

**Place Directorate**  
**City Growth Department**  
Planning Services  
Howden House · 1 Union Street · Sheffield · S1 2SH  
gareth.thompson@sheffield.gov.uk



Officer: Gareth Thompson  
Ref: 20/01144/FUL (Formerly PP-  
08615548)

Tel: (0114) 293 0004  
2 October 2020

Mr Phillip Bacon  
Design Team Partnership LLP  
Suite 3 Cherrytree Union Road  
Nether Edge  
Sheffield  
S11 9EF

**TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING PERMISSION**

- Proposal:** Use of land for plant hire and waste transfer/recycling (Sui Generis), including demolition of existing train shed and erection of a workshop, two-storey office block and associated parking and works
- Location:** Land Between Lumley Street And Supertram Line Extending To Ripon Street, Lumley Street, Sheffield, S4 7ZJ,
- Applicant:** Mr T Hamilton

Planning permission is hereby **GRANTED** for the above-mentioned development in accordance with the application deposited with the Council on 27 March 2020 together with the relevant plans, including any amendments now agreed, subject to the following condition(s), in each case followed by the relevant reason:-

**Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

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

**Approved Plan(s)**

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

Ground Investigation Report (Project No: PY190306 July 2019 by Geotechnics)  
(Phase 1 elements only) published 30.06.2020

Large print versions of this letter are available by telephoning (0114) 273 4791

Drawing no. 1202-09 rev A (Amended Proposed Site Plan) published 01.10.2020  
Drawing no. 1202-04 (Proposed Floor Plans) published 27.03.2020  
Drawing no. 1202-06 (Proposed Workshop Elevations) published 27.03.2020  
Drawing no. 1202-07 (Proposed Office Elevations) published 27.03.2020  
Drawing no. 1202-08 (Proposed Roof Plans) published 27.03.2020

Reason: In order to define the permission.

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

3. Supplementary intrusive investigation and risk assessment 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 the development 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.

4. 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.

5. No above ground works shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways 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 (see directive) which will secure that such improvement works will be carried out before the building is brought into use unless an alternative timescale is agreed in writing with the Local Planning Authority.

Highway Improvements (to Ripon Street/Woodbourn Hill in the vicinity of the site access):

Promotion of waiting restrictions (Traffic Regulation Order)

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.

6. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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.

7. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

8. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of  $Q_{Bar}$  based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

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

9. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be

disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

10. Details of a suitable means of site boundary treatment (including gates) shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the use shall not commence unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

12. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the use shall not commence unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

Reason: To ensure ease of access and facilities for disabled persons at all times.

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 development hereby approved shall be undertaken in full accordance with the recommendations and enhancement measures detailed in the following approved documents;

Preliminary Ecological Appraisal (PEA) (Ref: 14042 V1.0 by Ecus Ltd. Feb 2020) published 27.03.2020

Drg Ref: KS/14042/F1 (Figure 1 - Phase 1 Habitat Map) published 01.10.2020

Drg Ref: KS/14042/A1 (Appendix 1 - Site Photographs) published 01.10.2020

Invasives and Bat Survey (Ref: 15237/KS 07.08.2020) published 01.10.2020

Additional emailed information re Ecological Appraisal received 26.06.2020

The use shall not commence unless the ecological enhancements (which primarily include, but are not limited to, the provision of landscaped areas to the site perimeter, the use of a sensitive lighting scheme and the installation of bird and bat boxes) are implemented. Thereafter the enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure the development has an acceptable impact on local biodiversity

15. The use shall not commence unless the car parking accommodation for 7 no. cars (including 1 no. disabled bay), the cycle parking and the turning area, as shown on the approved plans, has been provided in accordance with those plans and thereafter such facilities shall be retained for the sole purposes intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

### **Other Compliance Conditions**

16. Noise from plant and machinery shall not exceed background noise levels when measured at the boundary of the nearest noise sensitive property by more than 3dB (all noise levels shall be measured as a 10 minute L90).

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

17. 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.

Please Note: There may not be conditions under each heading.

**Date of Decision made by the Council's Authorised Officer**

2 October 2020

Planning Service  
Sheffield City Council

**Attention is drawn to the following directive(s):**

1. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). There are fees, which are also set by the Government.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement. You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH  
Tel: (0114) 273 6349  
Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

4. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
Howden House

1 Union Street  
Sheffield  
S1 2SH  
For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

5. The applicant is advised that new landscaping around the perimeter of the site should comprise new native shrub planting (to include hawthorn), native species-rich wildflower grassland, bare earth banks and sparsely vegetated stony ground. Log habitat piles should be created with any wood from felled trees. The applicant should liaise with their ecologist over the production of a landscape plan to incorporate this compensatory habitat.

The applicant should liaise with their ecologist on the finer details of specification and siting of the 3 no. recommended bat boxes.

All birds and their nests are protected under the Wildlife & Countryside Act 1981 during the nesting season (March 1st - August 31st). Any clearance of scrub or the felling of trees should be carried out outside of the bird nesting season. If such works are planned within the nesting season, a nesting bird check should be carried out by an appropriately qualified ecologist prior to operations commencing. If active nests are found, a temporary exclusion zone will need to be established around the nest, on the advice of the ecologist.

Two UK Red List 'Schedule 1' species (little ringed plover and black redstart) have been recorded in the vicinity of the site. The site possesses suitable habitat for ground nesting birds. If works are planned within the bird nesting season (defined above), an ecologist should carry out a walkover survey to check for ground nesting birds including little ringed plover.

**Attention is drawn to the following informative :**

Sheffield City Council is a Community Infrastructure Levy (CIL) Charging Authority. Therefore, your development may be CIL liable if it falls within the categories on our CIL Charging Schedule which can be found at <http://www.sheffield.gov.uk/cil>. (Householder extensions under 100 square metres are not CIL liable). If your development is CIL liable 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.





## NOTES

The term 'true conditions precedent' is used to mean a condition that expressly requires that development shall not commence until the condition has been complied with, and is central to the consent. Development commencing without complying with these conditions would be unlawful.

### Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act, 1990.

Enforcement - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice. If you want to appeal against your Local Planning Authority's decision on our application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Householder - If this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

Minor Commercial - If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

All Other Applications - If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

### Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

#### Notes Regarding Access for Fire Service

Notwithstanding this planning permission, attention is drawn to Section 55 of the South Yorkshire act 1980 which requires that any application made under the Building Regulations shall be rejected unless, after consultation with the Fire Authority, they are satisfied that the plans show:-

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

Any queries in this respect should be directed to:-

South Yorkshire Fire and Rescue, 197 Eyre Street, Sheffield, S1 3FG. Telephone: 0114 2727202

#### Demolition

Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 273 4170 email [buildingcontrol@sheffield.gov.uk](mailto:buildingcontrol@sheffield.gov.uk)

Environmental Protection Services can be contacted at DEL, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651