
Case Number	18/03659/FUL (Formerly PP-07299343)
Application Type	Full Planning Application
Proposal	Erection of five-storey block comprising ground floor retail unit (Use Class A1) and 2no apartments above (Use Class C3)
Location	Bakers Yard Sheffield S3 8BY
Date Received	26/09/2018
Team	City Centre and East
Applicant/Agent	Becky Ford
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:

LK-CITUD-1H-ZZ-DR-A-00002 Rev P2 Site and Location Plan;
LK-CITUD-1H-ZZ-DR-A-00200 Rev P2 Proposed Plans; and
LK-CITUD-1H-ZZ-DR-A-00220 Rev P2 Proposed Elevations all received on 8/2/2019

Reason: In order to define the permission.

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

3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the

site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

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

4. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy - Update to Site Remedial Strategy - Kelham Island, Sheffield, ref: C6920C/7174/DCB/JD Rev1, dated 26/11/18 (Sirius Geotechnical Ltd). 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.

5. 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.

6. No above ground construction work shall commence until full details of the storage for bins and bikes has been submitted to and approved in writing by the local planning authority. Thereafter the residential and commercial accommodation hereby permitted shall not be occupied until the bin and bike stores have been provided in accordance with the approved details and are thereafter retained.

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

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

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

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

Windows and window reveals;
Doors;
Parapets and cappings;
External stairs and balustrades;
Rainwater goods; and
Decks and green roofs

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

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

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

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
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.

10. Before the use of the development is commenced, Validation Testing of the sound insulation 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 insulation works thus far approved, a further scheme of 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 it is essential for these works to have been carried out before the use commences.

11. Details of a privacy screen along the western edge of the roof terrace, designed to prevent views into the neighbouring Garden Houses, shall be submitted to and approved by the Local Planning Authority. The approved screen shall be installed on site before the residential accommodation is brought into use and shall thereafter be retained.

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

12. The windows on the elevation of the building facing south west shall be fitted with obscure glass, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

13. 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.

Other Compliance Conditions

14. The development shall be carried out in accordance with mitigation measures detailed in the approved Flood Risk Assessment (FRA) by Civic Engineers dated 2 October 2017 (reference job number 806-05), including the setting of finished floor levels no lower than 49.85 metres AOD. Mitigation measures shall be fully implemented prior to occupation of the development and shall thereafter be retained.

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

15. The retail (A1) unit hereby approved shall only be used between 0800 hours and 2200 hours Monday to Saturday and between 0900 hours and 2200 hours on Sundays and Public Holidays.

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

16. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2200 Mondays to Saturdays and between the hours of 0900 to 2200 on Sundays and Public Holidays.

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

17. 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.

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

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

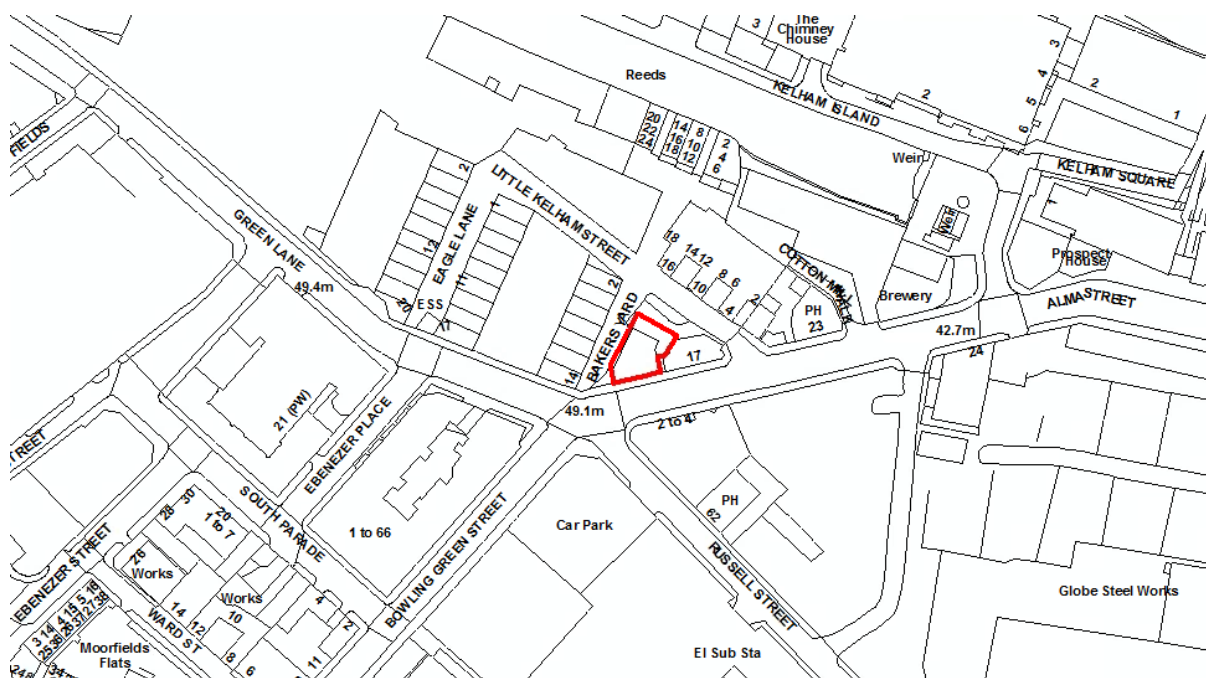
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

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

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

4. 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 comprises of a plot of land within Little Kelham, a large, mixed use development of houses and commercial space located on the northern side of Green Lane and Alma Street, in the centre of the Kelham Island Conservation Area.

The original development of 107 one, two and three bedroom dwellings, the conversion of Eagle Works to form a shop/restaurant (use class A1/A3) and creative arts space (use class B1), the conversion of the gateway building to provide a shop/restaurant (use class A1/A3) and the erection of a 5 storey building for use as an energy centre with office spaces above was granted in August 2012 and is still under construction.

Consent was granted under Section 73 of the Town and Country Planning Act 1990 in January 2013 to allow phasing of the development (12/03390/FUL); in May 2015 to allow the phasing of highway improvement works and removal of the condition which states that no resident shall obtain a parking permit (14/04300/FUL); and again in October 2017 to allow the updating of approved plans in line with design development, building regulations and a revised phasing sequence (16/03102/FUL).

This application relates to land in the south east corner of the Little Kelham site, adjacent the gateway building, on which was proposed a five storey building for use

as an energy centre. As the wider site has developed, become occupied, and its energy strategy has evolved, the original proposals for an energy centre are no longer being pursued. So, in early 2018 planning permission was granted for the erection of a single storey extension to the gateway building for use as a retail unit with roof terrace over.

This consent has not been implemented. Instead, the applicant is now seeking planning permission for the erection of a five-storey block, similar in scale to that within the 2012 planning approval, but comprising of a ground floor retail unit (Use Class A1) with 2 apartments above (Use Class C3).

It must be noted that, a few years ago, a concrete base was constructed in this location under the original consent. However the dimensions of the base, as built, did not accord with the approved plans and the developer was asked to stop work. The 2017 consent for the single storey extension to the gateway building made use of this existing base, as do the current proposals at ground floor level.

RELEVANT PLANNING HISTORY

- | | |
|--------------|---|
| 17/05206/FUL | In December 2018 planning permission was granted for the erection of a small 3 storey end terrace dwellinghouse on Lizzie Lane. |
| 17/03285/FUL | In February 2018, planning permission was granted for the erection of single-storey rear extension to building for use as a retail unit (use class A1) with roof terrace over. |
| 17/03434/FUL | In November 2018 planning permission was granted for use of the Tank House (part of Eagle Works) as a dwellinghouse. |
| 16/03102/FUL | An application to allow the updating of approved plans in line with design development and building regulations and a revised phasing sequence - Application under Section 73 to vary conditions numbered 2 (Approved plans), 3; (Phasing plan) and 14 (Walkway Agreement) as imposed by planning permission 14/04300/FUL was approved in October 2017. |
| 14/04300/FUL | An application under Section 73 to vary conditions 9, 16, 20 (i and ii), (to allow phasing of highway improvement works); 14, (to allow an extension of the time in which details are to be submitted for the Zonal Walkway); 39 (to allow an extension of time for public art details to be submitted), and removal of condition 48 (stating no resident shall obtain a parking permit) as imposed by planning permission 12/03390/FUL was approved in May 2015. |
| 14/03544/FUL | An application for the replacement of boundary wall at Little Kelham was approved in November 2014. |

- 13/01191/NMA An application for Gateway building to allow enlargement of two window openings, slate roof, black aluminium rainwater goods, removal of existing render, and exposed brickwork to be made good (Amendments to planning permission no. 12/01401/FUL) was approved in April 2013.
- 12/03390/FUL A Section 73 application to update phasing and allow rewording of conditions 3, 9, 20, 21, 27, 28, 29 and 30 as imposed by planning permission 12/01401/FUL was approved in January 2013.
- 12/01401/FUL In August 2012 planning permission was granted for the development of land and buildings to provide 107 residential units, conversion of Eagle Works to form shop/restaurant (use class A1/A3) and creative arts space (use class B1), conversion of gateway building to provide shop/restaurant (use class A1/A3), erection of 5 storey building for use as energy centre with office spaces above (use class B1) and laying out of associated car parking, access roads and landscaping.

SUMMARY OF REPRESENTATIONS

29 representations were received in relation to the proposed development, all objecting to the proposals. The concerns raised by objectors include:

- The proposals represent a significant over-development of the site and are contrary to the original planning permission for an energy centre with offices above.
- The existing foundations were built approximately 1.5 metres too close to the neighbouring Garden Houses.
- The proposals will result in overlooking of the neighbouring Garden Houses, particularly from the first floor terrace, and deprive neighbouring residents of privacy.
- The privacy and light to properties on Baker's Yard have already been impacted by a building on the corner of Russell St and Alma Street. The proposed building is much closer and the impact will be more severe.
- The five storey building will result in reduced daylighting to neighbouring properties, which is critical given that they were designed to harness solar gain in order to help heat the properties.
- The building will cast a shadow onto the communal green space in Baker's Yard.
- Habitable room windows will be metres away from the entrance to what could be a busy retail unit.
- The five storey building will dwarf the other buildings in Bakers Yard/ Little Kelham Street and Cotton Mill Walk as well as Cornwall Works on the opposite corner of Green Lane.
- The five storey building is not consistent with the residential character of the area.
- The proposed building contravenes policy BE3 of the UDP which seeks to discourage tall buildings in Kelham.

- The five storey building will generate a wind tunnel.
- Both the residential and commercial elements of the proposal will increase traffic in the area and add to existing on-street parking problems.
- The proposed retail unit will add to traffic management pressures within Little Kelham.
- Where will the additional residents park?
- There is no need for more retail units when others in the area stand empty.
- Bin storage is already insufficient, particularly for commercial occupants of the development. This scheme lacks adequate waste disposal facilities.
- The proposed development is an eyesore.
- The use of gold cladding is at odds with the look and feel of the rest of the development and the conservation area.
- The proposed gold cladding will cause glare within Baker's Yard.
- Construction work in such close proximity to residents will be harmful to their amenities.

Residents also raised non-planning issues including loss of views and the fact that, at a residents meeting, CITU's Managing Director confirmed that the originally proposed five story building would not be built, but would be replaced with a single storey building with a roof garden over due to residents' concerns. Planning permission was approved for this scheme in February 2018 (17/03285/FUL). Many residents claim that they would have not bought properties knowing that the plans for a five storey development would go ahead.

The Conservation Advisory Group (CAG) considered the proposals at their meeting on 16 October 2018. The Group felt that the use of gold cladding was inappropriate in a conservation area and recommended that a more subdued metal should be used. The Group considered that a 5 storey block could be acceptable, but that the amenity aspects of the scheme should be redesigned and further consideration should be given to the parking.

PLANNING ASSESSMENT

Land Use

The revised National Planning Policy Framework (NPPF) 2019, reinforces the general presumption in favour of sustainable development as well as the Government's objective to significantly boost the supply of housing.

The presumption in favour of development applies where the local planning authority cannot identify a 5-year supply of deliverable housing sites (with a 5% buffer), or where the delivery of housing over the last 3 years has been below 75% of the housing requirement. Sheffield's housing delivery passes the second test, and we are in the process of updating our 5-year housing land supply position. However, given the changed assessment regime identified in the revised NPPF and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional engagement with stakeholders before publishing our conclusions in a monitoring report. At this time decisions should be taken in light of

the SHLAA Interim Position Paper (2017), which shows a 4.5 year supply of sites. This weighs in favour of the development of this site for residential purposes.

The site is located within the Kelham Mixed Use Area as defined in the Unitary Development Plan (UDP). Policy MU9 (Kelham Mixed Use Area) describes housing (C3) as a preferred uses of land, and small shops and food and drink uses as acceptable where they support this unique living and working environment. Policy MU11 (Conditions on Development in Mixed Use Areas) requires, amongst other things, that no single use is dominant.

This general approach was retained in Core Strategy policy CS17 (City Centre Quarters) (j) which identifies Kelham and Neepsend as a focus for new riverside housing and jobs.

The erection of a building for residential and retail purposes conforms with land use policies and is therefore considered to be acceptable in principle.

Design and Conservation Issues

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development. It advises that planning policies and decisions should, amongst other things, ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character, including the surrounding built environment, while not preventing appropriate innovation or change; maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments, while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The Government's policies relating to the historic environment are set out in chapter 16 of the NPPF (Conserving and enhancing the historic environment). When considering the impact of a proposed development on the significance of a designated heritage asset, it expects local planning authorities to give great weight to the asset's conservation, and goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification.'

Furthermore, in considering whether to grant planning permission for development which affects a conservation area or its setting, section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 states 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Policy BE16 of the UDP (Development in Conservation Areas) expects new development to preserve or enhance the character or appearance of the

conservation area, it supports the retention of buildings which make a positive contribution to the character or appearance of the area, and it encourages the redevelopment of sites which detract from the conservation area where it would enhance the character or appearance of the area.

The application site lies in the heart of the Kelham Island Conservation Area, one of the first industrial conservation areas in the country. Elements that make up the special character of the Conservation Area include its involvement in the growth of the metal trades in Sheffield; the Island itself, which was first formed in the 12th Century when the goit was built to provide water power for the Town Corn Mill; key listed and unlisted buildings which contribute to the character of the area (including the Kelham Island Museum, Globe Works and many public houses such as the grade II listed Fat Cat to the immediate east of Little Kelham); the unplanned street pattern which evolved in response to the development of the area; the back of pavement development characterised by brick built workshops and grand frontages; and the predominance of red brick buildings and historic stone flags.

The proposed five storey building sits behind the retained red brick wall which bounds the Little Kelham site to Alma Street and much of Green Lane. As submitted, the proposals comprised of an irregular shaped timber clad ground floor constructed on the existing concrete base, with rectangular shaped upper floors measuring 6.2 metres by 9.5 metres, finished with matt gold standing seam cladding. An external stair provided access to the first floor while an internal staircase accessed the upper floors.

It is considered, in design terms, that the site can accommodate a slender five storey structure given the previous consent (for a five storey energy centre), the scale of neighbouring buildings and the site's proximity to a four way junction at the heart of Kelham Island. The dwellinghouses to the immediate west of the site (known as Garden Houses), range between three and four storeys in height, while a recently built residential development to the east, at the junction of Alma Street and Russell Street, also reaches five storeys in height. The scale of the proposed development is not, therefore, considered to be inappropriate in the context of recent development or some of the older buildings in the vicinity, including the generous four storeys of Eagle Works on the northern side of Little Kelham. However, the proposals did raise a number of design concerns including relatively blank facades to primary views and materials that are not reflective of the character and appearance of the industrial conservation area. It was also felt that amendments should be made in order to limit the impact of the structure on the amenities of the occupiers of neighbouring properties – as discussed below.

Amended proposals were submitted with a number of key changes. The timber and gold cladding have been replaced with more contextual red brick to the ground floor with bronze coloured metal cladding, applied with a vertical standing seam, to the upper floors. This more subdued, robust and contextual approach to materials is considered to be acceptable and more in-keeping with the character and appearance of the conservation area, yet contemporary and in the spirit of the architecture within the Little Kelham site.

Windows within the tower have been rearranged so that the façade facing onto Alma Street is animated with more openings, while the elevations facing towards the neighbouring Garden Houses have far fewer openings, which minimises opportunities for overlooking.

In addition, the upper floors of the building have been reduced in size to 6.2 metres by 8.3 metres. This has been achieved by replacing the internal staircase with an external staircase on the building's east facing elevation, away from the Garden Houses. This has the effect of slimming down the proportions of the upper floors and pulling them a further 1.4 m away from the Garden Houses (resulting in a minimum separation of the upper floors of about 8.8 metres).

It is considered that the resulting building, whilst distinctive, is in-keeping with the industrial character and appearance of the conservation area and will not cause any harm to its significance.

Material samples and large scale details are reserved by condition to ensure quality detailing is achieved.

Amenity Issues

Policy MU11 states that new development should not cause residents to suffer from unacceptable living conditions.

The ground floor of the proposed five storey building sits approximately 7.4 metres to the east of the terrace of Garden Houses, which range between three and four storeys in height. The upper floors, as amended, are a minimum of 8.8 metres away and their north and west facing elevations return at angles such that they do not face directly onto the Garden Houses.

The nearest Garden Houses have only garage accommodation at ground floor level and so it is considered that the ground floor of the proposed development will have little impact on the occupant's residential amenities. The two properties at either end of the terrace have living accommodation at ground floor level. The property at the northern end of the terrace (plot 10) looks out onto a landscaped area. The property at the southern end of the terrace (plot 16) is orientated to face south east, and the outlook at ground floor level is compromised by the existing brick boundary wall.

All the neighbouring Garden Houses will experience some additional loss of direct sunlight during the morning as a result of the proposed development. The loss of direct sunlight will affect each plot differently, the impact will be short-lived and it will change throughout the year. During the winter months, when the sun is low and the shadow generated by the development is likely to be most significant, it is noted that the bulkier five storey building at the junction of Alma Street and Russell Street already overshadows much of Baker's Yard. On balance, therefore, it is felt that overshadowing and the loss of direct sunlight caused by the development will not cause substantial harm to the amenities of the occupants of the neighbouring Garden Houses.

The outlook of the Garden Houses closest to the proposed development will also change. Residents currently look out onto an open courtyard because the original proposals for a five storey building for use as an energy centre were not constructed. However, it is also considered that, because the upper floors of the proposed building are relatively slim and they are a minimum of 8.8 metres from and angled away from the Garden Houses, the overbearing impact of the proposals have been minimised to an acceptable degree. Indeed, the scale and quality of the resulting space is not uncharacteristic of Little Kelham as a similar separation distance of 9 metres will be experienced by residents of the 3 and four storey Garden Houses on either side of Eagle Street and Lizzie Lane.

A number of the residents of the Garden Houses have suggested that the proposed development will deprive them of privacy. However, following amendments which removed almost all windows from the west facing elevation of the upper floors (those that remain serve w.c.s and circulation space and can be obscure glazed), and both reduced and relocated windows on the north facing elevation (which does not directly face the Garden Houses), it is considered that opportunities for overlooking have been almost eliminated. The only concerns remain a large window proposed in the small south west facing end elevation of the retail unit which could cause the occupants of plot 16 to feel overlooked. It is therefore recommended that this window be obscure glazed. Also, the small first floor roof terrace would allow views into the first floor living accommodation of the nearest Garden Houses. It is therefore recommended that some form of screen, perhaps in the form of planting, be introduced along the western edge of the roof terrace in order to prevent any significant loss of privacy. This is again reserved by condition.

Little Kelham comprises of high density urban housing where suburban levels of separation cannot be expected, yet privacy distances are considered to be comfortable and outlook is generally good – the rear elevations of all the Garden Houses look onto generously proportioned raised shared gardens. While the proposed development will have an impact on the amenities of the occupants of the Garden Houses facing onto Bakers Yard, and to a lesser degree the Cube and Courtyard Houses on the northern side of the yard, on balance it is considered that the impact will not cause significant harm or cause residents to suffer from unacceptable living conditions.

Highway Issues

The proposed development includes 2 two bedroom apartments which will likely generate a very small increase in demand for parking. For those properties within Little Kelham that don't have in-curtilage parking, parking is provided beneath the podiums of the Garden Houses, though only the first podium is currently available.

The applicant has advised us that there are a total of 27 spaces in podium 1. 14 spaces have been sold, 4 are temporarily occupied until podium 2 becomes available and 9 remain unallocated. Sufficient parking therefore appears to be available on site to cope with a small increase in demand.

The proposed retail unit is of scale likely to serve the local community and should not in itself result in any more car movements or demands on parking, though it is

acknowledged that Kelham Island generally suffers from on street parking problems caused, in large part, by commuter parking and visitors to the area. The Council is currently preparing plans to implement zonal parking controls in the area in order to combat the on-street parking problems.

Land Contamination

The applicant has recently concluded a year's worth of additional monitoring and assessment having previously reported that work could not proceed in accordance with the approved Remediation Strategy (due to the potential presence of Dense Non-Aqueous Phase Liquids (DNAPLs) in controlled waters and the identification of significant quantities of free product in the form of a migrating hydrocarbon plume).

The Environmental Protection Service (EPS) considered the resulting reporting to be satisfactory and the following report forms an agreed revised Remediation Strategy:

Update to Site Remedial Strategy – Kelham Island, Sheffield, ref: C6920C/7174/DCB/JD Rev1, dated 26/11/18 (Sirius Geotechnical Ltd).

Coal Mining

The site lies in an area of the city affected by past coal mining activities and the Coal Authority concurs with the recommendations of the submitted Coal Mining Risk Assessment Report; that intrusive site investigation works should be undertaken prior to development in order to establish the extent of any historic coal workings under the site.

A condition is proposed to secure further investigations and ensure that any necessary remedial works are undertaken prior to commencement of the development.

Flood Risk

The application site falls within Flood Zone 2. The applicant submitted a Flood Risk Assessment and the Environment Agency (EA) were consulted, who advised that it be assessed in line with their flood risk standing advice.

However, this site has previously been considered by the EA in relation to a number of applications, including 12/01401/FUL (the original consent) and, more recently, 17/03434/FUL, which granted consent for the use of part of Eagles Works as a dwellinghouse. On each occasion the EA has considered the proposals to be acceptable subject to a condition requiring the finished floor level to be set no lower than 49.85 metres AOD. The same condition will be imposed in this instance.

Community Infrastructure Levy

The site lies within a CIL charging zone of £50 per sq.m and is likely to attract a charge.

Pre-Commencement Conditions

In accordance with Section 100ZA of the Town and Country Planning Act 1990 the council has received the written agreement of the applicant that the proposed pre-commencement conditions are acceptable.

RESPONSE TO REPRESENTATIONS

The proposed five storey building comprises of an irregular shaped ground floor podium with a much slimmer rectangular shaped structure over. The southern elevation of the podium consists of the high red brick boundary wall which bounds the Little Kelham site to Alma Street and Green Lane, closing Baker's Yard off to Alma Street, save for a small pedestrian opening. Whilst no wind studies have been carried out, it is considered that the buildings scale, design and the presence of the wall are unlikely to create a wind tunnel as suggested by some objectors.

Bin storage within the Little Kelham site, which is still under construction, is known to be problematic due to insufficient capacity and inappropriately sized bin store doors (for the size of bins requested). A current application to comply with a condition requesting details of all servicing arrangements (16/03102/COND5) is under consideration and negotiations will take these known issues into account, requesting amendments to the waste strategy as necessary.

In relation to the current proposal, the applicant has indicated that commercial waste for the proposed retail unit and the existing coffee shop will be located beneath the staircase, while a separate bin store will be provided for the residential waste. Whilst this is acceptable in principle, a condition is proposed requiring details of both stores to be submitted for approval, in order to ensure they are suitably sized and designed.

The Local Planning Authority has some sympathy for residents who are concerned that any loss of direct light will have an impact on the energy efficiency of their homes. The developer of Little Kelham, and the homes within it, has ambitious plans to reduce carbon footprints and, after some initial teething problems, it is understood that the properties under construction are well insulated, air tight, and are being built using a high proportion of renewable materials.

As described above, the occupants of the neighbouring Garden Houses will experience some additional loss of direct sunlight during the morning as a result of the proposed development, but due to orientation and the presence of existing buildings, this loss will be limited and changeable. As such it is considered that the limited loss of direct sunlight and its impact solar gain does not justify refusal of the proposed development.

SUMMARY AND RECOMMENDATION

The relatively tall slim form of the proposed five storey building, which comprises of a ground floor retail unit with 2 apartments over, will mark a focal point at the centre of Kelham Island. It is similar in scale to a number of nearby buildings and its amended finish, in red brick with bronze cladding over, is considered to be in keeping with the areas industrial heritage such that it will not cause harm to the character and appearance of the conservation area.

The Little Kelham development was designed to be relatively dense with a series of interlinking intimate urban spaces. While the proposed development will have an impact on the amenities of the occupants of the Garden Houses facing onto Bakers Yard, and to a lesser degree the Cube and Courtyard Houses on the northern side of the yard, as described above it is considered that the impact will, on balance, not cause residents to suffer from unacceptable living conditions.

It is understood that there are some trust issues between the developer and existing residents and that the proposals will change the nature of Baker's Yard as currently enjoyed by residents. However, the principle of a five storey building was approved as part of the original planning application and, following a number of amendments to improve the form and design of the building, it is considered to remain an acceptable form of development.

It is therefore recommended that members grant planning permission subject to the proposed conditions.

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