Road junction do not show a trend and do not point towards the need for physical mitigation.

#### (c) Other Accidents

The accident reporting within the Transport Assessment showed two further slight accidents on the network. One of these accidents involved a stolen motor vehicle and therefore could reasonably be considered as a unique circumstance.

The second accident occurred on Huntley Road in 2013 and involved a parked car making a school pick-up being struck by a moving vehicle. The contributory factor was recorded as 'driver failing to look properly'.

Two more accidents have occurred in the vicinity of the school site over the past six weeks, for which only limited information is available at this time.

The first and more notable accident involved a vehicle driving down Huntley Road and striking a vehicle that was parked up immediately before the yellow zig-zag lines at the infant school.

The front passenger side of the moving vehicle clipped the rear driver's side of the stationary vehicle, causing the moving vehicle to roll onto its side. No serious injuries occurred, but some soreness and whiplash type stiffness reported.

The second more minor incident involved a moving vehicle colliding with a parked car on High Storrs Road. This was recorded as a 'damage only collision'.

In relation to these further accidents, two have involved moving vehicles striking parked cars on Huntley Road, which does indicate a slight trend.

The option of slightly widening Huntley Road by removing an existing grass verge has been considered and resisted as part of this application process for reasons discussed in the following section of this assessment. As such, it is considered that the mitigation proposals discussed below, with a particular note to the introduction of a 20mph, will address this issue satisfactorily from a road safety perspective.

#### - Additional Considerations

In addition to the above, a number of the neighbour representations make note of the busy/unsafe nature of the highways surrounding the site and the volume of school children already in the area. These comments also note that a number of accidents and near misses occur that are not reported.

From officer observations during a number of site visits it is reasonable to describe the existing network as very busy at peak times, particularly in the morning as this clashes with the traditional peak hour.

More specifically Huntley Road can be flanked by cars parked on both sides at busy times, which limits visibility. While High Storrs Road has several unique characteristics that create safety concerns and this includes the number of junctions, its topography and the fact it is on a bus route.

Furthermore, there is some general irresponsible/poor behaviour from road users such as parking on double yellow lines, although from observations on site, while this type of activity can be observed on any typical day, it is relatively limited, and not necessarily associated with any one school/college.

#### - Accident Mitigation Proposals

Given the above considerations, as well as proposing improvements to the High Storrs Road/Ringinglow Road/Hooper Avenue junction, a number of further mitigation proposals are being put forward to improve the safety of pedestrians/children in the area, these being:

##### 1. 20 MPH Zone

Although not being directly proposed as part of this application, the Ecclesall and Whirlow 20mph Zone has been consulted on and approved. This is proposed to be fully in place before the new extension is open in September 2018.

##### 2. Crossing at High Storrs Road

There is a commitment to facilitate improvements to aid the crossing of High Storrs Road and it is hoped this will be in the form of a crossing, but this can only be determined following the completion of a Road Safety Audit if Members support the recommendation to approve this scheme.



Should it be concluded the provision of such a facility is not the preferred solution, alternative measures will be provided. These would be expected to include measures such as the provision of a school crossing patrol (lollypop person) and/or additional traffic calming features (such as speed humps and Traffic Regulation Orders).

3. Replacing the zebra crossing on Ringinglow Road with a signal controlled crossing.

4. Staggered start and finish times for the infant and junior age pupils respectively in order to limit the number of children/vehicles in the general area at any one time.

Overall, it is considered that with the mitigation/improvements described above the proposals can be supported from a road/pedestrian safety perspective.

- Huntley Road and the Grass Verge

One option that was put forward for consideration within an earlier version of the relevant Transport Assessment was to remove the grass verge on the southern side of Huntley Road in order to allow for the slight widening of the carriageway.

Following further consideration, including the response from surrounding residents, this mitigation proposal has been withdrawn. The main concern was that the widening of this stretch of highway would encourage people to drive to the school and would also lead to increased speeds.

It should be noted that this proposal was designed to address concerns expressed by residents that wider vehicles do struggle to travel along the carriageway at busy times, when cars are double parked. This results in this section of highway becoming blocked at times and creates issues such as conflicts between people and unusual vehicle manoeuvres. This is far from ideal, particularly when children are arriving and leaving school.

This issue has been evidenced through the submission of photographs by residents during the course of the application. In addition, officers have observed the issue of wider vehicles struggling to manoeuvre along this stretch of road in busy periods, but over the course of several visits have not seen the road become blocked as a result.

The overall proposal will lead to an increase in traffic on Huntley Road and, as it is proposed to retain the width of the existing carriageway, the problem identified above will be intensified to a degree.

As a consequence this will certainly lead to operational issues in regard to this section of the network at peak times, but with the overall package of mitigation identified elsewhere in the 'Highways Section' of this assessment, it is not anticipated that such matters would be sufficiently frequent or problematic as to create a severe highway impact.

Therefore, it could not be deemed as reasonable to justify the refusal of the scheme for this reason when balanced against all other material considerations, with a particular note towards the recognised need for additional school places.

#### - Trip Generation and Distribution

The anticipated methods in which future users will travel to the school, known as the modal split, has been derived from surveys completed by parents of the existing infants and junior schools.

For context, 112 surveys were returned of the 570 questionnaires distributed across the two schools, which represents a return rate of 19.6%, which is considered to be suitably representative.

The survey results demonstrated that at the present time the modal split during the morning is as follows:

- Car 33%.
- Bus 1%.
- Walk 65%.
- Cycle 1%.

The survey results demonstrated that at the present time the modal split during the afternoon is as follows:

- Car 41%.
- Bus 1%.
- Walk 58%.
- Cycle 1%.

Parents were also asked to provide a postcode so it could be determined where they travel from and therefore the most likely route to the school and street on which they would park if they arrive by car.

This information was then utilised to inform further sections of the Transport Assessment with regard to matters such as junction and parking capacity.

#### - Junction Capacity

Surveys were undertaken during a morning (AM) in April 2017 at the following junctions, in order to determine if, projecting future usage, the project would create capacity issues/unreasonable delays both with and without the school expansion:

- Greystones Road/High Storrs Road junction.
- Access into the site/High Storrs Road junction.
- Highcliffe Road/High Storrs Road junction.
- Huntley Road/High Storrs Road junction.
- High Storrs Road/Ringinglow Road/Hoover Avenue crossroads.
- Edale Road/Ringinglow Road junction.

The afternoon (PM) period was not surveyed for the purposes of junction assessments as the PM peak period for schools falls outside the network peak period. This approach is considered reasonable.

These junctions assessments ultimately demonstrate that, when a reasonable adjustment is made for the future use of the existing junior school site in terms of pupil numbers, none of the surveyed junctions would operate in excess of their theoretical capacity, with or without the development.

#### - Drop-Off and Pick-Up Capacity

In relation to anticipated future demand for drop-off and pick up by car, and the potential implications this has on the highway network immediately surrounding the school site, the modal splits derived from the completed parent surveys have been utilised, along with postcode data and adjustments for parents that have more than one child in the existing infants and junior schools.

This information has provided figures with regard to the level of anticipated vehicle movements during these periods, the route of arrival/departure and consequentially the highway these vehicles are most likely to park on in order to drop-off/pick-up their child/children.

In addition to this, real time surveys of the highways immediately surrounding the site were undertaken over a three day period in September 2017, when the infant school was operating at full capacity. The following sections of the highways surveyed were as follows:

- Huntley Road, between the junctions of High Storrs Road and Edale Road.
- High Storrs Road, between the junctions of Ringinglow Road and High Storrs Drive.
- Huntley Grove.
- High Storrs Close.
- High Storrs Drive.

This survey information allowed an understanding of what predicted spare capacity the highways immediately surrounding the site would have to accommodate the anticipated additional drop-off and pick-up demands should the proposed scheme go ahead.

It should be noted here that when the surveys were carried out 60 of the proposed 90 new infant school places were actually in situ on a temporary basis and these are therefore already accounted for in these survey results.

With regard to the information gathered from the earlier parent surveys, these indicate that of the 106 new peak hour vehicle trips approximately 32% (34 trips) will come from the north of the existing site and 68% (72 trips) from the south. These trips will be staggered owing to the different infant and junior start and finish times.

In relation to the trips from the north, the Transport Assessment assumes these will utilise that capacity on High Storrs Road, High Storrs Drive and High Storrs Close, which is reasonable. The survey information also sufficiently demonstrates that these highways have sufficient operational capacity to manage with this increased demand.

In relation to the trips from the south, the Transport Assessment assumes these will utilise the capacity on the surveyed section of Huntley Road and, based on the staggered infant and junior arrival and departure time, 35 of the new trips would relate to the junior age children and 37 to infant age children.

However, as 60 (or 66%) of the new 90 infant age pupils are currently on the site on a temporary basis, this new associated demand actually equates to approximately 12 new trips.

The survey identified an overall operational capacity for 47 car parking spaces along the relevant section of Huntley Road and showed the following results in terms of overall capacity when the new trips are accounted for:

- Junior School Drop Off

The results showed the relevant section of Huntley Road was well within operational capacity of 47 with the peak demand resulting in 34 on street spaces being utilised.

- Infant School Drop Off

The results showed the relevant section of Huntley Road would be just within its operational capacity of 47, with the peak demand resulting in approximately 45 spaces being utilised.

- Infant School Pick Up

The dynamic in the pick-up period differs in comparison to drop-off as durations of stay will be longer and parents will all tend to be in situ at the same time. The demands placed on the local highway network are therefore greater.

The results showed that the relevant section of Huntley Road would be just in excess of its operational capacity with the predicted worst case showing a shortfall of 2 spaces. This translates to being 6% over operational capacity.

- Junior School Pick Up

The results showed the relevant section of Huntley Road would again be in excess of its operational capacity with the predicted worst case showing a shortfall of 9 spaces. This translates to being 19.1% over operational capacity.

- Undercounting the Impact

Several factors suggest that the impact, particularly on Huntley Road, could be worse than predicted and these are:

- The weather conditions on the days of the surveys are described as reasonable and as such fewer people would be inclined to drive to the site in these circumstances.
- There is no account taken for parents who have children of both infant and junior age. These parents will occupy a parking space for the duration of the relevant periods.
- The newly formed Clifford Junior School will be operating from the vacated junior school site and, although the start and finish times are not yet known, this facility will also utilise parking demand on surrounding highways, which does restrict the options to a degree in terms of parking on other highways to the south of the site.
- Exaggerating the Impact

Several factors however suggest that the impact, particularly on Huntley Road, could be more positive than predicted and these are:

At present even though Huntley Road is busy, the survey results do show that at all times there is capacity to cope with existing demand and therefore at present people will naturally arrive on this stretch of road. If it becomes more difficult to find a parking space in this location then a certain number of parents would utilise quieter roads in the area, or choose to arrive by other means.

The proposal includes a significant number of hard and soft highway mitigation measures that will seek to adjust behaviour with the ultimate aim of persuading parents to arrive at the site by means other than the private motor vehicle. These mitigation measures are summarised in detail below.

- Drop-Off and Pick-Up Capacity Mitigation
- Satellite Drop-Off and Pick-Up Facility

This proposal would be to free up ten car parking spaces on the existing High Storrs School site by allowing ten members of their staff to park on the existing infant school site.

These freed up spaces at the High Storrs site could then be targeted towards parents who would be most likely to drive to the primary school and arrive from a southerly direction, as these parents are most likely to park on Huntley Road.

Given the staggered infant and junior start and finish times this offers the potential to remove twenty vehicles from Huntley Road during the morning and afternoon periods.

It was initially proposed for this drop-off facility to be located within the application site, but this was considered to create too much potential for conflict around the

existing narrow vehicle access point, as at present vehicles tend not to leave the site in the morning or enter it in the evening. It was therefore decided that swapping spaces with High Storrs was the best option of those available.

- The commitment to develop a Travel Plan that achieves the Modeshift STARS Gold standard within two years of the extension being occupied (September 2020).

This will in part be achieved through various mitigation approaches already identified within this report, plus additional travel plan measures such as cycle training for pupils.

- Walking Buses

As part of the mitigation proposals there is a commitment to provide four drop-off/pick-up points in suitable locations within a 500 metre radius of the school site, which will then be the starting point for walking buses. For clarity a walking bus scheme consists of a certain number of children, 16 in this case, being dropped off/meeting in an agreed location and being escorted to and from school under adult supervision.

The final locations for the school buses are still to be agreed, but the general area in which these would be set up has been agreed in principle. These locations have been determined by looking at 'dotty maps', which help identify the areas in which larger numbers of children who attend the current junior and infants schools live.

Upgrades to routes from the walking bus locations to the school site are also to be incorporated, including highway build-outs where appropriate.

- Encouraging Alternative Parking Locations

A strategy will be promoted to identify other highways within a reasonable walking distance and encourage parents with children in a particular class to park on an allocated highway.

- Improved cycle/scooter storage.

The proposals include 44 cycle spaces, which is almost double minimum standards, and 88 dedicated scooter spaces. These measures, particularly when coupled with other physical mitigation measures such as improvements to walking routes, will once again encourage alternative forms of travel to the motor car.

- More crossings and improvements to existing crossings to make these safer.

The existing zebra crossing located on Ringinglow Road, close to its junction with Edale Road, is to be upgraded to a controlled crossing.

Furthermore there is a commitment to create a crossing on High Storrs Road, subject to a successful road safety audit.

- Earlier drop-off opportunities

The school is introducing a number of additional spaces at their breakfast club and after school club to give parents additional flexibility and encourage them to arrive outside of peak times.

#### - Likely Success of Drop-Off and Pick-Up Capacity Mitigation

In relation to considering the likely success of the mitigation options put forward to deal with the highway impact of the increased demand associated with drop-off and pick-up movements, it is noted that the surveys completed by parents included the question as to what measures parents who currently arrive by car would like to see introduced that would encourage them to travel by more sustainable modes.

Although not all suggestions have been carried forward and some responses did make it clear that nothing could convince some parents not to drive for reasons such as work commitments and the distance to travel, a significant number of the mitigation suggestions have been acted upon as part of the overall package of proposals put forward by the applicant, these most notably being:

- Improvements to existing, and creation of, new crossings.
- Earlier opportunity to drop-off children.
- Road safety training, which is to form part of a travel plan.
- Dedicated drop-off points (i.e. a walking bus).
- 20mph speed limit, which is being introduced independent of this application.

Based on the strength of the mitigation proposals put forward, it is therefore considered that on balance, the increased demand placed on the existing road network from the additional drop-off and pick-up requirements associated with the proposals is not considered to be severe, even when the future occupation of the existing junior school site is accounted for.

It could not therefore be deemed as reasonable to justify the refusal of the scheme for this reason when balanced against all other material considerations, with a particular note towards the recognised need for additional school places.

#### - Land Use

As the education use is already established on the site only the implications of the proposed intensification need consideration from a land use perspective.

#### - Brownfield Land

A key planning principle of the NPPF is the encouragement of the effective use of land by reusing land that has been previously developed (brownfield land).

Although in part the proposal involves the development of a section of the school field, the entire site would be defined as brownfield under the NPPF and the proposal therefore accords with this section of it.

#### - Open Space Area

The proposed extensions and car parking are partly being erected on areas of the existing school fields that are also designated as Open Space within the adopted Sheffield Unitary Development Plan.

The NPPF (paragraph 73) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

1. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
2. The loss resulting from the proposed development would be replaced by equivalent or better provisions in terms of quantity and quality in a suitable location; or
3. The development is for alternative sports and recreational provision, the need for which clearly outweighs the loss.

Policy LR5 (Development in Open Space Areas) within the UDP lists a number of criteria that must be met for the development of open space to be considered as acceptable. This includes a requirement that new development should not harm the character or appearance of the public space. The relevant criteria set out in LR5 are considered further later in this report.

Policy CS45 (Quality and Accessibility of Open Space) within the CS states that safeguarding and improving open space will take priority over the creation of new areas.

Policy CS46 (Quantity of Open Space) within the CS states that as opportunities arise new open spaces will be created where a quantitative shortage of open space is identified in the local area.

Policy CS47 (Safeguarding Open Space) within the CS sets out the parameters against which the loss of open space must be considered.

Section a) of CS47 states that the loss of existing open space would not be permitted if it would result in a quantitative shortage of the relevant type of open space.

Section b) states that the loss of open space would not be supported if that open space is of high quality.

Section c) says that people in the local area should not be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area.

Section d) states the development should not cause or increase a break in the green network.



For the purposes of CS47a) the relevant 'type' of open space is defined as playing field and there is a slight surplus of sports provision in the catchment. As such there would be no conflict with this section of the policy.

In relation to CS47 b), the space to be lost could not reasonably be considered as 'high quality' largely owing to its sloping nature.

In regard to CS47 c), it has been noted elsewhere in this assessment that community access into the site would be improved as a result of the development and provision of a MUGA.

Relating to part d) of CS47, the development would not represent a break in the Green Network.

If it is considered that a scheme satisfies parts a) to d) of Policy CS47, parts e) to g) of this policy are then considered. These parts have a stronger focus on mitigating the loss if appropriate.

Section f) states that if the area affected is identified as surplus for its current open space function and it could not fulfil other unsatisfied open space needs then the loss can be accepted.

It is relevant here to note that Sport England have not objected to the scheme owing to the sloping nature of the land and since no part of the site has been in use as a sports pitch within the past five years. In addition, the site does not have public access, or provide formal sports provision.

Sport England has also noted that the provision of a Multi-Use Games Area within the site, which will be accessible to the community, is a welcome part of these proposals.

In terms of the public access, it has been pointed out within the neighbour representations that a local football club have informally trained on the field for a number of years and this would be jeopardised by the proposals. In this respect there would be sufficient open space retained on the site for such activity to continue if the school deemed this appropriate. Therefore the loss of some open space from the site would not in itself reduce sports provision in the community in real terms.

In more general terms, the site would also continue to retain a significant amount of open space for future pupils, which is comparable or better than many schools across the city.

Given the comments above, including the amount of open space being retained on the site and lack of objection from Sport England, it is reasonable to conclude that the open space affected by the proposals is surplus to requirements.

In addition, given the limited amount and nature/location of the open space affected it does not have the potential to fulfil other unsatisfied open space needs.

The improved community access, which will include the use of a new MUGA, is also a welcome benefit of the scheme in terms of sports provision.

The proposal is therefore not considered to conflict with relevant local and national planning policies with regard to developing on open space/playing fields.

#### - Air Quality

Paragraph 124 within the NPPF requires planning policies to sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.

Paragraph 124 goes on to state that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy GE23 (Air Pollution) within the UDP states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution.

Policy CS51 (Transport Priorities) of the CS states that one of the strategic priorities for transport is to improve air quality.

Policy CS66 (Air Quality) within the CS states that action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The Air Quality Action Plan 2015 was approved by Cabinet in July 2012, with one of the key actions areas being the development of policies to support better air quality.

The application has been accompanied by an Air Quality Assessment (AQA), which considers issues such as current baseline conditions, future and cumulative impacts with the proposal accounted for and mitigation proposals.

The AQA states that the application site, along with the rest of the city, is located in the Air Quality Management Area.

This AQA has been considered by the Council's Air Quality Section and both the methodology and conclusions are viewed as being sound for the reasons detailed below.

#### - Operational Phase

It is firstly noted that the AQA was carried out assuming that there would be 63 car parking spaces on the site, but this number has been reduced to 58 spaces over the course of the application. This ensures this document is robust.

The AQA identifies that during the operational phase, additional vehicles would be introduced to the local road network and the associated changes to traffic flows have potential to impact on air quality. In addition, the AQA notes that existing residents and the site's end users, including children, will be exposed to changes in local air quality conditions.

As a consequence, the AQA goes on to model the local air quality conditions for the opening year of 2018, while accounting for the full operational effects of the school. Two scenarios are presented for comparison in 2018:

1. Do Something Scenario, which summarises the background conditions with the development.
2. Do Minimum Scenario, which summarises the background conditions without the development.

The AQA shows modelled results at 23 locations within the vicinity of the school site. This modelling shows that all the relevant air quality objectives and limit values would not be exceeded when the development is completed at any of the 23 monitoring points in either scenario. In all cases the difference between both scenarios is considered to be negligible. A few examples include:

- In the worst case annual mean NO<sub>2</sub> concentrations of 18.4µg/m<sup>3</sup> are modelled at the five measurement points at the school's façade. These concentrations are well below the objective of 40µg/m<sup>3</sup>.
- At all 18 monitoring locations outside of the application site, including the highways in the immediate vicinity, the worst case annual mean NO<sub>2</sub> concentration with the development in place is 25.1µg/m<sup>3</sup>, which again is well below the objective of 40µg/m<sup>3</sup>.
- Table 5.6 within the AQA shows only a negligible impact on PM<sub>10</sub> and PM<sub>2.5</sub> concentrations between the two scenarios. These levels remain below the relevant objectives and limit values.

It is also noteworthy that diffusion tube monitoring results are provided for three locations within the AQA study area. These are located at the Knowle Lane/Ecclesall Road Bus Terminus, Ecclesall Junior School and High Storrs School.

The results show that the annual mean NO<sub>2</sub> objective was not exceeded at any of these locations in 2016. In the worst case the annual mean NO<sub>2</sub> concentration of 35µg/m<sup>3</sup> was recorded at the bus terminus, which is again below the objective of 40µg/m<sup>3</sup>. The annual mean NO<sub>2</sub> diffusion tube readings at the existing junior school site and at High Storrs were 29µg/m<sup>3</sup> and 22µg/m<sup>3</sup> respectively.

- Construction Phase

In relation to the construction phase, the risk of dust soiling effects from the associated traffic, earthwork and construction is considered to be medium. It is

therefore considered that, with recommended mitigation, which would include a Construction Environmental Management Plan, any effects on surrounding residents would be kept within tolerable limits.

- Mitigation

Suitable mitigation measures are proposed, which includes a Construction/Dust Environmental Management Plan to manage dust impacts during the construction phase. So long as best practice is followed in terms of these mitigation techniques then any air quality impact from the construction phase would be viewed as negligible.

Specific measures proposed for the operating phase to mitigate the impact of the development on local air quality include:

- The implementation of a School Travel Plan.
- Encouraging the use of low emissions vehicles.
- Placing anti-vehicle idling notices outside likely drop off areas.
- Reserving two car parking spaces by signage for low emissions vehicles, such as electric, hybrids, Bio-methane / CNG, hydrogen.
- Supporting cycle training and awareness schemes within the school.

These measures are intended to be secured through the recommended planning conditions should Members be minded to approve the application.

- Land Contamination

A Phase 1 Desk Top Study and Phase 2 Intrusive Site Investigation have been submitted with the application.

The Environmental Protection Service (EPS) has assessed this information and is generally satisfied with the extent of investigation and the conclusions regarding issues such as risks to human health and the environment.

With regard to radon gas, the broad requirement for radon protection measures to be installed was identified in the reports. However, during the course of the application further information relating to radon measurements at the existing school and previous radon protection measures installed have been brought to your officers' attention.

As such a planning condition is recommended, requiring the submission of a remediation strategy that considers all the existing information, fully assesses the risk, and makes detailed proposals for radon protection measures to be installed in the new school buildings. This is a pre-commencement condition and therefore all proposed measures will require formal approval prior to commencement of development.

EPS officers are however satisfied that the any land contamination matters, including findings with regard to radon gas, can be mitigated as part of the proposals in a way that ensures the safety of future site users.

## - Design Issues

The NPPF states that development should always seek to secure high quality design but decisions should not attempt to impose architectural styles or particular taste, albeit they should promote and reinforce local distinctiveness.

Policy BE1: Townscape Design within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5: Building Design and Siting within the UDP states that good design and the use of good quality materials will be expected in all new buildings.

Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new buildings should be in scale and character with neighbouring buildings.

Policy CS74: Design Principles within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.

## - Siting and Layout

The siting of the extensions is in a large part defined by the need for an efficient/logical internal layout from a teaching perspective. For example it is desirable to accommodate the needs of one year group in the same area of the school and around their core facilities such as toilets and group rooms.

In terms of the final siting, the first smaller extension is proposed to be attached to the eastern section of the north elevation, on a section of the site that currently houses a detached single storey temporary building.

The second extension is proposed to be attached to the south east section of the main school building.

The siting of the smaller extension creates no concern given that it leaves sufficient breathing space for the main entrance to remain prominent.

The siting of the larger extension is defined partly by the space this requires given its scale, along with the desire to retain as much of the external play space as possible.

Both extensions are considered to be sited sympathetically given the constraints of the site and raise no design concerns in this regard.

The new MUGA is located fairly centrally in the site away from residential boundaries and the need for this is understood and accepted.

The additional car parking is retained to the north of the site and will largely be seen in the context of the main building and existing car parking, which is appropriate.

The 10 new car parking spaces located in the north east corner of the site will be more isolated from the other built form. However, it has been highlighted within the Highway Section above that these spaces need to be provided in order that the development can be regarded as acceptable from a highways perspective. With this in mind, the proposed location is considered to create the least impact in terms of losing open space on the site and it is therefore accepted.

#### - Scale, Massing and Appearance

The proposed extensions will respect the heights and general massing of the existing school buildings, with the majority of the new built form being single storey and presenting either flat roofs, or roofs with very shallow pitches.

The large extension does reach two storeys in its south east corner, but as this is built into the existing slope this ensures this element retains the height of the corresponding single storey buildings to which it is to be attached.

It is also noteworthy that the new extensions will be replacing several rather unattractive temporary buildings, which is welcomed.

The regularisation of the window openings within the extensions is supported as these openings adopt a similar scale to those in the existing building while expressing a contemporary form. The height of these openings also helps to establish a strong horizontal emphasis in response to the character of the existing building.

The original proposal was to use of a buff brick at ground level and a black brick on the lower floor of the two storey element. While the reluctance to match the existing brown/red brick was understood given the lack of success on previous attempts, neither black nor buff have a particular resonance in the local context and simply add further materials to the palette.

It was therefore agreed to use of a single good quality red brick as it would have some characteristics in common with the brick on site without resembling a poor match. The extensions to High Storrs School provide a reasonable precedent for such an approach and this has also been the approach followed for the recently approved extension that is to form the new entrance/reception (see 17/01982/RG3).

The MUGA will follow the generic design approach for such facilities that is seen on numerous school sites across the city. Final details of this are proposed to be secured via planning conditions. There is no artificial lighting associated with this MUGA and therefore no consideration needs to be given to the impact of lighting in this case.

Overall therefore it is considered that the design of the development accords with the relevant design polices.

#### - Landscaping

Policy GE15 (Trees and Woodlands) within the UDP states that trees and woodlands will be encouraged and protected. This is to be achieved in part by requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

The application has been accompanied by an Arboricultural Report, which has identified that 8 of the 27 surveyed trees would need to be removed to enable the development.

The report identifies that none of these tree are regarded as the best specimens on the site and as such, with the mitigation discussed below, their removal would not be considered to represent a reason to resist the proposal.

The proposals include new tree and shrub planting in the south east section of the site, to compensate for trees lost elsewhere and more generally to improve the remaining green space. This area of the site will also see the creation of a nature garden aimed at improving habitats for wildlife.

It should also be noted that the school has recently planted a number of trees to the east of the school building, which are not included in the Arboricultural Report, in order to create an orchard. This has been done independently of this application and ensures notable tree coverage on the site in the future.

The various playgrounds around the school will be separated depending on age groups and activities. However, through the overall design approach these are well integrated into the wider setting/site.

The southern edge will be reserved for field play and community sporting events, while new and existing screen planting along the western boundary will be implemented to maintain privacy for residents of High Storrs Road.

The original landscape scheme also incorporated Sustainable Urban Drainage features along the eastern boundary. However, concern has been expressed that owing to the topography of the land, which has a downward slope to Edale Road, should these feature fail then this could lead to flooding issues for the Edale Road properties. These features are not therefore being approved as part of the drainage solution or landscape design.

It is proposed that the excavated earth will be retained on the site and distributed as part of the landscaping and levelling works. While this does not create any issues in principle, more details will be required with regard to proposed changes in levels going forward. As such, a condition is recommended to allow these details to be agreed during the construction phase.

It is considered that the site does maintain a sufficient amount of external area to meet the future needs of pupils in terms of education and play.

The final specification of new tree and shrub planting, along with new external furniture and retaining features are to be secured via planning conditions.

Overall therefore, when balanced against the need for additional school places and the mitigation measures with regard to landscaping, the scheme is considered to be acceptable in landscaping terms.

#### - Sustainability

Policy CS64: Climate Change, Resources and Sustainable Design of Development within the CS sets out a suite of requirements in order for all new development to be designed to reduce emissions.

In practice, to satisfy the main body of the policy non-residential developments should achieve a BREEAM rating of Very Good. CS64 has further requirements that may fall outside BREEAM, such as designing buildings flexibly from the outset to allow a variety of possible future uses.

Policy CS65: Renewable Energy and Carbon Reduction within the CS sets out objectives to support and require renewable and low carbon energy generation and also to further reduce carbon emissions.

Policy CS65 requires new developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy unless it can be demonstrated that it is not feasible and viable. Reductions in energy use through 'fabric first' approaches are now also accepted.

CS65 did also require the generation of further renewable or low carbon energy, or the incorporation of design measures, sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. As this is now a requirement of Building Regulations it is no longer being sought as part of planning applications.

The applicant has confirmed that the extensions are being designed to achieve a BREEAM rating of Very Good, and in part this will be through the provision of measures such as sustainable materials, ecological enhancements, water conservation, separate waste and recycling facilities and minimised light and noise pollution, amongst other things.

It has also been confirmed that the 10% requirement will also be achieved, but the final details of the related measures will be secured and agreed as part of a planning condition.

The proposals do not incorporate green/brown roofs and therefore do not achieve the 80% roof coverage suggested by the Climate Change Supplementary Planning Document. Whilst this is disappointing, it is understood to be a consequence of a restricted budget and, when balanced against other material considerations, this is accepted.



More generally the scheme will incorporate a number of measures that are design to improve sustainability, including the provision of cycle and scooter parking in excess of minimum standards, the introduction of walking buses and associated physical improvements to the corresponding walking routes and new landscaping.

The proposals are therefore considered to represent a sustainable form of development.

- Drainage

Policy CS67: Flood Risk Management within the CS states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. These measures include:

- Requiring the new development to limit surface water run-off.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.

Although the site is within Flood Zone 1 (low risk), as it is over one hectare, the application is accompanied by a Flood Risk Assessment along with a Sustainable Urban Drainage Statement.

The initial drainage attenuation proposals put forward within these documents included the use of infiltration basins located to the east of the site for the disposal of surface water.

Having given this consideration the Local Lead Flood Authority considered that owing to the topography of the site, with the slope going downwards towards the properties that front Edale Road, such an infiltration proposal in a focussed area would have posed a considerable risk to these residential properties in terms of flooding should the system fail.

As a result of these concerns, this drainage solution has not been accepted and discussions continue in regard to what would be considered as an appropriate solution to manage/reduce surface water run-off from the site. It is anticipated this may take the form of underground attenuation tanks, which would alleviate the potential risk of flooding. A condition is therefore proposed to secure the final drainage details.

As part of the wider drainage proposals the scheme would reduce the surface water run-off rate by a minimum of 30% and will also incorporate areas of permeable paving.

Subject to final details that can be agreed as part of dealing with the planning conditions the proposals are considered to comply with the relevant drainage policies.

- Public Art

Policy BE12: Public Art within the UDP encourages public art as an integral part of the design of major developments.

The applicant has stated that the proposed public art for the site would take the form of a new school logo on the new entrance structure, which would be designed in consultation with students, teachers and a public artist. The general principles of this are considered to be acceptable and will be secured through a planning condition.

- Residential Amenity Issues

Section c) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Policy GE24 (Noise Pollution) of the UDP requires development to not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

The MUGA is proposed to be utilised out of traditional school hours as part of a community use agreement. These hours being:

- Monday to Friday 16:00 hours to 19:00 hours.
- Saturday 09:00 hours to 18:00 hours.
- Sunday 09:00 hours to 16:00 hours.
- Bank Holiday 09:00 hours to 16:00 hours.

This facility is not to have any associated floodlighting, which ensures it does not create light pollution. This also ensures the full extent of these hours will only be available at certain times of the year.

In relation to noise from people using the MUGA, although the proposed hours are not late in the evening, it is noted that associated activity, such as the constant bouncing of balls, can be a nuisance to surrounding residents. As such a planning condition is proposed, should Members be minded to approve the application, to agree final design/noise mitigation details to ensure this issue is managed.

Several residents have written in stating that the proposed intensification of the current use will result in the associated noise being unbearable.

In response to this matter, it must be remembered that the school use has long existed on the site and therefore a degree of associated noise must be expected. Furthermore, the proposals put forward do include separate designated play areas on different parts of the site depending on the age of the children. It is also anticipated that there would be a staggered approach to playtime in some instances. Any amenity impact in terms of cumulative noise nuisance as a result of children playing will therefore be dissipated to a degree.

Given such factors a refusal of planning permission based on the issue of noise could not be substantiated.

With regard to residential amenity concerning issues of privacy, shadowing and dominance, even when the sloping topography of the site is taken into account, when the limited height of the proposed extensions are accounted for, there are considered to be adequate separation distances with the surrounding residential properties to ensure the amenity of these residents is not unduly harmed in respect of these matters. By way of examples:

- The larger extension will be set no closer than 20 metres from the common boundary with the Edale Road properties to the east and over 35 metres from the actual rear façade of these houses.
- The smaller extension will be set no closer than 12 metres from the common boundary with the High Storrs Close properties to the north and over 25 metres from the actual rear façade of these houses.

It is not anticipated that any notable retaining features will be required as part of the external works, which ensures there is no potential for an undue amenity impact in this regard. Final details of such features would be secured via a planning condition.

Any new plant or equipment would be required to not exceed the existing evening background sound level.

A condition is proposed to agree final details of external lighting associated with areas such as the car parks. These details would be considered in a manner that ensures light pollution to neighbouring residents is not created.

It is noted that in order to provide a one-way system within the site a significant area of the caretaker's residential garden has been removed. Whilst not ideal for future residents, the proposal does leave some external space for this property and, owing to the ancillary nature of the use and importance attributed to creating the one-way function, normal amenity standards are not considered essential.

Overall, the proposal is considered to have an acceptable impact upon the amenities of neighbouring occupiers.

#### - Community Use

Policy CF1 (Provision of Community Facilities) within the UDP states that the provision of community facilities will be promoted.

The school building and site currently provide facilities used by the community for activities including football training, breakfast club, and an after school club. The aim is to maintain these activities throughout the construction period as well as after completion.

The building/site has also been designed to facilitate improved out of hours usage by the community and public. For example, the sports hall, activity suite, changing facilities, MUGA, hall, drama studio and dining facilities can be made secure to give access to only these parts of the building, although the entire school can be made available for community use if necessary/appropriate. The car park would also be available for community use out of school hours.

The final details of the use of these facilities, such as the timings and practical arrangements would be secured via a Community Use Agreement.

#### - Access Issues

Policy BE7: Design of Buildings Used by the Public within the UDP requires safe, equal and easy access for people with disabilities to buildings used by the public.

The site does present challenges from an access perspective, most notably in relation to the existing buildings and land levels. With that said, the scheme does make appropriate allowance to ensure suitable access for all site users and examples include:

- A new main entrance into the building.
- Internal lift access to the new first floor teaching space.
- Mobility car parking and a drop-off facility within the site to accommodate children with mobility issues.
- A dedicated new area for children with Special Educational Needs.

More generally the external areas are being designed to provide access to the sports pitches which are set at a higher level. However, owing to the requirement to retain excavated earth on the site the final external levels may alter from existing and it is therefore recommended that this final levels information is secured via a condition.

Final details with regard to matters around external furniture, ramps and steps are also proposed to be secured via a planning condition.

Overall, the proposal is considered to provide inclusive access.

#### - Ecology

GE11 (Nature Conservation and Development) within the UDP requires the natural environment to be protected.

The application has been accompanied by an Ecology Appraisal which has been assessed by the City Ecologist Unit who considers this document to be sound. The main points of note within this report are:

- Roosting bats are not anticipated to be an issue on site, due to the nature of the structures present. None of the trees on site are considered to possess features of interest to roosting bats.

- The scheme will include bat boxes to encourage activity on the site in the future.
- Badgers are not considered to be resident within the development boundary, but may occasionally commute through, or forage on site.

To ensure no harm comes to badgers as a result of the development the ecology appraisal recommends that deep excavations should be covered at night during the construction phase and shallow excavations should have a ramp placed in them to allow a badger to escape. This recommendation is supported.

- Bird boxes should be provided as part of the development to encourage biodiversity.

The recommendations within the ecology report are considered to be acceptable, and are incorporated into a proposed condition.

- Archaeology

South Yorkshire Archaeology Service has confirmed that they do not consider this application to have any archaeological implications.

- Coal Mining

A Coal Mining Referral Area (CMRA) is located in a small section of the north-west corner of the site. As this CMRA does not affect any of the areas in which new built form is to be located this designation requires no further consideration.

- Environmental Impact Assessment (EIA)

Whilst a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the above development was not made ahead of, or as part of the submission, it is appropriate to 'screen' the development as part of this assessment.

The proposal does not fall within the development projects identified in "Schedule 1" of the Regulations.

The proposal is an "Urban Development Project" within Part 10 "Infrastructure projects" identified in Schedule 2. Column 2 of Schedule 2 identifies a range of parameters/criteria; developments which exceed these criteria must be screened by the Local Planning Authority to determine if significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

The relevant thresholds relating to part 10 (b) developments are:

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) The development includes more than 150 dwellings; or
- (iii) The overall area of the development exceeds 5 hectares

In relation to the proposed development, the threshold in relation to part (i) is not met as the new areas of development would not exceed 1 hectare. Furthermore, the proposal is not for dwellinghouses and the site area is approximately 2 hectares. The proposal does not therefore meet the relevant thresholds.

The site is also not located in a sensitive area as defined in the 2017 Regulations, these including a National Park or Scheduled Ancient Monument.

It should also be noted that cumulative impacts have been considered within the assessment of the application and this has included the proposed Clifford Junior School and the Mercia School development, which fronts Carter Knowle Road and is currently under construction. For example, Section 7.4 (Cumulative Impacts) within the Transport Assessment discusses such matters.

Based on the above it is considered that the proposal is not Schedule 2 development and as such is not EIA development.

## RESPONSE TO REPRESENTATIONS

The majority of matters raised in the representations have been addressed in the above assessment. The remaining issues raised are addressed as follows:

- The Transport Assessment and Travel Plan submitted with the planning application are very light touch documents that badly reflect the real situation.

In response, since these original documents have been submitted several revisions have been made and at this stage officers are satisfied that these are now suitably comprehensive.

- The Transport Assessment seems to be deliberately biased with the author told beforehand what the outcome should be.

In response, whilst this point is subjective and not considered reasonable, it should be noted that this committee report considers all information provided, including residents comments and officer observations, and presents conclusions accordingly.

- Changes made within the revised Transport Assessment(s) and Travel Plan(s) are minor and do not respond to the numerous objections raised by the local community around the intensification of traffic and pollution brought by the extension.

In response, it is considered that changes made to these documents during the course of the application, with a particular note to the Transport Assessment, around issues such as accident reporting and highway capacity studies have been significant.

- The parking survey dates proposed are not for a normal school day, owing to the staggered start to the new school year.

In response, the original survey dates proposed did get changed to ensure the school was operating at full capacity during the surveys.

- The Transport Assessment does not account for High Storrs School and the future occupation of the junior school site when accounting for key matters such as junction capacity and drop-off and pick-up highway capacity.

In response, these cumulative factors are accounted for around issues such as junction capacity and parking surveys. This assessment also gives cumulative impacts due consideration.

- The modelling in the Transport Assessment does not assess the highway impact of cars arriving at the school before 08:00 hours, which is when people who are dropping children off for 'Breakfast Club' will arrive.

In response, this would not be expected within the relevant reporting as it falls outside the peak impact.

- The proposals do not include any measures to tighten or enforce the existing road safety rules.

In response, there is a commitment within the relevant highway documentation for some informal monitoring to be carried out by the school. However, more generally this is an issue for Parking Services and/or the police.

- Building a new car park for High Storrs staff is ridiculous as the proposals should reduce traffic.

In response, this is one of a number of mitigation proposals that in the whole will be aimed at reducing traffic. This particular measure is aimed at creating a dedicated drop-off facility on the High Storrs site for a limited number of parents who are extremely likely to drive to the school, which will reduce identified pressure on the highway network.

Furthermore, the relocated car parking for High Storrs staff will not represent new provision and therefore does not create additional vehicles in the area.

- High Storrs staff will not use the satellite parking as they will have things to carry and the distance is too great.

In response it is not unrealistic to expect users of these spaces to walk the approximate 320 metres to the High Storrs building. Furthermore, if these members of staff do have heavy items they can always drop these off at High Storrs School before they park at the infant school site.

- Nothing has been mentioned about evening and Saturday morning events, which need to be addressed in conjunction with High Storrs School. These events add further inconvenience and detriment to local residents.

In response, it is noted that pressure is placed on highways when out of hours activities take place, such as a parents evening. A planning condition is therefore proposed, should Members be minded to approve the application, to agree a management strategy to limit the impact on surrounding highways during such occasions.

- The Transport Assessment mentions that cycling is a viable option for travelling to school, but evidence included in the same documentation shows that at the moment there are only 1-2 children travelling by bicycle. This is because roads around the schools are too dangerous for cycling. The topography of the area would also discourage people from cycling to the site.

In response, the proposal provides for increased cycle parking as part of a package of mitigation measures to ensure site users have a choice of travel options. The improvement and creation of crossings will also help encourage such activity.

- The Transport Assessment/Travel Plan is encouraging cars to park on neighbouring streets, such as Ansell Road and Renshaw Road. This simply shifts the traffic problems onto other highways that also cannot cope with the increase demand. Questions asked include why these roads have been chosen, if the residents of these roads have been consulted and how will such measures be enforced. These roads are also steep and therefore promoting their use could lead to accidents in icy/snowy conditions.

In response, this is one part of a package of mitigation proposals and in reality the impact on these roads would be limited, as only a small targeted group would be encouraged to drop/off and pick/up on each highway, which is likely to be defined by a particular class.

These roads have been chosen as they are within a reasonable walking distance of the school site and residents on these particular roads have not been consulted directly owing to the anticipated minimal impact.

Clearly road users would need to take reasonable precautions in difficult weather conditions, as is the case more generally. Parking on these streets may not therefore be practical at particular times.

- Could a resident's only parking area be created?

In response, the introduction of such a scheme has not been considered as part of this application and would simply place existing/future pressures onto other roads.

- Could a no idling zone be created?

In response, it is proposed as part of the air quality mitigation measures to place signage around the school site asking people not to sit with their engines idling.

- Could a congestion charge be introduced?



In response, this would need to be considered as a holistic approach across a much wider area and therefore sits outside the scope of this application.

- The predictions for pupil travel to and from the school are based on a survey that only had a 28% response rate and is therefore not representative. This survey also contains an unknown degree of bias and other forms of surveys, such as a 'hands up' survey with the existing children should have been carried out.

In response, over a quarter of those given surveys responded when sibling ratios are factored in and this is considered reasonable, particularly when the survey was given to such a high number of individuals. As such, any other form of survey could not reasonably be insisted upon.

- The survey data should take account of the construction traffic that will be in the area.

In response, the survey data around highway capacity considers the long term functionality of the highway network. As this construction traffic would only be in place for a temporary period it is not necessary to factor this in.

- Road safety audits need to be carried out with respect to the proposed mitigation proposals.

In response, these will be carried out ahead of any highway improvement scheme being introduced.

- The Transport Assessment has not been submitted with an appendix.

In response, this was the case for the original Transport Assessment, but this has been remedied in later versions.

- The fact that the Transport Assessment and Travel Plan fail to account for the upcoming 20 miles per hour zone results in these documents being flawed. The reduction in car speeds will likely increase congestion in the busiest areas.

In response, while it would have been preferable for this to have been included in these documents this is not considered to undermine their robustness.

In addition, a reduction in car speed will not necessarily lead to increased congestion and could in fact result in a more orderly network.

- Junction capacity assessments should be carried out along Edale Road at its junctions with Huntley Road, Renshaw Road, Ansell Road, High Storrs Drive and Mylor Road.

In response, it was not considered necessary to assess these junctions owing to the limited amount of traffic that would be anticipated as travelling through them at the relevant times. This includes school traffic and other peak hour movements.

- The Travel Plan should have had input from surrounding residents.

In response, this is not an essential requirement for a comprehensive travel plan.

- Heavy Goods Vehicles are unable to access the site.

In response, a Construction Management Plan is proposed to form part of the planning conditions that will agree a strategy for larger construction vehicles that cannot access the site.

It is understood that these larger construction vehicles will not visit the site unless absolutely necessary.

- Double Yellow lines have been put in place on High Storrs Road during the course of the application without the views of residents being sought, which has resulted in surrounding residents losing their evening parking.

In response, it is understood that this alteration to the highway was to ensure construction vehicles could manoeuvre into the site. Whilst it is appreciated this is frustrating for certain residents, it is considered to be essential for highway safety reasons. It is also noted that this change did not actually require planning consent.

- Construction traffic will create noise and disturbance for surrounding residents.

In response, this is an unfortunate consequence of any development and is at least for a limited period on any day. A directive will be placed on any positive recommendation informing the applicant of appropriate working hours, which are enforced through Environmental Health legislation.

- It is understood the land around the caretaker's house is being excavated, how will this impact the boundary wall to the north?

In response, having discussed this with the applicant's team it is understood that this will have no impact on the existing wall set on the northern common boundary.

- The removal of open space for hardstanding results in increased surface water run-off.

In response, overall the scheme will be required to reduce the existing surface water run-off rate by a minimum of 30%.

- Whilst the drainage might succeed in protecting the school, have the walls at the bottom of the slope been thoroughly checked to confirm they can cope? Furthermore young children will wonder into any proposed drainage features and potentially drown?

In response, now the proposals for soakaways have been rejected these perceived risks no longer exist.

- The building design approach will exacerbate the risk from radon gas as it is being built into the slope. This goes against advice for new buildings that avoids building into slopes when utilising the recommended basic radon protection.

In response, the final mitigation proposals are still to be developed to tackle this issue and these can improve on basic radon protection measures to address the construction method as required.

- Why has preliminary work already begun without planning permission being granted? This has included the removal of several trees.

In response, some works are being carried out on site at this time and it is understood these are associated with the earlier approval of planning permission to erect a new single storey entrance into the existing building.

It is also understood that some existing trees have been removed in order to clear certain areas, but these works would not require planning permission in their own right.

- The whole scheme has been horribly underhand, with a very clear message from the Council that regardless of what residents think, the plan will go ahead.

In response, this report is considered to offer a balanced assessment of the material considerations taking into account the views of all stakeholders.

- Not all residents have been informed of the proposals and at the very least every resident on the perimeter of the site should have been informed. Also the inadequate A4 notices (site notices) that go up to supposedly inform the public of proposed changes did not go up until Friday 30th June 2017, which is two weeks after the application was submitted. Another representation states that no site notices have been placed along Huntley Road.

In response, every resident that shares a common boundary with the school site was sent a consultation letter on three separate occasions. Site notices have also been placed around the perimeter of the site on three separate occasions during the application process.

- In the Design & Access Statement (Item 10, Page 18, Section 2.5 (Opportunities and Constraints Analysis)) it outlines an area of land as 'Area for Potential Development'. Does this indicate further expansion at a later stage?

In response, this relates to a site analysis the developer undertook when developing the proposals, rather than a future expansion option.

- In the Design & Access Statement (Page 22, Section 3.1 (Initial Design Concept)) this shows a range of pink/red diagonal lines. There is no supporting information outlining what this boundary is and the implications of this.

In response, these are intended to indicate the slope of the land.

- The documented positive response to consultation events that took place with the community ahead of the application being submitted is misrepresentative.

In response, this is a subjective opinion and it is also noted that the representations received as part of this planning application also offer a clear indication of stakeholder/resident opinions.

- This proposal is/will create mental health issues for those impacted.

In response, there is no evidence that this would be the case.

- Putting young and older children on the same site will increase the risk of bullying.

In response, if this did become an issue this would be a matter for the school to deal with. It is also noted that 'through' primary schools are common and this situation is therefore far from unique.

- The school is canvassing support for the proposal in forums such as school assemblies and this is unethical.

In response, this is a matter of subjective opinion and not a material planning consideration.

- If demographic shifts continue what future options are there to accommodate additional catchment pressures? Perhaps the council should invest more money in other schools/areas and then these pressures would not be felt in this area.

In response, this proposal is part of a wider strategy to deal with catchment pressures across the city. In the future forecasting in relation to catchment pressure may well lead to identified additional need in catchments across the city and further strategies will need to be developed accordingly.

Ultimately each planning application would be considered on its own merits in the future.

- The visualisations of the finished school shown within the local press and as part of the planning application are a misrepresentation of the finished project. This makes it look that there is more green space when the school is extended.

In response, this is matter of opinion and officers do not consider these images to be an obvious misrepresentation. The application has also been accompanied by scaled plans to ensure the impact can be accurately assessed.

- Is there more than one main entrance into the school building? If not then this is a lot of people using one main entrance. Furthermore, would there be enough space for children to be evacuated in an emergency give the limited size of the entrances.

In response, these matters would be governed outside of the planning system, most likely as part of the Building Regulations process.

- The width of the extension has doubled during the course of the application.

In response, this has been double checked by officers and is not considered to be the case.

- The cabinet decision on 20 July 2016 was based on the conditional granting of planning permission before 01 July 2017. As this date has been missed does this invalidate the original cabinet decision? If an extension of time has been granted by cabinet on what grounds has this been made?

In response, at the Cabinet meeting held on 19 April 2017 an extension for the date by which planning permission needed to be approved was granted. The revised deadline was 01 September 2018.

- Have statutory regulations been complied with in regard to the earlier Cabinet decision.

In response, it is not for the planning service to go back and cross check that the earlier Cabinet decision complied with statutory regulations. If there had been concerns around this matter then this earlier process would be subject to its own scrutiny.

- The proposal will lead to increased litter.

In response, there are existing litter bins in the area and if this did become significant issue in the future additional measures, including bins and signage could be put in place.

- The Public Access website always times out when residents are writing comments and this is very frustrating.

In response, this is an understandable frustration but is a consequence of limited information technology systems that will improve with time and investment.

## SUMMARY AND RECOMMENDATION

This planning application is for the provision of extensions to Ecclesall Infants School and associated facilities including a new Multi Use Games Area and increased car parking.

These works are designed to facilitate the creation of a 90-place per year 'through' primary school for year groups ranging from Reception to Year 6. This provides for an overall capacity to accommodate 630 pupils.

It is then anticipated that the existing junior school site will be occupied by Clifford School, who are proposing to create a 30 place per year junior school ranging between Years 3 and 6.

It is considered that a clear case for increased school places for primary age children within the south-west of the city has been demonstrated and that acute pressure is experienced within the Ecclesall and Dobcroft catchments. This is largely driven by increased birth rates and a trend of younger families moving into the area. This is a substantial material planning consideration, which is required to be given significant weight in reaching a decision.

Furthermore, it has been demonstrated that of the alternative options considered to increase the school places, the proposal put forward, which includes the reuse of the vacated junior school site, is the only one that suitably balances the key priorities.

It has been demonstrated that on balance, with the introduction of a number of hard and soft mitigation measures, the impact on the local highway network with regard to issues such as highway safety, capacity and car parking could not be regarded as severe, which is the defined test of acceptability within the National Planning Policy Framework.

Such mitigation proposals include:

- The introduction of a formal one-way system within the site.
- A new crossing point on High Storrs Road and improvements to the existing crossing on Ringinglow Road.
- The school Travel Plan achieving the Modeshift STARS Gold standard within two years of the extensions being occupied.
- A commitment to provide four drop-off/pick-up points in suitable locations within a 500 metre radius of the school site, which will then be the starting point for walking buses.

The report demonstrates that the loss of the open space provision is justified by the overriding requirement for school places. Furthermore Sport England does not raise any objection to this aspect of the proposal.

The designs of the extensions are considered to respond appropriately to the existing building/site in all regards, and suitable detailing is proposed to ensure a good quality building.

The submitted Air Quality Impact Assessment has demonstrated that the significance of the development on local air quality will be negligible. Mitigation measures would secure a near neutral impact.

The proposals would have an acceptable impact upon the amenities of neighbouring occupiers, even taking account of the topography of the site.

The proposed extensions would be designed to achieve BREAAAM 'Very Good', and supply 10% of energy from renewable sources, ensuring a sustainable form of development.

In summary, the proposals would deliver much needed school places and, on balance, this material consideration is considered to outweigh any negative effects resulting from the development, with particular reference to the highway impacts, which, when given due consideration and accounting for the proposed mitigation, are not deemed to be 'severe'.

Consequently, the development is considered to be acceptable and is recommended for approval subject to the listed conditions.

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Case Number	17/01867/FUL (Formerly PP-06040571)
Application Type	Full Planning Application
Proposal	Demolition of existing office building and erection of 43 apartments (Amended Plans received 27th September 2017)
Location	Hewitts Chartered Accountants 60 Scotland Street Sheffield S3 7DB
Date Received	03/05/2017
Team	City Centre and East
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

2579-3-Rev B (Elevations)  
2579-4 Rev B (Comparative Elevations)  
2579-5 Rev B (Ground /Basement Floor Plan)  
2579-6 Rev B (First/second Floor Plan)  
2579-7-Rev B (Third/Fourth Floor Plan)  
2579-8-Rev B (Context Elevations)  
2579-9 Rev B (Context Elevations)

Reason: In order to define the permission.

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



3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the safety and stability of the proposed development.

4. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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 full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life

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

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

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

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

10. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

11. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme

of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

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

12. 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.

13. 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.

14. 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.

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

Windows  
Window reveals  
Doors  
Eaves/parapet detail

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

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

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (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).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

17. 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.

18. 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.

19. 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.

20. 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.

21. No door or window shall, when open, project over the adjoining Highway

Reason: In the interests of pedestrian safety.

22. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

22. The building shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those 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

23. The windows on the Furnace Hill elevation of the building facing Chapel West shall as shown on the approved plan be glazed with obscure glass to a height of 900mm above internal finished floor levels to a minimum privacy standard of Level 4 Obscurity and thereafter obscured glazed panels shall be retained.

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

24. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking permits within the designated Permit Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

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

### **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. 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.
3. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

4. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

The notice should be sent to:-

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

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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

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

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

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

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

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

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

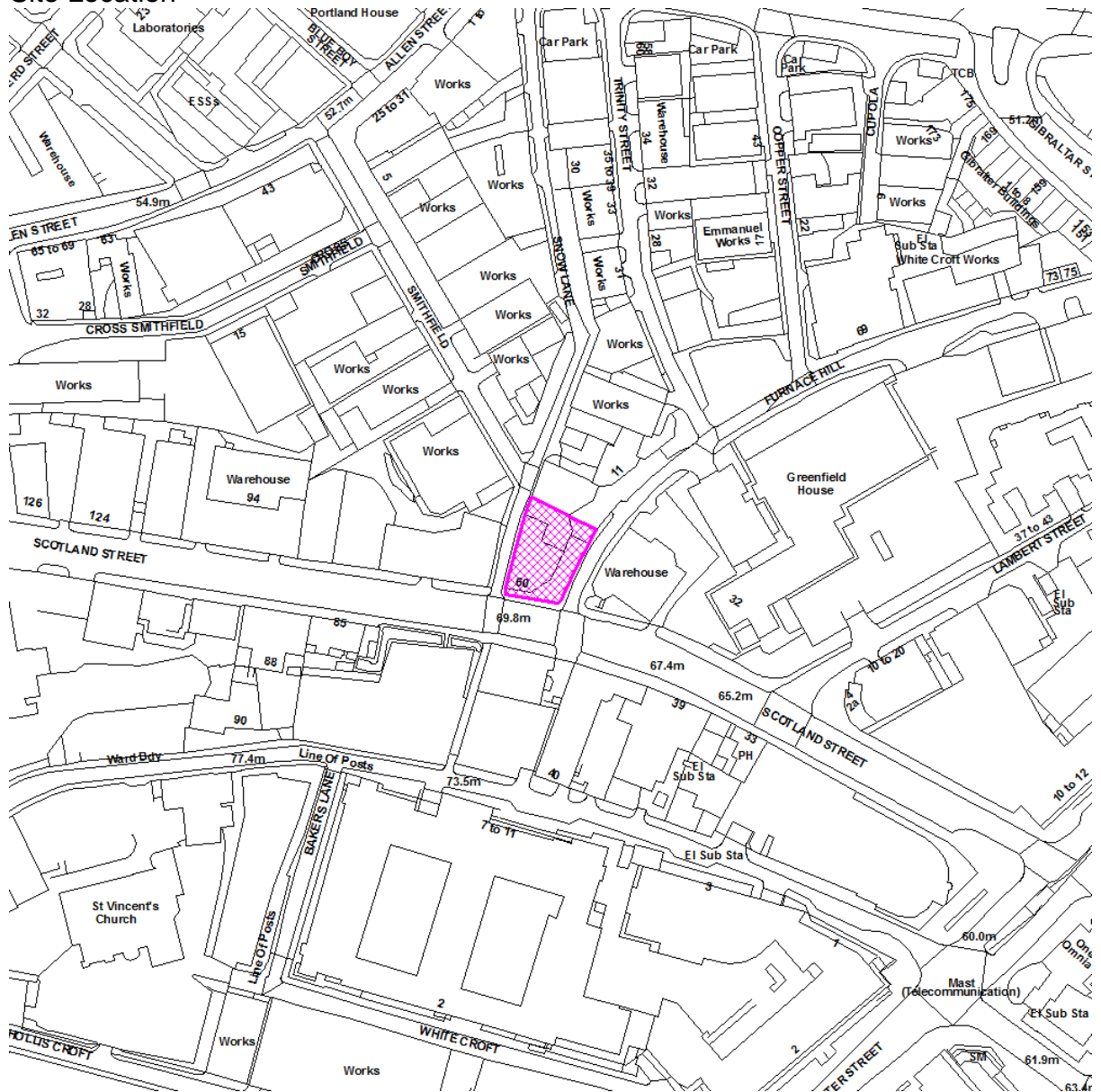
Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

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

10. 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.



# Site Location



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## LOCATION AND PROPOSAL

The application site which is bound by Scotland Street, Snow Lane and Furnace Hill is located in the centre of the St Vincent's Quarter and within the Furnace Hill Conservation Area and a General Industry Area as defined in the Unitary Development Plan (UDP). The site, which falls away from Scotland Street, is currently occupied by a single/two storey brick built building which steps down Snow Lane. The building is set back from the Furnace Hill frontage behind a small car parking area.

The surrounding area is varied in nature with a mix of commercial, industrial and residential uses. Land to the other side of Furnace Hill is occupied by a former chapel, a two storey Grade 2 Listed Building which has previously been converted into residential accommodation. Land adjacent to the north of the building is occupied by Uniplex, manufacturers of medical equipment, and land to the other side of Scotland Street is in use as a club/restaurant/bar.

Planning permission is sought for the demolition of the existing building and the erection of a four/five storey building over the entire site which will step down both Snow Lane and Furnace Hill. The building will be utilised as 43 one bedroomed student apartments with communal ground floor lounge. Ancillary cycle store and bin storage areas will be provided within the basement of the building.

## RELEVANT PLANNING HISTORY

There is no relevant planning history

## SUMMARY OF REPRESENTATIONS

Three letters from occupiers/owners of flats within the converted chapel have been received which raise the following concerns:

- The building will be overbearing and significantly detract from the immediate local landscape and in particular it will tower over Chapel West on the adjacent site causing loss of light, privacy and views and inevitable decrease in value.
- The building is located in a prominent position at the brow of two hills. The existing building is set well back from both Scotland Street and Furnace Hill adding to a sense of space and 'setting' for the listed chapel. The new building encroaches Scotland Street by 1.3m and Furnace Hill by at least 5.5m bringing it within 7m of the two storey chapel with serious implications for light and privacy.
- Taking into account the unusually large tall windows within the converted chapel it will be difficult to prevent future residents of the new building, who will be just 7m away and at a greater height, overlooking neighbouring occupiers.
- The loss of light for residents with west and south-west facing windows will be huge. The chapel benefits from large arched windows which currently benefit from direct sunlight all day. The development will cast shadow over

these windows impacting on light. This has not been taken into account in the indicative illustrations submitted in support of the application.

- There is already a parking issue in the area and hoping to promote cycling/walking as a solution appears naïve.
- The development is not in keeping with the Conservation Area –the proposed building will compete with, visually overwhelm and lessen the significance of the Chapel by virtue of its prominent location, height, scale and sheer size. The building will impact on key views through the area
- The letter notes that other multi-storey development in this area are either located in the valley bottom or are on a scale to create buildings of more usual proportions and /or not immediately adjacent to historic buildings.
- The supporting information makes comparison with two other local developments (Velocity Village and the Metis Building). These buildings are a significant distance from the site, not located in the Conservation Area nor in a prominent position. In addition they do not impact on the setting of a listed building or the views, privacy and light of adjoining residents.
- The development offers only a single housing type and does not include any social housing or shared ownership despite the aims of Core Strategy Policy CS41 (Creating Mixed Communities)

Two letters have been received from local businesses, Uniplex located to the rear of the site and Johnson and Allen on Smithfield. The letters raise concern that:

- The existing manufacturing and engineering companies in the area are slowly being surrounded by developments of both student and residential accommodation with businesses becoming an island in a sea of accommodation
- During busy periods local businesses regularly work overtime including Saturdays conflicting with the residential nature of the development and raising concern that this may impact on future operations of businesses.
- The development will cause disturbance and disruption for the day to day running of local businesses whilst it is being built. This happened when the chapel site was redeveloped and there have been access issues more recently as the bottom of Furnace Hill has been closed due to another ongoing development impacting on access to employee car parks and for deliveries.
- The letters also question where residents will park as parking is very restricted in the area and the adjacent business has difficulty policing its own parking area which is next to the development site.
- The writers foresee conflict with future residents due to the numbers of heavy vehicles which frequent the area on a daily basis.

Following the receipt of amended plans which partially reduce the overall scale of the building the above contributors were re-notified. A further letter of objection was received from owners of one of the flats within the chapel which reiterated the previous concerns and indicated that the proposed alterations do little to redress

the problems for residents of the chapel. The letter states that the proposal which offers only one type of housing is contrary to the aims of the St Vincent's Action Plan which warns against 'student accommodation pervading the city centre....causing amenity problems for other residents'.

## PLANNING ASSESSMENT

### Land use

The application site lies within a General Industry Area as defined in the adopted Unitary Development Plan (UDP). Policy IB5 of the UDP describes general industry and warehousing as the preferred uses in General Industry Areas with housing listed as an unacceptable use as the living conditions in industrial environments are not normally considered to be satisfactory and the presence of housing can prejudice the viability of existing and potential industrial uses.

However, this policy is out of date for this specific area as the Core Strategy has identified it as one where industrial uses are no longer appropriate. Policy CS6 (Manufacturing in the City Centre - Transition Areas) advises that, in some areas, the city centre is no longer a suitable location for metal industries and related manufacturing because of topography and restricted accessibility, as well as competition from other more suitable uses. It states that, in these transition areas, there are long term advantages for the efficient operation of business and the regeneration of the city centre if the industry can be relocated. Parts of St Vincent's including the application site, are identified as transition areas, where manufacturing should not be allowed to expand where it would detract from the regeneration of the City Centre.

Core Strategy Policy CS17 (City Centre Quarters) now promotes St Vincent's as a mixed business, residential and educational area but encourages sensitive attention to existing manufacturing companies. This was reflected in the proposal in the draft City Policies and Sites document to designate a Business Area, where employment uses are promoted by limiting residential uses to no more than 40% of the total floorspace within the area. The Economic Prosperity and City Region Background Report 2013 notes that residential uses are below this limit and consequently there is some scope for further residential development.

Issues relating to how these businesses and the proposed residential development could function in close proximity will be assessed later in this report. However, in land use terms, though a departure from the UDP, the proposed development is considered to be an acceptable use on this site given the updated policy steer within the Core Strategy.

The development would also help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Council's Corporate Plan 2015-2018.

### Design issues

The application site falls within the Furnace Hill Conservation Area and is adjacent to the Grade II Listed former Methodist Chapel on Scotland Street which has previously been converted to living accommodation. Furnace Hill Conservation Area is largely characterised by red brick buildings that are built up to the back edge of the pavement with the general form and massing stepping up with the topography.

UDP Policy BE16 (Development in Conservation Areas) states that new developments will be expected to preserve or enhance the character or appearance of the Conservation Area, and that the redevelopment of sites which detract from a conservation area will be encouraged where they would enhance the character or appearance of the area.

UDP Policy BE5 of the UDP (Building Design and Siting) states that original architecture will be encouraged, but that new development should complement the scale, form and architectural style of surrounding buildings.

UDP Policy BE19 (Development affecting Listed Buildings) states that development proposals will be expected to preserve the setting of Listed Buildings. The NPPF also states that good design is a key aspect of sustainable development and that in determining planning applications account should be taken of 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 2004 St. Vincent's Action Plan developed a 10 year vision for the area and identified the site as giving opportunity for transformation. The Action Plan listed a number of design objectives for the area including the desire to position taller buildings towards the crest of slopes which should frame views into and out of the area and suggested that the scale of buildings could increase at corner locations to emphasise their importance and aid legibility. The Furnace Hill Conservation Area Appraisal indicated that key views to be protected included those down both Snow Lane and Furnace Hill from Scotland Street and up towards the Listed Chapel from both directions along Scotland Street.

The existing building on the application site has not been identified as a building of townscape merit and does little to enhance the appearance of the area. The building is set well back from the Furnace Hill frontage of the site and appears out of character with the tight street pattern which is more characteristic of the wider Conservation Area. The application is seen as a welcome opportunity to enhance the character and appearance of the Conservation Area and to fulfil the objectives of the St Vincent's Action Plan.

The submitted scheme has been amended since first submission in order to reduce its overall scale and massing and to ensure it would not adversely impact on the setting of the adjacent Listed Building. The building has been remodelled to reduce its overall massing and to take account of the gradients along both Snow Lane and Furnace Hill, with the final scheme being considered to respect the scale of the adjoining Listed Chapel which, for an essentially two storey building, has

relatively high external elevations to both Scotland Street and the upper part of Furnace Hill.

The simple robust building will be predominantly brick built with limited Zinc cladding panels to the upper and rear elevations. The development's success will largely be determined by the detailing and quality of the materials use with the final material specification and large scale details reserved by condition.

### Residential Amenity

Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) requires new development to safeguard residents from unacceptable living conditions. In this instance, proposed future residents need to be protected from existing traffic and industrial noise and also noise from the club on Scotland Street. In this respect the applicant submitted a noise report with the application which sought to characterise the noise in the vicinity of the application site.

Whilst the report concluded that the site is suitable for residential use, subject to various noise mitigation measures, the Council's Environmental Protection Service has noted that the timing of some of the on-site monitoring did not adequately sample the potential for commercial and industrial noise from nearby premises. In this respect a condition is recommended requiring a further noise survey and outlining what noise levels must be achieved on the site prior to the occupation of any of the residential units.

Residents within the converted chapel have raised concern that the development may cause unacceptable levels of overlooking of their habitable room windows located on the Snow Lane elevation of the building. The large windows here are located within both single and two storey elevations of the building.

It is acknowledged that separation distances with the chapel are less than standards which would normally be expected in more suburban areas of the city. In this respect the applicant has included frosted panels of glazing within the windows which face towards the listed building to reduce the potential for direct overlooking across the highway and this is considered to be a reasonable approach in this dense urban area.

Comment has been made regarding the potential for loss of light to residential windows within the side elevation of the converted chapel which face north-west. The development will be located to the western side of the chapel with the potential for loss of limited sunlight to these residential windows during the afternoon onwards. The extent of direct sunlight loss to within the residential units is limited by the positioning of the existing windows on a north west facing façade. The windows within the chapel are large and currently rely on light over the highway. It is unreasonable to expect the windows to maintain uninterrupted sunlight across private land and the nature of the narrow streets, which are characteristic of this area, means that this is an inevitable consequence of developments on such sites. Nevertheless, the impact is considered to be at an acceptable level.

### Housing Mix

Core Strategy Policy CS41 (Creating Mixed Communities) aims to encourage larger developments (60 or more dwellings) to meet a range of housing needs including a mix of prices, sizes types and tenures. The scale of the development (43 residential units) does not trigger the policy requirement although the applicant has indicated that the accommodation provided is adaptable should market forces change in the future.

Policy CS41 also limits the amount of purpose built student accommodation where the community is already imbalanced by a concentration of such uses. Whilst this proposal is not for shared accommodation per se (the accommodation is self-contained with shared lounge facilities) it is noted that the current concentration of shared housing within 200m of the site is only 16% which is under the policy threshold.

### Highways

The application site is situated on land at the edge of the city centre in a sustainable location well served by public transport and central facilities. In this respect highways colleagues have accepted that the development can be car-free and have recommended a condition preventing future occupiers applying for parking permits. The development does however include a large cycle store within the basement which will serve the needs of future residents. The comments made by local businesses that residents may utilise their parking spaces is not a material consideration in the determination of this application.

The development provides a welcome opportunity to upgrade the surrounding pavements which are currently narrow and not suitable for use. This will be reserved by condition.

### Drainage

Core Strategy Policy CS67 –Flood Risk Management requires the use of sustainable drainage systems/techniques on all sites where feasible and practicable.

Conditions will be added to any subsequent approval requiring the submission of full details of the proposed surface water design and to ensure that surface water runoff is reduced by at least 30% compared to the existing peak flow from the site. This is likely to be achieved by below ground storage tanks on this tight urban site.

### Land Contamination

As the site falls within an industrial area there is the potential for the site to be contaminated from a previous use. In this respect it is reasonable to require the actual or potential land contamination to be investigated. This will be reserved by condition.

### Coal Mining

The site falls within a Coal Mining High Risk Area and a Coal Mining Risk Assessment (CMRA) was submitted with the application. The Coal Authority has

recommended that, in line with the findings of the CMRA, intrusive site investigations are undertaken prior to any development commencing to establish the exact coal mining legacy issues on the site. This will be reserved by condition. Community Infrastructure Levy

The development is located in Charging Zone 4 (City Centre South) and would be liable for a charge of £50 per square metre should the development proceed. Renewable Energy

Policy CS65 (Renewable Energy and Carbon Reduction) requires new developments for 5 or more dwellings to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, or an equivalent fabric first approach to achieve a comparable carbon reduction. A condition is recommended to ensure that this policy is complied with. Archaeology

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

The supporting Heritage Statement which was submitted with the application made reference that “Groundworks may impact on any surviving sub-surface archaeological remains of the 18th-century buildings and the 19th-century shops and their outbuildings, while the excavation of a new basement in the northern part of the Site may impact on remains associated with the Phoenix Foundry.” In this respect it is considered to be reasonable to attach a condition requiring the submission of a Written Scheme of Investigation setting out a strategy for a full archaeological investigation of the site.

## SUMMARY AND RECOMMENDATION

The proposed residential accommodation although a departure from the UDP is considered to be an acceptable land use given the changing policy landscape set out in the Core Strategy and the long term vision for the area originally shown in the St Vincent's Action Plan.

The application gives the opportunity to enhance the appearance of the conservation area by the removal of a building which is of little townscape merit and its replacement with a simple robust building which will be built in high quality materials and of a scale which will not be detrimental to the setting of the adjacent Listed Building. The amenity of future residents will be controlled by condition and measures have been included to reduce the potential for overlooking of neighbouring residential properties on Furnace Hill.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.



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Case Number	17/00199/FUL (Formerly PP-05758107)
Application Type	Full Planning Application
Proposal	Erection of 5 dwellinghouses with associated parking accommodation and landscaping
Location	Land Adjacent No 42 Abbey View Road Sheffield S8 8RE
Date Received	16/01/2017
Team	South
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Drawing No: 2569-002 Revision C, as received on the 12th June 2017;  
Drawing No: 2569-003 Revision D, as received on the 19th September 2017;  
Drawing No: 2569-001 Revision B, as received on the 21st September 2017;

Reason: In order to define the permission.

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

3. No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the dwellings are brought into use.

Highway Improvements: A 2-metre wide section of footway to be provided fronting the properties.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

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

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

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

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.

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

7. Prior to the improvement works indicated in condition 3 being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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. The dwellings 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 dwellings commencing, and shall thereafter be retained.

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

11. 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.

12. Before construction works commence full details of the proposed facing and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

13. Notwithstanding the details shown on the approved plans, all of the proposed first-floor side-facing windows to the new dwellings shall be fitted with restricted openers such that the windows cannot open any more than 150mm. Prior to being installed, details of both these windows shall have been submitted to and approved by the Local Planning Authority and thereafter, the approved windows shall be retained unless agreed otherwise in writing by the Local Planning Authority.

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

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

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

15. 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.

16. 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.

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

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

18. The development shall not be occupied unless the external parking and hard surfaced areas of the site are constructed of permeable/porous surfacing. Thereafter the approved permeable/porous surfacing material shall be retained.

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

19. Notwithstanding the details shown on the approved plans and prior to any of the dwellings being occupied, the biodiversity enhancements and mitigation measures

as outlined in the Estrada Ecology Ltd Biodiversity Enhancement Report (dated June 2017) shall have been implemented to the satisfaction of the Local Planning Authority, and thereafter all such biodiversity enhancements and mitigation measures shall be retained.

Reason: In the interests of biodiversity and the ecology of the area.

20. Prior to any of the dwellings being occupied, full details of the wheelie bin storage areas for each of the new dwellings (including any enclosure or screening features, where applicable) shall have been submitted to and approved by the Local Planning Authority and thereafter, those agreed details shall be installed into the scheme and thereafter retained.

Reason: In the interests of the amenities of local residents and future occupants of the development.

### **Other Compliance Conditions**

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

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

22. Notwithstanding the details shown on the approved plans, all of the proposed first-floor side-facing windows to the new dwellings shall at all times be obscure glazed to a minimum level 4 obscurity.

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

23. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the dwellinghouses which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

Mr S Turner  
Highway Adoptions

Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: [dawn.jones@sheffield.gov.uk](mailto:dawn.jones@sheffield.gov.uk)

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

The notice should be sent to:-

Highway Co-Ordination  
Sheffield City Council

Town Hall  
Sheffield  
S1 2HH

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

7. 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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

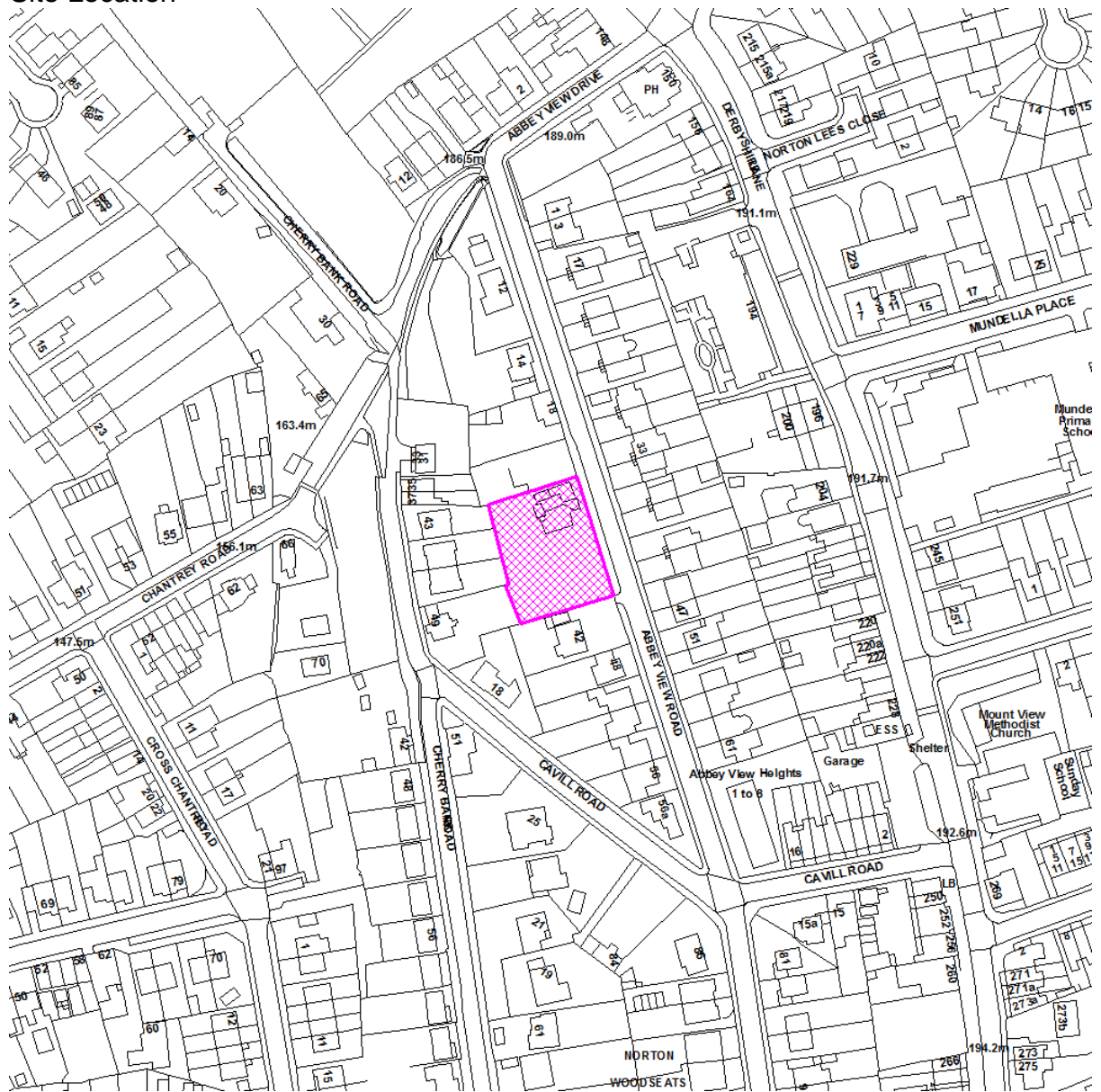
8. The relocation of the lamp column shall be at the applicant's expense.
9. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential 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 Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

10. 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.
11. 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.



Site Location



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## LOCATION AND PROPOSAL

This is an application for residential development (on a site of approximately 0.11 hectares in size) to form 5 new dwellings (with associated parking and landscaping) on a greenfield site located to the west side of Abbey View Road on land adjacent to no.42 Abbey View Road in the Norton Lees area of Sheffield.

The site is mainly an area of overgrown scrubland enclosed on all sides by existing overgrown hedging. The site also includes a small cluster of 4 or 5 timber-shed structures to the north east corner of the site, these appear to be used as pigeon lofts and for general storage purposes. The site slopes from east to west, and there are existing houses around the site.

There are a mixture of house styles and designs and front building lines on the road which include:- bungalows, two-storey dwellings and newer 2/3-storey terraced/town housing. Immediately opposite the site on Abbey View Road, the residential properties are positioned slightly elevated above the road level.

The Adopted Unitary Development Plan designates the site as being within a Housing Area.

When originally submitted, the application proposal was for 6 residential properties (3 pairs of semi-detached dwellings). The application proposal has since been amended and the proposal is now to create 5 dwellings (1 detached dwelling and two pairs of semis).

Including the roof space, each of the proposed new dwellings would have accommodation on 4 levels and this would include:- an integral single garage, 4 bedrooms and a study. The dwellings would be two storeys at the front, increasing to three-storeys at the rear (due to the drop in land levels of the site).

Including the integral garage space, each dwelling would also have a further off-street car parking space on the front drive (to the front of each garage).

## RELEVANT PLANNING HISTORY

16/03508/PREAPP – A pre-application enquiry to establish whether or not the site would be suitable for residential development. The response (sent in December 2016) confirmed that the site would in principle be acceptable for new housing. However, this view was based purely in land use terms and not based on any specific numbers or property designs.

## SUMMARY OF REPRESENTATIONS

Following neighbour notification, 35 representations have been received (this includes representations from Louise Haigh MP, Cllr Steve Ayris and a representation sent from the South Yorkshire Badger Group). Of the remaining representations, these include 14 representations from 11 properties on Abbey View Road, 7 representations from 5 properties on Cherry Bank Road and 1 representation from a property on Mount View Road. All of the representations

received have raised objections against the proposal and those objections have been summarised and are shown below:-

Louise Haigh MP has written in on behalf of a local constituent (residing at 45 Cherry Bank Road). The local constituent has concerns that there are already surface water/drainage issues and that every time it rains, the rainwater runs onto the constituents land and, that this problem will get worse if the development is allowed. Louise Haigh has requested that all appropriate consideration is given to this matter and that any appropriate action be taken to try and resolve this issue.

Cllr Steve Ayris has raised an objection to the proposal (received before any amendments were made to the scheme) based on the following grounds:-

**Scale:**

The principle of housing is welcomed but not of the scale being proposed. The proposed development of 6 x three and half storey properties would be out of character, and would be a high-density over-development of the site resulting in an overbearing impact on neighbouring properties. Development at this location is severely restricted by the contours of the site and this can clearly be seen from the sectional drawings. Attention is drawn particularly to the steep incline at the rear of the site and the sight line to properties on Cherry Bank Road. The height of the rear elevation demonstrates the problem of unrestricted overlooking to properties on Cherry Bank Rd.

**Highways:**

One garage per household and three parking spaces is insufficient off-road provision for 4-bedroomed houses. Currently, parking on the very narrow width of Abbey View Road at this location causes visibility and access problems, both for pedestrians and for drivers (particularly those residents living opposite the site. Residents include a mix of both young and elderly. Single file traffic is a common feature, with frequent 'rat-runs' to avoid Derbyshire Lane at busy times. The outcome of any increased on-street parking could affect access being gained by emergency vehicles.

**Drainage:**

There are serious concerns from local residents adjacent to the site about rainwater drainage from the property going to land drain. Damage to walls and paths during cold and wet periods of weather are currently reported and there is a fear that the development will exacerbate the drainage issues. As a minimum, a drainage impact assessment and flood risk assessment must be carried out.

**Site Stability:**

There is a history of subsidence/land slippage adjacent to the site on Cherry Bank Road and the top of Chantrey Road, where collapse of the highway caused subsequent movement and damage to properties over a period of several years.

**Environmental Impact:**

Historically a smallholding for chickens, geese, goats and racing pigeons, the site still retains a valuable wildlife habitat for nesting birds, foxes and other protected species. The loss of trees and hedgerows will have a detrimental impact on natural wildlife habitats.

Representation:

Graves Park Ward councillors undertook a survey in March of residents in the immediate vicinity surrounding the development site. Fifty residents responded to the survey with 47 people (94% of respondents) disagreeing with the plans. Only two people (4%) believed the plans should be allowed and, one respondent living furthest from the site was unsure. The reasons cited for objection reflected the same grounds formally submitted on the Council's Planning Portal i.e. scale; density; overbearing; overlooking; privacy and an restricted view on to properties on Cherry Bank Road; previous incidences of land slippage and subsidence; impact on the character of the neighbourhood and residential.

Representations (19 in number) received from local residents before any amendments were made to the scheme:-

- There is a history of landslip problems in the area and therefore, local residents have strong concerns that the redevelopment of the site will lead to further landslip issues, causing problems to existing properties on Cherry Bank Road.
- Will the existing trees and boundary hedging be removed as a result of the development – these currently provide natural habitats for wildlife in the area (including some protected species).
- Given the size of the plot, there are concerns that the number of houses being proposed is excessive and this in turn will lead to increased problems with parking and traffic congestion on the local roads.
- The level of off-street car parking being provided is insufficient.
- The 4-storey height of the proposed development would be overbearing to those properties below on Cherry Bank Road and the neighbouring dwelling at 42 Abbey View Road. This will inevitably lead to overlooking and loss of privacy.
- The proposed new houses would totally destroy the views currently enjoyed by residents on Abbey View Road.
- The proposed new dwellings would not be in keeping with existing houses in respect of roof levels and the facing materials, the whitewashed buildings will look an eyesore.
- There are also strong concerns about surface water drainage from the development causing problems of flooding and structural damage to properties below on Cherry Bank Road.

- The sizes of the properties are too tall and this would lead to serious loss of light for neighbouring residents.
- The width of the road near the site is quite narrow and this development will lead to more traffic-related problems and danger for pedestrians on Abbey View Road.
- The proposed development causes issues in terms of impact it will have on the character of the neighbourhood and residential amenity. The design of the dwellings will result in them being overbearing and out of scale with other houses on the road.
- If planning permission is to be granted, can some consideration be given to controlling the hours that construction workers carry out the works and, where the construction vehicles will park etc.
- There is no adequate provision for the wheelie bins that each property will need.
- There are no other properties on Abbey View Road or in the locality that has white rendering, wood cladding or black brick.
- If there was a fire, how would occupants escape from the properties with such narrow strips around the sides of the two end properties?
- A risk assessment and exploratory inspection is paramount to investigate the structural stability of the site and how public services will be provided, such as drainage and water supply. Given the steepness of the site and coupled with two previous landslides on Cherry Bank Road, a risk assessment will determine how the stability of the site will be affected by the proposed building works.
- The two submitted drawings have the same drawing number.
- A cross-section drawing should be provided to show the relationship of the proposed dwellings with houses on Cherry Bank Road.
- External ground levels and dimensions should be added to the site layout drawing in order to provide a clearer picture of the development.
- The plot was designated a small holding for over 40 years, housing racing pigeons, chickens, geese and goats over that period and it's still being used for that purpose now.
- A site visit should be carried out before the planning decision is made.
- Has an appropriate Phase 1 habitat survey or ecology survey been carried out at the site?

- The site does have an important ecological role. It is an open area that gives the road an open, light feel. It has trees and hedgerows that are only lightly controlled allowing wildlife to flourish.
- The road is due to be resurfaced and the pavements repaired as part of the Council highway improvements programme, building on this scale would almost certainly lead to some of the work being damaged.
- The height of the resulting dwellings in such close proximity to neighbouring land will create overshadowing on neighbouring land, therefore more space needs to be created between the plots/boundaries.
- There should not be any windows on the side walls so as to prevent overlooking and loss of privacy.
- During construction works, the developers must not be allowed to infringe the side party boundaries.
- The existing side party boundaries hedges belong to neighbours and therefore must not be allowed to be removed.
- The existing ground levels should remain as they are at present, any raising of the ground levels could lead to overlooking problems and issues.
- The properties should not be allowed to have any raised decking at the rear as this would lead to overlooking issues for neighbours.
- The integral garage should not be allowed to be converted to living accommodation as this could lead to further on-street parking problems.

Representations (14 in number) received after the amendments were made:-

- The ridge height of the resulting 5 dwellings will be higher than other properties on the road and this will have a two-fold effect:- (a) invade privacy by looking directly into main habitable rooms of neighbours houses and, (b) take away natural light.
- Despite reducing the development to 5 dwellings, the site will still be an overdevelopment and, the proposed facing materials will still be out of character with Abbey View Road and the area.
- The Fire Authority do not appear to have been consulted, the road is not suitable for access for fire vehicles.
- As previously mentioned, the site provides a rich habitat for wildlife. Before any clearance works start, the builders should be made to properly check for wildlife habitats and deal with them in an appropriate manner.

- This development along with the nearby development for 138 dwellings (at the Sheffield Hallam University Playing Fields site) will mean that local schools (which are already at capacity) will not be able to cope.
- The reduced scheme (to 5 dwellings) does not change the previously submitted views that the development is an overdevelopment of the site and that a site visit should be carried out and that the decision should be made by the full planning committee and not by a planning officer using delegated powers.
- Despite the amendments, the proposal will still lead to loss of privacy, landslip and drainage issues.
- By only reducing the development from 6 to 5 dwellings, it's clear that the views of local residents have not been taken into consideration.
- The objections previously raised remain the same and none of the issues have been addressed.
- The changes made to the scheme now show rear facing dormer windows which will result in an even greater loss of privacy for residents living at the rear on Cherry Bank Road.
- The public sewers will be inadequate and any works needed to rectify could result in another landslide on Cherry Bank Road.
- The revised (tokenistic) plan does not sufficiently take into account the serious objections put forward by residents.
- The issue of lack of sufficient parking spaces per property has still not been addressed which will create additional parking problems on an already congested road. Parking and driving on the road has already worsened following the building of the flats at the end of Abbey View Road.
- There are still no details relating to how land slippage will be prevented for those properties on Cherry Bank Road.
- The site visit photographs do not accurately portray the numbers of cars that normally park on the road. The photos also show how narrow the road is and the differences in roof levels with neighbouring properties.

South Yorkshire Badger Group made the following comments:-

“The South Yorkshire Badger Group have been made aware that there are protected species existing on the site. The South Yorkshire Badger Group would like some reassurance that an ecological survey will be carried out and that if there are any protected species found to exist on the site, that they will be treated in accordance with the appropriate regulations. Until reassurances are received, the comments are to be treated as an objection to planning permission being granted.”

## PLANNING ASSESSMENT

### Policy

The National Planning Policy Framework (NPPF) sets out the Government's revised planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Policies set out in the NPPF (paragraphs 49 and 50), seek to give a presumption in favour of new sustainable housing developments and also, seek to deliver a wide choice of high quality homes.

Paragraph 56 of the NPPF places significant weight on the importance of securing high quality design in the built environment. This paragraph goes on to say that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

The relevant approved local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework - Core Strategy (SDF), adopted in March 2009. The SDF Core Strategy is the more up-to-date document and provides the overall spatial strategy for the SDF over the period 2009 to 2026.

The adopted Unitary Development Plan (UDP) shows that the site is designated as part of a housing policy area. UDP policy H10 says that housing is the preferred use so the broad principle is acceptable.

The proposal has also been assessed against UDP Policy H14 which relates to "Conditions on Development in Housing Areas" and Policy BE5 which relates to "Building Design and Siting"). This application has also been assessed against the Council approved supplementary planning guidance (SPG) on "Designing House Extensions". Although this current proposal is for the erection of 5 new dwellings, the SPG contains good design principles and criteria that the proposal would still need to adhere to and therefore, are equally relevant.

With the exception of Policy H10 (which identifies housing as being the preferred type of development in Housing areas), the other above-mentioned policies (and SPG guidance) all echo similar principles i.e. new developments should be well designed and, of a scale and character similar to neighbouring properties and/or appropriate to the area. The site should not be overdeveloped and there should be no significant detrimental harm to neighbouring properties.

Although latest monitoring shows Sheffield has a 5-year supply of housing sites against the Core Strategy target, the target pre-dates the National Planning Policy Framework (2012) and should now be considered out of date. The latest Government household growth projections suggest that housing need in the city is



higher than was previously planned for in the Core Strategy; as such, the city has an approximate 4.1 year supply of housing using the latest growth projections.

Core Strategy Policies CS23 'Locations for New Housing', CS24 'Maximising the Use of Previously Developed Land for Housing', and Policy CS25 'Priorities for Releasing Land for New Housing' all promote new residential development in Sheffield - at appropriate and sustainable locations - in order to assist the delivery of suitable sites for housing within the City over future years.

Because the development plot is currently a smallholding/former grazing field, it is classed as being a "greenfield site". Core Strategy policy CS24 prioritises the development of previously developed land for new housing and sets a target that no more than 12% of new homes in the period to 2025/26 will be on greenfield land. However, this proposal is unlikely to prejudice achievement of this target, as to date just over 5% of new homes have been developed on greenfield land. Part (d) of the policy allows for development of housing on (b) smaller greenfield sites within the existing urban areas and larger villages where it can be justified on sustainability grounds.

Core Strategy policy CS26 seeks to make efficient use of land for new homes and sets out appropriate density ranges for different types of location according to accessibility. This site is located close to regular bus routes and shops and services at both Woodseats and on Derbyshire Lane and therefore is considered to be in a relatively sustainable location. The site is located in an urban area where the appropriate density range is between 30 to 50 dwellings per hectare. Despite this preferred density range, it would still be necessary for the density of the development to be in keeping with the character of the area. In this instance, the density range of the development equates to 44.4 dwellings per hectare and, the character of proposed dwellings (detached and semi-detached) does reflect the type of housing in the area. This proposal can therefore be considered acceptable in terms of density and core strategy policy CS26.

### Area Character Issues

One of the main issues relating to this proposal is whether or not the proposed new dwellings will have a detrimental impact on the character of the area or street-scene.

There is no overriding or dominant property design or style on the west side of Abbey View Road and even on the east side of the road, there are some variations in property types and materials. The new dwellings respect the main established and recognisable front building line on the west side of the road and the overall ridgelines of the properties are not too dissimilar to other two-storey properties on that same west-side of the road.

The proposed ridgelines of the new dwellings will be approximately 1.4 metres higher than the ridgeline of no.18 Abbey View Road but given that there would be a separation distance of approx. 19.5 metres between the closest new dwelling and no.18 Abbey View Road, this difference in ridge level height does not appear visually unacceptable. The other neighbouring property to the south of the site

(no.42 Abbey View Road) has a ridge height that would be approx. 5 metres below the ridge height of the closest new dwelling. Despite this significant difference in ridge height, officers note that the neighbouring property (42 Abbey View Road) is an isolated bungalow on a road that consists predominantly of two-storey properties and, is a property that is set much deeper into the sloping site and therefore would inevitably always appear to have a lower ridge line than the properties positioned more forward. The side elevation to the roof of the no.42 is also set away from the side elevation of the new dwelling by approx. 6.5 metres. Officers do not therefore consider that the differences in ridgelines will create a significant visual impact in the overall street-scene, particularly as the development will incorporate 5 new dwellings all with the same ridge line.

In addressing the concerns raised by local residents about the choice of facing materials, officers acknowledge that the properties on the east side of the road are predominantly brick-faced however, the new dwellings are being proposed on the west side of the road where several properties are render-faced and there is no dominant material type. In this instance the materials being proposed are a predominantly white render finish with a low-level plinth course of black coloured brick (which wraps around to the rear elevation encompassing the basement level). The proposed new dwellings will also include a small section of horizontal timber cladding to line-up the front entrance door with a first-floor window. The doors and windows to the properties will be of timber frame construction. The main roof of each new property will consist of either a dark grey or a black roof tile which complements the roofing materials of other properties on this section of the road and contrasts well with the mainly white render. In this instance therefore, officers have no concerns about the choice of materials being proposed for the development.

Despite there being living accommodation on 4 levels, from a street-scene point of the view the properties will still only appear as two-storey units. The sloping nature of the land is the only reason that the properties are being built with a three-storey elevation at the rear. It is noted that some of the other properties on the same west side of the road have this same 3-storey rear elevation design. The properties do have a contemporary appearance but that in itself is not a reasonable justification for refusing a scheme where the existing design context is quite varied. The design of the proposed dwellings is simple in nature and makes use of traditional materials that are considered perfectly acceptable for a site such this.

Officers have sought to ensure that there are boundary walls and landscaping along the site frontage so as to avoid the whole of the site frontage becoming an open-aspect car parking area, the front gardens and landscaping would also help to soften the appearance of the whole site.

Each of the properties will be sited on a plot that is more than capable of accommodating a property of the size and scale being proposed with each property having 2 off-street car parking spaces and at least 80sq metres garden space. There is therefore no evidence to suggest that the proposal will lead to an overdevelopment of the plots or the site as a whole.

Officers are satisfied that the proposed development will not harm the character of the area or of the street-scene.

### Neighbour Amenity Issues

The properties have been designed such that all of the main/principal windows face to the front and back and, any windows that do face out to the sides (a small secondary window to a bedroom) can be conditioned to be obscure-glazed and installed with a limited opener of no more than 150mm, this should ensure that there is no direct overlooking or loss of privacy between neighbouring properties.

The Supplementary Planning Guidance (SPG) states that a 21 metre separation distance should be provided between main habitable room windows of neighbouring properties. This is for the purpose of ensuring that an adequate level of privacy and amenity for neighbouring residents. The guidance also states that this distance may need to be increased if the topography of the site suggests that there is a greater potential for overbearing and overlooking.

In this instance, there is a significant change in ground levels and the separation distances from the rear-facing windows of existing houses on Cherry Bank Rd to the rear facing windows of the new dwellings is approximately 28 metres. Even allowing for the significant differences in land levels, officers are of the view that the separation distance of 28 metres is more than adequate. It is noted also that due to the significant land level differences, the general views from the rear-facing windows of the new properties would be over and above the ridgelines of those existing properties on Cherry Bank Road. The Council's SPG also requires new dwellings to be positioned at least 10 metres away from the rear party boundary. In this instance, the new dwellings are approximately 12 metres from the rear boundary of the site. It is also noted that there is some existing hedging and trees located along the rear boundary which further helps to prevent direct overlooking between neighbouring sites.

With regard to overlooking and loss of privacy at the front of the development site, there would be a separation distance between the front windows of the new dwellings and the front windows of those dwellings directly opposite the site (on Abbey View Road) of approximately 25 metres which more than satisfies the current minimum standard of 21 metres. Officers are therefore satisfied that the proposal will not lead to an unacceptable situation that would warrant a refusal of the scheme based on loss of privacy or overlooking.

The proposed dwelling closest to no.42 Abbey View Road has been set away from the party boundary and positioned such that the 45 degree rule (as identified in SPG on house extensions and designed to avoid overbearing impact) is maintained between the neighbouring properties. The gable wall of no.42 Abbey View Road is approximately 6.5 metres away from the gable wall of the closest new dwelling. Because of the sloping land and because no.42 is set deep into the site, the proposed new dwelling would appear as a two and a half storey structure when viewed from the front building line of no.42. Officers note that there is some existing boundary treatment along the party boundary and this should (along with an agreed landscaping scheme) help to soften the appearance of the new

development. The rear elevation building line of the of the proposed new dwellings will be set back behind the rear building line of the neighbouring bungalow and therefore the rear windows of the bungalow will not be affected by the new development. The differences in height between the two sites and neighbouring properties will not cause any overshadowing issues because the bungalow is positioned to the south of the development site and therefore would still receive a high degree of natural sunlight throughout the day.

As mentioned above each of the new dwellings will also have a minimum rear garden amenity space of approximately 80sq metres which also satisfies current SPG that requires a minimum amenity space of at least 50sq metres. Officers consider that the footprint and garden size of the proposed dwellings is comparable with other residential properties on the road and beyond (particularly those properties below the site on Cherry Bank Road which also have very steeply sloping rear gardens).

Because of the tight constraints of the site (i.e. the relatively close proximity between plots and neighbouring properties), officers consider that it would be appropriate in this instance to remove the permitted development rights for these new dwellings. This would mean that any future proposals to extend the property could be assessed fully in terms of the potential for harm to neighbouring residents.

Although the rear gardens of the new dwellings will be on a slope, the introduction of a raised rear terrace/patio to each of the dwellings will create a reasonable space to sit out and use in a practical manner. Although the terrace will be raised, it will be an adequate distance from the rear boundaries so as not to cause any loss of privacy or overlooking to the properties below on Cherry Bank Road.

Wheelie bin storage will be designed such that each new property will have its own designated bin storage area and these bin storage areas will be screened with proposed new landscaping.

Overall, the proposal would be considered to have an acceptable impact upon the amenities of the neighbouring occupiers and to meet the relevant aspects of UDP policy H14.

#### Highway Issues

Each of the proposed dwellings will include two off-street parking spaces, one in a garage (measuring approximately 2.8 metres by 5.5 metres) and a 2nd to the front of the garage on the drive. Ideally, the garages spaces should measure 3m x 6m. Despite the slight shortfall on preferred garage dimensions, the garages would still be perfectly usable for car parking purposes and as such, it would be unreasonable to refuse the scheme on the basis of the garage size being slightly smaller than the optimum size.

Together with the driveway parking space, the two off-street car parking spaces per dwelling is considered to be sufficient to avoid the generation of any significant increase in on-street parking.

Whilst concerns have been raised by local residents that Abbey View Road is a narrow road and that the development will create problems for emergency vehicles passing, officers note that the width of the access road at the site frontage is no different to the rest of the road and therefore, given that the dwellings will have adequate provision for off-street car parking, there is no reason to suggest that this development will create any more of a problem for emergency vehicles.

In response to this proposal, it will be necessary for the developer to carry out some off-site highway improvement works prior to the development commencing (or within an agreed timescale). Those highway improvement works will be the provision of a 2-metre wide section of footway across the whole site frontage (thereby connecting footpath links).

Overall and subject to compliance with the relevant highway-related planning conditions, the proposal would be considered to have an acceptable impact in highway safety terms, and would therefore meet the requirements of the relevant aspect of UDP Policy H14.

#### Landscaping Issues

The site is bounded by existing boundary hedging and there are a few ornamental trees along the rear boundary of the site. The boundary hedging is overgrown and in need of proper management. Officers consider it appropriate to impose appropriate planning conditions requiring a detailed landscaping scheme to be provided, this should allow officers to ensure that a good quality scheme is in place to both soften the appearance of the development whilst maintaining natural habitats for wildlife.

#### Ecology Issues

The applicant had undertaken a detailed ecological survey of the site to establish if there were any protected species or other wildlife habitats affected by the proposal. The report (prepared by Estrada Ecology Ltd in May 2017) shows that there is some activity and habitats of protected species on the site and that the proposed development cannot be constructed without some disturbance to those protected species habitats. Retention of the habitats would be detrimental to those protected species through further fragmentation and isolation within the development proposal. Actual foraging opportunities on the site for those protected species are very limited but there are good quality foraging areas off-site. There is a main habitat for those protected species located within 100m away (off-site) and there is evidence that the protected species located on the development site is part of the same clan/group that uses the main habitat off-site. In this instance therefore, there is a strong argument for allowing the habitat (on site) to be closed but, in doing so, the developer would need to obtain a licence from Natural England. The habitat would also need to be closed during the period of 1<sup>st</sup> July to 31<sup>st</sup> October. The detailed report summarises that the closure of the habitats on site (if carried out in the correct manner) are unlikely to have a significant impact on wildlife and protected species populations within the area.

The applicant has also submitted a biodiversity enhancement report which outlines a series of works which would be carried as part of the development to encourage and enhance biodiversity in the area. The recommendations include the introduction of two summer and winter bat boxes, to be erected (as part of the construction) on the gable ends of the two end residential dwellings. Six bird boxes would also be erected on semi-mature and mature retained vegetation along the western boundary of the site. Landscape planting will include native flowering and fruit bearing species which will attract pollinators and other insects and will also act as useful food sources for birds and other wildlife creatures.

#### Drainage Issues

Based on available information, officers have confirmed that there does not appear to be a history of drainage issues on the site and, there are no known features in the area that might cause concern (i.e. there is good infiltration at the site and there are no known watercourses). A sustainable approach to drainage on the site is therefore considered achievable.

The imposition of appropriate conditions to secure this would be in line with Core Strategy policy CS67 which deals with Flood Risk Management.

#### Sustainability Issues

A sustainability strategy has been submitted as part of this application, the strategy document outlines some of the measures to be adopted in this instance.

The strategy statement confirms that U-Values of all elements of the construction will meet or better the minimum requirements of the Building Regulations Part L1A 2013. The statement also confirms that measures will be taken to ensure a reasonably low carbon footprint/energy use as measured by SAP (Standard Assessment Procedure) calculations demonstrating suitable DER/TER scores (Dwelling Emission Rate and Thermal Emissions Rate).

The statement confirms that the main contractor for the development will be asked to source local materials wherever possible.

Officers also consider it appropriate in this instance to impose a planning condition with the aim of securing a minimum of 10% of the predicted energy needs of the completed development being obtained from decentralised and renewable or low carbon energy.

#### Other Considerations

This development is "CIL" liable and the site lies within the Zone 4 area where the CIL charge is the rate of £50 per square metre.

#### RESPONSE TO REPRESENTATIONS

The majority of comments raised within neighbouring representations have been dealt with in the above report. However, with regard to the remaining points, the following comments can be made:

In response to concerns raised from numerous representations about the stability of the land in question, officers requested that a land stability assessment be carried out. GA Site Investigation Limited were commissioned by the applicant to undertake the assessment (which included a Phase I Report and a Phase II Intrusive Investigation). The assessment report (reference GA677.17 dated 17<sup>th</sup> October 2017) concludes that it is possible to develop the site without posing a risk of landslip.

Although the internal accommodation is spread over 4 levels, the development is 2-storey when viewed from the front and 3-storey when viewed from the rear. This is not a 4-storey development.

The right to a private view is not a planning matter.

The dwellings would have to satisfy building control regulations which cover fire escape and fire protection measures. Fire escape routes are not a planning matter.

The issue of school capacity as a result of the 5 dwellings being proposed will be negligible. The larger residential developments referred to by objectors addressed the school capacity issues separately.

A directive can be placed on any permission relating to recommended construction times. If the construction noise does become a serious issue for local residents, then local residents would be able to contact the Environmental Protection Service.

## SUMMARY AND RECOMMENDATION

The application seeks planning permission for 5 dwellings with associated off-street car parking and landscaping works on a piece of land that is currently urban scrub that is located within a Housing Policy Area.

Whilst the new dwellings would have a contemporary appearance, the scale, size and facing materials would still be appropriate for the context of the site location where there is no obvious or defined character on this section of the road. The scheme has been assessed for any detrimental impact on neighbouring residents and, the findings show that the proposal accords with the development plan policies and Supplementary Planning Guidance and therefore, will not lead to an unacceptable level of harm for local residents.

The proposal will lead to some impact on wildlife habitats but, subject to the mitigation measures outlined, the impact is considered acceptable in this instance subject to obtaining all of the necessary permissions and licences and putting the appropriate mitigation measures in place. The proposal will not lead to any highway or pedestrian safety issues and, will at the same time contribute to the housing stock in Sheffield.

For all of the reasons outlined above it is recommended that this application be conditionally approved.



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Case Number	16/04644/FUL (Formerly PP-05680754)
Application Type	Full Planning Application
Proposal	Application to increase the throughput to 200,000 tonnes per annum, increase the operational hours, increase stockpile heights and revise the external storage layout (Application under Section 73 to vary condition No's 2. (Approved plans), 3. (permitted use), 8. (opening days/hours) and 21. (stockpile height) - as imposed by planning permission No. 13/02199/FUL (this application is accompanied by an Environmental Statement received 15.5.17 - Amended Description) as amended 15.5.17, 19.7.17, 10.8.17, 11.8.17 and 30.10.17
Location	Ballast Phoenix Ltd Beeley Wood Recycling Village 2 Beeley Wood Lane Sheffield S6 1QT
Date Received	09/12/2016
Team	West and North
Applicant/Agent	H & C Consultancy Ltd
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Drawing nos:  
6992-P100A Site Location Plan & Planning Boundary received on 9.12.16;  
6992-P101A Site Layout Plan received on 9.12.16;  
6999 P 106 Compound Plan received on 9.12.16;

6999 P102 Toilet Building Plans & Elevations 1 of 4 received on 9.12.16;  
6999 P103 Welfare Building Plans & Elevations 2 of 4 received on 9.12.16;  
6999 P104 Office Building Plans & Elevations 3 of 4 received on 9.12.16;  
6999 P105 Changing Building Plans & Elevations 4 of 4 received on 9.12.16;

Drawing nos:

12399-002 Rev 4 Cross Sections A&B;  
12399-003 Rev 4 Cross Sections B&C;  
as approved under planning permission ref: 13/02199/FUL.

Drawing nos:

12399-004 Rev 2 Plant Building Front Elevation;  
12399-005 Rev 2 Side Elevation & Section;  
12399-015 Rev 1 Side Elevation Northern Face;  
as approved under applications 08/04136/FUL and 12/03135/NMA

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)**

4. Prior to any increase in throughput beyond the 60,000 tonnes per annum previously permitted and up to the 135,000 tonnes per annum hereby permitted, all works detailed in the Hepworth Acoustic Noise Assessment report No. 10158.02/3v2 and in accordance with Drawing 6992PO2 detailing the location of the acoustic barrier, which from part of a scheme to protect the occupiers of nearby dwellings from noise, shall have been implemented and retained to the satisfaction of the Local Planning Authority. In the event that the specified noise level of a 'Rating Level at least 5dB below the background level' is not achieved at the cited nearby dwellings as a result of noise emitted from the Ballast Phoenix Ltd IBA Recycling Facility then the approved increase in throughput shall be suspended, the suspension only coming into force once the noise source is established and, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise level, in relation to the Ballast Phoenix Ltd IBA Recycling Facility, and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the increase in throughput is recommenced and shall thereafter be retained unless otherwise agreed by the Local Planning Authority.

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

10. No excavations, intrusive ground works shall take place unless actual or potential land contamination and ground gas contamination at the site has been investigated and a Phase I Preliminary Risk Assessment has been submitted to and approved in writing by the Local planning Authority. Reports shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

11. Should further intrusive investigation be recommended in the Phase I Preliminary Risk Assessment Report, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The Phase II Intrusive Site Investigation Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

12. Should remediation be recommended in the Phase II Intrusive Site Investigation Report, development shall not commence until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy, or unexpected contamination is encountered at any stage of the process, the Local Planning Authority shall be notified 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 the interests of the amenities of the locality.

13. Following 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 Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004). The site shall not be brought in to use until all the validation data has been approved in writing by the Local Planning Authority on completion of the works outlined in the approved Remediation Strategy Report.

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

23. Within 3 months of the date of this permission, additional measures to mitigate any dust emissions from the processing plant impacting on the adjacent woodland shall have been implemented, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be retained.

Reason: In the interests of amenity.

24. Within 3 months of the date of this permission, the lighting arrangements on the site shall have been reviewed and revised in accordance with the recommendations contained in Section 5 of the Ecological Appraisal (Report Reference CE-SC-1159-RP01a-FINAL) dated 15 March 2017 produced by Crestwood Environmental Ltd.

Reason: In the interests of amenity.

#### **Other Compliance Conditions**

3. The use hereby permitted is restricted to the operation of an Incinerator Bottom Ash Aggregates Recycling Facility, as described in the planning application and accompanying Environmental Statement received on 9.12.16. No substantive change to the processes undertaken, or the materials processed, shall be permitted without the prior written approval of the Local Planning Authority.

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

5. Unless otherwise agreed in writing by the Local Planning Authority, machinery, vehicles or equipment being used on or accessing the site and requiring audible reversing warning systems shall be fitted with broadband system, and shall not use standard reversing 'beepers'. Such vehicles shall also be regularly maintained and fitted with effective exhaust silencers.

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

6. No machinery, plant or equipment used for the crushing of aggregate material shall be operated on the site other than inside the main processing plant building.

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

7. The yard and storage areas shall be concreted and all site processes, storage arrangements and vehicle movements shall be managed in accordance with the 'Fugitive Emissions Management Plan' (March 2017) so as to ensure dust emissions from the site are minimised and maintained within acceptable levels.

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

8. The site and buildings shall not be used for the operational purposes hereby approved on any Sunday or any Public Holiday and shall be used for such purpose only between 0700 hours and 1900 hours on Mondays to Fridays and 0800 to 1700 on Saturdays.

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

9. The site and buildings shall not be used for the maintenance purposes in connection with the use other than between 0800 hours and 1600 hours on any Saturday, Sunday or any Public Holiday, and between 0700 hours and 1900 hours on Mondays to Fridays.

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

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

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

16. The landscaping scheme approved and implemented under conditions application ref: 13/02199/COND1 shall be retained and shall not be used for any other purpose without the prior consent of the Local Planning Authority. The landscaping 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 amenities of the locality.

17. The arrangements for foul and surface water drainage of the site shall be retained.

Reason: To ensure satisfactory drainage arrangements.

19. The aggregates recycling facility shall not be used unless the car parking accommodation provided in accordance with the approved plans and retained for the sole use of the development hereby permitted.

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

20. The aggregates recycling facility shall not be used unless the following matters have been provided in accordance with the approved details and thereafter retained;

- (i) boundary fence and gates;
- (ii) acoustic barrier;
- (iii) access road;
- (iv) baffling of external lighting;
- (v) bunding to any diesel storage tanks.

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

21. No materials shall be stored on the land above a height of 8 metres.

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

22. Heavy Goods Vehicle movements on and off site for the purposes of delivery or despatch of goods, materials or waste shall be restricted to the following currently permitted working hours; 0700 to 1800 hours on Mondays to Fridays only.

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

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 to contact the Environment Agency, Phoenix House, Global Avenue, Leeds LS11 8PG (tel 0113 213 4652) regarding the requirements of the Environmental Permitting Regulations 2007.
3. The applicant is advised that conditions No(s) 1 to 21 originally imposed by planning permission No. 13/02199/FUL have been reviewed of which conditions nos. 15 and 18 have been complied with and have been removed from notice 16/04644/FUL, conditions nos. 2, 3, 8 and 21 have been revised, condition nos. 9, 10, 17 and 19 have been consequently updated, and condition no. 22 has been added.



## LOCATION

The application site comprises approximately 2.2 hectares of land forming part of the former Union Carbide (UCAR) site at the northwestern end of the Claywheels Lane industrial estate off Penistone Road North.

The current aggregate recycling facility on the application site has been developed following the granting of planning permission in 2008.

It is situated on the southwest facing slopes above the River Don. The UCAR site was partly cut into this hillside generally forming two large terraced areas on which the former industrial complex was built. Most of the former industrial buildings on the UCAR site have been demolished.

There is woodland to the northwest and southwest of the site. Along the northern boundary of the site is a high retaining wall above which is a belt of trees with a railway line and agricultural land beyond.

On the opposite side of the valley are the residential areas off Middlewood Road, whilst further down the valley to the east are the residential areas off Foxhill Road and Penistone Road North.

## PROPOSAL

This application has been made under Section 73 of the Town and Country Planning Act 1990 and seeks to vary four of the conditions (conditions nos. 2, 3, 8 and 21) of the existing planning permission to allow the current throughput capacity to be increased from 135,000 to 200,000 tonnes per annum, to allow a revision to the external storage layout, to allow an increase in the heights of the existing stockpiles from 6 to 8 metres, and to allow an increase in the hours of operation by one hour to 1900 hours on Mondays to Fridays and to allow operational working between 0700 and 1600 hours on Saturdays.

The applicant has stated that the proposed variation is made to accommodate changes that have been introduced by the Environment Agency to the testing regime for Incinerator Bottom Ash (IBA) (the changes to the testing regime introduced in 2015 require the IBA material to be stockpiled in identifiable batches for testing) and to accommodate additional throughput to prevent IBA from being sent to landfill. The applicant has stated that it has recently entered into new contracts with IBA producers in Leeds and Ferrybridge.

The site is currently used as an aggregates recycling facility for the processing of incinerator bottom ash (IBA). The use does not involve the incineration of material on this site. The site currently accepts IBA from the Bernard Road facility and from facilities in Leeds and Ferrybridge. The facility no longer accepts material from Runcorn as Ballast Phoenix Ltd now runs a facility in Runcorn to handle material directly from that facility.

The existing Bernard Road Sheffield Energy Recovery Facility in the city is an energy from waste facility (EfW) which is operated by Veolia Environmental Services and utilises domestic waste as fuel in energy recovery producing heat and electricity. The element of the domestic waste that is incombustible (known as incinerator bottom ash) is transported to the Ballast Phoenix site for processing. The aggregates produced are typically used in the construction industry whilst the recovered ferrous and non-ferrous metals mainly go to specialist recycling companies.

The Ballast Phoenix facility sends no material to landfill. Any material that cannot be recycled or recovered (which amounts to less than 1% of the material handled) is returned to the Bernard Road EfW for reprocessing.

The applicant has stated that all waste treated by the facility is non-hazardous.

The Ballast Phoenix site comprises a building to accommodate the processing equipment, outside storage areas for the raw and processed materials, a water storage lagoon, portable office and utility buildings, a weighbridge and parking areas. An acoustic barrier runs along part of the southern boundary. The site is bounded on all sides by palisade fencing and/or concrete walls.

The current facility generates employment for 7 members of staff. The applicant has stated that the proposal would create a further 4 full time posts at the site.

This application seeks to vary the following planning conditions imposed on the previous consent 13/02199/FUL;

Condition no. 2 relates to the approved drawings. The proposal seeks to revise the previously approved layout to include a new site entrance for HGVs located further towards the northern end of the site, to provide an additional storage area in the northeast corner of the site, and to take into account the re-positioning of the welfare/site office buildings in the southeast corner of the site.

Condition no. 3 states that no substantive change to the processes undertaken or the materials processed shall be permitted without the prior written approval of the Local Planning Authority. The proposal seeks to increase the throughput from the previously approved 135,000 tonnes to 200,000 tonnes.

Condition no. 8 relates to the operational hours of the facility which are currently restricted to between 0700 and 1800 hours on Mondays to Fridays (excluding public holidays), and allows maintenance on the site between 0800 and 1600 hours on Saturdays, Sundays and public holidays.

The proposal seeks to extend the permitted hours for waste management operations at the site by one hour to 1900 hours on Mondays to Fridays and to allow operational working between 0700 and 1600 hours on Saturdays.

Condition no. 21 restricts the height of materials stored on the land to 6 metres. The proposal seeks to increase the height of the stockpiles to 8 metres.



The applicant has submitted an Environmental Statement with this application which has considered matters of noise, dust and air quality, highway and other impacts, cumulative impacts and alternatives.

The applicant has stated that the site is also regulated by the Environment Agency under the conditions of its Environmental Permit and as part of that it operates a Fugitive Emissions Management Plan.

## RELEVANT PLANNING HISTORY

The aggregate recycling facility on this site has been developed following the granting of planning permission in 2008. Subsequent approvals have been granted to rearrange parts of the site layout and in 2013 planning permission was granted to increase the throughput capacity to 135,000 tonnes per annum.

The following applications are relevant.

In 2008 planning permission was granted subject to conditions for the aggregate recycling facility on the site (application no. 08/04136/FUL refers).

Various details in respect on the conditions imposed on the 2008 planning permission were approved in 2009 and 2013 (application nos. 09/01437/COND and 12/03056/COND refer) and a non-material amendment application to add a condition listing the drawings approved under 08/04136/FUL was approved in March 2013 (application 12/03135/NMA refers).

In May 2013 planning permission was granted under Section 73 of the Town and Country Planning Act 1990 for a variation in the site layout and boundary (application no. 13/01144/FUL refers) and in July 2013 planning permission was granted for the siting of office and welfare buildings at the facility (application no. 13/01797/FUL refers).

In October 2013 planning permission was granted under Section 73 to vary three of the conditions of the existing planning permission to allow the current throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, to allow a revision to the external storage layout, to introduce new equipment to the process building, and to extend the existing acoustic barrier (application no. 13/02199/FUL).

Applications on nearby land include:

In August 2017 an application seeking full planning permission for improvement to an existing access into the Beeley Wood Sustainable Industries Park including demolition of a brick security gatehouse, road widening and erection of a replacement gatehouse was submitted (application no. 17/03642/FUL refers). This application is currently under consideration.

An application on part of the former UCAR site seeking prior approval for the demolition of 4 no. 65 metre high chimney stacks, a water tower and partly demolished industrial building was submitted in June 2017 (application no. 17/02668/DPN refers).

Abbey Forged Products Ltd steel press shop building:

A planning application on land off Beeley Wood Lane/Limestone Cottage Lane for the erection of a general industrial (use class B2), business (use class B1) and office/distribution (use class B8) building including steel press shop with associated parking, external storage area/yard and security office (application no. 16/04046/FUL refers). This application was validated in May 2017 and has yet to be determined. Abbey Forged Products Ltd has existing industrial premises at the western end of Beeley Wood Lane.

Beeley Wood Biogas Ltd:

A planning application on part of the lower terrace of the former Union Carbide (UCAR) site for the erection and operation of a waste management facility comprising an anaerobic digestion plant for the processing of biodegradable waste (maximum feedstock of 65,000 tonnes per annum) together with vehicular access, combined heat and power unit, gas network entry plant, propane tanks, auxiliary flare plant, concrete apron, stores building, site office, bund and associated infrastructure (application no. 17/03725/FUL refers). This application has yet to be determined.

## SUMMARY OF REPRESENTATIONS

This application has been publicised by display of site notice, newspaper advert and letters to neighbouring properties.

78 representations objecting to the proposal have been received relating to the following matters:

- extended green belt limit out of the city with building houses and flats, pushing out the green belt limit has a geographical consequence to enclose Beeley Wood industrial estate;
- inappropriate escalation, out of scale for the local area, can only make a bad situation worse, environmental concerns, will only exacerbate nuisance, benefits derived would be outweighed by the detrimental effects on neighbourhood and surrounding area, semi-rural neighbourhood is being systematically eroded by Ballast Phoenix, should maintain amenity for local residents as nothing has changed, conditions were put on to protect against excessive nuisance, it's in a built up residential area, should reconsider whether Beeley Wood should still be classified as an industrial site, should be done in an appropriate area without impacting residents detrimentally;
- should reduce amount of incinerator ash stockpiled and ensure it is in an enclosed space, stockpiling waste should be prohibited in residential areas;
- the environmental impact assessments are not credible;
- make quality of life worse, increase health risks, extended working hours will cause more distress;

- traffic is already heavy at the end of Claywheels Lane and Leppings Lane junction, the access point is a bottleneck, traffic on surrounding roads has already had a noticeable increase in heavy goods lorries in and out of the site, the road systems around the area will not be able to cope with the increased traffic in and out of the site, increase of traffic on Claywheels Lane, increased traffic in a residential area, will cause more people to avoid this main artery and use rat runs over the hill via Grenoside and Oughtibridge, the upgraded junction between Claywheels Lane and A61 does not seem to have improved the flow of traffic to the degree intended and at times are dangerous;

- over 800 households within 1200m of the site, many directly overlook the site and are higher than it negates any noise and dust remediation measures, houses closer than stated;

- increase air pollution, major impact is dust pollution, concerning as some IBA is hazardous, higher stockpiles makes it more likely that ash will be blown across a wider area in greater quantity, on windy days pollution can be visible blowing off the heaps, plumes of emissions already fill the valley daily through any tipping, movement or maintenance of stock pile, visible dust, dirt, lack of dust control, increase in dirt and other pollutant settling on property, cars laundry window cills and garden furniture have a visible coating of dust, stepped footpath at side of site covered in grey ash/dust, health and safety of ash escaping to air, only going to get worse, clouds of dust generated by fork lift trucks heavier and is blown in a different pattern to the ever constant steam, increasing the capacity can only escalate dust plumes and air pollution, potential to cause health issues relating to respiratory conditions, affect asthma sufferers;

- level of emissions will increase the negative impact on the environmental appearance, whilst acknowledging this is a designated recycling area this site is the only one to produce visible emissions, the current fugitive emissions management plan is ineffective, jet of water used to damp the piles down reaches no-where near the summit, no measures to improve management of dust, want more stringent controls of ash/dust, whilst steam is evident so is particulate matter especially during higher winds, drier spells or heavier movement, dust pollution not considered as a factor in air quality, more information on impact needed, has a risk assessment been done, detrimental to local air quality, not satisfied air quality report takes into account all negative factors, fugitive emissions management plan inadequate, sheeting lorries inadequate, no measurable levels of dust pollution;

- over the past year there have been numerous instances of the site working outside agreed operating hours, the heavy machinery, noise and emission levels have been particularly evident when the stack level of 6 metres have been exceeded, the height of the stack has a direct impact on the level of disruption this operation has on the surrounding area;

- noise and disturbance from the Beeley Wood site has increased significantly;

- increase noise, increase noise pollution from HGVs moving to and from site, current noise level from this site is objectionable and unacceptable, operations at Ballast Phoenix are audible across the valley especially in the morning or later on

an evening when background noises are lower, noise worse in summer as windows are open, noise frequently starts before 0700 and on occasions can be heard after 2100 hours, often heard machinery noises at weekends, acoustic measurements taken at closest areas to site disregarding noise is less compared to higher up where it bounces across the valley above the woods, noise more noticeable indoors than outdoors likely due to it is a low sound that outside is masked by other noise, noise reduction schemes in place are insufficient, extending the acoustic barrier will have no effect;

- increasing times of working and quantity will further affect residents detrimentally, any extension to operating hours especially Saturdays would impact further the quality of the environment and increase the level of intrusion onto the surrounding residential areas, noise assessments do not include Wadsley Park Village, should impulsive or tonal noises from tipping of the lorry loads have been recorded these could have added to the rating level potentially meaning the requirements of at least 5dB below background would not be met;

- vibrations can be felt in property during early hours of the day;

- smell, regularly a pungent smell coming from it;

- would be polluting, attract vermin, odours;

- dangers of explosions and lorry traffic;

- it has brought an influx of rodents into the neighbourhood;

- can see floodlights illuminating the work area, at night two industrial arc lights shine into room;

- negative impact on visual amenity already significant, higher stockpiles can only degrade local environment, piles of waste are visible from across the valley, the IBA is already stockpiled for 3-4 weeks ahead of processing which permits enough time to classify the waste without having to stockpile longer negating the need to increase capacity, conclusion of the environmental impact assessment that piles of waste with yellow JCBs on top has little or no visual amenity impact is absurd, using emission height and visibility as opposed to stockpile/site height would increase grading of impacts to moderate or substantial and more in keeping with actual level of detriment local residents are subjected to, benefits of deciduous tree screen only realised in spring and summer, as volumes have increased the visibility above the tree line has increased thus partial benefit from screening becomes less relevant, emission heights 5 to 6 times height of stacks, emissions when work has ceased noticeable when weather is cooler, site floodlighting highlights the emissions further;

- area impacted includes managed woodland and Trans Pennine Trail, more information needed on ecology impact;

- provides very little employment, no benefits on local employment or local economy;

- presumably flood management proposals are being considered;
- measurements to nearest properties and river cannot be correct;
- increase water pollution, no plans to test the site remains isolated from the environment, waste water discharges without treatment to river tributary, no assessment of filter or extracting deposits from lagoon, possibility that Ballast Phoenix will store toxic waste on site, shouldn't waste classification be taking place ahead of it being transported to the site, whilst awaiting classification does run off affect the surplus discharge agreement to the river Don, are the rules within the Environment Authority Permit still applicable as the hazard classification hasn't been achieved, worry that run-off to the river would become increasingly toxic;
- create more damage to woods and its wildlife;
- extensive history of complaints about noise and dust from this site, conditions not adhered to, should be monitored and enforced;
- woodlands already too industrialised close to residential homes and schools;
- site should be used for housing or recreation;
- if approved could the responsibilities of the company for those in the area be included, for example dealing with fly tipping;
- recent applications in the vicinity have had restrictions on operating hours attached to them;
- rejected previously should be rejected again, this is a similar proposal to the one submitted last year which was refused.

## PLANNING ASSESSMENT

### Policy Issues

The existing use of the site as an IBA processing facility is established. This application is seeking to vary the approved planning permission. As such the principle of the use of the site is established.

The UDP was adopted in 1998. The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

The UDP Proposals Map identifies the site as being within a General Industrial Area where general industry and warehouses are preferred uses and open storage is an acceptable use. Uses for materials recycling which are not within the specified use classes are to be decided on their individual merits (Policy IB5 refers).

The UDP Proposals Map identified land across the city for various uses to meet the needs of the city including industrial and residential uses. The UDP identified the Claywheels Lane industrial estate as part of a General Industrial Area and identified land on the former Middlewood Hospital site as a Proposed Housing Site in full awareness of their future co-existence.

UDP Policy IB9 relates to conditions on development in industry and business areas including IB9(a) which seeks to maintain a dominance of preferred uses. The proposal will not prejudice the dominance of preferred uses in the area.

Core Strategy Policy CS1 relating to land for employment and economic development recognises the need to plan for general industry and storage/distribution and other sui generis general industrial/processing uses. Core Strategy policies CS5 and CS10 promote business and industry in the Upper Don Valley.

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. The Draft City Policies and Sites Document and Draft Proposals Map identifies the site as being within a Business and Industry Area where general industry, warehouses and storage, light industry and research and development are preferred uses. Uses for materials recycling which are not within the Draft CPS specified use classes are to be decided on their individual merits (Draft CPS Policy H1 refers).

The variations proposed in this application will not adversely affect the dominance of industry and business uses in the area. The proposal is compliant with UDP Policies IB5 and IB9(a).

#### Sustainability

UDP Policy MW6 promotes developments involving recycling and reclamation of suitable waste materials except where they would be incompatible with surrounding uses. Core Strategy Policy CS68 relating to waste development objectives seeks to manage the city's waste more sustainably and encourages reduction and reuse of waste products, and a range of additional treatment facilities mainly in industrial areas to meet the regional apportionment for commercial and industrial waste and other waste streams.

The Government's National Planning Policy Guidance (paragraphs 6 and 7) on waste states that local planning authorities should have regard to the principles of self-sufficiency and proximity when exercising their planning functions relating to waste management. It states that though this is the aim there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of self-sufficiency and proximity principles, nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations.

The existing facility on the application site involves the recovery of material for re-use that would otherwise be transferred to landfill. The re-use of the recovered material reduces the amount primary aggregate extraction and provides an alternative product for the local market.

The Sheffield facility is the closest IBA processing facility to the Leeds EfW facility which is also operated by Viola. The Ferrybridge material will be imported until it has its own site which is currently at the pre-application stage.

The existing facility represents a useful addition to the local waste treatment capacity. The proposed variation to increase the throughput at the site will maintain these benefits.

The operations on site also incorporate the re-use of some of the surface water collected on the site including for damping down the stockpiles when necessary.

The proposal accords with the principle of UDP Policy MW6 and Core Strategy Policy CS68.

#### Highway and Transportation Issues

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of highway safety.

The facility takes access to and from the A61 Penistone Road via Claywheels Lane which is the most direct and suitable route. There is one other route to the site on the local road network via Limestone Cottage Lane/Midhurst Road, however this route contains a low arched bridge with restricted headroom of 3.2 metres which precludes its use by the delivery vehicles to this site. On-site provision for manoeuvring of vehicles and parking is available.

The Environmental Statement has considered the transport issues including the matters contained in the applicant's Transport Statement. The Transport Statement has assessed the capacity of the local highway network to accommodate the development traffic. The Transport Statement has been revised since its submission to restrict HGV movements to and from the site to remain within the existing permitted hours of 0700 to 1800 hours on Mondays to Fridays.

The submitted transport assessment states that the proposed increase in throughput at the Ballast Phoenix facility would generate an increase in heavy goods vehicle numbers from an average of 76 HGV movements (38 in, 38 out) per working day to 112 (56 in, 56 out) and an increase of 8 car movements. The 36 additional HGV movements (18 in and 18 out) per working day would be spread over the extended working day such that the average hourly HGV movements would increase from 7/8 movements to 10/11 an increase of 3 HGVs per hour. The increase in employee vehicle movements are mostly off-peak owing to shift patterns.

The submitted transport assessment states that this would lead to a 0.13% increase in traffic at the junction of Claywheels Lane and the A61. The transport

assessment notes that the junction of Claywheels Lane and the A61 was remodelled in 2013 and that a survey of the peak hour flows through the junction was carried out in March 2016. The transport assessment considers that the increase in traffic is not significant and there are no road capacity or safety concerns associated with the proposed increase in use of the site.

The applicant's submissions have been assessed. It is noted that the 2016 survey of the Claywheels Lane/A61 junction shows in the AM peak hour 1,612 vehicles travelling southbound on the A61 of which 1,487 continue southbound to the Leppings Lane/ Herries Road junction and 125 vehicles turn right into Claywheels Lane with 80 vehicles joining the A61 southbound from Claywheels Lane.

The 2016 survey for northbound traffic on this part of the A61 also shows 1,239 vehicles travelling north during the AM peak of which 1,080 vehicles continued north through the junction, and 159 vehicles turned left into Claywheels Lane. 77 vehicles turned left from Claywheels Lane onto the A61 northbound.

The proposal would generate 3 additional vehicle movements turning into and out of Claywheels Lane from/to the A61 during the peak hour. These additional movements are not consequential in relation to the existing background traffic flows.

The route uses the primary highway network mostly along the A61. The increase in traffic is negligible.

It is considered that the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety.

There are no highway objections to this proposal. A condition is recommended to restrict the hours of associated HGV movement to and from the site to between 0700 and 1800 hours on Mondays to Fridays.

#### Effect on the Amenities of Residents and the Locality

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of amenity and design. UDP Policy IB14 requires an environmental buffer between industry and sensitive uses.

Beyond the industrial areas off Claywheels Lane and Beeley Wood Lane there are blocks of woodland and open spaces beyond which are the residential areas off Middlewood Road/Middlewood Road North and off Foxhill Road.

There are residential properties along Middlewood Road North and Middlewood Road to the southwest and south of the application site and on the hillside on the opposite side of the valley to the application site. Further to the southeast are residential properties off Winn Gardens.

On the hillside above the site there are some isolated residential properties. To the east of the former UCAR site there is a single dwelling (known as Limestone Hall Farm) amongst the various commercial uses on Limestone Cottage Lane. At the



southeastern end of Claywheels Lane there is a row of residential properties set back from the road frontage and several other residential properties off Beeley Wood Road.

The impacts of the proposed variations on residents and the locality are assessed below.

#### The Environment Agency Permit

The Environment Agency has stated that the applicant holds an environmental permit to operate a regulated facility at this site, and that the operator has submitted a permit variation to increase the annual throughput and extend the permit area.

The Environment Agency has stated that so long as the permit is in place and dust and noise emissions are mitigated under permit conditions, the EA have no major permitting concerns and therefore no objection to the planning application.

Whilst not objecting to this planning application, the Environment Agency has raised concerns regarding stockpiles exceeding 6 metres in height and has commented on the site drainage arrangements. These matters are considered below.

#### Noise

UDP policies also include Policy GE24 relating to noise pollution which seeks to ensure development will only be permitted where it would not create noise levels which would cause a nuisance, or locate sensitive uses and sources of noise pollution close together.

The Government's planning policy guidance contained in the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution (NPPF paragraph 109).

The applicant's Environment Statement included an addendum to the previously submitted noise assessment, and further noise assessment reports have subsequently been submitted incorporating background noise level data for Saturdays.

The applicant's noise assessment considers the predicted noise impacts on background noise levels of the proposed increase in throughput and associated increase in HGV numbers and extended hours of operation. The report considers the operations and vehicle usage on the site. The report recognises that a second loading shovel will be required at the facility. The revised report states that whilst the proposal seeks to extend the operating hours, the HGV movements would be restricted to the current hours of between 0700 and 1800 hours on Mondays to Fridays.

The outcome of the revised noise report is that increased productivity during current and extended hours would result in a -5dB to -7dB rating noise level, relative to prevailing background noise levels. On Saturdays the relative impact is now assessed as between -8dB to -13dB. All assessment levels are below the -5dB advised in the original planning permission.

The Council's Environmental Protection Service has advised that the noise effects from the proposed changes are acceptable in terms of impacts on local amenity. Condition no. 7 does not need to be reworded. A new condition to ensure the impact of HGV movements is minimised and maintained in accordance with the assumptions of the revised noise report is recommended.

The proposal complies with UDP Policy GE24.

### Dust and Air Quality

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

NPPF paragraph 109 also seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution.

The applicant's Environment Statement states that the likely sources of dust and emissions arising from the proposed development are from heavy goods vehicles and plant moving the IBA and recycled products around the site. It states that the control of dust at the site forms an integral part of the facility's Environmental Permit issued and regulated by the Environment Agency, which outlines the detailed working method for ensuring that fugitive dust from the site does not cause unacceptable impacts on local sensitive receptors.

The submitted document states, that the fugitive emissions management plan has been reviewed and updated to reflect the proposed changes to the facility.

The fugitive emissions management plan states that the material delivered to the facility is already at 20-25% moisture content and varies from fine material to 150mm in size. Dust suppression measures include general control measures (such as having a concreted surface, an adequate water supply, carrying out processing operations within a dedicated building and dampening down of stockpiles and site surfaces), and operational techniques (such as taking immediate action to stop the material handling when emissions are detected, and increasing the frequency of inspections in response to increased wind speed, changes in wind direction and periods of hot dry weather). The incoming and outgoing lorries are covered/sheeted as standard practice.

The dust suppression system allows stockpiles and haul roads to be dowsed with water to minimise the potential for fugitive emissions. The applicant's environment

statement states that the fugitive emissions management plan will continue to be implemented, and considers that there will not be any unacceptable impacts on local sensitive receptors by way of dust or other fugitive emissions.

The applicant has also submitted an air quality screening assessment in support of the application. This notes the measures to control dust emissions from the site including dampening down stockpiles and haul roads, operational procedures to reduce emissions at source, and the implementation of a fugitive emissions management plan. It considers the potential for air quality impacts associated with fugitive dust emissions is not significant. The report recognises that the site lies in an Air Quality Management Area. The report also states that based on the predicted vehicle trip generation from the proposal, the development is not anticipated to result in a significant increase of flows, and that the potential air quality impacts associated with road vehicle exhaust emissions are predicted to be negligible.

The applicant's supporting submission also states that dust emissions from the facility are often confused with the emission of steam. The IBA that is delivered to the facility has a high moisture content and is warm from retaining heat from its processing at the EfW plant. The material is stored for a number of weeks prior to being processed and during this time a crust forms to the top layer of the material. When material is removed from the stockpile this crust is broken and pockets of steam are released which is often mistaken for dust.

The Environment Agency has concerns that the proposed stockpiles exceeding 6 metres in height would significantly exceed current perimeter fencing heights and would not appropriately contain the waste material to manage the risk of dust pollution. They state that whilst the permit does not regulate the specific height of stockpiles, it is a requirement of the permit that emissions of substances which are not controlled by emission limits, such as dust, shall not cause pollution. The Environment Agency state that the operator is required by the terms of the permit to take appropriate measures to manage this risk and ensure no pollution occurs, and increasing the height of the stockpiles may result in an increase in the risk of a pollution incident from this source.

The Council's Environmental Protection Service has advised that they have confidence that dust emissions are effectively regulated and controlled under the site's Environmental Permit which is held and administered by the Environment Agency, and that replication of condition no. 7 (relating to dust management) together with the Fugitive Emissions Management Plan would offer sufficient safeguards against disamenity due to stray dust.

It is considered that the storage areas are sufficiently separated from the site boundary fencing to ensure there is no encroachment beyond the site boundary. It is recommended that additional measures are put in place to ensure that any potential discharge of dust from the processing building onto trees on the woodland edge are implemented and reviewed.

It is considered that there are established arrangements for the control and suppression of dust that may arise on the site and that continuing to implement

these measures, together with a review of measures to prevent the potential for dust from the processing building discharging onto trees on the woodland edge, would safeguard against emissions of dust discharging beyond the site. It is considered that the traffic generated by this proposal will not significantly impact on air quality.

The proposal complies with UDP Policy GE22 and GE23 and Core Strategy CS66.

#### Landscape and Visual Impact

The UDP identifies part of the woodland to the southwest of the site as being an Open Space Area, and land alongside the river and to the north and northwest of the site as being part of the Green Belt. The woodland is also identified as an area of natural history interest. The UDP also identifies the site as being within a green corridor.

The Government's planning policy guidance on Green Belts contained in the National Planning Policy Framework (NPPF) seeks to protect the character and openness of the Green Belt. Policy GE4 of the UDP seeks to ensure that the visual amenities of the green belt are not harmed by development that is conspicuous from the green belt and that development is in keeping with the area. UDP Policies GE10 and GE13 respectively seek to protect and enhance green corridors and areas of natural history interest.

The applicant's Environment Statement includes a Landscape Visual Impact Report to study the visual effects on potentially significant receptors such as residential properties, public access and local designations.

The woodland alongside the site to the northwest includes a public footpath from which there are views of the site through the trees on the boundary of the site. The relative ground levels, intervening trees and angle of view result in the proposal having a slight adverse effect.

To the north the main receptors are some isolated farms on the hillside. A ridge line screens the site beyond this even though the land continues to rise. The significance of effect of the increase in stockpile height is assessed as slight adverse.

To the east the main receptors are industrial premises.

To the southeast there are low angle views in the vicinity of Middlewood Road with the significance of effect being neutral.

To the south there are areas where the site can be seen from the residential areas with views across the valley towards the site over the tops of trees within the valley. The report considers that at this distance the site forms a small part of the panoramic view and assesses the impact as neutral.

To the west the site is more widely visible over the open fields on the southern side of the valley. Although this area is generally well above the site the distance and

angle across the valley and down lessen the potential impact to negligible. Lower down the hillside there are some views from parts of the housing area off Stockarth Lane. Distance and a shallow viewing angle lessen the visual impact of the proposed change in stockpile heights with the effects being slight adverse to neutral.

It concludes that the proposal to increase the stockpile height from 6m to 8m can be created without any significant adverse impacts to sensitive receptors within the surrounding valley and environs.

There are additional factors which make the stockpiles more noticeable such as the plumes of steam given off when the stockpiles are moved, and the movement of the machinery involved.

The landscape visual impact assessment concludes that the proposal to increase stockpile heights can be created without any significant adverse impacts to sensitive receptors within the surrounding valley.

The assessment and conclusions of the landscape and visual impact assessments are noted. It is recognised that the proposed increase in stockpile heights would result in this facility being more visible within the local landscape. This would be particularly the case when viewed those parts of the surrounding area where views of the site can be seen from.

It is considered that the proposed increase in stockpile heights from 6 to 8 metres on this industrial site, whilst being visible above the adjacent woodland canopy to the south, would never-the-less not be out of character with this industrial site. It is considered that the resultant massing and height of the stockpiles would remain in scale with the industrial context of the site.

The views of the site from the lower parts of the valley and close to the site are screened by the adjacent woodland. Views from elsewhere including from within the Green Belt, from public rights of way, public highways and residential areas are limited to more distant views where the proposed development would be seen in the wider context of the industrial site, woodland and the urban area.

It is considered that whilst the proposed increase in stockpile heights would be visible above the surrounding woodland canopy from certain vantage points, the proposal would not have a significant impact on the landscape character and visual amenity of the locality. The proposal would more visible but not unduly conspicuous from the Green Belt and would not harm the woodland Open Space or this Green Corridor.

The proposal complies with UDP Policy GE4, GE10 and GE13.

## Ecology

UDP Policies GE11, GE12 and GE13 seek to protect and enhance areas of natural history interest. UDP Policy GE15 seeks to encourage and protect trees and

woodland, and UDP Policies GE17 and GE26 seek to protect and enhance streams and rivers and water quality.

The Government's planning policy guidance contained in the NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment.

The applicant has submitted an Ecological Appraisal to assess the impacts on habitats and flora within the surrounds of the site. The appraisal considers the woodland to the west and south of the site to be of moderate ecological value and the proposal as having a low-negligible adverse effect on the woodland.

The potential impacts are operational impacts including potential increase in dust and emissions from the increase in stockpile height and potential increase in noise and light spill as a result of increased operational hours.

The appraisal states that there will be no likely significant effects on the habitats and fauna immediately adjacent to the site providing the Fugitive Emissions Management Plan continues to be implemented and is updated where required to reflect changes to the facility and any potential impact from dust and emissions associated with the proposed development. The appraisal recommends a review of lighting arrangements to ensure that any works post dusk during April to September meet the guidance on sensitive lighting schemes.

The applicant has stated that lighting arrangements will be reviewed in accordance with the ecological appraisal.

Natural England has stated that they have no comment to make on the proposed variation of conditions.

It is considered that the proposed variations of conditions would not result in significant impacts on local ecology and biodiversity.

The proposal complies with UDP Policies GE11, GE12, GE13, GE15, GE17 and GE26.

#### Drainage Impacts

The applicant's Environment Statement states that the site benefits from a purpose-built drainage scheme with all surface water run-off being captured on site and drains to a surface water lagoon on site which incorporates a catch-pit for sediment.

The applicant has stated that the surface water from the additional storage area will be managed in accordance with the existing management system and permit conditions, and the proposed changes will have no impact on the surface water management of the facility. It considers that there would be no significant impacts arising from the proposed changes.

The Environment Agency have stated that site drainage is covered by the environmental permit which specifies a maximum daily volume and rate of discharge, and requires the waste to be stored on an impermeable surface with a sealed drainage system. The Environment Agency has stated that the existing drainage system must have capacity to contain any increased water volume from the permitted area.

It is considered that the proposed variations of conditions would not adversely impact on the local water environment.

### Cumulative Impacts

The applicant's Environmental Statement considers that while there would be limited noise and highway impacts there are no specific circumstances that would combine these individual effects with other effects to cause an unacceptable cumulative impact. It concludes that there is nothing out of the ordinary or unusual about the proposed development which would make acceptable individual impacts unacceptable in combination. Since the submission of this planning application two other planning applications for development proposals have been made in the locality.

As well as this current proposal there are two other planning applications under consideration in the locality. In assessing the cumulative impact of these three planning applications ref: 16/04046/FUL, 16/04644/FUL and 17/03725/FUL their impacts on traffic and the environment are considered.

The additional traffic that would be generated by each proposal are respectively 3 HGVs; 1 HGV and 1 LGV; and 3 HGVs per hour. The car movements generated would be mainly outside the morning and evening peak hours. In the context of the capacity and flows on the local road network the cumulative increase is not significant and the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety.

The air quality impacts associated with the road traffic emissions as a result of the construction and operational phases of the proposed developments would not be significant.

As each proposal incorporates measures to control emissions to air arising from operations on site, their cumulative impact would not be significant.

The noise impacts of the three proposals are assessed as respectively below background with the exception of the dwelling in the industrial area on Limestone Cottage Lane where the impact is adverse. Cumulatively these proposals would not have a significant impact on noise sensitive receptors and in the context of the impacted dwelling its location amongst existing industrial premises in an industrial area, it is considered that the impact of the proposed developments would not be so adverse that they would cause significant harm to the living conditions of the occupants.

It is considered that there are no other issues that would have significant cumulative impact on the locality.

## Alternatives

The applicant's Environmental Statement states that importation of the additional material would principally arise from EfW facilities in Leeds and Ferrybridge and that the applicant is not aware of any facilities currently available closer to these sites for managing waste of this type. It considers that there are significant waste management and sustainability benefits arising from the proposed increase in throughput at the site.

The applicant considers the increase in hours of operation is necessary to enable the site to deal with the proposed increase in throughput and to manage the IBA in accordance with emerging changes to specifications on managing this specific waste type and enable the sustainable recycling of the additional IBA waste.

The applicant states that the increase in stockpile heights is required to meet emerging changes to how IBA must be managed at permitted sites, stored separately, and may need to be stored for a longer maturation process. The applicant considers the proposed increase in stockpile heights an appropriate and acceptable option.

The applicant considers the 'do nothing option' will encourage significant volumes of IBA waste to be sent to landfill or further afield for processing.

The applicant concludes that the proposed amendments to the existing scheme will provide the most sustainable method for moving significant volumes of waste up the waste hierarchy and contribute to the provision of recycled aggregates.

It is considered that the applicant has properly assessed the alternatives to the proposed variation of conditions.

## SUMMARY

This application has been made under Section 73 of the Town and Country Planning Act 1990 and seeks to vary four of the conditions (conditions nos. 2, 3, 8 and 21) of the existing planning permission to allow the current throughput capacity to be increased from 135,000 to 200,000 tonnes per annum, to allow a revision to the external storage layout, to allow an increase in the heights of the stockpiles from 6 to 8 metres, and to allow an increase in the hours of operation by one hour to 1900 hours on Mondays to Fridays and to allow operational working between 0700 and 1600 hours on Saturdays.

The variations proposed in this application will not adversely affect the dominance of industry and business uses in the area.

The existing facility represents a useful addition to the local waste treatment capacity. The proposed variation to increase the throughput at the site will maintain these benefits.



The proposal would generate 3 additional vehicle movements turning into and out of Claywheels Lane from/to the A61 during the peak hour. The route uses the primary highway network mostly along the A61. The increase in traffic is negligible. It is considered that the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety. There are no highway objections to this proposal.

The revised report states that whilst the proposal seeks to extend the operating hours, the HGV movements would be restricted to the current hours of between 0700 and 1800 hours on Mondays to Fridays.

The outcome of the revised noise report is that increased productivity during current and extended hours would result in a -5dB to -7dB rating noise level, relative to prevailing background noise levels. On Saturdays the relative impact is now assessed as between -8dB to -13dB. All assessment levels are below the -5dB advised in the original planning permission.

The Council's Environmental Protection Service has advised that the noise effects from the proposed changes are acceptable in terms of impacts on local amenity. Condition no. 7 does not need to be reworded. A new condition to ensure the impact of HGV movements is minimised and maintained in accordance with the assumptions of the revised noise report is recommended.

It is considered that there are established arrangements for the control and suppression of dust that may arise on the site and that continuing to implement these measures, together with a review of measures to prevent the potential for dust from the processing building discharging onto trees on the woodland edge, would safeguard against emissions of dust discharging beyond the site.

It is recognised that the proposed increase in stockpile heights would result in this facility being more visible within the local landscape. This would be particularly the case when viewed those parts of the surrounding area where views of the site can be seen from.

It is considered that the proposed increase in stockpile heights from 6 to 8 metres on this industrial site, whilst being visible above the adjacent woodland canopy to the south, would never-the-less not be out of character with this industrial site. It is considered that the resultant massing and height of the stockpiles would remain in scale with the industrial context of the site.

The views of the site from the lower parts of the valley and close to the site are screened by the adjacent woodland. Views from elsewhere including from within the Green Belt, from public rights of way, public highways and residential areas are limited to more distant views where the proposed development would be seen in the wider context of the industrial site, woodland and the urban area.

It is considered that whilst the proposed increase in stockpile heights would be visible above the surrounding woodland canopy from certain vantage points, the proposal would not have a significant impact on the landscape character and visual

amenity of the locality. The proposal would more visible but not unduly conspicuous from the Green Belt and would not harm the woodland Open Space or this Green Corridor.

It is considered that the proposed variations of conditions would not result in significant impacts on local ecology and biodiversity.

It is considered that the proposed variations of conditions would not adversely impact on the local water environment.

It is considered that the proposal would not significantly harm the living conditions of residents or business in the locality.

The proposed variation of conditions is acceptable and is compliant with UDP Policies IB5, IB9, IB14, and policies for the built and green environment, and accords with the principle of UDP Policy MW6 and Core Strategy Policies CS66 and CS68.

Accordingly, conditions No(s) 1 to 21 originally imposed by planning permission No. 13/02199/FUL have been reviewed of which conditions nos. 2, 3, 8 and 21 have been revised, conditions nos. 15 and 18 have previously been complied with and are proposed to be removed from notice 16/04644/FUL, condition nos. 7, 9, 10, 17 and 19 have been consequently updated, and condition nos. 22 to 24 have been added.

## RECOMMENDATION

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

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Case Number	16/04046/FUL
Application Type	Full Planning Application
Proposal	Erection of a general industrial (use class B2), business (use class B1) and storage/distribution (use class B8) building including steel press shop with associated parking, external storage area/yard and security office as amended 12.5.17, 1.9.17, 23.10.17, 24.10.17, 25.10.17
Location	Land At The Junction Of Limestone Cottage Lane And Beeley Wood Lane Limestone Cottage Lane Sheffield S6 1NJ
Date Received	26/10/2016
Team	West and North
Applicant/Agent	Access Architecture Ltd
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

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

Drawing nos.

122/PSP Rev D Proposed Site Plan received on 01.09.2017;  
122/PPSP Rev B Proposed Partial Site Plan received on 18.11.2016;  
122/PP Rev A Proposed Plan received on 27.10.2016;  
122/PE Rev A Proposed Elevations received on 27.10.2016;  
122/PRP Proposed Roof Plan received on 27.10.2016;  
122/PSGL10 Rev A Proposed Section Grid Line 10 received on 27.10.2016;  
122/PSOP Rev A Proposed Security Office Plan received on 18.11.2016;  
122/PSOE Proposed Security Office Elevations received on 18.11.2016;  
122/PBWE Proposed Boundary Wall Elevation received on 18.11.2016;

Reason: In order to define the permission.

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

3. 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.

4. 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.

5. 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.

6. 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.

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

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

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

8. No development shall commence until full details of measures to protect the existing trees 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.

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

9. The uses hereby permitted shall not commence unless a Noise Management Plan (NMP) has first been submitted to, and approved in writing by, the Local Planning Authority. The NMP shall include (but not be restricted to) details of the following:
- (i) a door access and egress management policy, with appropriate detail of equipment, facilities and procedures to be utilised so as to minimise noise breakout and prevent noise nuisance to identified nearest noise sensitive receptors (NSRs);
  - (ii) restrictions governing the use of audible warning systems, including reversing warning systems for vehicles, mobile machinery or other equipment. Use of broadband reversing warning systems, visual warning systems or other alternatives shall be employed wherever necessary and/or practicable;
  - (iii) a noise compliance and monitoring strategy to determine compliance with the agreed sound levels set out in Table 12 of the Local Planning Authority approved 'Noise Assessment Report; Blue Tree Acoustics Ref: 02983-130200 (25/10/2017). The strategy shall:
    - determine suitable reference target noise level(s) at accessible position(s) within the site boundary, for the purpose of routine, periodic noise monitoring compliance checks;

- establish an agreed method for the measurement of the typical LAeq (1 hour) sound level at Location 5 (Limestone Hall Farm) in order to demonstrate compliance with the target Specific Sound Level of 42dB, to be undertaken by a suitably qualified professional on behalf of the operator in the event that substantiated noise complaints are received by the Local Authority.

In the event that the Local Planning Authority agreed target noise levels are shown to be typically exceeded and the cause of justified noise nuisance complaints, the operator shall, within a timeframe to be agreed with the Local Planning Authority, be required to further enhance and refine the NMP and/or operations, equipment or abatement techniques, so as to achieve compliance with the target noise levels.

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

10. 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.

11. The development shall not be used for the purposes hereby permitted unless the scheme of sound attenuation works detailed in the Noise Assessment Report Ref: 02983-130200 dated 25/10/2017 produced by Blue Tree Acoustics has been carried out as specified in section 4 of the report. Such works shall be thereafter retained.

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

12. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

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. 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.

15. 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.

16. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, 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.

17. 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.

18. 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 covered and secure 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.

19. Before the boundary walls and gates are constructed, full details of the alignment, appearance, and acoustic quality shall have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and gates shall be constructed in accordance with the approved details and thereafter retained.

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

20. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the

completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

21. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details shall have been submitted to and approved in writing by the Local Planning Authority of construction details, geometry and sight-lines of the new vehicular access onto Limestone Cottage Lane, together with a height restrictor and gating arrangements in this location. The approved arrangements shall have been provided in advance of the development becoming operational.

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

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

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

### **Other Compliance Conditions**

23. The steel press and associated equipment shall not be operated, no industrial process shall be carried out, no waste or materials shall be moved, and no deliveries via heavy goods vehicle taken at, or despatched from the site outside the hours of 0700 and 2000 on Mondays to Fridays.

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

24. Notwithstanding the indication given in the submitted application the land on the southern half of the application site within the application site bounded by the proposed 3 metre high blockwork wall, the site access drive off Beeley Wood Lane, and the sites frontages to Beeley Wood Lane and Limestone Cottage Lane shall remain open land and shall not be used for any general industrial, light industrial or storage and distribution purposes whether separately or incidental or ancillary to the proposed development.

Reason: In order to define the permission.



25. 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.

26. No external lighting shall be installed on the buildings or on the site unless full details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be installed and maintained in accordance with the approved details.

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

27. No external storage of materials, containers, skips or bins shall take place on the site other than as shown on the approved plans.

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

28. The use of the premises for business use and storage and distribution use shall at all times remain ancillary to the primary use of the premises for general industrial purposes.

Reason: In order to define the planning permission.

Attention is Drawn to the Following Directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting 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.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: dawn.jones@sheffield.gov.uk

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

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

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

5. 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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

6. 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.



## LOCATION

The application site comprises approximately 3.5 hectares of open land off Beeley Wood Road and Limestone Cottage Lane within the Claywheels Lane industrial estate off Penistone Road.

The levels on the site gradually rise from south to north.

A railway line on embankment runs alongside the northern boundary of the site with industrial premises beyond. There are several trees alongside the railway line. To the west the site adjoins the former Union Carbide (UCAR) site. On the opposite side of Beeley Wood Lane and Limestone Cottage Lane there are industrial and commercial premises. Amongst the industrial and commercial premises on the opposite side of Limestone Cottage Lane is a residential dwelling (known as Limestone Hall Farm).

## PROPOSAL

The application site area has been amended since its original submission to include an access off Beeley Wood Lane in the southwest corner of the site and to exclude a small area of land on the Limestone Cottage Lane frontage.

The proposed development would be laid out on the northern half of the application site only with vehicular access off Beeley Wood Lane and Limestone Cottage Lane. No built development proposals have been submitted for the southern half of the site.

The proposal seeks full planning permission for the erection of a general industrial (use class B2), business (use class B1) and office/distribution (use class B8) building including steel press shop with associated parking, external storage area/yard and security office on land off Beeley Wood Lane/Limestone Cottage Lane (application no. 16/04046/FUL refers).

This proposal is associated with and an expansion of the applicant's existing business premises further to the west on Beeley Wood Lane.

The applicant has also submitted a noise assessment report, a transport statement, an emissions statement and an arboricultural report in support of this application.

The rising site levels would be reduced by up to 6 metres at the northern end to create a level platform for the main proposed building and external yard. A retaining wall is proposed alongside the railway embankment and a 3 metre high boundary blockwork wall is proposed alongside the Limestone Cottage Lane frontage and on the southern and western boundaries of the site. A landscaping strip is also proposed on the Limestone Cottage Lane frontage.

The main building is a large building providing approximately 7,400 sq metres of industrial floorspace. The proposed building would be sited alongside the railway line and would have a rectangular footprint 112.6 metres long by 66.6 metres wide.

It would have a double ridged shallow pitch roof 15.9 metres high to the ridge and 14 metres high to the eaves. Within the roof there would be 11 small extract flues. The external elevations would have a low brickwork plinth wall above which the elevations would be faced with silver grey coloured cladding, and have a horizontal contrasting feature banding (dark grey) wrapping round the corners of the building. The proposed roof would be metal with a Goosewing Grey finished colour.

Within this building would be a press shop area, a heat treatment area, and a reception and small ancillary office/staff area. There would be two loading doors on each of its west and east elevations.

The proposed equipment to be housed within the main building includes a 3000 tonne hydraulic forging press, gas powered furnaces, and heat treatment equipment.

The main vehicular access would be from Beeley Wood Lane. An entrance for staff vehicles is proposed off Limestone Cottage Lane. There would be external yards for vehicle loading and unloading, car parking and storage including 4 containers, 6 skips for metal waste, and bins for recycling general/office waste.

A weighbridge and a security office are proposed at the western entrance to the site. The proposed security building would be 7.2 metres long by 4.3 metres wide and 3 metres high and would be faced in silver grey brickwork and would have a flat roof.

A landscaping strip is also proposed on the Limestone Cottage Lane frontage.

The submitted noise assessment assumes that the press shop sound levels will occur cautiously within the building between 0700 and 2000 hours and has assessed the prevailing ambient and background noise levels on weekdays.

The applicant has stated that the proposed development would create 35 full time employee jobs and would be an additional facility to their existing industrial premises on a nearby site at the western end of Beeley Wood Lane.

## RELEVANT PLANNING HISTORY

This site has been subject of a number of previous planning applications.

Three planning applications were granted in 1976, 1981 and 2002 however neither of these were implemented. A fourth planning application in 2005 was subsequently withdrawn. These applications comprised:

In 1976 outline planning permission was granted for industrial development (application no. 76/0071P refers).

In 1981 full planning permission was granted for general industry/warehousing development comprising 15 units in four blocks totalling 11,834 sq metres (application no. 81/1950P refers).

In 2002 outline planning permission was granted for the erection of industrial and commercial buildings within use classes B1, B2 and B8 and construction of accesses (application no. 01/10045/OUT refers).

This site was part of a larger development package that sought full planning permission on this site for employment use (within use class B1) comprising 36 small units covering 7,504 sq metres and outline planning permission for the redevelopment of another site elsewhere on Claywheels Lane (the 'United Crane' site) for employment use (within use class B1) and construction of a bridge link between Beeley Wood Lane and Middlewood Road (application no. 05/04623/FUL refers). A legal agreement under Section 106 to secure ecological mitigation and woodland management was not completed by the applicant and this application was withdrawn in 2009.

More recently, on the southwest corner of the site a full planning application was submitted in August 2017 for improvement to an existing access into the Beeley Wood Sustainable Industries Park including demolition of a brick security gatehouse, road widening and erection of a replacement gatehouse (application no. 17/03642/FUL refers). This application is currently under consideration.

There are two other planning applications on nearby sites which have yet to be determined:

Ballast Phoenix Ltd aggregates recycling facility:

In 2016 a planning application was submitted by Ballast Phoenix Ltd to increase their throughput to 200,000 tonnes per annum, increase stockpile heights and revise the storage layout on their site on the western part of the larger former UCAR site. This application has yet to be determined (application no. 16/04644/FUL refers). Previously, full planning permission for this aggregates recycling facility was originally granted in 2008, and subsequently in 2013 planning permission was granted under Section 73 to allow the throughput capacity to be increased from 60,000 to 135,000 tonnes per annum (application nos. 08/04136/FUL and 13/02199/FUL refer).

Beeley Wood Biogas Ltd:

A full planning application has been submitted for the erection and operation of a waste management facility comprising an anaerobic digestion plant for the processing of biodegradable waste (maximum feedstock of 65,000 tonnes per annum) together with vehicular access, combined heat and power unit, gas network entry plant, propane tanks, auxiliary flare plant, concrete apron, stores building, site office, bund and associated infrastructure (application no. 17/03725/FUL refers).

## SUMMARY OF REPRESENTATIONS

This application has been publicised by display of site notices, newspaper advert and by letters of notification to properties in the locality.

13 representations of objection have been received relating to the following matters:

- extended green belt limit out of the city with building houses and flats, pushing out the green belt limit has a geographical consequence to enclose Beeley Wood industrial estate, there are plenty of places where industrial activities could be installed, instead of grouping industries together they are proposed in residential areas, they should be regrouped in proper industrial locations without imposing nuisances for residents;
- these woodlands already too industrialised because so close to residential homes and schools;
- despite designation this is green belt area adjacent to council and private estates;
- increase air pollution, this factory would be particularly polluting, would attract vermin, smells, odours;
- increase lorries on already congested surrounding roads, Claywheels Lane and Penistone Road junction is already a no go area for much of the day;
- danger of explosions and lorry traffic;
- make quality of life in the area worse, impact on health and well being;
- potential noise impact, extra noise, will increase annoyance, noise during night will be horrendous for residents;
- unsuitable area, not compatible with residential area, spoil lives of residents, blighted by noise with industries in the area, more noise and disturbance on main road, noise travels directly across the valley;
- other suitable brownfield sites are available;
- heavy industry should not be allowed in close proximity to residential development;
- site already makes a considerable noise, irritating, constant humming noise during the night, existing operations degrade air quality, dust pollution, visual amenity, noise nuisance;
- noise impact assessment is flawed, nobody can determine what level of noise presses generate, operating hours not specified, bund wall will do little to attenuate noise, clear line of sight across valley to residential dwellings;
- cumulative impact must be assessed, assess full impact of planned sustainable industries park to determine if this is the right location;
- noise and disturbance from the Beeley Wood site has increased significantly, constantly reporting antisocial noise from this area, this will make matters worse, noise starts at 6.30 am which is unacceptable;

- large lorries add to congestion in area;
- create more damage to the woods and wildlife.

2 representations not against the proposal but raising concerns;

- concern regarding access on Limestone Cottage Lane, very busy road, lots of cars parking on it all day, used as a short cut to Fox Hill Road, traffic goes fast on the road, access would be better on Beeley Wood Lane;
- concern for employees from noise from the steel press, not light industry, hope a sound barrier could be erected, fit non-beeper reversing alerts;
- existing residential property close to steel press factory, potential for negative impact on quality of life;
- location is rural in character, local nature reserve and green belt a tiny distance from the site, land was a recreation site, now a wildlife haven which hopefully would not all be lost, not classed as derelict land, incorporate measures to limit wildlife impact;
- restrict hours of operation to 0700 to 1800 Mon-Fri except bank holidays;
- insulate factory throughout.

1 representation of support has been received;

- this is a positive development to the estate.

## 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 UDP was adopted in 1998. The UDP Proposals Map identifies the site as being within a General Industrial Area where general industry and warehouses are preferred uses (UDP Policy IB5 refers).

The UDP Proposals Map identified land across the city for various uses to meet the needs of the city including industrial and residential uses. The UDP identified the Claywheels Lane industrial estate as part of a General Industrial Area and identified land on the former Middlewood Hospital site as a Proposed Housing Site in full awareness of their future co-existence.

The Core Strategy was adopted by the Council in 2009. Core Strategy Policy CS1 relating to land for employment and economic development recognises the need to plan for general industry and storage/distribution and other sui generis general industrial/processing uses. Core Strategy Policy CS5 identifies the Upper Don Valley as an area where manufacturing, distribution/warehousing and non-office



businesses will be located, and Core Strategy Policy CS10 states that industrial and business uses will be promoted in the Upper Don Valley.

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. The Draft City Policies and Sites Document and Draft Proposals Map identifies the site as being within a Business and Industry Area where general industry, warehouses and storage, light industry and research and development are preferred uses (Draft CPS Policy H1 refers).

The proposed use is a preferred use in principle and complies with UDP Policy IB5 and Core Strategy Policies CS5 and CS10.

The proposal would create additional employment (35 full time employee jobs) and would make a positive contribution to the local economy in accordance with the guidance on achieving sustainable development contained in the National Planning Policy Framework.

UDP Policy IB9 relates to conditions on development in industry and business areas including IB9(a) which seeks to maintain a dominance of preferred uses. The proposal will support the dominance of preferred uses in the area and complies with UDP Policy IB9(a).

#### Highway and Transportation Issues

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of highway safety.

The proposed development is accessed to and from the A61 Penistone Road via Claywheels Lane and Beeley Wood Lane. The private access off Beeley Wood Lane into the site is shared with other businesses on the adjacent former UCAR site. Access northwards using Limestone Cottage Lane/Hagg Hill/Midhurst Road/Foxhill Road is constrained for use by large vehicles by a 3.2 metre height restriction under the railway bridge and a sharp bend at the top of Hagg Hill.

The proposed development would provide parking for 36 cars including 2 disability spaces, 10 motorcycles and 10 cycles.

The junction of Claywheels Lane and the A61 was remodelled in 2013. A survey of the peak hour flows through the junction was carried out in March 2016. The 2016 survey of the Claywheels Lane/A61 junction shows in the AM peak hour 1,612 vehicles travelling southbound on the A61 of which 1,487 continue southbound to the Leppings Lane/Herries Road junction and 125 vehicles turn right into Claywheels Lane with 80 vehicles joining the A61 southbound from Claywheels Lane.

The 2016 survey for northbound traffic on this part of the A61 also shows 1,239 vehicles travelling north during the AM peak of which 1,080 vehicles continued

north through the junction, and 159 vehicles turned left into Claywheels Lane. 77 vehicles turned left from Claywheels Lane onto the A61 northbound.

The applicant has stated that the proposal is an additional facility to their existing premises at the western end of Beeley Wood Lane. The proposed development would enable some of the processes to be undertaken by the applicant close to their existing factory rather than being sent out to other premises for processing and then returning back to their existing premises.

The applicant's transport statement states that the impact of the proposal on surrounding roads would be negligible as the majority of traffic will not be new traffic but rather deferred traffic from the existing Beeley Wood site.

The transport statement states that the anticipated daily vehicular movement generated by the proposal would be 3 heavy goods vehicle movements an hour, and 3 light goods vehicle movements an hour both over a 10 hour period. Of these movements the applicant has stated that 30% of the HGV and LGV trips would be new trips. The applicant has stated that HGV movements to and from Penistone Road would be along Claywheels Lane. The proposal would generate staff and visitor car movements throughout the working day. The anticipated number of staff/employees will be 35. Staff will mainly be arriving at the premises at the beginning of the working day and leaving at the end of the working day both being outside the morning and evening peak hours, with any shift systems changing over outside the morning and evening peak-hours.

The additionally hourly movements related to the proposed development are not consequential in relation to the existing background traffic. The route uses the primary highway network mostly along the A61. The increase in traffic is negligible.

The proposed site layout is intended to operate whereby HGVs and LGVs enter and leave the site via Beeley Wood Lane with cars entering and leaving via Limestone Cottage Lane.

It is considered that the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety.

There are no highway objections to this proposal. A condition is recommended to secure a height restrictor at the Limestone Cottage Lane access to prevent misuse by HGVs.

#### Effects on the Amenities of Residents and the Locality

UDP Policy IB9 relating to conditions on development in industry and business areas includes matters of amenity and design. UDP Policy IB14 requires an environmental buffer between industry and sensitive uses.

Beyond the industrial areas off Claywheels Lane and Beeley Wood Lane there are blocks of woodland and open spaces, beyond which are the residential areas off Middlewood Road/Middlewood Road North and off Foxhill Road.

To the south and southwest of this application site beyond the industrial premises on the south side of Beeley Wood Lane there are residential properties off Winn Gardens and along Middlewood Road and Middlewood Road North. There are also residential properties on the hillside on the opposite side of the valley.

Beyond the railway line to the north there are various industrial premises beyond which are open fields and some isolated residential properties, whilst further east are the residential areas off Foxhill Road.

On the opposite side of Beeley Wood Lane and Limestone Cottage Lane there are industrial and commercial premises amongst which is a residential dwelling.

At the south-eastern end of Claywheels Lane there is a row of residential properties set back from the road frontage, and several other residential properties off Beeley Wood Road.

The impacts of the proposed development on residents and the locality are assessed below.

#### Noise

UDP policies also include Policy GE24 relating to noise pollution which seeks to ensure development will only be permitted where it would not create noise levels which would cause a nuisance, or locate sensitive uses and sources of noise pollution close together. Policy IB9 seeks to ensure that new development would not cause residents to suffer from unacceptable living conditions.

The Government's planning policy guidance contained in the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution (NPPF paragraph 109).

The applicant's noise assessment report has been revised since its original submission to include additional assessments. The revised noise assessment report identifies the noise generating elements as the proposed press shop activities, vehicle movements and external plant and equipment.

The data source for assessing the proposed press shop has been compiled from noise measurements from seven forges in the UK taken in the 1970's and published in 1984 (this is due to the lack of obtainable data from similar press shops currently operating in the UK). The noise assessment report states that press shops typically generated around 100 dBLAeq.

The applicant's noise assessment states that background sound surveys were carried out initially at four locations (one to the north of the site and three to the south of the site) and subsequently at a fifth location (to the east of the site).

The proposed building envelope includes a specification of roof and wall materials and a lobby door in each of the eastern elevation door locations. The southernmost door which leads to the main internal hall (heat treatment area) would operate an air-lock type system where one door is always closed. The northernmost door which leads to the press shop would have both doors closed when the press is in operation. The 3 metre high acoustic barrier proposed on the eastern boundary of the site would include a gate which the noise assessment report envisages would be infrequently used and activity would be reduced during times when the gate is open.

The noise assessment assumes the press shop sound levels would occur continuously within the building between 0700 and 2000 hours.

The results of the noise assessment report show the predicted impact on residential properties to the north and south of the site to result in sound levels below background levels. The predicted impact on the residential property opposite the site on Limestone Cottage Lane would be a predicted sound level of 7dB above background.

The noise assessment report notes that whilst there is a predicted increase of 7dB above background on the dwelling on Limestone Cottage Lane, the specific sound pressure level is 42dB which is within the BS8233 criteria for gardens (British Standard BS8233 guidance for the control of noise in and around buildings states. In respect of external amenity areas such as gardens, BS8233 states it is desirable that external noise does not exceed 50dBLAeq,T) and the absolute sound pressure level is moderate. The noise assessment also notes the context of this residential property within an existing industrial area.

The noise assessment report concludes that the current development design can ensure that the level of sound impact is considered to be low and unlikely to have any negative effect on residential amenity to the north and south of the site, and given the established industrial context of the residential property opposite the site the magnitude of daytime impact can be considered within reasonable limits.

The Council's Environmental Protection Service has advised that the applicant's noise assessment report as revised provides follows an acceptable methodology and suitable background and ambient noise level data for the noise sensitive receptor positions.

It is considered that the noise assessment report as revised has addressed the relevant noise considerations. It is acknowledged that the noise report is based on historical data derived from comparator activities. Whilst less desirable this is a necessary methodology due to lack of access to current operational data.

Whilst the noise impact on the residential dwelling opposite the site on Limestone Cottage Lane would be adverse, in the context of this dwelling's location amongst existing industrial premises on an established industrial estate, it is considered that the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of the occupants. The proposal is therefore considered to comply with UDP Policy GE24 and IB9.

The Council's Environmental Protection Service has recommended that conditions be imposed to secure a noise management plan to reference a requirement for target noise levels at an accessible position at or close to the site boundary, and to control the operational hours to minimise impact on residents.

#### Air Quality

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

NPPF paragraph 109 also seeks to prevent new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of air pollution.

The proposal would not cause a significant change in HGV and LGV traffic flows on local roads. The traffic generated would be below the indicative criteria triggers for air quality assessment contained in the Institute of Air Quality Management guidance on Land-Use Planning and Development Control: Planning For Air Quality (2017).

The applicant's emissions statement states that the proposed furnace equipment will incorporate efficient combustion technology. Exhaust gasses are used by regenerative or recuperative burners wherever possible to reduce emissions. Regenerative and recuperative burners are a heat recovery system that recovers waste heat of the furnace exhaust gas to heat up the combustion air of the furnace. The emissions statement states that no negative impacts in terms of air pollution are anticipated and no odour emitting aspects are involved in the process.

It is considered that the proposed development would not cause significant adverse emissions to the air. The proposal complies with UDP Policy GE22 and GE23.

#### Landscape and Visual Impact

UDP Policies GE11 and GE15 encourage the protection the natural environment, trees and woodland. The UDP identifies land outside the application to the south and northeast of the site as being part of a green link. UDP Policy GE10 seeks to protect green links. UDP Policy BE6 expects good quality landscape design in new developments.

The proposed levelling and layout of the development will result in the removal of all the trees on the northern part of the site. This group of mature trees consist mainly of goat willow and silver birch plus a sycamore, whitebeam and an oak. A new hedge is proposed along the eastern boundary of the site.

Whilst the loss of trees is regrettable there are existing trees outside the application site alongside the railway line. The enhancement of the planting alongside

Limestone Cottage Lane would soften the visual appearance of the proposed high boundary wall.

Views of the building from the north would be mainly screened by the railway embankment and the industrial premises to the north. Views of the proposed building from elsewhere would be seen in the context of the existing adjacent industrial areas and the rising ground levels to the north.

The proposed building is set back from the Limestone Cottage Lane frontage. The proposed boundary wall would provide screening to the on-site servicing and parking areas. It is considered that there would be sufficient separation between the proposed development and the residential property on the east side of Limestone Cottage Lane to ensure there would be no significant overbearing or loss of amenity to the occupants of the residential property.

Conditions securing a satisfactory external lighting design and provision of suitable landscaping are recommended.

### Sustainability

Core Strategy Policies CS63, CS64 and CS65 relating to climate change encourage high standards of energy efficiency and sustainable use of resources.

The applicant has stated that the proposal incorporates a heat recovery system designed to extract 90% of the heat produced in the manufacturing process providing approximately 1350kw of hot water and heat resulting in no requirement for a conventional heating system. Other initiatives proposed include use of low energy lighting, and efficient technology in ancillary equipment serving the steel press. The applicant has also indicated that the building will be design to achieve a BREEAM very good rating as required by policy CS64.

Conditions are recommended to secure appropriate sustainable measures.

### Design

UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design in new developments.

The proposed building would have a typical industrial appearance and design with external cladding above a low brick plinth. Banding is incorporated to provide a contrasting element on the corners of the building. The grouping of the internal staff facilities and consequently grouping of windows in the southwest corner of the proposed building provides emphasis to the personnel entrance zone. The shallow roof slopes enable the height of the building to be reduced. Views of the building from the north would be mainly screened by the railway embankment and the industrial premises to the north. Views of the proposed building from elsewhere would be seen in the context of the existing adjacent industrial areas and the rising ground levels to the north.

It is considered that the massing, design and appearance of the proposed buildings and the layout of the proposed development are acceptable and would not significantly harm the visual amenities or landscape value of the locality. The proposal complies with UDP Policy BE5 and Core Strategy Policy CS74.

A condition securing the use of satisfactory external materials is recommended.

#### Land Quality

The site is not within a coal mining risk area.

Whilst the site is currently open land, conditions are recommended to investigate the risk to development from land contamination and to carry out appropriate remediation measures should remediation of the site be required.

#### Flood Risk and Drainage Issues

The site is within flood zone 1 where there is a low risk to flooding. Conditions are recommended to secure appropriate drainage arrangements are provided.

#### Cumulative Impacts

As well as this current proposal there are two other planning applications under consideration in the locality. In assessing the cumulative impact of these three planning applications ref: 16/04046/FUL, 16/04644/FUL and 17/03725/FUL their impacts on traffic and the environment are considered.

The additional traffic that would be generated by each proposal are respectively 3 HGVs; 1 HGV and 1 LGV; and 3 HGVs per hour. The car movements generated would be mainly outside the morning and evening peak hours. In the context of the capacity and flows on the local road network the cumulative increase in not significant and the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety.

The air quality impacts associated with the road traffic emissions as a result of the construction and operational phases of the proposed developments would not be significant.

As each proposal incorporates measures to control emissions to air arising from operations on site, their cumulative impact would not be significant.

The noise impacts of the three proposals are assessed as respectively below background with the exception of the dwelling in the industrial area on Limestone Cottage Lane where the impact is adverse. Cumulatively these proposals would not have a significant impact on noise sensitive receptors and in the context of the impacted dwelling its location amongst existing industrial premises on an industrial estate, it is considered that the impact of the proposed developments would not be so adverse that they would cause significant harm to the living conditions of the occupants.

It is considered that there are no other issues that would have significant cumulative impact on the locality.

## SUMMARY

The UDP was adopted in 1998. The UDP Proposals Map identifies the site as being within a General Industrial Area where general industry and warehouses are preferred uses (UDP Policy IB5 refers).

The Core Strategy, which was adopted in 2009, identifies the Upper Don Valley as an area where manufacturing, distribution/warehousing and non-office businesses will be located, and where industrial and business uses will be promoted.

The proposed use is a preferred use in principle in this General Industrial Area.

It is considered that the existing road network can accommodate the increase in traffic movements and would not cause harm to highway safety. There are no highway objections to this proposal.

The results of the noise assessment report show the predicted impact on residential properties to the north and south of the site to result in sound levels below background levels. The predicted impact on the residential property opposite the site on Limestone Cottage Lane would be a predicted sound level of 7dB above background.

Whilst the noise impact on the residential dwelling opposite the site on Limestone Cottage Lane would be adverse, in the context of this dwelling's location amongst existing industrial premises on an industrial estate, it is considered that the impact of the proposed development would not be so adverse that it would cause significant harm to the living conditions of the occupants.

It is considered that the proposed development would not cause significant adverse emissions to the air.

The site is not within a coal mining risk area. Whilst the site is currently open land, conditions are recommended to investigate the risk to development from land contamination and to carry out appropriate remediation measures should remediation of the site be required.

The site is within flood zone 1 where there is a low risk to flooding.

On balance, it is considered that the proposal is a preferred use in principle and would have a positive impact on the economic regeneration of the area, and that there would be no significant adverse impacts on the amenities of residents and businesses in the area or on the local environment.

The proposal complies with UDP Policies IB5, IB9, IB14, BE5, GE22, GE23, and GE24, Core Strategy Policies CS5, CS10, CS66 and CS74.



## RECOMMENDATION

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

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Case Number	16/03529/FUL (Formerly PP-05483038)
Application Type	Full Planning Application
Proposal	Erection of 23 dwellinghouses, 1 bungalow and 24 apartments in 4 x 3-storey block
Location	Land East Of Britannia Road And North Of High Hazels Park Infield Lane Sheffield S9 4PE
Date Received	14/09/2016
Team	City Centre and East
Applicant/Agent	Richard Mundy Building Design Ltd
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

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

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

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

2. The development must be carried out in complete accordance with the following approved documents:
  - Drawing no. 1809-01 Rev A, 'Site Plan - existing';
  - Drawing no. 1809-02 Rev D, 'Site Plan - proposed';
  - Drawing no. 1809-03 Rev C, 'Site Sections A-A, B-B, C-C';
  - Drawing no. 1809-04 Rev B, 'Site Sections D-D, E-E, F-F';
  - Drawing no. 1809-05 Rev D, 'Levels & Landscaping site area A-A';
  - Drawing no. 1809-06 Rev D, 'Levels & Landscaping site area B-B';
  - Drawing no. 1809-07 Rev D, 'Levels & Landscaping site area C-C';
  - Drawing no. 1809-08 Rev B, 'Drainage & Waterways Plan';
  - Drawing no. 1809-09 Rev A, 'Generic Window Detail';
  - Drawing no. 1809-T1 Rev B, 'House type 1';
  - Drawing no. 1809-T2 Rev B, 'House type 2';
  - Drawing no. 1809-T3 Rev B, 'House type 3';
  - Drawing no. 1809-T4 Rev C, 'House type 4';

- Drawing no. 1809-T5 Rev B, 'House type 5 - apartment type 1';
- Drawing no. 1809-T6 Rev A, 'House type 6 - apartment type 2'; and
- Drawing no. 1809-2500, 'Location Plan'.

Reason: In order to define the permission.

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

3. No development shall commence until an updated ecology survey has been carried out to identify the presence of protected species on the site and the findings have been approved in writing by the Local Planning Authority. This survey should include mitigation measures to manage any impact on such species and the development shall be carried out in accordance with these measures thereafter.

Reason: In the interests of protecting the wildlife habitat.

4. No development shall commence until full details, including long sections, cross-sections and highway geometry, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

5. No development shall commence until a scheme of intrusive site investigations has been submitted to and approved by the Local Planning Authority and thereafter such scheme of intrusive site investigations shall be carried out in accordance with the approved document. A report of findings arising from the intrusive site investigations shall be submitted to the Local Planning Authority and in the event that any remedial works are required, details of a scheme of remedial works shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved scheme of remedial works.

Reason: To ensure the safety and stability of the proposed development.

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 within 10 metres of identified trees along the southern edge of the site, which are proposed to be retained and those located within the curtilage of the adjacent High Hazels Park until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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.

9. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

10. No development shall commence until 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.

11. No development shall commence until a full structural survey of the Carbrook Watercourse beneath existing or potentially adoptable highway has been undertaken. Any necessary works (which expression shall include a complete

relay) shall be agreed with the Local Planning Authority and thereafter such works shall be implemented in accordance with the approved details.

Reason: To ensure structural stability of an adoptable highway, in the interests of highway safety.

12. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

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

13. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This should include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

14. No development shall commence until the proposed pedestrian links from the application site leading into High Hazels Park has a) been carried out; or b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such works will be carried out before the dwellings are brought into use.

Reason: To ensure the provision of pedestrian access into High Hazels Park.

15. Prior to the pedestrian links indicated in the preceding condition being provided, full details shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

16. Prior to the construction of the apartments, full details of the proposed roofing materials shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the apartments shall be roofed in the approved materials.

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

17. All vegetation on site shall be removed outside of the bird breeding season (beginning of March to the end of August) and in the event that vegetation is removed within this period, the site shall be checked prior to clearance for breeding birds and if present the young shall be allowed to fledge.

Reason: In the interests of protecting wildlife habitats.

18. 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.

19. Prior to the occupation of any apartment, full details of the proposed bin store facilities, which shall be enclosed, shall have been submitted to and approved in writing by the Local Planning Authority and such bin store facilities shall be provided in accordance with the approved details and thereafter retained.

Reason: In the interests of amenities of future residents and in the interests of the visual amenities of the locality.

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

- entrance canopies
- balconies
- eaves
- verges
- boundary treatment
- brickwork detailing

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

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

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 dwellings shall not be used unless the car parking accommodation 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.

23. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been implemented and thereafter retained in accordance with the measures given in Section 4 of the noise report by Kirby Charles (Ref: KCA 160312/2390) dated March 2012). 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) Where the above noise criteria cannot be achieved with windows partially open, 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.

24. 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.

25. Prior to the construction of any highways, hardstandings, or footways along the southern edge of the application site, immediately adjacent to High Hazel Park full constructional details of all proposed hard surfacing, which shall include alternative constructional measures to protect any tree roots within the vicinity and where development will be within the root protection zones, shall be submitted to and approved in writing by the Local Planning Authority and thereafter such works shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the tree root system.

26. Before construction of the dwellings commences details of four bat boxes and four bird boxes to be incorporated within the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details thereafter.

Reason: In the interests of encouraging wildlife.

27. 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.

28. 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.

29. 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.

30. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

### **Other Compliance Conditions**

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

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

32. 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.

Attention is Drawn to the Following Directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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 proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

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

The notice should be sent to:-

Highway Co-Ordination  
Sheffield City Council

Town Hall  
Sheffield  
S1 2HH

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

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

5. 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 here:

<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

6. 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.
7. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

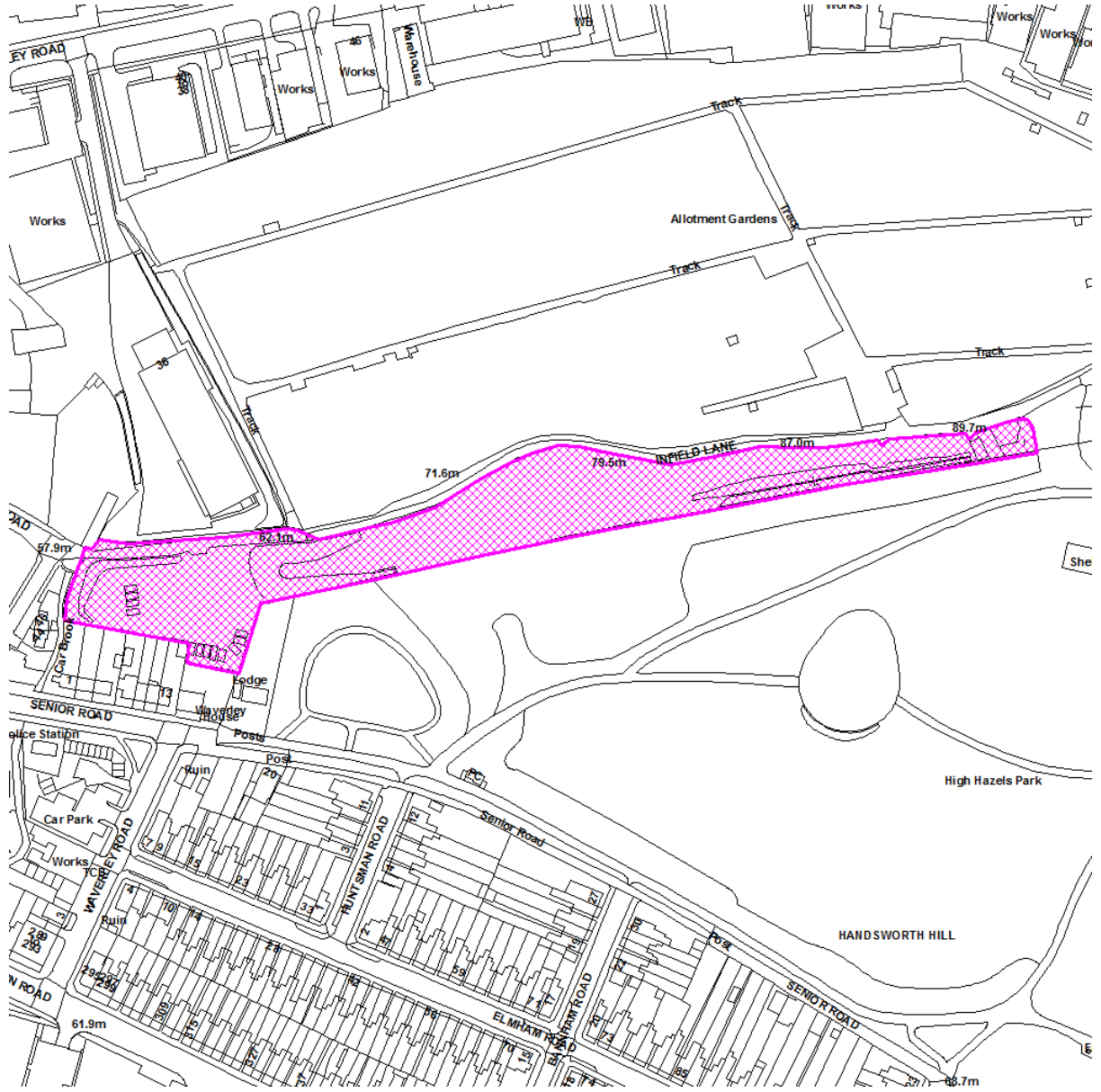
To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used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

If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

# Site Location



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## LOCATION AND PROPOSAL

The site relates to a long narrow unkempt strip of land, part of which is designated as Open Space, as defined in the Unitary Development Plan. The site is located to the east of Britannia Road, which starts at the junction with Catcliffe Road and to the south and east of Infield Lane, extending further up along the northern edge of High Hazels Park, which is Green Belt land.

Beyond the site, immediately to the north is a track which runs from west to east, which provides pedestrian access a means of vehicular access to the bottom end of an established allotments site. Residential properties bound the site along the south-west corner.

The land rises considerably from the south to the north, such that much of the site affords extensive views over the park.

Planning permission is sought to develop the site for residential development. The proposed development will provide 48 dwellings in total, which will comprise of a single bungalow, 24 apartments and 23 dwellinghouses. The dwellinghouses will provide a mix of two and three-storey units offering a choice of terrace, detached and semi-detached. Four blocks will provide the apartment accommodation.

The properties will have fairly traditional detailing and will all provide pitched roofs and be faced in red brick. Associated infrastructure in the form of an extended carriageway and new footways are also proposed together with associated car parking accommodation, green space and pedestrian links into the adjacent Park.

## RELEVANT PLANNING HISTORY

12/03042/FUL – Erection of 64 residential units comprising 44 dwellinghouses and 20 apartments with associated access, car parking and landscaping and 3 business units (Use Class B1). This application was considered by the Planning Committee on 14 January 2013 and Members resolved to grant planning permission subject to the completion of a legal agreement.

Unfortunately, due to the number of landowners involved at the time (it was a larger site than the current application) a valid section 106 agreement was never able to be completed so the application was withdrawn in May 2014.

## SUMMARY OF REPRESENTATIONS

The application was advertised in the local press, 29<sup>th</sup> September 2016 and six site notices were displayed 20<sup>th</sup> October 2016 within the vicinity of the site. Following neighbour consultation, 2 letters of representation have been received; one of which is objecting on the grounds that the development will result in a loss of privacy to a rear garden and the other concerns drainage matters and in particular the risk of flooding given the historical flooding issues on Catcliffe Road.

South Yorkshire Fire and Rescue has been consulted and has responded confirming that the development appears to satisfy the requirements regarding fire service access.

The Coal Authority, having considered the content and conclusions of the submitted Coal Mining Assessment report, has confirmed that they concur with the recommendations of the Coal Mining Risk Assessment Report and that intrusive site investigation works and appropriate remediation is required to be carried out prior to development commencing. A condition is recommended.

The Environment Agency has been consulted and confirmed no objection to the proposed development. However, they have provided advice to the effect that the development may require a permit for any proposed works or structures within 8 metres of the top of the bank of the Car Brook, which is designated as a 'main river'.

## PLANNING ASSESSMENT

It is necessary to identify and assess the development against relevant National and local planning policies, which are those contained within the National Planning Policy Framework (NPPF), the Unitary Development Plan (UDP) and the Local Development Framework, Core Strategy (March 2012).

### Policy Context

#### National Planning Policy Framework

The NPPF sets out the Government's revised planning policies for England and how these are expected to be applied. The key goal of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The NPPF encourages the re-use of land that has been previously developed (brownfield land). This site relates to land which has not previously been developed and thus, is referred to as Greenfield land.

Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/5 and 2025/26. The Policy goes on to state that housing on greenfield sites will only be developed in certain circumstances, including sustainably located larger sites within or adjoining urban areas, so long as annual monitoring shows that there is less than a five years supply of deliverable sites.

Completions of properties have not reached the stated 12% and the site is located adjacent to the centre of Darnall and adjacent to Greenland Road, which is clearly urban in character. In addition, there is not currently a five year supply of deliverable sites.

Based on the above, the proposed development is considered acceptable and will accord with Policy CS24.

## Land Use

### Housing Land

The site is partly within a Housing Area and partly within an Open Space Area, as defined in the adopted Unitary Development Plan. UDP Policy H10, which relates to development in housing areas, states that Housing (Class C3 use) is the preferred use, and as such, the use of the land for housing purposes is considered acceptable in principle.

### Open Space Land

In respect of the land which is designated as Open Space, it is necessary to assess the proposal against relevant Open Space Policy, which in this case, is Core Strategy Policy CS47 'Safeguarding Open Space'. The policy serves to ensure there is satisfactory open space available to meet the needs of local people. The policy does not permit development where it would:-

- a. Result in a quantitative shortage of either informal or formal open space in the local area; or
- b. Result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- c. People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- d. Cause or increase a break in the city's Green Network.

Development that would still result in the loss of open space will only be permitted where:

- e. As soon as practicable, equivalent or better replacement open space would be provided in the local area; or
- f. The site is identified as surplus for its current open space function and:
  - i. A proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or

- ii. It could not fulfil other unsatisfied open space needs; or
  
- g. The development would be ancillary to the open space and have a minimal impact on the use or character of the open space.

A previous application (ref no. 12/03042/FUL) which sought to erect a total of 64 residential units and 3 business units in the same location but a larger site area, was supported, to bring about regeneration at the end of Infield Lane, which has been the source of extreme levels of fly-tipping and other antisocial behaviour. A strip of land between High Hazels Park and the allotments (designated Open Space Area) was only included because the regeneration benefits of developing a wider site were considered to out-weigh the loss of open space in this case.

The Draft Pre-Submission proposals Map (2013), identifies the wider site as a draft housing allocation site, and although this is not an adopted document, and thus, carries little weight, it does give an indication of the intended land use in the future.

An Open Space Assessment has been carried out, which shows that, there is sufficient provision of both informal and formal open space within the local area, and would continue to be if the site was to be developed. The loss of the open space part of the site would not result in a quantitative shortage of open space, and would therefore not be contrary to part (a) of Policy CS47.

The site is classified as allotment provision in the assessment, however, it has not been in use as allotments, but had previously been used as smallholdings, storage purposes and for the keeping of animals. The land is neglected, not used and of very poor quality offering no recreational value. Furthermore, the site is subject to fly tipping and antisocial behaviour. It is not considered that there will be a loss of 'high quality' open space under part (b). Given the above, it is not considered that its loss would deprive local people under part (c). The site does not form part of the City's Green network and as such, part (d) is not relevant.

The assessment shows that the site is surplus for its current function and it could not fulfil other unsatisfied open space needs. Therefore in line with CS47 (f) the development is acceptable. To compensate for the loss of open space, the proposed development will incorporate pedestrian links into the park, which will improve and encourage safer access into the park which is considered to be an acceptable solution under part (e).

On this basis, the proposal is considered to fulfil the requirements of Policy CS47.

#### Green Belt

UDP Policy GE4 relates to the Development and the Green Belt Environment. The Policy states that the scale and character of any development that would be conspicuous from the Green Belt should be in keeping with the area and wherever possible, conserve and enhance the landscape and natural environment.

Green Belt land, which takes the form of High Hazels Park, is positioned to the south of the site. The proposed dwellings will overlook onto the park and are likely to be visible from within the park. The trees will partially screen the development and it is not considered that they will be visually obtrusive and have a detrimental impact on the skyline. The character of the area will not be compromised by the addition of residential properties; a form of development which is not uncharacteristic at the edge of the urban area. In this regard, the principle of allowing housing development in this location is considered acceptable and will accord with Policy GE4.

Policy GE11 'Nature Conservation and Development' states that the natural environment should be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation.

Policy BE15 'Trees and Woodland' states that trees and woodland will be encouraged and protected by:

- Planting, managing and establishing trees and woodland.
- Requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

As part of delivering the scheme several existing trees will be removed and it is considered that these are predominantly of a poor quality. Some trees of a reasonable quality will be lost along the park boundary in order for the new road to be accommodated. This is not seen as a notable issue as the thinning of this tree line will allow a better interaction between the new houses and the park, thereby improving natural surveillance and safety of users.

#### Housing Density

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires appropriate housing densities to ensure the efficient use of land. Given that the site is within an urban area, near a District Centre and in proximity of a high frequency bus route the recommended density will be between 50 and 80 units per hectare.

The proposal will achieve a housing density of 50 units per hectare and thus, will meet the requirements of Policy CS26.

#### Creating Mixed Communities

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures.

The proposed development will provide a variety of housing types and sizes and thus, will meet the requirements of Policy CS41.



## Affordable Housing

Policy CS40 relates to Affordable Housing. The site does not fall within a zone where there is a requirement to provide affordable housing.

## Community Infrastructure Levy

The site is located in Charging Zone 2 where there is currently a nil contribution due to viability issues.

## Design Issues

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 says that high quality development will be expected that takes advantage of and enhances the distinctive features of the City including the landscape and townscape character of the city's quarters with their associated scale, layout and built form, building styles and materials.

## Layout

The applicant has had to work with a number of constraints across the site, which has impacted on the layout. The most notable of these is the sewer and culvert that run through the lower end of the site, towards the south-west half of the site. These features, along with their associated easements have influenced the layout of the site, in particular the requirement to create a parking forecourt within a cul-de-sac arrangement in the south-west area of the site.

The proposal largely replicates the same layout and general design of a previously acceptable scheme, albeit this is on a smaller footprint. The units are sited logically across the development, with plots 20 to 49 orientated to have a frontage onto the park. Plots 1 to 18 are sited at the approach to the site from Catcliffe Road and are appropriately orientated to create a continuous street frontage.

The houses will be provided with in-curtilage parking in the form of driveways or allocated spaces elsewhere and amenity space will be provided at the rear. The positioning of properties varies within the development, with some properties being positioned relatively close to the back edge of the footpath whilst others are set back further from the frontage.

## Scale and Massing

The scale and massing of the development is considered acceptable. Two-storey dwellinghouses, although a terraced row, but having the appearance of semi-detached houses, have been arranged at the lower end of the site, which is in

keeping with the existing townscape. As the land rises to the east, the properties incrementally step up, and thus, respond effectively, with the topography. This is also evidenced by the step in the roofscape.

The central part of the site will be dominated by more two-storey properties; detached and semi-detached, with some variation achieved through the roofscape. The space between properties becomes more obvious and the density appears reduced.

The apartment blocks, although three-storeys in height, are appropriately positioned such that they allow the incremental step up with the increasing land levels. Three apartment blocks are sited at the top end of the site, which maximises the views out onto the park, which also serves to increase natural surveillance at this remote end of the site. Improving the outlook from these properties also counter balances the fact that there is limited amenity space available owing to the restricted dimensions of the site. Although the blocks will be visible in the skyline, given the degree of separation between the blocks, they will not appear as a continuous built form and will be softened by the existing trees on the edge of the Park.

A single bungalow is proposed at the east end of the site which, owing to its position, will not be immediately visible at street level. Although single-storey, given the fact that it is tucked away in the furthest corner, it will not read awkwardly with the adjacent three-storey apartment block. It will have a negligible impact on the overall appearance of the street frontage.

#### Detail

The design of the properties is simple in form and fairly typical for suburban housing. A total of six dwelling types are proposed, which will have subtle differences in the elevational treatment. The principle materials will be red brick and roof tiles, which are reflective of the local context. Artificial stone heads and sills will be introduced, together with simple entrance canopies, and feature brickwork which will provide some visual relief.

To maximise on useable internal accommodation dwelling type three will be provided with rear dormers and roof windows. Careful consideration has also been given to the positioning of rainwater goods, to ensure that the appearance of the principle elevations to the dwellinghouses are not compromised.

Additional articulation has been achieved in the principle elevations of the apartment blocks and re-proportioning of glazing has resulted in an improved overall appearance. Minor changes to the configuration of the internal space has improved outlook and usability of the accommodation.

Boundary treatments will be provided through the site in the form of steel railings or a low boundary wall to the front of the properties and 1.8 metre high close boarded timber fencing to the rear garden areas. Such boundary treatment is considered acceptable and details of the design will be secured by condition.

The proposal will facilitate the redevelopment of the site, by replacing a poor quality space with a residential scheme, which will comfortably fit within this restrictive parcel of land. The design of the development is considered acceptable and will not compromise the views into and out of the adjacent Park. It is on this basis that the proposed development is considered acceptable and will accord with the above policies.

#### Residential Amenity Issues

Policy GE24 'Noise Pollution' requires that development should not create noise levels causing a nuisance, and sensitive uses and noisy uses should not be located close together.

Policy H14 'Conditions on Development in Housing Areas' states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The site is located near to an extremely busy highway and as such, the prevalent source of noise is from traffic noise. Part of the site is also positioned immediately opposite an existing industrial estate, where there is a manufacturing unit.

A noise report has been submitted, which although it was carried out in 2012, the Environmental Protection Service (EPS) is satisfied that the findings of the report are suitable for the current application. The report identifies the dominant noise source to be traffic on Greenland road and the traffic flows in this area have not changed significantly since the report was completed. The report also accounted for the nearby industrial unit.

The EPS is satisfied that the noise attenuation measures outlined in the report will achieve the required internal noise levels. Appropriate conditions will be imposed to secure that such measures are carried out.

The internal layouts of the proposed accommodation is typical, and will provide adequate outlook and natural daylight to all habitable rooms, offering a good level of space to meet the needs of future residents. Satisfactory living conditions will be achieved.

All dwellinghouses, including a single bungalow will be provided with satisfactory private amenity space. The apartment blocks will have small amenity areas, and whilst this is not ideal, it can be tolerated on the basis that the accommodation will be conveniently located and will have easy access to the adjacent Park. First and second floors of the apartment blocks will benefit from a Juliette balcony offering views onto the Park, which is welcomed.

The layout of the estate is such that suitable distance has been provided to ensure the amenity of future residents and existing surrounding residents will be satisfactory in respect of privacy, dominance and shadowing.

Appropriate bin storage facilities will be provided for the apartments and where properties are landlocked, an access has been created to gain access to the rear of the property, to allow the movement of bins.

The proposed development will provide satisfactory living environments for future residents and on this basis, the proposed is considered acceptable and will comply with the above policies.

### Highway Issues

Policy H14 'Conditions on Development in Housing Areas' states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The scheme is considered to provide a suitable level of car parking to meet the needs of future residents. Two parking spaces will be provided for each dwellinghouse whilst the apartments will be served with one parking space per apartment, and an additional one or two visitor/disabled spaces per block.

The scheme will offer safe access to the highway network and provide a safe pedestrian environment.

The scheme is therefore considered to be in compliance with the above policies.

### Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site.

The site lies within Flood Zone 1 and as such, is subject to low probability of flooding. However, owing to the proximity of the Car Brook, and known historical flooding issues, the lower edge of the site, to the west and south-west, is topographically vulnerable to flooding. The Lead Local Flood Authority (LLFA) has been directly involved with modelling work in respect the Car Brook and other subsidiary brooks in order to resolve the long term drainage issue.

In principle, the LLFA has no objection to the proposal and has recommended conditions requiring full drainage details to be submitted to and approved before the development is commenced.

Yorkshire Water has been consulted and discussions have taken place between various parties. Yorkshire Water had objected to the original proposal, owing to the fact that buildings were proposed to be sited over the public sewerage system. Since that time, the layout of the site has been amended and now we are awaiting approval along with any recommended conditions from Yorkshire Water. Members will be updated in a supplementary report.

### Sustainability

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy or equivalent saving in energy consumption.

In the submitted Access and Design Statement, it is confirmed that the proposed development will achieve an enhanced level of fabric energy efficiency. A condition will be imposed to ensure this is achieved.

### Ecology

The key principle of the National Planning Policy Framework (NPPF) is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

As part of the previous application, the applicant undertook a scoping report in relation to endangered species and the Ecology Section confirmed that suitable mitigation measures which were proposed would be relevant. Conditions will be imposed requiring an updated Ecology report to be submitted and for the provision of 4 bird boxes and 4 bat boxes within the site.

### Access Issues

UDP Policy H7 encourages the provision of a proportion of mobility housing in all new or refurbished housing. However, as these standards are not part of an up to date local they have been superseded by the recently introduced Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time.

### Land Contamination

A Geo-environmental desk top report has been submitted, which suggests the possible existence of contaminants and as such, further site investigations are required. Conditions will be imposed to secure appropriate investigations and remediation measures are carried out.

### Archaeology

The scheme has previously been assessed by the South Yorkshire Archaeology Service who confirmed that there is nothing of potential interest on the site.

## SUMMARY AND RECOMMENDATION

The proposed development is considered acceptable in policy terms and will secure the regeneration of an under-used open space area, which is neglected, misused and subject to fly tipping. It is anticipated that the scheme will be the stimulus for further development within the immediate vicinity and will help to deliver the Council's five year housing supply requirement.

The site is in a sustainable location, with public and local amenities available within the immediate area.

The design of the housing, although representative of typical suburban house types, the dwellings will complement the surrounding character, whilst responding to the difficult constraints of the site. The scheme will incorporate hard and soft landscaping, which will assist in creating a sense of place.

The proposal will provide satisfactory living conditions for future residents, with all properties being served with in-curtilage parking and dwellinghouses having rear gardens.

Occupiers of adjacent properties will not be adversely affected by the proposed development.

For the reasons set out above, the proposed development is considered acceptable and therefore recommended for approval subject to the listed conditions.