
Case Number	19/02085/OUT (Formerly PP-07879010)
Application Type	Outline Planning Application
Proposal	Outline Planning Application for the erection of 8 dwellinghouses (Use Class C3) and a retail food store (Use Class A1) with access, car parking, servicing, landscaping and associated works (all matters reserved except access)
Location	Site Of South Yorkshire Trading Standards Thornccliffe Lane Sheffield S35 3XX
Date Received	07/06/2019
Team	West and North
Applicant/Agent	Morbaine Ltd & Ackroyd & Abbott
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (i) appearance, (ii) landscape, (iii) layout, and (iv) scale (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

2. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Approved/Refused Plan(s)

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

Drawing nos.

7255/07 Rev C 'Existing Site Location Plan';

7255/08 Rev C 'Existing Site Survey';

and the access details shown on drawing no. 190302/01 'Access Arrangements' excluding the illustrative details of site layout; all published on 7.6.2020.

Reason: In order to define the permission.

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

5. No development shall commence unless intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat mine entry and areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the works shall thereafter be carried out in accordance with the approved details.

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

6. 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.

7. 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.

8. 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.

9. Before development commences details of measures to promote, and achieve a net gain, in biodiversity within the site shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall include the recommendations contained in Section 6.3 and the Executive Summary of the Ecological Appraisal dated May 2019 (ref: A113369 Version 1) prepared by WYG. Thereafter the approved measures shall be implemented and maintained in accordance with the approved details.

Reason: in the interests of biodiversity.

10. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

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

11. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

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

Highways Improvements:

(i) alterations to site access arrangements for vehicles and pedestrians broadly in accordance with submitted drawing number 190302/01 (which will be subject to further detailed design), including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility and (subject to a stage 2 road safety audit);

- (ii) provision of a pedestrian crossing facility on Lane End in the vicinity of the site, the type and design to be informed by additional speed surveys;
- (iii) repositioning of the bus stop opposite the site on Lane End to allow for the provision of a pedestrian crossing;
- (iv) any other accommodation works to traffic signs, road markings, lighting columns and general street furniture deemed necessary as a consequence of the development;
- (v) review/promotion of Traffic Regulation Orders in the vicinity of the site that are deemed necessary as a consequence of the development (waiting/loading restrictions) entailing advertising, making and implementing the Order in accordance with statutory procedures (including the provision of signs/lines as necessary).

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

12. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings and on the proposed measures for achieving a net gain in biodiversity. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

13. 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.

14. The food store shall not be used for the purposes hereby permitted unless full details of the scheme of sound attenuation works including the provision of acoustic fencing detailed in the Noise Impact Assessment dated March 2019 produced by Hepworth Acoustics has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried before the use of the food store commences and thereafter retained.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

16. Surface water run-off from hardstandings (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that shall have been submitted to and approved in writing by the Local Planning Authority, prior to any discharge to an existing or prospectively adopted sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

17. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable, and include details of how the safety of customers will be protected during servicing periods. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

18. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

19. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the food store building or installed within its curtilage unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

Other Compliance Conditions

20. 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.

21. The foodstore shall be open to customers for the above-mentioned purpose only between 0800 hours and 2200 hours on any day.

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

22. No service deliveries shall take place to or from the food store other than between 0730 hours and 2000 hours on Mondays to Saturdays and 0730 hours and 1600 hours on Sundays.

Reason: In the interest of the amenities of the locality and occupiers of adjoining residents.

23. The reserved matters shall include details of and justification for the amount and type of on-site customer parking provision to serve the food store.

Reason: In the interests of highway safety and sustainability.

24. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0730 to 2200 on any day.

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

25. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Surface water draining to the public sewer shall discharge at a maximum rate of 1.1 (one point one) litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

26. Notwithstanding the indication given on the submitted plans, the details of appearance, landscaping, layout and scale are not approved.

Reason: For the avoidance of doubt.

Attention is Drawn to the Following Directives:

1. The applicant's attention is drawn to the UK national police initiative 'Secured By Design' guidance. For further advice contact Dene Tinker, Designing Out Crime

Officer, South Yorkshire Police, Snig Hill Police Station, Sheffield S3 8LY (tel: 0114 296 4929 Email: Dene.tinker@southyorks.pnn.police.uk)

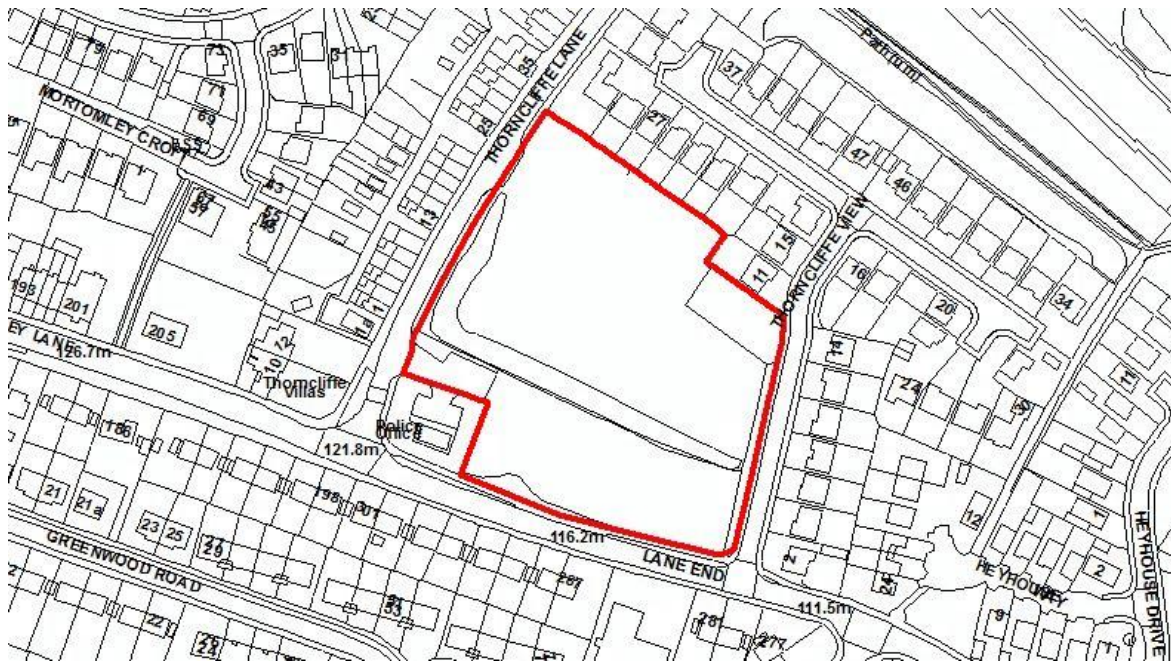
2. The applicant is advised to contact the Development Services Team at Yorkshire Water (tel: 0345 120 84 82 Email: technical.sewerage@yorkshirewater.co.uk) regarding new sewers and adoption agreements under Section 104 of the Water Industry Act 1991. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
6. 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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

7. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;

- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.
- Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION

The site is located on the north side of Lane End in Chapeltown, and also has frontages to Thorncliffe View, to the east, and Thorncliffe Lane, to the west.

The site comprises approximately 1.1 hectares of vacant land formerly used by South Yorkshire Trading Standards. The former buildings on the site have been demolished. The existing ground levels generally fall towards the east across the site although the northern half of the site was mainly plateaued (to accommodate the former buildings and yard) with a small embankment around the western and southern fringe of the plateaued area.

A small single-storey building and associated parking area on the corner of Lane End and Thorncliffe Lane is outside the application site.

The surrounding area is predominantly residential. The Thorncliffe business park lies further to the north beyond the houses off Thorncliffe View and Thorncliffe Lane.

PROPOSAL

The proposal seeks outline planning permission for the erection of 8 dwellinghouses (use class C3) and a retail food store (use class A1) with access, car parking, servicing, landscaping and associated works. Details of access are included for approval at this outline stage. The details of appearance, landscaping, layout and scale are reserved for subsequent approval.

The applicant submitted the following documents in support of the proposed development: a planning and retail statement, a design and access statement, a consultation statement, transport assessment, air quality statement, noise impact assessment, a flood risk assessment and drainage strategy for each of the housing and retail elements, a preliminary risk assessment (land contamination and geo-environmental), an ecology appraisal and a consultation statement.

The applicant has subsequently submitted additional information in two supplementary documents relating to vehicle deliveries, traffic and pedestrian flows, parking provision and servicing arrangements. The applicant has also subsequently stated that they have reached an agreement with an operator for the foodstore (Lidl) if planning permission is granted.

The proposed access to the retail development would be directly off Lane End. Each of the proposed dwellings would have individual accesses onto Thorncliffe View.

The existing vehicular access into the site off Thorncliffe Lane would be closed.

A new pedestrian access is shown off Thorncliffe Lane as well as the main pedestrian access off Lane End.

The illustrative drawings submitted with the application show the proposed retail food store (1,951 sqm floorspace) to be sited centrally within the site with a generally rectangular footprint oriented south to north and its customer entrance at the

southern end of the building. Customer car parking (115 parking spaces) is shown on the western half of the site and the dwellings are shown on the eastern part of the site fronting onto Thorncliffe View.

The applicant has stated that a full lighting plan would be provided as part of the conditions or reserved matters and that they will comprise downward projecting LED lamps to minimise spill.

The illustrative drawings show the foodstore to have a shallow mono-pitched roof, glazed curtain walling alongside the customer entrance at the southwestern corner of the building and faced in white and grey horizontal metal cladding panels on the remaining elevations with louvre cladding around the plant area. A 3 metre high acoustic screen is shown alongside the loading area at the northern end of the building.

Landscaping is shown around the perimeter of the retail part of the site and includes a 2 metre high screen fence set back from the northern boundary and from the northwestern corner of the site.

The application forms state that the residential element would be brick built with tiled roofs.

The applicant has stated that the proposal would create 17 full-time and 23 part-time jobs.

RELEVANT PLANNING HISTORY

Several applications were submitted on this site prior to 2006 relating to the former use of the site by South Yorkshire Trading Standards and the former South Yorkshire County Council.

In 2006 an outline planning application submitted by Sheffield City Council for residential development of the site for 30 units (with all matters of detail reserved for subsequent approval) was granted planning permission (application no. 06/02366/RG3 refers).

The land was subsequently sold, and in 2008 full planning permission for residential development comprising 24 dwellinghouses and garages with associated landscaping was granted subject to a unilateral planning obligation to secure a financial contribution to the provision and enhancement of recreation space (application no. 08/01151/FUL refers). This permission was not implemented and subsequently lapsed.

SUMMARY OF REPRESENTATIONS

The application has been publicised by letters of notification to nearby residents, by newspaper advert and by display of site notices.

2 petitions of objection containing 169 and 162 typed names/town location have been received.

61 representations of objection have been received relating to the following matters:

Retail Policy:

- foodstore not suitable in this location, inappropriate for this site and the area, would be better placed in centre of Chapeltown, legislation introduced so that developments are concentrated closer to town centres, drawing customers in and supporting local business not drawing them away, jobs will be lost, small businesses in Chapeltown being driven out due to influx of large supermarkets, take away custom from independent retailers, resulting in closed businesses;
- too many supermarkets, does not take account of newer food retailers, no need for another supermarket in the area, plenty of stores in close proximity (Asda, Tesco, Sainsburys, Nisa, Londis, 2 Co-ops, Aldi, Chapeltown shopping centre and market, Morrisons, One Stop Shop and numerous other smaller retailers), 14 food stores within 0.7 mile radius, several shops missing from retail assessment (Co-op on Blackburn Drive, Nisa on Mortomley Lane), why retail impact not assessed;
- will impact on small businesses, the development has been sized such that an impact assessment is not formally required, demonstrates lack of moral and ethical obligation by not carrying out more contextual research about the area and long term impact, annual growth targets will impact on road capacity and local residents;

Traffic:

- increase in traffic including HGVs, construction traffic, entrance on the top of a hill, access to the development is in a dangerous position, junctions too close together, sight lines obscured by bus shelter and telecoms mast, swept paths do not demonstrate comfortable engineering solution, requires both lanes of traffic;
- Lane End is already busy and heavily parked on road, speeding traffic, residents park on both sides, cars parking on pavements, traffic has increased with development of Thorncliffe Leisure Gym and the Sainsbury's supermarket, hotel traffic, rush hours are a particular problem, road already dangerous, road struggles to cope with demand already, this is a residential road, roads not designed to cope with the additional traffic the development is expected to bring, road is narrow, blind bend, making turning difficult, road is blinded by sunlight, road floods by the Barrel pub when get heavy rain, no information about impact of snow heavy rain or fog, developer expects busiest times to be Monday to Friday between 1500 and 1600 hours, traffic would build up to unacceptable levels particularly at peak times, 3 schools on main routes to the site, would create a key pinch point in road, increased danger to pedestrians, already numerous accidents on local roads, will become dangerous for crossing, compromise highway safety, risk to elderly residents and children, possibility of accidents, impact on driver visibility when exiting Thorncliffe View junction, previous road traffic accidents, numerous serious accidents since application submitted, a pedestrian crossing will not resolve this issue, would add an additional hazard to the highway and not resolving wider dangers, safety concern as deliveries use the car park, Thorncliffe Lane is very busy now, cost of road repairs will be passed on to residents;

- little warning for vehicles approaching cars queuing up the hill from Loundside waiting to turn right into the development as there is a bend limiting forward visibility, vehicles approaching from High Green could encounter stationary traffic as they clear the brow of the hill, already frequent queues in both directions at this point due to parked cars outside houses, visibility leaving Staindrop Close not good;

- underplays transport impact, traffic survey not registered vehicles using Thorncliffe View, sceptical that there is no traffic flow in front of the retail unit during the morning, no reference to Thorncliffe Lane, Thorncliffe Park Estate is not a thoroughfare, number of cars to the site understated by the developer when factual studies reviewed, the TRICS information used by the developer is outdated has little relevance to the area and gaps in it such as in-depth data regarding major shopping days Saturday and Sunday peak and average figures understated by as much as 50%, there is little evidence to suggest a majority of the cars would be on the roads in the surrounding area, would be making trips independently rather than combining them, omits incidents of other accidents, car parking spaces vary between documents;

- request the council's highways department survey the traffic flows at local stores over a variety of days, hours, weeks to enable a meaningful view on likely impact, request speed survey by an independent contractor;

- difficult to justify claim that a significant number of people would travel on foot or by bus as carrying main weekly shopping impractical, buses also pass and stop outside other supermarkets, moving bus stop from outside care home, site is at the top of a hill no-one will be cycling to the store, if the desire is to see larger walking or public transport attendance reduce parking freeing up space to move building further away from housing;

- limited product selection meaning most people will still have to make further shopping trips to other outlets;

- a risk cars would park on roads in close proximity inconveniencing residents;

- opposite a residential care home, it is a residential area;

- driveway to plot 8 close to junction, plot 1 driveway will interfere with access to 11 Thorncliffe View, parking on road will increase congestion on Thorncliffe View;

Character/Appearance:

- not in keeping with quiet residential neighbourhood, impact on amenity value and character of the area, overdevelopment, appearance of a food store building is out of character with current houses, store will dominate houses on Thorncliffe View, dwarf the houses in the local vicinity, uncompromising height, building at top of bank will have claustrophobic effect on residents, will the old stone wall stay;

- new housing frontage will be an eyesore, not in keeping, existing houses brick built, proposed have wooden cladding to the fronts;

Residential Amenity:

- plot 1 will interfere with 45 degree rule for 11 Thorncliffe View;
- further over population of the area, limited green space in the area, who provides extra school places and GP surgeries;
- foodstore close to dwellings that abut the site, within 10 metres of the boundary for some homes;
- lighting into neighbouring properties will be affected, loss of sunlight, a 2 metre high timber fence will block light from garden and kitchen, 3 metre fence will block sunlight;
- impact on privacy;
- destruction of community for the gain of supermarket giants;

Wildlife:

- devastation of local wildlife, land allowed to become self seeded with numerous trees and plants which became a haven for wildlife, loss of woodland and green space, trees already lost, since clearance wildlife has disappeared;

Pollution:

- increase in commercial and non-commercial litter, plastic waste blown into trees, cardboard and food waste, encourages rats and vermin;
- pollution, more diesel fumes, increase air pollution, affect health, smells, cars sitting with engines idling not considered, conflict with the city's clean air strategy, light pollution, noise from traffic increase, opening/closing car doors, more people, will no longer be a quiet residential area, reverse beeps of delivery trucks at all hours 7 days a week, loading bay for large trucks and pollution from cars and trucks next to gardens of local residents where children play, properties are several metres lower than the planned building, fencing and trees will cut even more light, nursery 50 metres away;

Noise:

- early morning and late night deliveries, noise assessment is outdated and based on old plans, increase in traffic noise to the surrounding area has not been taken into account, assumes 1 main delivery a day by an articulated lorry, other documents state 6 HGV deliveries to the site a day, if deliveries outside typical hours the noise will be excessive, only taken into account opening times of 0800-2000 Monday to Saturday and 1000-1600 Sundays although developer aiming for 0800-2200 hours, hours unusual as local stores open from 0700-2100 on Monday to Saturday, this store will need to open at the same times with staff opening the store much earlier

than 0700 on most days, this would create noise issues early in the morning for residents;

- only 9 spaces considered contributing to noise to rear of Thorncliffe View however plans show 19 in this area, no details on external plant and its location, noise from refrigeration and air conditioning units operating 24 hours a day, if external plant located on roof a 3 metre fence will not eliminate noise, noise levels generated by external plant would be excessive, gas powered combined heat and power plant will be above acceptable levels, no mention of noise from waste disposal devices such as compactors or bin lorries, trees and bushes to absorb noise will not be sufficient, takes years for nature to grow to sufficient size to provide absorption needed, any contingencies if acoustic fencing and other mitigation is not good enough, more assessment of noise disturbance of car park noise needed, doors closing and trolleys, several assumptions made on reducing noise, condition reduced opening hours and one delivery per day;

- ambient noise measurements recorded late at night implying noise levels are low, the high ambient noise levels on the main road implies there are high levels of traffic;

Light:

- light pollution, light spillage into neighbouring properties, LED lamps will not stop excessive light levels from the building, front of building is fully glazed, light will penetrate into houses across road and to the side particularly in winter, re-stocking shelves after closing suggest lighting will not be off until 2100 or later, essential that high columns are not employed as these will increase spill onto local houses;

Other Matters:

- building work already proposed in the area, effect on mental health of residents;
- impact on human rights and peaceful enjoyment of homes;
- increased likelihood of anti-social behaviour, reduced security, safety of gardens, easy public access to rear of property, request site is secured out of hours by gate;
- impact of proposed works on stability of surrounding properties and land/gardens and already reinforced walls;
- drainage and run-off could potentially flood properties at lower level;
- taking down the screens on Thorncliffe View has made the site an eyesore;
- limited consultation shown by applicant, no benefits to residents or community, what planning gains have been offered by the developer;
- if development of this site is necessary it should be residential only, more in need of affordable homes, previous plans would have provided more houses, this space could be used to provide doctors, dentist and schools;

- strip of land opposite nos. 2 to 14 Thorncliffe View does not necessarily belong to the landowner.

3 representations have been received from Ecclesfield Parish Council objecting on this application and supporting all resident's objections. The concerns are:

- increase in noise and traffic pollution, and light pollution will be detrimental to this residential area;

- pavement safety issues;

- weight limit on roads more than they can take;

- concerns of highways large HGV lorries pulling in and out of the store is a safety issue for pedestrians and local children who walk to school, significance in the increase of traffic around the area if the store is approved;

- detrimental to other businesses due to excess in other areas, additional supermarket where there are 14 stores already in High Green considered unnecessary;

- an overdevelopment of the site;

- out of character with the surrounding area;

- the build would be overbearing to the new properties being built and the houses already in situ as the build would be on a higher level and would cause loss of light;

- dissatisfaction that more documents have been added, note Coal Authority report of 1 mine entry that building on top of or proximity to should be avoided, to ignore this advice could potentially be a serious risk to safety now or in future should this site be granted building approval, since the Coal Authority statement the suggested positioning of the building has been moved;

- note Japanese Knotweed has been identified on the site, the landowners have been spraying in the vicinity, Japanese Knotweed requires significant treatment, the surrounding residents are justifiably concerned the risk to their properties could be exacerbated if this weed is diverted from the current site;

- it has since come to light that a report was written stating Lane End is a high-risk black spot, additional traffic raises the risks to the public, the road has a blind spot just down from where the store is to be built so reiterate resident's concerns just in case of future accidents;

- if this shop is built the Parish Council believe as Aldi use 45ton lorries and regularly do night-tie drops unless there are restrictions in place, the store is surrounded by residential properties so asked to add that a restriction be put in place should permission be given to build this store to protect the residents from unnecessary noise.

A letter has been received from Angela Smith MP raising concerns:

- do not believe this proposal is entirely appropriate or sustainable for the local area;
- whilst do not object in principle to some development on this site, the provision of a large supermarket in this area may be disruptive to existing residents, including the residents of Aaron View Care Home, opposite the application site and almost directly opposite from the main entrance/exit of the proposed retail store;
- whilst Lane End carries a significant flow of traffic already, it is a comparatively narrow street and would struggle to cope with the additional pressure of customer traffic as well as the large delivery vehicles serving the retail store, there is little access to public transport as the bus stops outside are served by only one bus route which runs infrequently.

2 representations of support relating to:

- a reasonable price supermarket would be a help to those who don't drive and on low income;
- a development of a housing estate would still create noise;
- pedestrian crossing slows traffic down;
- purely concerned about the route in/out being on Thorncliffe Lane and causing traffic to Ironstone Crescent;

1 representation of comment:

- do not object, consideration be given to similar close boarded fence and planting further down Thorncliffe Lane, and a stone or brick exterior to the external façade of the supermarket would be more in keeping with adjacent buildings.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's planning policies and guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

NPPF paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 120 states that planning policies and decisions need to reflect changes in the demand for land ... Where local planning authorities consider there to be no reasonable prospect of an application coming forward for the use allocated in a plan: ... (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Policy Issues

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

Sheffield Unitary Development Plan (UDP)

The UDP Proposals Map identifies the site as being within a Housing Area.

UDP Policy H10 relating to development in Housing Areas states that housing is the preferred use of land.

Whilst UDP Policy H10 states that small shops (use class A1) are acceptable in principle in Housing Areas, the UDP defines small shops as usually with not more than 280 sqm sales area or which are ancillary to other acceptable uses in the Area.

For larger shops over 280 sqm sales area, UDP Policy H10 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a District or Local Shopping Centre.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitate housing delivery and is consistent with paragraph 59 of the NPPF which states that to support the Government's objective

of significantly boosting the supply of homes, it is important that a significant amount and variety of land can come forward where it is needed.

In addition NPPF paragraph 67 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period.

The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply.

The test for retail development outlined in Policy H10 however is not up to date as it is not consistent with the thrust of the NPPF due to it appearing to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The housing preferences in Policy H10 have significant weight, whilst the test for retail is given less weight as taking an absolute approach to refusing permission for large shops would not be consistent with the NPPF, unless it was also considered in the context of the sequential and impact tests. The sequential test and impact test are considered below.

Housing Policy Issues

As noted above, the site lies within a Housing Area where housing (use class C3) is the preferred use. The proposed erection of 8 dwellings on part of the application site accords with Policy H10.

The sales area of the proposed foodstore exceeds 280 sq metres. The application site for the proposed foodstore is not at the edge of a central, district or local shopping area. The retail element of the proposal is contrary to Policy H10.

Policy H10 also identifies that development must also be considered against Policies H12 to H16 and S5 of the UDP where appropriate.

Policy H12 relates to housing development in the city centre and is not relevant to the current application.

Policy H13 relates to specific housing sites where a more limited range of uses are acceptable. Two such sites were identified in the UDP, one adjoining to the north of the application (0.5 hectares), and one to the west of Thorncliffe Lane (4.6 hectares). Both these sites have since been developed for housing. The current application site is not identified as one of the specified Housing Sites in the UDP.

UDP Policy H14, which includes parts (a) to (m), relates to conditions on development in Housing Areas. Policy H14 broadly reflects the principles of the NPPF. It is in part conformity with the NPPF and has significant weight.

H14 parts (a) to (h) and (k) relate to matters of design, access and amenity and are considered below in the relevant sections of this report.

H14 part (i) seeks to ensure that the development would not lead to a concentration of non-housing uses that would threaten the character of the area. The proposed housing would complement the character of the area. Whilst the proposed retail element would introduce a non-housing use into the Housing Area, the application site was previously used for non-housing purposes, is fairly small in contrast to the surrounding housing area and as such it is considered that the proposed retail element of the proposal would not threaten the residential character of the area.

H14 part (j) states that non-housing uses should not prejudice the provision of sufficient housing land for either the next five years or up to 2001.

Paragraph 73 of the NPPF requires local authorities to identify a 5 year supply of specific deliverable sites for housing with an additional 5% buffer. The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply.

Policy H14 part (j) is considered to align with the requirements of NPPF paragraph 73 and is therefore afforded substantial weight in the consideration of this application.

Furthermore the NPPF places great weight on boosting the supply of new homes (paragraph 59) and gives substantial weight to the value of using sustainable Brownfield land within settlements for homes (paragraph 118 c).

This site is in a designated Housing Area but is not an allocated site. It also appears on the Council's 2019 Brownfield Land register, which is a register of previously developed land that the local planning authority consider to be appropriate for residential development having regard to criteria in the Town and Country Planning (Brownfield and Registers) Regulations 2017.

The fact that the site is on the Brownfield Land Register does not indicate that planning consent for housing would be automatically approved, though it has been in the past (and since expired). An application would be subject to the consideration of all relevant material planning matters.

The site comprises 1.1 hectares of land and approximately 0.2 hectares are proposed for housing use. The remaining 0.9 hectares of the site comprises of a small area of land when considered in the context of the entire city wide Housing Policy Area. Whilst it would be desirable to maintain as much land as possible for housing, the Council do have a 5.1 year supply of housing land and the loss of part of the site, which could accommodate between approximately 16 and 22 additional dwellings (based on previous consents), would not prejudice the 5 year housing land supply and/or give rise to a shortage of land for the preferred housing uses.

On this basis the proposals are not considered to be contrary to policy H14 (j).

Policy H14 part (l) permits non-housing uses provided that it would be on a scale consistent with the residential character of the Area or meet primarily local needs or (in the cases of uses other than shops) occupy an existing building set in its own grounds. In this instance, the proposed retail development is restricted in floorspace and site area to a scale that would in principle be compatible with the residential area.

H14(m) seeks compliance with Policies H10 to H13. H11 relates to development in Nether Edge and Broomhall and is not relevant to this application site. H10 is considered above. H12 and H13 are also not relevant as referred to above.

Policy H15 relates to design of new housing developments in respect of matters of access, amenity and design. These matters are considered below in the relevant sections of this report.

Policy H16 relating to open space in new housing developments has effectively been superseded by the Community Infrastructure Levy.

In summary, the proposed housing element of this application is a preferred use in principle and complies with Policy H10, H14 (i), (j) and (l) (significant weight). Policies H14(a) to (h) and (k), H15 and H16 are considered below.

The retail element of the proposal is contrary to Policy H10 (less weight), but would comply with the non-housing uses criteria in Policies H14(i), (j) and (l) (significant weight where relevant).

Policy H10 also seeks compliance with UDP Policy S5 relating to shop development outside the Central Shopping Area and District Shopping Centres. The retail element of this application in respect of Policy S5 is considered in the retail issues below.

Core Strategy Policy CS23 relating to locations for new housing includes that in Chapeltown/High Green and larger villages ... housing development will be limited to suitable, sustainable sites within the existing built up areas.

NPPF (paragraph 118) gives substantial weight to using brownfield land within settlements to meet the need for new homes.

Policy CS23 is in part conformity with the NPPF and has moderate weight.

In this instance the site is within the built up area of Chapeltown/High Green and accords with Policy CS23 (moderate weight).

Previously Developed Land

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for housing and states that priority will be given to the development of previously

developed sites and no more than 12% of dwelling completions will be on Greenfield sites in the period between 2004/05 and 2025/26. Policy CS24 is in conformity with the NPPF and has moderate weight.

NPPF paragraphs 117 to 123 relate to making effective use of land. NPPF paragraph 118(c) gives significant weight to the value of using suitable brownfield land within settlements for new homes.

The Strategic Housing Land Assessment Interim Position Paper 2017 and monitoring up to 2018/19 indicates that 95% of dwelling completions between 2004/05 and 2018/19 have been delivered on previously developed land and that 5% of gross dwelling completions since 2004/05 have been on greenfield sites.

In this instance, the site has been previously developed. The land was occupied by permanent structures and whilst the former buildings on the site have been demolished and the site cleared, areas of hardstanding remain and the site has not blended into the landscape to the extent that it can be considered a Greenfield site.

Notwithstanding this, should the site be considered to be Greenfield, the proposed housing development would not result in the 12% criteria in CS24 being exceeded.

The proposed housing development complies with Core Strategy Policy CS24 (moderate weight) and is compatible with the NPPF as it is part of a wider strategy for prioritising previously-developed land.

Housing Land Supply

Core Strategy Policy CS22 relates to the scale of development for new housing and sets out Sheffield's housing targets until 2026. Identifying that a 5-year supply of deliverable sites will be maintained.

However the NPPF now requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method. Weight cannot be afforded to the housing figures identified in CS22.

The Council has recently updated its five year housing land supply position based on the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance. The local planning authority has reached this figure by undertaking additional work, including engagement with stakeholders, to reflect the requirements of notional policy and guidance before publishing the conclusions in a monitoring report.

Sheffield now has a 5.1 year supply of deliverable housing units and can therefore demonstrate a five year supply. However regardless of the 5 year housing land supply position and given that the updated housing land supply is only marginally over 5 years, paragraph 59 of the NPPF still attaches great weight to continuing to boost the supply of housing.

The proposed provision of 8 dwellings on part of this site would make a small contribution to meeting the City's obligation to maintain a 5 year supply of housing land, and on this basis, it is considered that this should be given weight in the balance of this decision.

Although the Council has a 5-year supply at this time and weight cannot be afforded to the housing figures identified in CS22, the reference to maintaining a 5-year supply of deliverable sites is consistent with the NPPF. Given this, it is considered that this aspect of the policy should be given significant weight.

The proposed housing element of this application is considered to be consistent with the NPPF as it is developing housing on a site which is part of Sheffield's 5 year supply of housing.

Density

Core Strategy Policy CS26 relating to the efficient use of housing land and accessibility states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities. In the remaining parts of the urban area outside district centres near high frequency bus routes it seeks a range of 40 to 60 dwelling per hectare and in the remaining parts of the urban area 30-50 dwellings per hectare. It also states that density outside these ranges will be allowed where it achieves good design, reflects the character of an area, or protects a sensitive area.

Core Strategy Policy CS26 is consistent with the NPPF and has significant weight.

NPPF paragraph 122 states that planning policies and decisions should support development that makes efficient use of land taking into account several factors, including identified need, availability, market conditions and viability, infrastructure and maintaining the prevailing character or promoting regeneration and change, and the importance of well designed, attractive and healthy places.

In this instance, the character of the area is primarily of family housing with a consistent grain of plot widths and garden sizes and given its location alongside housing of a similar character it is considered that on this small site the proposed density is acceptable and complies with Policy CS22 (significant weight).

Retail Policy Issues

The Government's National Planning Practice Guidance (NPPG) on Town Centres and Retail was updated in July 2019.

The proposal includes a retail food store (1,951 sqm). This is a 'main town centre uses' as defined in annexe 2 of the NPPF. The site is not within or at the edge of an existing centre.

UDP Policy H10 states that 'other shops (A1)' (ie. larger shops over 280 sqm sales area) are unacceptable unless at the edge of the Central Shopping Area or a District

or Local Shopping Centre. The retail element of the proposal (1,951 sqm) exceeds the floorspace threshold in Policy H10. As discussed above, the absolute approach to refusing permission for large shops in Housing Areas under H10 is not consistent with the NPPF, unless it is also considered in the context of the sequential and impact tests.

UDP Policy S4 states that food retail development will be promoted within District Shopping Centres and, where there are no suitable sites within such Centres, at their edges. As the proposed development is not within or at the edge of a District Shopping Centre, the proposed development is not promoted by Policy S4 as it identifies the Central and District Shopping Areas as the main areas for shopping facilities. Policy S4 is in part conformity with the NPPF and has moderate weight.

However UDP Policy S5, which relates to shop development outside the Central Shopping Area and District Shopping Centres, provides some policy support for such development and has three parts to it.

The first part of Policy S5 relates to retail development on the edge of the Central or District Shopping Centres and so is not relevant to the determination of this application.

The second part of Policy S5 states that retail development other than within or at the edge of the Central Shopping Area or District Shopping Centres will be permitted if the proposed development is (a) of a small shop; or (b) in or at the edge of a local centre for appropriately sized foodstores and other facilities to serve the day-to-day needs of the local population; or (c) in a retail park subject to Policy S9, or (d) in Meadowhall subject to policy S8.

The current proposal does not satisfy items (a) to (d) of Policy S5 and is in conflict with this aspect as it represents a wholly new out-of-centre development which is not a small shop.

The third part of Policy S5 lists seven criteria that all retail development outside the Central Shopping Area and District Shopping Centres (which the proposal is) must satisfy, including: not undermining the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and not jeopardising private sector investment needed to safeguard the vitality and viability of centres. It should also be easily accessible by public transport and on foot, not harmfully effect public transport or movements on the highway network, not generate traffic that would result in a significant increase in trips; not take up land where other uses are required nor give rise to shortages of land for preferred uses; and comply with other relevant policies.

The highways and transport and the land use issues identified in Policy S5 are considered in the relevant sections of this report.

UDP Policy S5, like H10, is not however considered to be fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF as outlined below. When considering this proposal Policy S5 requires an assessment to be made of the cumulative impacts of other recent or proposed

development, the NPPF does not. Secondly, as written, the text of UDP Policy S5 appears to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or in other out of centre locations, other than in a Retail Park or in Meadowhall. This is not consistent with the thrust of the NPPF as it does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The High Court Judgement (Aldergate/Mansfield) does however make it clear that even out-of-date policies still remain part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. This means the criteria in Policy S5 need to be considered. Nevertheless, it is considered that Policy S5 in this instance carries less (moderate) weight in light of the more up to date guidance contained in the NPPF and NPPG.

Core Strategy Policies CS34 and CS39 are supportive of District and Local Centres.

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

Core Strategy CS39 states that, in Neighbourhood Centres (or Local Centres as they are referred to in the NPPF), new developments for local shops and community facilities to serve the everyday needs of the community will be encouraged.

These policies are supportive of the sequential approach to ensuring the vitality of town centres (which includes district and local centres) and so broadly align with the aims of the NPPF and have significant weight.

Sequential Test

The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (NPPF paragraph 85).

The NPPF (paragraphs 86 to 90) describe the circumstances where-by local planning authorities should apply a sequential test to planning applications for main town centre uses, and require an impact assessment which should include impact on investment and on town centre vitality and viability. Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (paragraph 86).

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The NPPF is clear that applicants and local planning authorities should demonstrate flexibility on

issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (paragraph 87).

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development have been fully considered.

In this instance, the application site is not within or at the edge of a town centre. The proposal's main town centre uses comprise a retail food store (1,951 sqm).

The applicant's submitted Planning and Retail Statement includes a sequential test which has been considered by officers.

The applicant's submitted Planning and Retail Statement has considered sites with reference to the broad type of use proposed (medium sized food supermarket).

The applicant's submissions highlight the findings of the Sheffield and Rotherham Joint Retail and Leisure Study (2017) which for the area including Chapeltown and High Green (Study Area Zone 2) stated that within this zone there is a single dominant main food destination at Asda in Chapeltown and no discount foodstores within the zone with the closest discount foodstores being in Ecclesfield and Birdwell.

The applicant and the named operator consider that the proposed retail development would address the shortfall in provision and provide local customer choice across the catchment.

In this instance, the proposal passes the sequential test as there are no sites within the primary catchment (Chapeltown and High Green area) that are suitable for the proposed development. All the sites considered by the applicant in the sequential test are too small to accommodate the retail element of the proposal.

Impact Assessment

The NPPF (paragraph 89) states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). In this instance there is no locally set floorspace threshold. The proposal does not exceed the 2,500 sqm threshold and so an impact assessment is not required in this instance.

UDP Policy S5 requires an assessment of issues relating to impact. Policy S5 part (b) states that all retail development outside the Central Shopping Area and District Shopping Centres must not jeopardise private sector investment needed to safeguard vitality and viability of the Central Shopping Area or District Shopping Centres. Policy S5 is not fully up to date with the NPPF for the reasons identified earlier in this report but the aforementioned Aldergate/Mansfield High Court Judgement makes it clear that even out-of-date policies are still part of the development plan, and that any decision is required to assess whether the proposal

accords with it, as the starting point. The local planning authority may give less weight to Policy S5 but only after it has been considered.

Whilst the proposal falls below the 2,500 sqm threshold for an impact test to be applied under NPPF paragraph 89, the applicant's submitted Planning and Retail Statement has considered the health of the Chapeltown District Centre and the impact of the proposed retail development.

Chapeltown District Centre is considered to perform well against a number of indicators with a mix of national and independent retailers. The vacancy rate of units within the centre is below the national average. The Asda superstore is the single main food shopping facility in the centre. There are no significant in-centre investments that would be impacted by the proposal.

The applicant's submitted Planning and Retail Statement estimates the turnover of the application proposal with reference to a sales density representative of the mid-point between the company averages for Aldi and Lidl (of which Aldi has the higher sales density).

The applicant's submission considers the identified impacts arising from the proposed development are relatively modest and would impact on stores which appear to be trading strongly. The submissions estimate that the Asda in Chapeltown would have a convenience goods turnover of £30m subsequent to the implementation of the proposal and the Aldi at The Common Ecclesfield would have a turnover in excess of £24m which is representative of a viable store.

It is agreed that the applicant's estimated impact on Asda, and therefore Chapeltown District centre, does not amount to significant adverse impact which is the criteria set out in NPPF paragraph 90. The applicant's estimated impact is based on a trade diversion of 27% from Asda to the proposal and a subsequent impact on Asda of 8.4%. This would bring Asda's turnover to around 84% of its benchmark level (£6.2m below its benchmark of £36.5m).

The applicant has outlined case law where 76% of a store's benchmark would not amount to a significant adverse impact. Further, most of the Centre's trade will be top-up and local community based and although the impact on Asda will probably reduce linked trips to some extent, it is unlikely to be significant.

In light of the above, the retail element of the proposal is considered to be acceptable, and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90.

Effect on the Amenities of Residents in the Locality

UDP Policy H14 relating to conditions on development in housing areas includes matters of amenity (significant weight).

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users. NPPF (paragraph 180) which states that planning decisions should ensure that new development is appropriate for

its location taking into account the likely effects of pollution on health includes (a) mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In this instance this is an outline application with only the matters of access included for approval with all other matters, including layout, appearance, scale and landscaping are reserved for subsequent submission.

The applicant's illustrative details of these reserved matters are a representation of the proposal but are not submitted for approval at this outline stage.

There are residential properties adjacent and opposite the site on Thorncliffe View, Thorncliffe Road and Lane End including the Aaron View Care Home.

It is considered that the siting of the proposed 8 dwellings along Thorncliffe View would ensure that there would in principle be sufficient separation distances between them and existing houses to safeguard the living conditions of existing and future residents.

The siting of the proposed food store on the remainder of the site can be accommodated with sufficient separation distances to existing and proposed dwellings to ensure that in principle its massing and design would not harm the living conditions of residents. These matters would be considered in detail at the reserved matters stage.

The applicant's submitted Noise Impact Assessment has surveyed the prevailing noise climate of the area, and assessed the noise impact of the proposed development. Three aspects of operational noise have been considered: external mechanical services equipment, delivery noise and car parking.

Whilst this is an outline application, illustrative details of site layout show an external compound for plant and equipment in the northeast corner of the site. No details of the plant were available to the noise assessors who have assumed that there will be a need for external cooling/refrigeration condensers. The proposal includes a 3 metre high acoustic fence between the compound and residential properties. The Noise Impact Assessment considers it likely to be necessary to specify low noise emission plant and other mitigation measures such as housing equipment within acoustic enclosures and orienting fans/motors away from dwellings.

The illustrative plans also show a delivery area in the northeast corner of the site where acoustic screening is also proposed. The Noise Impact Assessment identifies the noise source being from delivery lorries manoeuvring, reversing and then driving away, and predicts this would have a low impact on adjacent properties with the acoustic barrier in position.

The proposed on-site car parking would generate noise from the manoeuvring of vehicles, closing of car doors and starting of engines. Whilst the submitted details of site layout are illustrative, it shows parking in front of the store, set back from and at a lower level than Thorncliffe Lane and at a higher level to the rear of houses off

Thornccliffe View. The Noise Impact Assessment considers that it is unlikely to give rise to any significant noise impact on residents on Thornccliffe Lane and that the impact to the rear of properties on Thornccliffe Lane would be modest and given the relative proximities between parking areas and houses acoustic fencing is proposed of a least 1.8 metres high.

It concludes that appropriate noise control design limits can be specified for external plant in order to protect residential amenity, that delivery noise with the proposed acoustic fence will not be an unacceptable noise impact, and that potential noise impact of car parking can be mitigated by acoustic fencing.

It is considered that subject to the implementation of the noise mitigation measures the proposed development would not result in unacceptable noise impact on the amenity of nearby residents. A condition is recommended to secure appropriate noise mitigation measures.

The proposal in principle complies with UDP Policy H14 (significant weight).

Impact on the Character and Appearance of the Locality

UDP Policy H14 relating to conditions on development in Housing Areas includes matters of amenity and design. Policy H15 relates to the design of new housing developments in respect of matters of access, amenity and design. UDP Policy BE5 and Core Strategy Policy CS74 seeks good quality design in new developments.

Policies H14, H15, BE5 and CS74 are consistent with the NPPF and have significant weight.

NPPF paragraphs 124 to 132 relate to achieving well designed places. NPPF paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

In this instance this is an outline application with only the matters of access included for approval. All other matters, including design, are reserved for subsequent submission.

The site is within a residential area and has level changes in relation to the adjacent housing.

Whilst the proposal for the erection of housing units on part of the site forming a street frontage to Thornccliffe View is supported, accommodating the proposed food retail unit poses challenges particularly in terms of levels and adjacent properties.

For this outline application the access can be agreed at this stage. The landscaping treatment especially along Thornccliffe Lane and within the site, between the store and new houses will need to be of high quality to be able to achieve a high quality setting, frontage and appropriate buffers. Pedestrian access will need to be clearly marked.

Whilst the submitted details of appearance of the proposed store and dwellings are illustrative and are reserved for subsequent approval, it is considered that the illustrative details shown would require revision in order to achieve a successful design at the reserved matters stage.

The South Yorkshire Police 'Designing Out Crime Officers' have reviewed the application and have no objections to the proposed development and have drawn attention to guidance contained in their Secured by Design standards

Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policies CS63 to CS65 are consistent with the NPPF and have significant weight.

A condition is recommended to ensure the development incorporates appropriate sustainability measures.

Highway and Transportation

UDP Policy H14 relating to conditions on development in housing areas also includes criteria (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians; and (h) it would comply with Policies ... T28; and for non-housing uses: (k) not lead toexcessive traffic levels.

UDP Policy T28 relating to transport infrastructure and development seeks to ensure that new development which would generate high levels of travel would be served adequately by public transport services and infrastructure and by the existing highway network. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided, or commitment entered into to secure their provision, before any part of the development comes into use.

UDP Policy H15 seeks to ensure that the design of new housing developments will, amongst other matters, (a) provide easy access to homes and circulation around the site for people with disabilities.

Policies H14 and H15 have significant weight. Policy T28 is broadly consistent with the NPPF and has significant weight.

NPPF paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In this instance the proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities.

There are no highway objections to the proposed housing element of this development proposal.

The proposal's housing element complies with UDP Policies H14, H15 and T28 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Core Strategy Policy CS51 relates to the strategic priorities for transport including maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Policy CS51 is in conformity with the NPPF, whilst CS53 is in part conformity, and both have significant weight in respect to the proposed development.

The NPPF (paragraphs 102 to 111) promotes sustainable transport. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF paragraph 109).

The site has frontages to Lane End, Thorncliffe View and Thorncliffe Lane.

Lane End is part of a route running along Lound Side, Lane End, Mortomley Lane and Wortley Road between Chapeltown centre (to the southeast) and the A61 (to the northwest) and is a classified road (C47).

Lane End is on a bus route served by route nos. 1, 29, 72 and 135. There is a southeast bound stop with shelter on the application site frontage and a northwest bound stop opposite the site. Service 1 generally provides 4 buses an hour on Mondays to Saturdays whilst services 29 (6 buses a day), 72 and 135 (both 1 per hour) on Mondays to Saturdays are infrequent.

This application has been supported by a transport assessment (TA). The TA has considered the surrounding highway network and accessibility by pedestrians, public transport, vehicles and by cycle. The traffic generation potential of the proposed retail element of the development has been assessed using trip rates extracted from the TRICS national database.

The use of the TRICS database is a nationally accepted method of estimating levels of trip generation when considering development proposals. In order to ensure that the most accurate estimates are calculated it is important to ensure that the sites

chosen from the database are those which have, as far as possible, similar characteristics to the proposal under consideration such as location, parking provision, accessibility.

In terms of the impact of the proposed retail unit consideration has been given to the PM peak period when background traffic is at its highest. The TA has considered three types of retail unit: non-food retail, discount food retail and general food store. Of these, the trip rates calculated indicate that the general food store is the worst case and as such these figures are the ones used in the assessment. The applicant's submissions include a Supplementary Information Notes (SI Note) regarding Saturday traffic flows, the pedestrian crossing, parking provision, servicing arrangements, HGV's and times of deliveries and HGV routing.

The total number of vehicular movements estimated in the PM peak is 90 arrivals and 90 departures, however it is acknowledged that a proportion of these vehicular movements would be classed as pass-by (vehicles which are already on the network). It is generally accepted that the proportion of pass-by trips will be in the order of 30%. No further reduction has been made for diverted trips. On this basis it is estimated that the worst case traffic generation for the foodstore would be 63 arrivals and 63 departures in the PM peak (126 trips in total).

The SI Note notes that the Transport Assessment considered the weekday pm peak period as this period covers the combination of high development flows and the busiest flows on the network, and that whilst retail development flows are often greater on Saturdays the traffic flows on highways on Saturdays are usually lower and in combination are not worse than the weekday pm peak period. The increase in traffic flow through the proposed access on Saturdays would continue to be significantly less than the proposed access's capacity.

It is considered that service vehicle movements can be accommodated on the highway network without any detriment. The submitted plans provide tracking for service vehicles and demonstrate that the design vehicle can adequately manoeuvre within the site. The SI Note states that virtually all discount food stores are serviced through the car park and whilst the main delivery with the food items is timed to occur just before the store opens, a second and following deliveries can occur when the store is open. In the case of a discount food store use, 2 to 3 HGVs would be expected per day (Monday to Saturday). The applicant has stated that they anticipate the store will open at 8am in the week and could restrict delivery hours to no earlier than 7.30am, and if the store was to close at 10pm at the latest it could have a restriction of 8pm for the last delivery. The loading bay for the proposed development can be accessed with all parking bays occupied.

The TA has assessed the impact of the proposal on the Thorncliffe Lane and Thorncliffe View junctions as minimal.

The TA states that the logical route for HGV drivers is along Lane End and Mortomley Lane to the A61 and that a route through the Thorncliffe Business Park would not be used and could be prevented through a condition. It is considered that the comment in relation to accepting a condition prohibiting the use of Thorncliffe Lane by service vehicles is welcome. It is also recommended that a condition be

imposed requiring a service delivery plan which should include details of how the safety of customers will be protected during servicing periods.

The submitted information demonstrates that a suitably designed and safe access can be provided to serve a retail development on this site. The proposals include altering the line-markings on this section of Lane End to include marked parking areas and a re-laid centre line marking in the carriageway.

The applicant's submissions include a Supplementary Information Note (SI Note) to regarding Saturday traffic flows, the pedestrian crossing, parking provision and servicing arrangements.

The accident details provided in the TA do not indicate that there is any identifiable problem/blackspot and as such it is not anticipated that the additional traffic added to the network would result in a worsening of highway safety. Whilst it is acknowledged that there is general concern about road safety the fact remains that an appropriately designed access can be provided to the site and the proposal also includes a pedestrian crossing facility to provide improvements for pedestrian safety.

The SI Note has confirmed that vehicle speeds were recorded on the approaches to the access which are the same approaches to the proposed pedestrian ('zebra' type) crossing. The 85th percentile speeds (32mph eastbound and 30mph westbound) are below the maximum 45 mph (85th percentile) guidance for such crossings.

Based on the information currently provided the most appropriate type of pedestrian crossing would appear to be a 'zebra' crossing. A condition is recommended that the submission of the reserved matters include further speed surveys to be carried out to finally determine the design of the crossing. The proposed crossing facility would require the northwest bound bus stop to be repositioned.

The applicant's submitted documents refer varyingly to proposed car parking levels (115 with 6 disability spaces on the application forms, 115 on the site layout drawing and in the Planning Statement, 101 spaces in the SI Note, 121 in the noise impact assessment). As this is an outline application these figures are illustrative. However this range of levels and the ability of the site to accommodate such parking has been assessed in principle.

The SI Note considers that the proposed parking levels of 101 spaces for the retail unit is in line with the Council's parking standards of 1cps per 20 sqm of floorspace and above the expected maximum demand based on TRICS data.

It is considered that the submitted indicative plans indicate that adequate levels of car parking can be provided within the site. A condition is recommended that the reserved matters submissions include justification of the parking numbers ultimately proposed which should be made by reference to parking calculations based on estimated trip generation.

There are no highway objections in principle to accessing the proposed individual house plots off Thorncliffe View subject to satisfactory details.

In this instance the proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities.

There are no highway objections to the proposed development.

The proposal complies with UDP Policies H14, H15 and T28 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Air Quality

UDP policies include Policies GE22 and GE23 relating to pollution and air pollution which seek to ensure development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it, while Core Strategy Policy CS66 promotes action to protect air quality.

Policies GE22, GE23 and CS66 are consistent with the NPPF and have significant weight.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels, amongst other matters, of air pollution.

The local development plan policies align with the NPPF's aim of reducing and mitigating the impacts of development on air quality and are therefore afforded weight.

The site is located within the Sheffield city-wide Air Quality Management Area (AQMA) for exceedances of nitrogen dioxide and particulate matter.

The applicant has undertaken an air quality assessment and has modelled the impact of the proposed development on annual mean levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) concentrations on the site frontage and west of Thorncliffe Lane.

The Air Quality Assessment states that in this location the base NO₂ levels are around 28% of the target level with the development increasing this by less than 2%. The other pollutants including PM₁₀ and CO would have the same or negligible/zero effect. It concludes that in quantitative terms the effects of the proposed development would be negligible and emissions would be under target levels.

The air quality effects are therefore considered to be not significant.

The proposal complies with Core Strategy Policy CS66 and UDP Policies GE22 and GE23 (significant weight).

Ecology

UDP Policy GE11 seeks to protect the natural environment.

GE11 is in part conformity with the NPPF and has moderate weight.

NPPF (paragraph 170), which states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant has submitted an Ecological Appraisal of the site involving a desk study and field survey of habitat types and potential for habitats to support protected and notable species. The Ecological Appraisal assesses the habitats on the site, following recent scrub clearance, to be common and widespread in the locale with limited ecological value, and limited suitability for bats, birds and badgers. Non-native invasive Japanese knotweed and wall cotoneaster have been identified on the site.

The Ecological Appraisal considers that the proposal is unlikely to impact upon designated sites in the wider area due to distance and lack of connectivity, and recommends that to contribute to achieving a net gain in biodiversity that the proposed landscape scheme for the site includes species known to be of wildlife value and allows for areas on no or limited light spill, erection of bat boxes/tubes and bird boxes or within new buildings and management plan for the invasive species.

It is accepted that the site has little ecological value, and a condition is recommended to secure a net gain in biodiversity.

The proposal would, subject to securing net gain in biodiversity, comply with UDP Policy GE11 (moderate weight) and the Government's planning policy guidance contained in the NPPF, particularly paragraph 170.

Land Quality

NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site falls within a Development High Risk Area as defined by the Coal Authority.

The applicant has submitted a Preliminary Risk Assessment which has reviewed whether the site is potentially contaminated or whether there are other potential geo-environmental liabilities. Following a desk study and site reconnaissance it recommends further investigation including excavations to confirm accurately the location of a mine entry, intrusive investigation of ground contamination and gas monitoring, eradication of invasive plant species, and specialist ecological inspection. Conditions are recommended to secure assessment of these matters.

The Coal Authority have reviewed the applicant's submissions and has no objection to the proposed development subject to a conditions requiring site investigation works are undertaken and any remediation works carried out prior to the commencement of development.

Flood Risk and Drainage Strategy

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Policy CS67 is in conformity with the NPPF and has significant weight.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 1 where there is a low risk of flooding.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy report for both the housing and retail elements of the proposed development which conclude that the risk of flooding from all sources is considered to be very low and that surface and foul water could drain to the respective existing sewers subject to surface water attenuation.

The Local Lead Flood Authority has no objection to the principle of the proposed development.

Yorkshire Water has stated that the applicant's Flood Risk and Drainage Strategy is acceptable and has no objections to the proposed development subject to conditions to secure separate drainage foul and surface water systems and restrictions on the rate of surface water discharge to the public sewer.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to the housing element of this development.

In this instance the site lies within CIL Zone 3 where there is a CIL charge of £30 per sq m of gross internal floorspace 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.'

The funds generated through CIL will be used in connection with strategic infrastructure.

SUMMARY

The UDP identifies the site as being within a Housing Area.

There are no objections in principle to the housing element of this proposal.

The retail element of the proposal is not within an existing district or local centre, nevertheless it passes the sequential test for out of centre proposals and would not have a significant impact on the vitality and viability of existing centres. In this instance the principle of the retail element of the proposal is acceptable.

The proposal would provide safe access onto the existing highway network. There are no significant gradients within the site that would prevent or constrain the subsequent layout and design of the proposed development in achieving satisfactory accessibility within the development for people with disabilities. There are no highway objections to the proposed development.

This is an outline application with only the matters of access included for approval. All other matters, including layout, appearance, scale and landscaping are reserved for subsequent submission.

Nevertheless from the information submitted it is considered that the site can be developed for the uses proposed without causing significant harm to the amenities of adjacent and nearby residents or the character and appearance of the locality.

In relation to paragraph 11 of the NPPF, the most important policies in the determination of this application, which in this case revolve around housing and retail policy, highway and access design, and neighbourliness impacts, do, when considered as a collection, align with the NPPF. As such paragraph 11(d) of the NPPF is not applied in this instance.

The proposed retail development is not promoted by UDP Policy S4 and S5 (moderate weight) however the retail policies in paragraphs 85 to 90 of the NPPF have greater weight.

The proposal (housing and retail elements) complies with UDP Policies H10, H14, H15, BE5, GE22, GE23, T28 (significant weight), GE11 (moderate weight), Core Strategy Policies CS22 (significant weight in this instance), CS23 and CS24 (moderate weight), CS26 (significant weight), CS63 to CS65 (significant weight), CS67 (significant weight) and CS74 (significant weight), and the Government's planning policy guidance contained in the NPPF in particular paragraphs 85 to 90, 97 and 109, 117 to 123, 124 to 132, 156 to 165, 170, 178.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.

This page is intentionally left blank