

CITY CENTRE SOUTH & EAST AREA COMMITTEE 4 February 2013

SUPPLEMENTARY INFORMATION

PLANNING APPLICATIONS

1. **Application Number: 12/03393/FUL**

Address: The Childrens Hospital, Western Bank, 8 -12 Northumberland Road, 5 - 9 Clarkson Street, Sheffield

Amendment to Condition 2

Updated list of approved documents

drawing refs...

11062-AA-07-XX-PL-007 Rev C;
11062-AA-07-XX-PL-009 Rev C;
11062-AA-07-XX-PL-011 Rev C;
11062-AA-07-XX-PL-012 Rev C;
11062-AA-07-UA-PL-013 Rev C;
11062-AA-07-C-PL-016 Rev C;
11062-AA-07-D-PL-017 Rev C;
11062-AA-07-XX-PL-018 Rev C;
11062-AA-07-XX-PL-019 Rev B received on 31/10/2012

11062-AA-07-A-PL-014 Rev D and
11062-AA-07-B-PL-015 Rev D received on 23/1/2013

11062-AA-07-XX-PL-008-Rev_D;
11062-AA-07-XX-PL-010-Rev_D;
11062-AA-07-C-PL-016-Rev_D; and
11062-AA-07-D-PL-017-Rev_D received on 28/1/2013

2. **Application Number: 12/03415/FUL and 12/03452/COND**

**Address: Land To The South Of, 91-102 Doveholes Drive, Sheffield
S13 9DP**

Two additional representations have been received from the neighbouring commercial premises. The issues are summarised as follows:

- The 35dba standard being used is not the up-to-date standard which is lower at 30dba – the council should highlight this and explain why they consider the higher level is applicable in this case.

- The applicant’s assessment is based upon methodology for considering the impact of traffic noise not industrial noise – the council should explain why they consider this method to be appropriate given the objection to this methodology in the objector’s noise assessment report the difference being between constant noise levels generated by traffic and impact noise.
- There are still potential grounds for the council to take action against the industrial unit even if the levels required by the council are met – members should not be lead to believe that these measures will protect the industrial use.
- The owners and operators of the industrial unit are prepared to work with Barrett’s in order to produce a scheme that would effectively protect the employment use from legal action by undertaking improvements to the buildings fabric.
- National Planning Policy Framework states planning decisions should recognise that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- The original noise assessment report for the residential site assessed the noise near the industrial estate boundary by a methodology which is appropriate to industrial noise (British Standard 41421). The assessment methodology for the 7.5m fence application follows a different standard which is easier for the developer to meet. The standard now being used is appropriate to highway noise which is an anonymous noise source and is of a different character. Industrial noise is more disturbing and therefore should be assessed to the standard agreed in 2004.
- The assessment of industrial noise in the 2004 RPS noise assessment report was based on noise readings 30m from the boundary with the industrial estate. The final position of the residential apartments was much closer than 30m; therefore the assessment should have been reviewed to allow for the higher industrial noise levels.
- The 2004 noise report contains errors underestimating the impact of industrial noise. The report still concluded that complaints would be likely and therefore recommended a 1.8m high fence. The fence had no impact as the flats are elevated and overlook the fence.
- No night time noise readings were taken and working hours of nearby industrial premises were not checked.
- The decision now being taken should be based on the correct current noise standards and the proposals should protect both the residents from noise and the employer from prosecution.
- EPS could still take action even if the assessment criterion now being used were met within the residential properties. The proposed noise barrier could result in the residents still being disturbed by noise and the adjoining business still being curtailed.
- The developer could undertake works to the employer’s business premises by agreement, which would more effectively deal with the noise that the current

proposal and could result in a defence of 'best practicable means' under the Environmental Protection Act.

Response to representations.

- The noise standard of 35dB is being used in these circumstances as it accords with the noise report and standards which were set out in the noise report approved as part of the outline planning application.
- Instances of Statutory Noise Nuisance may continue to occur if the acoustic fence is erected, and the Council will be obliged to investigate such matters and establish if best practical means (BPM) are being undertaken at the source of the noise to mitigate any unacceptable noise impact.
- The applicants have indicated that they are willing to enter into discussions with the Shirt's Box Company Ltd to resolve the matter.
- All other issues are covered in the original report.

Amended Directive

Directive 1 on the report for 12/03415/FUL should refer to '04/01622/OUT'.

3. Application Number: 12/04037/FUL

Address: Site of Phoenix House, 67-73 Commonside

Confirmation of Recommendation

The report makes reference to the need for a section 106 Planning Obligation to secure the payment of a financial contribution towards the provision or enhancement of open space in the locality. This is not reflected in the recommendation, which should read:-

'Grant conditionally subject to legal agreement'

Additional Representations

For additional representations have been received. Three of these object to the proposal, and one supports it.

Objections

- height is too tall and would obscure views across Sheffield from properties opposite;
- single storey development would be more appropriate;
- loss of privacy and peace in gardens on Bower Road;
- materials should match existing and should not be orange/red brick;
- existing on street parking would be displaced elsewhere and parking is a problem in the area, as people 'park and ride' into town;
- permit parking scheme lies opposite;

- difficult manoeuvres would be needed to access individual parking spaces;
- demolition has already occurred, so is application void?;
- demolition did not occur in the careful manner proposed;
- increase in dense population would mean more noise disturbance;

Support (with some concerns)

- development is broadly in keeping with a neighbourhood of predominantly terraced properties;
- prefer proposed residential scheme to commercial development;
- whilst provision of parking is positive, it will also remove an equivalent number of spaces from the street to allow for access;
- important that garden areas are well maintained;
- most likely detrimental impact is increase in noise from houses and gardens (e.g. amplified music).

4. Application Number: 12/04013/FUL

Address: 24 Ashgate Road

Confirmation of Recommendation

The report makes reference to the need for enforcement action to secure the removal of the unauthorised windows. This is not reflected in the recommendation, which should read:-

‘Refuse with enforcement action’

5. Application Number: 12/03838/FUL

Address: Outside 315-319 Ecclesall Road

Additional Representations

The applicant has submitted a representation in response to the Committee report and recommendation, which sets out the following points:-

- there have previously been two kiosks at this location, so reducing to one is a 50% reduction in street furniture;
- previous kiosks were bright red and blue;
- previous kiosks had doors which opened onto the pavement – this new version does not;
- previous kiosks’ open appearance could have been solidified by the use of opaque panels;
- the ATM and phone face ‘along’ the pavement as opposed to across it, meaning queuing would not be an issue;
- no reports of queuing have occurred;
- the colour and branding of the kiosk can be reviewed – and conditioned;
- the kiosk will stimulate the local economy, especially for the local retail units.

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