

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 05/12/2017

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.

Case Number	17/04213/FUL (Formerly PP-06445249)
Application Type	Full Planning Application
Proposal	Change of use of lower ground floor to boxing gym (Use Class D2 - Assembly and Leisure) (retrospective), demolition of existing porch and provision of 5 car parking spaces (Resubmission of application 17/02077/FUL)
Location	The Wharnccliffe Hotel 127 Bevercotes Road Sheffield S5 6HB
Date Received	09/10/2017
Team	City Centre and East
Applicant/Agent	Peacock And Smith Ltd
Recommendation	Refuse with Enforcement Action

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the retention of the gym within the basement of the building and the provision of replacement on site parking facilities for the existing residential development on the external periphery of the building which will be difficult, if not impractical to use will lead to an increase on-street parking in the vicinity of the site, which would

be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policies H5 and H14 .

Furthermore the Local Planning Authority considers that the use of the replacement parking spaces would cause conflict between vehicles attempting to manoeuvre from the said parking spaces with pedestrians and other vehicles accessing the drive from Firth Park Crescent contrary to Unitary Development Policy S10.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Site Location Plan

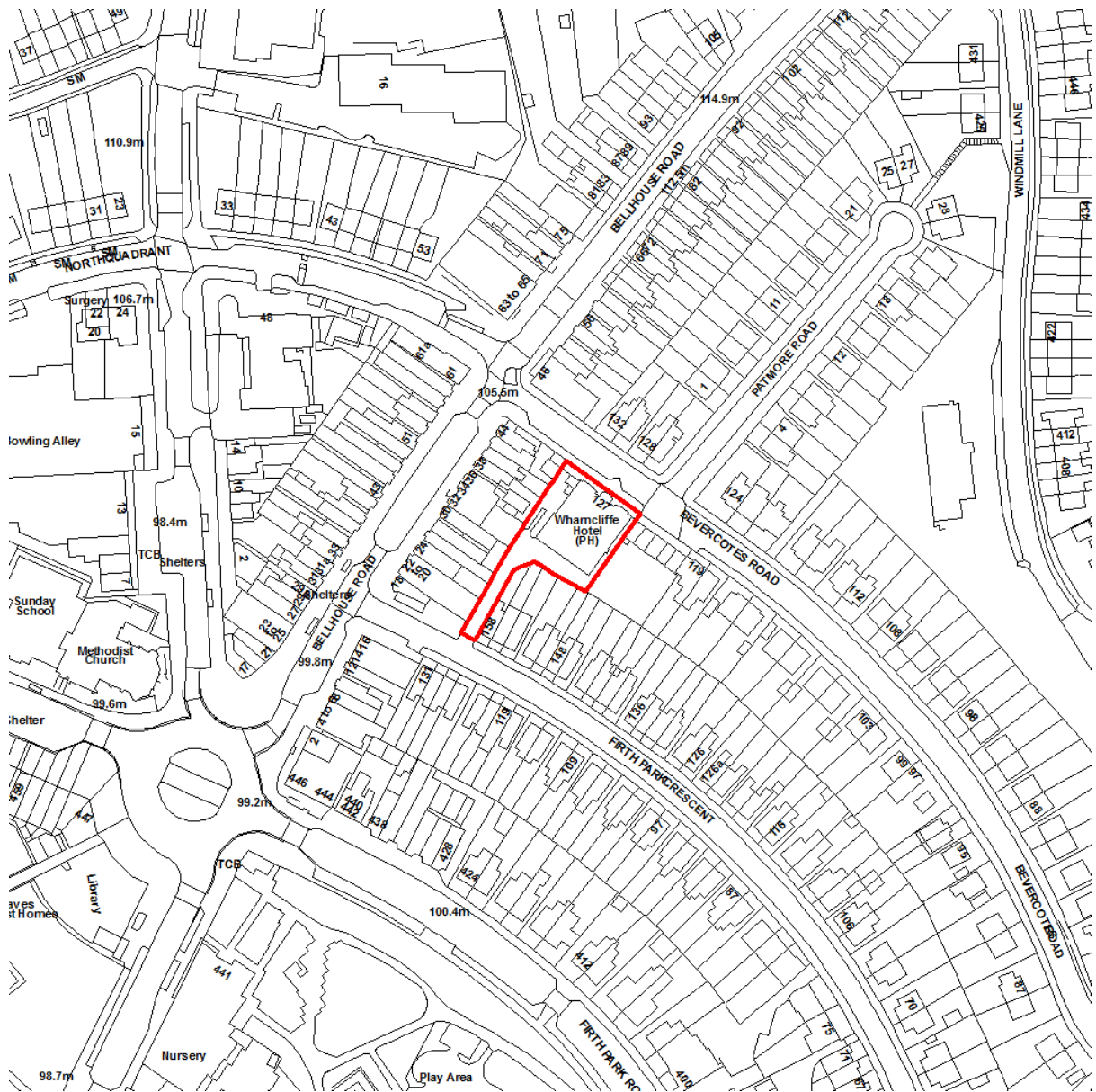
Site plan J25-21-064

Basement floor plan J25-21 -060

Traffic Statement by VIA Solutions dated 6.10.2017

2. The Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the cessation of the use of the boxing gym and the provision of basement car parking as approved by planning application 16/00325/FUL. The Local Planning Authority will be writing separately on this matter.
3. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

Site Location



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LOCATION AND PROPOSAL

The application site relates to the former Wharncliffe Hotel public house, a large detached brick built property sited to the southern side of Bevercotes Road. The building which has recently been converted into two houses in multiple occupation with 20 bedrooms and shared facilities, also incorporates a large basement with direct access to a private drive leading onto Firth Park Crescent.

The building is located within the Firth Park District Shopping Centre. Land to the east is occupied by a vacant two storey building formerly in use as private garaging (with planning approval for conversion to a community centre) with vehicular access from both Bevercotes Road to the north and Firth Park Crescent to the south. Both of these highways are essentially residential in character with a mix of semi-detached and terraced properties.

Planning permission is sought for retrospective approval to convert the basement of the building into a boxing gym (Use class D2-Assembly and Leisure) and for the provision of 5 car parking spaces to the rear of the building. The boxing gym is accessed from a private drive to the rear of the building.

RELEVANT PLANNING HISTORY

15/03567/FUL Alterations to garages (on adjoining land) for use as a community centre GC 24.02.16. This permission has not yet been implemented.

16/00325/FUL Alterations to building for use as two house in multiple occupation (20 bed spaces) and provision of basement parking GC 29.06.16

Following complaints that the basement car parking area approved under application 16/00325/FUL had not been provided and was in use as a boxing gym the applicant was advised that he was in breach of his planning approval. Application 17/02077/FUL was subsequently submitted for the retrospective use of the ground floor as a boxing gym and the provision of four external car parking spaces. The application which was submitted against the advice of planning officers was refused on 17.08.17 due to concerns that the retention of the gym within the basement of the building and reduced parking facilities would lead to an increase in on street parking in the vicinity of the site to the detriment of the safety of road users. There were additional concerns that the use of the replacement parking provided on the external periphery of the building would be difficult if not impractical to use.

SUMMARY OF REPRESENTATIONS

Although no letters of representation have been received in respect of this latest application it is noted that two objections were received in connection with the previous submission ref 17/02077/FUL and the council Enforcement Officer continues to receive complaints that the development is in breach of planning approval 16/00325/FUL.

PLANNING ASSESSMENT

The current application is a resubmission of the planning application which was refused earlier this year. The applicant has however now demolished an existing porch within the proposed rear parking area which gave access to the basement of the building enabling an additional parking space to be provided on the periphery of the building.

The site lies within a designated District Shopping Centre. Policy S7 of the UDP lists leisure and recreation facilities (Use Class D2) as acceptable in principle in shopping areas subject to the provisions of Policy S10. The use of the upper floors of the building as two houses in multiple-occupation (20 bed spaces) has previously been accepted in principle by the earlier grant of planning approval subject to compliance with Policies S10 and H5.

Highway Issues

Policy S10 seeks to ensure that development provides safe access to the highway network, appropriate off street parking and does not endanger pedestrian safety.

Policy H5 aims to ensure that there would be appropriate off road parking for the needs of people living there.

Planning approval 16/00325/FUL was granted on condition that five off parking spaces were provided within the basement of the building for use by future occupiers. This relatively low level of parking (1 space per 4 bedrooms) was considered acceptable due to the sustainable location of the building, sited in close proximity to local facilities and transport links. At the time of this earlier application alternative parking layouts were discussed including a similar layout to that now proposed within the yard to the rear of the building. This was however dismissed as it was considered difficult if not impractical to use due to the limited space available. The approved parking layout within the basement of the building was considered to be the only suitable option without which the original application would not have been recommended for approval.

In support of the current application the applicant has submitted a Traffic Statement (TS) which concludes that the application site falls within a sustainable location with a high number of facilities that can be accessed on foot and by cycle. The report considers that the parking impact of the proposed development is extremely low and that it can be accommodated on site or within the adjacent highway network without any detriment to highway safety or residential amenity.

The TS indicates that all the approved 20 bed spaces are now occupied and states that, given the size and nature of the residential accommodation, it attracts low income residents who have no access to a car and confirms that none of the existing residents have a car.

Notwithstanding the applicant's statement that none of the residents have a car, the nature of the accommodation is likely to have a high turnover of occupants and in this respect it cannot be assumed that no residents in the future will have a car. At the time of the original application the applicant indicated that the accommodation may be let to nurses whom it is considered would, due to shift work, be more likely to have access to a vehicle rather than relying on public transport.

The applicant has indicated that the boxing gym is used by between 40 and 60 children each week with 95% living locally in the Firth Park area and therefore they are able to walk to the gym. The other 5% live 10-15 mins away and use public transport. The gym operates 7 days a week, 4 – 8pm Monday to Friday and 12 –

2pm on Saturday and Sunday, with the facility occasionally being open during the day from 11.00am for limited adult use. The Traffic Statement indicates that the current manager of the gym is a local resident who walks to the site and states that no parking will be provided for the existing boxing club. In this respect all the 5 parking spaces which have been shown to be provided within the rear yard area will be available for the residential occupiers.

Irrespective of the site's location close to the Firth Park shopping centre and bus stops, your officers maintain that for the reasons outlined above, it is reasonable to require some usable parking spaces to be provided within the site curtilage for the residential accommodation and officers maintain that any parking spaces which are provided must be suitable for their intended purpose. Firth Park currently has extensive on-street parking problems with very few houses within the area having in curtilage parking facilities. Planning officers have visited the site on a number of occasions at varying times and have noted that both Firth Park Crescent and Bevercotes Road are heavily parked. Any increase in on street parking as a result of this development will exacerbate the situation and cannot be supported. Whilst the applicant has indicated that no parking is required for the gym; local residents have previously indicated that there are ongoing parking issues in the area and that the situation is made worse by parents dropping off children who use the gym.

Whilst vehicle tracking information has been included within the Traffic Statement to show that the proposed spaces can be accessed officers are of the opinion that the parking spaces within the yard area will not be used as they are impractical for purpose. The tracking information assumes medium sized vehicles (4.3m in length), relies on all vehicles being parked tight up to the building and shows wheel tracks that in reality will not be achieved. The additional fifth parking space which is located in close proximity to the gated access to the community centre site creates an undesirable pinch point impacting on vehicular access to the car park to serve this neighbouring development.

As the external area is so tight, it is most likely that vehicles will either end up reversing out of the site down the private access drive onto Firth Park Crescent or will carry out complex manoeuvres within the site boundary impacting on the safety of pedestrians who are accessing the boxing gym or community centre site.

Amenity Issues

It has previously been established that the approved residential use will not impact on the amenities of neighbouring residential occupiers.

In respect of the boxing gym, Policy S10 seeks to ensure that development would not cause occupiers of nearby residential property to suffer unacceptable living conditions.

The boxing gym is contained within the fabric of the existing building and only operates for limited hours throughout the week. This level of activity is unlikely to generate unreasonable disturbance to local residents who live on Firth Park Crescent whose properties are in excess of 18-20 metres away. In respect of residents within the upper part of the building it would be reasonable to require the

submission of a noise survey should the application be approved to identify if any remedial works are required to the dividing ceiling/floor structure. Likewise officers consider that no amplified music should be played in the building without appropriate sound insulation works and that the windows on the front elevation of the basement area should be non-opening.

Design Issues

Policy S10 requires new development to be well designed and to be of a scale and nature appropriate to the site.

The windows to the basement gym have already been replaced with white UPVC frames. The applicant has previously demolished the porch and has part rendered the rear elevation. This part of the building however is not visible in general public view and the alterations do not impact on the character and appearance of the original building or locality.

The demolition of the porch has exposed differences in external levels across the site which the applicant intends to regrade. This will ensure that level access is provided to the boxing gym and that the gradients around the fifth parking space are acceptable. A disability compliant access door to the gym will be installed if planning approval is granted.

Other Issues

The applicant has indicated that the boxing gym is a much needed local facility within this deprived area and draws attention to the NPPF requiring the planning system to support strong, vibrant and healthy communities by, amongst other things, accessible local services that reflect the community's needs and support its health, social and cultural well-being. The applicant considers that the overall benefits that will arise by the provision of this community facility for children living in a deprived neighbourhood will significantly outweigh any limited negative impacts that may arise from on street car parking. The applicant has also forwarded a copy of the Firth Park Community Awards Certificate recently awarded to the boxing gym by the Firth Park Ward Councillors and indicates that this provides evidence that the council supports the facility.

Whilst the use of the basement as a gym for youngsters in the area is a material consideration in the determination of this application it is noted that the basement was vacant at the time of the original application. The applicant was at this time aware that planning approval was dependent on this space being used as a car park for future residents and amended the plans accordingly. For the boxing gym to open in the basement within such a short time after planning approval was granted shows a complete disregard for planning policy and requirements. It is clear to officers that there was never any intention to use this space as agreed and had the applicant been upfront about his intentions this could have been considered as part of the original proposal. Whilst sympathetic to the needs of the local community, the club is shown to be thriving and would most likely be able to secure alternative, more appropriate facilities within the local area.

Prior to the 2016 approval the existing building and associated land to the rear were subject to ongoing anti-social behaviour. The situation was made worse as the site is hidden from public view and was easily accessible from both Bevercotes Road and Firth Park Crescent. As part of the conversion works the site has been made secure with 2m high gates to the rear access drive and security railings along the Bevercotes Road frontage. Residents are understood to have a key to open the security gates should they need to park a vehicle within the site curtilage. The owner of the adjoining garages also has access rights across the applicant's land and intends to utilise the existing private drive as access to the car park serving the community centre.

Enforcement

As this is a retrospective application, authority is sought to take any necessary Enforcement Action including legal action to ensure the use of the basement as a boxing gym ceases and the use reverts to car parking in conjunction with the use of the upper floors as two houses in multiple occupation.

SUMMARY AND RECOMMENDATION

The proposed use of the building as two HiMOs has previously been approved subject to the provision of 5 car parking spaces within the basement of the building. There are concerns that the loss of this car parking together with the introduction of a boxing gym will ultimately lead to an increase in on street parking on both Firth Park Crescent and Bevercotes Road. The replacement five car parking spaces to the rear of the building are considered difficult if not impractical to use and are not a suitable replacement to those lost from within the building. The proposal also raises pedestrian safety concerns due to the potential for vehicles reversing out of the site along the private access track or carrying out complex manoeuvring to turn a vehicle round in the limited space available.

For the reasons outlined the proposal is considered contrary to approved policy and is recommended for refusal.

Case Number	17/03967/FUL (Formerly PP-06402750)
Application Type	Full Planning Application
Proposal	Use of building as a 7-bed House in Multiple Occupation (HMO) (Use Class Sui Generis)
Location	Crusty's 86 Richmond Road Sheffield S13 8TA
Date Received	21/09/2017
Team	City Centre and East
Applicant/Agent	Mr Andrew Pickup
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:

Location Plan
17004-201 D - Site plan, plans and elevations
Useable loft floorspace plan - emailed on 19.11.17

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. The building 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.

4. Prior to the use commencing, details of the design of the new stone garden wall to Richmond Road and Laverack Street along with improvements to the existing stone wall to Richmond Road shall be submitted to and approved by the Local Planning Authority. The new stone wall and improvements to the existing stone wall shall be implemented before the use commences and thereafter permanently retained.

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

5. 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.

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.

Other Compliance Conditions

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

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

8. Stone/brickwork/slate to be used in the reinstatement to the existing property and the stone to be used in the new and improved stone garden boundary wall shall match existing.

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

Attention is Drawn to the Following Directives:

1. The boundary wall should be set back behind the highway boundary, the parking area should be designed to avoid surface water spilling on to the highway.
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. 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.

5. 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.
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. 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.

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 Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where

necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application site is located at the corner of Laverack Street and Richmond Road. The surrounding area is residential in character although there is a local shopping parade approximately 90m to the east of the site on the opposite side of Richmond Road. The surrounding residential properties are a mixture of terraced, semi-detached houses and purpose built flats many of which do not have off road parking.

The application property is a terraced stone faced 2 storey building which is attached to dwelling houses on the east side with a small garden at the rear on the Laverack Street frontage. The ground floor of the premises was last used as a sandwich shop/takeaway.

The existing plans show three rooms on the ground floor comprising of café serving area, café seating and café prep area. At first floor there is 1 bedroom, a kitchen lounge and small bathroom and two further bedrooms in the loft space served by velux windows.

The proposed layout is for 2 bedrooms and a shared kitchen/living room space on the ground floor, three bedrooms on the first floor with shared toilet and shower and 2 bedrooms in the loft space with shared toilet and shower.

An existing shop window on the Richmond Road frontage is to be reinstated as a domestic style window with matching stone infill. A small off shot at the rear is to be removed and a door is to be blocked up with matching brickwork. Three existing velux windows are to be replaced with larger velux windows. Since the application was originally submitted the layout has been amended to provide 2 car parking spaces in the rear garden, accessed off Laverack Street. The kitchen living space has been moved to the ground floor at the rear and the applicant has confirmed that he will reinstate a low stone wall to incorporate the open forecourt around the former shop area.

The applicant has provided additional information in support of his application. He has stated that he understands residents' concerns that HMOs may be seen as attracting undesirable tenants. The applicant has stated that he intends to fit out the property to a high standard and this will affect the type of tenants attracted; his intention is that the premises will serve employed professional people, particularly targeted at workers from the advanced manufacturing park. The property is designed to be affordable housing for people who are either unable to afford the rents and deposits of renting out a larger property by themselves or who are saving up to get onto the property ladder. The applicant has stated that he finds that a large percentage of tenants in similar properties are not car owners, preferring to use public transport to save costs. The applicant has pointed out the site's access to good public transport services and local amenities and the provision of some off street parking within the site.

SUMMARY OF REPRESENTATIONS

Immediate neighbours were notified and a site notice displayed on the frontage.

Eleven objections have been received.

The grounds of objection are as follows;

- Insufficient parking in an area that is heavily parked. Parking already takes place on the pavement, on yellow lines and at the bus stop which causes congestion at peak times.

- The property may be used for community housing or a halfway house and may attract undesirables or noisy people, which could increase crime and affect the safety of residents living nearby. Youths already congregate on the corner of this building and the police already have a problem in this area.
- A HiMO is not suited to the area which is primarily family housing, couples and retired residents.
- The building work will cause noise, dust pollution and add to traffic
- The property is not large enough for 7-14 people; they would congregate outside in the summer months causing noise and disturbance for residents.
- The application form has been filed in inaccurately as it says there would be no gain or loss of residential units
- More residents should have been notified.

PLANNING ASSESSMENT

Policy

The application site lies within a Housing Policy Area as identified in the Unitary Development Plan. Policy H10 says housing (C3) is the preferred use. Larger HiMO's are uses that do not fall within any use class and are not referred to specifically in the policy. Uses not listed in the policy will be decided on their individual merits.

Core Strategy Policy CS 41 is concerned with creating mixed communities. The policy seeks to promote housing that will meet a range of needs. Part d of the policy seeks to limit conversions to HiMO's or other shared accommodation where the community is already imbalanced by a concentration of such uses or the development would create imbalance. The commentary on the policy says that this will be achieved by limiting shared housing where more than 20% of residences within 200m of the application site are shared housing. In this case the percentage of shared housing is low at only 1% and therefore there is no policy reason to resist the application.

Amenity Impact

There is the potential for a HiMO to cause dis-amenity to adjoining residents due to increased comings and goings and due to intensive use of amenity space. Perceptions about the type of resident are not a reason for resisting an application. This is because there is no evidence to know with any certainty what type of residents will occupy the property and this is no different to a dwelling house where the potential type of resident is irrelevant. The planning system is not designed to control the type of people who will occupy a residential property which means that

Members should give little weight to the applicant's assertions that occupiers are likely to be employed professionals.

A HIMO of this size will require licencing by the Council's Private Sector Housing section. Through this process there are controls over the size of rooms, number of facilities such as toilets and number of people who can be resident. It is not for the planning authority to duplicate these controls. The HiMO standards indicate that only one of the rooms would be of a suitable size for occupation by 2 people. This indicates that up to 8 people could reside in the premises.

The application site is located at a junction between two quite busy roads. The ground floor was also last used as a sandwich shop / takeaway. There is the potential for a significant number of movements to be attracted to food and drink uses. Sandwich shop/Takeaways can also be a source of dis-amenity for local residents due to noisy customers congregating around premises, car parking and odours.

Given the last use of the premises for a café/takeaway on the ground floor and residential accommodation above sufficient for a family of 4, it is considered that the proposed use would not be likely to generate significantly more activity or noise. Much of the amenity space associated with the premises is exposed to the road frontages and most of the small rear garden will be given over to car parking. This is not ideal in terms of providing a usable amenity area for the occupiers of the premises. However it is not considered to be sufficient to justify resisting the application. The character and narrowness of the amenity space suggests it would be unlikely to be frequently used by the occupiers which means that it would be unlikely to be more of a source of disturbance to local residents than any other garden space.

Two of the ground floor bedrooms are positioned on the main road frontages. Officers have sought to persuade the applicant to locate the less sensitive kitchen/living space on the main road frontage but the applicant has declined to do so. Given that the stone boundary wall will provide defensible space around the ground floor frontage there is no strong case for opposing the application on this basis.

Access Issues

There is a bus stop opposite the site on Richmond Road and a high frequency service on Handsworth Road approximately 350m from the site. There is a convenience shop in the local parade opposite the site on Richmond Road and further local shops and takeaways on Handsworth Road within walking distance of the site. The site is considered to be well served by public transport and local services.

There are many properties around the site which do not have off street parking and consequently there is significant on street parking within the surrounding area. The applicant has offered to provide 3 parking spaces in the rear garden. Your officers consider that 3 spaces would create a long run of parking which would have a significant negative impact on the street scene and a long dropped crossing is also

not desirable for pedestrians. As a result officers have negotiated a scheme with 2 off street parking spaces which is considered to strike a reasonable balance between protecting visual and pedestrian amenity and making provision for parking.

The site is well served by public transport and local shops and residents of this type of accommodation are less likely to be car owners. Given this and the potential for greater parking demand to be generated by the existing ground floor commercial use it is considered that the proposal represents an improvement in parking terms over the existing use and the level of off street parking provision is acceptable.

Design

The alterations to the shop window are in keeping with the character of the building and locality. The new stone boundary wall will help define the curtilage and reduce the impact of the large area of tarmac on the building frontages, which will have a beneficial impact. The off street car parking will have a minor harmful visual impact but this is considered to be outweighed by the benefits of improvements to the boundary wall to other parts of the frontage.

RESPONSE TO REPRESENTATIONS

Disturbance due to building works is likely to be temporary and not significantly different from that associated with a domestic extension.

There is no evidence to support a case that the proposal will result in increased crime.

Immediate neighbours were notified and site notice displayed outside the premises which is sufficient to meet the Council's statement of Community Involvement

SUMMARY AND RECOMMENDATION

Given the existing commercial use of the ground floor and the sustainable location of the site it is considered that the proposal will not have a significant adverse impact on residential amenity or highway safety. The parking provision is considered to be satisfactory taking into account the above issues and the development should result in visual amenity benefit.

The proposal will provide much needed residential accommodation and therefore the proposal is acceptable in policy terms when considered on its merits. Therefore it is recommended that planning permission be granted subject to the listed conditions.

Case Number	17/01437/FUL (Formerly PP-05948053)
Application Type	Full Planning Application
Proposal	Development of a 20MW Synchronous Gas Standby Power Generation Facility, including ancillary infrastructure and equipment
Location	Site Of 1-11 Rotherham Place Orgreave Road Sheffield S13
Date Received	05/04/2017
Team	City Centre and East
Applicant/Agent	Enzygo 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 Numbers:

CRM.336.003.I.D.001 Landscape Strategy (October 2017)

CRM.336.003.PL.D.004 Site Elevations (March 2017)

CRM.336.003.PL.D.003.A Site Layout (excluding landscaping) (March 2017)

CRM.336.003.PL.D.002 Site Plan

Reports:

Noise Assessment CRM.336.003.NO.R.001 (March 2017)

Phase 1 Preliminary Risk Assessment and Coal Mining Assessment

CRM.336.003.GE.R.001.B (September 2017)

Reptile Survey CRM.336.003.EC.R.003 (19 September 2017)

Bat Activity CRM.336.003.EC.R.002 (19 September 2017)
Visibilty Appraisal CRM.336.003.L.R.001 (October 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. Site clearance works shall be carried out outside the bird breeding season and under a Precautionary Working Method Statement (PWMS), with checks made by an Ecological Clerk of Works (ECoW), due to the presence locally of several waterbodies that support great crested newt.

Reason: In the interests of species protection

4. The approved landscaping strategy shall be implemented prior to the first operation of the plant. 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 providing appropriate screening for the development and to improve biodiversity.

5. Before the use of the power generation facility is commenced (except for testing to meet the terms of this condition), 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 background noise levels in the Noise Assessment have been achieved at the nearest noise sensitive receptors. 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 operational 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 operational use is commenced and shall thereafter be retained.

Reason: In order to protect the living conditions of nearby residents

Other Compliance Conditions

6. The power generation facility shall only ever operate between 0700 hours and 2300 hours and shall never run overnight.

Reason: In the interests of the living conditions of nearby residents.

7. The plant shall operate for a maximum of 1,500 hours in any single calendar year

Reason: In the interests of local air quality

8. 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.

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

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 developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
3. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

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.

Site Location



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INTRODUCTION

Members will recall that this application was withdrawn from a previous agenda before consideration as the applicant wanted to be given the opportunity to address the concerns of officers raised in the original report that was published at that time. This report has been revised to incorporate the changes that have been made since that time.

LOCATION AND PROPOSAL

This application seeks permission for a 20MW synchronous gas powered standby generation facility and ancillary infrastructure and equipment. The purpose of the plant is to generate electricity at short notice to meet peaks in demand within the local electricity network. This typically happens when existing or established sources of generation are unable to generate sufficient electricity, or when there are short periods of exceptionally high demand that cannot be met from existing sources. At such times these plants will be activated at short notice to manage such fluctuation in demand and supply. Similar plants are sometimes known as Short Term Operating Reserve (STOR) generation plants or Standby Power Generation Plants.

The site is located on the Orgreave industrial estate. The site is currently vacant and is covered in scrub but has some hardstanding areas associated with a previous use of the site. The southern and western boundaries of the site have a deciduous tree screen, although there are gaps within it. The site is at the edge of the industrial estate at the junction of Rotherham Road with Orgreave Road. Existing industrial premises are situated to the east of the site and across Orgreave Road to the south. In close proximity to the west of the site on the opposite side of Rotherham Road are semi-detached houses. To the north is another area of vacant scrub land within the industrial estate.

The proposal seeks to form an access road from Orgreave Drive, utilising the existing vehicular access which already exists and to install the generating plant on the eastern portion of the site. The development would consist of eight free-standing gas fired engines with exhaust chimneys, together with some other free standing equipment including a transformer and a switch room. The area of the site where the installation is proposed would also be contained by a 2.4m high mesh panel fence. A landscaping strategy has been produced to show how the plant would be screened with significant additional new planting.

PLANNING HISTORY

There is no relevant planning history in relation to this site.

An application for another similar installation of a 20MW facility proposed by another company on a site to the north east of this proposal, within the same industrial estate has previously been approved by this Committee (application number 17/01901/FUL refers).

REPRESENTATIONS

South Yorkshire Fire and Rescue have been consulted on the proposals and raise no objections.

The Health and Safety Executive has confirmed that the site does not lie within their consultation distance of a major hazard site or major accident pipeline and as such they are not required to be consulted in this case.

Yorkshire Water has not objected to the development but has requested a condition to secure the agreement of the surface water drainage works prior to the development commencing.

More than 100 representations have been received in connection with this application. One of the representations is in support of the application; three provide a neutral comment and the remainder object to the scheme. The objectors include Councillors Mick Rooney and Paul Wood.

The supporter of the scheme states that as a peak power standby site, money and jobs will be created for a site that will hardly run. The emissions levels will be comparable to that of Highfield Spring at 28mg/nm³ so there will be negligible air pollution changes. The site can also be completely hidden by new plants and bushes

The objections can be summarised as follows:

- Lack of public consultation about the proposal – the applicant should arrange a public meeting
- Air quality concerns, particularly in relation to young children – emission of Nitrogen Oxides and particulates which will affect health – Public Health England state that Nitrogen Dioxide has an adverse effects on health and reduced life expectancy and is associated with hospital admissions for numerous respiratory conditions
- The supporting air quality and environmental reports are all hypothetical and not based on an actual completed facility
- Further noise pollution on an already busy and noisy road, especially during the construction period
- The development will result in nasty odours from the gas emissions
- Proximity to residential properties, workplaces and schools, including the new Waverley development which is a new residential community close to the site
- Impact on ecological diversity of the area and effect on the Waverley public open space.
- The Dore House site is particularly rich in various butterfly species, many of which are readily apparent on the site itself and which visit our gardens, directly opposite. From this it is deduced that the Dore House site is the breeding ground for these species, and its development would likely result in the loss of these insects.
- There are multiple butterfly and moth species, many of which are in decline nationally. Several of them have highly localised distributions, breeding within small isolated sites, and so the impact of the loss of these can be more dramatic than one might expect.
- Several notable insects from other families have been recorded, particularly long horned beetles and true flies. The soldier fly and the long-horned beetle are extremely scarce, and these are highly notable records. They are also very large, dramatic and showy insects, and it would be a great shame not to see them again.

- Understand that the site will need redevelopment at some stage, but together with other proposed developments in the area, the impact as a whole on the diversity of sites, their proximity to each other and the effects of these combined will be extremely detrimental to the air quality and hence to the soil nutrient concentrations, and affect the availability of alternative food plants for these species and disrupt the entire ecosystem of the area. The site could be redeveloped less aggressively and more sympathetically so that the area is affected more gradually, giving wildlife a better chance of adjusting.
- There is too much reliance on fossil fuels – there should be a push away from this due to issues of climate change and renewable alternatives should be explored
- Decrease in property values (NB - this is not a planning consideration)
- Health and safety concerns in respect of fire and rescue
- Given that the land has been vacant for years why not build low cost housing?
- The proposal will lead to an increase in traffic in an already congested area
- Adverse impact on the surrounding environment and the abundance of local wildlife. The site is close to a site of local beauty and nature reserve.
- This development goes against the eco-friendly credentials of Waverley and the AMRC development
- There must be other better located industrial estates that would be more suited to this development.
- The landscaped boundary referred to in the proposal is actually just a single row of trees with a large gap that will do little to screen the proposals, particularly during the winter months.

PLANNING ASSESSMENT

Land Use Policy

Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development and a requirement to approve developments that accord with the provisions of the development plan. It goes on to say that where policies are out of date permission should be granted unless the dis-benefits demonstrably outweigh the benefits of the development. National Planning Practice Guidance indicates that it is important to ensure the delivery of energy infrastructure that will support the transition to low carbon energy sources provided that the environmental impacts of doing so are acceptable. The NPPF also clearly supports the need for economic growth. The basis for a standby power generation facility is to ensure stability of energy supply which is critical to sustaining a growing economy.

The NPPF also recognises that in building a stronger economy there are important social and environmental roles such that the planning system should support strong vibrant and healthy communities and should contribute to protecting the environment, including by minimising pollution and enhancing the built environment.

The part of the site which is proposed to be developed is within an allocated General Industry Area as defined in the adopted Sheffield Unitary Development Plan. The western third of the site is designated as an Open Space Policy Area. No development is proposed in this area. Rotherham Road and the housing beyond it to the west are within a designated Housing Policy Area.

Policy IB5 identifies general industrial uses (use class B2) as the preferred uses of land in the general industry policy area. The proposed power station is a sui generis use (in a class of its own) and as such in accordance with Policy IB5 must be considered on its own merits. A power station is industrial in character and as such is considered compatible with the other established industrial uses on this small industrial estate. As such the land use principle of the use of the site as a power station is considered acceptable and accords with Policy IB5. However, the proposal must be assessed against a range of considerations, not least of which is the proximity of the site to housing.

Open Space Policy

The western third of the site is designated as an Open Space Policy Area. This designation is to ensure the retention of an environmental buffer between the Industrial Estate and the housing area to the west. Given that no development is proposed in this area the proposal is not contrary to Open Space policy.

Design and appearance

The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. It recognises that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

Policy IB9 part c) requires development to be well designed with buildings and storage of a scale and nature appropriate to the site. Policy CS74 expects high quality development which contributes towards creating attractive, sustainable and successful neighbourhoods.

The development comprises of eight gas fired engine-driven electricity generation units constructed in two rows which will be housed in acoustically insulated weather proof steel containers. The engine-generator sets will sit side-by-side within the compound each in its own sound-proof containment cell. Additional ancillary plant will also be accommodated within the site. The height of the engine containers, including the stack on top will be 6.7 metres from ground level. The site is proposed to be enclosed by a 2.4m high mesh panel fence and there will be motion sensor security lighting and 24/7 CCTV coverage. The existing trees and bushes to the south and west boundaries would be retained and supplemented by additional landscaping in the form of a woodland planting mix on the remaining open areas of the site; a native species hedgerow to the northern boundary and part of the southern boundary; supplementing the existing tree planting with understorey planting; and a native species hedgerow around the proposed equipment perimeter fence line (which is inset from the site boundary).

It is considered that design is a particularly important consideration with this proposal on this site given that it lies at the very edge of the industrial estate and is in very close proximity to an established residential area.

Given the nature of the development there is no denying that the equipment enclosure and equipment itself will not represent good design. It is essentially a proposal for open storage of industrial plant and equipment and it has no redeeming features that will enhance the appearance of the area. The fact that this site is at one of the main entrances to the site and is so close to residential property makes this a particularly relevant issue in this case.

Whilst there are trees lining the Rotherham Road and Orgreave Road frontages these are deciduous trees that will not be in leaf for nearly half of the year. This means that their screening value over the late autumn, winter and early spring months will be minimal, exposing considerable views of the plant and equipment to residents on Rotherham Road and adversely affecting their outlook. For these reasons the applicant has responded to your officers concerns on this point by submitting a visibility appraisal of the current situation and a landscape strategy to assist with the screening of the plant and equipment and to enhance the biodiversity of the site.

Your officers had previously expressed concerns that the proposal as originally submitted would result in a poor visual appearance at the entrance to the industrial estate as well as adversely affecting the outlook of nearby residents. However, the proposed landscape strategy provides for a comprehensive woodland planting scheme that would vastly improve the screening of the plant and significantly improve outlook for the residents opposite the site.

On the basis of the revised proposals it is now considered that the proposal meets the aims of Policies IB9 and CS74 as well as the National Planning Policy Framework.

Ecology

Policy GE11 of the UDP states that the natural environment will be protected and enhanced.

A preliminary ecological appraisal (dated 30 March 2017) was submitted with the application. This has subsequently been supplemented by a Bat Survey and a Reptile Survey (both dated 19th September) following a review of the original appraisal by the City Council's Ecology Service.

The further survey work has revealed that there are no bat roosts on the site, although there is some limited bat activity after dusk as occasional bats cross or visit the site. The reptile survey found no reptiles on site.

On the basis of the additional fieldwork carried out there is considered to be no reason to resist the proposal on ecological grounds, subject to appropriate conditions to ensure that site clearance is outside the bird breeding season and a precautionary working method statement supervised by an ecologist.

The landscape strategy that has been submitted in response to officers concerns about the screening of the plant will perform the dual role of screening and biodiversity enhancement, which is to be welcomed.

The development is therefore considered to comply with Policy GE11.

Highways

The applicant has advised that staff will only visit the site on an ad hoc basis and there is a significant amount of circulation space. In the operational phase it is considered that there will be very little impact on the highway network as a result of the development. The existing access into the site has good visibility in both directions. The Highways officer has raised no objections to the proposal, subject to the imposition of conditions.

Although it is accepted that there will be increased HGV movements during the construction phase Highways officers have confirmed that this would not be a level that would justify resisting the proposal, particularly bearing in mind the very low traffic generation once the plant is operational.

Amenity Issues

Policy IB9 part b of the UDP seeks to ensure that new development does not unacceptably affect the living conditions of any housing uses. Policy IB14 of the Unitary Development Plan requires the provision of an environmental buffer between industry and sensitive uses.

Noise

The closest residents are located on Rotherham Road immediately to the west of the application site such that this is a particularly important consideration.

The application was accompanied by a Noise Assessment which has been reviewed by the Council's Environmental Protection Service (EPS). A BS4142 assessment has been undertaken which shows that the sound levels would be below the prevailing background noise levels during the daytime but would be above the prevailing background noise levels overnight.

The EPS has directly contacted and discussed the scheme with the noise consultant to clarify how often the site is operated under emergency situations outside daytime hours in order to aid EPS comment. Following these discussions the EPS consider that the proposed mitigation within the noise assessment is satisfactory subject to it forming a condition of the development and that the plant does not operate overnight between the hours of 2300 and 0700 hours.

Given the significant number of objections and concerns of local residents, in particular the potential noise impact of plant and equipment, the EPS has also recommended a condition requiring validation testing of the scheme of noise mitigation measures in order to confirm that the specified noise levels in the report

have been achieved – i.e – that there is no increase in background noise levels at the nearest noise sensitive receptors (housing) when the plant is operational.

On this basis the proposal is considered to comply with Policy IB9 (b).

Air Quality

Policy CS66 of the Core Strategy states that action to protect air quality will be taken in all areas of the city. Further 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 urban area of Sheffield falls within an Air Quality Management Area due to breaches of UK and European Union thresholds for air quality, particularly due to exceedances of NO₂ (nitrous dioxide) and PM₁₀ (particular matter) concentrations.

The applicant has submitted an air quality assessment with the application prepared by Air Quality Consultants Ltd which carries out an assessment of the potential impact on local air quality arising from the operation of a proposed 20MWe gas standby power generation facility from 8 generators. The report confirms that the effects of the construction phase of the development are not considered to have any adverse effect on air quality and can be managed by suitable construction management techniques.

The proposal would result in the production of oxides of nitrogen generally referred to as NO_x – a mixture of nitrogen dioxide (NO₂) and nitric oxide (NO), during the operation of the power plant, which is likely to have an impact on the local air quality.

The Council's Air Quality Officer has considered the assessment on the basis of the predicted 6.5m chimney height and of the proposed 1,500 hours of the year that the STOR facility is likely to be operational.

On the basis of the information provided the Council's Air Quality Officer is satisfied that the air quality assessment methodology employed is acceptable and that the findings are in order. There are no known exceedances of the air quality objectives within 1 kilometre of the site. The background levels of NO₂ in the vicinity of the site using the Defra background maps are derived to be between 14.5 and 30.7 which is well below the objective value of 40.

Due to the magnitude of change, as a result of the predicted impact of the annual average concentration of NO₂ on residential properties in the local area, which is up to 2.2µg/m³, EPS asked the applicant to model the impact of the facility with an increased chimney height of 10 metres. An addendum to the original air quality assessment was submitted to model this scenario. The findings of the report show that there would only be a very minor benefit to ground level concentrations in increasing the height of the chimneys so this option has not been pursued in this case, particularly given the visual impact of this change.

The Air Quality Officer has considered the cumulative impact of this proposal with other similar facilities proposed on this estate and has confirmed that there is no basis for resisting the proposal on air quality grounds.

The development is therefore considered to meet the terms of Policy CS66.

Ground Conditions

Policy MW9 of the Unitary Development Plan states that development will not be acceptable on unstable land unless it can be effectively treated.

The application was accompanied by a Phase 1 Preliminary Risk Assessment and Coal Mining Assessment. The Council's Environmental Protection Service has reviewed the submitted information. The original report was not considered to be satisfactory. The conceptual site model identifies buried tanks on a former garage site to west of the site.

An updated Phase 1 report has subsequently been submitted to address the above issue and concludes that there is a low risk of contamination sources including the underground tank but that a Phase 2 site investigation report is required to confirm the exact mitigation / remediation that will be required. This can be secured by condition.

On this basis the development complies with Policy MW9.

Drainage

The site is in Flood Zone 1 which means that it is not susceptible to flooding, making it an appropriate site for a flexible energy plant. Such facilities are indeed only permitted in Flood Zone 1.

The application was not accompanied by a sustainable urban drainage statement and full drainage details would need to be reserved by condition if the scheme was considered acceptable in other respects.

The Lead Local Flood Authority has confirmed that there is a surface water sewer adjacent to the site that would be the preferred route for discharge provided that Yorkshire Water is in agreement with this method. If this is the present route for the site and this can be proven, a 30% reduction based on the existing rate of discharge would be needed; otherwise a greenfield rate will apply.

The lower part of the site could provide an environment for surface water treatment and attenuation within an open basin with shallow storage before offsite discharge. Capture and conveyance of flows from hard standing areas can be kept on the surface in adjacent landscapes, for example swales. These issues could be addressed in a future drainage submission.

Yorkshire Water has raised no objections to the proposals subject to a condition requiring full drainage details prior to the development commencing. They have stated that the developer will be required to provide evidence to demonstrate that

surface water disposal via infiltration or watercourse are not reasonably practicable before considering disposal to the public sewer in Orgreave Road.

It is considered that the drainage of the site can be dealt with satisfactorily subject to the imposition of a suitably worded condition.

RESPONSE TO REPRESENTATIONS

It is considered that the majority of issues raised have been covered in the main body of this report.

The application is accompanied by supporting submissions which address the legitimate concerns of local residents. These reports have been assessed by the Council's Air Quality Officer and the Environmental Protection Service and they have concluded that they concur with the findings of the reports to the extent that there is no justification for refusing the application on the grounds of air quality or noise impacts.

The consultation on the planning application followed the principles set out in the Council's Statement of Community Involvement.

The site is designated as within a general industrial area and is surrounded by commercial uses. It is thus not currently an appropriate site on which to develop low cost housing as suggested by one of the respondents.

SUMMARY AND CONCLUSION

The proposal for a gas powered standby generation facility to generate up to 20MW of electricity at short notice to meet peaks in demand within the local electricity network, fed through the National Grid, would assist with ensuring a stable electricity supply to meet the demands of economic growth.

Local residents have raised legitimate concerns about the impact of the proposals in particular on local air quality and in terms of noise disturbance. These issues have been assessed by the Council's technical experts and they have concluded that the impacts are at an acceptable level such that a refusal of planning permission on this basis would not be justified.

Whilst it is accepted that there will be HGV movements associated with the construction phase of the development, in the operational phase there will be very few vehicle movements associated with the use as the site is only visited for maintenance and security reasons.

The visual impact of the proposal has been carefully considered and this is the issue that is of significant concern given the particular locational characteristics of the site in question, being at the very edge of the industrial estate and in very close proximity to an established residential area. Given that the development essentially consists of open storage of plant and equipment it is considered to be of poor design.

For these reasons your officers initially raised considerable concern about the visual impact of the proposals. The applicant has addressed this issue through the submission of a comprehensive visibility assessment and landscaping strategy which proposes significant additional woodland and hedgerow planting, such that well over half of the application site would be woodland planted, resulting in both visual and biodiversity enhancements.

Having regard to all of the material considerations in this case it is considered that, on balance, the proposed development complies with the provisions of the Development Plan and guidance contained in the National Planning Policy Framework.

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

