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| Case Number | 18/03109/FUL (Formerly PP-07207032) |
| Application Type | Full Planning Application |
| Proposal | Demolition of garage/office buildings and erection of 11 apartments and 3 duplex apartments in a 4 storey block including ground floor car parking. (Amended plans and Description). |
| Location | Cemetery Road Car Sales 300 Cemetery Road Sheffield S11 8FT |
| Date Received | 14/08/2018 |
| Team | South |
| Applicant/Agent | Axis Architecture |
| 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:

Red Line Plan published on 06 Dec 2019 (Ref: 27080_A(00)01)
Basement Floor Plan published on 06 Dec 2019 (Ref: 27080/A(02)01/J)
Ground Floor Plan published on 06 Dec 2019 (Ref: 27080/A(02)02/L)
First Floor Plan published on 06 Dec 2019 (Ref: 27080/A(02)03/K)
Second Floor Plan published on 06 Dec 2019 (Ref: 27080/A(02)04/K)
Third Floor Plan published on 06 Dec 2019 (Ref: 27080/A(02)05/M)
Roof Plan published on 06 Dec 2019 (Ref: 27080/A(02)06/L)
Elevations published on 06 Dec 2019 (Ref: 27080/A(04)01/M - 27080/A(04)02/M)
Proposed Site Section published on 15 Jan 2020 (Ref: 27080/A(04)05/H)
Section A-A published on 15 Jan 2020 (Ref: 27080/A(03)01/B)
Section B-B published on 15 Jan 2020 (27080/A(03)02/A)

Reason: In order to define the permission.

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

3. Before development commences a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the 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 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 of the development. 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.

4. No development shall commence until a Construction Vehicle Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include:
 1. Information to demonstrate that construction vehicles can ingress and egress the site in a safe manner, including any measures needed to facilitate this.
 2. If a particular size of vehicle cannot access the site, measures to limit this type of vehicle visiting the site and details of how such vehicles will be managed/unloaded on the occasions when there is no alternative.
 3. Measures taken to ensure construction vehicles are not causing obstruction on public highways surrounding the site.
 4. Details of an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials.

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

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

5. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This 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.

6. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. 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.

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

7. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

8. 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 construction works commencing. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

9. 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 construction works commencing. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

10. No development shall commence until final details of measures to protect the existing trees, shrubs or hedges that are to be retained and that sit adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. These measures shall include a construction methodology statement detailing how any works within the root protection areas of these trees will be implemented, including a plan showing these accurate root protection areas. 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 hedges be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and they shall thereafter be implemented until the completion of the development.

Reason: It is essential that this condition is complied with before any other works on site commence given that damage is irreversible.

11. Before the development commences, a strategy to control/mitigate dust and emissions from the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall be carried out in accordance with the approved details thereafter.

Reason: In order to help mitigate the effects of dust and construction traffic during the construction phase.

12. No development shall commence until works to the trees within the Cemetery adjacent to the site have:

a) been carried out in accordance with details that shall have been submitted to and approved by the Local Planning Authority; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such works will be carried out before any above ground floor works are commenced, and the development shall not be brought into use until the improvements listed below have been carried out.

Landscape Works: Removal and Pruning of Trees, and provision of Tree Protection Areas.

Reason: To enable the occupiers of the proposed units to have a good level of outlook from the windows in the rear of the building, and to ensure that retained trees are protected during construction works.

13. No development (including demolition, construction, or other enabling, engineering or preparatory works) shall take place until a final phasing plan for all works associated with the development has been submitted to and approved by the Local Planning Authority. The development shall hereafter be carried out in accordance with the approved details.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

14. Before first occupation details of a scheme shall have been submitted to and approved in writing by the Local Planning Authority that ensures future occupiers will not be eligible for resident parking permits within the any surrounding Permit Parking Zone. Future occupation shall then occur in accordance with the approved details.

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

15. Sample panels of proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding and mortar finish to be used. The sample panel(s) shall be approved in writing by the Local Planning Authority prior to the corresponding part of the development commencing and shall be retained for verification purposes until the completion of the relevant section of the development.

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

16. No externally mounted plant or equipment, including rooftop plant, shall be fitted to the building unless full details thereof, including screening and acoustic emissions data as relevant, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment should not be altered.

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

17. Before any above ground level construction works commence full details of the following shall have been submitted to and approved by the Local Planning Authority:-

- a) Any proposed new external lighting; and
- b) Bird and bat boxes including locations.

The development shall be carried out in accordance with these agreed details and thereafter retained.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy GE11 of the Unitary Development Plan and that no offence is committed in respect of protected species legislation.

18. Where development commences more than two years from the date of the original protected species surveys(October 2018),or, having commenced, is suspended for more than 12 months, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy GE11 of the Unitary Development Plan and that no offence is committed in respect of protected species legislation.

19. 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 .
- 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.

20. Before the use of the development is commenced, Validation Testing of the sound insulation and/or 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 insulation and/or attenuation 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.

21. Before any above ground level construction works commence, details of privacy screens on the rear balconies/terraces as shown on the approved plans shall have been submitted to and approved in writing by the Local Planning Authority. Before first occupation of the development the approved details/screens shall be in place and they shall thereafter be retained.

Reason: In the interests of delivering a suitable form of development from an amenity perspective.

22. Large scale details, including materials and finishes, at a minimum scale of 1:20 of the items listed below, shall have been submitted to and approved by the Local Planning Authority before the relevant part of the development commences:

- a) External Wall Construction.
- b) Windows, including reveals.
- c) Doors.

- d) Eaves, verges and parapets.
- e) Soffits.
- f) Rainwater Goods.
- g) Balconies and railings.
- h) Cladding Patterns.
- i) Screen to car parking areas.

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

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

23. 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.

24. 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.

25. No 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.

26. The proposed green/brown roof(s) (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the occupation of the development. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

27. Before any above ground level construction works commencing, full details of proposals for the inclusion of public art within the application site, including a timetable for delivery, shall have been submitted to and approved in writing by the Local Planning Authority. The public art proposals shall then be implemented in accordance with the agreed details.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

Other Compliance Conditions

28. 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.

29. Unless indicated on the approved plans no roofs/external areas of the building shall be used as a balcony, roof garden or similar amenity area and these spaces shall be accessed for maintenance only.

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

30. The hereby approved car parking and cycle parking accommodation within the site, as indicated on the approved plans, shall be provided before any unit is occupied and shall thereafter be retained for the sole use of the occupiers.

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

31. Before any part of the development is occupied, the dry stone boundary wall running along the boundary of the site facing onto the Cemetery shall have been provided in accordance with the approved plans and thereafter it shall be retained.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. 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.

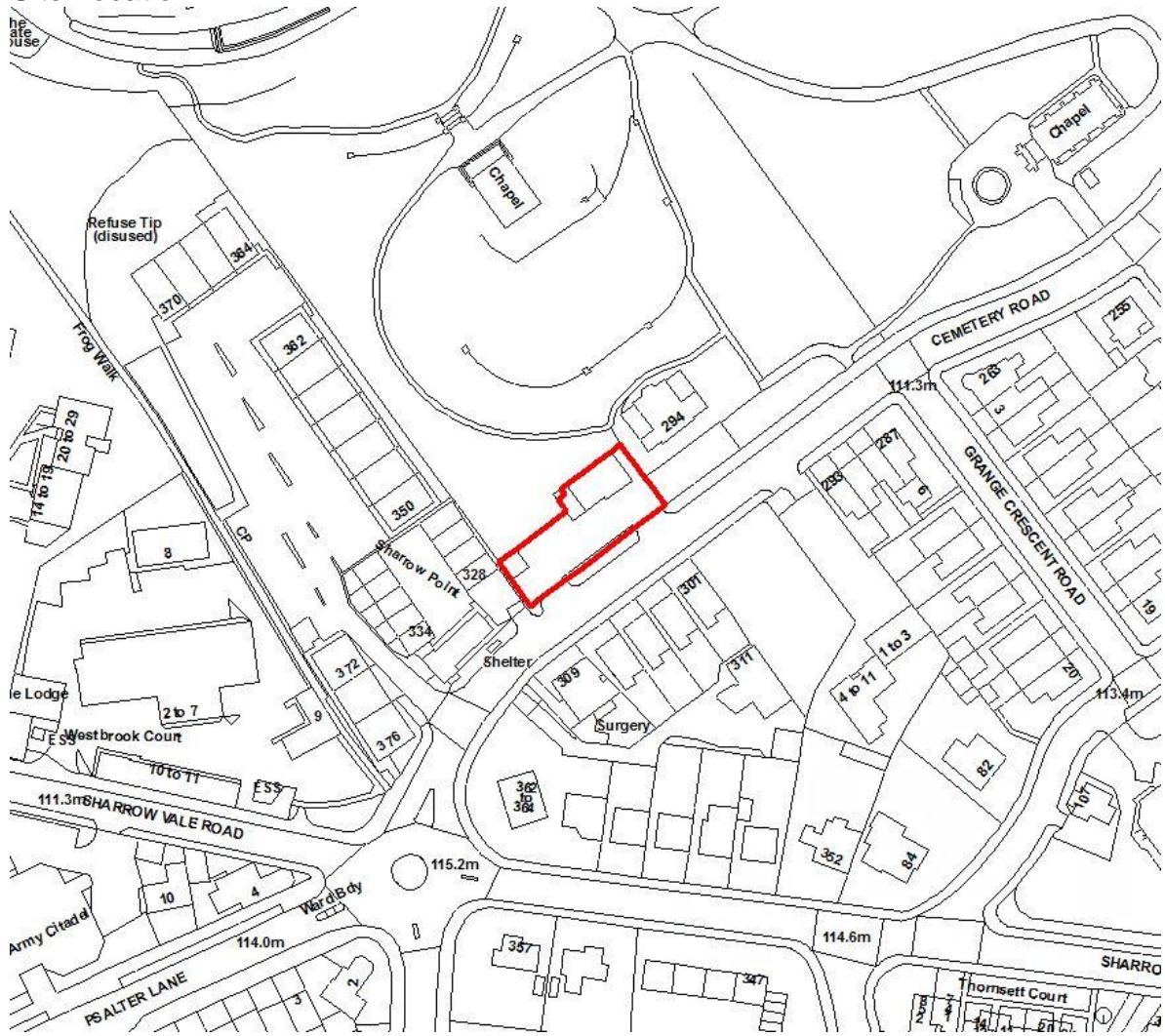
4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
5. A Phase 1 Risk Assessment has been submitted, however, the Local Authority does not consider it to be satisfactory for the reasons listed below. For this reason, there is a requirement for the Phase 1 Risk Assessment to be re-submitted as per condition 7.

Only anecdotal evidence is presented in respect removal of underground fuel storage tanks and infrastructure. The number, type and locations of all former tanks (both above ground and underground) should be detailed and evidenced. Correspondence in this regard with the Petroleum Licencing Officer should be discussed and appended. Any treatment of the tanks prior to removal should be discussed and evidenced.

The possible presence of unrecorded underground tanks and associated infrastructure should be discussed.

Proposals for intrusive site investigation should include, inter alia, targeted sampling (and analysis) in the area(s) of all known former/existing tanks, including sampling and analysis of strata underlying all such tanks.

Site Location



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LOCATION AND PROPOSAL

This application relates to a site that is occupied by Cemetery Road Car Sales. The site is made up of a mixture of hard standings to accommodate display vehicles and there are single storey commercial buildings/workshops associated with the use.

To the immediate west of the application site is a four storey block that is utilised for commercial activities at ground floor and residential apartments on the upper floors. To the south across Cemetery Road are two storey detached residential dwelling houses with additional room in their roof space. These properties are elevated above the road.

A Grade II Listed Building known as Montague House is set to the east of the application site and the General Cemetery is set to the north and east. It is noted that the General Cemetery is a Grade II* Registered Park and Garden and contains several listed structures including the Grade II* Old Chapel Building. The application site itself is not identified within the boundary of the Historic Park and Garden, which is located immediately to the north and east.

The site does not fall within a Conservation Area itself, however, the General Cemetery Conservation Area is immediately to the north and east, and the Nether Edge Conservation Area lies on the opposite side of Cemetery Road.

The application seeks planning permission to demolish the existing buildings on the site, and to erect an apartment scheme with car parking. The apartment block presents four storeys to the Cemetery Road frontage. Owing to the topography falling from south down to the north, the proposed four storeys sit on top of a retaining wall when viewed from the General Cemetery at the rear.

Amended plans have been received which have reduced the overall scale of the development from 22 apartments, down to 11 apartments and 3 duplex apartments. The proposed building remains at 4 storeys in height, with the overall mass and depth of built form being reduced.

The proposal takes the form of a contemporary architectural style and features 3 storeys of natural stone, with a recessed, flat roofed, fourth storey to be clad in a bronze anodised aluminium cladding.

Along with the heritage designations identified above the site is also set within an Area of Natural History Interest and has a land use designation as a Cemetery as defined by the adopted Sheffield Unitary Development Plan.(UDP). In addition the General Cemetery Conservation Area bounds the site to the north and east and the Nether Edge Conservation Area is set across Cemetery Road to the south.

RELEVANT PLANNING HISTORY

Whilst the site does have a planning history none of this is relevant to the consideration of this particular application.

Planning permission was granted for the adjacent Cemetery site in 2018 for conversion works to the listed and non-listed historic features walls/catacombs; and to listed/non-listed monuments, improvements to site entrance points, landscape improvements including general footpath improvements, installation of wayfinding signage, management of trees/vegetation, and improvement/inclusion of new amenities, lighting, and car parking. Application No. 18/00235/FUL.

SUMMARY OF REPRESENTATIONS

In total, there have been 5 rounds of public consultation on this application, with 15 individual representations in total. The first four rounds related to a larger scheme and the final round related to the current plans, which is for 14 units on the site within a smaller footprint.

First Round of Neighbour Notification

15 individual representations have been received during the first round of consultation and included 14 objections to the proposal, and 1 in support. Issues raised in the objections include:

Design

- The current use of the site is an eyesore, the size and scale is significantly disproportionate to others, impacting negatively on the environment and heritage, particularly on the listed buildings and General Cemetery;
- The proposal is built right up to the edges of the site, making it appear to loom over the properties either side;
- The planning application makes comparisons to the Sharrow Point development, however Sharrow Point adjoins commercial premises and this application is within the envelope and adjoins the historic cemetery office. There should be nothing that exceeds the cemetery office proportions, and Sharrow Point should not set a precedent and be seen as an exception;
- The proposal will create a tunnel of high density apartments which would dominate the top of Cemetery Road;
- The proposal will obliterate the skyline, restricting light access and block sight lines of Montague House and the cemetery. This will have a very negative effect on the general vista of the cemetery, Montague House and the back drop to the Samuel Worth Chapel;
- The proposal is inappropriate and insufficient adjacent to the existing cemetery buildings and conservation areas;
- The proposal will create detracting from the listed building and heritage site, impacting on the Nether Edge conservation area;
- Stepping down is insubstantial given the scale and height of the proposed building and its close proximity to the road, heritage etc. The new development should be set back, stepped back and down, and reduced in height and density giving clear and substantial sight lines through the development from road to cemetery;
- The General Cemetery Conservation Area is a nationally listed Grade II* Historic Park and Garden with ten Listed buildings and structures. It is an important open green space and habitat, for wildlife;

- Why is there no provision for energy generation, such as solar panels and ground source heat pumps, or for a carbon neutral build?;
- The proposal introduces car parking at ground level into the Cemetery;
- The design allows for hidden area adjacent to the tall wall which could attract criminal activity in a dark and unseen location;
- It is arguable whether a small car lot is a brownfield site and there is a question over the environmental benefits of the new development due to the small footprint of the site being 'reclaimed' when compared to the density and disruptive nature of the proposed development.

Amenity

- The proposal will result in the loss of day light and skyline to occupiers of 301-307 Cemetery Road, being 4-5 storeys in height, impacting on well-being;
- The proposal will be imposing and intrusive;
- Residents at 301-307 will be directly overlooked and privacy and light taken away, from a large number of rooms over all three storeys;
- The proposal will add to the already high levels of noise in the area;
- The proposal will see an increase in the pollution from the car park, affecting the children's nursery at Montague House;
- The development will be only a couple of metres away from the bedrooms at Sharrow Point, which will impact on light as the sun rises in the east, plunging many of the homes into darkness;
- The privacy of the bedroom to the rear of the top floor apartment and the balcony of 328 at Sharrow Point will be impacted on given the proximity;
- The surrounding area is used by dog walkers and those seeking quiet contemplation, the proposal will shatter the peace through construction works, and on-going noise, increase in cars, and people overlooking the cemetery;
- The newly refurbished Samuel Worth Chapel will be overshadowed on 2 sides.

Highways

- There will be increased use of the permit controlled on-street parking by users of the proposed development which will increase demand for the already oversubscribed available parking in the area;
- The proposal will add to traffic congestion, with residents at the Sharrow Point adjacent having trouble exiting and entering their underground car park already due to the current volume of traffic;
- The proposal will impact on users of the children's nurse, cyclists and pedestrians in general;
- There appears to be car parking provided but this is not sufficient for 30 bed spaces, and does not accommodate any visitors parking;
- The public transport in the area is not frequent, with only 1 bus per hour, and cannot be relied on, and there is no nearby cycle path;
- The car parking provided uses two separate entrances adjacent to each other which will be detrimental to the safety of all road users;
- The application is mis-leading, by saying that there will be a reduction in 20 cars on the site as a result of the development. The current car sales business has up to 40 cars parked on the forecourt, but these are largely static on the site, and do not create large numbers of trips;

- The proposal will create air pollution, through increased vehicle congestion;
- Given that the whole site is being redeveloped, there will be no room for any on-site construction offices, or space for construction traffic/ deliveries / contractors vehicles;
- There is no space for delivery vans once the building is occupied.

Trees and Landscaping

- The redevelopment of the site will involve the removal of trees and vegetation in a residential area valued for its green credentials;
- The self-seeded trees are established at 15-20 feet and provide a natural benefit and acoustic barrier between the Cemetery, the car lot and the street level. There is no reason why these trees should be removed;
- The green roof and terraces will not be visible from the road, and will not enhance this green area;
- The presence of a tall wall abutting the General Cemetery will reduce light and decrease the variety and health of native flora and fauna.

Ecology

- There will be an environmental impact on the cemetery and its biodiversity, including several badger setts.

Others

- Misleading and erroneous application;
- Loss of views towards the trees and cemetery, which will impact on the mental wellbeing of residents;
- Question the need for apartments, with two extensive developments built in close proximity providing over 500 new dwellings;
- The proposal will have a direct impact on the property values going forward;
- Why is there no provision of affordable housing?;
- There is a safeguarding issue from children who attend the nursery next door, through the massive increase in noise, and environmental pollution;
- The demolition of an existing well established local business that provides jobs for several people and its replacement with a block of flats is not acceptable;
- The site has been described a Brownfield, which is misleading. The definition of Brownfield in the UK is broadly: "brownfield site means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant". That the Government prioritise the development of these sites is because they want these former heavily industrialised or polluted sites cleaned up. This is not the case here, and reference to brownfield in this context is inappropriate.

1 Representation of support:

- The application promotes residential quality to the area;
- Preferred the previous application for houses rather than apartments, with the density very high in the scheme. Fewer, larger apartments should be provided;
- Attention to detail with the front fenestration, especially in relation to bedrooms being viewed from the street.

Second, Third and Fourth Round of Neighbour Notification

A second, third and fourth round of neighbour consultation was been carried out, and 5 individual representations have been received, all of whom have commented previously.

Issues raised include:

- The resubmitted proposal appears to have made a few cosmetic changes and not addressed the significant and very real concerns of residents in the area. Sharrow Point remains a recent and out of character addition to the area, and is not an appropriate building to use as a model;
- The introduction of greenery to the frontage is a token gesture and an inadequate response to the scale of development;
- The design changes will not compensate for the loss of existing sight lines, light and greenery which will be obliterated;
- The new heritage statement acknowledges that the proposals have the potential to impact on the significance of the General Cemetery, with the revisions proposed failing to limit the negative impact of the development. It contains assertions based on aesthetic judgment that cannot be substantiated;
- The supporting statements have inaccuracies, i.e. the building is 5 storey not 4, the houses opposite are not interwar;
- The 6 trees shown on some of the elevations have to be planted in the highway, which is unlikely to happen;
- The cosmetic addition of climbing plants is just 2 lengths of wire on the front of the building;
- There has been a reduction in the number of parking spaces from 21 to 20 which is not acceptable;
- No consideration has been given to the additional negative contribution the development will make to the issues relating to car parking, noise, pollution, safety, sun light, privacy or congestion;
- The sensitivity which seems to be given to the conversion of older building in Sheffield seems to get lost with new builds.

Fifth Round of Neighbour Notification

4 individual representations have been received following the fifth round of consultation which relates to these current set of plans. Issues raised include:

- The changes have reduced but not removed the negative impact on the Cemetery and the listed building. The accompanying drawings do not make it clear that the proposed development will completely block views of Montague House and the Anglican Chapel from the top of Cemetery Road/Sharrow Head;
- These changes haven't reduced the negative impact on the street scape of premises opposite;
- The latest revisions do not address concerns made by Historic England, which recommended new development should be limited to 2 storeys in height;

- The car parking provision of 11 spaces is insufficient to accommodate 11 apartments and 3 duplex apartments, and this will add to the existing parking problem in the area;
- The residents parking permits are of insufficient duration, and not effectively enforced;
- The overall density and height at the front is largely unchanged and unacceptable, so close to both conservation areas;
- Despite the reduction in the numbers of units, there would still be 4 storeys creating a massive loss of privacy to properties on the opposite side of Cemetery Road and neighbouring properties;
- The building would completely obliterate the sightline of the trees and sky above the cemetery;
- There would be an increase in artificial light from the large number of windows on the rear of the building to the Cemetery and on wildlife;
- The proposal should respect the neighbouring listed buildings and not the bleak scale and façade of Sharrow Point;
- In 2018, a watching Archaeology brief was undertaken on the site, with the aim to conserve the General Cemetery and better connect it. This application will devalue and degrade the Cemetery and is unacceptable;
- The tokenistic additional of public art and landscape is not enough to mitigate the impact on the proposal;
- Wildlife in the area will be adversely affected by the disturbance caused by the large scale development;
- The proposal fails to comply with the NPPF, the Core Strategy and the UDP, which all seek highway quality developments, which should protect heritage assets;
- There has been insufficient time for comments and restricted consultation;
- Previous comments over the last year remain valid;
- There has been no technical assessment of the loss of daylight and sunlight amenity to the surrounding properties, or the potential nuisance caused by solar glare;
- The proposal would have an adverse effect on biodiversity, particularly the owl and bat population;
- There is a potential impact on the underlying archaeology of the site and fragile structures which lie adjacent to the site.

Historic England

Historic England (HE) originally commented on the proposal, stating that the level of assessment of the affected heritage assets was insufficient. The applicant then submitted a revised Heritage Statement prepared by ArcHeritage. HE commented on this revised document which related to the original scheme and had objections to the proposal. The comments raised included the support of the redevelopment of this brownfield site, however owing to the high significance of the group of designated heritage assets in the immediate area, any design should respect these. They objected on the grounds that the height and mass of any development of the site should be no more than two storeys with the building set to the front of the site along Cemetery Road.

This most recent set of amended plans has been sent to HE for consultation. Comments have been received which note that the footprint has been reduced, and pulled away from the registered cemetery, and there is now greater separation from the Cemetery Office (Montague House).

They still recommend that the building is no more than three storeys, as the additional storey increases the harm to the setting of the cemetery and the listed building, and would therefore need a clear and convincing justification.

The impact on the setting of the cemetery and the listed buildings has been reduced from the original scheme, and in some views from the within the cemetery HE acknowledge there could be an enhancement through the removal of the existing garage buildings, stepping the development back, and having a natural stone boundary.

The third storey of accommodation increases the visual impact on the heritage assets which would cause some harm, and HE recommend the Planning Authority should be satisfied that this increased impact has a 'clear and convincing justification' as requirement by paragraph 194 of the NPPF. If minded to grant the application, HE advise mechanisms to secure details such as materials and planting are required as these are key to reducing the visual impact on the setting of the heritage assets.

Yorkshire Gardens Trust

Yorkshire Gardens Trust has commented on the all rounds of consultation. Whilst they are supportive of the redevelopment of this brownfield site, and note the various amendments, they remain concerned that the proposals do not sufficiently reduce the level of harm to the significance of the Grade II* registered Sheffield General Cemetery, its listed buildings and the conservation area, and strongly object to the scheme. The height and massing still does not respect that of other structures within the cemetery landscape, and along the streetscape of Cemetery Road and should be limited to no more than three storeys. Trees within the Cemetery are likely to be damaged, with canopies very close to the proposed building, and there will be pressure for trees to be felled. There should be a landscape plan, and a tree planting and management plan agreed in association with the trustees should your authority move to approve a plan for 300 Cemetery Road. The proposal therefore does not comply with the NPPF, Paragraphs 192, 193, and 194, and the Council should continue to seek a more sympathetic solution which respects the historic character of this part of Sheffield.

Conservation Advisory Group

The Conservation Advisory Group (CAG) have commented on the originally proposed plans, and considered that the height and location of the scheme would adversely affect the curtilage of listed buildings, the General Cemetery Conservation Area and the listed General Cemetery Nonconformist Chapel. The Group noted that the building was, formerly, part of the stonemason's yard at the Cemetery and was part of a historic Grade II listed park. The Group noted that there was no amenity space in what was a development outside the City Centre.

The Group expressed concern that Conservation officers had not been involved in the pre-planning application discussions.

PLANNING ASSESSMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government planning priorities for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Policy Context

The Council's development plan comprises of the Core Strategy which was adopted in 2009, and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 213 of the NPPF makes it clear that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11(d) of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

The Local Planning Authority is in the process of updating its five year housing land supply position but given the changed assessment regime identified in the NPPF (2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority are therefore undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a

monitoring report (expected later this year). At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer.

As Sheffield does not currently benefit from a five year housing land supply, all of the most important policies for determining this application are automatically considered to be out of date, as made clear in footnote 7 of paragraph 11. As such the two Paragraph 11 tests detailed above and sometimes referred to as 'the tilted balance' (a presumption in favour of sustainable development) will apply.

In this context the following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' tests, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design, scale and mass of the proposal, and its impact on the existing listed buildings, historic park and garden, conservation areas and street scene,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided,
- The impact of the proposal upon the existing landscaping and ecology of the site and its surroundings.

Land Use

The site is located within an area designated as a Cemetery within the adopted Sheffield Unitary Development Plan (UDP). However, it is clear that this site, which has been utilised for car sales over a number of years, does not carry out any associated cemetery function. This designation is therefore not considered to be a hindrance to the principle of redevelopment.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks to try and ensure that priority is given to developments on previously developed sites. The site is small within an existing urban area and sustainably close to a regular bus route.

This approach is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'. Paragraph 118 (c) goes on to state that substantial weight should be given to utilising brownfield land within existing settlements.

The weight to be afforded to CS23 and 24 can be questioned as they are based on outdated housing need figures. However, they promote brownfield development which aligns strongly with the NPPF and therefore can be offered substantial weight. As such it is concluded that the principle of developing this brownfield site is supported in policy terms.

The site is currently occupied by extensive hardstanding, and the buildings and workshop associated with the car sales/garage use, and therefore the proposed development would be on land that is previously developed land. The development of this small urban site for new housing complies with the aims of policies CS23 and CS24.

Housing Density

Policy CS26 'Efficient Use of Housing Land and Accessibility' within the Core Strategy requires appropriate housing densities to ensure the efficient use of land. For a site such as this, which is within an urban area but more than 400 metres away (as you would walk rather than as the crow flies) from a District Shopping Centre or high-frequency bus route, CS26 (d) states that a range of 30-50 dwellings per hectares is appropriate.

This approach is reflected in the NPPF where paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. CS26 can therefore be considered to align with the aims of the NPPF and can be attributed significant weight.

The site is approximately 0.07 of a hectare, and the 14 proposed units would give a density of approximately 200 dwellings per hectare, which is well above the range set out in the policy. However, exceptions may be made to the policy where the proposal achieves good design, reflects the character of an area or protects a sensitive area.

The high density level is explained to an extent by the limited size of the site and the requirement to provide external amenity space in the form of terraces/balconies. In addition, there is a residential apartment scheme on the immediately adjoining site of a similar scale, which ensures this proposal reflects the character of the area.

In this location, Policy CS31 'Housing in the South West' states that, in South-West Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport. This policy aligns closely with the aims of paragraph 127 of the NPPF which promotes developments that are visually attractive and sympathetic to local character, and can therefore be given weight. The section below deals with whether the scheme proposed achieves this policy ambition.

As such, when considered in the round this assessment demonstrates that the proposals particularly given their reduced scale over the life of the application, accord with the spirit of Policies CS26 & CS31 of the Core Strategy and the aims of the NPPF.

Design and Conservation Policy Context

The application site itself does not fall within a heritage asset, but sits adjacent to, and affects the setting of two conservation areas, The General Cemetery Conservation Area and the Nether Edge Conservation Area. The adjacent Cemetery is a Grade II* Historic Park and Garden, and the adjacent Montague House is a Grade II Listed Building. The Council has a commitment to the conservation of the character and appearance of these heritage assets.

UDP Policy BE1 'Townscape Design' states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, and UDP policy BE5 'Building and Design Siting' expects good quality design in keeping with the scale and character of the surrounding area.

As the site sits adjacent to the Nether Edge and General Cemetery Conservation Areas Policy BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These policies require high quality developments which would respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, and which also seek to preserve or enhance the character of conservation areas and the cities heritage.

Policy BE19 of the UDP states that proposals for development that affect the setting of a listed building will be expected to preserve the character and appearance of the building and its setting.

Chapter 12 of the NPPF(2019) requires good design, where paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or

innovative designs which promote high levels of sustainability, or help raise the standard of design more generally so long as they fit in with the overall form and layout of their surroundings.

These requirements closely reflect the aims of policies BE1, BE5 and CS74 so those policies can be afforded significant weight.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and (para 194) that any harm to the asset from development within its setting should require clear and convincing justification. It further states that substantial harm to assets of the highest significance (including Grade II* Registered Parks and Gardens) should be wholly exceptional.

This approach is reflective of the aims of policies BE16, 17 and 19, and therefore these policies can be afforded significant weight.

It should be noted at this point that footnote 6 to paragraph 11(d) of the NPPF, referred to above and which identifies that where a development plan or its policies are out of date, planning permission should be granted unless 'policies to protect areas or assets of particular importance' provide a clear reason for refusing permission, applies to those within the NPPF, not the Council's Development Plan policies. It is also noted that in such cases where there is clear conflict with the heritage policies within the NPPF, the tilted balance does not apply.

Design, Townscape and Conservation Area Issues

Firstly, the principle of the removal of the unsympathetic garage buildings/workshop and removal of the extensive area of hard surfacing with fencing surrounding the site is welcomed. This will have a positive impact on the setting of both the Nether Edge and General Cemetery Conservation Areas, and the adjacent Listed Buildings, in particular Montague House, when viewed from both the front into and out of the historic park and garden.

The surrounding area is characterised by a mixture of building styles and designs. The predominant buildings in Nether Edge are three storey stone built Victorian properties, with some early 20th Century buildings directly opposite the site at 301-307 Cemetery Road. These buildings at 301-307 are elevated above the highway and extend up to three storeys in height through a gable feature at the front of the property. Immediately adjacent to the site to the south east is Sharrow Point, which is a 4 storey contemporary building, and to the north east is Montague House, appearing as a two storey stone built building from Cemetery Road, set behind a large expanse of hard surfacing.

The proposed layout and arrangement reinforces the back edge of the pavement character that is predominant within the surrounding area. Amended plans have been received which show a number of changes. The main changes include a reduced level of footprint of the proposed development, moving the rear wall of the proposed development significantly further away from the rear boundary which abuts the General Cemetery, and from the east elevation away from Montague

House. The basement car parking has been omitted from the plans, and the overall number of units has been reduced from 22 down to 14 in total.

The proposed development remains at four storeys in height, with the fourth floor in the form of a set back behind a parapet wall. There is now an open area between the side of the development and the boundary with Montague House. The top floor (set back) is treated in a metal cladding system, with the eaves/parapet line at the back edge of the footpath reflecting that of Sharrow Point, which is the building adjacent to the west. The buildings opposite are elevated above the street, and have gable features to the front. The overall height of the proposed building will be approximately the same height as the ridges on the houses opposite, albeit, the proposal will be closer to the back edge of the footway. This allows the building to have a three storey scale when viewed from the street level, which is considered to be in keeping with and respect the existing street scene.

This proposal takes a contemporary approach, the massing of which reflects the immediately adjacent buildings at Sharrow Point when viewed along Cemetery Road.

The result is a building which will be more visible than the existing buildings on the site, but that will sit comfortably between the neighbouring properties within the street scene. This contextual approach follows the topography of Cemetery Road, aligning itself more closely with Sharrow Point, in both form and position relative to the street, and providing significant separation between the adjacent listed building.

The surrounding buildings are predominantly natural stone. The materials proposed are natural stone walling for the main facing material, with a metal cladding system to the top floor and recessed areas of the lower floors. The central stair core to the front elevation is proposed to consist of a curtain wall glazing system. A dry sandstone wall is proposed to the Cemetery which will form the new boundary treatment. Bin storage, and cycle storage is incorporated within the main building fabric, which is accessed via metal gates/screening.

High quality detailing will be required in terms of windows, doors rainwater goods, window reveals etc, and these can be controlled through relevant conditions.

Policy BE12 "Public Art" of the UDP requires that public art should be provided as part of the development and integrated into the landscaping and treatment of the public spaces. This can be the subject of a condition.

The development will provide an improved appearance to Cemetery Road that will be of appropriate scale and form for the locality, reflecting the scale and contemporary form of the adjacent Sharrow Point development, and ensuring that it does not dominate the neighbouring properties of a more traditional character. It is considered that the proposal will in fact improve the overall appearance of the site, in line with the aims of policies BE1, BE5 and CS74, and Chapter 12 of the NPPF.

The site is effectively engulfed by the Nether Edge and General Cemetery Conservation Areas and the site in its current form has a detrimental appearance upon the setting of both. As the General Cemetery Conservation Area is in effect the Historic Park and Garden the effect of the development upon that Conservation Area is considered separately below.

The impact the development has upon the adjacent Nether Edge Conservation Area can reasonably be categorised as less than substantial harm. The development is of appropriate quality and will replace a poor quality development on the site. However, it will partially obscure views of the green character of the Cemetery, and its relationship with the Conservation Area which is a key characteristic in its setting.

Impact on Listed Building

UDP Policy BE19 'Development Affecting Listed Buildings' states that proposals for development which affect the setting of a Listed Buildings will be expected to preserve the character and appearance of the building and its setting. This is in line with guidance contained in the NPPF at Chapter 16 'Conserving and enhancing the historic environment'. A similar duty is required by Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990, which states that the local planning authority shall have 'special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses'.

The closest listed building is Montague House which is positioned immediately to the east of the site. The proposed development has been amended and pushed away from this shared boundary, creating an improved feeling of space around the listed building. Along the street frontage views of Montague House are framed by two mature trees which provide an element of separation between the two sites.

The existing workshop building is essentially 1.5 storeys high under a flat roof and sits closer to the listed building. This application proposes to remove this unsympathetic building and replace it with a high quality stone building which, whilst being much taller, sits further away from the listed building.

Historic England's comments are noted in respect of the third storey, however it is officer opinion that the increased separation away from Montague House and its curtilage is sufficient to ensure that the listed building is not dominated, aided by the presence of mature trees framing the views of the listed building.

The removal of the unsightly building currently adjacent to the listed building, and an open car sales pitch are also considered to be of merit.

In this context the harm to the listed building is considered to be less than substantial. In accordance with paragraphs 193 to 196 of the NPPF this will require public benefits to outweigh such harm if the scheme is to be supported in a heritage context.

Impact on the Historic Park and Garden (and Samuel Worth Chapel)
Policy BE21 'Historic Parks and Gardens' within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected.

Views from the historic park and garden at present are of a mis-matched brick boundary wall, with some cladding panels which makes up the rear boundary of the site. This rear boundary is extensive in height when viewed from the Cemetery

owing to the elevated position of the site, and the rear elevations of the buildings forming this boundary wall.

This application seeks to remove these unsympathetic features, and replace them with a new building which is pushed away from this rear wall. A new boundary wall is proposed to be erected which is to be faced in dry sandstone walling. This is considered to be a positive aspect of the scheme. The amended plans show the whole building being positioned away from Montague House, and a greater space surrounding the Listed Building when viewed from the Cemetery.

The Grade II* Listed Chapel building (Samuel Worth Chapel) which is within the Historic Park and Garden (and General Cemetery Conservation Area) is set well within the cemetery grounds, with a substantial amount of vegetation as a back drop to the building when looking towards the application site. Views of the proposal from within the cemetery grounds and Conservation Area will be read in conjunction with the adjacent building at Sharrow Point which is a significant presence abutting the boundary of the cemetery and the additional block of accommodation does not therefore introduce a new form of development to the Historic Garden and Conservation Area's setting.

It is acknowledged that some tree losses will occur (see separate section below) in order to facilitate the development, however these are being kept to a minimum and would in part form part of future management proposals for the site. It is also acknowledged that the development will provide greater enclosure around this corner of the historic garden and overall it is considered that this presence will result in less than substantial harm to the setting of the Historic Park and Garden and Conservation Area.

Heritage Assets Summary

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, (the conservation area, the listed buildings, and the registered park and garden in this instance), greater weight should be given to the asset's conservation. Paragraph 194 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within its setting. Paragraph 196 goes on to say that where a proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Historic England acknowledge reduction in the impact on the setting on neighbouring listed buildings and the cemetery from the earlier proposals but remain concerned about the presence of a third storey in close proximity to the listed adjacent Montague House, and state that a clear and convincing justification is needed to support the scheme.

The Yorkshire Gardens Trust remains concerned that the amendments do not sufficiently reduce the impact on the Grade II* General Cemetery, strongly object,

and feel that a more sympathetic solution should be sought. They feel the scheme does not respect the scale and massing of neighbouring listed structures and should be limited to no more than three storeys, in addition to concerns around potential harm to trees and future pressure for further removals.

The significant alterations, secured through working closely with the applicant and Historic England have resulted in a scheme which has much less of a harmful impact upon the setting of the adjacent Listed Building and Conservation Areas, and in officers view provides adequate separation from the Listed Building, so as not to crowd it, and proposes to manage the impact of tree works in the adjacent cemetery to a minimum.

It is considered that the proposal creates less than substantial harm to all identified heritage assets. Public benefit would accrue from the construction of 14 new residential units in a sustainable location, upon a previously developed site. This is significant at a time when there is a shortfall in the 5 year housing supply in Sheffield. The contemporary design with sustainable green roof elements and other features is of high quality, and quality detailing and materials can be ensured through planning conditions.

Removal of the unsympathetic car sales use, with its extensive hardstanding, poor quality flat roofed buildings/workshop; and unco-ordinated boundary treatment surrounding the site is a significant benefit to the area, and removes a current negative impact on the setting of the heritage assets. These benefits are significant and given the improvements undertaken to the design of the scheme, and the reduction of its impact, are considered to outweigh any harm created by the proposal on the heritage assets.

Therefore it can be concluded that overall the proposal is acceptable in respect of UDP and NPPF policies, and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reduce the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

These aims align with those of paragraphs 148, 150 and 153 b) of the NPPF and this policy can therefore be given substantial weight.

The site is in a sustainable location in respect of access to local amenities and public transport. For example, it is within a reasonable walking distance (470 metres) of the amenities available along the Sharrow Vale Road Local Shopping Centre.

In addition, the site is previously developed and the scheme will incorporate sustainable drainage systems, including green roofs, which will result in reduced surface water run-off rate (see Drainage Section below).

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions.

In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

This policy is compliant with the aims of paragraphs 148, 150 and 153 of the NPPF and this policy can therefore be given substantial weight.

The applicant has confirmed that the 10% target will be achieved across the scheme and this will be a pre-commencement requirement within any planning conditions. Measures to achieve this include a highly performing insulated building envelope and a combined heat and power system.

The scheme also includes a number of further features that add to its sustainability credentials, including the provision of several areas of green roofs and secure cycle parking.

Overall, it is considered that the proposal meets the local sustainability policy requirements, and those of the NPPF.

Highways

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

Policy H5 'Flats, Bed-sitters and Shared Housing' in the UDP part (c) requires that permission will be granted for the creation of flats where there would be appropriate off-street car parking for the needs of the people living there.

Those policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

At present there are two existing vehicle access points into the site both taken from Cemetery Road at either end of the application site. This application seeks to stop up the entrance to the west (left) of the site, and provide a single access towards the east (right) section of the site. The proposed new access point provides good visibility in either direction and therefore raises no concerns.

The existing site is occupied by a car sales business with ancillary workshop/garage. Officers consider that although likely to have different patterns and peaks of movement the vehicular traffic movements associated with the proposals would not be higher than the existing use on the site, and would not be considered to have a detrimental impact on the capacity or safety of the adjacent highway owing to their limited number.

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 2-3 bedroom dwelling outside of the city centre 2 spaces are required as a maximum, with 1 space per 4 units for visitors. This would give a maximum figure of 22 spaces in accordance with the guidelines. This application seeks to provide 11 parking spaces in total.

Owing to the site being located within a reasonable walking distance (470 metres) of the amenities available within the Sharrow Vale Road Local Shopping Centre and the surrounding area being covered by a permit parking scheme, the reduced number of 11 spaces can be accepted, provided a condition is imposed to ensure future residents are not eligible to apply for parking permits, in order to ensure capacity within the existing permit scheme. This is considered to meet the required justification in paragraph 106 of the NPPF.

Secure and covered cycle parking is provided within ground floor level layout, which is welcomed.

On this basis, the proposal would be considered to meet Policies H5 (c) and CS53 and does not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

Access

The requirements of Policy H7 'Mobility Housing' of the UDP have been superseded by the Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time as these standards are not part of an up to date local plan.

H15 'Design of New Housing Developments' within the UDP states that the design of new housing developments will be expected to provide easy access to homes and circulation around the site for people with disabilities or with prams.

In relation to the general layout the scheme provides level access into the main entrance, mobility parking and lift access is available throughout.

Based on the above the proposals are considered to offer a suitable response from an access perspective.

Living Conditions

Paragraph 127 within the NPPF states that the planning system should always seek to secure a high standard of amenity for existing and future users.

Policy H5 'Flats, Bed-sitters and Shared Housing' of the UDP states that planning permission will be granted only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

H15 'Design of New Housing Developments' states that the design of new housing developments will be expected to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

These policies are therefore considered to align with the requirement of paragraph 127 so should be given significant weight.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

- Future Occupiers

In relation to noise, the site sits adjacent to Cemetery Road which does carry a high level of vehicle traffic. As such a Noise Report has accompanied the application which demonstrates with suitable ventilation and glazing specifications that noise disturbance will not be a factor for future residents.

Having assessed the submitted information in terms of internal layouts and the positioning of buildings, it is considered that occupiers will be afforded good living

conditions in terms of space standards, outlook, light and privacy. There are works proposed to the trees within the adjacent site at the Cemetery which will improve the overall outlook from the habitable rooms proposed on the rear of the building. The principle of these works are discussed in the Landscape section below, but to ensure that there is a reasonable level of outlook, some of the trees close to the boundary will have to be removed or pruned.

In relation to external amenity space, given the tight nature of the site external terraces and balconies are being utilised, which is accepted. In addition to this the General Cemetery is adjacent to the site and also offers the potential for informal recreation.

Based on the above the proposal is considered to offer a good level of amenity for future occupiers.

Owing to the historic land use of the site there are land contamination matters that would need to be tackled as part of the construction phase. The relevant planning conditions are therefore proposed in this case.

- Neighbouring Residents

When approving new development an assessment needs to be made as to the impact on surrounding uses in relation to matters such as over shadowing, over dominating and privacy infringements.

In relation to the properties to the south across Cemetery Road these are set across a busy road and in excess of eighteen metres from the application site. Whilst falling short of the 21m distance referred to above, this type of relationship is not uncommon in such locations, across a public highway and is viewed as acceptable.

It is also noted in respect of these adjacent properties that the extent of proposed external terraces/balconies facing towards them has been reduced during the course of the application to ensure any overlooking from these areas is within tolerable limits.

In relation to overshadowing/dominance the identified distances are deemed to be acceptable in terms of such impacts on the Cemetery Road properties. These properties are also set to the south, which ensures the proposed building does not cast a shadow over them.

There are main habitable windows in the east facing elevation of the apartment block, Sharrow Point, to the west of the site, one of which overlaps the proposed building. As a result the North West corner of the building has a stagger to ensure it is not built right up against these windows. Further concessions for this windows would be deemed as unreasonable given that it is relying on light and outlook from the applicant's land.

Privacy screens are proposed for some of the rear balconies to prevent views into the adjoining units.

Given the positioning of the proposed building relative to the existing block to the west (they run parallel to one another) no further amenity impacts are created for residents of this neighbouring building.

As the General Cemetery is set to the north and a nursery business operates to the east within Montague House, there are no notable amenity concerns created in relation to these sites given they are not as sensitive in terms of end users when compared to residential. It is noted however that the windows have been removed from the eastern gable wall of the proposed block, and terraces moved away from the eastern edge to ensure the scheme does not prejudice development on the site to the east, although this is not likely to occur given the listed building on this adjacent site.

As the scheme includes demolition a planning condition is recommended to control any dust created during the construction phase to ensure this does not become a nuisance for surrounding residents.

Given the above, with a particular note to separation distances, the proposals will not create unacceptable amenity impacts on surrounding sensitive uses in respect of issues such as privacy, shadowing or over dominating.

Therefore it is considered that the proposed development accords with Policies H5 and H15 of the UDP, and Paragraph 127 of the NPPF.

Landscape/Trees

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported through Policy BE6 'Landscape Design' which seeks at part (c) to integrate existing landscape features in the development including mature trees and hedges. The aim of these policies firmly aligns with the broad aims of Chapter 15 (Conserving and Enhancing the natural Environment) and specifically paragraph 175. As such these policies can be given significant weight.

There are several trees on third party land, within the Cemetery that are proposed to be removed by the proposals, some of which have branches that overhang the red line boundary. As such the scheme has been accompanied by the required information to assess the impact and identify mitigation.

In terms of an assessment of quality the submitted Tree Survey identifies that five trees are identified for removal. Three are shown as Category U (fell - unsuitable for retention) trees with two being Category C (low quality – could be retained) trees. There are also some works proposed to reduce the canopy of a further Category C tree.

The works to the Cemetery approved under application 18/00235/FUL included the removal of 5 trees in this area. One of these trees is required to have its canopy reduced as part of this proposed application. The trees which are proposed to be removed in this application are an ash, two sycamores, a hawthorn and a white willow, which form part of Group 118 on the 18/00235/FUL application. This group is described as a large group of young trees, (Ash/Thorn/Sycamores). It is

considered that these young trees are positioned close to existing boundary wall, and that over time, there will be pressure to have them removed, whether the site stays as it is, or for any future development.

Landscape officers have confirmed that the loss of the relevant trees can be tolerated given their poor quality, and the works to the retained tree is within acceptable limits. In addition, as long as the building and associated excavations do not encroach beyond the identified protective fence line shown on the submitted information the additional retained trees will be unaffected. The applicant has confirmed this will be the case.

These trees are on land owned by the Council, and Officers from the Councils Parks and Countryside Teams have been involved in discussions with regards to the principle of the loss of the specified trees. There is no objection in principle to the removal of the majority of trees specified, and some reductions in canopies, and this could tie in with further works proposed in this area to be undertaken from the Lottery funded project.

In addition to the above the scheme is introducing new areas of landscaping in the form of extensive green roofs which is welcomed. Furthermore, it will introduce natural surveillance of this part of the Cemetery, which is to undergo some improvement works to the paths in this area, creating a greater sense of security.

Based on these circumstances, the proposals are considered to be acceptable from a landscape perspective.

Ecology Considerations

Policy GE11 'Nature Conservation and Development' of the UDP requires development to respect and promote nature conservation, and aligns with paragraph 175 (d) of the NPPF which encourages opportunities to incorporate biodiversity improvements in and around developments so can be given significant weight.

The site falls within an Area of Natural History Interest (ANHI) as identified by the UDP Proposals Map and Policy GE13 'Areas of Natural History Interest and Local Nature Sites' states that development which would damage an ANHI will not normally be permitted. This strongly aligns with paragraph 172 of the NPPF so can be afforded significant weight.

In addition, Policy GE13 'states that where a development would decrease the nature conservation value of an Area of Natural History Interest, that decrease must be kept to a minimum and compensated for by creation or enhancement of wildlife habitats elsewhere within the site or local area'. Paragraph 175 of the NPPF states that if significant harm to biodiversity from development cannot be avoided, mitigated or at least compensated for, then permission should be refused, and encourages opportunities to incorporate biodiversity enhancements especially where it can secure measurable net gains for biodiversity. Again Policy GE13 is considered to be NPPF compliant and so can be given significant weight.

The application has been accompanied by a Bat Roost Assessment that has identified the existing building as having negligible potential for roosting bats. It also proposes mitigation in the form of bat/bird boxes which will enhance and encourage biodiversity on the site, along with provision of extensive green roofs and planting.

The City Ecology Unit has considered this report and also the wider implications of developing the site and they are satisfied with the Bat Roost Assessment and that there are no ecological constraints that would stop the site being developed given its current use and condition.

The most recent ecology survey was carried out in October 2018, and it is reasonable for it to last for two years. However, any approval of permission should include an updated survey condition to allow for a delay in development.

Given the above and taking account of the current use/condition of the site the proposals are viewed as acceptable from an ecology perspective, will enhance and encourage biodiversity and they will not damage the designated Area of Natural History Interest, complying with Policies GE11 and GE13 of the UDP, and Chapter 15 of the NPPF.

Flood Risk and Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced, including:

- Requiring the new development to limit surface water run-off.
- Ensuring buildings are resilient to flood damage.
- Promoting the use of sustainable drainage techniques.

This policy firmly aligns with Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the NPPF and can be afforded significant weight.

The site itself is located within Flood Zone 1 and therefore not at any significant risk of flooding, and as such does not require a Flood Risk Assessment. However, several measures will be incorporated to reduce surface water runoff by 30%, including the utilisation of green roofs, and ensuring all hard surfaces are constructed from porous material.

Subject to complying with conditions, Yorkshire Water and the Local Lead Flooding Authority consider these proposals as acceptable in principle and the scheme is therefore in accordance with Policy CS67, and Chapter 16 of the NPPF.

Air Quality

It is not considered that the proposed use will have an adverse air quality impact. Pollutants and particulates are only likely to result from residents vehicular movements and, as identified in the above Highways Section, vehicle movements associated with the development will be low and would not be notably different from the previous use.

A further consideration in respect of air quality relates to dust during development and in order to tackle this, a planning condition is proposed to secure dust suppression measures for both the demolition and construction phases.

Archaeology

UDP Policy BE22 'Archaeological Sites and Monuments' states that sites of archaeological interest will be preserved, protected and enhanced. The South Yorkshire Archaeology Service has confirmed that the application does not have any archaeological implications and as such no further investigation is required.

Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing schemes of 15 units or greater will be required to contribute towards the provision of affordable housing where this is practical and financially viable. As originally submitted, this policy was applicable. However as the amended scheme now proposes 14 units in total, the policy no longer applies and there is no requirement for any affordable housing.

For information purposes only, the originally submitted scheme of 22 units went through a viability process and the conclusion from CP Viability, working independently was that no financial contribution was viable.

Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

RESPONSE TO REPRESENTATIONS

The majority of the matters raised in the neighbour representations have been addressed in the above assessment. The remaining issues are addressed as follows:

- In relation to construction arrangements, a planning condition will be imposed should Members be minded to approve the application to agree details in relation to matters such as construction vehicle access and compound locations etc. It is noted that it is not uncommon to develop on a constrained site.

SUMMARY AND RECOMMENDATION

The principle of removing the existing unsympathetic buildings and use on the site is acceptable, and the erection of 14 residential units is considered acceptable in land use policy terms. The proposal would represent efficient use of land, in a sustainable location within the main urban area. The proposed development will not have a detrimental impact on the amenities of occupiers of neighbouring properties, with future occupiers of the proposed development afforded a good level of amenity subject to works being undertaken to tree cover within the adjacent Cemetery, which can be secured by condition. The level of car parking accommodation is acceptable and would avoid any severe implications in highway safety terms.

In the absence of Sheffield currently being able to demonstrate a 5 year supply of housing land the tilted balance is in play in accordance with paragraph 11 of the NPPF as the most important policies for determining this application (housing supply, design, amenity and heritage) are considered to be out of date. Therefore the positive and negative aspects of the scheme must be carefully weighed.

The delivery of 14 housing units would make a small but positive contribution to the city's housing stock which is significant at a time when Sheffield cannot demonstrate a 5 year supply of housing land. It would result in redevelopment of an unsightly, previously developed site in a sustainable location, containing sustainable design features including green roofs and a significantly improved appearance of the site from the busy Cemetery Road. In addition the removal of a very unattractive and uncoordinated rear boundary view of the site from the publically accessible Grade II* Listed Park and Garden (General Cemetery) and replacement with an attractive stone wall feature are considered to be of benefit. The proposal is considered to create less than substantial harm to the significance of the adjacent Conservation Areas, Listed Buildings and Historic Park and Garden. There is concern from statutory consultees that the building proposal remains too tall in close proximity to those heritage assets and that the design could be further improved. However the public benefits listed above are considered to outweigh those concerns and in this context there is no conflict with paragraph 196 of the NPPF and no clear reason for resisting the proposals on those grounds.

Therefore part d) i) of paragraph 11 of the NPPF does not apply and in applying the tilted balance in favour of sustainable development in paragraph 11 (d) of the NPPF, the adverse impacts in this instance do not demonstrably outweigh the benefits of the scheme and it is considered that the scheme represents sustainable development. As such it is recommended that planning permission is granted subject to conditions.

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