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Case Number	17/03290/OUT (Formerly PP-06270283)
Application Type	Outline Planning Application
Proposal	Demolition of existing single-storey restaurant and erection of 2 shop units (use class A1) and 12 no. apartments in 2 x 2.5 storey blocks with associated car parking, cycle storage and landscaping
Location	Koh-I-Noor 386 Handsworth Road Sheffield S13 9BY
Date Received	04/08/2017
Team	City Centre and East
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

## **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 final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of landscaping (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

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

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

- Drawing no. A4-01 'Site Location Plan'
- Drawing no. A3-03 Rev B 'Proposed Site Plan'
- Drawing no. A1-06 Rev B 'Proposed Elevations'
- Drawing no. A3-04 Rev B' Street Elevations Existing & Proposed'
- Drawing no. A1-05 Rev A 'Proposed Plans'
- Drawing no. HRS 01 'Tree Survey'

Reason: In order to define the permission.

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

5. 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.

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. 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.

11. 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.

12. No development shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either;

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the retail units and apartments is/are brought into use and the retail units and apartments shall not be brought into use until the highway improvements listed below have been carried out.

Highway Improvements: Infilling of gap in the central reservation of Handsworth Rd

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.

13. 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)**

14. Prior to the installation of any commercial kitchen fume extraction system details shall first have been 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 extract terminating and 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.

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

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

15. 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 approved noise survey (Assessment of the potential intrusion of external noise and recommendations for building envelope, ref: 12236.01.v2, dated: 07/17, prepared by Noise Assess);

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.

16. 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.

17. 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.

18. 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.

19. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a 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 restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

- (i) as a 15 minute LAeq, and;
- (ii) at any one third octave band centre frequency as a 15 minute LZeq.

- c) Be capable of restricting noise breakout from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:

- (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
- (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

20. 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.

21. 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 apartments 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.

22. 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:

- Windows
- Window reveals
- Eaves
- Balconies
- Entrance canopies
- Rainwater goods
- Roller shutters including in relation with stone facade
- Shop front in relation with stone facade
- Horizontal stone bands

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

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

23. The apartments and retail units 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.

24. 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.

25. The apartments and retail units shall not be used unless the cycle parking accommodation as shown on the approved drawing no. A3-03 Rev B has been provided in accordance with the approved plan and thereafter, such cycle parking accommodation shall be retained.

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

26. The apartments and retail units 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 adjacent land. Once agreed, the measures shall be put into place prior to the use of the apartments and retail units commencing, and shall thereafter be retained.

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

27. 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.

28. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The apartments and retail units shall not be used unless the car parking accommodation for 19 cars 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.

29. Apartment nos. 3 and 6 shall not be occupied unless a screen has been erected on the west facing side of the balcony but before such screen is provided, details shall first have been submitted to and approved in writing and thereafter such screen shall be retained.

Reason: In the interests of adjacent residents.

30. Apartment nos. 5 and 8 shall not be occupied unless a screen has been erected on the west facing side of the balcony but before such screen is provided, details shall first have been submitted to and approved in writing and thereafter such screen shall be retained.

Reason: In the interests of adjacent residents.

### **Other Compliance Conditions**

31. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0800 to 2000 Mondays to Saturdays and between the hours of 1000 to 1600 on Sundays and Public Holidays.

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

32. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0800 to 2000 on Mondays to Saturdays and not on Sundays and Public Holidays.

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

33. No customer shall be permitted to be on the premises outside the following times: 0800 to 2300 hours, Mondays to Saturdays and 1000 and 2200 hours on Sundays and Public Holidays.

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



34. 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.

35. 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.

36. 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.

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

Reason: To ensure satisfactory drainage arrangements.

38. No windows serving the retail floor space shall be blocked up, filmed over or otherwise rendered non transparent.

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

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.

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. 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

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. 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:

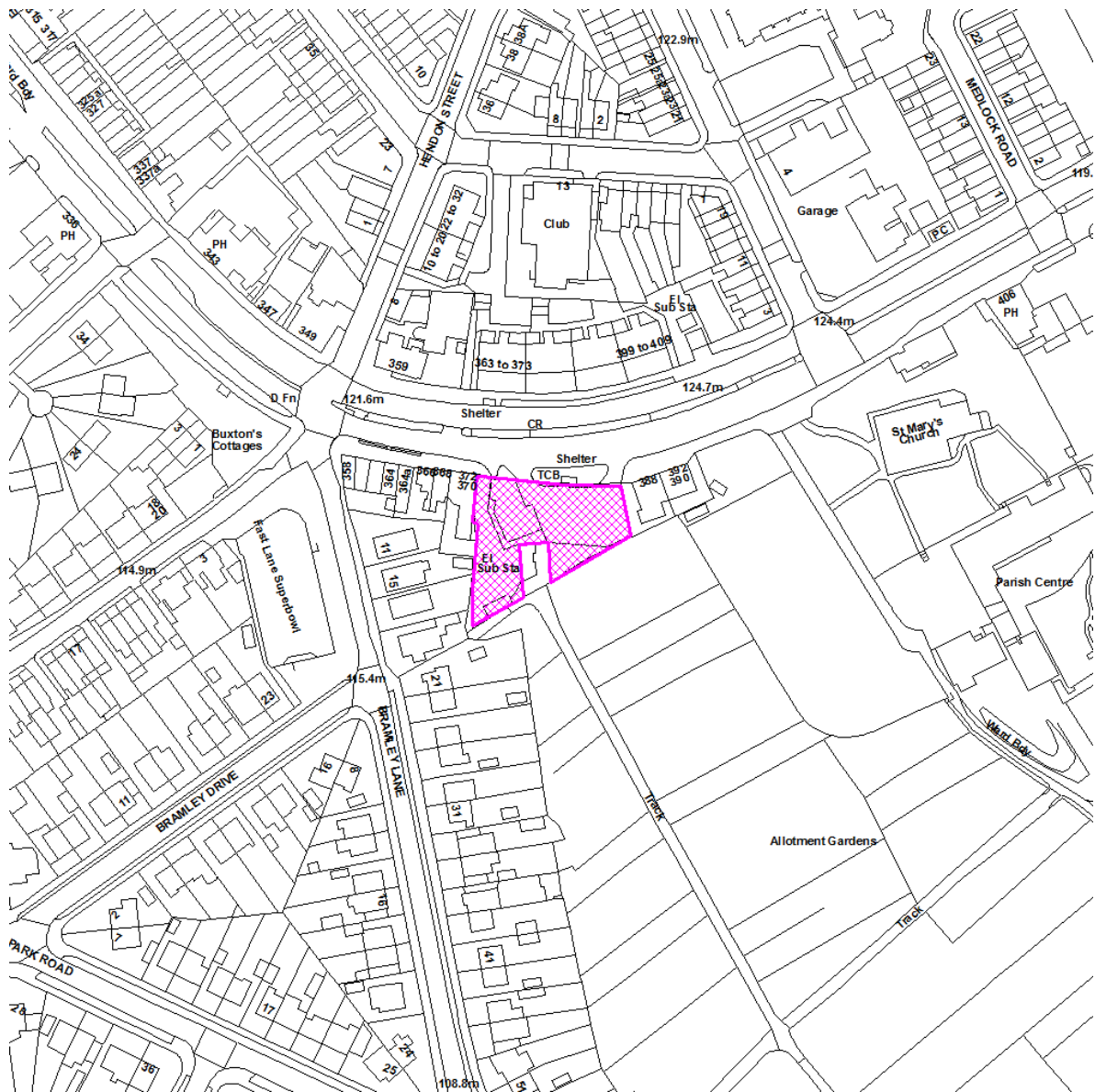
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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. 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 lies within the Handsworth Local Shopping Area, relates to an asymmetrical piece of land that comprises a single-storey restaurant building and the car park to that restaurant which is presently used as a hand car wash. A large YEB sub-station, which is served by a gated means of vehicular access from Handsworth Road is positioned to the west, within the rear space of the site. A small scale fencing business also operates from the western half of the site (the tenancy agreement due to expire soon). The site occupies a prominent position fronting onto the dual carriageway of Handsworth Road, in close proximity to a signalised junction.

The site occupies a plot that is approximately 0.15 hectares; positioned midway within a parade of shop units. The site is bounded by retail units to the east, single and two-storey retail units to the west, a three-storey block of flats to the north and allotments (Green Belt Land) to the south. The character of the main Handsworth road frontage is dominated by residential properties, dating from the mid to late 20<sup>th</sup> Century.

Planning permission was refused in July 2010 (refer 10/01333/FUL) following a recommendation to grant conditionally, for the demolition of the existing restaurant building and to develop the site for a mixed use scheme comprising 3 shop units (Class A1) and 14 apartments in a three-storey block, with ancillary car parking accommodation, servicing area, and cycle and bin stores. The application was refused for three reasons; insufficient car parking, which could lead to an increase in on-street parking and displacement of existing; it would generate additional vehicular movements in the peak hours which would generate additional congestion, be detrimental to road users and the free and safe flow of traffic on Handsworth Road and further decrease in air quality; and design grounds.

An Appeal was lodged and a hearing was held. The Inspector concurred with the Local Authority insofar as the development would have an adverse impact on the street scene and on balance, it would have a detrimental effect on highway conditions in Handsworth Road.

This application is seeking Outline consent, with approval sought for access, appearance and scale and siting. The proposed development will involve the demolition of the existing single-storey restaurant building and erection of 2 x two-storey building that will provide 2 retail units at ground floor with 12 apartments at first and second floor with additional accommodation provided in the roof space. A new means of access will be provided which will lead to an ancillary car park of 19 spaces, a cycle store, and small communal garden area.

## RELEVANT PLANNING HISTORY

16/04200/PREAPP – Pre-application advice sought for the erection of 12 apartments and 2 retail units – November 2016.

16/02593/FUL – Continuation of use of land as a hand car wash facility – Granted Conditionally – 03.11.2016.

10/01333/FUL – Demolition of existing single-storey restaurant and erection of 3 shop units (Use Class A1) and 14 apartments in a three-storey block, with ancillary car parking accommodation, servicing area, cycle and bin stores (resubmission of 09/03691/FUL) – Refused – 14.07.2010.

09/03691/FUL – Demolition of existing single-storey restaurant and erection of 3 shop units and 14 apartments in a three-storey block – Withdrawn – 17.03.2010.

## SUMMARY OF REPRESENTATIONS

Two site notices were displayed 11.10.2017 and following neighbour consultation, one letter on behalf of 3 businesses and 1 resident, 1 letter of objection and one letter in support has been received, comments of which are summarised below.

- The proposal is the same as previously refused and consider that it does not accept the findings carried out by the Appeal Inspector of 12.04.2011. The decision also states that an application would not be considered in the future.
- Local businesses and residents share the same opinion and it should be rejected on the same grounds.
- There is an electricity sub-station on the site and parking for 20 vehicles is unacceptable when the only access and egress is via an access which the adjacent unit has a rights of way to.
- Will be difficult to reverse whilst others exiting the car park.

A letter has also been received from Councillor M Rooney, objecting on the grounds that:-

- it is completely unsuitable for any residential development let alone one of this size.
- Exiting and entering the site would be difficult and dangerous given the nature size and location of the site.
- There is not enough space to provide the car parking spaces.
- Does not take account of the ownership of the surrounding land, their rights and their requirements.

The MP for Sheffield South East, Clive Betts has also objected to the proposal, on the same grounds as Councillor Rooney and that the application should be refused.

The Coal Authority, having considered the content and conclusions of the submitted Phase 1 Geotechnical and Geo-Environmental Site Investigation Report, has confirmed that they concur with the recommendations of the submitted report and that intrusive site investigation works and appropriate remediation is required to be carried out prior to development commencing. A condition is recommended.

## PLANNING ASSESSMENT

### Land Use Policy

The National Planning Policy Framework states housing applications in particular should be considered in the context of the presumption in favour of sustainable development and housing policies should be considered out of date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At the current time the Council cannot demonstrate a five year supply of housing such that this weighs in favour of this proposal.

The application site lies within a Local Shopping Area, adjacent to an Area of Special Character, as defined in the Unitary Development Plan and as such, UDP Policies S7 and S10 are relevant.

UDP Policy S7 states that shops (Class A1) are the Preferred Use, but that other uses such as offices used by the public (Class A2), food and drink outlets (formerly Class A3), business (Class B1), hotels (C1), housing (C3) and leisure and recreational facilities (D2) are also acceptable. The proposed development, which comprises 3 Class A1 shop units and 14 residential units are therefore acceptable uses in principle and will comply with this Policy.

UDP Policy S10, in particular, (a) states that new development will be acceptable subject to it not leading to a concentration of uses, which would prejudice the dominance of Preferred uses in the Area. The Shopping Area is occupied by a variety of uses and since 2 additional A1 shop units are proposed, the dominance of A1 uses will not be undermined but will provide a positive contribution to the vitality and viability of the Local Shopping Area. The residential units will not be at street level, but at first and second floor level, thus, will not prejudice the character of the area.

The proposal will also need to be consistent with Policies contained within the Sheffield Development Framework, Core Strategy, adopted in March 2009. Of particular relevance are Policies CS24, CS26 and CS41.

Core Strategy Policy CS24, 'Maximising the use of previously developed land for new housing' places an emphasis on building on brownfield sites, with a target of 88%. The site is currently being used as a car wash facility and as a restaurant and is therefore considered to be previously developed land. The redevelopment of the site will contribute towards the 88% target; thus, it will comply with Policy CS24.

Core Strategy Policy CS26, 'Efficient Use of Housing Land and Accessibility' seeks to ensure efficient use of land but keep densities to a ratio which reflects the character of the area. Densities do vary in the City and a site such as this, which is near to a high frequency bus route, is recommended to have a density of 40 to 60 dwellings per hectare. The net density for the proposed development will be 80 dwellings per hectare, which is above the recommended range and will accord with Policy CS26.

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 comprises 9 x 2 bedroom and 3 x 1 bedroom apartments, which does offer some variety, especially given that this is a small scale major development. The area has a high volume of family homes, so there is likely to be the demand for smaller units such as these. In this regard, the proposed development will comply with Policy CS41.

#### Design/Visual Amenity

As the proposed development involves the erection of new buildings, UDP Policy S10 and Core Strategy Policy CS74 are relevant. Policy S10(d) states that the proposal should be well designed and of a scale and nature appropriate to the site; and (e) comply with Policies for the Built and Green Environment as appropriate.

UDP Policy BE5, which relates to building design and siting, sets out the principles for good design and encourages the use of good quality materials. BE5 (a) states that new buildings should complement the scale, form and architectural style of surrounding buildings and in BE5 (d) it states that in all new developments, design should be to a human scale wherever possible and particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down. Section (f) of the Policy states that the design should take full advantage of the site's natural and built features; and in (g), that the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

Core Strategy Policy CS74 sets out the design principles for new development, with a particular emphasis on achieving high quality development, which will respect, take advantage of and enhance the distinctive features of its districts and neighbourhoods.

Members should be aware that pre-application discussions have taken place prior to the submission of this application and the proposal has been developed in response to the Appeal Inspector's comments on a previous scheme (10/01333/FUL).

The Appeal Inspector, at the time of considering the previous proposal accepted that there were 3-storey flats and flat roofed buildings within the vicinity. However, apart from these and a few other exceptions, they considered that Handsworth's prevailing character was traditional 2-storey pitched roofed buildings, many of which were built in stone.

The Inspector was of the opinion that the proposal would create a continuous frontage, as a result of a long flat-roofed block. This, combined with the chosen materials, would result in a top-heavy appearance. The Inspector concluded that the proposed development did not meet the requirements of Policies BE5 and CS74 as it did not complement the scale, form and architectural style of surrounding buildings.



The current scheme seeks Outline consent with approval sought for appearance, scale and layout. Two x two-storey buildings, with further accommodation in the roof space are proposed, which will give an overall height of 2.5 storeys. The scale of the development has been reduced in terms of its general massing and the level of accommodation provided, compared with the previous proposal. The buildings will vary in height, owing to difference in land levels, but responding positively to the topography. A continuous eaves level will be achieved to the building immediately adjacent to property no. 388. The additional roof height will not appear as a visually prominent feature in the street scene but simply read as a typical two-storey property.

The buildings will be separated by a means of vehicular access to a rear car park, which will provide sufficient distance between the blocks, to break up the frontage, avoiding a long continuous mass of development. Incorporating a pitched roof further reduces the massing effect by breaking up the front elevations, and will also reflect one of the key architectural features dominant within the Handsworth area. The proposed first floor accommodation will be in alignment with those of the adjacent unit of no. 388, thus maintaining some continuity along this frontage. The second floor accommodation will be provided within the roof space, with no projections beyond the roof slope and as such, will not be noticeably read in the street.

The roofline will step down, to reflect the topography. To the west, immediately adjacent to the site is a parade of retail units of which the closest units are single-storey in height. Further down the parade are two-storey, pitched roofed buildings. The new buildings will be 1.5 storeys higher than the adjacent units, in particular the retail premises 'Drinks Express' (no. 372 Handsworth Road). This is acknowledged and it will be visible in the street scene, however, it is not considered that it will dominate the site and have a detrimental visual impact on the wider views of the site.

The present layout of the site is somewhat haphazard and the new buildings will serve to provide some uniformity to the frontage and will form an integral part of the street frontage. The buildings will be set forward on the site as previously, at the back edge of the pavement, which will respect the existing building line along this frontage between the adjacent properties of nos. 388 and 370 Handsworth Road. The buildings will be viewed simply as an infill development. The footprint of the buildings will follow a similar format to that of adjacent units and will comfortably fit within the plot, without over-developing the site.

The elevations of the proposed buildings are of simple design and will be treated using a simple palette of materials, the predominant material being natural stone, which is particularly welcomed given the local context and will complement the proposed black window frames. Both buildings will comprise of typical shop fronts at ground floor level which will have full height glazing. The building will be suitably grounded by running the stonework straight to the pavement and the ground floor will be distinctly defined, through the finish and detailing of the stonework. Roller shutters are proposed to the retail units however, these will not be retro-fitted but will form an integral part of the retail frontages, the details of which will be secured by condition.

The upper floors will be denoted by a series of vertically orientated openings that will be glazed, with coloured panels positioned alongside. The windows are appropriately positioned and of a scale consistent with the scale of the buildings. A horizontal band will be introduced both at ground and first floor, which will enrich the elevations by providing additional visual interest. Details will be secured by condition.

The side elevations on the outer edge of the buildings will remain blank although the same horizontal stone bandings will extend across the gables, which will enhance the elevations. The bin stores and a simple detailed, glazed pedestrian entrance with canopy will be provided within the inner side elevations facing onto the means of access. This level of detailing is acceptable given that they are not principal elevations. Rear elevations will be treated in the same materials and similar detailing and fenestration pattern as the front elevation, but with the addition of a tall centrally positioned glazed element which will provide light to the proposed stairwell. Maximising the south-facing aspect, individual balconies will be provided to some apartments, which also offer views over the allotments.

At the rear of the site will be a communal landscaped garden and an ancillary car parking area, which is sub-divided by an existing electricity sub-station. A cycle store will be positioned adjacent to the rear boundary. New fencing will be introduced along the east and west boundaries and the southern boundary, which is denoted by a stone wall, will remain in situ with appropriate infilling and repair works to be carried out.

The proposed development represents a 'flats over shops' proposal, which is typical in this Shopping Area and other shopping areas. There are a variety of built forms within the immediate vicinity, although there is a fairly strong Victorian influence, which is reflected in the proportions of the building. This proposal will facilitate the removal of an eyesore and its replacement with a well-designed scheme, and will consolidate the use of the land whilst utilising the space efficiently. The redevelopment of the site is welcomed and the proposal offers the opportunity to introduce a more contemporary addition to this prominent street frontage, which will be sympathetic to the character of the Area and also provide facilities that will better serve the needs of the community.

### Sustainability Issues

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.

### Access Issues

UDP Policy BE7, which refers to the design of buildings used by the public, requires that provision is made to allow people with disabilities safe and easy access to the building and to appropriate parking spaces. The site will be developed such that level thresholds will be achieved to all entrances, for both the residential element and the commercial units. Further consideration has been given to all elements of the development, including the internal arrangements which will include full lift access to all floors, external access arrangements, and car parking accommodation.

### Residential Amenity Issues

As the proposal involves a change of use, UDP Policy S10 will apply. Of particular relevance is section (b) which states that residents or visitors in any hotel, hostel, residential institution or housing should not suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.etc.

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.

The site lies within a Local Shopping Area, where there are a number of commercial premises operating at ground floor level, with residential flats above. Immediately to the west is the retail premises 'Drinks Express' (no. 372 Handsworth Road) and beyond, within the parade are other retail units. There are no immediate residential properties to the west of the site that will be affected by the proposed development.

The site is therefore set within a mixed commercial and residential area with moderate background noise levels throughout the late evening. The predominant noise is road traffic of Handsworth Road. The proposal involves residential above commercial uses and as such, there is significant potential for external noise, through glazing to habitable rooms. There is also potential for structure borne noise between the commercial and residential element. Noise is likely to be generated as a result of people entering and leaving the commercial units, anti-social behaviour, and plant and equipment proposed for mechanical services. There is also a potential for disamenity as a result of odours, which will need to be carefully controlled.

The Environmental Protection Service (EPS) has confirmed no objection to the proposed development, subject to the imposition of a number of conditions which will secure sound insulation measures, appropriate odour abatement equipment and control plant and equipment.

The proposed development will provide satisfactory living conditions for future residents. The internal layouts of the proposed accommodation are 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.

### Effect on Existing Residential Properties

Adjacent to the site, to the east, is the two-storey property (no. 388), which is occupied by William Hill betting shop, with ancillary storage above. In the side elevation of that property is a single window located at first floor level. This window does not serve a main habitable room and as such, there will be no significant impact on that property. Within the rear elevation of the property are windows with security grilles attached. The windows do not appear to serve any living accommodation.

To the north, opposite the site, is a three-storey block of flats, which are in excess of 30 metres away from the site. The degree of separation between the existing flats and the proposed new apartments is considered to be acceptable and will accord with the guidelines laid down in Supplementary Planning Guidance on House Extensions, which sets a minimum distance of 21 metres between main facing habitable room windows. Accordingly, the proposal will not cause overlooking and neither will the building have an overbearing impact on those properties.

To the south-west of the site are residential properties, which front onto Bramley Lane and have rear gardens facing east towards the site. The land falls away significantly from the north to the south down Bramley Lane such that residential properties are positioned to reflect the topography and are set down below the application site. Nos. 11, 15, 17 and 19 are bungalows. Beyond the site of no. 11, to the north and east, the land is already built up with buildings and yard areas serving the adjacent shop units. Nos. 15 and 17 have small rear gardens, which are raised and no. 15 has a garage located in the rear garden, abutting the west boundary of the application site.

The application site is elevated, but given the orientation of the proposed new building and the fact that there will be a distance of no less than 25 metres between the new building and the above-mentioned properties, there will be no adverse impact in terms of residential amenity. The proposed building will not face directly onto the bungalows, and to mitigate against potential overlooking resulting from the nearest balconies (serving apartment nos. 8 and 14), a condition will be imposed requiring a high screen to be positioned on the west elevation of the balconies. Other balconies will be sufficiently distanced away to not raise any concerns in respect of reduced privacy levels.

The proposed building will be positioned to the north of the site, away from the Bramley Lane properties. Owing to the orientation of the plot, it is concluded that there will be little or no loss of direct sunlight to the adjacent properties and neither will the building have an overbearing impact.

Within the rear curtilage of the site will be a car parking area, which will serve the new apartments. The traffic movements generated by the proposed car parking area are not considered to be significant and unlikely to have an adverse impact on the neighbouring properties of 11 – 19 Bramley Lane. A screen fence will also be erected along the west boundary, which will provide a physical barrier to this area.

On this basis, the proposed development is considered acceptable in amenity terms, with no adverse impact on existing or future residents. In this regard, the proposed development will meet the requirements of the adopted plan.

## Highway Issues

UDP Policy S10 (f) states that any new development should be adequately served by transport facilities, provide safe access to the highway and appropriate off-street parking, and not endanger pedestrians.

A car park will be provided at the rear of the site, which will be served with a new means of vehicular access from Handsworth Road. The car park will provide 19 car parking spaces of which 2 will be to disabled access standards. The spaces will serve the commercial units and the residential accommodation.

The previous scheme was refused on highway grounds and subsequently considered at appeal. The Inspector was of the opinion that a shortfall of 9 spaces was significant and would be detrimental to highway safety. The Inspector was also concerned with regards to the servicing arrangements which were proposed to be carried out within the site. It was considered that, owing to the site being of restricted dimensions, manoeuvring would be difficult and there was potential for conflict between delivery vehicles and visitors/customers. Concern was also expressed in respect of the dual use of the car park for both residents and customers.

The proposed development has been scaled down insofar as the number of retail units and associated floor space has been reduced, and the number of apartments has been reduced from 14 to 12.

UDP parking guidelines recommend that there should be 1 space per apartment, plus 1 visitor space per 4 flats, which gives a total of 15 spaces. It should be borne in mind that they are guidelines, which are designed to be applied flexibly, for different circumstances. In respect of the retail element, the guidelines vary as to whether the units will be food or non-food. One space per 35m<sup>2</sup> is suggested for non-food and one space per 20m<sup>2</sup> is suggested for food use. The combined floor area for the retail units will be 147m<sup>2</sup>. Given that it is not known as to the type of A1 retail use, a pragmatic approach needs to be taken. If one unit is food related and the other is non-food, the recommended parking requirement would be approx. 4.5 to 7 spaces. The development will provide 4 spaces, which is considered to be a reasonable number in a designated shopping area and given that the other spaces within the site could also potentially be used, especially during the daytime, this would meet the demand if required. The Highways Officer does not have any objection to the flexible use of these parking spaces and is of the opinion that it is not necessary to formally allocate the spaces.

There have been concerns amongst objectors in respect of increased on-street parking and the likely traffic hazards resulting from such congestion. There is limited on-street car parking accommodation available to the east adjacent to properties 388–392 Handsworth Road. Further resident concerns have been raised about the potential for more illegal parking of vehicles along Handsworth

Road, which is a busy dual carriageway. The level of proposed development has been reduced and the amount of available in-curtilage parking has been increased, such that it is considered that the increased demand for on-street parking will not be so significant that a refusal will be justified. The site is located within a Shopping Area, where it is not always feasible to provide complimentary parking. The adjacent commercial units do not provide in-curtilage parking. Furthermore, the presumption should not be that visitors to both the existing and proposed shop units will arrive by car. It is likely that some local residents will walk to the site or may choose to use public transport.

It is unfortunate that an existing YEB sub-station occupies a substantial space within the rear curtilage of the site, which prevents the opportunity to increase the level of parking.

Servicing will be carried out on-street immediately adjacent to the site, on Handsworth Road, which is how other adjacent units are currently serviced, given the absence of any in-curtilage space. It is not considered that the increased level of servicing in this manner will be so significant that it will have an adverse effect on the highway, especially as this is a temporary operation.

A secure cycle store will be provided to serve the future residents and 3 cycle stands will be provided within the footway which will serve as short stay spaces for the wider area.

A number of highway improvements and works in the highway will take place as part of the application including the relocation of the bus stop and telephone box; closing the existing gap in the central reservation to prevent vehicles making 'U' turns; improvement works to the nearby pedestrian crossing; closure of redundant accesses and; the reconstruction of the footway adjacent to the site.

In the event of an emergency, a fire appliance will be able to access the building from Handsworth Road.

The proposed development, largely complies with the current parking standards, and in light of the Inspector's conclusion, which was a balanced decision, and the fact that this is a reduced scheme, the proposed development is considered acceptable in highways terms and will meet the requirements of the adopted plan.

#### Drainage

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

Yorkshire Water and the Lead Local Flood Authority (LLFA) have been consulted and in principle, there is no objection to the proposal, subject to full details being submitted of the proposed means of disposal of surface water drainage and the requirement to achieve a 30% reduction in the existing peak discharge rate.

#### Land Contamination

A Geo-environmental desk top report has been submitted, which given the existing uses on the site, which includes a petrol filling station, there is the potential for contaminants on the site and as such, further site investigations are required. A condition will be imposed to secure appropriate investigations and remediation measures are carried out.

#### Affordable Housing

The scheme is not large enough to trigger an affordable housing requirement.

#### 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 3 where the CIL charge is £30 per square metre.

### SUMMARY AND RECOMMENDATION

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

The proposal represents a typical 'flats over shops' concept, which is characteristic of the area, and is reflected not just in this local shopping area but in other local shopping areas within the City. It is considered that this type of development will enhance the character of the area and remove an existing eyesore.

It is relevant to note that, although the site is not particularly large, the onset costs are high, owing to the position of the YEB sub-station and the need to re-direct cables which currently run beneath the existing restaurant. The financial viability of the scheme is therefore dependent on achieving a minimal level of development on the site.

The design of the proposed development is considered acceptable in terms of its scale, form, detail and siting. Some degree of articulation has been incorporated into the design and the use of good quality materials will ensure the proposal will be in keeping with the character of the area. The footprint is similar to that of adjacent units and the layout of the site maximises the available space and takes advantage of the south-facing aspect.

Existing and future residents will not be adversely affected by the proposed development.

With regard to highway safety, the site is located within a Local Shopping Area, which is well served by public transport and it is not considered that the existing on-street parking problem will be exacerbated to such a degree that a refusal is justified in this highly sustainable location. The scale of the development has been reduced since the previous scheme and it is not considered that it will result in a significant demand for on-street parking. The highway improvements proposed will also address some of the traffic safety concerns.

The site is considered to be an eyesore and given its history, the proposed development represents a good opportunity to consolidate the land and facilitate a permanent use for the site, which will be in keeping with the existing shopping area and be more compatible with the surrounding area than the present restaurant and car wash.

The proposed development will comply with all other policy requirements. On this basis, the proposal is considered acceptable and will accord with the identified policies within the Core Strategy and the Unitary Development Plan (UDP) as well as being in line with the National Planning Policy Framework.