

**PLANNING AND
HIGHWAYS COMMITTEE 8 OCTOBER 2019**

SUPPLEMENTARY INFORMATION

**APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY
INFORMATION**

1. Application Number: 19/02680/FUL

Address: Damons Restaurant Sevenairs Road

Late Representation

A late objection is concerned that the proposal will encourage obesity and create air pollution and the site is cramped. The restaurant is already advertising the menu and therefore local residents have been ignored and consent has already been granted.

The Council's planning application web site has been down for weeks and many people have been trying to object on line.

Officer Response

The obesity and air pollution issues are assessed in the report. The report also assesses the issue of whether the site is too cramped by concluding that the design, layout, parking arrangements is satisfactory and the impact on neighbours is not so significant as to justify opposing the proposal.

Whilst there have been limited periods when the online planning system has not been available these have been resolved fairly quickly. Other representations on this application have been submitted on line and on numerous other applications in the period that this application has been open for comments. There are other methods of submitting representations (such as e-mail) which can be used if the on-line system is ever down.

2. Application Number: 19/02258/FUL

Address: Site of Old Coroners Court Business Centre, 14-38 Nursery Street

Late Representation from Councillor Douglas Johnson

The latest designs are uninspiring and look like a multi-storey car park. The existing building is of high quality and forms part of a group of significant unlisted and listed building on Nursery Street. The boundary of the proposed Castlegate Conservation Area was purposely drawn to include the Old Coroners Court. Even without protection from Conservation or Listed Building status, the full heritage value of the building should still be considered.

The Wicker Riverside Plan is a material consideration and states that 'Nursery Street already has a number of townscape assets – Aizlewood's Mill, the Church, Old Coroners Court – which should be retained and enhanced

Concern is raised that the demolition application was as a result of the Local Authority not supporting a pre-application proposal for retention of a design which included a tall building. However, it is noted that planning permission has recently been granted for a tall building on a site further down Nursery Street.

The officer's recommendation implies that demolition cannot be objected to because it has been established through a separate process. This is misleading: the authority determined that it had no powers to refuse a demolition notice; committee has never agreed to permission that includes demolition of a historic building.

The development breaches Policy CS41 as it is almost entirely one bed flats or bedsits. The need for housing in City Ward is for larger family sized accommodation. There is not a shortage of one-bed flats. The development is not contribution to affordable housing or mobility housing.

The flats are tiny, with a minimum size of 32 square metres, compared to a minimum national recommendation of 50 square metres.

The river has burst its bank at this point. The Environment Agency has formally advised the Local Authority to 'consider emergency planning and rescue implications of new developments in making their decisions'. This does not appear to have been addressed in the officer's report.

It should be recognised that the site has significant archaeological history and was the site of the nursery garden attached to Sheffield Castle. As such would expect a much stronger condition than the one imposed.

In light of the above, it appears that there are too many unresolved issues for this application to go ahead. These issues need to be resolved, or the application should be rejected.

Officer Response

Issues relating to design of the new building, demolition and previous pre-application discussions are detailed in the officer report.

With regards to the size of the flats, the Local Authority does not have any adopted space standards and so an objection on these grounds could not be substantiated.

The Environment Agency has not objected to the scheme and their recommendations have been taken into account. Conditions 27 and 28 incorporate their comments, requiring set finished floor levels and the inclusion of flood resistance and resilience measures as set out in the Flood Risk Assessment. Such measures include requiring all tenants to sign up to the Flood Warning Scheme operated by the Environment Agency and production of a Flood Evacuation Management Plan.

The Archaeological implications of the scheme have been considered and Condition 6 ensures that no development can commence until further information has been submitted in relation to archaeology. It is also noted that the developer agreed to demolish only to slab level in the demolition application in order to ensure that the archaeological potential of the site can be properly investigated.

Revised Conditions

Remove Condition 18 and replace with the following wording:

No above ground works 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 development is brought into use and the development shall not be brought into use until the highway improvements listed below have been carried out.

Nursery Street – resurfacing of footways in accordance with Sheffield Urban Design Compendium

Wicker Lane – resurfacing of footways in accordance with Sheffield Urban Design Compendium

Nursery Lane – resurfacing of footways in accordance with Sheffield Urban Design Compendium

Nursery Street - review and amendment of TROs to provide a dedicated loading bay and replacement parking space as appropriate

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

Additional Conditions

No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of

associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence

3. Application Number: 19/02127/FUL

Address: 7 Chantrey Road, Sheffield S8 8QU

Amended Conditions

Condition 3 should now read:-

The dwellinghouse shall not be occupied unless the front forecourt areas of the site are constructed of permeable/porous surface materials (**which shall not consist of a gravel surface**) and sub base, or utilise measures to ensure surface water drains to areas of vegetation within the site. Thereafter the approved permeable/porous surfacing material and sub base, and surface water drainage measures shall be retained.

Condition 5 should now read:-

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

Report Clarifications

1. Within the representations section (p70) the report states that 'issues relating to noise as a result of the proposals' are not planning considerations.

To clarify, this representation referred to noise from construction activity rather than noise from the use of the building. Noise impact associated with an end user is a relevant planning consideration but in this case, of a small single dwelling, no such issues arise.

2. Within the Response to Representations section (p76) the report states that flooding of adjacent dwellings is not a planning consideration.

To clarify, the management of surface water, with the aim of reducing the risk of flooding, including the requirement for permeable surfacing (such as in condition 3) is a planning consideration. The report reference relates more specifically to the passage of water from one person's land to another, which is a civil matter.

3. Within the Location and Proposal section of the report, reference is made to the garage structure being physically attached to the neighbouring dwelling, no.5 Chantrey Road. The applicant advises that there is in fact a 25mm to 50mm gap, and that the only physical attachment is lead flashing. This does not affect the consideration of the application or the recommendation.

4. Application Number: 19/00483/FUL

Address: Land at Doncaster Street, Hoyle Street, Shalesmoor and Matthew Street

Amended Conditions

Condition 2

Add the following text after each drawing number:-

- (Published 27th September 2019)

Condition 13

Replace the wording with the following:-

Prior to the commencement of Blocks A and D, full details of the following proposed wind mitigation measures, as set out in the Pedestrian Level Wind Microclimate Assessment, Final Report, Rev B, dated August 29th 2019, shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained:-

- Soffit baffles along the passageway between Blocks A and D
- Proposed wind mitigation measures to any main entrances proposed in the elevations of Blocks A and D, facing onto the passageway between the blocks.

Reason: In the interests of the visual amenities of the locality and to ensure a safe and satisfactory environment for all users.

Condition 16

Replace the wording with the following:-

Prior to the construction of the passageway between Block A and Block D and prior to the construction of Block C, full details of the proposed public art, as set out in the Access and Design Statement, February 2019, prepared by Coda Architecture,

shall have been submitted to and approved in writing by the Local Planning Authority and the public art shall be implemented in accordance with the approved details and thereafter be retained.

Condition 48

Replace the wording with the following:-

Notwithstanding the detail shown on the approved drawing, the **total sales area** within the approved flexible use commercial units shall not exceed 280 square metres where Class A1 uses are implemented.

Reason: In order to protect the vitality and viability of the city centre **and the Upperthorpe Shopping Centre**, in accordance with the National Planning Policy Framework (NPPF).

Additional Condition

Prior to above ground works commencing, full details of the provision of at least 5 bird and bat boxes, shall have been submitted to and approved in writing by the Local Planning Authority and such bird and bat boxes shall be provided in accordance with the approved details and thereafter retained.

Reason: In the interests of encouraging and increasing biodiversity within the site.

Late Representation

A letter of representation has been submitted, with comments made in respect of the Wessex Archaeology response to Historic England. In particular, the writer has identified the incorrectly referred to definition of 'Substantial Harm' in that response and discusses the outcome of the Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Limited case, which ruled that the courts cannot rule on whether harm is substantial or less than substantial and that it is the decision maker who makes that judgement. Two further cases are cited, to further substantiate this point.

The writer also points out that the NPPF does not define substantial harm and the NPPG (para.17) does say that substantial harm is a high test, but also that even minor works have the potential to cause substantial harm, which is illustrated in a particular Appeal decision. In respect of the current proposal, it is the Officer's judgement to decide whether there is any harm and to what degree of harm and not determined by any 'legal definition'.

Officer Response

The content of the representation is duly noted and in response your officers concurs with the comments highlighting the fact that there is no definitive definition of 'harm' and that it is up to the opinion of the decision maker.

It is relevant to emphasise the duties for exercising planning functions, which are set out under the Planning (Listed Building and Conservation Areas) Act 1990, as summarised below.

Section 66 relates to the general duty regarding Listed Buildings and states that:-

‘In considering whether to grant planning permission for development which affects a Listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall **have** special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

Section 72 relates to the general duty in respect of conservation areas and states that:-

‘(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, or part 1 of the Historic Buildings and Ancient Monuments Act 1953, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

In line with local and National Policy Guidance, the level of harm resulting from the development on the various heritage assets has been evaluated and assessed. The level of harm to the character of the Furnace Hill Conservation Area, the adjacent Listed and unlisted buildings is not considered to be substantial. The scale and massing of the development has been designed to respect the adjacent heritage assets whilst accounting for the changing streetscape. The redevelopment of the site, which is in a derelict state and currently harms the setting of heritage assets, will provide wider benefits, insofar as it will facilitate the development of a brownfield site, enhance the townscape, promote regeneration of the area, and contribute to the 5 year housing supply.