

# Planning and Highways Committee

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**Tuesday 8 December 2020 at 2.00 pm**

**To be held as an online video conference.  
To access the meeting, click on the 'View  
the Webcast' link below**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Bob McCann, Zahira Naz, Peter Price, Peter Rippon, Chris Rosling-Josephs and Andrew Sangar

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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## **PUBLIC ACCESS TO THE MEETING**

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword by telephone on 0114 273 5033 or by emailing [abby.brownsword@sheffield.gov.uk](mailto:abby.brownsword@sheffield.gov.uk).

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## **FACILITIES**

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N/A

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
8 DECEMBER 2020**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)  
Minutes of the meeting of the Committee held on Tuesday 17<sup>th</sup> November 2020.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 13 - 14)  
Report of the Director of City Growth
- 7a. Application No. 20/03193/FUL - 51-57 High Street and Second Floor of 59-73 High Street, City Centre, Sheffield, S1 2GD** (Pages 15 - 50)
- 7b. Application No. 20/02631/FUL - Land Bounded by Hollis Croft and Broad Lane, Sheffield, S1 3BU** (Pages 51 - 88)
- 7c. Application No. 19/01970/OUT - Wiggan Farm, 30 Towngate Road, Sheffield, S35 0AR** (Pages 89 - 130)
- 7d. Application No. 19/04536/FUL - Site of Former 2 The Common, Sheffield, S35 9WJ** (Pages 131 - 162)
- 7e. Application No. 20/02409/FUL - Land to the Rear of 15 and 17 Birch House Avenue, Sheffield, S35 0FH** (Pages 163 - 180)
- 7f. Application No. 20/02081/FUL - Land adjacent 18 Muskoka Drive, Sheffield, S11 7RJ** (Pages 181 - 202)
- 7g. Application No. 18/04034/OUT - Land adjacent 127 - 139 Long Line, Sheffield, S11 7TX** (Pages 203 - 236)

- 7h. **Application No. 20/03052/FUL - 45 Westbourne Road, Sheffield, S10 2QT** (Pages 237 - 256)
8. **Record of Planning Appeal Submissions and Decisions** (Pages 257 - 264)  
Report of the Director of City Growth
9. **Date of Next Meeting**  
The next meeting of the Committee will be held on Tuesday 12<sup>th</sup> January 2021 at 2pm.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 17 November 2020

NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

**PRESENT:** Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Alan Law, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Mike Chaplin (Substitute Member) and Garry Weatherall (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Dianne Hurst and Peter Rippon.
- 1.2 Councillors Mike Chaplin and Garry Weatherall acted as substitutes.

**2. EXCLUSION OF PUBLIC AND PRESS**

- 2.1 No items were identified where resolutions may be moved to exclude the press and public.

**3. DECLARATIONS OF INTEREST**

- 3.1 Councillors Jack Clarkson and Alan Law declared a personal interest in Agenda Item No. 7c, Application No. 19/04594/REM – 49 Pot House Lane, Sheffield, S36 1ES as a Member of Stocksbridge Town Council. Councillors Clarkson and Law declared that they had not given an opinion or made up their minds on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

**4. MINUTES OF PREVIOUS MEETING**

- 4.1 The minutes of the meeting of the Committee held on 6<sup>th</sup> October 2020 were approved as a correct record subject to paragraph 3.1 being amended to read:-

*Councillor Andrew Sangar also declared a personal interest in Agenda Item No. 7a, Application No. 20/00159/FUL – Football Pitch, Hallam Sports Club, Sandygate Road, Sheffield, S10 5SE, as the site although in Crookes and Crosspool ward was close to the Fulwood ward boundary, and was a local ward Member for the club's other site. Councillor Sangar declared that he had not given an opinion or made up his mind on the application prior to the meeting,*

*therefore would take part in the discussion and voting thereon.*

## **5. SITE VISIT**

- 5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make any arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

## **6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

### **6.1 APPLICATION NO. 20/02551/RG3 - SITE OF 18 - 42 PINSTONE STREET AND BARKERS POOL HOUSE, BURGESS STREET, SHEFFIELD, S1 2HN**

- 6.1a The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6.1b Robin Hughes attended the meeting and spoke against the application.

6.1c Philip Watson attended the meeting and spoke in support of the application.

6.1d The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted and also having regard to representations made during the meeting.

6.1e **RESOLVED:** That (1) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the retention of Pinstone Street facade at City Mews and Palatine Chambers, demolition of buildings behind, erection of a seven/five-storey building for use as a hotel with ancillary restaurant/bar (Use Class C1/A3/A4), ground floor retail and cafe/restaurant units (Use Class A1/A2/A3/A4) and associated works (Application under Regulation 3 - 1992) at the site Of 18 - 42 Pinstone Street & Barkers Pool House, Burgess Street, Sheffield, S1 2HN (Application No. 20/02551/RG3).

(2) an additional condition was approved to secure the provision of historical interpretive material on or close to the site, the final wording to be agreed by the Chair.

### **6.2 APPLICATON NO. 20/00492/FUL - LAND BETWEEN 216B & 288 TWENTYWELL LANE, SHEFFIELD, S17 4QF**

6.2a An additional representation and the officer response were included within the Supplementary Report circulated and summarised at the meeting.

6.2b The Officer presented the report which gave details of the application and

highlighted the history of the site and the key issues set out in the report.

6.2c David Russell, Jo Mallows, Sarah Featherstone, Alison Patrick and Councillor Martin Smith attended the meeting and spoke against the application.

6.2d Jim Lomas attended the meeting and spoke in support of the application.

6.2e The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.

6.2f **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of a 4-storey, 80 bed care home (Use Class C2) with associated car parking and landscaping (Amended Drawings) at land Between 216B & 288 Twentywell Lane, Sheffield, S17 4QF (Application No. 20/00492/FUL).

### **6.3 APPLICATION NO. 19/04594/REM - 49 POT HOUSE LANE, SHEFFIELD, S36 1ES**

6.3a An additional condition was included within the Supplementary Report circulated and summarised at the meeting.

6.3b The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6.3c The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.

6.3d **RESOLVED:** That an application for reserved matters be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the additional condition, now submitted, for the erection of 14 dwellings with associated parking, landscaping works and formation of access road (Application to approve layout, scale, appearance and landscaping as reserved under planning permission no. 17/01543/OUT) (Amended Plans) at 49 Pot House Lane, Sheffield, S36 1ES (Application No. 19/04594/REM).

### **6.4 APPLICATION NO. 20/02233/FUL - 27 TWENTYWELL VIEW, SHEFFIELD, S17 4PX**

6.4a The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6.4b The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

6.4c **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the erection of a two-storey side extension to dwellinghouse and provision of a rear patio area with retaining wall at 27 Twentywell View, Sheffield, S17 4PX (Application No. 20/02233/FUL).

**6.5 APPLICATION NO. 18/04034/OUT - LAND ADJACENT 127 - 139 LONG LINE, SHEFFIELD, S11 7TX**

6.5a Application No. 18/04034/OUT was deferred pending further consultation by the Council.

**7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

7.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received and planning appeals allowed or dismissed by the Secretary of State.

7.2 Michael Johnson (Service Manager - Development Management) informed Committee that 2 appeals allowed at 9 Hollow Gate, Sheffield, S35 1TZ (Case No 20/01244/FUL) and Junction Of Fulwood Road And Old Fulwood Road, Sheffield, S10 3QG (Case No 19/03991/TEL) were delegated decisions, not committee decisions as stated in the report.

7.3 Councillor Andrew Sangar asked whether the dismissal of a case at 10 Stumperlowe Hall Road Sheffield S10 3QR (Case No 18/02685/FUL) meant that the Council should give more weight to the existence of Tree Preservation Orders on application sites. Michael Johnson explained that it would depend on the setting and the amount of trees.

**8. DATE OF NEXT MEETING**

8.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 8<sup>th</sup> December 2020 at 2pm.



## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 08/12/2020

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Chris Heeley, Dinah Hope and Lucy Bond

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**Summary:**

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**Reasons for Recommendations**

(Reports should include a statement of the reasons for the decisions proposed)

**Recommendations:**

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**Background Papers:**

Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

**Category of Report:** OPEN

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Case Number	20/03193/FUL
Application Type	Full Planning Application
Proposal	Demolition of 51-57 High Street and erection of a 39-storey tower plus basement comprising; 206 no. apartments (Use Class C3); plant at basement level; a commercial unit (commercial, business and services (Use Class E) or drinking establishment or hot food takeaway (Sui Generis) with mezzanine and ancillary residential accommodation at ground floor level; use of part of second floor of 59-73 High Street as ancillary residential accommodation; works including hard and soft landscaping to King Street and reconfiguration of access at the King Street/Angel Street junction
Location	51-57 High Street and second floor of 59-73 High Street City Centre Sheffield S1 2GD
Date Received	08/09/2020
Team	City Centre and East
Applicant/Agent	Crowley Associates
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing numbers;

L(--)-001 rev 18 (site plan) published 15.09.2020

L(--)-100B rev 23 (basement plan) published 26.11.2020

L(--)-100 rev 23 (ground floor plan) published 26.11.2020  
L(--)-100M rev 23 (mezzanine plan) published 26.11.2020  
L(--)-101 rev 23 (1st floor plan) published 26.11.2020  
L(--)-102 rev 23 (2nd floor plan) published 26.11.2020  
L(--)-103 rev 23 (3rd floor plan) published 26.11.2020  
L(--)-104 rev 23 (4th floor plan) published 26.11.2020  
L(--)-105 rev 23 (5th floor plan) published 26.11.2020  
L(--)-106 rev 23 (6th floor plan) published 26.11.2020  
L(--)-107 rev 23 (7th floor plan) published 26.11.2020  
L(--)-108 rev 23 (8th floor plan) published 26.11.2020  
L(--)-109 rev 23 (9th floor plan) published 26.11.2020  
L(--)-110 rev 23 (10th floor plan) published 26.11.2020  
L(--)-111 rev 23 (11th floor plan) published 26.11.2020  
L(--)-112 rev 23 (12th floor plan) published 26.11.2020  
L(--)-113 rev 23 (13th floor plan) published 26.11.2020  
L(--)-114 rev 23 (14th floor plan) published 26.11.2020  
L(--)-115 rev 23 (15th floor plan) published 26.11.2020  
L(--)-116 rev 23 (16th floor plan) published 26.11.2020  
L(--)-117 rev 23 (17th floor plan) published 26.11.2020  
L(--)-118 rev 23 (18th floor plan) published 26.11.2020  
L(--)-119 rev 23 (19th floor plan) published 26.11.2020  
L(--)-120 rev 23 (20th floor plan) published 26.11.2020  
L(--)-121 rev 23 (21st floor plan) published 26.11.2020  
L(--)-122 rev 23 (22nd floor plan) published 26.11.2020  
L(--)-123 rev 23 (23rd floor plan) published 26.11.2020  
L(--)-124 rev 23 (24th floor plan) published 26.11.2020  
L(--)-125 rev 23 (25th floor plan) published 26.11.2020  
L(--)-126 rev 23 (26th floor plan) published 26.11.2020  
L(--)-127 rev 23 (27th floor plan) published 26.11.2020  
L(--)-128 rev 23 (28th floor plan) published 26.11.2020  
L(--)-129 rev 23 (29th floor plan) published 26.11.2020  
L(--)-130 rev 23 (30th floor plan) published 26.11.2020  
L(--)-131 rev 23 (31st floor plan) published 26.11.2020  
L(--)-132 rev 23 (32nd floor plan) published 26.11.2020  
L(--)-133 rev 23 (33rd floor plan) published 26.11.2020  
L(--)-134 rev 23 (34th floor plan) published 26.11.2020  
L(--)-135 rev 23 (35th floor plan) published 26.11.2020  
L(--)-136 rev 23 (36th floor plan) published 26.11.2020  
L(--)-137 rev 23 (37th floor plan) published 26.11.2020  
L(--)-138 rev 23 (38th floor stair core plan) published 26.11.2020  
L(--)-140 rev 23 (roof plan) published 26.11.2020  
L(--)-530 rev 23 (adaptable layout - typical floor plan from Level 25 to 36)  
published 26.11.2020

L(--)-201 rev 18 and L(--)-211 rev 18 (south elevations) published 15.09.2020  
L(--)-202 rev 18 and L(--)-212 rev 18 (west elevations) published 15.09.2020  
L(--)-203 rev 18 and L(--)-213 rev 18 (east elevations) published 15.09.2020  
L(--)-204 rev 18 and L(--)-214 rev 18 (north elevations) published 15.09.2020

L(--)-301 rev 18 (section WE) published 15.09.2020



L(--)-302 rev 18 (section NS) published 15.09.2020

L(--)-421 rev 18 (Composition Axonometric Base) published 24.11.2020

L(--)-422 rev 18 (Composition Axonometric Top) published 24.11.2020

Facade study drawings (refs; A(--)-001; A(--)-002; A(--)-003; A(--)-004; A(--)-005; A(--)-006; and A(--)-007 all rev 18) published 15.09.2020

Reason: In order to define the permission.

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

3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved in writing by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

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

a) been carried out; or

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

Highways Improvements:

A fully detailed public realm scheme covering the entire red line boundary area of the site on King Street, Angel Street and High Street, including:

- (a) Full materials and planting specification, which shall link to the layout, design, material palette and planting of the Grey to Green scheme;
- (b) Full details of street furniture, which shall match the City Centre palette;
- (c) The design and layout of the vehicular junction between King Street and Angel Street;
- (d) The provision an appropriate area of accommodation and the retained provision of any existing services required for the reinstatement of the market on King Street;
- (e) Arrangements for the delivery and phasing of the works in co-ordination

with the delivery of the Grey to Green Scheme;

(f) Arrangements for the ongoing maintenance and retention of the wind mitigation measures within the public highway (liability, responsibility and costs);

(g) Arrangements for the ongoing maintenance of any soft landscaped areas.

Reason: To enable the above-mentioned highways to accommodate the increase in use, 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 pedestrians, cyclists and service vehicles on the public highway.

5. 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 use, which, in the opinion of the Local Planning Authority, will be generated by the development.

6. No development (except demolition) shall commence unless full and final details of appropriate wind mitigation measures, including the siting, nature, appearance and design of the measures, with a supporting wind microclimate assessment to demonstrate the suitability and effectiveness of the measures, have been submitted to and approved in writing by the Local Planning Authority. The timescale for the implementation of the measures shall also be agreed in writing with the Local Planning Authority before the above ground works commence. The measures shall thereafter be installed at the agreed phase of the construction, and the building shall not be used unless all mitigation measures are in place and are fully operational. Thereafter the measures shall be retained and maintained for the sole purpose intended for the lifetime of the development.

Reason: In the interests of highway and pedestrian safety.

7. No development (including demolition) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of the site compound and the impacts on the public highway, and 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 the safe operation of the highway, as well as occupiers of adjoining property. It is essential that this condition is complied with before the development is commenced.

8. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written

Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

9. Any intrusive investigations recommended in the Phase I Geo-Environmental Appraisal by Patrick Parsons dated December 2016 (published 15.09.2020) 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 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.

10. 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.

11. No development (except demolition) shall commence until full details of proposed ecological enhancement measures, such as suitable bird and bat boxes attached to the building (or proposals of equivalent ecological value), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the enhancement measures shall be implemented as approved before the development is occupied.

Reason: In the interests of protecting the biodiversity of the site.

12. No development (except demolition) 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.

13. No development (except demolition) 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.

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

14. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living;
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule;
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority;
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield and the Core Strategy.

15. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking permits within the Controlled Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

16. 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 and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

17. Surface water run-off from hardstanding (equal to or greater than 800 square metres) must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

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

18. 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.

19. The 4 no. studio flats hereby approved shall not be occupied unless the bedroom partitions, as shown on the approved floor plans, have been installed, the full details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The partitions shall be designed to allow additional daylight to pass from the main living area of the studio into its bedroom area. Thereafter the partitions shall be retained in accordance with the approved details.

Reason: In the interests of the amenities of future occupiers of the building.

20. 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 shall have been submitted to and approved in writing by the Local Planning Authority and the building shall not be used 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.

21. Details of a proposed signage scheme to the building shall be submitted to and approved in writing by the Local Planning Authority before any signage is installed. Thereafter, the development shall be carried out in accordance with

the approved details.

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

22. Details of the proposed lighting scheme to the building 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.

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

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

24. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

25. 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 building 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.

26. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.

The use shall not commence until the approved equipment has been installed

and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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.

27. The development shall not be used for the purposes hereby permitted unless a scheme of sound insulation and/or attenuation works have been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of noise impacts on nearby noise sensitive uses and affecting the site, in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

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.

28. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of the Environmental Noise Impact Assessment 3065/ENIA by ADT dated 20th August 2020 (published 15/09/2020)

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the building.

29. Before the commercial use hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.



b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

- (i) as a 15 minute LAeq, and;
- (ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:

- (i) Bedrooms: Noise Rating Curve NR20 (2300 to 0700 hours);
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
- (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

[Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

30. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

31. Prior to use of the development hereby permitted commencing, a delivery, servicing and refuse management plan shall be submitted for written approval by the Local Planning Authority. The management plan shall include procedures and timings for deliveries/servicing and associated activities, and set out procedures and controls designed to minimise local amenity impacts

from noise, as far as reasonably practicable. All deliveries and servicing then shall be carried out in accordance with the approved plan, including the approved noise mitigation procedures.

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

32. The development shall not be used unless the separate bin stores for commercial and residential waste, as shown on the approved basement plan, have been provided in accordance with that plan and thereafter retained for the sole purpose intended.

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

33. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the approved Sustainability Statement (Energy Strategy ref: P988-ES-001 Rev H by NOVO published 15.09.2020), unless an alternative but equivalent scheme is otherwise agreed in writing by the Local Planning Authority. Thereafter the scheme of works 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, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

34. Prior to the construction of any phase of the development commencing, a detailed Inclusive Employment and Development Plan for that phase, designed to maximise opportunities for employment and training from the construction phase of the development, shall have been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the Local Planning Authority.

The Plan shall include a detailed Implementation Schedule, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the construction of the development.

### **Other Compliance Conditions**

35. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

36. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second.
- Reason: In order to mitigate against the risk of flooding.
37. No customer shall be permitted to be on the commercial premises outside the following times:
- 0700 to 0030 on any day
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
38. Surface water and foul drainage shall drain to separate systems.
- Reason: To ensure satisfactory drainage arrangements.
39. No tree planting shall be permitted over or within 5 (five) metres either side of the centre line of the water mains or sewers, which cross the site.
- Reason: In order to protect the structural integrity of the pipework from tree root infestation.
40. 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.

Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and

what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

2. 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)

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

4. The proposed development is located near to the track and overhead line of the South Yorkshire Supertram. The developer is advised that there needs to be close liaison with South Yorkshire Supertram Limited at Nunnery Depot, Woodbourn Road, Sheffield, S9 3LS, (Telephone Sheffield (0114) 2759888). All works carried out on site and within the vicinity of the site need to be in accordance with the "Supertram Code of Practice for Working On or Near the Tramway". This Code of Practice is available both upon request from Supertram, or online at: <http://www.supertram.com/workingonsystem.html>.
5. 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.

6. As the proposed development will involve the closing/diversion of a public path(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the path(s) under Section 257 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

7. The approved Phase I Geo-Environmental Appraisal (by Patrick Parsons dated December 2016) identifies that the site is underlain by coal measures, which could have been worked in the past. The site does not lay within a Coal Mining Referral Area and the report states that identified risk is considered to be low, however, the developer is advised that it is their responsibility to ensure any such features are appropriately accounted for and, where necessary, further investigated and remediated, in liaison with the Coal Authority.

Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

8. 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:-

Highway Co-Ordination  
Sheffield City Council  
Town Hall  
Sheffield  
S1 2HH

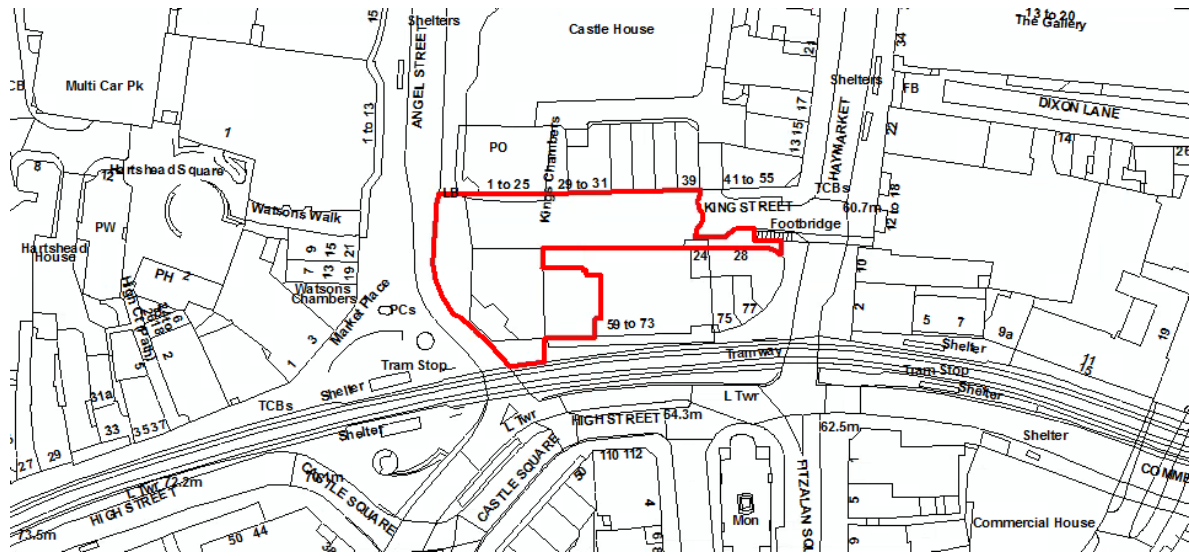
Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

9. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.
10. The submitted demolition method statement states that access for vehicles would be gained from King Street, and it is agreed that this is the only feasible option for access during construction works. The statement notes that it is a necessity to contact Supertram in relation to scaffolding etc. The applicant is advised that they will indeed need to contact Supertram and also secure all the necessary approvals from Highway Co-ordination and Regulation prior to any works commencing, including the site compound.
11. The applicant is advised that while some of the wind mitigation measures are indicated on some of the approved plans, these elements are not approved. The use of trees to the westernmost end of King Street in particular raises concern and potential conflict with the Grey to Green scheme, and the wind mitigation measures in this area will require further consideration, and the use of more sculptural elements in this area may be more appropriate.
12. The cycle lane on Angel Street should stay fully operational and free of any obstruction at all times throughout the construction phase of the development where possible.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a vacant retail premises at the corner of Angel Street and High Street, within the City Centre.

The proposal is for the demolition of the building and the erection of a 39-storey residential tower (206 no. residential units – use class C3) with a ground floor commercial unit (use class E or drinking establishment (Sui Generis) or hot food takeaway (Sui Generis)).

As part of the works, King Street to the rear and the surrounding public realm would be improved, with the King Street market retained, and vehicular access created from King Street onto Angel Street.

A separate application has been submitted for the temporary relocation of the market to a site nearby on Angel Street/Market Place, as it would not be feasible for a market to operate on King Street during construction. The market would relocate back on King Street following implementation of the development.

## RELEVANT PLANNING HISTORY

19/01422/EIA - EIA (Environmental Impact Assessment) screening request for a decision as to whether the proposal is EIA Development for the purposes of the EIA Regs (Residential Development) – ESNREQ 10.05.2019

20/03911/RG3 - Use of land for temporary siting of up to 14 market stalls (Application under Regulation 3) – Pending consideration (NB site opposite adjoining 5 - 21 Market Place and Angel Street)

## SUMMARY OF REPRESENTATIONS

Five letters of objection have been received from interested parties (including the neighbouring retail premises at nos. 1-25 King Street, Sheffield Climate Alliance and Changing Sheff City Centre residents' association) raising the following concerns;

- The hoarding will obscure the shop front of 1-25 King Street in already difficult trading conditions. Would support with clear signage and compensation for loss of trade.
- Lack of balconies or open space adjacent/on top of the building for residents' use.
- Development out of scale with the buildings around it. All buildings on High Street and Fargate are of similar scale and height, except the Telegraph building which terminates the view down Fargate and serves as a landmark. The proposed tower dominates the Telegraph building and impacts on the appreciation of heritage buildings on High Street.
- Poor design. A token gesture made towards a plinth in scale with the High Street but overall the design is brutal, unfinished in appearance, bland and uniform.
- The scale would further devalue existing commercial properties in the City Centre and the possibility of attracting high quality businesses.
- There are too many empty properties and this development would threaten the affordability of regenerating former offices as residential flats.



- The recent spate of building student flats has generated a glut of residential properties
- This residential building is proposed without provision of/support for amenities - parks, playgrounds, schools, community centres and doctors to provide a good quality of life for residents.
- The proposal includes no parking for residents, yet the transport analysis indicates that an extra 366 2-way vehicle trips would be expected per day, increasing the parking and traffic pressures elsewhere in the city. This discriminates against residents with disability or mobility issues.
- The reconfiguration of the market to allow movement of refuse vehicles would impact on the free movement of people in what should be a safe pedestrianised space.
- Taller buildings in the city reduce the amount of sunlight reaching pavements, passive solar gain for other buildings nearby and the extent of sky that is visible.
- The development falls well short of the 2020 Riba <math><105 \text{ kWh/m}^2/\text{yr}</math>, and almost double that of the 2025 target.
- Does not comply with CS65(b) which requires a 20% carbon reduction over Building Regs and while the requirement was relaxed to an uplift in Building Regs since the policy, it is queried whether a review was undertaken as mentioned in the Climate Change SPD.
- Does not comply with CS65(a) as it proposes a fabric first approach design resulting in improved energy efficiency equivalent to a 7.68% reduction in energy demand: this falls short of the 10% required by the policy.
- It is not acceptable to allow a development which would fall short of the SCC target for net zero-carbon by 2030 and CS65(a) which itself is weak in relation to the 2030 target if the scheme is not viable if it had to comply.
- The Energy Strategy accepts that the scheme does not comply with CS65(a) as compliance would render the scheme as proposed unviable and also raises practical and feasibility issues. There is no discussion about whether this would change if a different or smaller scheme had been proposed.
- No ecology assessment or discussion about the possibility of a green roof.
- Drainage Strategy states that the capacity of the existing system is unknown. Queried whether the site has adequate drainage capacity and whether there would be any additional runoff onto the site from areas adjacent which mean that 5 litres/second would be exceeded?
- The drainage strategy acknowledges that there is limited external space, no scope for soft landscaping, infiltration, soakaways, raising the question of over-development.

#### Sheffield Conservation Advisory Group (SCAG)

SCAG submitted a representation, in summary, raising no objection to the demolition of the building and the opportunity for redevelopment, but considering the proposal for a 39-storey tower to be detrimental both to the City Centre Conservation Area (adjacent) and the proposed Castlegate Conservation Area in which it is located. The development would be unrelated in form or scale to the listed buildings in High Street, impacting on the immediate environment and adversely affecting long views into the city centre, with no coherent policy for tall buildings in the city centre.

#### RESPONSE TO REPRESENTATIONS

Issues regarding the principle, the design, highways, amenity, microclimate and sustainability are addressed in the Planning Assessment. The remaining issues are addressed below:

- It is accepted that the hoardings during construction would obscure the shop fronts on King Street. This is unfortunate and unavoidable for the construction works. It should be noted that the compound plan is not to be approved by this permission and could change following input from Highways Licencing colleagues. Any request for compensation and signage to the compound would be a private matter to be addressed with the developer.
- The development is CIL liable and this is designed to assist the provision of infrastructure / amenities required to provide a good quality of life for residents.
- It is not considered that a major redevelopment scheme, which only includes a relatively small commercial unit, would devalue existing commercial properties in the City Centre or harm the possibility of attracting high quality businesses. Indeed the scheme would result in a significant number of residents who will utilise the local businesses and services, which should be a boost to them.

## PLANNING ASSESSMENT

### Planning Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for

example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

#### Principle of development

The site lies within the Retail Core of the Central Shopping Area, as designated by the Unitary Development Plan (UDP). UDP Policy S3 identifies shops, offices, food and drink outlets and residential uses as preferred within the Central Shopping Area, and the broad principle of a residential development with ground floor commercial unit would accord with this.

Regarding the ground floor commercial unit, the final tenant is not yet known, so the application seeks an open permission for any Class E use, a drinking establishment or hot food takeaway. A variety of uses would be permissible under the new Class E (commercial, business and service uses), including retail, cafes/restaurants, business uses, professional services, clinics, nurseries and gyms. Some of these uses are supported by UDP Policy S2 within the Retail Core.

The proposal would accord with UDP Policy S10(a) and would not prejudice the dominance of preferred uses in the area.

However, going forward, there is less emphasis on retail in Castlegate (due to the proposed the Heart of the City 2 development and the regeneration of the Moor elsewhere within the City Centre) and the Retail Core designation and identified UDP Policies are less relevant following the adoption of Core Strategy Policy CS17.

Policy CS17(i) seeks to reduce the retail presence in Castlegate and promotes a mix of uses in the area, including housing. As such, a residential tower with the broad range of uses permissible under Class E (or the proposed use as a drinking establishment or hot food takeaway) proposed for the ground floor commercial unit would all accord with the aims of CS17. The commercial unit is only small scale, and any potential retail use would not go significantly against the aims of CS17 in seeking to reduce the retail presence in the area.

Generally the proposal would accord with the aims of Policy CS17 and would assist the wider regeneration the Castlegate area.

The site has been previously developed and therefore new homes developed on the site would contribute to meeting the objective of Core Strategy Policy CS24, which seeks to maximise the development of previously developed land for new housing.

Core Strategy Policy CS26 aims to make efficient use of land for new homes and states that the appropriate density for sites in the City Centre is at least 70 dwellings

per hectare. The proposal for 206 no. apartments on this site of around 0.21 hectares would represent a density of 980 no. dwellings per hectare, which is acceptable in this highly accessible, well serviced City Centre location.

The site lies within an area where no affordable housing contribution is required.

Core Strategy Policy CS41(a) seeks to create mixed communities by providing a broad range of smaller households where no more than half the homes in larger developments (60 dwellings or more) consist of a single house type. In this case the proposed development would create 4 no. studios (2%); 110 no. one-bed apartments (53%); and 92 no. two-bed apartments (45%).

One bedroom properties make up around 42% of current housing stock and are the most common property size in the City Centre HMA. While it is therefore unfortunate that one-bed apartments would comprise slightly over half of the residential portion of the development, and the development would have a limited ability to meet the broader housing needs of families, given the proposal is broadly in line with CS41(a), it is not considered that this raises a solid ground for objection.

Paragraph 73 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield can identify just over a 5 year supply (although there is little margin for error), and the proposal would assist this. While the "tilted balance" does not apply, as a 5 year supply can be demonstrated at present, significant weight still must be attributed to the delivery of new homes, given this is a key objective of the NPPF, and the proposal would assist in increasing Sheffield's required supply of housing.

The concerns raised in the objections are noted, however, it is established that there is a national housing crisis and shortfall in housing supply. Sheffield can just demonstrate a 5 year supply, but this is finely balanced and there is clearly a need to develop and deliver housing schemes in the city.

These Core Strategy policies and the proposals put forward are in accordance with the NPPF, particularly section 5, which seeks to significantly boost the supply of homes, paragraph 118(a), which states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and paragraph 122, which states that decisions should support development that makes efficient use of land taking into account (c) the availability and capacity of infrastructure and services, and (d) the desirability promoting regeneration.

#### Design and access

The site occupies a prominent corner plot, at the junction of High Street and Angel Street, addressing Castle Square, a busy node within the City Centre, with a tram stop and various bus routes converging on High Street, Angel Street and Arundel Gate.

The site comprises a modern, mid 20<sup>th</sup> Century, 5-storey building, finished in Portland Stone with a flat roof. The buildings around Castle Square share a relatively

consistent scale, and have similar materiality, built around the same period, and therefore have a clear group value that contributes to the formation of a townscape set piece.

That said, the building in question distinguishes itself through its lack of architectural quality (save for the use of Portland Stone cladding). The building occupies a far smaller footprint due to the configuration of the block, resulting in the massing to this corner of the square differing to the other, more substantial buildings. Of all the corners facing the square, the subject site therefore most readily lends itself to a variation in approach, including a departure from the established scale.

The principle of a tall building on the site is considered to be acceptable given the city centre location, the relatively high ground, the frontage onto a major focal point (Castle Square) within the cityscape, the association with transport infrastructure (tram stop), the corner location, and the ability to gain long views of the full tower, particularly from the west down High Street and the south down Arundel Gate.

The proposed 39-storey tower would be of contemporary design. The tower would predominantly comprise a concrete grid form, with vertical emphasis and a curved façade facing south-west and addressing Castle Square, infilled with floor-to-ceiling glazing and metallic (bronze coloured) panelling.

The tower would feature a base finished in brick slips, above a recessed, glazed, double height ground floor/mezzanine commercial unit. The base would ground the development with brick columns, breaking up the expanse of ground floor glazing.

The base which would be separated from the main concrete grid element by a glazed recess, although the brick base would also extend vertically up the northern portion of the tower to the crown, creating an 'L' shaped feature, separating the tower into two main, but well-linked component parts, adding design interest. The fenestration to the brick element would be staggered and contemporary in nature, which is considered to complement the design approach and suitably break up the massing of this element, in contrast to the more ordered grid element.

The eastern elevation would feature a recessed stair core in profiled glass. The crown of the tower would be formed by the elongation of the main gridwork and fenestration, with the profiled glass stair core rising above, to be internally lit, acting as a beacon at night.

The tower is considered to be of high architectural design quality. The massing would be broken up into appropriate components, which add design interest and assist in grounding the development and creating an elegant structure in the skyline. The design, scale and form are therefore considered to be appropriate.

The proposed scale has been explored by the submission of a Townscape Visual Impact Appraisal, with a series of agreed verified views submitted with the proposal. The appropriateness of the scale and the form are related, and the proposal is considered to be a suitable addition to the cityscape.

By their very nature, tall buildings have a dominant impact on their local context and impose themselves on the wider area to become an enduring image of the city's skyline. Therefore, the requirement is for an exceptional standard of design detailing and materials. Large scale façade study drawings have been submitted, illustrating appropriate quality of detailing and materials, and these would be conditioned.

Portland Stone is the predominant material around Castle Square. The brick and concrete proposed would be in the tone of Portland Stone, which would complement the setting, particularly the adjoining Easy Hotel building. Full sample details of all materials would be conditioned to ensure quality.

Indicative information has been provided regarding the lighting and signage strategies for the building, but full details would be required by condition to ensure appropriate quality.

While the design and access statement refers to level access being provided at the external doors, it is not clear how this will be achieved at the entrance lobby to the commercial unit, as steps appear to be shown on the plan. It is unclear whether automatic hinged doors are proposed, which would raise concern. The access would need to be suitably wide (minimum 1000mm effective clear width) to provide inclusive access. These concerns were raised and it was agreed to condition access arrangements, which is an acceptable approach given this is a new development and there needs to be a good interface between it and the new public realm proposed. Subject to the condition, the proposal would accord with UDP Policy BE7.

The proposal is considered to accord with the overall design principles as set out by UDP Policies BE5 and S10(d), and Core Strategy Policy CS74. These design policies are considered up to date and in accordance with the NPPF as a whole, and in particular para. 127(f), which requires developments to be inclusive and accessible, and section 12 which seeks to achieve well designed places.

## Conservation

The site lies just outside the City Centre Conservation Area, which finishes approx. 35m away to the west, across Castle Square, and includes the Bankers Draught public house (no. 1-3 Market Place), which is a Grade II Listed Building.

Other Grade II Listed Buildings in the vicinity (but outside the City Centre Conservation Area) include; Castle House; no. 2 Haymarket/nos. 5-7 Commercial Street; the statue of King Edward VII in Fitzalan Square; nos. 6-12 Fitzalan Square (the White Buildings); and the former Head Post Office.

A Heritage Statement was submitted given the significant scale of the proposed building and its proximity to the City Centre Conservation Area.

UDP Policy BE16 requires development to preserve or enhance the character or appearance of a conservation area. The policy also relates to developments which would affect the setting of a Conservation Area or significant views into, or out of, the Area, as is the case here.

Chapter 16 of the NPPF Conserving and Enhancing the Historic Environment states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraphs 189-196 are relevant and advise that the significance of a heritage asset should be considered and that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The NPPF goes on to state that great weight should be given to the heritage asset's conservation and that any harm to the significance of a designated heritage asset needs clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is considered that the principles of the local and national policies in relation to the conservation of heritage assets are closely aligned. However, the NPPF provides greater detail on how to assess and consider impact, including introducing the principles of substantial harm and less than substantial harm.

The scale of the development is such that it would create a prominent feature that would be visible from views into and out of the Conservation Area. Nevertheless, as previously justified, this is considered to be a suitable location for a tower given its siting at the frontage onto a major focal point, with the ability to gain long views of the full tower, particularly down High Street.

The concerns raised regarding the scale of the tower and the impact on the low scale buildings in the Conservation Area, particularly on High Street and Fargate, and the Listed Buildings previously mentioned, are noted. However, the tower would act as a landmark building in the skyline, and by its very nature, be seen and understood as such, at this appropriate location. The tower would be visible down High Street, but as stated, gaining long views of the full building is considered to be a reason to support a tall building in this location. As such the development would be appropriately viewed in this landmark setting and would not compete in and amongst or overbear the lower scale heritage buildings within the City Centre Conservation Area or detract from the special features of interest of this heritage asset.

It is concluded that the development will not be harmful to nearby heritage assets and complies with local and national policies.

#### Public realm and landscaping

The proposal seeks to improve the public realm around the site to befit the setting a residential tower. This is most welcome, as the existing public realm is of poor quality. This would include the redesign and resurfacing of the whole of the pedestrianised area of King Street, and the public highway around the base of the tower on Angel Street and High Street.

Extensive discussions have been held with the applicant regarding this element of the proposal. The renovation and reorganisation of King Street is required to enable the servicing of the tower (discussed further in the highways section below). Proposals have been put forward for King Street to operate as a shared

vehicular/pedestrian space, with the King Street Market reinstated back on the site. The market operates from demountable gazebo stalls, which would be utilised on the reinstated market. Only refuse vehicles would be permitted on King Street, in a one-way system exiting onto Angel Street.

An essential element of the scheme is the inclusion of wind mitigation measures. These measures are in a fixed position to mitigate wind and it is reported that these cannot be moved, although the design and appearance could be varied (see wind section below).

The Council is set to undertake a separate programme of public realm works on Angel Street, with the Grey to Green scheme terminating across the western end of King Street.

The proposals put forward by the applicant for the public realm works raise concern and conflict with the proposals for the Grey to Green scheme. The proposed location of the wind mitigation measures (currently shown as primarily a row of 6 trees to the western end of King Street) would obscure the pedestrian entrance to Castle House (Videogame Museum) and encroach onto the cycle lane intended to be retained as part of the Grey to Green works.

There is also concern that the wind mitigation measures would unreasonably obscure the shop frontages, although subject to a suitably slender design/tree being used, this would sufficiently alleviate this concern, and final, full details of the wind mitigation measures would be subject to condition.

Fundamentally, there are concerns with the quality of the general design approach for the public realm of King Street and around the base of the tower. However, there is an opportunity for these public realm proposals to use the same palette of materials and to tie in with the design and layout of the Grey to Green scheme, including avoiding conflict between the location of the wind mitigation measures, and the pedestrian environment and cycle lane.

As such, following a meeting with the developer, it is envisaged the wind mitigation measures closest to the cycle lane on Angel Street would be amended to more slender sculptures to aid visibility. This is considered to be required as any tree grilles here would conflict with the cycle way.

Following another meeting with the Local Highways Authority, it is considered that there is reasonable opportunity for the Council's design for Grey to Green to be amended slightly to accommodate the location of the wind mitigation measures proposed, should the nature of the westernmost wind mitigation measures adjacent to the cycle lane also be amended, as discussed above.

No further details have been put forward to demonstrate how this would work at this stage, however, it is not considered necessary for the detail to be provided before determination of this application, as these can all be secured by a Grampian condition which will require the applicant to enter a Section 278 agreement under the Highways Act to deliver the finally agreed scheme. This is because the full extent of the highway is under the control of the Council and we can therefore ensure an



appropriate layout and quality as part of the final design details. As such the development would accord with UDP Policy BE6.

A vital point for consideration would be the arrangements for the ongoing maintenance of these crucial wind mitigation measures. These will clearly need to be retained for the lifetime of the development and any damaged features would need to be replaced as a matter of urgency. Therefore, the aforementioned condition would require the arrangements for this to be agreed with the highway authority (i.e. the Council).

## Highways

The site lies within an extremely accessible location, with excellent links to public transport routes, including the Castle Square Supertram stop directly outside. The site is within easy walking distance from services and amenities within the City Centre.

The proposal would not feature any off-street car parking, which is a negative element of the proposals, and it would be unrealistic to expect no occupier to own a car. However, car free schemes are entirely acceptable in the City Centre and parking restrictions would stop unsafe parking around the site (and wider City Centre).

Conditions would require a Travel Plan to be submitted to demonstrate how the developers would promote sustainable transport for residents given the lack of parking, and residents would not be eligible for City Centre parking permits to avoid on street parking pressures. A bike store would be provided for residents, the full details of which would be conditioned.

The objection raised on parking grounds and the concern regarding this discriminating against residents with disability or mobility issues is noted. However, it would be the responsibility of any car owner to park legally, and it would be clear that the accommodation does not offer parking before any prospective tenant took on a lease. While some disabled parking would be desired at a minimum, this cannot be reasonably accommodated on the site, and in absence of this being a policy requirement, is not a ground for refusal.

It is accepted that the development will generate some additional vehicular movements, primarily servicing, but also potentially taxis etc to the residential element, however, the Transport Statement submitted demonstrates that the anticipated additional movements would have a negligible impact on the overall operation (safety and capacity) of the adjacent highway network.

The main area of concern with the development is ensuring that an acceptable servicing arrangement can be provided. As stated, the proposal is for servicing (refuse) to be undertaken from King Street. In principle, refuse vehicles could enter a shared vehicle/pedestrian environment on King Street from the east, service the site from the rear (adequate commercial and residential bin stores would be provided within the building), and exit onto Angel Street. This would require significant alterations to be implemented on King Street and Angel Street junction, to be

secured by condition. It is considered that this can in principle be accommodated alongside the Council's Grey to Green scheme, and therefore the use of a 'grampian' condition to secure this is reasonable.

The safety concerns raised regarding this pedestrian environment being shared by refuse vehicles are noted, however, waste collections would only be very occasional, and are unlikely to be undertaken during busy times when the market is in operation.

The remaining servicing, including to the commercial unit, would need to be undertaken from the bottom of King Street. A condition would require details of servicing to be submitted to ensure appropriate arrangements are in place (see noise section below).

It should be noted that as the highway boundary currently abuts the wall of the existing building it would be necessary for a small area of highway to be formally closed. The closure can be implemented under S247 of the Town and Country Planning Act as the land is required for the development to be carried out.

Overall the proposal is not considered to be incompatible with the aims of UDP Policy S10(f), which requires developments to be served adequately by transport facilities and provide safe access to the highway network, appropriate off street parking and not endanger pedestrians. While no off-street parking is provided, this is not considered to be inappropriate.

This is consistent with the NPPF, which also promotes sustainable transport, but clarifies in para. 109 that development should only be 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 case the impact has not been demonstrated to be unacceptable or severe.

#### Public Art

The development is of a scale to require the inclusion of public art. Rather than standalone artworks, successful public art integrates high quality design, craftwork and materials into the building and/or landscape works. In this case, it is expected that the public art would take the opportunity to add to the pedestrian experience and link to the Grey to Green scheme on Angel Street and Castlegate. There are opportunities for public art in the public realm on King Street and Angel Street and also in elements of the building that have a direct interface with pedestrians. Full details would therefore be conditioned in order to accord with UDP Policy BE12.

#### Living conditions and amenities of the locality

##### Living conditions

Each of the 206 no. apartments would comprise an open plan living/kitchen/dining area, a shower room and bedroom(s). The internal space standards within the apartments range, but the smallest of each type would all be around the minimum sizes recommended by the South Yorkshire Residential Design Guide (SYRDG),

which is acceptable. All apartments would offer a good outlook and levels of daylight amenity to their open plan living spaces and bedrooms.

Amenity levels are supplemented by the provision of a shared communal lounge space for residents. It is noted that no balconies or outdoor amenity space would be provided, which is unfortunate, however, this is not uncommon in City Centre apartment schemes, and there is no policy requirement for this. The development would be in close proximity to various public spaces in and around the City Centre and therefore the development can be accepted without such outdoor amenity provision.

The only outlook from the bedroom of 4 no. of the apartments (one on each of the first, second, third and fourth floors) would be into a lightwell arrangement, as these floors are below the roof of the adjacent hotel building. This would offer a substandard daylight and outlook to the one bedroom of each of these apartments. Furthermore, the apartment on the first floor would have no bedroom window at all. Therefore, these apartments are proposed as studios, with a partition enabling the bedrooms to be opened up to the full flat, and the living area's aspect to the north. This is not ideal, as the bedrooms would likely be left partitioned shut, effectively resulting in these one-bed apartments having substandard outlook and daylight amenity to their bedrooms,

However, should the partition allow additional daylight to pass through (i.e. through the use of high level glazing), this would supplement daylight levels into these bedrooms. This arrangement would only affect 4 no. apartments in the whole development, and can be accepted in this case as a compromise, given the studios would all exceed the minimum space standard of 33m<sup>2</sup> recommended by the SYRDG and offer a good outlook and daylight to the living area. Therefore a detail of the partition would be conditioned.

The arrangement of the recessed stair core to the eastern elevation, above the level of the adjacent hotel building, would present neighbouring bedroom windows facing directly into each other, only approx. 5.5m apart. This raises a privacy concern all the way up the tower, given these would be the main windows to these bedrooms. The impact on the flat to the north of the arrangement would be less severe, as these apartments would have a secondary bedroom window to the side, with an unobstructed outlook. While only a limited outlook would be provided from the bedroom windows of the apartments to the south of this arrangement, angled views out from these windows would be still available across the city, and daylight amenity levels would be acceptable.

While the privacy issue is not ideal, any impacts would be entirely contained within the development itself and would not on impact on existing neighbours. It is not uncommon for windows to be in such close proximity in City Centre schemes, and while this is a negative aspect of the scheme, it is not considered to be justified grounds for refusal.

It was queried whether any of the apartments would be designed to accessible/adaptable and wheelchair accessible standards (M4(2) and/or M4(3) standards in Part M of the Building Regulations) to meet the requirements of an older

growing population. An indicative 25<sup>th</sup> floor plan (which applies to the 25<sup>th</sup>-36<sup>th</sup> floors) was submitted in order to demonstrate how an apartment on these floors could be retrofitted if needed. While this cannot be secured as part of this planning process due to the lack of an up to date policy, it is most welcome to understand that the apartments could be adapted if needed.

#### Privacy of neighbours

The development would be approx. 14.2m away from the façade of the Castle House/Kings Chambers building to the north on King Street. While the development would present main habitable windows facing those of these existing neighbours, again, the separation of 14.2m is considered to maintain acceptable levels of privacy for both existing and proposed neighbours in this City Centre scheme, where reduced levels of privacy are not uncommon.

#### Noise and odours

The site lies within a busy City Centre location, where background noise levels are high due to street activities, such as the King Street market, traffic, including buses and trams, and commercial uses in the vicinity.

A noise report has been submitted which is considered satisfactory. A condition would require a scheme of sound attenuation measures to be installed within the residential accommodation, based on the findings of the report, to achieve appropriate noise levels within the accommodation. This would ensure suitably quiet living environment for future occupants of the proposed building in this busy location.

A condition would also require sound attenuation measures to be installed within the proposed ground floor commercial unit to limit noise breakout from potentially noisy commercial uses to acceptable levels.

The above attenuation measures would have to be validated by condition before the development can be brought into use to ensure the required levels have been met and living conditions are acceptable for future residents of the tower, and existing residents in the vicinity, in terms of noise disturbance.

Although sound attenuation measures would prevent noise transferring from the commercial unit to the residential portions of the building, given the unit would be directly below residential properties, and activities in the street, with customers coming and going late into the evening, could cause unreasonable noise disturbance, a condition would limit opening hours from 0700 to 00300 on any day. This would be reasonable in this City Centre location but would prevent comings and goings at antisocial hours (should the unit be used as a takeaway or drinking establishment, for example) causing likely disturbance to residents.

Any potential commercial food use of the ground floor unit would require fume extraction equipment to be installed to ensure fugitive cooking fumes and odours do not cause disamenity for residents within the tower or wider area. Full details of the equipment would therefore be required by condition before any such use were to commence.

A condition would require a Construction Environmental Management Plan (CEMP) to be submitted to assist in ensuring that all site activities are planned and managed to prevent nuisance and minimise disamenity for existing neighbours during construction, primarily the Kings Chambers accommodation at 1-3 King Street, directly facing the site.

A condition would require a delivery, servicing and refuse management plan to be submitted for commercial deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable, in order to ensure the amenities of existing residents, and future residents of the proposed tower are safeguarded.

#### Microclimate and wind

Given the scale of the building, such developments have the potential to have serious implications of the microclimate, including the creation of significant wind, daylight and overshadowing issues. In response to this, a solar analysis, a daylight amenity report and a wind microclimate assessment have been submitted with the application.

The daylight amenity report concludes that the results of “Sun on Ground” and “Transient Shadow” assessments show that the proposed development would have little or no impact on levels of direct sunlight to the adjacent pedestrianised areas to the north (King Street) or west/north west (Angel Street/Market Place) of the application site.

It is acknowledged that the development would reduce some daylight to, and impact on the outlook of, the Castle House/Kings Chambers residential building to the north. However, the existing 5-storey structure on the subject site is at similar height to this neighbouring property, and it is not considered that the additional vertical massing would result in a significant reduction in outlook compared to existing.

In terms of daylight, the submitted solar analysis demonstrates that it would be only around midday when the tower would cast a direct shadow onto the whole of this neighbour’s southern elevation (which directly faces the rear elevation of the proposed tower). In the morning and afternoon, the sun would be to the east and west respectively, with direct daylight onto the southern elevation. While there would clearly be transition between these times, casting varying degrees of shadow, it is demonstrated that the tower would not block direct daylight to the most affected neighbour through the whole day. The most significant impact would be limited to the middle of the day. The existing building will also have some overshadowing impact on this neighbour, especially at midday given its close proximity immediately to the south and similar height. Therefore, overall the impact on daylight and overshadowing to this, the most affected neighbouring property, is not considered to be unacceptable or unreasonable given the setting and existing scenario.

Wind tunnel modelling has been undertaken and the microclimate report concludes that when the proposed development is completed, wind speeds would increase in and around the site due to the significant difference in height between the proposed

development and the surrounding buildings. This would result in several thoroughfare locations, entrances to the proposed development and some to surrounding buildings becoming windier than desired or exceeding the threshold for pedestrian safety.

However, a mitigation strategy was developed through further iterative testing, and this, and the design of the building (a slender tower with a curved south-western corner, where the prevailing south-westerly winds are encouraged to flow around the tower rather than being down-draughted to ground level) would reduce wind speeds at windier than desired locations and eliminate any safety exceedances in accessible areas.

The following measures are proposed:

- 1m canopy around the southern, western and northern elevations
- 1.5m fin at the south-western main entrance
- 1.5m solid fin at the north-western corner with an additional 1m porous extension
- Six 6m tall deciduous trees along Kings Street, on the opposite side of the road
- Three 3m long, 1m high 50% porous screens between the four easternmost deciduous trees

The report notes that despite these measures there would be one surrounding building entrance which would be one category windier than desired wind conditions (in terms of comfort), but we can note that this entrance would remain safe for pedestrian use. While not ideal, this can therefore be accepted.

However, as stated, there are concerns with the placement of the trees and the compatibility of these mitigation measures with the Council's plans for the public realm (Grey to Green) on Angel Street. Following a meeting with the developer, it is understood that the mitigation measures could be of a different design (the principle of a sculptured, metal 'tree' was presented, for example), but do have to be in the locations specified. Following this, it was considered through a multi-agency meeting that the Council's public realm scheme on Angel Street could be amended to accommodate the wind mitigation location alongside Grey to Green.

However, the proximity and potential conflict with the cycle lane and entrance to Castle House requires the placing of mitigation here to be carefully considered to prevent unnecessary visual obstruction. As such, while the findings of the report can be accepted, the final design of the mitigation measures themselves would require further consideration to be compatible with the Grey to Green scheme and ensure pedestrian and cyclist safety. Full details of the wind mitigation measures would therefore be required by condition.

Overall, the development would provide sufficient living conditions for future occupiers and accord with UDP Policy H5(b). Subject to the controls and conditions listed, the proposal would accord with UDP Policy S10(b) and H5(a) not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance. The proposal would accord with the NPPF para. 180(a), which requires decisions to mitigate and reduce the potential adverse impacts resulting from noise from new developments on quality of life.

## Drainage

The site lies within Flood Zone 1 and therefore does not lie in an area at high likelihood of flooding. However, Core Strategy Policy CS67 requires all developments to manage the impact of flooding.

Some drainage details have been submitted, and the proposed discharge to the combined sewer at 5l/sec would accord with CS67 and would be conditioned. Exact details of location of connectivity will need agreement with Yorkshire Water. This a highly confined site and a proposed attenuation tank is considered acceptable.

Full details and calculations would be required by condition, in order to ensure the development has an appropriate flood risk and drainage impact in accordance with Core Strategy CS67, which can be afforded substantial weight as it is in line with the NPPF paragraph 165, which requires major developments to incorporate sustainable drainage systems.

The conditioning of these details would address the objections raised in relation to drainage. Furthermore, Yorkshire Water requested the addition of conditions requiring no new tree planting to be permitted over or within 5m either side of the centre line of the water mains or sewers, the site to be developed with separate systems of drainage for foul and surface water, and surface water from hardstanding to pass through an oil, petrol and grit interceptor/separator. These conditions have been agreed by the Lead Local Flood Authority and would therefore also be added.

## Ecology

An ecological appraisal is not required on this small urban/built site, which comprises no landscaping, trees or greenery. However, all developments are required to provide net gain for biodiversity, in accordance with the NPPF section 15. No ecological enhancement information has been submitted. Green roofs, living walls and bird or bat boxes could be a way in which this development could contribute to net gain in this urban setting. This was explored applicant's agent, where living walls and green roofs were ruled out as not feasible, but agreed to the use of bird and bat boxes. Nonetheless, full details would be conditioned in order to ensure the development accords with UDP Policy GE11.

## Archaeology

The archaeological submission has thoroughly considered the available evidence and concludes that there is a low likelihood of archaeological evidence surviving under the present structure, although there is the possibility of deeply cut features. As such, it is possible that archaeological evidence could be disturbed during associated groundworks, particularly outside the footprint of the existing building.

While a draft Written Scheme of Investigation (WSI) for archaeological investigation has been submitted, the South Yorkshire Archaeology Service require some aspects to be amended, and this would be addressed by condition, to secure an appropriate WSI and archaeological investigation.

## Land Quality

A Phase 1 Geotechnical report has been submitted. It advises that further investigations in regards to land quality are required, and as such, a set of conditions would be required to ensure that the site is appropriately investigated, and where necessary, remediated, to ensure it is fit for its intended use.

While the site does not lay within the Coal Authority High Risk Area, the report advises that the site is underlain by coal measures, which could have been worked in the past. The report identifies a 1.3m void at a depth of 43m, which could be abandoned workings, but the report states that this is not considered to be a significant risk to the site.

It is the developer's responsibility to ensure any such features are appropriately accounted for and remediated, in liaison with the Coal Authority. Given the site lies outside a Coal Mining Referral Area and the risk is considered to be low, it would not be proportionate or reasonable to add full conditions requiring coal mining legacy to be investigated, and an advisory directive will be added.

The above considerations would ensure that the proposal accords with the NPPF para. 178 and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

## Sustainability

The submitted sustainability statement details a number of measures and recommendations that would be incorporated into the build to ensure it accords with Core Strategy Policy CS64 and reduces emissions of greenhouse gases and functions in a changing climate. As such, this statement would be required to be adhered to by condition.

The proposal rules out the possibility of utilising the district heating scheme due to site limitations and the cost of getting a connection to the site and Veolia corroborate this conclusion. The energy strategy states that the development would not accord with the requirements of Core Strategy Policy CS65(a) and provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy or (b) and generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%.

The concerns raised by the Sheffield Climate Alliance on this issue are noted. However, part (b) of CS65 has been suspended in the Climate Change and Design SPD. While a 2011 review was committed in the Climate Change SPD this was not undertaken due to subsequent uplifts in the Building Regs requirements. This element of the policy therefore remains suspended, pending the preparation of the new Local Plan.

The submitted strategy does state that there would be an approx. 11.7% improvement in predicted energy needs via fabric first methods, so this would be



considered to comply with this element of CS65, and full details and calculations would be required by condition to secure this.

These Core Strategy policies are generally consistent with the NPPF, section 14 which requires the planning system to support the transition to a low carbon future in a changing climate, and can therefore be given substantial weight.

While it is acknowledged that there is no discussion about whether energy efficiency would be improved with a scheme of a reduced scale, given the proposal accords with the key policies of CS64 and CS65(a), there are no grounds to seek amendments on this basis of for refusal on climate or sustainability issues.

### Employment and Skills

Sheffield City Council requires the developer to deliver employment and skills outcomes as a result of this major development. Prior to the commencement of the development, a condition would require the developer to submit an inclusive Employment and Development Plan, covering the construction phase, which will be designed to maximise the economic and social benefits for local communities from the proposed development. This is secured by condition.

### Community Infrastructure Levy

CIL is a planning charge introduced as tool to help local authorities deliver infrastructure to support development.

The site lies within the CIL Residential Charging Zone 4 where the development of residential floor space (Use Classes C3 and C4) is liable for CIL payments at £50.00 per square metre, plus 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.

### SUMMARY AND RECOMMENDATION

It is concluded that the development plan policies and the NPPF are closely aligned in the consideration of this application, such that the tilted balance does not apply. The proposed redevelopment of the site for residential purposes is in accordance with relevant national and local policies.

The proposal will secure a well-designed, visually distinctive residential tower on a sustainably located brownfield site, which will create a local landmark and aid the legibility of this part of the city centre as well as providing substantial regeneration benefits.

Future residents will be provided with good living conditions and the scheme will not have a discernible adverse impact on the living conditions of existing nearby residents.

The scheme is car-free which is acceptable in this location. Appropriate servicing arrangements will be provided.

The scheme complies with other policy requirements in relation to sustainability, flood risk and drainage, ecology and environmental matters (including micro-climate).

It will deliver a high quality scheme, including substantial investment in the public realm on King Street, to tie the whole scheme into the Grey to Green project and provide an appropriate setting for this very significant development.

It is concluded that the development accords with the aims of the local development plan when considered as a whole, as well as the key principles of the NPPF. It is therefore recommended that planning permission be granted subject to the listed conditions.

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Case Number	20/02631/FUL (Formerly PP-08680682)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a ten to twenty seven storey building providing 519 students beds (69 cluster flats and 45 studios) with associated facilities, servicing, access and landscaping
Location	Land bounded by Hollis Croft and Broad Lane Sheffield S1 3BU
Date Received	04/08/2020
Team	City Centre and East
Applicant/Agent	Zerum Consult Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Yorkshire Water Proposed Diversion - 0005 Rev P01  
Proposed Block Site Plan - 002 Rev P04  
GA Plan - 00 - 2000 Rev P04  
Landscape Plan - 2106 Rev P04  
GA Plan OM Mezzanine - 200M Rev P04  
GA Plan 01 - 2001 Rev P04  
GA Plan 11 - 2011 Rev P02  
GA Plan 26 - 2026 Rev P04  
GA Plan 02-07 - 2002 Rev P04  
GA Plan 08-09 - 2008 Rev P04  
GA Plan 10 - 2010 Rev P04  
GA Plan 12-13 - 2012 Rev P02  
GA Plan 14-17 - 2014 Rev P01

GA Plan 18-25 - 2018 Rev P04  
GA Roof Plan - 2105 Rev P04  
Typical Rooms - N6860-LHA-ZZ-ZZ-DR-A-2130 Rev P02

M1 and M2 Accommodation - 2151  
M3 Access Exceptional Accommodation - 2152

Elevations Sheet 1 - N6860-LHA-ZZ-ZZ-DR-A-2101 Rev P03  
Elevations Sheet 2 - N6860-LHA-ZZ-ZZ-DR-A-2102 Rev P04  
Elevations Sheet 3 - N6860-LHA-ZZ-ZZ-DR-A-2103 Rev P02  
Elevations Sheet 4 - N6860-LHA- ZZ-ZZ-DR-A-2104 Rev P04

Facade Treatment Bay Type A - 2109 Rev P02  
Facade Treatment Bay Type b - 2110 Rev P02  
Facade Treatment Crown bays - 2120 Rev P02  
Facade Treatment Cycle Store - 2121 Rev P02  
Facade Treatment Ground Floor Level - 2108 Rev P02

Street Scene Sheet 1 - N6860-LHA-ZZ-ZZ-DR-A-2111 Rev P03  
Street Scene Sheet 2 - N6860-LHA-ZZ-ZZ-DR-A-2112 Rev P03  
Street Scene Sheet 3 - N6860-LHA-ZZ-ZZ-DR-A-2113 Rev P03  
Street Scene Sheet 4 - N6860-LHA-ZZ-ZZ-DR-A-2114 Rev P03

Reason: In order to define the permission.

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

3. 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.

4. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in the

relevant phase of the development. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and

c. Details of the site accommodation, including compound, contractor car parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

6. 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.

7. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

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 boundary. The development shall thereafter be carried out in accordance with the approved details.

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. Any intrusive investigations recommended in the approved Phase I Preliminary Risk Assessment Report (Ground Investigation Report, reference 18.05.2019, dated August 2018 by Listers Geotechnical Consultants Ltd.) and to include additional gas monitoring 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 construction of any phase (excluding demolition). The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

that this condition is complied with before the development is commenced.

9. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

10. 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.

11. 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.

12. Notwithstanding the details on the approved plans, no above ground construction works relating in the relevant phase of development shall commence until full and final details of the building finished floor levels and the adjacent proposed footpath levels have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development is achieved and to ensure that any changes to the proposed building levels identified on the submitted drawings (following any preparatory works etc.) can be addressed and assessed prior to any construction works commencing on site.

13. 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.

14. Prior to that part of the development commencing, a sample panel of the proposed material palette for that phase shall be erected on the site and approved by the Local Planning Authority. The sample panel shall illustrate the colour, texture, bedding and bonding of all masonry and mortar finishes and the relationship of the proposed brickwork with the additional elements of the material palette (including the sizing and fixing of materials) for that phase. The sample panel shall be retained for verification purposes until the completion of part of such works.

Reason: In order to ensure an appropriate quality of development

15. Large scale details (in accordance with approved indicative facade treatment details where approved) including materials and finishes, at a minimum of 1:20; of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Bay Type A
- Bay Type B
- Crown Bays
- Cycle Store External metal screen
- Main Entrance
- Typical Ground Floor

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

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

16. Prior to installation, full details of any proposed external lighting associated with the buildings hereby approved shall have been submitted to and approved by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

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

17. Within 3 months of the commencement of any above ground works, an External Signage Strategy document shall have been submitted to and



approved by the Local Planning Authority.

Future proposals shall thereafter be in accordance with the approved strategy.

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

18. Prior to installation, final details of the design and layout of the public realm and hard and soft landscape spaces around / within the site shall have been submitted to and approved by the Local Planning Authority. These details shall include:

1. All proposed materials, including samples when requested;
2. The design of any proposed planting scheme;
3. The design of any proposed steps and ramps;
4. The design of any new walls and boundary treatments;
5. The design of any external landscape lighting;
6. The design of any proposed furniture (e.g. planters, seats etc.);
7. The design of the proposed roof terrace- including any furniture and guarding requirements.

Thereafter, the public realm works shall be carried out in accordance with the approved details before occupation.

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

19. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

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

Reason: In the interests of biodiversity.

21. Prior to the commencement of any above ground construction works, or within an alternative timeframe to be agreed by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people shall have been submitted to and approved by the Local Planning Authority. The details shall include:

- (a) The final design details for disabled people to enter the buildings - including the design details of ramps / treads / tactile paving / handrails etc.

and final details of gradients;

(b) Details of dropped kerbs and blister paving in accordance with 'Guidance on the use of Tactile Paving Surfaces' within the footway of Broad Lane on both sides of Garden Street and Hollis Croft.

(c) Details of the accessible parking spaces on Hollis Croft designed to DfT standards with dropped kerbs providing access to the footway located where they will not be obstructed by private vehicles.

The development shall not be used unless the agreed inclusive access and facilities have been provided in accordance with the approved details. Thereafter such inclusive access and facilities shall be retained.

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

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

23. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. Notwithstanding the approved plans the detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

24. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

25. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking

permits within the designated Permit Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

26. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield and the Core Strategy.

27. 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 and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

28. Prior to the development being brought into use, full details of a management plan to control student arrivals/departures associated with moving in to/out of the accommodation shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter such management plan shall be adhered to.

Reason: In the interests of highway safety.

29. Prior to the construction of any phase of the development commencing, a detailed Inclusive Employment and Development Plan for that phase, designed to maximise opportunities for employment and training from the construction phase of the development, shall have been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the Local Planning Authority.

The Plan shall include a detailed Implementation Schedule, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the construction of the development.

30. 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.

31. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

32. No external doors or gates shall, when open, project over the adjoining public

highway.

Reason: In the interests of pedestrian safety.

33. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

34. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a. Be based on the findings of Noise Impact Assessment Report 27845/NIA1 by Hann Tucker Associates dated 6 July 2020

b. Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c. Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the building

35. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

36. Prior to the development being brought into use 4 bat boxes and 4 bird boxes

shall be installed on the building in line with the ecological enhancements recommended in Section 4 of the 'Building Inspection for Use by Bats and Nesting Birds' report, dated July 2020.

Reason: In order to ensure biodiversity net gain.

37. Prior to installation, full details of any proposed external lighting associated with the buildings hereby approved shall have been submitted to and approved by the Local Planning Authority.

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

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

### **Other Compliance Conditions**

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that it has been identified that that Cadent and/or National Grid apparatus are present in proximity to the specified area. Therefore, the contractor should Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. 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](mailto:eps.commercial@sheffield.gov.uk).

5. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

6. 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:-

Highway Co-Ordination  
 Sheffield City Council  
 Town Hall  
 Sheffield  
 S1 2HH

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

7. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

8. 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.

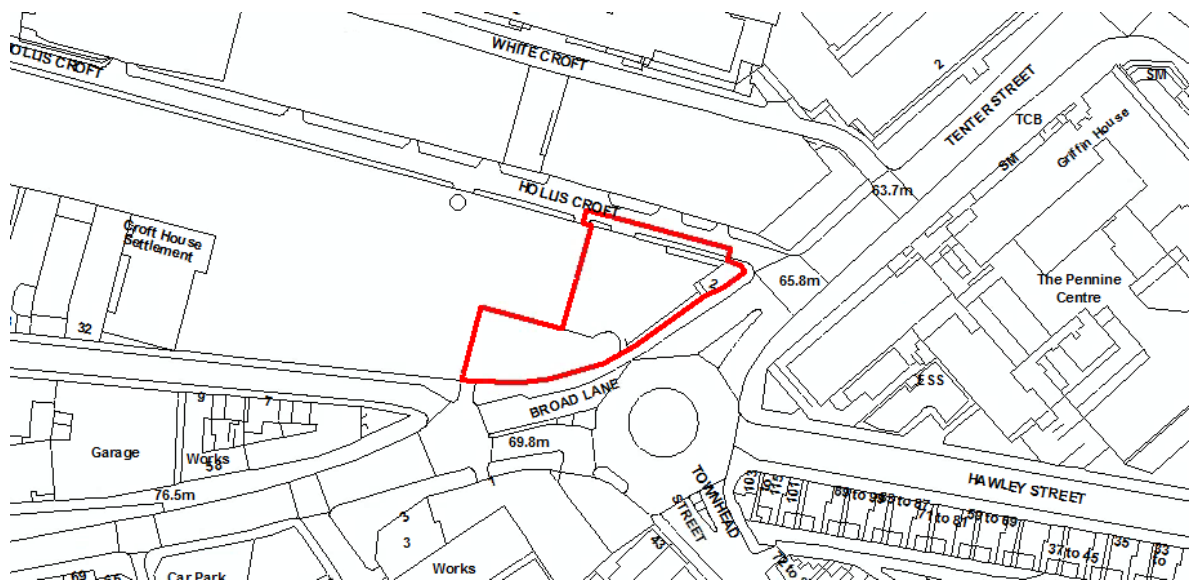
You should contact the S278 Officer for details of how to progress the S278 Agreement:

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)



# Site Location



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## LOCATION AND PROPOSAL

The application site relates to an irregular shaped site that has a prominent position of the Broad Lane roundabout which lies to the south. The site is bounded by Hollis Croft to the north and Garden Street to the south west. The site is characterised by a two-storey showroom/office building to the south west and a small three storey rendered building with pitched roof to the east in use as a sandwich shop at ground floor with offices above. The central part of the site is characterised by vehicular parking.

Planning permission has previously been granted on the site (ref 18/03977/FUL) for ground floor flexible uses with residential accommodation above. The development was part of a wider scheme which included the site on the opposite side of Hollis Croft (Site A). The site under consideration under the current application was named site 'B' in the previous scheme. Upon review of the scheme, the applicant did not consider the proposed development and use to be viable and as such is proposing an amended scale and design and to use the building as purpose-built student accommodation as opposed to C3 residential.

To the north of the site on the opposite side of Hollis Croft lies a series of buildings formerly used as workshops and showrooms and forming site A of the above-mentioned application. To the east of the site, on the opposite side of Tenter Street, is the former HSBC office complex which is now vacant whilst to the south on the opposite side of the Broad Lane Roundabout are a variety of land uses, including car garage, offices, sandwich shop and dwellings. To the west of the site lies the Hollis Croft Student Roost scheme, comprising over 900 student bedspaces and including a 17-storey tower adjacent to the application site.

Planning permission is sought for the demolition of existing buildings and the erection of a ten to twenty seven storey building to provide 519 student bedspaces with associated facilities, servicing, access and landscaping.

## PLANNING HISTORY

20/02016/EIA - EIA (Environmental Impact Assessment) Screening opinion request for demolition of existing structures and erection of student accommodation between 10 and 27 storeys to provide approximately 519 student bed spaces (69 cluster flats and 45 studios) with ancillary facilities, amenity space and access – Environmental Statement Not Required

18/03977/FUL - Demolition of existing buildings and erection of mixed use development in two blocks (Plot A - 7-13 Storeys and Plot B - 8-24 storeys) comprising flexible commercial uses at ground floor level (Use Classes A1, A2, A3, A4, B1(a), D1 (restricted uses) and D2 (restricted uses)), and residential accommodation comprising 444 apartments, including 20 co-living cluster apartments, with associated facilities, servicing, access and landscaping – Grant Conditionally with Legal Agreement

18/03768/EIA: EIA (Environmental Impact Assessment) screening opinion for the demolition of existing buildings and erection of mixed use development

comprising co-living/student accommodation and ground floor commercial units – Environmental Statement Not Required

## SUMMARY OF REPRESENTATIONS

The application has been advertised by way of press notice, site notices and neighbour letters.

No letters of representation have been received

## PLANNING ASSESSMENT

### Policy

#### National Planning Policy Framework

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

#### Policy Context

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. The Development Plan comprises the Unitary Development Plan (UDP) and the Core Strategy.

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

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

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

This is referred to as the tilted balance. In the context of this application in order to assess if the tilted balance applies, consideration will be given to how closely the proposal aligns with local policies and in turn how closely such policies align with the NPPF.

## Land Use

The site lies in a General Industry Area (without special industries) as designated in the UDP. UDP Policy IB5 identifies housing as unacceptable because satisfactory living conditions in industrial environments would generally not be achieved and housing could therefore prejudice the preferred existing uses.

However, Policy IB5 is out of date and no longer considered to be appropriate to the area following a change in its character that has been led by more up to date policy in the Core Strategy. Policy CS6 (Manufacturing and the City Centre – Transition Areas) now identifies parts of the St. Vincent's Quarter where manufacturing should not be encouraged to expand and instead be encouraged to relocate to aid regeneration. This is further reinforced by Policy CS17 (City Centre Quarters) which encourages a mix of business, residential and educational uses in the St. Vincent's Area with less emphasis on industry and greater links to the University of Sheffield and the legal and professional quarter.

It is considered that the proposed student use reflects the aims of creating a mixed-use area as identified in Policy CS17. The site is located in close proximity to the University of Sheffield's campus and will help to reinforce this link in the area.

The St Vincent's Action Plan was approved by Cabinet in December 2004 with the purpose of identifying a concise route for regeneration of the area. The site is located in a Business Area in the SVAP, meaning that new development should consist predominantly of business use. It is clear that the proposal does not comply with this element of the Plan and falls short of the preferred use provision.

This document was produced in 2004 and was intended to cover the period 2004-2014, as such it is out of date and it does not reflect the current focus for the area. The site lies adjacent to an area that has experienced a high volume of residential / student development in the recent past and so the overspill to the proposed site is considered to be a logical expansion.

## Previously Developed Land

The proposal will make use of a sustainably located brownfield site in the city centre. Core Strategy Policy CS24 states that priority will be given to the development of previously developed sites.

This approach is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously developed or

'brownfield land'. Paragraph 118 (b) goes on to state that substantial weight should be given to utilising brownfield land within existing settlements.

CS24 can be offered significant weight as it promotes brownfield development which aligns strongly with the NPPF. As such it is concluded that the principle of developing this brownfield site is supported in policy terms.

Housing Land Supply

Core Strategy Policy CS22 relates to the scale of the requirement 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 (2019) at paragraph 60 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. In line with the standard methodology the housing requirement is 2,124 homes per year, this is 699 homes per year higher than the figure in CS22. As such weight cannot be afforded to the figures set out in CS22.

However, CS22 states that a 5-year supply of deliverable sites will be maintained at all times and this is in accordance with the requirements of the NPPF. The most recent published monitoring data (May 2020) concludes that there is 5.1 year supply. This part of the policy is in conformity with the NPPF and so can be given significant weight.

Overall it is considered that the proposal is consistent with the aims of local and national policy as it will provide new homes.

Density

Core Strategy Policy CS26 requires that housing development makes efficient use of land and states that the highest densities will be expected in the city centre. It goes on to set a minimum density of 70 dwellings per hectare in the city centre.

This approach is reflected in the NPPF where paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It then identifies that policies should set minimum density standards for city centres.

Policy CS26 can be offered significant weight as it aligns strongly with the NPPF, particularly with regards to the setting of minimum density standards.

The proposed scheme has a density of approximately 3460 dwellings per hectare. This is a very high density, well in excess of the minimum requirements. The scheme makes efficient use of land and helps to meet the Council's housing land supply of deliverable sites, which is afforded substantial weight as a material consideration. It therefore complies with both Policy CS26 and paragraph 123 of the NPPF.

## Mixed Communities

Core Strategy Policy CS41 promotes the creation of mixed communities by encouraging development of housing to meet a range of housing needs. CS41 (a) is relevant to this application and states that a mix of housing types and tenures will be achieved by ensuring that no more than half the homes in larger development should consist of a single house type. 'Larger developments' are defined as more than 60 new dwellings and a single house type is defined as one with the same number of bedrooms and of the same design or generally similar characteristics.

Part (c) states that purpose-built student accommodation should be provided as part of a mix of housing development, with a mix of tenures and sizes of unit on larger sites, primarily in the City Centre.

Part (d) of CS41 seeks to limit shared housing including hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance.

The NPPF highlights the importance of communities and details in paragraph 8 the social objective 'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations'

Paragraphs 60 and 61 go on to state that a housing needs assessment is required to determine the size, type and tenure of housing needed for different groups in the community.

The local policy seeks to promote mixed communities in line with the NPPF and as we currently have a 5 year supply of housing the local policy can be considered as in date and therefore given significant weight.

With regards to the specifics of CS41, the application proposes 519 bed spaces comprising of 69 cluster flats and 45 studios. This equates to 60% cluster flats and 40% studios and so is contrary to part (a) of CS41. Nevertheless, the 50% target is exceeded by only 10% and so is considered to be minor in this instance.

Furthermore, as the scheme is targeted towards students, a wider mix of unit sizes is unlikely to result in a more mixed community. It is therefore considered that this part of the policy should be given less weight.

In relation to part (c) there is no definition of what constitutes a 'larger site'. However, it could reasonably be considered to be one which could accommodate a number of different independent blocks to avoid conflict between residents e.g. between students and non-students. It is considered that at just 0.15 hectares that such development isn't realistically achievable on this site. It is however noted that when viewed in conjunction with Site A as approved originally through application 18/03977/FUL that site will remain in residential C3 use. As such in this instance the site would not be classes a 'larger site and so the proposal for solely student housing is not contrary to CS41 (c).

In relation to Part (d) the current density, including all permission is 19%. The proposal would raise this to 21% and so would be contrary to this part of the policy.

The applicant has submitted several market reports relating to the supply and demand of purpose-built student accommodation in the City. These suggest there is still the demand and market for additional student bedspaces. However, one of these reports is dated 2019 and the other is from the first quarter of 2020, as such they are not up to date and don't account for any impact of the coronavirus pandemic.

Nevertheless it is argued in this instance that as the percentage of shared accommodation in the locality will be just 1% above the 20% target that an exception can be made in this instance. It is highlighted that the site is in close proximity to Sheffield University Campus and so it is an appropriate location for student development.

Plans have been submitted showing how the development could be converted to one and two-bed apartments or a hotel, should the demand for student housing change.

This amounts to a sustainable building form which can be adapted to meet future demands.

On balance, it is considered that whilst not strictly in compliance with CS41, the deviation from the policy requirements is marginal and will not result in material harm in this instance.

### Demolition of Buildings

The application proposes the demolition of all buildings on site, including 2 Broad Lane, where this was retained in the previous scheme as it fell outside the site boundary. The site contains no designated heritage assets, nor listed buildings and is not within a conservation area. Archaeological recording of the building at 2 Broad Lane will be undertaken prior to demolition. The demolition of the buildings to allow for the redevelopment of the site is acceptable.

### Design

UDP Policy BE5 'Building Design and Siting' and Core Strategy Policy CS74 'Design Principles' set out the design principles for new developments. Policy BE5 requires development to incorporate good design, the use of high quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city's transformation and helps to transform the character of physical

environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Core Strategy Policy CS76 'Tall Buildings in the City Centre' defines when tall buildings in the City Centre are appropriate. It is accepted that elegantly design and appropriately sited tall buildings can create landmark structures in areas of strategic importance. Tall towers are acceptable where they help to define identified gateway sites; mark a principle activity node or a key route; and support the vision for City Centre quarters.

Paragraph 124 of the NPPF highlights the importance of good design as a key aspect of sustainable development and creating better places to live and work. Paragraph 127 then goes on to set out a series of requirements including that development should add to the quality of the area; have good architecture, layout and landscaping; be sympathetic to local character and history; establish a strong sense of place and create welcoming and distinctive environments.

The key principles contained within the local design policies relate to providing developments that are high quality, well designed, distinctive and sympathetic to local character. These principles align closely with paragraph 124 of the NPPF and as such it is considered that they can be afforded significant weight.

### Scale, Siting and Detailing

The site is identified as a prominent, underused piece of land that is situated adjacent to busy gateway roads and is surrounded by new development. The Sheffield City Centre Urban Design Compendium states that along Broad Lane, Tenter Street and Gibraltar Street edges, strong built form will be required to emphasise the gateway aspect of these streets. At the gateway sites of Hoyle Street, the Tenter Street roundabouts and Brook Hill. Broad Lane, it recognises the opportunity to introduce tall buildings.

In comparison to the previous approval, the site now encompasses the site of the three-storey building at 2 Broad Lane and so has a slightly larger footprint. This is seen as a positive as it allows a more comprehensive development of the site and the opportunity to highlight the site frontage.

The scheme as presented in the application is the result of extensive pre-application discussions which have seen the scheme evolve positively in design terms.

The footprint of the proposed development wraps around the Broad Lane frontage and is set up to the back edge of Hollis Croft. This ensures that the predominant character of back edge of pavement development is reflected. The building is set away from the site boundary with the adjacent Student Roost development and a strip of land provided to increase the width of the adjacent pedestrian link to Hollis Croft.



The proposed development is split into three visually distinct blocks and steps from 10 storeys adjacent to Garden Street, to 27 storeys fronting the roundabout and back down to 10 storeys fronting Hollis Croft. The scale of the development adjacent to Garden Street achieves a good transition to the adjacent development and ensures an appropriate enclosure to the new pedestrian link through to Hollis Croft, provided as part of the adjacent development. Similarly, the scale adjacent to Hollis Croft, reflects the secondary nature of this route and sits comfortably next to existing developments.

The tower faces the roundabout away from the lower scale lanes and highlights the gateway location as supported in the urban design framework. The scale reflects that of nearby tall buildings on Tenter Street and Hollis Croft and will not appear out of keeping given this context. Further, it is highlighted that permission has previously been granted for a twenty-four storey tower in this location and therefore the precedent for a tall building has been set. The tower is well designed, creating a slim landmark feature in the local area.

The development includes an active frontage at ground floor to the base of the tower and Hollis Croft, helping to create visual interest and animation to the street scene.

The building is layered into three elements, a base, middle and 'crown' top, this element provides visual interest and will be visible from long range views, creating a landmark. The proposal includes an expressed frame which creates articulation and interest. Materials will be grey brickwork, this will contrast with the predominant red brick in the area, providing distinctiveness which is considered appropriate given the landmark status of the building. Metal accent panels, the cladding to the top and window frames will be a satin bronze finish, the appearance of this will vary depending upon the lighting.

Overall it is considered that the proposed design achieves a high quality development, appropriate for this prominent gateway location. The scheme complies with relevant national and local policies in this regard.

#### Impact on heritage Assets

The site is not within a Conservation Area but is located in close proximity to the Well Meadow Conservation Area (70 metres to the west of the site) and the City Centre Conservation Area (40 metres to the south).

Unitary Development Plan Policy BE16 "Development in Conservation Areas" requires development to preserve or enhance the character or appearance of a conservation area. The policy also relates to developments which would affect the setting of a Conservation Area or significant views into, or out of, the Area.

Chapter 16 of the National Planning Policy Framework 2019 (NPPF) Conserving and Enhancing the Historic Environment states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

Paragraphs 189-196 are relevant and advise that the significance of a heritage asset should be considered and that local planning authorities should take account of the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The Framework goes on to state that great weight should be given to the heritage asset's conservation and that any harm to the significance of a designated heritage asset needs clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is considered that the principles of the local and national policies in relation to the conservation of heritage assets are closely aligned. However, the NPPF provides greater detail on how to assess and consider impact, including introducing the principles of 'substantial harm and less than substantial harm'.

The scale of the development is such that it will create a prominent feature which will be visible from views into and out of the conservation areas. Nevertheless, as aforementioned, this is considered a suitable location for a tower given it is a prominent gateway. The Development will not detract from the special features of interest of the conservation areas as set out in their appraisals.

It is concluded that the development will not be harmful to nearby heritage assets and complies with local and national policies.

#### Landscape

UDP Policy BE6 expects good quality landscape design in all new developments. This requirement is reflected in paragraph 127 (b) of the NPPF which states developments should be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'. These policies align strongly and therefore significant weight can be attached to Policy BE6.

The site is a constrained city centre site located close to the back edge of the footway and therefore landscape opportunities are limited. The key landscape proposals include green/brown roofs and the expansion of the pedestrian route adjacent to the boundary with the student roost development on Garden Street. Full details can be secured by condition. The pavements surrounding the site will be upgraded in line with the urban design compendium.

The landscape proposals are considered to be acceptable and comply with the relevant policies outlined above.

#### Amenity

Policy IB9 (b) of the Unitary Development Plan states that development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

UDP Policy H5 states that planning permission will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if

- a) a concentration of these uses would not cause serious nuisance to existing residents; and
- b) living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

Paragraph 127(f) of the NPPF states the development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Policy IB9 (b) and H5 (b) are consistent with the aims of Paragraph 127 (f) of the NPPF and so can be offered significant weight. Part (a) of H5 does not conform with the NPPF's objective to significantly boost housing supply (paragraph 59) and so can be offered very limited weight.

#### Impact on Future Residents

The proposed outlook is considered to be acceptable for a high density urban apartment scheme. The development includes large clear openings to all habitable rooms and the layout is such that each unit has habitable room windows on the external envelope of the building with outlook outwards across adjacent streets and/or neighbouring land.

Communal amenity space is proposed at ground floor level and at level 26. Floors 18 to 26 which provide studio accommodation have a small communal area on each floor. There is no external amenity space proposed. The type and extent of amenity space proposed is considered to be appropriate for this type of development in a dense urban setting. It is acknowledged that the character of the site and surrounding streets (i.e. shape, size and width) do not offer the opportunity to provide extensive on-site external facilities.

The central location of the site means that residents will have extremely good access to the many leisure / social / outdoor amenity facilities that the City Centre provides as well as good public transport links to other options situated further away

#### Impact on Existing Residents

The proposal seeks to introduce new built form on a site that has historically contained low rise buildings. Therefore, it must be acknowledged that the proposed development will have a significant impact on the amenity of the uses that overlook the site.

The site is located immediately adjacent to the new Student Roost scheme on Garden Street/Hollis Croft. This development includes large buildings on the shared boundary some of which have windows overlooking the application site. The key issue to assess is whether the proposed development will be overbearing and result in an unacceptable loss of privacy to these windows.

There are windows on the west elevation of the Student Roost development (Block C tower) which overlook the application site. A separation distance of approximately 8 metres will exist between the new development and these windows. This distance is not dissimilar to other separation distances found within the local area and is considered acceptable from an overbearing aspect. No habitable room windows are proposed in the side elevation of the development facing west and so there will not be an adverse impact on privacy. It is highlighted that the relationship between the Student Roost tower and the proposed development is largely similar to that approved through the previous 2018 application.

The proposal will also be located in close proximity to a lower block (Block B) of the Student Roost development to the north of the site. An average distance of 12 metres will separate main windows in the side elevation of Block B from main windows in the side of the proposed development. This is considered acceptable for a City Centre site. Distances of between 3.5 and 5 metres will exist between the existing rear of the block and proposed development, however as there are no habitable room windows in the rear of the existing building there will not be an overbearing impact.

It is noted that the windows on the adjacent scheme were proposed by the developer and granted planning permission in full knowledge of the redevelopment potential of the application site and the inclusion of a large tower building on part of the site. Indeed, this potential relationship was fully addressed and the impact discussed in the planning committee report.

The application proposal includes two windows in each floor in the rear elevation facing north, one serving a bedroom and one serving a kitchen/living area for one of the clusters. There will be approximately 5 metres between these windows and the wall of the neighbouring building. Whilst this distance is minimal it only affects a small number of rooms and is the consequence of dense city centre living. On balance this aspect although not ideal is considered acceptable in the context of the overall scheme.

### Daylight and Sunlight

A daylight and sunlight analysis has been submitted in support of the application and has been undertaken in line with BRE guidance contained in 'Site Layout Planning for Daylight and Sunlight, A guide to Good Practice' 2011. The use of this guidance is considered appropriate in the absence of any Local Authority policy or guidance on daylight or sunlight assessments.

The BRE guidance states 'The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the developer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design.'

It is highlighted that the numerical targets given within the guidelines are designed to be applied to suburban locations. Flexibility may therefore be reasonably expected

in relation to city centre development where higher density development is expected and obstruction of natural light to existing buildings is often unavoidable

This approach is reflected in The NPPF which details that sites should achieve appropriate densities (paragraph 122 and 123) and that in order to ensure that a site is used efficiently, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The National Planning Practice Guidance (NPPG) – Making Efficient Use of Land (published November 2016 and updated October 2019), paragraph 007 states

“All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.”

The submitted report assesses the impact of the development on several adjacent buildings, namely, the student scheme on Hollis Croft, the development approved on the opposite side of Hollis Croft (site A, 18/03977/FUL) and the Pennine Centre to the east of the site.

The assessment has been carried out using the extant planning permission as a baseline for the site. This method as described in section F2 of the BRE guidance allows consideration of the site’s history.

The BRE guide provides three methodologies for daylight assessment, namely The Vertical Sky Component (VSC); The No Sky Line (NSL); and The Average Daylight Factor (ADF).

VSC is a spot measurement of the availability of light from the sky in the existing and proposed situation. If VSC is greater than 27%, it can be considered that sufficient light from the sky is entering the window. If VSC is both less than 27% and less than 0.8 times its former value, occupants will notice a reduction in light.

NSL is a measure of the distribution of daylight at the working plane within a room. If a significant area of the working plane lies beyond the NSL (i.e. it received no direct sky light) then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. An NSL of at least 80% would be considered satisfactory and a reduction of 20% would be deemed to not be noticeable.

Overshadowing (or loss of sunlight) is analysed using Annual Probable Sunlight Hours (APSH). This is a measure of how much sunlight the window can receive with or without the new development. Guidance recommends that a good level of sunlight will be achieved where at least 25% of APSH is provided, of which 5% should be in

winter months. BRE guidance states that only windows within 90 degrees of due south need to be assessed in relation to sunlight.

#### Hollis Croft Site A (18/03977/FUL Consent)

Over 90% of windows which were assessed will see a reduction in VSC levels. In many cases this is quite significant ranging between a 20% and 43% reduction in 42% of cases and in some instances taking the VSC to as little as 6%. With regards to NSL, 133/155 (85%) of windows will have a reduction in NSL in comparison to the approved scheme. In many cases the reduction is significant, with 38% of reductions over 20%.

A total of 80 windows have been assessed in relation to ASPH, of these 77 percent will see a reduction but this is considered to be significant in only 18% of cases).

#### Hollis Croft Block B

In comparison to the previous approval the VSC and NSL levels are reduced in Hollis Croft Block B in 70/87 windows (80%) and 54/66 (81%) respectively . The worst reduction in VSL is 21.4% but the average is around or below 5% with a betterment in some cases. The greatest reduction in NSL is 15.6 % but generally much lower than this and mostly around or below 5% with a betterment in some cases.

A total of 14 windows have been assessed in relation to ASPH, none of these will see an adverse impact in comparison to the previous approval.

#### Hollis Croft Block C

In comparison to the previous approval the VSC and NSL levels are reduced in Hollis Croft Block B in 218/265 windows (82%) and 185/207 (89%) respectively . The worst reduction in VSL is 29.3% but the average is generally much lower than this. The greatest reduction in NSL is 31% but generally much lower than this.

In relation to ASPH no windows will see a significant adverse impact in comparison to the approved scheme.

#### Pennine Centre Block 3, 4 and 5

Block 3 VSC all but 13 windows will have a reduction in VSC, however the reduction in levels are generally quite minimal. NSL affected very marginally with all windows still achieving levels in excess of the 80% target levels.

Block 4 and 5 VSC and NSL affected to such a minor extent as to be considered negligible.

ASPH has only been calculated in relation to 12 windows in the development as these are the only ones within 80 degrees of due south, of these, no windows will see a significant reduction in levels.

It is noted that some of the windows did not meet VSC or NSL target values with the consented scheme and that the proposal will reduce levels even further, albeit it marginally in the majority of cases.

It is considered that any form of meaningful dense development on this site would give rise to an impact on the windows in adjacent properties. It is highlighted that the BRE guidance relates to suburban developments and promotes flexibility in applying the guidelines. In this instance flexibility can be justified given the City Centre location where dense development can be expected. Indeed, the impact on sunlight and overshadowing is a consequence of high density city living, which is one of the City's key planning objectives and brings wider sustainability benefits. This includes re-developing vacant / underused brownfield land, regenerating City Centre Quarters and minimising the development of greenfield sites.

The adverse impacts are acknowledged and are a negative aspect of the proposals, however it must be recognised that this is not a suburban location and that if the impact on sunlight/overshadowing were to be given too much weight in a City Centre this would prevent high density development and the efficient use of land and would be contrary to paragraphs 122 and 123 of the Framework.

On balance, it is considered that, whilst the development will cause harm to daylight and sunlight on adjacent sites and this will be marginally greater than the previously consented scheme, this is outweighed by the positive aspects of the scheme.

#### Noise

Paragraph 180 (a) of the NPPF requires the mitigation and reduction to a minimum of potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life. A noise impact assessment report has been submitted with the application.

The development has the potential to give rise to noise and disturbance during the construction phase, this will be limited to daytime hours only and will be controlled by conditioning a Construction Environmental Management Plan. Nevertheless, as with all development, some level of noise during demolition and construction will be inevitable.

The residential nature of the new development will ensure that no new significant noise sources are introduced into the local area.

The Environmental Protection Service has confirmed that the noise report is satisfactory, subject to a suite of standard conditions to ensure that the development is built to achieve specified noise levels.

In summary it is considered that the development will not give rise to unacceptable noise disturbance in the local area and will provide future residents with a suitable noise environment. The development is therefore in accordance with paragraph 180 (a) of the NPPF.

#### Contaminated land

Paragraph 178 of the NPPF requires that planning decisions take account of ground conditions and any risks arising from land instability or contamination.

A phase I contaminated land desk study has been submitted in support of the application. It is recommended that further gas monitoring be carried out and a supplementary ground gas report submitted to the Local Planning Authority for approval. Conditions are recommended to deal with this issue. An adequate assessment of contamination has been undertaken in line with paragraph 178 of the NPPF. Further work is required to better understand the contamination and the coal mining legacy, this will be secured by condition.

### Wind Impacts

It is commonly acknowledged that tall buildings can have an adverse impact on the local wind microclimate, resulting in a detrimental effect on pedestrian comfort levels and in the most severe cases, in wind safety issues.

In order to fully consider the impact of the development a wind assessment has been submitted with the application. The assessment is based upon a Computational Fluid Dynamics Model (CFD) and seeks to assess pedestrian comfort levels in relation to the local wind climate.

The model has assessed the local wind climate as it is it will be with the proposed building. The results are presented in line with the Lawson wind comfort criteria. The Lawson criteria identifies seven different wind environments based upon wind speed and identifying the activities which could be comfortably carried out in each of the areas. In order of the highest wind speeds to the lowest, these wind environments are classed as unsafe for all; unsafe for frail; uncomfortable; fast (business walking); pedestrian leisure walk/strolling; pedestrian standing/entrances and outdoor seating.

Three scenarios have been tested in the model, namely the existing site with existing surroundings, the proposed site with existing surroundings and the proposed site with approved developments.

The results indicate that in the scenario of the proposed development within the existing surroundings all areas within the immediate locality will be suitable for sitting or standing with the exception of a small area to the north of Hollis Croft which will be suitable for leisure walking only. This is adjacent to one of the former entrances to the now disused building, however it is not the only entrance and permission has been approved for demolition and redevelopment of this site.

In relation to the scenario of the proposed development plus planned approved development, the surrounding wind environment would primarily be suitable for sitting or standing. There are however two small areas which would be suitable for leisure walking, one of these is on a thoroughfare and so is in line with the principle use.

The other however is adjacent to the entrance to the approved Site A entrance on the opposite side of Hollis Croft (18/03977/FUL). This is one category windier than



expected during the winter only (summer wind comfort is acceptable) and is classed as a minor adverse impact. Whilst not ideal, the entrance will not be unsafe and it is anticipated that a similar impact would have occurred with the previously approved scheme. The wind assessment submitted in support of the previous approval was not however as detailed and simply classified the areas as safe or unsafe.

Whilst a building of this scale would generally be required to be assessed in a wind tunnel, an exception was made in this case as a result of the extant planning permission for a tall building and the fact that only very limited impacts were identified in the CFD modelling.

In light of the above it is considered that the development will not have a harmful impact on the local wind climate and complies with relevant policies.

#### Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that these will be preserved, protected and enhanced. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

Paragraph 189 of the NPPF requires that due regard is had to archaeological assets. The national policy strongly reflects the local policy in this instance and therefore significant weight can be afforded to Policy BE22.

An archaeological desk based assessment has been submitted. This recommends that archaeological trenching is carried out targeting the former 18<sup>th</sup> to 19<sup>th</sup> century residential and commercial properties within the site boundary to assess for any below ground archaeological remains. South Yorkshire Archaeology Service have also recommended that archaeological recording of the existing building at 2 Broad Lane which dates from the 19<sup>th</sup> century should be undertaken. Further archaeological site investigations are considered necessary but can be conditioned as part of any approval.

In light of the above, the development is considered acceptable with regards to Policy BE22 and relevant guidance in the NPPF.

#### Biodiversity/Ecology

UDP Policy GE11 requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 170 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

A desk based ecological survey has been carried out and found no evidence of protected species including birds. The site was found to be unsuitable for protected or notable species due to a lack of semi-natural vegetation within and adjacent to the site.

The buildings on site were found to have negligible or low potential for roosting bats. However in line with guidance a further bat emergence survey was carried out, this found no evidence of roosting bats within the buildings.

The report makes a number of recommendations to enhance biodiversity including green roofs and inclusion of bird and bat boxes, these can be secured by condition to ensure compliance with paragraph 170 of the NPPF.

In summary the development will not have an adverse impact on protected species and will provide ecological enhancement through the provision of green roofs.

### Air Quality

Core Strategy Policy CS66 states that Action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Paragraph 181 of the NPPF states 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement'.

An Air Quality Assessment has been carried out for the scheme. This demonstrates that there is the potential for air quality impacts during the construction phase due to dust emissions from demolition, earthworks, construction and trackout activities. The use of good practice and control measures will provide suitable mitigation and reduce potential impacts to an acceptable level. Such control methods can be secured through condition.

Dispersion modelling has been undertaken and indicates that predicted air quality impacts in sensitive locations will not be significant. The assessment shows that pollution levels at the site are below the relevant air quality threshold levels and so will be suitable for the end users.

It is concluded that the development will not have a harmful impact to air quality during demolition and construction subject to mitigation which will be controlled through a condition. Furthermore, air quality will be acceptable for end users. The development complies with the relevant national and local policies in this regard.

### Sustainability

A key objective of local and national policy is the pursuit of sustainable development.

The NPPF details three overarching principles of sustainable development; an economic objective; a social objective and an environmental objective.

In economic terms the development will see the redevelopment of an underused brownfield site, this will create jobs through construction and management of the completed development. The scheme will increase the number of residents in the local area which will boost the local economy.

In social terms, the development will provide an increased variety of accommodation within the area. As the site is conveniently located close to a wide range of services and facilities development in this location will ensure that residents' social and community need are well catered for.

In environmental terms, the proposal will replace vacant commercial and industrial buildings with high quality residential development that will enhance the built environment on a busy city centre route and support the provision of high density development in City Centre. The site is located in a highly sustainable location within close proximity to a range of services, amenities, education establishments and places of work. Additionally, the site is easily accessible by a range of high frequency public transport links including, bus, tram and train. The development will regenerate a brownfield site and will be resilient to climate change as it lies within a low risk flood zone.

Core Strategy Policies CS64 and CS65 provide local policy requirements in relation to achieving environmental sustainability. As this is also a key theme in the NPPF, the policies are considered to be compatible and therefore significant weight can be given to these local policies.

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Development' expects all new buildings to be energy efficient and to use resources sustainably.

Core Strategy Policy CS65, relates to renewable energy and carbon reduction and requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

An energy report has been submitted with the application. This details how energy consumption will be reduced through the efficient use of the building fabric and efficient lighting and heating/cooling and ventilation plant. Furthermore, low carbon energy will be provided by air source heat pumps.

Finally, Green roofs are encouraged by Core Strategy Policy CS64 because they can help to attenuate surface water run-off, help to reduce heating in urban areas and improve biodiversity. It is confirmed that the proposals indicate that potential vegetated roof systems will be incorporated into the development on a large area of the roof, which is a welcomed part of the proposed design. The final design of the system and extent of will be agreed by condition.

The scheme will also be required to achieve BREEAM very good standards in line with Policy CS64, this can be conditioned.

Overall, the scheme is considered to represent sustainable development and meets the expectations of Policies CS64 and CS65, subject to conditions securing the final proposed details

### Flood Risk and Drainage

Paragraph 155 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

The site is located in Flood Zone 1 on the Environment Agency's Flood Map and is therefore not considered to be at risk of flooding.

Core Strategy Policy CS67 'Flood Risk Management' seeks to ensure that all developments significantly limit surface water run-off and utilise sustainable drainage systems where feasible and practicable.

The NPPF details at paragraph 165 that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy CS67 and paragraph 165 of the NPPF are considered to closely align and therefore significant weight can be attached to the local policy in this instance.

The drainage report submitted with the application assesses a number of methods of drainage in line with the drainage hierarchy. Infiltration has been discounted owing to the nature of the soils/bedrock which are incompatible with this method. It is proposed to discharge to the public combined sewer in Hollis Croft, a CCTV drainage survey is required to prove this is the existing drainage route. On site attenuation is proposed in the form of below ground and blue roof attenuation.

Discharge rates from the site will be reduced by 30%.

The plans have been amended in line with Yorkshire Water comments to show the public sewer within the site to be relocated onto the public footpath. The developer will need to formally apply to Yorkshire Water to alter/divert the public sewer.

It is considered that suitable conditions could be attached to any approval to ensure suitable on site drainage is achieved. It is concluded that the development complies with the relevant policies in this regard.

### Public Art

Policy BE12 encourages works of public art in places which can readily be seen by the public as an integral part of the development.

Public Art will be integrated into the ground floor cycle store. Initial concepts suggest the integration of metal perforated panels, the design of which will be developed further and secured via condition.

## Access

Policy BE5 'Building Design and Siting' of the UDP requires that designs should meet the needs of users, particularly people with disabilities.

The NPPF, in paragraphs 91, 92 and 124, encourages a high standard of design and inclusivity for all members of communities using a development.

Mobility housing provision for residential development (Use Class C3) has been superseded by the Technical Housing Standards (20150, which removed the requirement for mobility housing from the planning process in cases where Local Authorities do not have an up to date relevant policy in place, as is the case in Sheffield.

However, it remains necessary to provide accessible flats in developments for shared accommodation such as this one. The development will provide 13 no. accessible studios (2.5%) with a further 13 (2.5%) being capable of conversion if required. This is less than the standards recommended in Building Standards.

However the applicant has submitted a letter from Homes for Students who operate and manage student accommodation across the UK. In Sheffield they manage 1628 bed spaces, of which 37 are accessible rooms, however currently zero students require these facilities. Another letter has been submitted by Fresh Property Group who manage 17,000 bed spaces across the UK, of these 360 are accessible rooms, with only 8 students occupying these rooms (0.04%). In light of this the level of accessible accommodation is considered to be acceptable.

The scheme will comply with other relevant accessible requirements including level access and door widths etc.

The scheme is considered to provide an acceptable standard of inclusive design and complies with relevant policies in this regard.

## Highways

Policy IB9 (f) of the Unitary Development Plan expects development to be adequately served by transport facilities, provide safe access to the highway network and appropriate off street parking.

Paragraph 108 of the NPPF states that in assessing applications it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- b) Safe and suitable access to the site can be achieved for all users; and

- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree

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

Paragraph 110 goes on to state that priority should be first given to pedestrian and cycle movements and second to facilitating access to high quality public transport.

The site is located in a highly sustainable City Centre location within walking distance of a wide range of services, amenities and educational and employment opportunities. Furthermore, the site offers easy access to a range of high frequency transport routes including buses and trams. A secure cycle store will provide 225 cycle spaces. This level of provision is acceptable and will encourage travel by this sustainable mode.

No car parking provision is proposed for occupiers of the development largely due to the difficulty and cost of accommodating car parking at ground or below ground level owing to the characteristics of the site.

Whilst car-free developments can be accepted and justified in the City Centre, there are known car parking pressures in the area resulting from increased new resident and commuter car parking, in part because there is not currently a Controlled Parking Zone (CPZ) in the St. Vincent's or Kelham Island Quarters. The Council's current policy seeks to restrict parking provision in the City Centre to encourage a modal shift away from private car use and thus prevent city centre traffic congestion. However, there is the potential that the non-provision of in curtilage parking could increase the demand for parking spaces on the local highway or within formal / informal car parks – thus impacting negatively on existing residents and businesses that use these spaces and may be displaced by the competition of the additional users.

The Council has reviewed the situation and as a result, will be implementing parking controls on highways in the St Vincent's and Kelham Island Quarters. In facilitating the parking controls, a financial contribution will be secured from significant developments within the St Vincent's and Kelham Island Quarters of the City, given that the adverse impact on parking would be as a direct result of such developments. This will help off-set the harmful effects of the development on the highway network.

Given the 'car free' nature of this proposal, the proposed development needs to contribute towards the implementation of the CPZ scheme, as per other recent large scale developments in the St. Vincent's Quarter. A financial contribution was secured for both sites A and B through application 18/03977/FUL and this has been paid. Following further discussions, the applicant has indicated their agreement to pay a financial contribution to cover the increase in bedspaces proposed in the current scheme in comparison to the last.

This commitment is welcomed and the requirement justified on the basis that it meets the tests in paragraph 56 of the NPPF because:

- a) It is necessary to make the development acceptable in planning terms;
- b) It is directly related to the development; and
- c) It is fairly and reasonably related in scale and kind to the development.

Waste collection and servicing will take place off Hollis Croft.

In summary it is concluded that the development will not have an adverse impact on the local highway network and complies with the relevant national and local policies afore mentioned.

#### Affordable Housing

Core Strategy Policy CS 40 (Affordable Housing) states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable.

The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document, was adopted in December 2015 (Policy GAH2) and identifies the site as being within the 'City Centre' Affordable Housing Market Area where no contribution is required.

#### CIL

The development is CIL liable and the application site lies within CIL Charging Zone 4. The expected charge for student development will be £30 per square metre subject to index linked inflation.

#### SUMMARY AND RECOMMENDATION

It is considered that the local and national planning policies are closely aligned in this instance and therefore the tilted balance does not apply to this application. The proposed redevelopment of the site for residential purposes is in accordance with relevant national and local policies.

The proposal will provide the high density redevelopment of a sustainably located brownfield site. The design of the scheme is considered acceptable and will create a high quality, visually distinct tower that will create a local landmark.

The development will provide future residents with acceptable living conditions and will not have an unacceptable detrimental impact on the living conditions of existing residents.

The commitment to provide a financial contribution towards the implementation of a Controlled Parking Zone traffic management scheme is regarded as a positive element of the scheme, which will ensure that the development does not harm the local highway environment.

The negative aspects of the development in terms of the daylight and sunlight impacts have been explained and the overshadowing issues acknowledged. It is concluded that any concerns are outweighed by the overall benefits of the proposal.

The scheme complies with other policy requirements in relation to sustainability, flood risk and drainage, ecology and environmental matters (including micro-Climate).

In light of the above it is recommended that permission is granted subject to the listed conditions and to the completion of a legal agreement with the following Heads of Terms.

#### HEADS OF TERMS

Contribution of £14,074.76 towards the provision of the Kelham/St Vincent's Traffic Management Scheme.



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Case Number	19/01970/OUT (Formerly PP-07621419)
Application Type	Outline Planning Application
Proposal	Outline planning application for residential development of up to 67 dwellings (All matters reserved except Access) (Amended supporting submissions)
Location	Wiggan Farm 30 Towngate Road Sheffield S35 0AR
Date Received	30/05/2019
Team	West and North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

## **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 (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by the 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:

Redline application site plan published 31st May 2019  
Site access Plan and Highways works ref: YK976-2M.1

Reason: In order to define the permission.

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

5. 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.

6. 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.

7. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

8. 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.

9. No development shall commence until detailed proposals for surface water disposal from the south western part of the site (occupied by buildings and structures), including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

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 boundary. The development shall thereafter be carried out in accordance with the approved details.

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.

10. Prior to any works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the construction works shall only be progressed in accordance with the approved details:
  - a. Construction method statement.
  - b. Phasing of the works.
  - c. Any temporary site access for construction traffic.

- d. Location of site compound and any temporary car parking arrangements for contractors.
- e. Hoarding locations (also in relation to the public footpath flanking the western boundary).
- f. Haulage routes.
- g. Any times when construction works and movement of construction traffic will be restricted (owing to the close proximity of pupils walking to school).
- h. Full details of equipment for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway.

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

11. 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.

12. 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.

13. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority.

Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing with the Local Planning Authority and then implemented.

Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

14. No development shall commence until full details of measures to protect the existing TPO 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.

15. On or before submission of the Reserved Matters applications a Landscape and Biodiversity Enhancement Master Plan shall be submitted and approved in writing by the Local Planning Authority. The content of the Plan shall include:
  1. An assessment of baseline conditions set out in the ecological reports (Brindle & Green, PEA October 2020 and Protected Species Survey October 2018) and species surveys submitted with the outline application to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts.
  2. Provision and specification of bird nesting and bat roosts (boxes) opportunities within/adjoining the site.
  3. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously considered as part of this outline application, the originally approved ecological mitigation measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
  4. Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that no offence is committed in respect of protected species legislation.

16. Prior to the commencement of the development and the demolition of buildings an up to date bat survey for the development shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include the following:

- A. An up to date bat survey of the relevant buildings/trees affected to confirm the absence/presence and location of bat roosts (internal and external inspections of buildings as required);
- B. Mitigation and avoidance measures during demolition/clearance works;
- C. Time scales for the demolition and clearance of the relevant buildings.

The development shall be carried out and completed in strict accordance with the approved bat survey, mitigation and avoidance measures and agreed demolition timescales. If the relevant buildings are not demolished in the timescales agreed under part C) of this condition further bat surveys will be required in accordance with parts A), B) and C) of this condition.

Reason: To ensure that bats, a protected species, are not adversely affected by the development and to ensure that development.

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

17. 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 development is brought into use and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

1. Provision of a 2 metres wide footway across the Towngate Road frontage to the development site.
2. Provision of a new junction off Towngate Road serving the development site, with dropped kerbs and tactile paving.
3. Provision of a parking layby on the south side of Towngate Road.
4. Promotion of a Traffic Regulation Order in the vicinity of the development

site (waiting/loading restrictions) in accordance with the usual procedures, and provision of associated traffic signs and road markings.

5. Any accommodation works to street lighting columns, highway drainage, traffic signs, road markings, statutory undertakers equipment and general street furniture deemed necessary as a consequence of the development.

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.

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

19. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

20. 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.

21. Before any above ground works a detailed Employment and Training Strategy, which is designed to maximise local opportunities for employment from the construction phase of development, has been submitted to and approved by the Local Planning Authority.

The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the provision, distribution and specification of electrical car charging facilities within the development shall be submitted and approved in writing. Thereafter the electrical car charging facilities shall be provided in accordance with the approved details and retained.

Reason: In the interest of sustainability and minimising the impacts of climate change.

23. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the water main i.e. a protected strip width of 6 metres, that crosses the site. Trees shall not be planted within 5 metres either side of the centre-line of the aforementioned water main.

If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. Furthermore, if the water main is to remain in situ, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply

24. Should the clearance of site vegetation and/or trees take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably qualified ecologist no more than 48 hours before works commence to establish the presence of nesting birds. If active bird nests are present clearance works can only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

25. The submitted framework travel plan is approved. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local



Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed;
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority;
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield

26. Within 3 months of the commencement any phase of the development the applicant shall submit a lighting scheme, giving details of the lighting scheme (building and free standing) and the impact of light from the development. 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' and shall be designed with specific reference to protecting trees and any light sensitive ecological mitigation measures from obtrusive lighting.

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 ecology, the amenities of the locality and occupiers of adjoining property.

### **Other Compliance Conditions**

27. 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.

28. Surface water discharge from the eastern section (green field part of the site) of the completed development shall be restricted to a maximum flow rate of (3.5 litres per second).

Reason: In order to mitigate against the risk of flooding.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The developers' attention is drawn to the attached extract from the South Yorkshire Act 1980, regarding access for the Fire Brigade.
3. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Mr S Turner  
Highway Adoptions  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 4383  
Email: [stephen.turner@sheffield.gov.uk](mailto:stephen.turner@sheffield.gov.uk)

4. 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. 0800 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 the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

5. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

6. 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 Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

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

7. 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.

8. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.
9. 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](mailto:eps.commercial@sheffield.gov.uk).

10. The development should be designed and be built to Secured by Design standards. Please see link to SBD New homes 2019. Registration for Secured by Design Developer's award can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

Should you wish to discuss these recommendations, please contact:

Dene Tinker  
Designing Out Crime Officer  
South Yorkshire Police

Snig Hill Police Station  
Sheffield S3 8LY  
Tel: 011142964929  
e-mail: Dene.tinker@southyorks.pnn.police.uk

11. 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

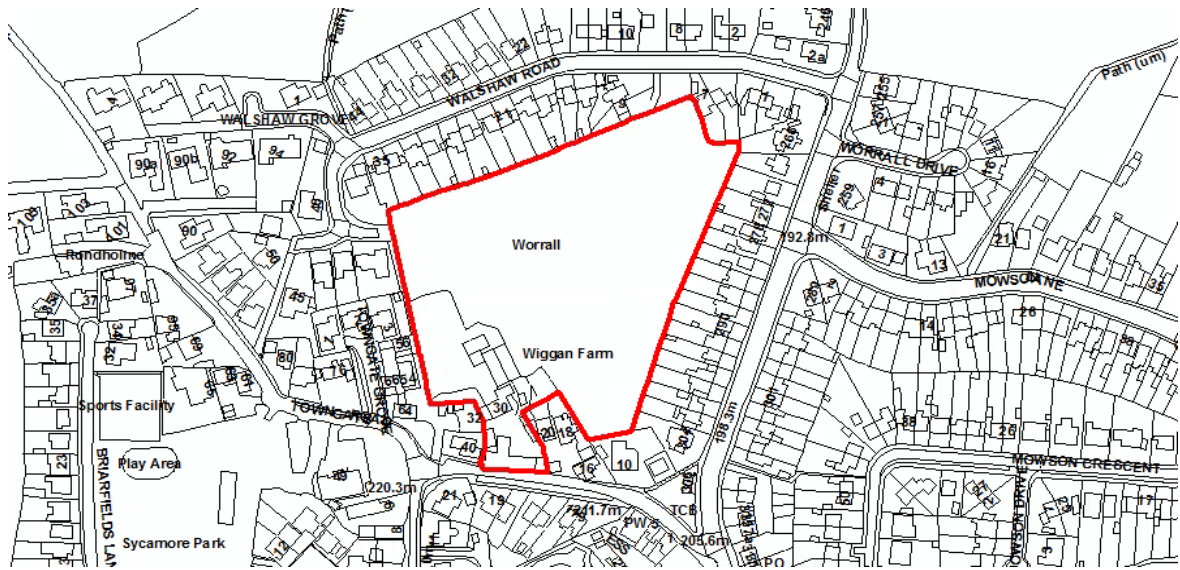
12. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

13. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
14. A 4" live water main is located partially along inside edge of the site boundary and could be affected by landscaping works and the vehicular access. Reserved matters submission(s) must take account of the presence of the pipe. For further information about the water main, the developer should contact: tech\_support.engineer\_south@yorkshirewater.co.uk

## Site Location



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## LOCATION AND PROPOSAL

This application relates to approximately 2 hectares of land located in the centre of the Village of Worrall. Approximately 1.7 hectares of the site is a steeply sloping field, the remaining 0.3 hectares is occupied by a farmhouse, ancillary farm buildings and hardstanding. A covered silage mound and a large quantity of wrapped hay bales are also present on site.

The site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and is surrounded by residential properties. All existing buildings within the site including the stone built farmhouse and barn which sits parallel to and alongside Towngate Road are to be demolished to form the site access.

There are several mature trees along the eastern site boundary which are protected by a Tree Preservation Order (TPO).

Outline permission for up to 67 dwellings is proposed. Means of access is the only matter under consideration. The appearance, landscaping, layout and scale (reserved matters) of the development are reserved for subsequent approval.

## PLANNING HISTORY

99/01599/FUL – Erection of 47 dwelling houses with garages and provision of associated roads and drainage – Refused.

## SUMMARY OF REPRESENTATIONS

The application was advertised by letter, site notices and a newspaper advert. 130 letters of objection have been received. The issues raised are summarised as follows:

### Highways

- The existing road network cannot cope with the volume of traffic and additional demands of this development.
- Haggstones and other surrounding roads are congested at busy times.
- The majority of Towngate Road is single carriageway and residents park making it hazardous for cars to pass each other, it is also used as a cut through to get to Kirk Edge Road.
- There is poor visibility to and from the proposed access.
- Safety issues on Towngate Road especially in bad weather, Top Road is only single width.
- Public transport services are inadequate, are already stretched, and have been reduced to an hourly frequency.
- The lack of public transport services will not help with the Council's aim of reducing single occupancy car journeys.

- There is only a footway on one side of Towngate Road creating safety issues for pedestrians, children accessing Bradfield School and the elderly attending the Worrall Memorial Hall.
- Roads are poorly maintained and there is a lot of commuter traffic in Worrall as drivers attempt to avoid congested areas of the city.
- An alternative access from Walshaw Road would be preferable from a safety and capacity perspective.
- There will be an increase in traffic accidents and deaths.
- Inadequate parking is provided for future residents and there would be a loss of parking for local people.
- The transport assessment is inaccurate – speed limits on nearby roads have not been recorded correctly, surveys were not carried out at the correct times (during half term) and there is no recognition of the volume of Heavy Goods Vehicles that use the surrounding roads.
- The development is contrary to CS23 of the Core Strategy as it is not a sustainable development.
- The development would exacerbate parking issues at Oughtibridge Primary School.
- It is unclear if the existing public footpath to the west of the site will be affected, it is an important route for local people.
- The travel plan measures will have little impact.
- The gradients around the site are very steep and do not encourage walking.

#### Design and layout

- There will be a loss fields and farm which contain historic building that contribute to the rural character of the village.
- Development is out of character with existing dwellings and should be constructed in a rural style.
- The density is too high and results in an overdevelopment of the site.
- A previous application for 47 houses was refused for overdevelopment and because it did not retain the existing farmhouse.
- Size, height and positioning of dwellings is unacceptable, particularly considering the sloping topography of the area.
- Previous cabinet reports states that the site can only accommodate 40 dwellings, why is the density now being increased?
- The presence of the farm and the open fields creates a sense of openness.
- Minimal gaps are left between properties to enhance views, contrary to the guidance in the South Yorkshire Residential Design Guide.
- New buildings should be constructed in natural stone, red brick, slate roof coverings and have high quality boundary treatment.

#### Ecology and Landscape issues

- Inadequate consideration of the impact on wildlife.
- Sheffield City Council have a legal obligation to protect bat roosts and habitat. They cannot be removed without a relevant European Bat license.
- There are bats living in the barn and foraging in the area.
- Barn owls hunt on the fields and live in the barn which is to be demolished.



- Several other species including birds, hedgehog's, badgers, shrews, voles etc. are present on the site.
- Trees on the site boundary are protected by TPO and will be affected.

#### Amenity

- Adjoining properties would be overlooked and privacy reduced.
- Large dwellings would be overbearing because of the topography of the site.
- Noise would increase and air quality would be affected by increase vehicle movements
- The construction process, associated traffic generation and movement of plant and equipment would have a negative impact on the amenities of residents.
- Lighting would affect the amenity of neighbours.

#### Other issues

- Planning consent has been refused on this site before.
- Infrastructure in the village is inadequate to cope with additional demand.
- Extra pressure has already been put on local services from other recently built or planned developments.
- School places are limited, or oversubscribed, and local health care facilities are operating above capacity. Existing infrastructure cannot support this development.
- Expansion of local schools would be detrimental to the quality of teaching/education offered.
- The proposal will reduce opportunities for other children in the area to access local schools.
- Affordable housing is not being provided for young people.
- Properties should not be allowed to be bought to let; they should be for local people.
- Surface water run off causes waterlogging of adjoining properties garden.
- Not enough information to determine the green or sustainability credentials of the proposal.
- Cumulative loss of green space in the Upper Don Valley when the development is considered alongside other developments.
- There are more suitable Brownfield sites elsewhere.
- Houses should be built where there are existing services.
- A smaller development would be more appropriate.
- Worrall will be nothing more than another suburb of the city.
- Increased demand on surface and sewage infrastructure.
- The development does not benefit local people who want to stay in the area.
- Farming should be encouraged for food production and biodiversity.
- Insufficient consultation has been carried out and the Council does not take account of resident's views.
- There has been no meaningful engagement with residents in advance of the submission of the application.
- Who would be responsible for maintaining trees on the site boundary?
- The farm is still used, grass is grown, cut and bailed and used for feed.
- Loss of value of surrounding houses.

- The development will affect property values.
- Retaining wall between house and garden and house foundations could be affected by heavy lorries and machinery.
- Who will take responsibility for the maintenance of trees on site?  
The development should have been more widely publicised in the community by the developer.
- Increase in waste.
- Cynical exercise to make a profit on a small piece of land for a few people.
- Houses will be bought by investors to let.
- Time frame to submit comments is inappropriate for the size of development
- Loss of views.

Worrall Environmental Group object on the following grounds:

- Substantial increase in traffic far in excess of the capacity of the roads to cope and will cause safety issues.
- The loss of the buildings, dating from the 1700's, will harm the heritage of the village.
- Destruction of the natural environment of bats and hedgehogs.
- Impact on local services – education, medical, emergency services and public transport.
- Local school children cannot get places at the local school already.
- There are no affordable houses and few bungalows.
- Overdevelopment of the site.

Councillors David Baker and Penny Baker have objected to the proposal. The grounds for objection are:

- Overdevelopment of the site.
- Loss of infrastructure.
- Impact on the biodiversity of the site.
- Insufficient school places in the area.

Councillor Vicky Priestly objected on the following grounds:

- Overdevelopment of the site.
- Development removes and does not enhance the character of the area.
- New properties are too dominant and will cause a loss of privacy.
- Development will create drainage issues for residents below the site from increased hardstanding.
- Winter weather can cause the bus service to stop and some drivers take their cars off the steep hills or they cannot get out. Roads are not gritted so cars park near the main roads to prevent being snowed in. This will worsen with the new development and will also affect the residents living at the bottom of the proposed development who will have to drive up the hill to exit the site.
- Worrall has limited public transport so car trips will increase. Exits onto the main road are already difficult and the development will create increased use of the junctions worsening the problems.

- Towngate Road is unsuitable for the amount of traffic that will be using it.
- There will be increased competition for school places and children will need to be driven to other areas to access facilities.
- There will be an increase in the demand for doctor's appointments.
- There will be a loss of habitat for bats and birds of prey.
- The application creates nothing positive for Worrall. It is an overdevelopment resulting in loss of privacy, open space, wildlife historic buildings and will increase traffic problems. It will spoil the character of the village.

Bradfield Parish Council have objected on the following grounds:

- Overdevelopment of the site.
- Loss of privacy to existing houses due to land levels.
- Loss of green space.
- Loss of historic buildings.
- Impact on wildlife. The wildlife corridor should be preserved.
- Application not advertised properly.
- Single track access to site unsuitable, increase in traffic accessing the site including delivery vehicles.
- Reduction in pedestrian safety.
- Loss of village character.
- Infrastructure (education and health) unable to cope with increased demands
- Concern over flooding in exceptional circumstances.

Hallamshire Historic Buildings has objected on the following grounds:

- The barn and farmhouse are valued heritage assets that make a significant contribution to the local historic environment and the setting of the listed buildings, 64 and 66 Towngate Road and Fox House.
- Demolition would harm the setting of the listed buildings and erase the remaining record of farming which brought the village into existence.
- The character of the area is defined by the older buildings including the barn and farmhouse at Wiggan Farm. The barn is highly visible, creates a characteristic streetscape preserving an agricultural use and is also an attractive building.
- The Heritage Statement fails to examine the significance of the building contrary to the guidance in the NPPF and UDP policies BE5(i) and BE20 which for the re-use of good buildings and encourage the retention of local historic buildings.
- The Planning (Listed Buildings and Conservation Areas) Act 1990 required LPA's to have special regard to the desirability of preserving the building or its setting and when considering if the public benefits outweigh that presumption, should give the preservation considerable importance and weight. NPPF para 194 requires any harm to have clear and convincing justification.

- The presumption in favour of sustainable development does not apply where other framework policies including heritage protection policies provide a reason to refuse, as defined in NPPF para 8 and para 11) d) (i).
- Where there is harm, there is an obligation to consider alternatives. In this case there is an alternative which is to take access from Walshaw Road which is preferable in highway safety terms.
- If in highway terms the application is acceptable, any permission should make it clear that approval has not been granted for the impact on heritage and that reserved matters approval is unlikely to be given to the proposal due to the effect on heritage assets.
- A condition should be imposed prohibiting any demolition until all reserved matters have been approved.

Sheffield and Rotherham Wildlife Trust has commented as follows:

- House sparrows are mentioned briefly on the submitted report but there is no mention of barn swallows. A repeat survey should be carried out for this species and adequate owl surveys.
- There is no adequate mitigation or compensation for birds, or any ecology or green infrastructure included so the development is unlikely to provide a biodiversity gain. As well as tree planting, there could be ecological enhancement for birds and bats and a range of high-quality roosting features built into all the buildings. Porous boundary treatments should be used to allow the passage of hedgehogs and other small mammals
- The recommended additional bat surveys are supported and should be commissioned as soon as possible surveys prior to any demolitions should also take place.
- Additional green infrastructure should be provided such as native tree and shrub planting and/or wildflower areas.
- An Ecological Design Strategy should be required as a condition should permission be granted.

In support/neutral comments:

- The development will enhance the village if infrastructure is enhanced.
- More bungalows could be provided so people wishing to downsize can stay in the village.
- It would be great to consider affordable housing for local people.
- Several village businesses would benefit from the development.
- All homes should be provided with electric charging points to encourage greener cars and getting the homes more sustainable and future proofed.

A second round of public consultation was undertaken in November 2020 following updates to the heritage, ecology and planning statements.

An additional 44 comments were received, 43 objections and 1 letter of support.

Only new issues raised have been summarised:

- All previous objections should be considered.

- The amended reports do not address residents' concerns.
- A housing development has been refused on this site before.
- The site is in the Green Belt.
- It is optimistic to assume that residents would only have one car.
- Comments made during the pre-application consultation were not taken seriously by the developer.
- Public transport enhancements are required.
- Fencing and boundary treatment will harm the character of the area.
- There is continuing evidence of bat activity in the trees on the site edges.
- Fences and boundary treatment will stop the passage of wildlife.
- The importance of historical buildings is increased as a result of previous development.
- Increased hard surfacing will increase flood risk for surrounding properties.
- A road safety audit should be carried out.
- The destruction of heritage assets will damage the character of the area.
- The ecology surveys are inaccurate, several different species have been seen on the site.
- Impacts on the quality of life of residents.
- There will be an overwhelming impact on the wider communities of Oughtibridge, Worrall and Stocksbridge from all the recent development that has been permitted.
- The re-opening of the pub has increased on-street parking.
- Loss of property values.

#### Hallamshire Historic Buildings

- Previous objections reiterated.
- The demolition of a heritage asset of great local significance will cause harm to the setting of listed buildings. This is sufficient to engage the strong presumption against granting permission contained in the Planning (listed Building and Conservation Areas) Act 1990 s66 (1) and the courts requirement to rigorously consider alternatives that avoid harm.
- Council officers have already identified an alternative access to the site and as the applicants continue to decline this offer the application should be refused.
- As buildings are not being reused no claim can be made of environmental sustainability. It does not support the NPPF aims that the planning system should support a transition to a low carbon future, which encourages the reuse of existing resources including buildings.

#### Neutral/Support

- A fantastic addition to the area where housing is needed and avoids development on flood plains.

#### Olivia Blake MP objects on the following Grounds:

- Overdevelopment. Worrall is a small village and cannot accommodate a development of this size.

- Concerns with the loss of the historic barn and which would entail the destruction of a heritage asset that makes an important contribution to local history.
- Demolition is costly and wasteful, and it is disappointing that the buildings could not be reused.
- Loss of valuable green space that is of ecological value resulting in a loss of wildlife.
- Worrall is surrounded by Green Belt and there is concern that this development pave the way for future developments on sites we should be protecting.
- There will be a negative impact on local infrastructure particularly schools.
- There is insufficient transport infrastructure to support the development.
- Highways safety concerns as a result of 67 houses being built, Towngate Road is narrow as are the footpaths. There are tight bends and these factors have not been adequately considered.
- The development does not address affordable housing needs and a revised application for less dwellings, reused existing buildings and reduced carbon emission would be more welcome.

## PLANNING ASSESSMENT

### Policy Context

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

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework does however make it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 213) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date,

planning permission should be granted unless:

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

This is referred to as the “tilted balance”.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 makes specific reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer (which for SCC is 5%, pursuant to para 73 of the Framework) the policies which are most important for determining the application will automatically be considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

#### Land Use

The entire site is in an allocated Housing Area as defined in the UDP. The development accords with Policy H10 of UDP which identifies housing (use class C3) as the preferred use of land in the policy area.

Policy CS23 states that in the larger villages of Oughtibridge, Worrall and Wharnclyffe Side housing development will be limited to suitable, sustainable sites within the existing built-up. The site is clearly within the built up area of Worrall. The sustainability of the site is considered elsewhere in the report. The principle of the development is acceptable subject to compliance with relevant local and national policies and material considerations.

#### Brownfield/Greenfield Issues

The section of the site that accommodates the existing farmhouse building is classed as brownfield land. The field is a greenfield site. Land last occupied by agricultural buildings including the barn, sheds and related structures on site are excluded from the definition of previously developed land (Annex 2 of the Framework) and are therefore greenfield.

Core Strategy Policy CS24 identifies that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26. In the period to 2025/26, greenfield sites should also only be developed for housing in certain circumstances, including on small sites in urban areas or larger villages where it can be justified on sustainability grounds, and on sustainably located larger sites within or adjoining urban areas provided annual monitoring shows that there is less than a five year supply of deliverable sites.

Completions of properties on greenfield sites have not reached the 12% stated in CS24 and are closer to 5%. Moreover, this is considered to be a reasonably sustainably located site, which makes efficient use of land and is not considered to harm the character of the area.

Unlike CS24, which stipulates a proportionate prioritisation of brownfield land, the Framework actively promotes the reuse of brownfield (previously developed land) but does not specifically advocate a 'brownfield first' approach. Given this, policy CS24 carries reduced weight.

Nevertheless, the proposals are considered to comply with both CS24 and the Framework, which places great emphasis on boosting the supply of homes and attaches great weight to the development of suitable windfall sites within existing settlements such as this for the important contribution they can make to meeting housing requirements.

### Housing Land Supply

The Framework requires local authorities to identify a 5-year supply of specific 'deliverable' sites for housing. CS22 of the Core Strategy sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, as the Local Plan is now more than 5 years old, the Framework requires the calculation of the 5-year housing requirement to be undertaken based on local housing need using the Government's standard method.

Sheffield has updated its housing land supply based on the revised assessment regime, and now has a 5.1-year supply of deliverable housing units in accordance with the requirements of the Framework. The government still however attaches significant weight to boosting the supply of new homes. Up to 67 dwellings would make a positive contribution to the City's obligation to maintaining a 5-year supply of deliverable housing. This is attributed weight in the balance of this decision, particularly given how narrow the 5-year supply is.

### Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility.

The highest density of development is promoted in the most sustainable/accessible locations.

CS26 is consistent with paragraph 122 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approx. 2 hectares and if 67 dwellings are developed this would equate to a density of approximately 33.5 dwellings per hectare. This is reflective of the



density and varied pattern of development in the locality. The density of the scheme is therefore acceptable.

### Loss of Agricultural Land

The site contains 1.7 hectares of agricultural land primarily used for grazing.

Policy GE7 of the UDP is concerned with the protection of the rural economy and agriculture. The permanent loss of the best and most versatile agricultural land should not be permitted and neither should development that seriously harms agricultural activities or the viability of a farm. More up to date policy in the Framework (paragraph 170) requires the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land - to be recognised.

Footnote 53 of the Framework clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land lies in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The weight attributed to GE7 is reduced as a result of the more flexible approach advocated by the Framework.

Considering the sites limited size and location in the centre of a village there would be no significant loss of agricultural land. Farming activities at the site have dwindled over the years. Only some of the building are used for storage and the field for occasional grazing. The economic impact of the loss of the site is therefore low and to an extent counterbalanced by the economic benefits derived from the proposed development. Furthermore as the land is grade 4 (poor quality) in accordance with the ACL, the development would not result in the loss of the best and most versatile agricultural land that the Framework seeks to protect.

There are no policy objections to the loss of this small parcel of agricultural land.

### Design and Layout

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 124 identifies that good design is a key aspect of sustainable development.

Paragraph 127 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments:

- add to the quality of the area;
- are visually attractive as a result of good architecture, layout and landscaping;
- are sympathetic to the local character and surrounding built environment;
- establish and maintain a strong sense of place;
- optimise the potential of a site and create places that are safe, inclusive and accessible.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. These policies are reflective of the aims of the Framework and are considered to carry substantial weight.

The detailed design of the scheme including the layout, scale, external appearance and landscaping are reserved for separate approval. An indicative site layout drawing has been submitted along with formal details of the access from Towngate Road.

This site is enclosed by development on all sides and whilst the site slopes steeply new dwellings will be read in the context of surrounding built form and so will not appear prominent or visually harmful.

The mature trees, which are protected by TPO should be retained and a layout can be designed to avoid the root protection areas.

There are a variety of styles of housing of differing character and appearance in the locality. A self-contained development such as this is not considered to harm the character and appearance of the area.

Impact on Heritage Assets.

The Framework attaches great weight to the conservation, protection and preservation of heritage assets (Chapter 16 of the Framework). They are identified as irreplaceable resources that should be conserved in a manner appropriate to their significance.

Annex 2 of the Framework provides a definition of a 'designated heritage' asset. It includes listed buildings, conservation areas, ancient monuments.

The more important the designated heritage asset, the greater the weight should be given to its protection. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the asset's significance.

Clear and convincing justification is required for any development that causes harm to, or the loss of significance of a designated heritage (including its setting).

Permission should be refused where development results in substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, subject to the criteria a to c of paragraph 195 of the Framework.

Where a development results in less than substantial harm to a designated heritage asset, the harm must be considered against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are no designated heritage assets within the site. There are however three Grade II listed buildings (dwellings) within the vicinity. Nos 64 and 66 Towngate

Road are located immediately to the west of the site and Fox House is some 50 metres to the south west on Top Road. The effect on the setting of these designated heritage assets must be considered.

The Framework distinguishes how the effect on a designated (including its setting) and non-designated heritage asset should be considered. In weighing up if a proposal directly and indirectly affects a non-designated heritage asset the Framework requires a balanced judgement be made, having regard to the scale of harm or loss of significance of the asset.

The existing late 17<sup>th</sup> or early 18<sup>th</sup> century Farmhouse and 18<sup>th</sup> Century stone barn with 19<sup>th</sup> and 20<sup>th</sup> century additions proposed for demolition are non-designated heritage assets. The other more modern utilitarian farm structures are not heritage assets.

At a local level UDP policy BE19 aims to protect the setting and appearance of listed buildings. BE20 identifies that the retention of other historic building which are of local interest but not listed will be encouraged wherever practicable. BE15 seeks to preserve and enhance buildings which are important parts of the Sheffield's heritage.

Policy CS74 of the Core Strategy also identifies that high-quality development is expected and development should respect the distinctive heritage of the city including historic village centres and the city's rural setting. The aims of these policies are considered to be consistent with the Framework and are afforded weight.

In addition to identified local and national policy requirements when making a decision on a planning application for development that affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. These obligations are set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have been considered in the determination of this application.

In accordance with the requirements of Paragraph 189 of the Framework the applicants have submitted a Heritage Statement. As amended the statement considers the impact of the demolition of the barn and farmhouse (non-designated heritage assets) and the significance of the impact on the setting of the Grade II listed buildings (designated heritage assets) nearby.

The farmhouse and barn do not appear on a local listing and do not benefit from any local conservation/heritage designation or protection. Historic England rejected an application to list the buildings (individually and as a group) in 1998 as they had been substantially altered and modified.

The applicant's heritage assessment concludes that the total loss of the farm buildings (barn and farmhouse) and potential below ground archaeology would

correspond to a very negative effect from the loss of their local heritage significance.

The loss of the associated open land is also determined to have a negative effect on the setting of the grade II listed buildings, nos. 64 and 66 Towngate Road and Fox House on Top Road from the loss of the positive contribution these assets make to historic landscape character.

However, the harm arising from the loss of the positive contribution made by the site is considered to amount to no more and a low negative effect, resulting in less than substantial harm to their significance and towards the bottom end of that scale.

The setting of the designated heritage assets makes a low contribution to their significance, largely due to the substantial loss of historic landscape character that has occurred over the years through modern infill development. The legibility of the assets historic surroundings is already negatively affected by modern development as is its contribution to their significance. Given this the assets sensitivity to further change is low.

Considering the existing harm, the sensitivity of the setting of the listed buildings to further change is reduced, to an extent that it is less than substantial harm and towards the bottom end of that scale.

The Council's Conservation Officer considers that a robust assessment of the impact on designated and non-designated heritage assets has been conducted in accordance with policy guidance and concurs with the conclusions of the heritage statement.

A balance judgement must be reached having regard to the scale of harm or loss of and the significance of the barn and farm buildings (non-designated heritage assets) in accordance with paragraph 197 of the Framework.

Special regard and great weight is afforded to the conservation of a listed building and its setting. However, as impacts are considered less than substantial, the harm must be weighed against the public benefits of the scheme in accordance with paragraph 196 of the Framework.

The Council has a 5-year supply of deliverable housing sites. However, given the importance the Government attaches to boosting the supply of housing and how narrow the supply position is (5.1 years) the delivery of up to 67 homes is afforded substantial weight in the balance of this decision. As is the commitment to deliver affordable housing (10%) without further viability assessment, which will contribute towards meeting identified housing needs in the Rural Upper Don.

Economic growth is a strong theme of the Framework. The scheme has the potential to deliver economic benefits at the construction phase, including local employment opportunities in liaison with Talent Sheffield, an increase in Council tax, the provision of the new homes bonus and increased economic activity and expenditure from new occupants of the dwellings.

Given the low heritage significance of Wiggan Farm and the low impact on the designated assets of nos. 64 and 66 Towngate Road and Fox House the public benefits of the scheme outlined above are considered to outweigh the less than substantial harm to the setting of the listed buildings and total loss of the undesignated farm house and barn.

The applicant does not control additional land that could afford alternative access to the site, mitigating the need to demolish the existing buildings on site. The current proposal has therefore been considered on its merits.

Any potential for below ground archaeological interests can be dealt with by condition.

The scale and design of the houses positioned closest to the listed buildings will need to be considered at reserved matters to ensure an appropriate visual relationship between the heritage assets and the development.

Paragraph 198 of the Framework seeks to protect heritage assets from unnecessary demolition without taking reasonable steps to ensure that the new development will proceed. A suitable planning condition is recommended to prevent demolition works from taking place without evidence (contracts) being provided for the redevelopment of the site.

Considering the above the public benefits of the scheme are considered to outweigh the less than substantial harm afforded to the setting of the listed building and the loss of the non-designated heritage assets. The proposal is considered to be acceptable from a heritage and design perspective.

#### Highway Issues

The Framework (paragraphs 102 to 111) promotes sustainable transport. Paragraph 108 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield and CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City.

Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

The Framework (paragraphs 102 to 111) promotes sustainable transport and as

such these local plan policies can be considered to have substantial weight in this context. Paragraph 109 of the Framework does however make it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Access

The site is currently accessed from Towngate Road. Outside the site entrance and just to its west the carriageway is narrow, the impact of which can be compounded by on-street parking. In order to accommodate access for a 12 metre long refuse/removal vehicle, a parking layby is to be constructed in the grass verge on the opposite side of the road (with porous paving) which would allow existing residents to park their cars completely clear of the carriageway. To accommodate the access the farm buildings including the barn which sits on the northern edge of the carriage way is to be demolished.

Officers asked the applicant if access could be taken from the eastern end of Walshaw Road, where there is a gap in the housing. However, this land is not within the applicant's control and the proposed access arrangements must be considered on their merits. The proposed access road would be 7 metres wide for the initial 10 metre length, before tapering down to 5.5 metres. 2 x 2-metre-wide footways would be provided each side of the access road and a section of new 2.0m wide footway provided across the site frontage to Towngate Road.

Speed measurements have been taken along Towngate Road and visibility splays from the site of 2.4 metres x 32 metres are required. Greater than 32 metres has been achieved as 2 metres wide footways are proposed along the site frontage on Towngate Road.

Personal injury accidents have been reviewed for the years 2014 to 2017. During that period, 1 accident occurred on Walshaw Road and no serious injuries were recorded. No accidents were recorded on Towngate Road, which has a continuous footway to the rear of the grass verge for pedestrians and pupils should they chose to use this route. Given the modest increase in traffic generated by the development, there is no reason to believe that the safety of pupils walking to school or other pedestrians would be compromised.

The design of the access when considered alongside the proposals to provide off street parking in the verge opposite the site is considered safe and meets highways standards.

### Traffic Generation

The application is supported by a Transport Statement and Framework Travel Plan. The applicant's Transport Assessment (TA) has assessed (informed by surveys) the likely levels of vehicular traffic generated by the existing and proposed use for both the AM and PM peak periods. Calculations are made for the peak periods as these will be the periods when the development has the greatest impact.

Traffic generation for up to 67 dwellings has been derived by undertaking traffic surveys of movements into and out of Towngate Road and also Walshaw Road as it provides access to 57 family sized houses. Based on data from these surveys (factored for 67 houses at Wiggan Farm) the AM weekday peak hour would be 27 departures, 11 arrivals (38 two-way movements). The PM weekday peak hour would be 13 departures, 24 arrivals (37 two-way movements). This level of traffic generation would not materially affect the safe and efficient operation of the local highway network.

### Sustainable Access

A good range of facilities are available within the village, including a local shop and post office, hairdressers, Worrall Community/Memorial Hall, the Blue Ball Public House and Bradfield School, all of which are within acceptable walking distances of the site. The continued viability of these facilities is likely to be supported by the development.

There is no primary school in Worrall. Children will have to attend school in adjoining areas as existing residents do. Bradfield secondary school is located to the west within walking distance of the site.

The nearest bus stops are located on Haggstones Road which is approximately 200m from the centre of the site. The 57/57A provides an hourly service to Stocksbridge (via Oughtibridge) and Sheffield city centre. Supertram services in Hillsborough also provide onward connections to the City Centre. SYPTC have confirmed that the current public transport network is wholly funded to provide 100% of the pre covid mileage even while passenger levels and revenue have been significantly reduced. Post covid future service provision city wide will be dependent on what funding is available locally and nationally. However, it could be argued that a further 67 dwellings could generate an uptake in bus use that helps to sustain existing services.

There is a public footpath running along part of the western boundary of the site. A spur would be created into the site from it, offering a second route to the bus stops via Walshaw Road. There are gradient differences between the site, bus stops and some local facilities on Haggstones Road. This occurs as a result of the area's natural topography and the gradients are not considered to be so significant that they represent a major impediment to access.

A Framework Travel Plan has been submitted with the application, upon which a detailed travel plan will be based, and operated upon occupation.

### Parking

No details of vehicle parking are provided as part of this application; however suitable provision for future residents will need to be accommodated within the site.

### Highways Conclusion

The amount of traffic generated by the development can be readily accommodated on the adjoining highways without threatening highway safety or giving rise to any residual cumulative impacts on the road network that are considered to be severe (Framework paragraph 109). The proposal is considered to be acceptable from a highway perspective.

#### Impact on the Amenities of Neighbouring Property and Potential Occupiers

Paragraph 127(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180). Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) are considered to align with the Framework as they expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents.

Policy H15 (Design of New Housing Developments) expects developments to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents. These local policies retain weight as they seek to ensure existing and future users are offered a good standard of amenity which accords with the aims of the Framework. The indicative layout plans show that the site is large enough to accommodate up to 67 dwellings without being overdeveloped.

The site slopes steeply from west to east as does Walshaw Road and Towngate Road. A residential development could be devised that protects the amenities of existing residents from overlooking, overshadowing, overbearing while providing suitable living conditions for future residents.

Traffic movements associated with the scheme are not significant. There is adequate separation between the proposed access road and adjoining properties to minimise any noise and disturbance from vehicle movements.

This is an established residential area and the site is not affected by any noise or other environmental conditions. The removal of farming activities which can cause odours, traffic, noise and general disturbance could benefit the amenities of existing residents.

Noise and general disturbance during the construction and demolition phase can be managed by a Construction and Environmental Management Plan (CEMP) secured by condition.

A more detailed assessment of amenity issues will be carried out at reserved matters stage when the proposed layout, scale and external appearance of development is known.

The proposal is acceptable from a residential amenity perspective.



## Landscape and Ecology Issues

Policy CS74 of the Core Strategy expects high-quality development that respects and enhances the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Policy GE11 of the UDP seeks to protect and enhance the natural environment and promote nature conservation. UDP Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained

Paragraph 170 (a) and (d) of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment, mitigating harm on and provide net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the Framework and therefore retain substantial weight.

The application is accompanied by an Ecology Assessment which identifies those habitats and species present on site and assesses the potential impact on the identified habitats. A bat survey of the vacant buildings has also been carried out.

The ecology assessment was updated in October 2020 as the initial assessment was over 24 months old.

The conditions relating to habitats and species have been identified through desktop surveys, national and local databases and through supplementary field survey work.

The reports have been considered by the Council's Ecology Section and the survey and assessment methods used are acceptable.

The site is not covered by any specific ecological or landscape designations in the UDP. The site is characterised by poor semi improved grassland, building and associated hardstanding and is deemed to be of low ecological value.

Site survey work has identified that no protected species including badger, bats or reptiles would be harmfully affected by the development. No evidence of Barn Owls was recorded. Several of the buildings were considered to have the potential to support bat roosts and have been the subject of further detailed survey work. A single transitional bat roost was identified in the barn that requires a Natural England European Protected Species License or Bat Low Impact Class License to be secured if planning permission is granted. Bats were noted to be foraging in the locality of the buildings. Bats are highly mobile and roost locations can change. As such it is recommended that a further survey is carried out prior to demolition work taking place, details of which can be secured by condition. Further reptile surveys did not identify the presence of any species on site.

The submitted ecology reports recommend that a series of standard precautionary measures are put in place, to prevent species that may have entered the site from being harmed during the construction phase of the development, details of which can be secured by condition. No evidence of hedgehogs was recorded.

The Wildlife and Countryside Act gives general protection to wild birds and it is illegal to disturb wild birds while they are nesting. There is limited tree cover and nesting potential on the site. The trees on the eastern site boundary are protected by TPO and any nesting potential they offer is unlikely to be affected by the development. Clearance of breeding bird habitat should take place outside of the breeding bird season and should be the subject of a pre-clearance survey. Bird (swallow and sparrow) nesting boxes, bat boxes and new landscaping should be provided within the site.

Considering the above the development is considered to be acceptable from an ecology perspective.

### Sustainability

Chapter 14 of the Framework deals with the challenges of climate change and identifies the planning system as playing a key role in reducing greenhouse gas emissions and supporting renewable and low carbon energy. Paragraph 153 of the Framework makes it clear that new development should comply with local requirements for decentralised energy supply unless it is not feasible and viable, and that buildings are designed to minimise energy consumption.

The Climate Change and Design Supplementary Planning Document and Practice Guide 2011 supports Policy CS63 of the Core Strategy which sets out the overarching approach to reducing the city's impact on climate change which includes prioritising sustainably located development well served by public transport, development of previously developed land and the adoption of sustainable drainage systems.

Policy CS64 of the Core Strategy seeks to ensure that new buildings are designed to reduce emissions of greenhouse gases through high standards of energy efficient design. Policy CS65 promotes renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

These local policies are considered to robustly align with the Framework and are afforded substantial weight.

The site is sustainably located within the existing built up area of Worrall. As this is an outline application the applicant has not provided any detailed information on how they intend to meet the requirements of CS65. Details will therefore be secured by condition.

Facilities to enable the charging of plug in and other ultra-low emission vehicles

which are encouraged to be provided by Paragraph 110 e) of the Framework, will also be secured by planning condition.

The failure to reuse existing buildings within the site is a negative aspect of the scheme, however it is not afforded significant weight in the context of the overall planning balance.

The development is considered to be acceptable from a sustainability perspective.

#### Drainage and Flooding

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of Sustainable Drainage Systems or sustainable drainage techniques, where feasible and practicable. Policy CS 63 (Responses to Climate Change) also promotes the adoption of sustainable drainage systems (SuDS).

The Framework seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 and 3). It also seeks to reduce the effects of flooding through the use of sustainable drainage systems. CS 63 and 67 are considered to be compatible with the Framework in terms of reducing the impacts of flooding and therefore retain substantial weight.

The site is in Flood Zone 1 (the lowest risk of flooding). The management of surface water is therefore the primary consideration. The Environment Agency's surface water flooding maps show that a small part of the site, where some of the existing buildings are located, is at low risk of surface water flooding.

The applicant's FRA identifies that the use of SUDS is not appropriate for this site.

The Lead Local Flood Authority (LLFA) concur with the applicant's assessment that ground conditions (infiltration), site gradients and the absence of watercourses rule out the use of SuDs.

Surface water is proposed to discharge, at a restricted rate, to the combined sewer on Walshaw Road. Below ground tanks are indicated to provide surface water storage. Yorkshire Water has no objection to the scheme subject to conditions requiring the discharge of surface water to be reduced, the submission of detailed drainage design and for further detailed assessment of all available SuDs methods.

The proposal is acceptable in principle from a drainage perspective. Conditions will be imposed to secure the management of surface water.

#### Archaeology

The assessment has not identified any known archaeological resources within the site, although a review of records in the wider area has identified a low to moderate potential for evidence of medieval to early post-medieval activity due to the location of the site within the historic core of Worrall, any evidence of which would

potentially be of local significance for its value in increasing understanding of the origin and nature of earliest phases of settlement in the area.

Details of appropriate archaeological investigations can be secured by condition.

#### Land Contamination

Para 178 of the NPPF identifies 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. This includes risks arising from natural hazards or former activities such as mining.

As part of this application, a Phase 1 site investigation report has been submitted which recommends that further site investigations are required to establish potential of ground contamination. The report confirms that the development is unlikely to be influenced by ground gas associated with coal seams or historic landfill. The Council's Environmental Protection Service recommend that a series of conditions are attached to secure further site investigations and any remediation measures necessary to protect future residents.

#### Affordable Housing

The site falls in the Rural Upper Don Housing Market Area. The Council's CIL and Planning Obligations Supplementary Planning Document (SPD) requires 10% of the gross internal floor area of the development to be transferred to a Registered Provider at the Transfer Price, subject to viability. Affordable housing should be delivered on site unless a robust justification for an off-site financial contribution is made in accordance with the Framework (Paragraph 67).

As this application has been submitted in outline with all matters, except access reserved, the exact number of dwellings, design and layout of the scheme is not known. The applicant is however committed to the delivery of affordable housing and willing to sign a section 106 that forgoes further assessment (at reserved matters stage) of the scheme's viability. The weight that can be attributed to the delivery of affordable housing at this outline stage is therefore substantial.

The Council's housing section have identified the main priority for affordable housing is two- and four-bedroom homes. Shared ownership and equity tenure are identified as suitable for some of the units. The types and tenures of the affordable housing will need to be considered more thoroughly at reserved matters stage.

#### Health Facility Issues

Residents and the NHS trust have raised concerns with the existing capacity of medical practices and their ability to cope with additional service demands associated with this and other recently permitted schemes in the Oughtibridge area.

The perceived capacity issues are acknowledged however a development such as this, for up to 67 dwellings, falls well below the threshold (1000 dwellings) identified

in the CIL and planning obligations SPD where financial contributions, beyond those secured through CIL, are required for health-related infrastructure. Any enhancement of local health care facilities will need be delivered through the Community Infrastructure Levy.

### Education Issues

The School Organisation Team have identified that the site is in the catchment area for Oughtibridge Infant and Junior School (primary) and Bradfield School (secondary).

Oughtibridge Primary School is currently full and oversubscribed in all year groups. The potential additional yield of school age children generated from this development is anticipated to exacerbate existing capacity issues. Forecasts show there will be continuing capacity issues at primary level in the catchment in the coming years.

The situation is slightly different at secondary level. Bradfield Secondary School is currently full and oversubscribed, and forecasts show this trend is likely to continue.

However, most of the pupils accessing the school are from within its own catchment area and forecasts suggest the school would continue to be able to accommodate catchment demand when this development is accounted for. Pupils from out of catchment who may want a place at Bradfield may be unable to access one.

Forecasts suggest that these out of catchment pupils can however be accommodated at other local schools.

Education capacity issues are acknowledged however the development of this site falls well below the thresholds (500+ dwellings for primary and 1000+ for secondary) set out in the CIL and Planning Obligations SPD whereby section 106 education contributions are required. Any additional education provision will therefore need to be funded through CIL or other funding streams.

### Community Infrastructure Levy (CIL)

Sheffield has an adopted Community Infrastructure Charging schedule. The site falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The funds generated through CIL will be used in connection with strategic infrastructure needs.

### Employment, Regeneration and Training Strategy

The Council promotes local employment and training as part of developments in order to maximise the economic and social benefits of the development. A Local Employment Strategy will be secured by conditions to encourage the developer to

work with Talent Sheffield to deliver local employment and training opportunities during the construction phase.

#### Public Art

Policy BE12 of the UDP identifies that public art should be an integral part of the design of major developments. Details will be secured by condition.

#### Statement of Community Involvement

The Council, in its Statement of Community Involvement (SCI), and the Government (in paragraphs 39 to 42 of the NPPF) encourage applicants to undertake pre-application discussions with the Local Authority and to engage with the local community and statutory and non-statutory consultees before submitting an application. The applicant engaged in the Council's paid pre application service in August 2018.

In addition, the applicant sought to engage with the local community, Ward Members and Bradfield Parish Council through a letter drop carried out in September 2018.

140 addresses were notified, and responses requested within a three-week period. 39 electronic responses were received covering a wide variety of issues including, traffic and highways, impact on local services and infrastructure, ecology and wildlife, design and loss of heritage, amenity concerns, flood risk and drainage, affordable housing, opens space and devaluation of property.

The applicant's pre-consultation exercise broadly accords with the guidance in the SCI and complies with the advice in paragraphs 39 to 43 of the Framework.

#### RESPONSE TO REPRESENTATIONS

The previous application was refused in 2000, 12 years prior to the publication of the Framework, which is a material consideration.

Measures to mitigate the impacts of the construction phase can be secured by requiring the submission of a Construction Environmental Management Plan (CEMP).

Any impact on property values, whether perceived to be positive or negative, is not a planning matter.

The application was advertised in accordance with the Council's adopted Code of Best Practice for consultation on planning application. Individual letters of notification were sent out, notices were posted on site and a press notice was published in the Sheffield Telegraph.

In planning legislation there is no right to a view across another person's land.

Adjoining residents will have the opportunity to raise further comments at the

detailed design stage should a reserved matters application be submitted.

The structural stability of boundary walls is a private matter.

The transport assessment is robust and representative of the impact of the development. It has been based on traffic surveys of the highways adjoining the site.

The development falls below the threshold where an air quality assessment is required.

All other issues are covered in the main body of the report.

## SUMMARY AND CONCLUSION

Outline planning permission to erect up to 67 dwelling houses is proposed. Access is the only matter under consideration. The external appearance, layout, scale and landscaping (reserved matters) of the site are reserved for subsequent approval.

The site comprises of poor-quality agricultural land. Its redevelopment does not therefore conflict with local or more up to date national policy which seeks to protect the highest quality agricultural land.

The site is in an established Housing Area in the UDP where the principle of housing development is supported. The site is in part previously developed land but is largely a greenfield site. However it is located within the built up area of Worrall where development is supported by policy CS24 and as completions of properties on greenfield sites have not reached the 12% stated in CS24 and are closer to 5%, there are no objections to the principle of the scheme. The redevelopment of suitably located windfall sites such as this is also supported by the Framework as they can make an important contribution to boosting the supply of new housing.

The amount of traffic generated by the development can be readily accommodated on the adjoining highways without harming highway safety or giving rise to any severe highway impacts. Additional off-road parking will be provided for properties on the southern side of Towngate Road. The design of the site access is considered to be safe.

There is a reasonable level of local facilities including a community hall, post office and shop, public house and hairdressers and an hourly bus service link to Stocksbridge and the City Centre. The development is not therefore considered to be unsustainably located.

From a highways perspective the development complies with the requirements of paragraphs 108 and 109 of the Framework.

The site is not affected by any significant amenity issues and it is considered that the suitable living conditions for residents adjoining the site and future occupants can be provided.

The mature trees on the eastern site boundary are protected by a Tree Preservation Order and will need to be considered as part of the detailed design and layout of the site. The ecological impacts of the development can be suitably mitigated by condition.

The exact details of how 10% of the development's energy needs are to be provided is not known at this outline stage details will be secured by condition, as will the provision of electrical vehicle charging points.

The development does not give rise to any flooding or drainage issues.

The submitted ecology reports demonstrates that the development will not have a detrimental impact on biodiversity and some simple protection measures during the construction phase, the provision of bird and bat boxes and the retention of trees will enhance the site.

The site is surrounded by housing development and it is considered that the site is capable of accommodating a self-contained development such as this, without negatively affecting the character and appearance of the area.

An existing barn, farmhouse and a series of other agricultural buildings within Wiggan Farm are to be demolished. Some of the buildings on site are non-designated heritage assets that have a high local heritage value. There are also three grade II listed buildings in the vicinity. The submitted heritage assessment concludes that the harm to the heritage assets amounts to less than substantial harm and towards the bottom end of that scale. Primarily as a result of the fact that the buildings have been extensively altered and the sensitivity of the setting of the nearby listed buildings to new development is low given the loss of historic character from modern infill development.

The loss of the barn and farm building is a negative element of the scheme, however as less than substantial harm is considered to occur the harm should be weighed against the public benefits of the scheme.

The public benefits of the scheme are considered in this case to outweigh the harm caused.

67 additional dwellings would boost the supply of housing which is a priority of the government. It would also contribute towards the city's obligations of maintaining a 5-year supply of deliverable housing sites. This is particularly important given how narrow the supply position is (5.1 years) is.

The delivery of the required 10% of affordable housing is afforded substantial weight as the applicant has committed to sign a section 106 agreement without the need to revisit scheme viability. This will go some way to addressing identified housing needs in the Rural Upper Don.

Economic growth is a strong theme of the NPPF. This proposal will deliver employment through the construction phase, the potential increase in Council tax



income, the provision of the new homes bonus and economic activity associated with future occupants which could support existing local facilities including the post office, public house and potentially local bus services.

Local concerns about the capacity of education and health facilities are acknowledged. Any necessary improvements will however have to be secured through CIL. The site falls well below the thresholds where section 106 contributions towards the facilities are required in addition to CIL.

For the above reasons the development is not considered to give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of redeveloping this site for housing purposes. In accordance with paragraph 213 of the NPPF the scheme is considered to be compliant with relevant local policies that continue to be consistent with the NPPF and complies with other relevant policy guidance contained in the NPPF that are material to the determination of the application.

The most important local policies in the determination of this application, which in this case revolve around housing land supply, highway related impacts, design, amenity and landscape impacts, do, when considered as a collection, align with the Framework. As such section d) of paragraph 11 is not applied in this instance.

It is recommended that outline planning permission is granted conditionally and subject to a legal agreement.

#### HEADS OF TERMS

10% of the gross external floorspace to be provided as affordable housing without the need for further viability assessment at reserved matters stage

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Case Number	19/04536/FUL (Formerly PP-08362973)
Application Type	Full Planning Application
Proposal	Erection of 2x retail units (Use Class A1) and a cafe with drive-thru facility (Use Class A3), formation of associated access and parking
Location	Site of Former 2 The Common Sheffield S35 9WJ
Date Received	19/12/2019
Team	West and North
Applicant/Agent	Dovetail Architects Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing No. 3964 PL01 site plan published 19.12.2020

Drawing No. 3964-PLO2K final proposed site plan/layout published 19.11.2020

Drawing No. 3964-PLO4A proposed elevations A1 unit adjacent The Common (Greggs) published 19.11.2020

Drawing No. 3964-PLO10 proposed floorplan for the A1 unit adjacent The Common (Greggs) published 19.12.2020

Drawing No. 3964-PLO5A proposed retail/trade unit floor plan (unit to the south-west of the site/rear) published 27.10.2020

Drawing No. 3964-PLO6A proposed retail/trade unit elevations plan (unit to the south-west of the site/rear) published 27.10.2020

Drawing No. 3964-PLO8 proposed floor plan for the A3 unit (Starbucks) published 19.12.2020

Drawing No. 3964-PLO3 proposed A3 unit (Starbucks) elevations plan

published 19.12.2020

Drawing No. XXX/X/XXX rev P1 proposed mechanical layout plan for the A3 unit (Starbucks) published 19.12.2020

Drawings for the Starbucks material data sheet published 19.12.2020

Drawings for the Starbucks typical DT plans published 19.12.2020

Drawing for the tree surveys published 19.12.2020

Drawing No. 3964-PL18 proposed site plan-tracking published 15.10.2020

Drawing No. 3964-PL19 proposed site plan-tracking published 15.10.2020

Reason: In order to define the permission.

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

3. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

4. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

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. 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.

10. 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.

11. 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.

12. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall also include details of:

- buffer zone landscaping and planting along the water-course.
- 2 bird and 2 bat boxes to be incorporated in to buildings and trees across the development.
- wildlife friendly lighting, making use of low intensity, low-level lighting,

avoiding upward, outward light-spill and completely avoiding illumination of the woodland, hedgerow and water-course.

- habitat piles, to be created utilising the dead-wood and brash found on site.

The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

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

13. 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)**

14. No trees shall be felled nor shall any tree works be undertaken on site unless an Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be provided by a suitably qualified professional.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: In the interests of protected species.

15. A comprehensive and detailed hard and soft landscape scheme for the site 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.

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

16. 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 any part of the development is brought into use.

Highways Improvements:

- Review/promotion of Traffic Regulation Orders in the vicinity of the development site (waiting/loading restrictions) entailing advertising, making and implementing the Traffic Regulation Order subject to usual procedures (including provision and installation of regulatory traffic signs and road markings) as necessary.
- Construction of a new vehicular access to serve the development site.
- Reinstatement of redundant vehicle crossings.
- Any reconstruction of the footway along the site frontage.
- Any other accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, and general street furniture necessary as a consequence of development.

Reason: In the interests of traffic safety and the amenities of the locality, in the interests of the safety of road users, and pedestrian safety.

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

18. 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.

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 building 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.

20. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) Drawings showing the location of the external flue ducting and termination,



- which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
  - c) Details of any filters or other odour abatement equipment.
  - d) Details of the system's required cleaning and maintenance schedule.

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

21. 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.

22. The development shall be carried out in accordance with the submitted flood risk assessment (ref 2404/RE/12-19/01 // Dec 2019 // Evans Rivers and Coastal Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than the flood level of 64.99m AOD and 150mm higher than the existing ground levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

23. Notwithstanding the submitted plans, prior to construction of the car park, full details of surfacing and drainage shall have been submitted to and approved in writing by the Local Planning Authority. The car park shall have been constructed in accordance with the aforementioned approved details prior to the development being brought into use.

Reason: In the interests of providing suitable car parking accommodation.

24. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior

to full occupation of the development.

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

25. The development shall not be used unless the cycle parking accommodation has been provided as shown on the approved plans, and it shall thereafter be retained and maintained.

Reason: In the interests of delivering sustainable development.

26. The development shall not be used unless the car parking accommodation for 31 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose 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.

27. 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. 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.

### **Other Compliance Conditions**

28. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

29. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

30. 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.

31. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

32. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

33. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of (1.45l/sec litres per second per hectare /1.45l/sec litres per second).

Reason: In order to mitigate against the risk of flooding.

34. No customer shall be permitted to be on the premises outside the following times:

Retail unit 1 located in the eastern corner of the site adjacent The Common  
0600 hours and 2100 hours Monday to Saturday  
0830 hours and 1600 hours on Sunday and Bank Holidays

Retail unit 2 located in the south-western corner of the site  
0900 hours and 2100 hours Monday to Saturday  
0900 hours and 1600 hours on Sunday and Bank Holidays

Cafe unit 3 located in the north-western adjacent the corner of The Common and Church Street  
0600 hours and 2300 hours Monday to Saturday  
0830 hours and 1800 hours on Sunday and Bank Holidays

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls therefore apply, regardless of this planning approval. If required, please contact the Council's Ecology Unit for more information in this respect.
4. The Environment Agency recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help to reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods  
<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>  
Department for Communities and Local Government: Improving the flood performance of new buildings:  
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood

defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6. Advertisement/signage shown on the plans are not part of this application and an advert application must be submitted separately.
7. The applicant is advised:
  - that any tree protection or habitat protection fencing be installed as early as possible. No parking should be allowed or plant and materials be stored within these areas.
  - to employ best practice measures to ensure individual mature trees are protected (BS5837:2012 Trees in relation to construction)
  - to ensure the safe storage of potentially hazardous materials and substances, with zero risk of these entering the water-course
  - to adhere to good working practices in relation to badgers and hedgehogs e.g. covering over trenches or providing a means of escape, such as a scaffold board.
  - to provide a toolbox talk for contractors covering wild animals most likely to be encountered, such as hibernating hedgehogs and amphibians.
  - to deal with non-native invasive species appropriately. Himalayan balsam is present on site.
8. Any pruning, felling or clearance required is carried out outside of the bird breeding season (March 1st - August 31st) and that an ecological watching brief is present to supervise dismantling of brash piles and avoid harm to hibernating animals. All birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 during the nesting season. Hedgehog is a NERC (Natural Environment and Rural Communities) Section 41 (formerly UKBAP (UK Biodiversity Action Plan)) Priority Species.
9. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

10. As the proposed development abuts the public highway you are advised to

contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

11. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

12. 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)

13. 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.

14. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen
15. Plant and equipment shall be designed to ensure that the total LA<sub>r</sub> plant noise rating level (i.e. total plant noise LA<sub>eq</sub> plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA<sub>90</sub> background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
16. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).
17. 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](mailto:eps.commercial@sheffield.gov.uk).

18. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.





## LOCATION AND PROPOSAL

The application site is located within the Ecclesfield district of Sheffield, immediately south of the junction of The Common with Church Street.

The site, which is generally level and occupies an area of approximately 0.36 hectares, comprises of two zones. The northern zone, which faces onto The Common and Church Street, comprises of a currently unused area of hardstanding. The southern zone, at the rear of the site, is an area of undeveloped land. It is understood that the site once accommodated a petrol filling station, following which it was used for vehicle repairs and sales. These uses appear to have ceased in 2018.

The existing site has vehicular access points from both The Common and Church Street, though the latter is blocked by concrete barriers.

To the north of the site, on the opposite side of The Common, is a terrace of residential properties and a detached restaurant with a large car park.

To the west of the site, close to the junction with Church Street, are residential properties which front onto Whitley Lane and, on the eastern side of Church Street, a range of commercial and light industrial units housing a fitted kitchen showroom, a wholesale supplier of motorcycle spares and accessories and a grounds and garden maintenance company.

Adjacent the site's southern boundary are the rear gardens of residential properties on St Wandrilles Close, while to the east of the site is the car park serving the nearby Aldi supermarket.

Planning permission is sought for the erection of two small retail units (Use Class A1) and a cafe unit with drive-thru facility (Use Class A3), plus the formation of associated access, parking and landscaped areas.

During the course of the application amended plans have been received which revised the layout, elevations of the proposed buildings, parking and landscaped areas. Plans show the proposed café unit (understood to be Starbucks) and a retail unit (understood to be Greggs) being constructed within the northern zone facing onto Church Street and The Common. The second retail unit is located in the south-western corner of the site.

As proposed, access and egress to and from the site is limited to a single point on The Common, slightly to the east of the existing access point. A total of 31 parking spaces are proposed, including 6 disabled parking bays.

## RELEVANT PLANNING HISTORY

There is no relevant history relating to the application site.

## PUBLICITY AND SUMMARY OF REPRESENTATIONS RECEIVED

The application was publicised in accordance with The Town and Country Planning (Development Management Procedure) (England Order 2015 and the Council's Statement of Community Involvement by direct neighbour notification and by site notice (posted 12.06.20).

#### Summary of Representations:

33 representations were received from local people in relation to the proposals, 28 (including 6 from the same address) raised objections, 4 expressed support and 1 made neutral comments.

2 petitions objecting to the scheme were also received, one with 143 signatures and a second with 135 signatures. The signatories of both petitions strongly objected to the proposed development on the grounds that it 'will have a negative impact on the current community in the village of Ecclesfield (e.g. traffic congestion) and would have significant financial impact on local businesses who also offer hot and cold food.'

The concerns raised by objectors to the scheme include:

- There is no need for any more food outlets in the area.
- The demand for these facilities comes from outside the local area.
- The proposed Starbucks and Greggs will have a harmful impact on local businesses.
- Insufficient footfall locally.
- The junction of The Common and Church Street is an accident black spot due to the blind bend and queuing traffic. An additional access junction will lead to more queues and traffic and the possibility of more accidents.
- The nature of a drive-thru is to generate traffic and as the throughput is inevitably limited, it could lead to queues spilling out onto The Common.
- Completion of the Smithy Wood Business Park and other developments have resulted in a noticeable increase in traffic on Church Street and much of the Church Lane traffic enters The Common close to the proposed entrance/exit to the proposed development. Vehicles trying to enter the proposed development will interfere with the visibility of vehicles trying to leave and both would interfere with the visibility of vehicles trying to exit from The Common.
- Recent development in the area, including 2 supermarkets and a housing development, have resulted in congestion along The Common from 7am to 10pm. The roads cannot cope with more traffic.
- The development will generate traffic which will cause delays and make it harder for local residents to enter or leave their properties by car.
- The site entrance sits opposite houses where cars park on the roadside and already have difficulty in pulling away due to the volumes of traffic.
- If the access to the proposed development made use of the existing access to the Aldi car park it would remove the need for a new access close to a junction, retain queuing cars within the car park and encourage shoppers to use the wider range of facilities.
- Local traffic is particularly bad on Sundays when Aldi traffic swamps the area.
- The proposed Starbucks will encourage drivers to drink while driving and so should be rejected.

- The development will pose a danger to drivers and pedestrians.
- The development will encourage local school children to take different routes and endanger their safety.
- The proposed 5am – 11pm opening hours will have a harmful impact on local residents, as will deliveries before 7am.
- A 24 drive-thru will be extremely disruptive for families living nearby who have a right to quiet between 10pm and 7am.
- The development will have an adverse impact on air quality.
- The development will generate litter, already a problem in parts of Ecclesfield.
- The flood risk assessment does not adequately consider the area upstream which was badly flooded in 2007 and 2019. If the brook culvert is capped over it will prevent water from escaping and cause even bigger flooding problems upstream.
- Information used for the flood risk assessment is out of date and inadequate.
- The proposals should be resisted until details are submitted which show that the development has been designed sustainably, e.g. electric charging points, high levels of insulation or photovoltaic panels.
- Local businesses are being pushed out by multi-nationals.
- Occupation of one of the units by Greggs is likely to have an adverse impact on the health of the local population, especially school children.
- The application should have been advertised more widely.

Supporters of the scheme made the following comments:

- The development will bring jobs to the local area, particularly for young people.
- It will enhance local amenities, attracting more people to the area.
- Support more commerce in the area and suggest a right hand turning lane would help to reduce queuing traffic and make it easier for those living directly opposite the site who park on street.

In addition Ecclesfield Parish Council objected to the proposal on the following grounds:

- Overdevelopment of the site.
- Flooding implications in an area which floods significantly already.
- Information used for the flood risk assessment is out of date and inadequate.
- Increase in traffic in an area with already high volumes raises highway issues.

## 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 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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

The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration. The NPPF sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF (paragraph 213). Weight should be given to them according to their degree of consistency with the NPPF. The closer a policy in the development plan is to the content of the NPPF, the greater the weight it may be given.

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

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Principle of Development

The entire site lies within a designated Housing Area as defined in the Unitary Development Plan (UDP), as do the commercial units to the west and Aldi to the east.

The application seeks full planning permission for the erection of two retail units and one café with a drive through facility. UDP Policy H10 (Development in Housing Areas) states that housing is the preferred use of land but that small shops and food and drink uses are acceptable in principle. The UDP defines small shops as 'usually with not more than 280 sqm sales 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.

However, the test for retail development outlined in Policy H10 is not up to date as it 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 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).

As amended the proposed retail units have floor areas of 114 sqm and 95 sqm respectively and so are acceptable under Policy H10.

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. Whilst the proposed retail units would introduce 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 sits adjacent to non-housing uses to the north, east and west. As such it is considered that the development 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.

This site is in a designated Housing Area but it not an allocated site and it does not appear 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. 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.

In this instance, the small scale of the proposed retail development would in principle be compatible with the residential area.

In summary, the proposed development complies with policy H10, but policy H10 also seeks compliance with UDP Policy S5 (Shop Development Outside the Central Shopping Area and District Shopping Centres).

### Retail Impact

As described above, the proposal includes two small retail units, with floor areas of 114 sqm and 95 sqm respectively, and a café unit with a drive through facility in an edge of centre location. These are 'main town centre uses' as defined in Annex 2 of the NPPF.

Policy S5 permits edge-of-centre retail development comprising of small shops provided it does not undermine 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. 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.

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

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to all planning applications for main town centre uses which are not in an existing centre, while paragraph 89 only requires proposals which exceed 2,500 sq.m to assess the impact on the vitality and viability of town centres (unless there is a lower locally set floorspace).

UDP Policy S5, like H10, is not fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF.

For the purposes of their Sequential Test, the applicant took account of the district centres and local centres within a 'five-minute drive' of the site, a catchment area which comprises of two district centres and two local centres:

#### District Centres

Chapelton, 1.5km to the north; and Chaucer, 2.5km to the south west.

#### Local Centres:

Junction between The Common and Mill Road, 150m to the south east; and Junction between The Sycamore Road and High Street, 750m to the south.

The assessment demonstrates that there are no suitable or available in centre, edge of centre, or sequentially preferable out of centre sites capable of accommodating the proposed development. The findings also illustrate that there is an overall lack of available retail units/sites, and that the limited number of the available alternative sites do not meet the specific requirements for the type of development proposed, as

there is insufficient site area to accommodate two retail units and one café to include a drive-through facility and associated parking.

As the proposal is below the 2,500 sq.m trigger point, an impact assessment is not required under the NPPF. However, in line with Policy S5 (a), officers have considered the potential for impact on the only nearest District Shopping Centre, Chapeltown, and concluded that the small size of the proposal is unlikely to draw trade from food and non-food stores in Chapeltown District Centre to the extent that it will undermine the vitality and viability of the Centre as whole. The Council's Retail and Leisure Study (2017) recommended that 500sqm is point at which stores in out of centre locations may have an impact that needs assessing.

Anything below that will typically have a local catchment and not draw trade from a nearby Centre in a significant way.

The proposed development is therefore considered to be acceptable and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90.

#### Layout and Design Issues

Policy H14 (Conditions on Development in Housing Areas) parts (a) and (l) seek to ensure that buildings are well designed and of a scale and nature appropriate to the site and be on a scale consistent with the residential character of the Area.

UDP Policy BE5 (Building Design and Siting) and Core Strategy Policy CS74 (Design Principles) also seek good quality design, while Policy BE7 (Design of Buildings Used by the Public) expects provision to allow people with disabilities safe and easy access.

The NPPF 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 (paragraph 124). It also states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish and maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible ... (paragraph 127).

Policies H14 parts (a) and (l) and policies BE5, BE7 and CS74 generally align with paragraph 124 of the NPPF and so are given significant weight.

The application site occupies a highly prominent corner location and faces onto existing buildings of contrasting scale and appearance. The existing site does not contribute positively to the character of the area or the streetscene.

Two of the proposed buildings are sited close to The Common frontage. These two units will comprise of a Starbucks café with a drive-through facility (168 sqm) and a Greggs retail unit (114 sqm). A third unit, in retail/trade use, is located towards the



rear of the site (95 sqm). All three units are relatively small and single storey in height.

Quality boundary treatments are proposed, with a 1 metre high stone wall along the frontage to both The Common and Church Street. Running alongside the boundary wall will be a landscape strip, which will soften the appearance of the proposed buildings and contribute to the character of the area.

The existing site access from The Common will be relocated slightly to the south-east and will be modified to create two-way access into and from the site.

North of the access, occupying the corner position at the junction of The Common and Church Street is the proposed Starbucks unit with drive-through facility. The single storey unit faces south. It has a shallow mono-pitched roof and a largely glazed frontage. Its contemporary design also features hardwood timber panels and an integral brick clad totem which acts as a focal point and minimises the requirement for additional signage at the site boundary. The drive-through access road is bordered by landscape planting. An outdoor seating area is also proposed to the south of this unit.

To the south of the site entrance there is a landscaped area, 10 car parking spaces (5 on each side of the access road) and cycle parking. The access road leads to the second unit which fronts The Common and will accommodate an A1 use (Greggs). Given the position of this unit, opposite buildings of natural stone construction, amendments were requested and this single storey flat roofed unit now incorporates a stone finish to its north and south-east facing elevations which is considered to be more in-keeping with the locality. Landscaping and a small outdoor seating area is also provided.

Towards the southern end of the site is further parking and the single storey flat roofed third unit, also in retail use, which sits behind and adjacent to the existing industrial units which are located off Church Street. It will have little impact on the street scene and is finished in cladding. Though not prominent, its appearance will be softened by the retained and proposed landscaping to the adjoining boundaries.

The proposed scheme has taken advantage of the site constraints, with landscape buffer zones created alongside the existing watercourse that runs through the site and the retained mature trees along the southern boundary.

Each unit will have an accessible pedestrian approach and entrance.

The layout, scale and overall design quality of the proposed development are acceptable. The design approach, which emphasises the primary elevations and prominent corners of the buildings, is supported. Elements such as the stone boundary wall, stone detailing to the façade of unit 2 and landscaping will all make a positive contribution to the character and appearance of the area. In design terms it is considered that the development will have a neutral impact on the character of the area but will overall enhance the appearance of this vacant site.

Conditions are recommended to secure appropriate quality in the detailing of the buildings and the landscaping of the site.

The proposal is considered to meet the criteria set in policies H14 part (a) and (l), BE5 and BE7 of the UDP, CS74 of the Core Strategy and paragraphs 124 - 127 of the NPPF.

Effect on the Amenities of Residents in the Locality Issues

UDP Policy H14 parts (c) and (k) relate to matters of amenity.

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.

Policy H14 aligns with the NPPF and so is given significant weight.

The site was once occupied by a petrol filling station but has been used in more recent years for vehicle repairs and sales. All use of the site appears to have ceased in 2018 and all previous structures have now been demolished.

There are residential properties to the north east, north west and to the south of the site. Properties to the north east and north west are separated from the site by The Common and Church Street with commercial uses to the north (restaurant), to the south east (Aldi) and to the south west of the site (industrial units). The adjoining highways are busy and used by a number of frequent bus services.

The nearest residential properties to the site are those which form the terrace of 11 properties on the opposite side of The Common, which sits at a slight angle to the highway. They have main habitable room windows facing towards the site.

However, given the small scale of the buildings occupying the proposed development most windows will face directly towards landscaped or parking areas and the buildings themselves are single storey with flat or mono-pitched roofs that have been set back from the site boundary and will be partially obscured by the proposed stone boundary wall and adjacent planting. A minimum distance of approximately 19 metres separates the frontage of the closest (Greggs) unit with the terraced properties, while the café unit (Starbucks) is approximately 31 metres away.

The cafe unit includes a drive-through facility. The order point is on the south side of the unit, almost 50 metres away from the residential properties on The Common, and the collection points faces north towards Church Street. The closest residential properties to the north west are in excess of 40 metres away, across a busy road and hidden from view by very high and very dense boundary hedges.

The rear elevation of the closest house to the south of the site, off St Wandrilles Close, is approximately 25 metres from the side windowless elevation of retail unit at the southern end of the site, though the landscape buffer zone, retained mature trees and existing industrial units will restrict views beyond the site boundary.

The proposal will generate traffic and vehicle movements within the car park which will create noise. The applicant's submitted Noise Impact Assessment surveyed the prevailing noise climate of the area, taking measurements during quiet periods (0500 hours to 0700 hours and 2100 hours to 2300 hours) close to the nearest noise sensitive receptors. The predominant noise source at all positions was local road traffic. Traffic on The Common was the main source, with traffic on Church Street the secondary source. The traffic was quieter later at night and earlier in the morning but was still present. When local traffic was quieter, distant traffic on the M1 could be heard.

The applicant originally proposed opening hours between 0500 hours and 2300 hours for the café unit and between 0600 hours and 2100 hours for the two retail units. Despite the conclusions of the Noise Assessment there were concerns that such early opening could have a harmful impact on the closest residents. The applicant has agreed to hours of use opening restrictions which comprise of 6am for both Greggs and Starbucks and for 9am for the retail unit.

The proposed drive through will be a single lane loop around the cafe unit where customers will stay in their vehicles to collect their order, so car door slams will be at a minimum. The proposed layout prevents vehicles from accelerating quickly and the main building will provide screening between noise sensitive receptors and the drive through lane farthest away from them. The noise generated by the drive through is not predicted to be any higher than the car park.

Using car park noise data for a development of the size proposed, the Noise Assessment states that a range of noise levels between 53 dB and 64 dB LAeq,15min can be expected at peak times in a car park. This includes all noise sources from a typical, large retail car park, including car movements, door slams and people talking. Using the worst-case scenario level of 64 dB, the assessment found that predicted car park noise at each noise sensitive receptor would be significantly lower than the current noise levels due to local road traffic. Therefore, noise from the car park would not be audible above the current noise climate.

In relation to plant noise, the applicant advised that small Greggs units such as the one proposed do not have large commercial kitchens. Food is prepared off site and only heated up in store. In addition, any necessary extract outlets can be located on the elevations furthest away from residential properties.

In the context of already generally high levels of daytime and early evening traffic noise the impact of the development on the amenities of the area are unlikely to be significant. It is considered that subject to the implementation of the noise mitigation measures, including appropriate noise control design limits for all external plant, hours of use restrictions and Delivery Management Plan, the proposed development would not result in unacceptable noise impacts on the amenities of nearby residents.

The proposal is therefore considered to meet with the requirements of the above polices (Policy H14 part (c) and (k) and paragraph 180 of the NPPF).

#### Highways, Access and Transport

UDP Policy H14 part (d) expects new development: to provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians; (h) to comply with policy T28; and for non-housing uses: (k) to not lead to excessive 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.

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.

Policies H14 and T28 and broadly consistent with the NPPF and have significant weight.

The development proposal comprises of 2 retail units and a drive through café with 31 car parking spaces spread across the site (reduced from 44). The drive through has stacking for 10 to 11 cars, without blocking the route to the car park. Both the total amount of car parking and stacking for the drive through are considered to be acceptable and unlikely to lead to the free flow of traffic on the highway.

Vehicles would enter and leave the site via the slightly modified existing access from The Common. The modified access would include tactile paving to help pedestrians crossing it. Pedestrians entering the site would have their own access, separate from vehicles. These access arrangements are also considered to be acceptable.

Representations raised a number of highway related concerns including increased traffic flows north and southbound along The Common, the suggestion that Church Street is a known blind spot for drivers, and that both drivers and pedestrians will be endangered.

There is limited trip generation available for drive through coffee shops. TRICS data relates more to drive through fast food restaurants. It is acknowledged amongst transport practitioners that the peaks for food uses are more pronounced than for coffee shops, for which the customer trips tend to be more evenly spread throughout the day.

With this in mind, a review of a recent Transport Assessment for a fast food drive through with similar locational characteristics to the application site found the weekday peak period was 1200 hours to 1300 hours, giving a trip rate of 18.2 vehicle trips inbound per 100 square metres of floor space, and 16.9 vehicle trips outbound per 100 square metres. The proposed Starbucks would have a floor area of 168 square metres, giving 29 inbound vehicles during the weekday peak, and 27

outbound. The Saturday peak period was also 1300 hours to 1400 hours, but the trip rates were higher, giving a total of 41 arrivals and 43 vehicular departures. As well as the drive through element, the Starbucks would have 50 covers, so longer stay customers who don't walk, cycle or bus, would be able to utilise the 31 space car park. These parking spaces would also serve the two smaller A1 Units (of which one is a Greggs, but with only limited internal space, such as to accommodate few, or no covers).

To give some proportion to the scale of development trips set against background traffic using The Common, a survey was reviewed from 2016. At that time the neighbouring Aldi supermarket was operational and there have been no developments in the locality since then that would significantly alter the flows. The survey was of northbound and southbound traffic passing Morrisons, to the south-east, so close enough to the development site to give an indication of background traffic. During the weekday peak hour, northbound was 1096 vehicles.

Southbound was 1045 vehicles. During the Saturday peak hour between 1300 hours and 1400 hours, northbound was 979 vehicles, and southbound was 1195 vehicles.

It is considered that the anticipated trip generation from the proposed development is relatively minor compared to existing background traffic conditions. As such, whilst acknowledging traffic can be heavy at certain times of the day along The Common, the granting of planning permission wouldn't materially worsen conditions.

In relation to highway safety, the Church Street junction with The Common is on the outside of a bend, with good visibility splays. The distance from the centreline of the Church Street junction to the slightly repositioned centreline of the proposed site access is just short of 40 metres, with the distance to the centreline of the Aldi access a further 40 metres to the south. These distances give enough separation between junctions and sightlines and visibility splays are all up to standard.

The neighbouring Aldi, to the immediate south, generates significantly more trips than are predicted to be generated by the proposed development. Aldi operates satisfactorily via a priority junction with The Common, serving a significantly larger car park. It also has a wider junction than that proposed at the development site.

The website CrashMap has been accessed to see if any personal injury accidents have been recorded at the Aldi access and, in the past 5 year period, one slight injury was recorded on 10/06/2015, involving one vehicle. Based on the Aldi junction arrangement, there would seem to be no evidence to suggest that pedestrians, including pupils walking to school, would be exposed to abnormal or significant dangers by replicating a priority junction arrangement for the development site.

There are no highway objections to the proposed development.

The proposal complies with UDP policies H14 and T28 and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Ecology and Landscape Issues

UDP Policy GE11 seeks to protect the natural environment and UDP Policy GE15 seeks to encourage and protect trees and woodland. UDP Policy GE17 seeks to protect and enhance streams and rivers.

These policies strongly align with the 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 site is split into two parts, the front part of the site retains the hardstanding of the former service station and some smaller maintained areas of grass and the rear part of the site, beyond a water course which flows through the site, comprises of an area of trees, scrub and hedgerow as well as piles of deadwood and some tipped debris. Whilst not high value or priority habitat, this provides potential nesting habitat for birds during the breeding season and potential hibernation habitat for hedgehogs and amphibians during the winter months. The watercourse is a Local Wildlife Site (LWS 211 – Brook at Ecclesfield Common).

In order to identify any ecological constraints to the development proposal, a Preliminary Ecological Appraisal (PEA) was undertaken. This assessment has two main elements: an ecological desk study and an extended Phase 1 habitat survey.

The PEA was carried out to a good standard and included a subsequent water vole survey. No evidence of protected species was found though a small number of the mature trees have the potential to support roosting bats. As amended, the plans result in the loss of only one tree, which lies close to the proposed Starbucks unit. A replacement is proposed. A condition is recommended to secure a method statement prior to any tree felling or pruning works that provides guidance for the careful felling of these trees by an experienced arborist.

It is also recommend that any pruning, felling or site clearance is carried out outside of the bird breeding season (March 1<sup>st</sup> – August 31<sup>st</sup>) and that an ecological watching brief is present to supervise the dismantling of brash piles and avoid harm to hibernating animals.

In order to provide some protection for the watercourse, a buffer has been provided where it is not culverted. This involved pulling the Starbucks unit slightly to the east. The buffer zone will be planted with species-rich meadow mix.

The PEA concluded that, as long as mitigation recommendations are followed, the impacts to local wildlife are expected to be minimal. Conditions are therefore proposed to secure the above requirements as well as good working practices and a net gain in biodiversity.

The proposal would comply with UDP policies GE11, GE15 and GE17 and paragraph 170 of the NPPF.

Land Quality Issues

The 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 is identified as potentially contaminated due to its former uses as a petrol filling station and vehicle repair garage. Part of the site also falls within a Coal Authority defined development high risk area. There is, therefore, potential for both contaminants and ground gases to impact upon human health and/or the environment.

The application was accompanied by a Geo-environmental Investigation, in effect a combined Phase 1 preliminary risk assessment and Phase 2 intrusive site investigation, which was found to be lacking.

Furthermore the agents sought advice regarding the possibility of leaving the underground fuel tanks in place beneath the site after redevelopment. The Environmental Protection Service confirmed that all tanks and associated infrastructure should be removed to permit full characterisation of the site during the ground investigation (including, inter alia, beneath the tank locations), to limit future developer liabilities, and to minimise development abnormalities.

In light of the above, it is recommended that conditions are imposed to secure intrusive site investigation and appropriate remediation where required.

The Coal Authority have raised no objection to the proposed development.

### Flood Risk and Drainage

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

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 2 where there is a medium risk of flooding. The applicant's flood risk assessment (FRA) (dated December 2019) considered flood risk and a subsequent sequential test (March 2020) sought to demonstrate that there are no sequentially preferable, reasonably available sites at a lower flood risk within a defined area.

In this instance there are no reasonably available sites appropriate for the proposed development in areas of lower risk of flooding. Moreover, the proposed development is classed as a less vulnerable development, which is compatible with flood zones 1, 2 and 3a.

The Environment Agency (EA) and the Council's Natural Flood and Water Management Coordinator consider the proposed discharge of surface water to Whitley Brook, at the proposed greenfield rate of 1.45l/sec, to be acceptable.

Discharge to the watercourse requires the most robust methods for surface water treatment and should utilise opportunities to deliver this via Sustainable Drainage Systems (SuDS) methods. It is recommended a survey be carried out of the watercourse, in particular the culverted sections, to ensure that they are in a suitable condition.

The risk from surface water flooding varies across the site from low to high. Although the EA has recommended that finished floor levels be set no lower than 64.99m, because that is the level of the estimated 1 in 100 year river flood event, the vast majority of existing ground levels across the site are already above 65m so floor levels that are set at the existing site levels wouldn't make any difference to surface water flooding. The FRA specifically recommends that finished floor levels should be 150mm higher than the existing ground levels. As such a condition requiring finished floor levels to be set no lower than the flood level of 64.99m AOD and 150mm higher than the existing ground levels is proposed.

#### Sustainable Design

Core Strategy Policies CS63 to CS65 relate to responses to climate change and seek to reduce the impact of climate change through reducing the need to travel and sustainable design. Policy CS65 (a) 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.

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

#### Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is not applicable to the retail scheme element of this development (in Sheffield CIL charges only apply to large-scale retail in primary areas).

#### SUMMARY

The proposed retail and cafe uses comply with UDP Policy H10.

There are no suitable or available in centre, edge of centre, or sequentially preferable out of centre sites capable of accommodating the proposed development and it is considered that the small size of the proposal is unlikely to draw trade from food and non-food stores in Chapeltown District Centre to the extent that it will undermine the vitality and viability of the Centre as whole.

The existing site contributes little to the character of the area. The proposed development comprises of three relatively small single storey units, a new 1 metre



high stone wall along the site frontage and landscaping which will contribute to the character of the area.

The proposed scheme has taken advantage of the site constraints, with landscape buffer zones created alongside the existing watercourse that runs through the site and the retained mature trees along the southern boundary. No evidence of protected species was found.

The proposals will not cause significant harm the living conditions of nearby residents.

It is considered that the anticipated trip generation from the proposed development is relatively minor compared to existing background traffic conditions residents and the proposals raise no highway safety concerns.

It is considered that the benefits of the proposal significantly and demonstrably outweigh the adverse impacts of the proposal when assessed against the policies in the NPPF taken as a whole.

It is considered that the most important local polices in the determination of this application, which in this case revolve around land use, highway related impacts, design, ecology and flooding, do when considered as a collection, align with the Framework. As such section d) of paragraph 11 is not applied in this instance.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.

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Case Number	20/02409/FUL (Formerly PP-08916372)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage and associated parking
Location	Land to the rear of 15 and 17 Birch House Avenue Sheffield S35 0FH
Date Received	22/07/2020
Team	West and North
Applicant/Agent	Oakleaf Architecture Ltd
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in unsatisfactory amenity for future occupants as a result of poor quality external amenity space and insufficient privacy to living accommodation. This would be contrary to Policy H14 of the Unitary Development Plan and Guideline 4 of Supplementary Planning Guidance on Designing House Extensions and Paragraph 127 of the NPPF.
- 2 The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in unacceptable overlooking of the gardens of existing neighbouring properties and a resulting unacceptable loss of privacy. This would be contrary to Policy H14 of the Unitary Development Plan and Guideline 4 of Supplementary Planning Guidance on Designing House Extensions and Paragraph 127 of the NPPF.

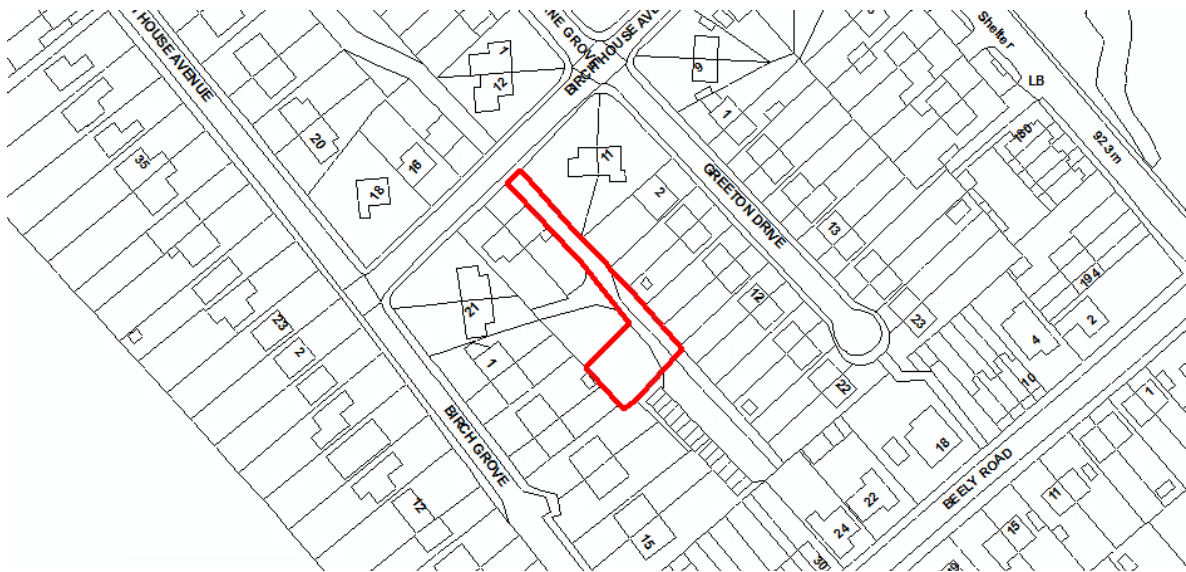
Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Plan Number 1 REV C PROPOSED PLANS AND ELEVATIONS  
Plan Number 2 REV B SITE SECTIONS  
Plan Number 3 003 REV A DETAILED SITE PLAN

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner during pre-application discussions, the application still shows such disregard for policy requirement(s), that the Local Planning Authority had no alternative but to refuse consent. We would welcome pre-application discussions on an alternative scheme.

## Site Location



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## Location and Proposal

The application site is located off Birch House Avenue and is accessed via an unmade track that leads to some garages and land which backs on to the rear of the properties of Birch Grove. These properties are located at a higher level than the site. To the north east the land falls and further dwellings are located in this direction on Greeton Drive.

Consent has recently been granted for a single dwelling accessed off this track, on the neighbouring site.

On the application site consent has recently been granted for a garage.

Permission is sought for a detached two storey property.

## Site History

89/01261/FUL On land to the Rear of 15-17 Birch House Avenue, the erection of a bungalow was refused on the grounds that the development would result in an unacceptable form of backland development, lacking in road frontage or a satisfactory means of access which would prejudice the amenities of occupiers of surrounding dwellings and occupiers of the proposed dwelling.

00/03055/FUL – Erection of 7 garages at land to the rear of 15 – 17 Birch House Avenue. This application was refused as it would result in an over intensification of an existing substandard access which the LPA would consider detrimental to the safe and free flow of traffic and pedestrian safety on Birch House Avenue, particularly as a result of the potential to increase the number of reversing manoeuvres on to Birch House Avenue, due to the inability of vehicles to pass on the narrow access track.

02/00835/FUL This was a resubmission of the above which reduced the number of garages to 4. This was refused for the same reason as in 2000.

19/02150/FUL Erection of a dwellinghouse with integral garage was granted to the rear of 15 – 17 Birch House Avenue

20/00120/FUL Erection of garage to rear of dwellinghouse was granted on the site subject of this application.

## Representations

Objection letters have been received from 15 neighbouring addresses. In addition, the Sheffield Climate Alliance and Bradfield Parish Council have objected. The following points are raised by objectors:

- Concern is raised regarding overlooking to lower dwellings and loss of sunlight
- Overlooking neighbours' gardens and into properties on Birch Grove
- The new house would be overlooked

- Standards in the SPG and policy H14 are not adhered to
- The scale and height would be overbearing
- Concern is raised that if existing residents implement their Permitted Development rights the subsequent amenity of residents would be even poorer due to the poor separation distances and this would affect existing resident's enjoyment of being able to implement these rights.
- Overdevelopment. There is a very distinct character of the area in architectural form, road layout and plot types. The typical plot has a 25% ratio of building to plot. The application would allow for a built area of 85m<sup>2</sup> on a 209m<sup>2</sup> plot. This creates a 41% building to plot ratio, almost double the current character of the area.
- The internal area of the house is substandard falling below space standards adopted by SCC.
- Externally, whilst there is over 50 sqm garden space, this is poor quality due to the stepped nature of the garden. Issues of substandard light and outlook are raised. There is not a 10 m garden depth which is contrary to Guideline 4 of the Council's SPG on Designing House extensions.
- It does not look as though the design has any consideration to adaptable design, lifetime homes and accessible design policy.
- Typically development in the area is houses acknowledging road frontages with the space afforded between the dwellings creating acceptable amenity standards. This form of backland development erodes the character of the area and space around dwellings and neighbour's privacy and enjoyment of gardens.
- The house style departs from the character of the area.
- Whilst the previously approved dwelling on the site next door does not conform with the above either and is out of character and overdeveloped, this has been granted. It is highlighted though that with this previous application, the plot is larger, as is the proposed garden and greater separation distances exist between the approved and existing dwellings.
- The design and layout contradict the guidance within S1.1/2/3, South Yorkshire Residential Design Guide regarding streets.
- A dwelling would look out of place in this location.
- The scheme would not appear in keeping with other properties and would over dominate and dwarf them.
- Concerns are raised regarding noise, extra traffic noise and pollution
- Loss of wildlife.
- Concern is raised regarding light pollution from any external lights.
- Reduction in house values.
- Existing parking issues would be made worse.
- Concern is raised that the dressing room could become a bedroom in future which would intensify the use e.g. vehicle movements / parking demand.
- Concern is raised regarding the distance of the house from the main highway in terms of bin collection and concern about the blocking of paths.
- Concern about pedestrian safety from vehicles exiting the access point, particularly as the road is a busy route.
- Concern about intensification of access road.
- Just because there is an existing access for garages does not mean that frequent mandatory use by further dwellings is appropriate. It would be approving another increase in the risk to life.

- Access road is narrow, uneven, eroding and unsuitable and excludes inclusive access due to its surfacing.
- No room for pedestrians and a car to pass, properties on Birch Grove have pedestrian access along this track and use it to get down to Oughtibridge. The increase in car movements would create dangerous conflict.
- A vehicle would have to reverse 60m if it were to meet a vehicle coming in of Birch House Avenue.
- The OS map shown on the drawings is misleading and there is not adequate space to turn a vehicle in front of the house. The distance is shorter than shown and the land opposite the small track is vegetated land that falls away. It is not appropriate for vehicle turning. This leads to vehicles struggling to turn around if they cannot access the parking space or reversing 60m back out onto Birch House Avenue.
- Reference is made to Guideline 8 of the SPG on Designing House Extensions, particular concern is raised with regards to cars reversing out due to the one-way track, not having space to turn around if a parking space is not available and reversing from the proposed garage, will cause this to be in contradiction to guideline 8.
- Concern is raised as to who would maintain the track.
- Junction with main road would be a potential traffic accident point where visibility of oncoming traffic is poor on this school route. The area around the access is subject to on street parking which hinders visibility.
- A Garage was approved for No 5. Households in the area have multiple cars. Displaced parking for No 5 will impact on the safety of surrounding roads.
- Concern regarding health and safety as the track does not seem wide enough for emergency vehicles.
- There is insufficient space to pull off the access track to open the garage door and insufficient visibility of the track when existing the garage Sheffield's core planning strategy and design guides state that this is not appropriate and a space of 2.5x5m should be provided in front of garages.
- Concern is raised about subsidence of access road and impact from construction traffic and associated maintenance costs.
- No garden storage is proposed. This could end up being within the garage, reducing onsite parking.
- Highway safety concerns during construction process are raised.
- The section shows the gardens on Greeton Drive at the wrong level.
- Concern about access for bin collection / bins would be left at the end blocking the pavement.
- Concern is raised regarding the amount of other home being constructed in the immediate area and impact on school places and GP services.
- Concern old utilities infrastructure would not meet the demand.
- Concern about potential land subsidence, due to the construction of this property, that might create problems in the back gardens of the properties on this side of Greeton Drive.
- The application for the garages on site was more sensible land use.
- Inadequate access for fire vehicles as the standards set out in The South Yorkshire Residential Design Guide could not be achieved. This would cause danger for the proposed occupiers and also existing residents in the area.
- Concern about access to garages during construction process.
- Loss of view.



- Detrimental impact to a large number of residents. Comments regarding profit being put before residents.
- The previous application on the neighbouring site did not take objections into consideration. Dismay at previous approval.
- 13/01146/FUL was refused and that was better access than this.
- The plans are inaccurate. The streetscene makes the existing houses look bigger and therefore the proposal less dominant. When comparing to the site section it can be seen this is incorrect.
- The proposal does not look to take any steps towards sustainable development. Eg construction type and no cycle storage.
- Comment is made that the Coal Mining Risk Assessment is not specific to the development, it references the old garage application. The CMRA also asks for further intrusive reports and labels the site a high-risk. It is commented that this indicates the site may not be suitable for this type of development and more appropriate sites elsewhere should be pursued.
- Concern is raised regarding increased flood risk to neighbouring properties due to increased surfacing. Query is raised regarding drainage arrangements.
- Request for site visit to assist decision.

#### Sheffield Climate Alliance:

- There is insufficient evidence of features for tackling climate change - either mitigating the change or adapting to its impacts. The Design and Access statement does not cover this or refer to the climate requirements of the National Planning Policy Framework (NPPF sections 2 and 14), or the Sheffield Core Strategy climate policies.
- Planning has an obligation to consider climate change.
- The Planning System should therefore be trying to ensure that new buildings do not add to carbon emissions – they should be zero-carbon or even carbon negative. This last would be justified to offset the carbon embedded in building materials, the emissions stemming from the development process, and the fossil fuel emissions associated with the building during its use; it could be achieved by having designs that feature renewable energy and heat, or carbon sinks, in addition to using zero-carbon construction methods.

#### Bradfield Parish Council:

- Concerns over maintenance of unadopted lane.
- Overshadowing / overbearing to neighbouring properties.
- Concern regarding highway safety particularly egress and access.
- Overdevelopment

#### Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance" and this assessment will have due regard to this.

## Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms
- The impact on the visual amenities of the area.
- Whether the site could be suitably developed to enable future and existing occupiers to have acceptable living conditions.
- Whether suitable highways access and off-street parking could be achieved.

## Land Use

The site is located in a Housing Area as allocated in the Sheffield Unitary Development Plan. Policy H10 list Housing as the preferred land use in this area.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that in Oughtibridge, housing developments will be limited to suitable, sustainable sites within the existing built up areas. The site is in the existing residential area and

would make use of the existing infrastructure and services. The scheme is compatible with this policy.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks to try and ensure that priority is given to developments on previously developed sites. The site does not appear to have been previously developed and is considered greenfield.

The policy seeks that no more than 12 % of dwellings are completed on greenfield sites between 2004/05 – 2025/26. This would be the case and the scheme would satisfy additional criteria within this policy that allows for the development of greenfield sites within existing urban areas where it can be justified on sustainability grounds.

The site is regarded as being in a sustainable location, within a well-established urban area, with amenities and public transport links.

The policy approaches of CS23 and CS24 in regard to prioritising brownfield sites is considered to broadly align with the NPPF paragraphs 117 and 118, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'. Given the strong alliance with the NPPF, in this regard it is concluded that these policies can be offered substantial weight. Whilst this site is not brownfield this is a small site and could be developed in light of this.

Paragraph 73 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield can identify a 5.1 year supply, and the subject site would contribute towards housing provision in a small way.

#### Visual Impact

Policy H14 of the UDP relates to conditions on development in housing areas including matters of design, amenity and highway safety. H14(a) states that new buildings should be well designed and be in scale and character with neighbouring properties.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The plot is not located within a prominent location and would be located immediately adjacent to a plot approved for residential development in recent years.

The majority of the houses in the area enjoy larger plot sizes. The application site is a smaller plot with a large house foot print proposed, and whilst this has amenity

implications as discussed later in this report, this is not really apparent in the streetscene so it does not significantly harm the character of the area in this regard. The site is not in a Conservation Area or an Area of Special Character and the development of the plot for residential purposes would not compromise the visual appearance or character of the area.

The dwelling would be two storey, which is compatible with the scale of properties in the area.

The property is designed with a pitched roof and is shown to be constructed from brick and render. Within the vicinity of the site, whilst the prevailing house style is the two storey semi-detached, there are also dormer bungalows and a detached property has been approved on the plot next door. Both brick and render are present in the area. The proposed materials palette would therefore be acceptable and, given the mixed character of the area, the design approach would be acceptable.

Chapter 12 of the NPPF (2019) requires good design, while paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. The local development plan policies described above are considered to align with the NPPF in relation to design. The scheme complies with both the local and national policy design aims.

#### Amenity Concerns

Policy H14 c) seeks to ensure sites are not over developed and do not deprive residents of light, privacy or security.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions, whilst not strictly applicable in this instance owing to them relating to house extensions, are of relevance. These suggest detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes.

Amenity of future occupants:

Guideline 4 of Supplementary Planning Guidance on Designing House Extensions sets out that in most circumstances the Council considers a garden size of 50sqm. the minimum for a two or more bedroomed house. A minimum distance to the back boundary from the rear elevation of 10m is normally required for reasons of neighbour's privacy as well as amenity.

Whilst in excess of 50 square metres of garden space is shown (the back garden is approximately 70 sqm), the proposed dwelling is sizable and does not have sufficient depth of garden to provide good quality amenity space for future occupants. The rear garden depth of approx. 5.5 m falls well short of the 10m standard. In addition, the garden is shown on two different levels, which further reduces the amenity value. The plot is therefore considered to be overdeveloped.

The substandard garden depth means that neighbouring gardens are close to the house and there would be views from these existing elevated gardens directly into the rear facing bedrooms of the new property.

The proposed dwelling would have sufficient quality internal amenity space which would not be over dominated or overshadowed by neighbouring property.

Amenity for surrounding occupants:

The openings are proposed to be confined to the front and rear elevations of the dwelling.

There is a 21 metre separation distance between the rear elevations of the bungalow properties directly fronting Birch Grove, which are at a higher level, and the proposed dwelling. No 5 has a small glazed extension to the rear which reduces this separation to 19m in this area, this however appears to be in use more as porch than a habitable room. In light of this, the impact on the internal amenities of these neighbouring properties is acceptable.

The properties on Greeton Drive are significantly lower. The separation distance between the properties is over 27 metres, which is acceptable.

Guideline 4 of Supplementary Planning Guidance on Designing House Extensions states a minimum distance to the back boundary from the rear elevation of 10m is also normally required for reasons of neighbour's privacy.

The distance from the rear wall of the proposed dwelling to the rear boundary is shown at approximately 5.5m. The outlook from the rear windows at ground floor would be screened somewhat by the level change, but the outlook from the upper floor windows would be directly onto the neighbours' gardens at the rear. There are three windows proposed at first floor. One could be obscured as it serves a dressing room however the remainder would serve bedrooms. This distance is insufficient and would result in an unacceptable loss of privacy of the gardens of properties on Birch Grove.

The distance from the front of the proposed dwelling to the rear boundary of properties of Greeton Drive varies slightly with the closest point being approximately 8.10m. Whilst this is below the 10 metres referred to in Guideline 4, there is intervening land formed by the access track and the resulting distance is closer to the guidance.

The dwelling would be located at a lower level than the neighbours on Birch Grove and the dwelling would be set back sufficient distance from the rear boundary so that unacceptable overbearing issues would not arise. The site is to the north east of these houses, consequently significant overshadowing issues would also not arise.

The proposed dwelling is shown to project beyond the rear of the approved dwelling on the adjacent site. The degree of projection is not however to the extent that unacceptable overshadowing or overbearing would raise. This aspect of the scheme

would be compatible with the aims of the Guidance contained in Guideline 5 of Supplementary Planning Guidance on Designing House Extensions.

The access road is immediately adjacent to the side wall and conservatory of 15 Birch House Avenue. There is existing activity associated with the garages within the site and also that which would arise from the recent approvals off this track. Given the established nature of this access significant additional noise and disturbance through would not arise as a result of the development.

In terms of the approval on the neighbouring site, whilst there are some similarities, the key differences are that the neighbouring plot is more generously sized. The distance from the rear elevation to the rear boundary is greater and the amount of clear glazing at first floor is less. This had an acceptable relationship to neighbours to the rear and also provided more and better quality outdoor amenity space.

Overall the scheme is considered to be an overdevelopment which would result in unsatisfactory living conditions for both the future occupants of the dwelling and existing neighbours. This is contrary to H14 (c) and the guidance contained in Guideline 4 of the SPG.

Paragraph 127 of the NPPF states that the planning system should always seek to secure a high standard of amenity for existing and future users. The aims of the local and national policy align. The scheme would not comply with the aims of paragraph 127 of the NPPF.

## Highways

Policy H14 d) seeks to ensure that developments provide safe access to the highway network, appropriate off-street parking and to not endanger pedestrians.

The dwelling would be accessed via a narrow, unmade track off Birch House Avenue. Birch House Avenue is on a steep gradient and is well used. The nature of the access is such that a hedge associated with a neighbouring property restricts visibility down the hill, particularly for pedestrians. On street parking on the hill also takes place.

The existing access is not ideal, however it is well established and currently serves 14 garages. A further garage has been granted this year, but not yet constructed, on the application site which is associated with No 5 Birch Grove. The approved dwelling on the neighbouring site would also use this road. This later application was granted as it made use of existing parking that previously served 21 Birch House Avenue, with No 21 having replacement parking served from the front.

The most recently approved consent, on this site, allows for a sizable garage and parking for numerous vehicles that could cater for No 5. This previous consent has accepted the principle of some minor intensification of the use of this access.

The current application proposes 2 off street parking spaces and if implemented would be instead of the approved garage. The associated number of vehicle and pedestrian movements along this track would be slightly increased over what could

be associated with the approved garage however it would be difficult to argue that this would be significantly greater.

The previous garage consent has not been implemented and parking is not taking place on this site at present, therefore there would not be any implications resulting from displaced parking from the host dwelling ( No 5 Birch Grove).

Two parking spaces are acceptable for a dwelling of this size. Whilst there is some risk that the garage could be used as storage, the absence of alternative parking close to the site reduces this likelihood.

The area of surfacing in front of the house is sufficient to enable residents to turn and would allow 2 cars to pass at this point before the track narrows.

Due to the distance from Birch House Avenue (approximately 50 m) there may be an issue in terms of access for the fire service. The applicant has been asked to pursue this with the fire service, but it is likely that a sprinkler system could be installed that would adhere to safety requirements.

On balance it is considered that there would be adequate parking within the site to cater for the new dwelling and the minor nature of intensification of the use of the access would not cause significant highway safety implications to the extent that a refusal could be justified.

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

The local and national policies align, with the NPPF being very clear as to the circumstances where a scheme could be refused. In this instance whilst not ideal, the impact of this development would not cause an unacceptable impact on highway safety or result in impacts that would be severe on the road network.

#### Drainage

The site does not fall within a high or medium risk flood zone that would affect the principle of the development, and as such does not require a Flood Risk Assessment to be carried out.

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced as far as feasible by design measures such as permeable paving. Such details could be controlled via condition.

The development complies with Policy CS67 which is compatible with the aims of the NPPF.

#### Coal Mining Legacy Issues

The application site falls within the defined Development High Risk Area. Coal Authority records indicate that the application site may be underlain by probable unrecorded coal mine workings at shallow depth. The applicant submitted a Coal Mining Risk Assessment which has been examined by the Coal Authority. They are satisfied that issues can be controlled by a condition requiring further investigations and any required remedial works.

## CIL

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.'

## Response to Neighbour Representations

- Concern is raised that if existing residents implement their Permitted Development rights the subsequent amenity of residents would be even poorer due to the poor separation distances and this would affect existing residents enjoyment of being able to implement these rights.

The standard separation requirement in Sheffield is 21 metres for house construction. Neighbours implementing PD rights would reduce this distance, however residents have a choice whether to do this. Whilst the concern raised is noted, it would not be a justifiable reason to refuse the application.

- The internal area of the house is substandard falling below space standards adopted by SCC.

The internal accommodation is acceptable and accords with the technical standard guidance set out in the South Yorkshire Residential Design Guide.

- The design has not had any consideration to adaptable design, lifetime homes and accessible design policy.

This is not a policy requirement.

- The design and layout contradict the guidance within S1.1/2/3 of the South Yorkshire Residential Design Guide regarding streets.

This guidance relates to larger schemes. This development does however front an access route and takes reference from the approval on the adjoining site.

- Concern is raised regarding noise and extra pollution.

Vehicle noise has been discussed above. The use of the site for residential purposes is compatible with the nature of the area and is not associated with harmful noise generation or notable pollution.



- Loss of wildlife.

The site is predominantly cleared. No specific habitat is apparent or has been highlighted. The impact on wildlife would be negligible.

- Concern is raised regarding light pollution from any external lights.

The nature of the use would not raise any concerns regarding the use of lighting that would be incompatible with the residential nature of the area.

- Concern is raised that the dressing room could become a bedroom in future which would intensify the use eg vehicle movements / parking demand.

The approved development on site already has potential for a similar amount of vehicle movements to the proposed, this and the limited space for parking within the site means that significant intensification in terms of vehicle movements and parking demand would not arise.

- The access road excludes inclusive access due to its surfacing.

There is no planning requirement to make the site accessible in this regard.

- There is insufficient space to pull off the access track to open the garage door and insufficient visibility of the track when exiting the garage. Sheffield's Core Strategy and design guides state that this is not appropriate and a space of 2.5x5m should be provided in front of garages.

Given that this is an access track rather than an adopted highway, the available space to pull in and visibility is adequate.

- Highway safety concerns during construction process are raised.

A suitable condition could be attached to ensure the control of parking of site vehicles and deliveries etc.

- Concern is raised regarding the accuracy of the sections, streetscene and OS plan.

The site has been visited and the level differences inspected. The dwelling would be constructed at a similar level to the track. Officers are satisfied that there is sufficient detail to assess the impact of the scale of the dwelling. The width of the access track is sufficient to accommodate the dwelling and associated vehicle movements.

- Concern about access for bin collection / bins would be left at the end blocking the pavement.

Servicing arrangements for all houses in the area take place from the pavement. The addition of a further household would not cause significant issue.

- Concern is raised regarding the amount of other homes being constructed in the immediate area and impact on school places and GP services.

This is a single dwelling and does not generate the need for education contributions. Its impact on local services would be minimal. The Community Infrastructure Levy is however a requirement as referred to above.

- Concern is raised about potential land subsidence during the construction of this property that might create problems in the back gardens of the properties on this side of Greeton Drive.

The applicant would be required to seek Building Regulations approval.

- Concern is raised as to who would maintain the track.

The construction area is at the opposite side of the track from the properties on Greeton Drive. The tracks maintenance is a private issue.

- The construction of the development causes significant concern with regards to noise impact, site management, access and parking.

There will always be an element of noise and disruption associated with new building. This is controlled by legislation outside the planning process.

- Application 13/01146/FUL was refused and that had better access than this.

The refusal of this application did not relate to highway safety grounds.

- Comments are made regarding the previous approval of the house on the neighbouring site.

This was fully assessed at that time and approved by committee decision. The adjoining plot is larger in terms of footprint.

- Comments regarding alternative uses of the site / design are noted however the application is assessed as submitted.
- The site has been visited as part of the assessment.

Non Planning issues:

- Loss of view, impact on house values, concerns about access to the garages during construction process and the capabilities of utilities infrastructure not meeting the demand are not planning issues or are private matters.

In response to the points raised regarding sustainability by Sheffield Climate Alliance:

With an application for a single dwelling there is no requirement for a sustainability statement. However, the scheme does address climate change in that:

- It is not located in a high flood zone
- It is located within an existing urban environment where there is good access to amenities and public transport links.

Whilst Section 2 of the NPPF relates to achieving sustainable development, paragraph 9 states that the objectives set out are not criteria against which every application should be judged.

Section 14 is clear that planning has a role to play in supporting the transition to a low carbon future. Paragraph 153 sets out that in determining planning applications this involves the compliance with the relevant development plan policies as well as looking at design form.

CS63 to CS65 are the most relevant policies. Policy CS63 is a strategic policy and CS64 and CS65 come into play for development of 5 or more units.

Officers are satisfied that the development at this scale satisfies the criteria of the NPPF and general aims of the Core Strategy and there is no justifiable reason to refuse the scheme on the ground of the points raised.

## SUMMARY AND RECOMMENDATION

The application seeks permission for the development of a single house within a Housing Area under the provisions of the Adopted Unitary Development Plan.

Whilst the principle of residential development is acceptable on this site, the proposed dwelling in this instance is overly large for the size of the plot and would result in a poor quality external amenity area for future residents due to its substandard depth and terraced nature. The proximity of the house to the rear boundary is unacceptable and this substandard distance would result in the proposed dwelling being overlooked from amenity space associated with existing dwellings and also the amenity space of existing properties being directly overlooked from the upper floor windows formed in the proposed dwelling. Consequently, the scheme fails to comply with Policy H14 of the Unitary Development Plan and Guideline 4 of Supplementary Planning Guidance on Designing House Extensions as well as the aims of Paragraph 127 of the NPPF.

The design of the dwelling is acceptable and officers accept that on balance, whilst not ideal, the access and parking arrangements for the site would not cause significant implications over and above what has been previously approved. Despite this the amenity implications remain unacceptable.

As the most important policies align with the NPPF, section d) of paragraph 11 has not been applied in this instance.

For the reasons outlined above the scheme is considered to be unacceptable due to the site being overdeveloped and the resulting unacceptable amenity issues this causes.

It is recommended that Members refuse planning permission for the reasons stated.

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Case Number	20/02081/FUL (Formerly PP-08839371)
Application Type	Full Planning Application
Proposal	Demolition of garage, erection of a dwellinghouse including provision of off road parking
Location	Land adjacent 18 Muskoka Drive Sheffield S11 7RJ
Date Received	27/06/2020
Team	South
Applicant/Agent	Andromeda Architecture Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing Ref 03-0320-SK4.1A Proposed Site Layout  
Drawing Ref 03-0320-SK4.2A Proposed Ground Floor Plan  
Drawing Ref 03-0320-SK4.3 Proposed First Floor Plan  
Drawing Ref 03-0320-SK4.4 Proposed Second Floor Plan & Section BB  
Drawing Ref 03-0320-SK4.5 Proposed Section AA  
Drawing Ref 03-0320-SK4.6 Proposed Front Elevation  
Drawing Ref 03-0320-SK4.7 Proposed Rear Elevation  
Drawing Ref 03-0320-SK4.8 Proposed Side Elevation (South)  
Drawing Ref 03-0320-SK4.9 Proposed Side Elevation (North)  
Drawing Ref 03-0320-SK4.10 Site Location Plan  
Drawing Ref 03-0320-SK4.11A Proposed Street Scene  
Drawing Ref 03-0320-SK4.12A Proposed Ground Floor No. 18

Reason: In order to define the permission.

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

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

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

4. No development shall commence, including any demolition works or site preparation works unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

5. No demolition and/or construction works shall be carried out until details of the proposed new vehicular access have been submitted to and approved in writing, including details of the tree roots located in the highway grass verge which shall be included within an arboriculturalists report. Once agreed in writing, the construction of the new vehicular access shall be carried out in complete accordance with the with the approved details before the new house is occupied and shall thereafter be retained.

Reason: In the interests of protecting the existing highway tree.

6. No development shall commence, including any demolition works or site preparation works, until full details of measures to protect the existing trees within the highway which are 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)**

7. 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.

8. A comprehensive and detailed hard and soft landscape scheme for the site 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.

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

**Other Compliance Conditions**

9. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

10. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

11. The proposed new dwelling shall not be occupied unless the car parking accommodation for 2 cars; as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

12. Details of a suitable means of site boundary treatment 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 dwelling shall not be used 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.

13. The proposed new dwelling shall not be occupied unless the car parking area has been constructed of a permeable/porous material (including sub base). Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

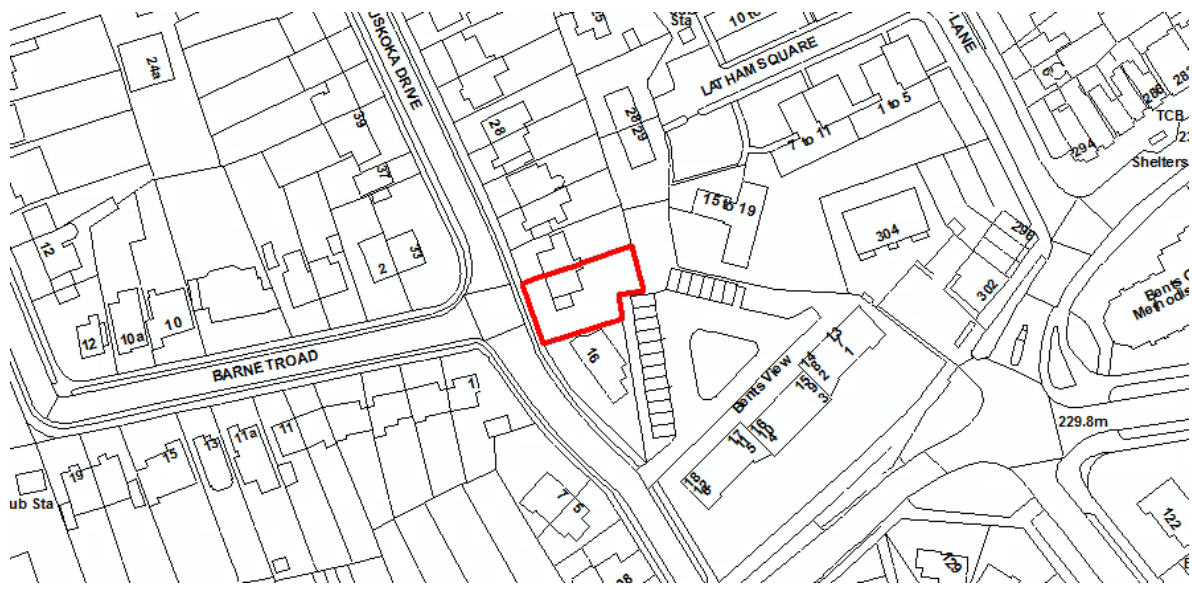
4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential



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](mailto:epsadmin@sheffield.gov.uk).

5. The construction of the new vehicular access will lead to relocation of the lamp post to the front of the site. The applicant will be required to fund its removal, and installation of replacement lamp post.

## Site Location



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## LOCATION AND PROPOSAL

The application site is currently occupied by a garage serving No. 18 Muskoka Drive, and forms part of the garden to No. 18. The site is located within a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP).

The street scene is characterised predominantly by two storey semi-detached residential dwellings, many of which have been extended. Immediately to the south of the site is a large detached dwelling at No. 16, which has a wide frontage onto Muskoka Drive. To the rear of the site is garaging which serves the 3 storey flats to the east and south.

Immediately to the front of the site, and within the highway verge are two Cherry trees, with an existing access between the two trees serving the existing house at No. 18.

This application seeks permission to demolish the existing garage on the site, and to erect a new 4-bedroom, two storey dwelling house, providing living accommodation over three floors, which includes utilising the roof space. A new access with dropped crossing is proposed to serve the new house.

## RELEVANT PLANNING HISTORY

Pre-application advice has been sought for the erection of a single dwelling on this site. This concluded that a good quality new build element could be acceptable in principle subject to detailed design.

## SUMMARY OF REPRESENTATIONS

There have been 91 letters received in total following the publicity given to the application.

89 are objecting to the proposal, 2 are in support. 73 of the objections are from residents on Muskoka Drive, Barnet Avenue, Barnet Drive or in the flats within Bents View. The others all live relatively close to the site. The 2 letters of support are from people who live in other parts of the city.

In addition Councillors Masters and Mohammed have objected.

Objections

Highways

- There was a road accident (fatality) in March 2020 where a pedestrian was knocked down by a truck (which was reversing up Muskoka Drive due to parked cars) opposite this proposed site.
- There are always parked cars out outside of the site in. These use the Hammer and Pincers, the schools, the care home, shops, park and ride to the city centre, walk to the countryside etc.

- It is a dangerous road, which has a blind summit and single track for people coming up or down the road. There have been lots of near misses and minor incidents outside of the site from people driving on the wrong side of the road.
- In the winter the road is even more dangerous from ice and snow.
- Visitors to the existing and proposed house will have to park on the road which is already dangerous and has limited parking. The Sheffield Council car parking guidelines require a 4 bedroom house to have 2-3 parking spaces and 1 space per 4 houses for visitors.
- Reversing out on to the road will be a problem directly opposite the road junction to other road users. It will also be a problem to future occupiers which is experienced by neighbour properties accessing their own driveways.
- There is not enough space in front of the existing property or the proposed to park two average sized cars.
- There is no crossing on Muskoka Drive, and pedestrians must cross near the parked cars, including young children walking to and from school.
- People ride their horses along this road and have done for many years, along with people cycling. Any further traffic would make this road even more dangerous to users.
- There is a streetlight outside of the site which is not shown on the plans
- Three dropped crossings are shown on the plans encroaching around the existing trees.
- The driveways have no turning circle so will have to reserve into or out of the site.
- The pedestrian visibility splay of 1.8 metres states that everything in this area needs to be less than 600mm high. This is impossible because of the existing boundary fence at No. 16.
- New access should not be located within 10 metres of a junction.

## Design

- Out of character and scale, it is far too large and prominent for this narrow site
- The proposal features gables with hips on both neighbouring properties
- Three floors of accommodation on the brow of the hill will make this a dominant structure
- This is a fine example of 1920/30's suburbia, this proposal is clearly out of keeping with no bay window features, red brick or pebble dash. The proposal is too blocky in design.
- The area has changed with a virtual terraced appearance due to the number of side extensions, and paving over front gardens.
- The garden should not be sacrificed to cram/squash in another property creating a terraced effect. Typical 'garden grabbing'.
- The large window in the front elevation is not in keeping with most houses on the street.
- The new dwelling is higher than the neighbouring property at No. 16.

## Amenity

- The balcony in the front creates unacceptable overlooking to the road and fronts of neighbours driveways and gardens.
- The roof lights in the third floor would provide a clear view in neighbours properties gardens (No 7).

- The proposal will overlook into the flats at Bents View, and the private seating area.
- The proposal will increase the amount of noise and disturbance
- There is a large balcony which would overlook.
- The top floor doesn't work without the roof windows being opened.
- The proposal would have an overlooking and overshadowing impact on No. 16. It would block out light to the rear garden and have an overbearing impact because of the level changes.
- No. 16 has its main door on the side which is adjacent to the site. Building a 3 storey gable will see a loss in light, unreasonable overshadowing and overbearing.
- No. 16 has a patio close to the boundary which is 1 metre lower than the proposed ground floor. Overlooking will occur to this patio.
- The roof light in rear en-suite is too low, and anyone over 5'6" will be able to see across to neighbouring properties.
- The roof light in the rear opens at a lower height and overlooks the gardens of No 16, 18, 20 and the communal gardens to the flats at the rear.
- There is no provision for bin storage, the only access to the rear is alongside No, 16 and this would have the potential for noise and smells.
- The garden is not suitable for a 4-bedroom house and is 6.5 metres from the rear boundary contrary to the 10 metres rule in guideline 4 of the SPG.
- The proposal will overshadow the surrounding properties
- There will be a loss of direct sunlight to occupiers of Bents View flats in the afternoon/evening
- The immediate neighbour at No. 16 has recently purchased a 2.1 metre strip of land at the rear of the site to be additional garden area serving No. 16. This will leave a distance of only 6.5 metres to the rear elevation of the property which is contrary to SPG 4 which requires 10 metres. This area will be overlooked by the windows proposed in the rear elevation on all levels owing to the land sloping down to the rear.

#### Landscaping

- There are several trees on the site which include an Oak, Yew and Pine. These are not marked on the plans.
- 150m<sup>2</sup> of open land will be lost for habitat for wildlife and green space to accommodate the house and driveway.
- There are cherry trees within the grass verge, and along the rest of the street which form part of the character of the area. These should not be removed as they are well established. The dropped crossing proposed would damage the tree roots in this location.
- The proposal removes the privet hedge to the front of the properties.

#### Others

- The local area is young families and the retired. There is no need for a four-bedroom executive style house in the neighbourhood.
- The new driveways will create problems with excess rainwater to soak away.
- Steel covers/inspection chambers in the verge to the front of the site need to be addressed.
- The developer has purchased the site to make money with no consideration for the neighbourhood.

- Additional cars would create air pollution.
- Building the house will cause a significant amount of danger to pedestrians, especially school children having to negotiate obstructions from the building site and related vehicles and machinery.
- The previous owner reported to neighbours about the barn owl that lived in a large tree in the garden, and other wildlife that visited the site.
- The existing host house at No 18 could be extended.
- 4 or 5 people in each unit could add pressure to the drainage system
- Errors on the planning application forms
- Works to No. 18 are not included on the plans.

Councillor Barbara Masters and Councillor Shaffaq Mohammed Objection:

- Muskoka Drive is used to access over 100 properties, and is heavily used by commuters, students, teachers, visitors, which means there are already a significant amount of traffic movements adjacent to the site.
- The amount of traffic and parked cars makes the road narrow and cars have to reverse into the road, affecting visibility for all road users including pedestrians.
- There has been one fatality outside of the site and adding 4 cars to reverse out of the driveway in this location is not acceptable.
- The driveways look to be very short, and will only accommodate short cars, with the porch to the new house making it more difficult to manoeuvre.
- The development poses a threat to the street trees, with the root systems of both trees likely to be damaged by any works.
- The alterations to No. 18 which may be permitted development are not shown on the plans, these should be material to the decision-making process.
- There are short comings in the information submitted, i.e. sections showing the drop in height, and the viability of the parking spaces.

Support:

- The proposed plans look similar to other new properties in the area which fit well into the landscape. Building another property and renovating No. 18 gives the opportunity for two families to enjoy the area.
- The garden should include plants/shrubs that attract pollinators attracting wildlife.
- The cherry trees at the front are indicated to be about 30 years old, and in the latter stages of life and would be best replaced with a young tree to ensure the continued look of the area.
- I'm not from around here but the proposal for the new house look very attractive. A modern purpose-built home on a wide plot not too close to the neighbours, providing much needed addition to the housing stock.
- It will complement the existing new modern building across the road.
- Providing two separate driveways will stop people from parking here on the road.

## PLANNING ASSESSMENT

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) set's out the Government's planning priorities for England and how these are expected to be applied. The key

principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

## Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in February 2019 (NPPF) is a material consideration.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

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

The relevant policies of the statutory Development Plan are set out below under each subheading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision making process in line with the requirements of NPPF paragraph 213.

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

- (i) The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provides a clear reason for refusing the development proposed or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design of the building and its impact on the surrounding street scene,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided,
- The impact of the proposal upon the existing landscaping of the site/and adjacent sites.

### Land Use Principle

The application site falls within a Housing Area as identified in the Unitary Development Plan (UDP) for Sheffield. Redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'. It is therefore acceptable in principle.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites. Housing on greenfield sites should not exceed more than 12% completions, and part (b) be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

The weight to be given to policies CS23 and CS24 is open to question as they are restrictive policies, however the broad principle is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'.

In this instance, in accordance with the NPPF definition, the site is classed as greenfield, as it involves the development within the site of a residential garden. Completions on greenfield sites are well below the 12% figure, closer to 6%, and the NPPF does not require a brownfield first basis. In this regard CS23 and CS24 can be offered some weight, and the principle of developing this site within an existing urban area, and sustainable close to local facilities is supported in policy terms.

### Housing Land Supply

Paragraph 73 of the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirements.

Policy CS22 'Scale of the Requirement for New Housing' of the Core Strategy is the most up to date development plan policy in relation to delivering a sufficient supply of



housing for Sheffield, stating that a 5 year supply of deliverable sites will be maintained at all times.

This policy is only partly in conformity with the NPPF, as the Core Strategy is now more than 5 years old, the NPPF states that the housing requirement must be based on the local housing need figures using the Governments standard methodology.

The Five-Year Housing Land Supply Monitoring Report (published May 2020) sets out the housing land supply position for Sheffield as at 31 March 2019. The five-year period runs from 1 April 2019 to 31 March 2024 inclusive.

The report identifies a gross supply of 11,642 new homes over the 5-year period from sites with full or outline planning permission, development plan allocations, sites with permission in principle and sites identified on the brownfield register. Estimated losses of 250 are deducted from this figure producing a net supply of 11,392 additional homes over the 5-year period compared with a net requirement for 11,151 additional homes.

Sheffield can therefore demonstrate a 5.1-year housing land supply.

The majority of Policy CS22 therefore carries limited weight. However, the policy states that a 5-year supply of deliverable sites will be maintained at all times, and the most recent published monitoring data (May 2020) concludes that there is 5.1 year supply. This part of the policy is in conformity with the NPPF.

Therefore, when considering housing land supply the presumption in favour of sustainable development as set out in paragraph 11 is not applied to the tilted balance in this case, as Sheffield demonstrates a deliverable 5- year land supply.

#### Efficient Use of Land/Density

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in para 123 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Policy CS31 'Housing in the South West Area' of the Core Strategy limits housing development at appropriate densities to infill and windfall sites in the urban area and developments in highly accessible locations. This reflects the approach of the NPPF whereby substantial weight to the value of using suitable brownfield land within settlements for homes is applied, however, additional land may be needed to meet future housing needs, and therefore moderate weight should be applied in determination of the application.

Paragraph 122 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing

character of the area, or of promoting regeneration; and the importance of securing well designed places.

The proposed new house sits on a site area of approximately 200 square metres which is 0.02 of a hectare. This would give a density of approximately 50 dwellings per hectare. In this location, the suggested range within the CS26 (d) is 30-50 dwellings. The Council seeks to encourage efficient use of land and it considered that the proposed density, along with a street frontage of approximately 8.3 metres in width, reflects the prevailing character of the area and as such is within the spirit of Policies CS26 and CS31 of the Core Strategy and paragraph 122 of the NPPF in relation to densities and efficient use of land.

## Design

It is important to consider the impact on the character of the area. The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.

It is considered that the design and conservation policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore are considered consistent with the NPPF and so can be afforded significant weight.

The immediate area surrounding the site is characterised predominately by plots which are approximately 8-9 metres wide incorporating semi-detached properties which themselves are approximately 6 metres wide. Visible in the street scene are many extensions, including those which incorporate a hip to gable roof design feature. To the south of the site is No. 16 which itself varies from the general character of the area, consisting of a detached two storey property with wide street frontage.

The host house at No. 18 has an existing garage to the side and a frontage of approximately 16 metres in width. It is proposed to demolish this existing garage, which is not of any architectural merit, and its demolition is considered acceptable in principle.

It is then proposed to divide the site into two, retaining a 1.4 metre (approximate) access to the side to allow the host house at No. 18 access to the rear. A new plot is to be created between No. 18 and No. 16 which has a width of approximately 8.3

metres. This results in No. 18 retaining a frontage of approximately 7.7 metres. A new two storey dwelling is proposed which has living accommodation in the roof space and has a footprint of approximately 7 metres in width and 8.5 metres in depth. This allows a gap of 1.4 metres to the southern boundary, with the building not filling the whole width of the plot. The front elevation of the proposed dwelling is positioned in line with No. 18.

In layout terms, it is considered that the proposed new dwelling will respect and maintain the character and grain of the surrounding properties within the locality.

The character of the area is predominately 2 storey dwellings. Some of which have extended habitable space into the roof space, and a large number have extended to the side.

The proposal is for a two-storey property with additional accommodation in the roof space. The overall height of the proposed building to the ridge is approximately 8.2 metres, which lines through with the existing ridge height at No. 18, and the eaves height sits just below that at No. 18 at approximately 5 metres high. Whilst most of the dwellings in the immediate area would have originally had hipped roofs, there are a significant number that now feature gables, such that this feature forms part of the area's character. The presence of gables on this proposal is therefore considered acceptable.

No. 16 adjacent to the south does stand on ground that is below the application site, following the natural topography of the area, dropping down towards Ringinglow Road. Whilst the proposal will have eaves and a ridge that at exceed No. 16's this is not considered to be at level which creates a feature that is excessively prominent in the surrounding street, as it follows the natural rise in the land. It is therefore considered that the overall scale and massing of the proposal respects the existing street scene.

The proposal takes a contemporary approach, with a central area of glazing to the front elevation, which is followed up into the roof space with roof lights. A porch is proposed to the front under a flat roof. Materials are detailed as white render under a slate roof, with powder coated aluminium windows and doors. There is a mixture of building materials in the immediate vicinity and the use of render is considered to complement the surrounding street scene.

It is acknowledged that the architecture of surrounding streets is more typical of 1930's dwellings, but a contemporary addition lies diagonally opposite, to which this strongly relates, and the scale and form of the dwelling reflects the overall character.

Overall, the building is well designed and subject to satisfactory building materials being used, a good quality scheme can be achieved, and the proposals comply with Policies BE5, H14 and CS74, along with the above quoted paragraphs of the NPPF

## Highways

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the NPPF

states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

UDP Policy H14 'Conditions on Developments in Housing Areas' part (d) states that permission will be granted where there would be appropriate off-street car parking for the needs of the people living there.

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

At present, there is an existing dropped crossing providing access into the site leading to a single garage, with parking to the front. The original submission proposed to retain this existing access to serve the existing dwelling at No. 18, along with proposing an additional dropped crossing to No. 18. A double width dropped crossing was then proposed to serve the new dwelling. Amended plans have been received which reduce the extent of dropped crossings, by retaining the existing single width access to provide car parking for the existing house, and proposing a single width dropped crossing to the new dwelling, located to the south of the site as far away as possible from the existing highway trees. The existing lamppost in the verge is proposed to be relocated at the expense of the applicant.

With regards to the safety of the new proposed new access, it is acknowledged that there are numerous other vehicle access points near the site, and that the site lies opposite the junction of Muskoka Drive with Barnet Avenue. Vehicles will need to reverse into or out of the access. However, this situation arises in the vast majority of cases within the area. Representations have referred to the dangerous nature of the road given its topography and the extent of on street parking and have also referenced a recent fatal accident near the site.

The gradient is not however severe along this stretch of road, and sight lines can be provided in the highway (grass verge/footpath). This is a very similar situation to the immediate neighbours including at No. 16 and 18, which does not of itself cause difficulty. The accident referred to did not relate to inappropriate domestic vehicular access design. Overall there are not therefore considered to be significant highway safety concerns about the provision of a new single access in this position.

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 4-5 bedroom house, 2-3 spaces are required as a maximum.

The site is located within the main urban area, within walking distance of Bents Green Local Shopping Centre, with regular bus services on Ringinglow Road. It is considered that creating two parking spaces to serve each property is acceptable.

Whilst the two parking spaces may not be accessed independently, this is not an unusual arrangement and in terms of parking provision the important point is that two cars can park within each site.

In terms of highway safety, the number of vehicle movements created by a single dwelling of this size would typically be in the order of 6-8 vehicle movements per day. This is not considered to have a material impact on safety.

On this basis, the proposal would be considered to meet Policies H14(d), and CS53, and would not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

### Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

The NPPF at paragraph 127 Part (f) requires a high standard of amenity for existing and future users.

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

The closest neighbouring properties to the site are the host house at No. 18, No. 16 to the south and the flats to the rear.

The SPG requires two storey dwellings which face directly towards each other to be a minimum of 21 metres apart, and rear garden lengths should be at least 10 metres, to ensure that privacy is retained. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

### Overlooking

Main habitable windows are proposed in the front elevation which include a set of openable roof lights which form a terrace area within the front roof plane. These are not considered to create any adverse overlooking as the aspect is over the front of the property and the public highway.

Windows are proposed in the rear at first floor level and within the roofslope. These look down the garden. The rear garden is L-shaped, with there being two distinct

rear boundaries. One positioned at approximately 6.5 metres from the rear of the proposed new dwelling, and the other at approximately 14.2 metres away.

Guidelines in the SPG recommend a distance of 10 metres to the rear boundary. This is in part to ensure that if two properties have back to back gardens, there is an appropriate separation to neighbouring gardens and facing windows.

In this instance, there are no properties immediately on the other side of the rear boundary. This area at present contains garaging for the flats behind and an area of communal open space. It is understood from the neighbour comments, that No. 16 has very recently purchased a strip of land which is 2.1 metres deep and which runs along the section of the boundary which is approximately 6.5 metres away from the back of the proposed dwelling. A typical 2-metre high boundary fence would prevent overlooking of this strip from the garden area and ground floor windows. Owing to the height of the fence, and the limited depth of this area behind the upper floor windows are likely to take their aspect looking over the rear boundary fence and would not have a clear view of ground level. Furthermore, at the time of the site visit, this area was not being used as private garden space, and there remains other, more useable private areas of garden serving No 16. In this instance, overlooking of a small narrow strip of potential garden serving No. 16 at a distance of 6.5 metres will not be to a degree that would warrant refusal of the application.

The flats within Bents View are positioned at a splayed angle approximately 43 metres away, and the flats within Latham Square are approximately 35 metres away. These distances significantly exceed the recommendations. The communal open space serving residents within Bents View is positioned mainly behind No. 18 and No. 20. It is not considered that the proposal will create any adverse level of overlooking to this communal area. No windows are proposed in either side elevation of the building.

Whilst there will be some mutual overlooking to and from the proposed new dwelling and both immediate neighbouring rear gardens at No. 16 and 18, this is a situation which arises commonly with properties sitting alongside each other (all semi-detached properties for example) and is not to an adverse level to warrant refusal of the application. New windows are concentrated in the rear elevation which look down the garden.

In this context, no significant overlooking will be created by the proposal.

#### Overbearing/Overshadowing

The proposed dwelling is positioned so that it does not extend any further forward or back of both immediate neighbouring properties at No. 16 and No. 18.

No. 16 has an entrance door on the eastern end of the side elevation facing the site. This door is not a main habitable window and does rely on third part land for an outlook when it is open. Protection of this as a light source cannot therefore be offered any significant weight. There are no other openings along this elevation of No. 16.

No. 18 has four small windows in the side looking towards the site. These are proposed to be blocked up as part of the renovation works to No. 18, or don't serve a main habitable room.

Therefore, it is considered that no adverse overbearing or overshadowing will be created by the proposal.

#### Amenity for future occupiers

The proposed new dwelling is considered to provide a good outlook from all main habitable rooms, providing a quality living accommodation for future occupants. Approximately 85 square metres of private rear garden space is provided to future occupiers of the proposed dwelling which is above the recommended 50 square metres found in the SPG, and the 60 square metres found in the SYRDG. Occupiers of the existing house at No. 18 will see a decrease in the amount of private amenity space, however it is considered that there remains private amenity space to the rear of No.18 which is acceptable.

In conclusion, it is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, or on occupiers of the proposed new dwelling. Accordingly, the proposal complies with UDP policy H14 and paragraph 127 of the NPPF.

#### Trees/Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported through Policy BE6 'Landscape Design' which seeks to integrate existing landscaping features.

Core Strategy Policy CS74 'Design Principles' – part a) expects high quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These are considered to align with the NPPF – and are therefore relevant to this assessment – on the basis that paragraph 127 c) expects new development to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The application site makes up part of the existing garden serving No. 18. This does contain several trees and shrubs associated with the garden. It is not considered that these trees are significant, and would not warrant any formal protection. A condition can be attached to ensure an appropriate hard and soft landscaping scheme is submitted ensuring appropriate replacements.

At present there are two cherry trees within the grass verge in front of the site. Amended plans have been submitted which remove the extended dropped crossing originally proposed for the host house at No. 18. This now relies on the existing crossing which is not to be altered.

A new dropped crossing is proposed to serve the new dwelling. This has been re-located to the southernmost point of the site to ensure it is as far away as possible from the trees and has been reduced to be a single width. A condition can control the details of how to construct the access. This can include a no-dig scenario to prevent damage to any roots which are close to the surface within this grass verge. The trunk of the cherry tree is approximately 4.3 metres away from the proposed dropped crossing. If it becomes apparent that there are roots within this area, the tree can be removed, and a replacement tree can be provided.

Whilst the tree has some value it is not a particularly high quality specimen and is one of several such examples in the area. A replacement, if it proves necessary is considered acceptable.

In this context, the proposal does not conflict with GE15, BE6, CS74 or the relevant section of the NPPF.

### Flood Risk and Drainage

The site does not fall within a high or medium risk flood zone that would affect the principle of the development, and as such does not require a Flood Risk Assessment to be carried out.

Policy CS67 'Flood Risk Management' of the Core Strategy seeks to reduce the extent and impact on flooding.

In this instance, the areas of hardstanding could be constructed from a porous material, which would restrict surface water run-off and to ensure any alterations are to a minimum.

### Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal falls within CIL Charging Zone 5. Within this zone there is a CIL charge of £80 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

### RESPONSE TO REPRESENTATIONS

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

- Noise and disturbance is an unavoidable consequence of development. A directive can be put on any approval to ensure that works are carried out at reasonable times as legislated for by the Environmental Protection Act.



- In relation to construction arrangements, it should be noted that it is not uncommon to develop on a constrained site. This site is not on a major highway and will not impact on the safe flow of traffic or pedestrians, albeit there may be an inconvenience during construction to occupiers of neighbouring properties/people travelling past the site.
- Any planning permission goes with the land and not the applicant, and therefore no consideration can be given to the why an application has been submitted.
- The level of air pollution associated with an additional house will not be significant.
- A number of errors have been reported on the application forms. New forms have been submitted that remedy this.
- Any proposed permitted development works to the existing house at No. 18 could be carried out separate to this application and are not required to be assessed as part of this proposal.

## SUMMARY AND RECOMMENDATION

This site is within the main urban area, with the proposal being at an appropriate density, and the provision of this 1 extra unit would be a small but helpful contribution to Sheffield's housing land supply.

The overall design, scale and massing of the proposal is considered to be acceptable and will not adversely impact on the surrounding street scene.

The proposal will not impact on the amenity and living conditions of existing adjoining residents to an adverse level, with a good level of amenity afforded to future residents.

The proposal will provide an appropriate level of car parking and provides a safe access that is not considered to have a severe impact on highway safety.

As such it is considered that the proposal meets the relevant requirements of the National Planning Policy Framework, UDP and Core Strategy Policies as listed and discussed in the sections above, and it is recommended that planning permission is granted subject to relevant conditions.

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Case Number	18/04034/OUT (Formerly PP-07353753)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved) for the erection of 22 dwellings (Additional/amended supporting statements) (Amended Description)
Location	Land adjacent 127 - 139 Long Line Sheffield S11 7TX
Date Received	25/10/2018
Team	South
Applicant/Agent	ADAS
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The site is located within land designated as Green Belt where there is presumption against inappropriate development. The proposal constitutes inappropriate development, which would result in significant impact on openness and harm to the character and appearance of the Green Belt. The other considerations that have been put forward by the applicant, individually or cumulatively do not outweigh the harm to the Green Belt, therefore the very special circumstances that are necessary to justify this inappropriate development in the Green Belt do not exist. The development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policies GE1, GE2, GE3, GE4, GE5, GE8 of the Unitary Development Plan, Core Strategy Policy CS71.
- 2 Insufficient information has been submitted to enable a full and detailed assessment of the impact of the development on the natural environment (The Peak District Moors Special Protection Area and the South Pennine Moors Special Area of Conservation) in respect of a Habitats Regulation Assessment (HRA). The Local Planning Authority must therefore conclude that the proposed development is contrary to Policy GE11 of the Unitary Development Plan, and paragraphs 170 and 175 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the

reasons stated above and taking the following plans into account:

Site Location Plan Scan Date 25 Oct 2018

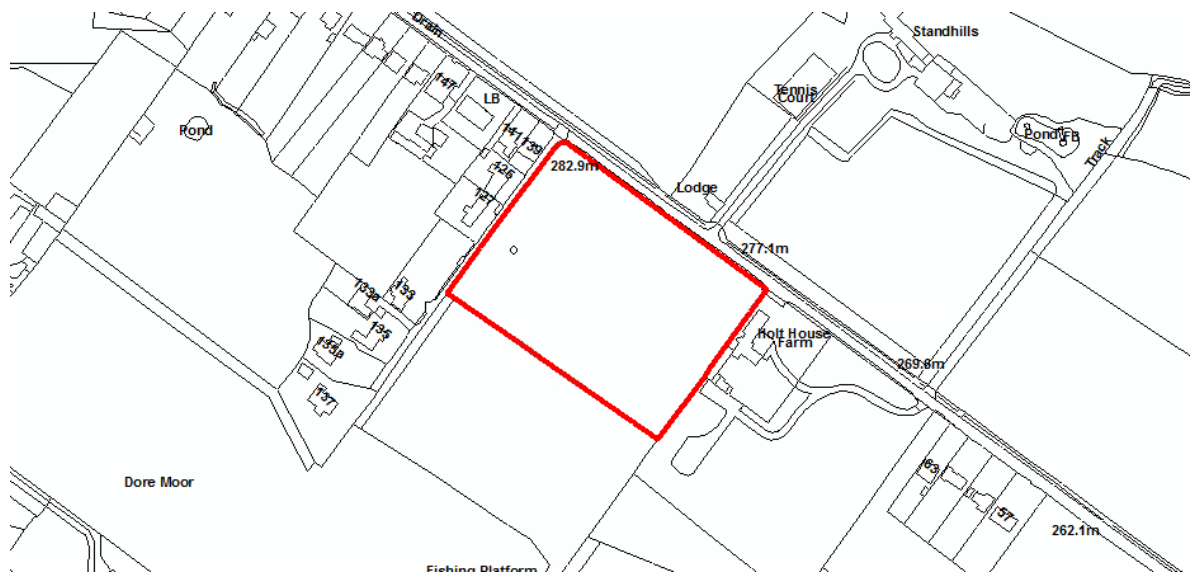
Site Plan with Ground Floor Layout 017028-AAD-00-GF-DR-A-0001-P04

Scan Date 15 Sep 2020

Site Plan with bio-diversity 017028-AAD-00-02-DR-A-0003-P04 Scan Date  
15 Sep 2020

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
3. The screening for the Habitat Regulation Assessment (HRA) document submitted by the applicant does not go into enough detail about the existing habitats, impact pathways, construction disturbance etc, and is based on reports which contain insufficient information.

## Site Location



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## INTRODUCTION

This application was deferred from consideration before the previous Committee meeting to allow time to consider additional information submitted by the applicant immediately prior to the meeting. This was in the form of an Addendum to the shadow Habitats Regulations Assessment (HRA). This document has now been reviewed by the Council's Ecologists and Natural England. The report below has been updated to reflect this.

## LOCATION AND PROPOSAL

The application relates to a site on the south west side of Long Line between Holt House Farm which is to the south east of the site, and the access track running perpendicular to Long Line which serves 125-137 Long Line. The site comprises of an open field containing no visible structures measuring approximately 1.6 hectares in area. The land slopes slightly from north down to the south by approximately 10 metres over the length of the site fronting Long Line which is approximately 150 metres long and 100 metres deep.

The site is bound by dry stone walls along three sides, with a post and wire fence along the south west boundary and is within Sheffield's Green Belt.

Outline planning permission is sought for the erection of 22 dwellings with details of access included for approval at this outline stage. All other matters, of layout, scale, appearance and landscaping are reserved for subsequent approval.

An indicative layout accompanying the application shows 22 dwelling, consisting of a mixture of two, three and four bedroom properties with a landscape buffer, and access to be taken from Long Line. The applicant has submitted further details which identifies that 13 of the units will be affordable units, (4 older person units, 4 two bedroom units and 5 three bedroom units) with the remainder consisting of 4 market older person units for the market and 5 four bedroom units for the market.

## PLANNING HISTORY

A pre-application enquiry was submitted in 2017 for the erection of 3 dwellings. The advice given was that any proposal for housing on the site would unlikely be considered favourably by the Authority owing to a conflict with Green Belt Policy.

## SUMMARY OF REPRESENTATIONS

Olivia Blake MP for Hallam objects on the following ground:

- The site is part of the Green Belt, and the Dore Moor Local Wildlife Site. This alone should make for inappropriate development. It does not meet National Green Belt Policy, NPPF para 143,144, 145 or 175(a) nor local policy.
- The site is viewable from the Peak District National Park and the scale of this proposal would spoil the character.

- The site has historical importance as one of the first Green Belts outside of London.
- Drainage and water run-off is already a problem along Long Line and this proposal would further exacerbate this.
- The proposal would heavily over-develop the site, it would be out of character and out of scale.
- Bus services are in-frequent, and households would likely require private transport, this would greatly add to congestion in the area, making walking along Long Line even less safe for pedestrians.
- Proposing a commuter community that would be dependent on travelling to work or to the shops fails to be sustainable.
- There is strength and depth of community feelings against this proposal with the large number of objections. There has not been enough community engagement, and this lack of concern for those who already live on the site is reflected in the application.

Councillor Colin Ross strongly objects to the proposal. This is development in the Green Belt, and there are no grounds on which to justify this major development and breach of the Green Belt.

Councillor Martin Smith and Councillor Joe Otten have objected to the proposal as the site is in the Green Belt, and the development would be totally out of keeping with the local environment.

#### Campaign to Protect Rural England (CPRE)

- The site is located within the Green Belt and an Ecological Local Natural Site (part of Dore Moor Local Wildlife Sites).
- Sheffield's lack of a five-year housing land supply means that relevant development plan policies are deemed out of date. As a result, there is no justification for approving the application purely in relation to meeting housing need. Consequently the application must show very special circumstances needed to approve development in the Green Belt.
- This 1.6 hectare site which is all in the Green Belt will inevitably harm the Green Belt. NPPF paragraph 143 states by definition; that inappropriate development is harmful to the Green Belt. The only relevant exception would be that the application displays very special circumstances, and this application does not.
- There is some support for the proposals from people living in the wider area, and these reflect the support for more affordable homes generally, which we do too. But there is adequate housing land available that is not in the Green Belt.
- We share the applicant's assessment that there is a need for elder persons housing, but this site is not well enough connected, is not in a sustainable location and there is enough urban housing land.
- It is hard to see how a standard foot way would be created, and it would not run along the whole of Long Line or make the crossing over Hathersage Road any safer. It would also damage the rural nature of this location through further urbanisation.

## Peak District National Park

- The landscape assessment needs to assess the impact in the context of the statutory National Park.
- The fringe landscape of the National Park plays a really important role of protecting the wilder experience.
- The dense, compact and urban form of the proposed development only serves to consolidate urban qualities in what is a more rural character at this point. Long Line is largely single depth in terms of its layout, interspersed with historic farmsteads and spaces of rural character.
- It is the wrong location for a development of this size, number and layout. It is therefore inappropriate in this location, which forms a valued setting to the Peak District National Park.

## Sheffield Wildlife Trust

- The site is designated as a Local Wildlife Site in the Greenbelt and is not designated for development. The application should therefore be refused as it is not in line with Sheffield Council's own strategic land allocation and associated policies.
- The ecological assessments are inadequate, including the fact that the field was mown just prior to the botanical survey, and the updated survey took place in December. No impact assessment has been carried out and a Habitat Regulation Assessment required under the Habitats Directive has not been carried out.
- Loss of species-rich grasslands and heathlands to be replaced by trees in 'biodiversity enhancement zone', this is not appropriate for this Local Wildlife Site.
- The biodiversity enhancement zone is now better thought out, but the amount of mitigation/compensation is still inadequate by a local of Biodiversity Net Gain.

## Dore Village Society

- The proposal does not achieve sustainable development. The site is outside the urban area of Sheffield on Green Belt and is remote.
- The proposal would not support the current development along Long Line.
- The proposal would not contribute to protecting and enhancing our natural built and historic environment, sites of biodiversity, or the Peak District National Park.
- The development would contravene the purpose of Sheffield's Green Belt
- The proposal cannot be justified by Very Special Circumstances and does not meet any of the exceptions listed in para 145.
- The proposal does not accord with CS26 (Density) CS74 (Design Principles), CS73, GE1, GE2, GE5, GE8, GE10 (Green Belt), H14 (Highways).
- Also, the proposal does not comply with the Dore Neighbourhood Plan DN2 (Landscape Sensitivity of the Setting of the Peak District National Park),



DN3 (Green Infrastructure), or DN4 (Long Line Substantially Developed Road Frontage).

- The developer's statement does not reflect the general opposition expressed by the local community, with Dore Village Society comprising over 1000 members, and on whose behalf these objections are made.

#### Dore Neighbourhood Forum

- The site falls within the Green Belt, and there is no possibility of this site being released from the Green Belt.
- The proposal is not 'limited infilling in villages' nor 'limited affordable housing for the local community needs' contrary to NPPF paragraph 145. Long Line is not a village, and it is not close enough to Dore Village to be considered potential infilling.
- Affordable Housing should not be in a location that is isolated not only from the City, but also Dore.
- The proposal does not comply with DN2 of the neighbourhood plan, this substantial housing development makes no attempt to conserve or enhance the landscape character of the Green Belt and Local Wildlife Site.
- The application would conflict with DN3, in that it does not restore or enhance connectivity for nature and people through linking sites.
- The proposal is contrary to DN4, which limits development along Long line to the existing groups of dwellings, and this proposal does not sit in one of these locations.
- The site is well within the landscape setting of the National Park, and close to the Parks Natural Zones. Building a 22 house estate of houses on a Local Wildlife Site and on an otherwise linear development within existing green gaps is unacceptable, and cannot be solved by any screening (i.e any woodland).

Long Line Residents Association (LLRA) have submitted comments which are summarised below:

- The proposed development is within an Area of High Landscape Value, close to the boundary of the Peak District National Park, this suburban style housing is out of character with the rural nature of Long Line
- The proposal is within the Green Belt and does not meet the exceptions tests in para 145 of the NPPF,
- The Very Special Circumstances submitted do not outweigh the harm to the Green Belt.
- The infrastructure along Long Line is not adequate for affordable housing or elderly person units.
- The proposal would increase the potential for localised flooding.

In addition to this, the LLRA have submitted 9 Appendices which contain 49 pages of documents. These are of an assessment/critique of the reports submitted by the applicant. It is not possible to summarise the points raised, however the general theme is that the reports have not been carried out by an independent group, they are objectively and factual inaccurate, are not based on accurate or current

information and assessments. The reports have been undertaken without any consultation with residents of Long Line, the community users, local agencies, Local Councillors or the MP, and there are no grounds for Very Special Circumstances, with this plot of land within the Green Belt, which should not be realised for use for this proposed development.

Individual Representations:

### Objections

89 Objections have been received. Some of these representations have commented more than once, and this number reflects each individual representation and therefore there may be more than 1 per household. A handful of these objections are from outside of the City.

### Green Belt

- The site is not allocated as a Housing Area, but is an important and invaluable Green Belt area that stretches into the Peak District National Park
- The site has historical connections defining Green Belts in the UK through Ethel Haythornthwaite's work.
- This sensitive environment must be protected, and proposed buildings are inappropriate,
- It is an inappropriate location within the setting and view from the National Park
- The negative impact in this already fragile area would be a disaster.
- The site is within an area of high landscape value and should remain as such.
- Other houses along Long Line have had planning restrictions on their properties being in the Green Belt.
- There are plenty of brown field sites available in Sheffield, without building on the Green Belt.
- The area has very limited infrastructure that would not be suitable for such a large development.
- New development would change the character of this countryside location
- The proposal is contrary to Council's adopted local plan, and does not meet any of the exceptions rules in the NPPF for developing in Green Belt.
- The proposal is contrary to NPPF paragraphs 143, 144 and 145, and Core Strategy Policy CS71.
- The proposal would be further development on land of high landscape value between the National Park and existing suburban settlements
- The proposal will set a precedent for neighbouring Green Belt sites.
- The open space between the current three groups of properties should be maintained, not only as a crucial part of the green belt but also as a vital corridor for wildlife, and for continued uninterrupted views both to and from the Peak District.

Affordable

- There is doubt that the houses will be affordable, an average small house along Long Line goes for £500k.
- The type and values of the properties on Long Line would in no way be in keeping with the type of affordable properties required over the coming years
- The affordable units will be aimed at young families, yet the schools in Dore are oversubscribed and the road is too dangerous for children to walk down.

#### Traffic/highways

- It would be detrimental in terms of noise and excessive traffic
- There is no footpath along Long Line, and an additional 22 properties would add to congestion and to the safety of pedestrians, and inadequate lighting.
- It is a long way to walk to Dore Centre and then walk back up hill with shopping bags with no footpath and crossing Hathersage Road.
- The traffic at the moment does not adhere to the 30mph limit and it is a very dangerous road.
- Whilst there are several bus stops along Long Line, there is an infrequent bus service (2 a day) and not at the weekend, and not suitable for commuters, so the development will be heavily car dependant.
- The distance to local services would mean older people or families with young children could only reach them by car.
- The Transport Statement refers to a direct link to the railway station, yet as residents for over 35 years, we know of no such link. (The information submitted is incorrect). There have also been several serious accidents along this stretch of road in recent years.
- The bus links along Hathersage Road are not suitable for people with mobility problems or young families as you have to walk along Long Line which is a narrow road/track and is some places only single file especially without a footpath.
- It will increase traffic using the dangerous road junction of Long Line/ Hathersage Road/ Cross Lane
- There would be major congestion during construction.
- The increase in traffic generated would alter the dynamics of the site.

#### Design/Density

- 22 homes on the site would be an unacceptably high density of buildings for this area.
- A suburban type estate of 22 houses is totally out of character with the rural nature along Long Line which consists of farm buildings, and elderly bungalows of individual design
- The overdevelopment of the area would ruin the views and surrounding houses and destroy the neighbourhood

#### Local Services

- There are already pressures on the village amenities and parking.

- There is an oversubscription on school places in Dore
- The proposal would lead to increase demand on dentists and healthcare.

### Sustainability

- The proposal is too far away from the centre of Dore to support village centre sustainability.
- There are ample sites all over Sheffield with better access to the city centre and public transport than this site.
- The energy report is a theoretical report with no concrete basis

### Drainage

- The drains already flood during periods of high rainfall, resulting in high volumes of water running down the road. Additional hardstanding will increase run off and cause more drainage problems.
- There is a culvert running under Holt House Farm and an underground spring emerges in the proposed development site.
- The existing culvert may not have the capacity to cope with the SUD's drainage from 22 new homes
- The biodiversity area is in a much better location now and is shown as containing two-surface-water reservoirs/ponds and this is viewed favourably, whereby excessive surface water will accumulate followed by the slow release. This should be implemented irrespective of any planning permission.
- There have been several instances of flooding in this position in recent years, including flood levels of more than 150mm.
- The existing culvert cannot be expected to handle any excess of surface water run-off from the application field.
- The site adjacent contains high clay content, and this may impact on this sites permeability.
- There are flooding issues due to excessive water run-off from the land above
- The proposal contravenes the NPPF and Policy CS63 and CS67.

### Amenity

- Increased stress levels of local residents through increase in noise and disturbance.
- The proposed development runs adjacent to a lane serving a number of properties and will encroach on privacy, and restrict views of the surrounding countryside.
- House Plot 1 lies within 10 metres of the boundary wall of an existing neighbouring property.
- The proposals would overlook the existing adjacent properties and create of a loss of light to these windows.
- The proposal would impact on air quality.

### Ecology

- The proposal will disturb the habitat of the wide range of wildlife that exists in the area.
- The proposal will be contrary to paragraph 175a of the NPPF, and Policy G1 of the of the emerging Policies and Sites document.
- The ecology appraisal is not accurate and the field survey was taken when the field has recently been cut.
- The report claims an enhancement of bio-diversity net gain due to tree plantation and two ponds on a narrow strip of the site. However there will be a loss of a meadow which is frequented by wildlife.

#### Sheffield Development Plan

- The next stage of the Sheffield Development Plan will be published within the next few months, no permissions should be given for developments of this size on an ad hoc basis whilst the future housing plan for Sheffield is in flux.
- The site has not been identified in the Green Belt review as being suitable for housing.

#### Dore Neighbourhood Plan

- The development would be contrary to the Long Line Policy in the Dore Neighbourhood Plan.

#### Others

- There is a flurry of activity supporting this development recently, the vast majority of these comments supporting the scheme live nowhere near the site. They are listed as neighbours but aren't.
- The level of publicity for the application is too narrow, and does not include anyone who cycles, runners, horse rides etc. in the area.
- The proposal is supported by a number of technical reports which have been engaged to support the application. The independence and reliability seems questionable.
- Open green areas improve the mental health of a community.

#### Support

19 Representations have been received in support of the application. These have generally come from people who are not immediate neighbours and some on which do not live in Sheffield. The representations vary in length from a single word of 'Support' to a couple of sentences. The main comments raised include:

- More new bungalows are need in this area
- Sustainable, energy efficient housing project.
- Great asset to Sheffield and the Peak District if the homes are truly affordable, especially to young families and older people.

- High demand for affordable housing on this side of Sheffield.
- The road is easily accessible and would be able to support the additional volume of cars the development would attract
- This a great incentive for first time buyers and families

## PLANNING ASSESSMENT

### National Planning Policy Framework

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

### Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in February 2019 (NPPF) is a material consideration.

The Sheffield Plan – 'Issues and Options' consultation is only 'emerging' and not at draft stage. Any potential future spatial strategies proposed do not therefore have any weight yet.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

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

The relevant policies of the statutory Development Plan are set out below under each sub-heading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision-making process in line with the requirements of NPPF paragraph 213.

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

- (i) The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>, or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the 'tilted balance'.

Footnote<sup>6</sup> sets out a list of areas/assets of importance to which paragraph 11 d) i) applies, and this includes the Greenbelt in this instance.

Paragraph 11 of the NPPF also makes specific provision in relation to applications involving the provision of housing, and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, the policies which are most important for determining the application will automatically be considered to be out of date.

#### Dore Neighbourhood Plan

The Dore Neighbourhood Plan has reached the Publication Consultation (Reg 16) stage with the consultation period finishing on the 26<sup>th</sup> October 2020.

Para 48 of the NPPF states: 'Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'

The appointment of an examiner is now being progressed. The policy weight will only change once the examiner's report has been issued. Policies are considered to have limited weight if there is no inconsistency with the NPPF, and no unresolved significant objections. These policies would then need to be considered alongside all other development plan policies and material considerations.

Policy DN2 'The Landscape Sensitivity of the Setting of the Peak District National Park' applies to this development proposal. At present, this policy has limited weight as it is consistent with the NPPF. Other policies which are applicable are DN3 'Green Infrastructure Strategy', DN4 'Long Line Substantially Developed Road Frontage' and DN6 'The Provision of Smaller Homes.' These 3 policies at present are considered to have no weight due to inconsistency with NPPF paragraph 16(d).

## Key Issues

The main issues to be considered fall under the following headings;

- Housing Land Supply,
- The acceptability of the development in land use policy terms and its impact on the Green Belt,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided,
- The impact of the proposal upon the existing landscape of the site.

### Housing Land Supply.

Policy CS22 'Scale of the Requirement for New Housing' of the Core Strategy is the most up to date development plan policy in relation to delivering a sufficient supply of housing for Sheffield, stating that a 5 year supply of deliverable sites will be maintained at all times.

This policy is only partly in conformity with the NPPF, as the Core Strategy is now more than 5 years old, the NPPF states that the housing requirement must be based on the local housing need figures using the Governments standard methodology.

Using this method, the housing requirement in April 2019 was 2,124 net additional homes per year for Sheffield (699 homes per year higher than the figure in Policy CS22. This translates to a requirement to provide 10,620 net additional homes over the 5-year period from 1 April 2019 to 31 March 2024 inclusive.

A 5% buffer is applied to this figure to ensure choice and competition in the market for land as required by NPPF paragraph 73. This produces a total net 5-year housing land requirement of 11,151 homes over the period 1 April 2019 to 31 March 2024 inclusive.

The majority of Policy CS22 therefore carries very limited weight. However, the policy states that a 5-year supply of deliverable sites will be maintained at all times, and the most recent published monitoring data (February 2020) concludes that there is 5.1 year supply. This part of the policy is in conformity with the NPPF.

### - Five Year Housing Land Supply Position

The Five-Year Housing Land Supply Monitoring Report (published May 2020) sets out the housing land supply position for Sheffield as at 31 March 2019. The five-year period runs from 1 April 2019 to 31 March 2024 inclusive.

The report identifies a gross supply of 11,642 new homes over the 5-year period from sites with full or outline planning permission, development plan allocations, sites with permission in principle and sites identified on the brownfield register. Estimated losses of 250 are deducted from this figure producing a net supply of 11,392 additional homes over the 5-year period compared with a net requirement for 11,151 additional homes.



Sheffield can therefore demonstrate a 5.1-year housing land supply.

Paragraph 73 of the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years worth of housing against their housing requirements.

Therefore, when considering housing land supply the presumption in favour of sustainable development as set out in paragraph 11 is not applied to the tilted balance in this case, with Sheffield demonstrating a deliverable 5- year land supply.

#### - Housing Delivery Position

The 2019 Housing Delivery Test confirms that 112% of Sheffield's housing requirement has been built over the last 3 years (also 112% in 2018). Therefore, there has not been significant under delivery within the District over this period in relation to the 45% threshold set out in the transitional arrangements detailed at NPPF paragraph 215.

This result also indicates that SCC's Development Plan policies will not be considered out of date solely on the basis of past delivery.

#### - Previously Developed Land

CS24 'Maximising the Use of Previously Developed Land for New Housing' is the most up to date policy for promoting the use of previously development land. This aligns with the paragraph 118 of the NPPF which gives 'substantial weight to the value of using suitable brownfield land within settlements for homes' and is reflected in the policy target of delivering no more than 12% of new homes on greenfield land.

However, the NPPF does not specifically advocate a brownfield first approach. CS24 does state that green field sites will be developed only whereby it is connected with housing renewal; in connection with identified sites and areas; small sites in urban areas and larger villages; in Owlthorpe Township, or sustainably located larger sites in a or adjoining urban areas or larger villages where there is less than a 5 year supply of deliverable sites.

This site is clearly a green field site and does not sit within the criteria set out by Policy CS24 as detailed above. Therefore, the application is contrary to Policy CS24. Paragraph 117 of the NPPF requires that decisions should promote the effective use of land in meeting the need for new homes, whilst safeguarding the environment, and this proposal would not achieve this.

#### - Efficient Use of Land

Policy CS26 ' Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density

requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in para 123 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Policy CS31 'Housing in the South West Area' of the Core Strategy limits housing development at appropriate densities to infill and windfall sites in the urban area and developments in highly accessible locations. This reflects the approach of the NPPF whereby substantial weight to the value of using suitable brownfield land within settlements for homes is applied, however, additional land may be needed to meet future housing needs, and therefore moderate weight should be applied in determination of the application.

For a site such as this, within which is within a rural area, CS26 part (e) is relevant and states that a range of 30-40 dwellings per hectares is appropriate. This part Long Line and the immediate surroundings is generally characterised by lower density development due to the presence of a high number of large dwellings which are set in substantial plots.

The application site is approximately 1.6 of a hectare, and the 22 proposed units would give a density of approximately 13 dwellings per hectare. This falls below the suggested range within the CS26 (e). Whilst the Council seeks to encourage efficient use of land, in this instance in this rural location within the Green Belt, a density to reflect the policy requirement would not reflect the prevailing density of the area.

This site is not an infill or windfall site, is not brownfield land, is not within the main urban area, and is not within a highly accessible location. Furthermore, the indicative plans show that to accommodate 22 dwellings into the site, these are likely to be 3 dwellings deep, and not just have a frontage onto Long Line. This is at odds with the characteristic of the area, and therefore the proposal does not accord with CS31 of the Core Strategy and paragraph 122 of the NPPF.

#### - Summary of Housing Need

The proposal is to develop a greenfield site, in a location which is not within or immediately adjacent to the main urban area and is not in a sustainable location.

Therefore on this basis, the proposal is inappropriate development within this isolated green belt location and where Sheffield can demonstrate a 5.1 year housing land supply to which considerable weight has been attached. This is contrary to Policies CS24 and CS31 of the Core Strategy and paragraphs 117 and 122 of the NPPF.

#### Green Belt

#### - Introduction

Chapter 13 'Protecting Green Belt Land' of the NPPF states that the Government attaches great importance to Green Belts, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Policy CS71 of the Core Strategy is the most up to date local policy which seeks to safeguard the countryside by maintaining Green Belts. Development needs will be met through the re-use of land and buildings rather than expansion. The supporting text to Policy CS71 requires that the policy will be implemented through the development management process in accordance with national policy and therefore defers to NPPF paragraph 145.

Policies GE1, GE2, GE3, GE4, GE5 and GE8 are UDP policies relating to protection of the Green Belt. These are all assessed with relevant weight given to each in the sections below.

The following assessment is split into 5 main headings:

- (i) Whether or not the proposal is inappropriate development in the Green Belt.
- (ii) Whether there would be harm to the Green Belt
- (iii) Other considerations which weigh in favour of the development
- (iv) Whether very special circumstances exist.
- (v) Green Belt Balancing Exercise.

- Whether Inappropriate Development

Policy GE3 'New Building in the Green Belt' states that the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation and cemeteries, and other uses which would comply with Policy GE1.

Policy GE5 'Housing Development in the Green Belt' deals with the principle of new houses in the Green Belt. It details that other than those needed to support agricultural and other acceptable uses (as set out in Policy GE3 above), they will only be permitted where they would involve either; (a) infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage; or (b) replacement of an existing housing on the same site, providing that the new house is not significantly larger than the one it replaces.

All of the exceptions listed in Policy GE3, and GE5 where new buildings are allowed in the Green Belt, correspond with some of those listed in NPPF paragraph 145 and significant weight can be given to those parts of GE3 and GE5.

Paragraph 145 sets out that new buildings are regarded as inappropriate and lists 7 criteria (a-g) which are exceptions to this. These are:-

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;  
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;  
e) limited infilling in villages;  
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and  
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or  
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal for 22 houses is not considered to fall within any of the 7 exceptions, and as such is inappropriate development, by definition.

Policy GE5 of the UDP only allows for a single plot within the confines of an existing village, group of buildings or substantially developed road frontage, whereas part (e) refers to limited infilling in villages. The NPPF does not explain the term limited infilling for the purposes of a Green Belt assessment.

Long Line is characterised by small groups of houses at intervals along the southern side of Long Line, with only a few dwellings along the northern side. This existing development can be described as ribbon/strip development, and this site at present forms a significant and important gap between two groups of dwellings between Holt House Farm to the south east and No. 139 Long Line to the north west.

The proposed layout (although indicative) is suburban and does not reflect or reinforce the rural, and ribbon development character of the area. The scale of development swamps the entire plot with suburban style housing, and it is clear that 22 houses within a field which has a road frontage of 150 Metres, would not accord with the term limited infilling, whatever the layout.

A recent appeal, dismissed in 2017, at the site next door at Holt House Farm is a material consideration for this application. This related to a refused application for a single new dwelling, within a plot significantly smaller than this current application.

The Inspector in dismissing the argument put forward by the appellant that the site represented 'infilling' stated that there was an existing degree of separation and gap between the existing small group of houses, which resulted in the site not being considered to have a substantially developed frontage. This is the case with the current application site. Furthermore, the Inspector concluded that the development of a gap of the size proposed would not represent the infilling of a single plot or a limited infilling as required by policy.

Part (f) of para 145 refers to 'limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Firstly, it clearly states 'limited affordable housing for local community needs under policies set out in the development plan'. Sheffield's development plan consists of saved UDP policies and the Core Strategy, neither of which include such a policy and therefore this cannot be applied. Secondly, this clause is designed to deal with local community needs. Generally, this would mean needs that are specific to a Green Belt community (i.e. a specific village).

Sheffield's affordable housing need is calculated at a citywide level and disaggregated by housing market area (HMA). However, even that need which is identified at the housing market area level (i.e. South West HMA or Peak District HMA) is not locally specific to Long Line as a 'community', and therefore would not be sufficient to justify application of this clause in the NPPF.

In conclusion, the proposal fails to meet any of the exceptions list in Paragraph 145 of the NPPF and amounts to inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- Would there be harm to the Green Belt

Openness

Policy GE1 'Development in the Green Belt' of the UDP, states that development will not be permitted, except in very special circumstances, where it would: (a) lead to unrestricted growth of the built-up area; or (b) contribute towards merging of existing settlements; or (c) lead to encroachment of urban development into the countryside; or (d) compromise urban regeneration. Fundamentally, this is the same approach as paragraph 134. Allowing development only in very special circumstances accords with NPPF paragraph 143, and significant weight can be given to GE1.

Paragraph 134 states the Green Belt serves five purposes:

- a) To check the un-restricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 145 and 146 of the NPPF, state that where development is allowable in the Green Belt, it should not have a greater impact on openness than the existing development or should preserve openness.

Openness is viewed as the absence of development. In this instance, the site at present consists of open countryside, which is confined by the existing stone wall/post and wire fence which encloses the site. The site creates a positive sense of openness and is viewable from a number of vantage points.

The proposed dwellings would be a permanent and substantial form of development which would stretch approximately 150 metres along the road frontage, where currently there is a significant gap in built form, but also 100 metres back into the site essentially being 3 houses deep.

The development would constitute urban sprawl bringing a significant development to an area of scattered homes that is physically isolated from the main urban area. In addition, the proposal site would be considered 'countryside' and certainly meets that Green Belt purpose. Almost all land within Sheffield's Green Belt can be considered to meet Green Belt purpose which relates to assisting urban regeneration by encouraging recycling of urban land – as by protecting land in the Green Belt, development is naturally funnelled into the urban area. Furthermore, the site is clearly open in nature, and the fundamental aim of Green Belts (NPPF para 133) is to prevent urban sprawl by keeping land permanently open.

Therefore, a significant loss of openness would occur in the Green Belt from the erection of 22 houses on this site, contrary to the fundamental aims of Green Belt policy as listed in paragraphs 133, 134.

#### Character and appearance

Policy GE2 of the UDP 'Protection and Improvement of the Green Belt' requires that measures shall be taken at part (a) to maintain and enhance those areas with a generally high landscape value. The NPPF at paragraph 141 states that Local Planning Authorities should plan positively to retain and enhance landscapes and visual amenity, which aligns with GE2, and significant weight can be afforded to GE2.

Policy GE8 'Areas of High Landscape Value and The Peak National Park' reinforces that in areas of high landscape value (AHLV), protection and enhancement of the landscape will be the overriding consideration. The policy is broadly consistent with the natural environment section of the NPPF which states that policies should protect and enhance valued landscapes. The AHLVs referred to in GE8 would be relevant to this. Further, para 172 of the NPPF specifically gives great weight to conserving and enhancing National Park landscapes. The National Park's landscape assessments recognise that landscapes extend beyond the National Park's boundary and therefore protection of those fringe landscapes through this policy is consistent with the approach in the NPPF.

This site is outside the Peak District National Park which is located approximately 500 metres to the west, and it does sit within the fringe landscape.

Indicative plans have been submitted and these show that the creation of 22 dwellings on this site would create a domestic activity which would envelope the site. This is through the buildings themselves, coupled with the individual boundary treatments, either soft or hard, garden equipment and play equipment, roads through the site, the presence of vehicles, street lighting and people movement.

The site is clearly seen from a range of viewpoints and is totally out of character with the surrounding forms of development. This suburban layout featuring 22 houses which extend deep into the site will have a far greater urbanising effect than the existing minimal levels of linear development which is concentrated mainly on the road frontage. This will have a significant impact on the character and appearance of the surrounding Green Belt, which will also impact on its openness.

### Landscape and Visual Impact

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. This defines the site as being an open field in fair condition with no built structures, infrastructure, or vegetation on the site. The LVIA contains 8 viewpoints within a 2km study radius and assesses the impact of the proposal from these points.

The impact varies from 'negligible' whereby the development is not seen as a result of either elevated topography or areas of woodland between the site and viewpoint, to 'large adverse' impact from the nearest properties. However, it is clear that there are large areas from which the proposed development can be clearly be seen and will have an impact upon the landscape character. Considerable emphasis is placed within the LVIA on significant landscaping within the site, so that in the medium to long term, these landscape enhancements would mitigate the more prominent adverse landscape and visual impacts of the proposed development. The very fact that landscape works are necessary to mitigate the visual appearance of the development underlines the visual impact on the surrounding landscape.

As the application is for outline consent, the LVIA at Reserved matters stage could vary significantly on the design approach, scale, massing and layout of the development. However, at this outline stage, it is clear that there will be an unacceptable impact of erecting 22 houses on this site, on the surrounding landscape.

### Sustainability

Paragraph 7 of the NPPF states 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Paragraph 8 goes on to say at part c) environmental objective – to contribute to protecting and enhancing our natural, built and historic environment.

Development of this parcel of open countryside within the Green Belt, would not protect or enhance this natural environment and the site is not in a sustainable location.

- Other considerations which weigh in favour of the development

Paragraph 144 of the NPPF requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not

exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this instance, two reports have been submitted by the applicant in support of the development. The first is a Very Special Circumstances Report (VSC) which was updated in October 2020 and highlights concerns about housing affordability nationally and in Sheffield, and most particularly in Dore and the south west of Sheffield. This was then supplemented with an additional report written by Lichfield's which proposes 13 of the 22 units to be affordable housing units, in the form of 4 older person units, 4 two-bedroom units and 5 three bedroom units

Several case studies are cited within these reports, but these are not comparable to this case. They are either based on land that was previously developed; or refer to instances where there is a significant lack of a 5-year housing supply; or where if there was a 5 year supply the scheme provided a substantial amount of housing (of 500+ units), meaning that any perceived benefits were considered to have much more significant impact.

The VSC report lists 50 items which the applicant stipulates are material considerations that contribute to the VSC of this application, and which give a positive impact in a balancing exercise.

These are categorised into the following main headings (with some of the subheadings in brackets):

- Policy and Green Belt Matters (The site does not strongly conform to the 5 Green Belt purposes, Sheffield has out of date Local Plan Policies, and cannot demonstrate a 5-year supply only having around 3.6 years).
- Housing Provision - Market, Affordable and Specialist Housing for Elderly People (On site contribution to market family housing, affordable housing for Dore and elderly occupants)
- Social Sustainability (Inclusive and mixed community, providing homes for those with protected characteristics, and support for local community services)
- Economic Stability (Economic stimulus to COVID recession, construction jobs, and generating an associated population to increase spending in the local area).
- Environmental Sustainability and Biodiversity Enhancements (Enhancement of the Local Wildlife Site, Bio-diversity net gain, networked green spaces, and the removal of invasive species)
- Water Drainage (Removes the pressure for development in higher risk Flood Zones in the city, and Sustainable Urban Drainage being proposed.)
- Landscape (Retention of key characteristics such as the stone boundary wall, and added value to local landscape)
- Sustainable Transport and Location (Long Line being well served by public transport links, improved public footpaths, potential traffic calming, on site electric car charging points)
- Architectural Design (Inclusive design, with market and affordable housing being indivisible from one another)



- Sustainable Energy (Low carbon energy supply and a reduction in carbon emissions).
- Financial Contributions. (A contribution to local council tax and a CIL contribution).

There are then 2 negatives which are listed as:

- Inappropriate development in the Green Belt (market housing does not fall under the exception text, however affordable housing does)
- Impact on openness (the proposal will impact on openness, but substantial weight is given to any harm through VSC).

Firstly, the VSC report by Lichfields gives a figure of 59% affordable housing provision within the scheme. It is important to note that this figure is derived by simply dividing the number of affordable units by the total number of units (13/22 = 59%).

The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) which includes Affordable Housing, calculates the percentage to be applied as a proportion of gross internal floor area rather than a percentage of unit numbers. The site plan submitted, indicates that of the 13 units, there are 4 bungalows, 5 x 3-bedroom units and 4 x 2-bedroom two storey smaller houses.

A further figure has been provided in the updated VSC report which gives 44% of the total gross floor space as affordable, and it is this figure which is most important and relevant to the policy.

The policy requirement as set out in the Community Infrastructure Levy and Planning Obligations SPD for this area is 30% and this would need to be calculated in full at reserved matters stage which would include detailed design. However, what is clear, is that this application is not seeking to provide 59% affordable housing, but closer to 44% depending on the final designs. On this basis this meets and exceeds the policy target for affordable housing on the site.

The vast majority of the 50 items referred to in the VSC report are not exceptional circumstances as they are all required to comply with policy, such as an energy efficient building, the contribution to CIL, bio-diversity net gain etc. A development of 22 houses, is not going to significantly boost spending in the local community or provide a significant amount of council tax revenue. These other considerations neither collectively nor individually outweigh the significant harm to the Green Belt as identified in the sections above, and nor do they demonstrate why this particular site is required to provide these other considerations.

- Whether very special circumstances exist.

As assessed in the sections above, the proposal would constitute inappropriate development, and substantial weight should be given to any harm in the Green Belt. Furthermore, there would be a loss of openness and visual intrusion into the character of the Green Belt. When taken individually or cumulatively, the other

considerations put forward by the applicant do not clearly outweigh the harm that has been identified. Consequently, the very special circumstances that are necessary to justify this inappropriate development in the Green Belt simply do not exist.

- Green Belt Balance.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As such, substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness is clearly outweighed by other considerations.

The proposal would be contrary to the relevant policies of the UDP and Core Strategy with respect of development within the Green Belt but, for the reasons set out above those policies are not up to date and have varying degrees of weight. In accordance with Paragraph 11(d) of the NPPF, where policies that are most relevant for determining an application are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development. As listed in footnote 6 the Green Belt is one such protected area.

In this instance, the development would amount to inappropriate development within the Green Belt. This would impact on the openness and visual character of the Green Belt. The other considerations that would arise from the proposal are cumulatively of limited weight. They do not clearly outweigh the substantial weight that the NPPF requires to attach to the harm to the Green Belt through inappropriateness and loss of openness, nor the harm to the character and appearance of the area.

For the reasons set out above, the very special circumstances that are necessary to justify this inappropriate development in the Green Belt simply do not exist.

Therefore, the proposal is considered to be contrary to Policy GE1, GE2, GE3, GE4, GE5, GE8 of the UDP, Core Strategy CS71 and paragraph 134 and 143, 144 and 145 of the NPPF.

Residential Amenity

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

This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

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

These UDP policies are therefore considered to align with the requirement of paragraph 127 so should be given significant weight in the context of carrying out an analysis of whether a proposal complies with the development plan.

The closest neighbouring properties to the site are The Lodge, Standhills which is on the opposite side of Long Line; Holt House Farm which is to the south east of the site; and No's 125-139 Long Line which are to the north west of the site.

Whilst this is an outline planning application with details of layout, scale, design and landscaping being reserved for subsequent approval, the proposal will involve built development of dwellings and roads and the provision of drainage, open space and landscaping.

The application site is of sufficient size to ensure the proposed development can be accommodated and provide sufficient separation between proposed and existing buildings to ensure there would be no significant overlooking, overbearing or overshadowing of existing and future residents.

The proposal would cause noise and disturbance during the construction phase, and create noise and disturbance from the movements of people and vehicles during the operational phase when the dwellings are occupied, however such impacts would not be so significant as to harm the living conditions of existing residents in the locality. The impact on air quality would not be significant. The production and implementation of a Construction Environmental Management Plan (CEMP) would be required in the event of permission being granted.

It is considered that the proposed development would not significantly harm the living conditions of existing and future residents in the locality.

The proposal would, subject to satisfactory details at the reserved matters stage and the imposition of conditions, comply with UDP Policy H15, and paragraph 127 of the NPPF.

#### Design/Layout/Non-Green Belt Specific Character

Policy GE4 'Development and the Green Belt Environment' of the UDP states that the scale and character of any development which is permitted within the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. Policy GE8 'Areas of High Landscape Value and The Peak National Park' requires that in Areas of High Landscape Value protection and enhancement of the landscape will be the overriding consideration.

More generally, BE5 'Building Design and Siting' of the UDP and CS74 'Design Principles' require high quality design and the use of good quality materials, which take advantage of and enhance the surrounding area.

Core Strategy Policy CS31 deals with housing in the south west area and this says that priority will be given to safeguarding and enhancing its areas of character. The policy defines "south west" as between the Manchester Road and Abbeydale Road corridors.

Chapter 12 of the NPPF aligns with the UDP and Core Strategy Policies and requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally so long as they fit in with the overall form and layout of their surroundings.

It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore are considered consistent with it and so have full weight in the context of carrying out an analysis of whether or not a proposal complies with the development plan.

The character of the area is primarily rural, and the site is entirely within the Green Belt. Development along Long Line can be described as ribbon/ strip development.

The application is for outline consent only, and whilst an indicative plan has been submitted, the specifics of design and layout of the proposed development are subject to reserved matters stage approval only.

Setting aside matters of Green Belt policy conflict, a scheme could be developed that has a strong and positive frontage onto Long Line, including a well thought out boundary treatment which is likely to retain the existing stone wall. Overall heights and the scale of the proposed dwellings could be designed to mirror those found in the immediate area, which vary from single to two storey buildings. Furthermore, there is a variety of design styles and building materials in the locality.

However, what the indicative plans show is a layout which is suburban in character and does not reflect or reinforce the rural, ribbon pattern of development in the area. They show a scale of development which swamps the entire plot with suburban style housing, which is essentially 3 houses deep, and totally out of character with any other development along Long Line.

In conclusion, this application is just for outline consent, with all matters of design, layout and appearance subject to reserved matters stage. The general design and appearance of any future buildings could complement those within the surrounding street scene, however what is clear is that the layout for 22 houses, as per the indicative plans or a variation, show that in order to fit the 22 houses into the site, it will need to have a new road layout created which extends back into the site, creating a suburban style housing scheme. This is at odds with the overall character of the area.

This is contrary to Policies GE4, GE8, and BE5 of the UDP, Core Strategy Policies CS31 and CS74 and Chapter 12 of the NPPF.

## Highways

Policy BE9 'Design for Vehicles' of the UDP requires that new developments should provide safe, and adequate parking provision including space to manoeuvre. UDP Policy 15 (Design of New Housing Developments), part (a), expects new development to provide easy access to homes and circulation around the site for people with disabilities or with prams. Policy CS53 'Management of Demand for Travel' of the Core Strategy seeks to make the best use of the road network, promote good quality public transport, walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport. Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

The NPPF seeks in Chapter 9 (Promoting Sustainable Transport) to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. It is important to note that paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

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

The applicant proposes a priority junction onto Long Line to serve the 22 dwellings which would be an appropriate highway safety response in this situation. Visibility is good in both directions, but steps should be taken to enhance the area around the junction to ensure drivers on Long Line are aware of the junction.

What is clear is that there are no formal pedestrian facilities past the site on Long Line. Requiring the developer to provide facilities along the site's frontage would be of little benefit as there is no existing footway along the rest of Long Line for these facilities to tie into.

Long Line has an infrequent bus service. The No.181 runs Monday to Friday 3 times a day into Sheffield, and 2 times a day coming out of Sheffield. With this infrequent bus service, occupiers of the proposed development are more likely to use the stop on Hathersage Road which is approximately 700m from the site for more regular services on the wider network, but that this is still infrequent. This fact coupled with the lack of pedestrian facilities would suggest that the site will be car dependant.

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 2-3-bedroom dwelling outside of the city centre 2 spaces are required as a maximum, with 1 space per 4 units for visitors. Taking parking ratios in isolation, and notwithstanding the issues relating to the design and the location off this site in the Green Belt, a scheme could be designed at reserved matters stage to maximum guidelines.

Even with a car dependant scheme which is designed to maximum standards, the traffic generation from this site for 22 dwelling, is not likely to be so significant as to pose a severe impact on the surrounding highway network, including at the junction with Hathersage Road and Long Line, which is already used frequently as a route from Dore to other areas of western Sheffield to the north and vice-versa.

The proposal therefore complies with UDP, Core Strategy and NPPF policies as listed above.

#### Affordable Housing

Core Strategy Policy CS40 states that all new housing developments over and including 15 units to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing and is based on gross internal floor space.

The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 30% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

The applicant has confirmed that it is the intention to far exceed the policy requirement of 30% with 13 out of the 22 units being for affordable housing and it would not seem unrealistic to be able to achieve the 30% policy requirement which is based on a gross internal floor space.

This would need to be secured as part of a legal agreement should planning permission be granted.

The proposal would, therefore, comply with Core Strategy Policy CS40.

#### Ecology

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

GE11 aligns with the NPPF and is therefore relevant to this assessment. To clarify, NPPF paragraph 170 a) and d) identify that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 175 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The site and surrounding area is designated as a Local Wildlife Site in the Green Belt. It is in close proximity to two Natura 2000 sites to the west. These are a network of nature protection areas. These two sites are Peak District Moors (South Pennine Phase 1) Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC).

A Habitats Regulations Assessment (HRA) is used to determine if a plan or project may affect the protected features of a habitats site before deciding whether to permit it. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself in combination with other plans or projects.

The National Planning Policy Guidance advises that where the potential for likely significant effects cannot be excluded, a ‘competent authority’ (in this case the LPA) must make an appropriate assessment of the implications of the plan or project for that site, in view of the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

A screening document for a Habitat Regulation Assessment (HRA) has been submitted and includes reference to the original ecological survey and a second updated survey. These documents have a lack of complete information about the main habitats on the site. Botanical surveys have been sub-optimal due being undertaken at the wrong time of year or following mowing. Furthermore, there is no reference to impact pathways, loss of supporting habitat, or potential impact of construction disturbance etc.

The applicant submitted an Addendum to the HRA on 16<sup>th</sup> November 2020. This has been reviewed by the Councils Ecologists and Natural England (following consultation). This Addendum does not address the poor quality of the screening submission including primarily, as previously advised, the poor base information used to determine that adverse effects cannot be ruled out. The Addendum seeks

to justify the initial view given rather than improve the base data on which the judgements and opinions are based. It uses the words “could use”, “potential”, “theoretical”, “may well provide potential” and this reiterates that existing survey data is simply not sufficient.

The Council’s Ecologists maintain the position that the information is insufficient to conclude that significant effects on the habitats and protected areas will not occur. Natural England advise in their response that if the Council remains uncertain about the potential impacts, based on the information provided, then further information is needed.

Owing to the overriding Green Belt issues as detailed above, this further information has not been requested from the developer.

Therefore, it is concluded that there is insufficient information on the exact nature of this habitat to enable a full assessment to be made.

#### - Biodiversity Net Gain

This is an outline application with all matters reserved except for access. An indicative site layout has been provided which shows dwelling positions, along with a Bio-diversity buffer area.

A Biodiversity Net Gain Assessment (BNG) should not be based upon an indicative site plan that is still to be decided at reserved matters stage. A BNG assessment at this stage should only include the baseline information and then show a worst-case scenario of 100% loss of biodiversity. However, although there cannot be a definitive BNG outcome in an outline application with all matters reserved there still needs to be a requirement for a BNG assessment to be completed at reserved matters stage, in addition to a Construction Environmental Management Plan relating to wildlife and habitats.

#### Landscaping

UDP Policy BE6 ‘Landscape Design’ expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 ‘Design Principles’ part (a). requires high-quality development that will respect, take advantage of and enhance natural features of the City’s neighbourhoods.

These are the most important policies in the consideration of this application. They are considered to align with the NPPF and therefore be relevant to this assessment – on the basis that paragraph 127 c) expects new development to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.



At present there are no trees or significant shrubs within the site, with it consisting of just open countryside/field. Landscaping is to be dealt with at reserved matters, but a suitable and appropriate landscaping scheme could be proposed.

### 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.

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

An Air Quality Assessment is not required because of the scale of the development, the anticipated number of vehicles per hour and the site's position. A proposal for 22 houses is not likely to have a significant effect on local air quality. Condition(s) to secure a construction environmental management plan to mitigate the impact of dust during construction would be necessary in the event of planning permission being granted.

The proposal complies with UDP Policies GE22 and GE23, both of which carry weight in the decision-making process, and the Government's planning policy guidance on air pollution contained in the NPPF.

### Flood Risk and Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (Suds), de-culverting watercourses where ever possible, within a general theme of guiding development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 163 states that when determining applications, LPA's should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 165 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

#### - Flood Risk

The site does not fall within a high or medium risk flood zone that would affect the principle of the development, however as the site is over 1 hectare in flood zone 1,

it has the potential to cause flooding elsewhere so does require a Flood Risk Assessment to be carried out. This demonstrates that the site is not likely to flood.

#### - Drainage

This area has a history of problems with the watercourse system therefore this site needs to manage its surface water to avoid any increase in flow.

Discharge via infiltration is unlikely to succeed owing to the prevalence of shallow watercourses within the area. Discharge to the watercourse (culvert) within the site is therefore the most sustainable solution and would need to be explored further at reserved matters stage.

The indicative plans have been amended to show a biodiversity zone which is now placed to the southern (low) side of the site. This could then be utilised for surface detention of flows in a wetland. Road surfaces could be built as lined permeable paving to provide treatment and storage. The sub-base can be upsized to accommodate roof water if unadopted by the Highway Authority. The density of this housing could allow a swale system to be developed to take road water either side the road. If surrounding levels are carefully considered around houses, then roof water could be directed to these swales on or near the surface.

Details of sustainable drainage (SUDS), drainage infrastructure management and discharge rates would be required with a reserved matters submission.

The Lead Local Flood Authority have advised that sufficient information has been received with regard to surface water management at outline stage. Details of sustainable drainage (SUDS), drainage infrastructure management and discharge rates will be required with a reserved matters submission.

Therefore, if planning permission were to be granted, a suite of suitable drainage conditions could be attached to any approval, to be dealt with at Reserved Matters Stage.

#### Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal falls within CIL Charging Zone 5. Within this zone there is a CIL charge of £80 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

#### SUMMARY AND CONCLUSION

This application seeks outline planning permission for erection of 22 houses in the Green Belt. It is only access which is to be dealt with at this outline stage, with all

other matters (appearance, landscaping, layout, and scale) to be dealt with at reserved matters stage.

An indicative plan has been submitted, and this demonstrates that the site can accommodate 22 houses in a layout that would provide good quality living accommodation and would not result in highway safety impact.

It is anticipated that a satisfactory solution to site drainage can be accommodated in a way that it doesn't result in flooding, with potential for bio-diversity net gain.

The creation of these 22 dwellings would be a relatively small but welcome contribution to city's housing supply, however this is limited as the Council can demonstrate a deliverable housing land supply of more than 5 years.

However, despite these benefits the site is a prominent Green Belt site in an Area of High Landscape Value, close to the boundary with Peak District National Park. In this instance, the development would amount to inappropriate development within the Green Belt. This would adversely impact on the openness and visual character of the Green Belt, essentially plugging a significant gap in the existing ribbon development which fronts on to Long line, in a manner that would be wholly out of character with the immediate location.

The other considerations which have been put forward by the applicant in their supporting statements are cumulatively of limited weight. They do not clearly outweigh the substantial weight that the NPPF requires to attach to the harm to the Green Belt through inappropriateness and loss of openness, nor the harm to the character and appearance of the area. Therefore, the very special circumstances that are necessary to justify this inappropriate development in the Green Belt simply do not exist.

Insufficient information has been submitted to enable a full and detailed assessment of the impact of the development on the natural environment (The Peak District Moors Special Protection Area and the South Pennine Moors Special Area of Conservation) in respect of a Habitats Regulation Assessment (HRA). The Local Planning Authority must therefore conclude that the proposed development is harmful to those habitats and therefore contrary to Policy GE11 of the Unitary Development Plan, and paragraphs 170 and 175 of the National Planning Policy Framework.

Therefore, overall although paragraph 11 of the NPPF promotes a presumption in favour of sustainable development, paragraphs 113, 143, 144, 145, 170 and 175 of the NPPF provide a clear reason for resisting the development, and the adverse impacts of granting development significantly outweigh the benefits.

The proposal is therefore contrary to policies CS24, CS31, CS71, CS74 of the Core Strategy, Policies GE1, GE2, GE3, GE4, GE5, GE8, GE11 and BE5 of the Unitary Development Plan and Paragraphs 117, 122, 134, 143, 144, 145, 170 and 175 of the National Planning Policy Framework, and it is recommended that planning permission is refused.

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Case Number	20/03052/FUL (Formerly PP-09039838)
Application Type	Full Planning Application
Proposal	Conversion of two dwellinghouses to form a single dwellinghouse, including replacement of single-storey rear extension with two-storey rear extension, alterations to existing openings, formation of additional lightwell to basement and provision of new vehicular access and parking area
Location	45 Westbourne Road Sheffield S10 2QT
Date Received	04/09/2020
Team	South
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

WBR-400-PA-001A Site Location and Block Plan  
WBR-PA-PL-012C Proposed Site Plan  
WBR-PA-PL-013C Proposed Street and Garden Elevations  
WBR-PA-PL-014C Proposed Site Sections  
WBR-PA-PL-015C Proposed Cellar Floor Plan  
WBR-PA-PL-016C Proposed Ground Floor Plan  
WBR-PA-PL-017C Proposed First Floor Plan  
WBR-PA-PL-018C Proposed Second Floor Plan  
WBR-PA-PL-019C Proposed SW and NE Elevations  
WBR-PA-PL-020C Proposed NW Elevation  
WBR-PA-PL-021C Proposed SE Elevation

Reason: In order to define the permission.

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

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

3. Before that part of the development is commenced, full details of the proposed external materials, including those for hard landscaping, shall have been submitted to and approved in writing by the Local Planning Authority.

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

4. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Doors and frames

Windows and reveals

Eaves

Gates and boundary treatment to vehicular access

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

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

5. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

6. The car parking areas shall not be brought into use unless the hardstanding areas of the site, including sub-base material, are constructed of permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

7. A comprehensive and detailed hard and soft landscape scheme for the site 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.

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

8. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

### **Other Compliance Conditions**

9. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black.

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

10. Before the extension is first occupied the first floor windows in the north west and south east elevations shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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.

11. No gate shall, when open, project over the adjoining highway.

Reason: In the interests of pedestrian safety.

12. Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. It is noted that your planning application involves the construction or alteration

of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: [dawn.jones@sheffield.gov.uk](mailto:dawn.jones@sheffield.gov.uk)



## Site Location



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## LOCATION AND PROPOSAL

The application relates to a large stone built detached dwelling in an allocated Housing Area. The site also lies within the Broomhill Conservation Area and the building is covered by the associated Article 4 Direction which removes certain permitted development rights and identifies the building as a character building within the Conservation Area.

The surrounding street scene is predominantly made up of two/three storey semi-detached and detached dwellings. The street scene of Westbourne Road at this point varies greatly between the post 1920's development on the west side (largely detached properties faced in render with plain tile roofs) and the more grand east side (stone built Victorian properties including the application site).

There is a general fall in natural land levels from north west to south east so that the rear gardens of properties on the east side tend towards being close to a domestic storey lower than the front of the dwellings.

There is currently a brick built two storey rear extension on the former No. 45 Westbourne Road at ground floor and basement level.

The application seeks the following:

1. The introduction of a vehicular access from Westbourne Road and the formation of hardstanding areas sufficient to park two cars
2. The erection of a two-storey rear extension
3. The introduction of a raised patio to the rear elevation
4. The rationalisation of car parking spaces at the foot of the garden (the 'back lane' accessed from Southbourne Road)
5. The formation of an additional light well on front elevation.

The two-storey rear extension has been amended during the application process, principally with regard to its roof form. Initially a multi-faceted roof design mirroring the asymmetrical roof form of the existing property was submitted but this has now been replaced with a simpler mono-pitch roof.

The extension has been reduced in width in order to accommodate this new roof design in setting the proposed side elevations by 700 mm from those of the original property.

## RELEVANT PLANNING HISTORY

Permission was granted in 2012 (12/01339/FUL) for the erection of a two-storey rear extension to no.45 including part demolition of existing rear extension, creation of lightwells at front and side elevations to facilitate basement conversion and demolition of detached garage and green house.

Permission was granted in 2014 (14/02506/FUL) for Replacement windows and alterations to existing windows to side and rear elevations

Permission was granted in 2016 (16/00607/FUL) for the erection of a Two-storey rear extension to dwellinghouse at basement and ground levels

A Lawful Development Certificate was granted in 2020 (20/00748/LD2) for internal alterations to No. 45 & No. 47 to form a single dwellinghouse.

An application seeking permission for the demolition of single storey rear extension and erection of a two storey rear extension with balconies, alterations to existing openings, formation of lightwells to basement and provision of new vehicular access and parking area was withdrawn in 2020 (20/01540/FUL)

## REPRESENTATIONS

There have been 17 objections received in response to the Neighbour Notification process including one from Cllr Brian Holmshaw and one from Hallamshire Historic Buildings.

Cllr Holmshaw comments as follows:

- scale, footprint and design is inappropriate
- will damage the character of the Broomhill Conservation Area
- the rear extension is not in keeping with the existing property
- the removal of a significant length of boundary wall to Westbourne Road will adversely impact on the street scene.
- will adversely impact on the privacy of neighbouring properties particularly Nos. 43 & 49 Westbourne Road
- will result in a loss of on-street car parking
- will be contrary to UDP policies the NPPF and the BBEST Neighbourhood Plan.

Hallamshire Historic Buildings have commented as follows:

- the loss of front garden space is unacceptable
- proposed facing materials of zinc, powder coated aluminium and large expanses of glazing are out of character
- the rear extension dominates the rear elevation
- damages the Conservation Area and a house of townscape merit
- is not sustainable and makes no contribution to an economic objective
- reduces the housing stock

Other Representations (Objection)

- driveways to the front elevations of properties are not a feature of stone villas on this side of the road or the wider Conservation Area
- the front garden is not large enough to aesthetically accommodate parking and manoeuvring space
- the back lane provides adequate off street parking
- will result in the loss of two permit bays
- the insertion of the middle door is out of character for the houses as they were originally built

- the loss of the front wall will adversely impact on the character of the Conservation Area
- the creation of a 'mansion' in the middle of a row of semi-detached houses will be out of character
- loss of greenery will have an adverse visual impact on the locality.
- the rear extension will result in excessive loss of rear garden
- the rear extension will adversely impact on the amenity of No. 43 Westbourne Road
- the rear extension will adversely impact on the character of the area and will be an eyesore
- the rear extension would overlook house and garden of No. 19 Southbourne Road
- the rear extension is out of scale and would not be subservient to the existing property, dominating and obscuring the original architecture
- the rear extension would be overbearing on Nos. 43 and 49 Westbourne Road
- the rear extension will cause loss of light to rear bay window, utility room window and garden of No. 43 Westbourne Road
- the use of excessive amounts of glass and zinc cladding are out of character
- the removal of the two side porch structures along with the doorways would be deleterious to the character of the Conservation Area
- the rear extension fenestration would result in overlooking of the gardens of Nos. 43 and 49 Westbourne Road
- the proposed new window in the south elevation will overlook No. 49 Westbourne Road
- the patio will overlook the rear windows of No. 49 Westbourne Road
- the proposed side door in the rear extension will overlook the decked area of No. 43 Westbourne Road
- the rear extension would be at odds with the character of the backs of houses facing onto 'back lane'
- the rear extension design is too modern and almost doubles the size of the property
- will result in additional traffic pollution
- insufficient off street car parking for an 8-bedroom house
- the rear extension roofline is odd and relates uncomfortable relationship with the existing property.

#### Other matters raised that are not material

- No. 19 Southbourne Road was denied permission to build a building of the size they wanted and approving this scheme would be inconsistent with that outcome.
- If the scheme was approved it would signal the start of the degradation of the distinctive character of the area
- the certificate of lawful development for internal alterations was granted on the understanding there were no plans to alter the properties externally
- construction vehicles could compromise the use and character of 'back lane'
- the loss of a climbing plant on the side of No. 47 is home to sparrows and should not be lost
- there is no back door which must be against health and safety regulations
- will there be blinds in the windows to prevent the occupants of No. 21B Southbourne Road seeing occupants exiting the sauna?
- what will the construction period be as dust and debris has been a problem since work commenced on the house

- disturbed that permission was given for the internal work to merge the two houses by planning officers in private, without the occupants of neighbouring houses being informed or consulted and the certificate was granted on the basis of no external alterations to the amalgamated property
- would like reassurance that the proposed seven bedroom property will continue to be a family home
- during school rush hours the road becomes very congested, with vehicles commonly parked on pavements, in parking bays for which the drivers have no permits, and on parts of the road where parking is prohibited.

## PLANNING ASSESSMENT

### Policy Context

The National Planning Policy Framework (paragraph 127) states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users. This assessment will have regard to this overarching principle.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. The assessment takes account of policies BE5, BE16, BE17 and H14 from the Sheffield Unitary Development Plan (UDP).

Supplementary Planning Guidance (SPG) on Designing House Extensions is also relevant. Attention is given to the provisions of policy CS74 from the Core Strategy (CS) regarding design. All of the above policies are considered to align with the NPPF and can therefore be afforded weight.

Also of note though at present carrying little weight in the consideration of the application are the following policies from the emerging BBEST local plan. This is currently at Examination stage, hence the limited weight that can be attached to these policies.

Further commentary on relevant BBEST policies and their weight is included in the corresponding sections below.

### Effect On The Character Of The Area And On The Broomhill Conservation Area

The NPPF states that development should always seek to secure high quality design, but decision makers should not attempt to impose architectural styles or taste, albeit they should promote and reinforce local distinctiveness.

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy BE15 (Areas and Buildings of Special Architectural or Historic Interest) states that Buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced.

Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

Policy BE16 (Development in Conservation Areas) within the UDP states that new development that affects the setting of a conservation area should preserve or enhance the character of that conservation area.

Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new buildings should be in scale and character with neighbouring buildings. Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Paragraphs 193-196 of the National Planning Policy Framework (NPPF) seek to protect and enhance conservation areas. Paragraph 134 states that where a development proposal will lead to less than substantial harm to a conservation area, this harm should be weighed against the public benefits of the proposal.

The BBEST Neighbourhood Plan identifies the site as being within the Residential South West Character Area. Policies DDHM1 and DDHM5 are applicable to developments within that area. These contain key design principles (DDHM1) and requirements specific to the character area (DDHM5). These include:-

- Retaining historic boundary treatments;
- Retaining front gardens;
- Preserving the area's historic character;
- Responding to the scale....setting and appearance of the historic villas;
- Setting back and recessing extensions;
- Ensuring buildings can be understood in their own right when amalgamated.

Both these policies have limited weight owing to the stage of the Neighbourhood Plan as they are consistent with the NPPF and there are no significant unresolved objections following plan consultation.

#### The Front Elevation and Curtilage

The changes to the front elevation principally relate to the creation of a central entrance door (in place of an existing window) and the formation of surface parking and a vehicular access.

An additional light well would be set back from the highway, and largely screened by the boundary wall/hedge combination. The well will therefore have negligible impact on the street scene, is appropriately detailed and is therefore considered acceptable

#### The Central Door

The property was formerly a pair of semi-detached properties both of which were served by main entrance doors in their side elevations. This is a characteristic of similar era semi-detached properties close by. However, the intention here is to continue the development of a single large property where two existed previously, hence the central door.

The insertion of this door would amount to extending the large existing opening occupied by a central window and it is not considered that the result would appear anomalous or that the balance of the front elevation would be adversely affected. The detailing around the door would be consistent with architecture of the period but a requirement for provision of large-scale details should be a requirement of any approval.

#### The Hardstanding and Changes to Boundary Treatment

The introduction of hardstanding in the front garden areas is less straightforward. The Broomhill Conservation Area Appraisal identifies the replacement of front gardens by parking spaces as a negative characteristic that has become overly prevalent throughout the Conservation Area.

The Broomhill Conservation Area Management Plan states that the Council will normally resist proposals included within planning applications for demolition of, or alteration to, boundary walls, gate piers and gates that make a positive contribution to the Conservation Area. The Management Plan states that the loss of greenery and front boundary railings or walls can spoil the setting of the building and cumulatively erode the character of street scenes.

The type of excessive hard surfacing which formed the basis for the Management Plan's resistance to further similar changes can most readily be seen on streets such as Parker's Road, Lawson Road and close to the junction of Westbourne Road and Glossop Road off-times, but not always, when properties have been converted to commercial use in the past. These examples have sometimes completely emasculated previous front garden areas and replaced them entirely with concrete or similar surfacing as well as removing all boundary treatment to back edge of footway.

It is not however considered that the relevant policies, or the guidance provided by the Management Plan, represent a reason or requirement to resist all and any proposed areas of hardstanding to the front of residential properties. There are several examples of successfully accommodated hardstanding areas to the front of villas in the Broomhill Conservation Area and the key consideration is the degree to which these areas impact on street scene/general visual amenity.

In this case the dwelling is set back well from the back edge of footway and there is a substantial boundary wall, the extent of which is to be largely retained. This wall is surmounted by a dense boundary hedge to a height of approximately 1.7 metres.

Additional planting is proposed in the retained green spaces between the parking spaces and the boundary wall/hedge.

It is considered that, taken as a whole, the proposed hardstanding to the front curtilage will not have an adverse impact on the street scene and that the resultant appearance will not be significantly at odds with the prevailing character of the street or the wider Conservation Area.

The boundary wall fronting Westbourne Road is currently pierced by two pedestrian openings and the intention is to retain the pedestrian entrance to the former No. 47 and widen the pedestrian entrance to the former No. 45 to accommodate vehicular access.

This will obviously result in the loss of a short section of boundary wall and corresponding hedge, a reduction of approximately 2 metres in length.

The Broomhill Conservation Area Management Plan identifies the loss of walls and boundary treatments as a potential threat to the character of the Conservation Area but once again this concern relates to examples of wholesale removal rather than less invasive alterations to boundary treatments.

There are several examples of vehicular entrances on the east side of Westbourne Road (at Nos. 41, 49, 53, and 57) and whilst these are set off to the side of these properties (dictated by the semi-detached form) they nonetheless contribute to the prevailing street scene and mean that such entrances are not out of character with the conservation area.

It is considered that providing the existing gate piers are re-used the formation of the wider access will not harm the character of the street scene. The re-use of the existing gate piers should be required by condition.

#### Loss of Side Door Canopies

Representations have referred to the loss of side 'porches' but the feature referred to are more akin to canopies. Whilst not unattractive in their own right the loss of these is not considered to represent a significant loss to the character of the dwelling overall or the wider Conservation Area and it is not considered that their removal represents a reason to resist the development.

#### Rear Extension

The NPPF states that development should always seek to secure high quality design, but decision makers should not attempt to impose architectural styles or a particular taste but should also promote and reinforce local distinctiveness.

#### Loss of the Existing Rear Extension

The existing rear extension is not considered to have any architectural merit and it might reasonably be said that it detracts to a degree from the appearance of the dwelling having a mixed pitched/flat roof form and being constructed in red brick. In this it is not unlike the extension to the rear of No. 41 but this example is not considered entirely sympathetic to the prevailing character of the area (particularly in



its use of facing materials) and it is not considered that its loss would have an adverse impact on the Conservation Area.

### Contemporary Approach

The principle of employing a contemporary architectural approach within Conservation Areas, to a high standard is both long established and acceptable in principle. In addition the contemporary elements in this proposal are contained mainly to the rear of the site where there is significantly less impact on the character of the Conservation Area.

### Design and Detailing

The design of the rear extension has undergone several iterations over the course of the previous application and during the lifetime of this application.

In relation to scale the proposal is undoubtedly a large addition to the dwelling. However, this in itself is not a reason to resist the scheme and it is considered that in terms of scale and massing the proposal still represents a subservient form when compared to the scale of the large villa that has resulted from the amalgamation of the two semi-detached houses.

Whilst supporting a contemporary approach, in principle, officers were initially concerned that an overly complex design, particularly with regard to the roof form would result in a structure that related poorly to the original dwelling/s.

It was appreciated that the dual asymmetric roof pitches of the initial submission were an attempt to mirror the existing asymmetric roof form of the original houses but it was felt that this resulted in an overly complex juxtaposition of roof planes that failed to respond sympathetically to the existing property or the context of the built environment.

Amendments have been made that now sees a shallow mono pitch roof substituted in place of the more complex roof form. It is considered that this approach would give the extension a less strident appearance and would maintain the original, unusual, roof planes as the focal point of the roofscape.

Due to the contemporary design of the extension the fenestration is considered an appropriate response and the proportions and extent of glazing is considered acceptable.

The materials being proposed for the new buildings include natural stone, zinc cladding and aluminium windows, with the final samples being subject to conditions in the event of an approval.

The use of stone is an appropriate response to the context given that stone is the dominant material across this section of the Conservation Area, while zinc cladding is an established high-quality cladding material in sensitive locations.

The use of aluminium window frames is considered consistent with the overall contemporary aesthetic and it is not considered that the use of timber would be appropriate within these modern additions.

Overall the combination of the high quality materials and detailing should ensure an appropriate quality and appearance.

Paragraphs 193 to 196 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the relevant heritage asset is the Broomhill Conservation Area.

Given the design commentary above it is concluded that the works to the front, public facing portions of the site, which have the most impact in the Conservation Area, cause no harm to the significance of the heritage asset.

The works at the rear are visible from neighbouring properties, though do not feature prominently in the public domain. The proposals here are considered acceptable but within the terms of paras 193 to 196 of the NPPF would represent less than substantial harm. However, the rear facing position and lack of significant public view must be taken into consideration when balancing this, as required by the NPPF, against the public benefits of the proposal.

It is not considered that the scheme offers significant public benefits beyond the employment opportunities created by conversion/construction.

However, given the very limited harm that is considered to arise from the proposal it is not considered that an absence of significant public benefit represents a sufficient reason to resist the application.

In this context the proposals are considered to comply with the aims of policies BE5, BE15, BE16, H14, CS74, paras 193 -196 of the NPPF and policies DDHM1 and DDHM5 of the BBEST Neighbourhood Plan.

Living Conditions for Existing Residents

Overbearing, Overshadowing and Overlooking

Policy H14 (c) and (d) outline general principles with regard to residential amenity and these are further supported by Supplementary Planning Guidance 'Design of House Extensions' (SPG) which lays out good practice guides for new build structures and their relationship to existing houses. Of these the following are particularly relevant:

Supplementary Planning Guidance (SPG) guideline 4 states that in most circumstances a minimum distance of 10 metres should be achieved between main aspect windows and the nearest boundary.

SPG guideline 5 states that two storey structures should not cut a 45-degree line scribed from the nearest ground floor main aspect windows of neighbouring dwellings.

SPG guideline 5 also states that a two-storey extension should not be located closer than 12 metres in front of ground floor windows of a neighbour and that level differences may require this distance to be increased.

SPG guideline 6 states that dwellings should keep a minimum of 21 metres between facing main windows.

#### No. 43 Westbourne Road

No. 43 lies to the north of the proposed rear extension and the rising natural ground level from south east to north west means that it is elevated approximately 1.3 metres above No. 45/47.

The proposed two storey rear extension would not cut a 45-degree line scribed from the nearest main aspect window in the rear elevation and the extension itself would be located approximately 7 metres from, and to the side of the south elevation of No. 43. The proposal therefore satisfies the requirements of Supplementary Planning Guidance guideline 5 and would not result in an overbearing presence towards that dwelling.

In terms of the relationship with the private rear amenity space of No. 43 this space is extensive and it is not considered that the marginal increase in overshadowing (to a portion of the rear garden closest to the boundary) represents sufficient reason to resist the application

#### No. 49 Westbourne Road

No. 49 lies to the south of the proposed rear extension and as such there are no overshadowing implications arising from the proposal.

The proposed two storey rear extension would not cut a 45-degree line scribed from the nearest main aspect window in the rear elevation and the extension itself would be located approximately 8 metres from, and to the side of the south elevation of No. 49. The proposal therefore satisfies the requirements of Supplementary Planning Guidance guideline 5 and would not result in an overbearing presence towards that dwelling.

There is a side window in the north elevation of No. 49 serving a sitting room.

The same degree of protection that can be afforded main aspect windows (in front and rear elevations) cannot generally be afforded to side facing windows. Underscoring this is the understanding that side facing windows, though

sometimes historically established, effectively borrow amenity from neighbouring curtilages.

Nonetheless a due consideration of the impacts on such windows must be given as they can often be the sole source of light to a main habitable room.

In this case the room is served by another sources of light (from rear elevation) and so, whilst the proposal might have an adverse impact on the window as an ambient (as opposed to direct sunlight) light source, it is not considered that such impact represents a robust reason to refuse the scheme.

The proposals also include the insertion of ground floor windows in the south elevation and a representation states that this will cause overlooking via the side elevation windows of No. 49.

It should be noted that there is an intervening wall between these facing windows. Although this might not entirely negate inter overlooking, more pertinently it should be noted that these windows could in any event be inserted in exercise of permitted development rights without the necessity to apply for planning permission. The scheme cannot therefore be resisted on the grounds of these changes.

#### Impact of the Patio Area

The proposal includes for the extension of a raised platform (patio) area to the rear of the proposed extension.

There are boundary walls separating the site from both immediate neighbouring properties and these already provide a degree of screening between neighbouring curtilages.

The proposed extension finished floor level is set down from the finished floor level of the original house (by 750mm) and the proposed patio corresponds to the level of the proposed extension.

Relative to the proposed patio level the flanking walls would therefore exceed the 1.7 metres in height normally required for privacy screens on raised platforms that have potential to overlook neighbouring curtilages.

It is therefore considered that the patio should not introduce additional overlooking towards neighbouring property.

Notwithstanding the above analysis it is worthy of note that when considered in isolation the patio would, as detailed, qualify as permitted development, and so again, any perceived overlooking aspect here could not reasonably form a reason to resist the proposal.

#### Dwellings on Southbourne Road

Supplementary Planning Guidance guideline 4 indicates that extensions to dwellings should achieve a minimum separation distance to rear boundary of 10 metres.

The purpose of providing adequate separation distance is two-fold, the reasons being to ensure appropriate privacy levels to neighbouring curtilage from first floor windows and to ensure adequate outlook from the new build for future occupants.

The proposals comfortably achieve this requirement (approximately 20 metres to the foot of the garden) and the separation distance to gardens of properties fronting Southbourne Road is approximately 27 metres.

Separation to the rear elevations of properties on Southbourne Road is in excess of 35 metres and therefore greatly exceeds required minimum separation distance.

#### Living Conditions for Future Occupants

Section c) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should not deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Guideline 4 of SPG states that a minimum garden space of 50 square metres should be retained post extension and this is more than adequately addressed with a retained rear garden of at 250 square metres being retained

#### Highway Considerations

Section d) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The information provided shows provision of 4 off street spaces, two on the front hardstanding and two retained off the 'back lane' and separated from the foot of the back garden by a new stone wall.

The proposal results in a seven-bedroom house and this provision of off-street parking is considered acceptable.

Representations have noted that the scheme results in a loss of on-street residents parking spaces. The new central vehicular entrance would result in the loss of two spaces. However, given that the proposal will allow for off street spaces for what would previously have been two dwellings that previously had no off-street car parking provision it is considered that the net impact is acceptable in highways terms.

#### Landscape Considerations

UDP Policy H14 c) seeks to avoid development that would result in a serious loss of existing garden space that would harm the character of the area.

BBEST Neighbourhood Plan policy DDHM1 seeks in addition to the retention of front gardens, to retain mature trees and pursue planting opportunities as development

comes forward. In addition, the site is identified by the BBEST Neighbourhood Plan as being within a Key Garden Block. Policy EN1 of the plan seeks to ensure appropriate conservation and mitigation measures for developments to ensure a bio-diversity net gain within key garden blocks. This policy carries limited weight as it is consistent with the NPPF and there are no significant unresolved objections following plan consultation.

The report above considers the impact on the front garden area. However, the proposed works have a minimal impact on existing landscape features. The proposals will not result in the loss of any trees of public amenity value. Most of the front boundary hedge is retained and the intention is to further bolster this with additional planting in the front garden.

It is therefore considered that the proposal is not in conflict with the aims of policy H14 of the UDP or BBEST Plan policy EN1.

### Response to Representations

Matters relating to design, impact on the Conservation Area, residential amenity, highway safety and landscape have been dealt with in the main body of this report but in response to the remaining matters:-

Neighbouring planning applications will have been dealt with on their individual merits, as would any future schemes brought forward for consideration in the future.

With regard to the previously granted Certificate of Lawful Development this simply established whether amalgamating the two dwellings into one was lawful (without the requirement to apply for full planning permission). The Officer report for that application mentions there being no external material changes to clarify that the granting of the Certificate was viable. i.e. if the LDC had included for extensions/changes that required planning permission then the Certificate could not have been granted. The application was publicised in line with the Council's Statement of Community Involvement.

There is no reason to believe that the small construction vehicles likely to be employed on any works will have a significant impact on the free flow of traffic in the locality but this is, in any event, not a material planning consideration for a scheme of this scale.

Sparrows are not a protected species and therefore no protection can be offered for any climbing plants in which they might nest.

The rear garden is accessible by a ground floor door in the side elevation of the proposed two storey extension.

The future occupants' arrangements for leaving the sauna area are their own concern.

Planning policy does not specify a requirement for a construction programme/schedule. Dust and similar nuisance remediation are the province of Environmental Protection legislation.

A change from the currently proposed single dwelling house to another planning use would require a change of use planning application which would be considered on its merits if that situation arose.

The inappropriate use of residents parking bays is not a material consideration for this application.

## SUMMARY AND RECOMMENDATION

The proposals involve minor works to the front of the property which are not considered harmful to the character of the Broomhill Conservation Area. The works to the rear are more significant but represent a well-designed contemporary addition to the Conservation Area. The scale of these works is such that they will have an impact, but this is considered less than substantial within the terms of paras 193 – 196 of the NPPF. Although no public benefits exist to outweigh this harm, the lack of prominence and public view of the works is such that it is not considered there is a basis for resisting the development on these grounds.

The works do not result in any significant highway safety concerns, do not result in harm to important landscape features and are acceptable in terms of their impact upon the living conditions of neighbouring occupants.

It is considered therefore that the development would be in accordance with UDP Policy H14, BE5, BE16 and BE17, as well as CS74 of the Core Strategy, BBEST policies DDHM1, DDHM5, and ENV1, and paragraphs 193 to 196 of the NPPF, and the Council's SPG on Designing House Extensions and so it is recommended that planning permission be granted conditionally.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 8 December 2020

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Abby Hartley 0114 2734218

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### Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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### Reasons for Recommendations

### Recommendations:

To Note

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### Background Papers:

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**Category of Report:** OPEN

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1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND  
DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

## 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for retention of and alterations to dormer window to front of house in multiple occupation (HMO) at 5 Cemetery Avenue, Sheffield, S11 8NT (Case No: 20/02629/FUL)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of 20m monopole and associated equipment cabinets and ancillary works (Application for determination if approval required for siting and appearance) at Telecommunications mast 56M south of junction with Danewood Avenue and Castlebeck Avenue, Sheffield, S2 1DS (Case No: 20/02180/TEL)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of single-storey side/rear extension, erection of two-storey side extension including integral front store, single-storey rear extension, alterations and extension to roof to form additional living accommodation, provision of rear dormer window and raised terrace to rear of dwellinghouse at 23 Ringstead Avenue, Sheffield, S10 5SL (Case No: 20/01904/FUL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a 15 metre high monopole and associated ancillary works (Application for determination if approval required for siting and appearance) at Telecommunications mast at junction with Ecclesall Road South and Abbey Lane, Sheffield, S11 9PW (Case No: 20/01900/TEL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to and raising roof height of garage to provide living accommodation for dependent relative at Far End Cottage, Rye Lane, Sheffield, S6 6GX (Case No: 20/01862/FUL)

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and extensions to detached garage including formation of flat roof with 1.2m screen fencing above and formation of car port, and erection of boundary wall and gates to front at 27 Sandygate Park Road, Sheffield, S10 5TX (Case No: 20/01647/FUL)
(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for demolition of existing building and erection of a three/four-storey building to form 9 apartments including bike store, car parking, communal garden space and landscaping works at The White House, Vicarage Lane, Sheffield, S17 3GX (Case No: 20/00040/FUL)
(viii) An appeal has been submitted to the Secretary of State against the committee decision of the City Council to grant planning permission conditionally for retention of garage for use as cycle/motor cycle store (Garage 1), retention of triple garage (Garage 2), erection of a single garage and alterations to existing bin store (Garage 3), erection of single garage and provision of bin store and covered cycle store (Garage 4), and retention of a garden store (Store 1) at Adjacent 59 Daniel Hill Mews, Opposite 75 Daniel Hill Mews, adjacent 1 Daniel Hill Mews, opposite 6 Daniel Hill Mews, adjoining 83 Daniel Hill Mews, Sheffield, S6 3JJ (Case No: 19/00331/FUL)
(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for retention of shed and timber decking at Field at rear of 254 and 254A High Greave, Sheffield, S5 9GR (Case No: 15/02654/FUL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for provision of first-floor balcony to front of dwellinghouse at 37 Empire Road, Sheffield, S7 1GJ (Case No: 20/01453/FUL) has been dismissed.
<p>Officer Comment:- The Inspector considered the main issue to be the impact of the development on the character and appearance of the area.</p> <p>She noted the uniformity of the two storey terraced properties with defined window patterns including a ground floor bay. She also noted the application site was an anomaly in the street scene as a flat above a vehicular entrance without such a feature but that the property retained the first floor window feature in keeping with its neighbours.</p> <p>She agreed with officers that the introduction of double doors with a projecting</p>

balcony would break the rhythm of the elevation and because of its projection, contemporary materials and raised position, represent a prominent and incongruous feature in the street scene in conflict with policies BE5 and H14 of the UDP, and Supplementary Planning Guidance, 'Designing House Extensions' Guidelines 1 and 2.  
She therefore dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of a detached double garage to dwellinghouse at 40 Bridle Stile Gardens, Sheffield, S20 5EH (Case No: 20/01238/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the living conditions of occupiers of occupiers of the neighbouring dwelling; highway and pedestrian safety; and the character and appearance of the area.

They concluded that the garage would appear dominant to the neighbouring dwelling and be contrary to the SPG on designing house extensions as well as the NPPF Paragraph 127. They also considered that positioning the garage in this location would remove the turning facility for the appeal property and would result in increased conflict between pedestrians and vehicles to the detriment of highway safety and contrary to UDP Policy H14. They considered that the design was acceptable but that this did not outweigh the other negative impacts outlined above.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of rear and front dormer to dwellinghouse at 26 Logan Road, Sheffield, S9 4PF (Case No: 20/00948/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the front dormer window on the character and appearance of the area.  
He concluded that the dormer would be offset from the windows below and would disrupt the symmetry of the window composition, resulting in harm to the character and appearance of the dwelling, contrary to the SPG guidance, Policy CS74 of the Core Strategy, Policies BE5 and H14 of the UDP and paragraph 127 of the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for replacement timber windows to the front and side elevations of the dwellinghouse, erection of a rear conservatory to main dwellinghouse, alterations and extensions to coach house to form self-contained ancillary living accommodation with garage and 2 front dormer windows and provision of new gates to existing pedestrian and vehicular entrances at 44 Ashland Road, Sheffield, S7 1RJ (Case No: 19/04071/FUL) has been part dismissed, part allowed.

Officer Comment:-

Officers had raised no issues with the replacement windows and conservatory extension. The Inspector therefore considered only the impact of the coach house alterations, as the substantive basis of the Council's refusal.

The Inspector identified the main issues as being the effect of the coach house alterations on the character and appearance of the Nether Edge Conservation Area, with due regard to trees.

He noted the large, villa style, semi-detached dwelling with large rear plot was characteristic of the Conservation Area, and that whilst located to the rear, the coach house was representative of the historic development of the area and makes a positive contribution to the character of the Conservation Area.

He considered the extensions would be of a scale and design that would over dominate the original form of the coach house such that the original building would be subsumed into a much larger building.

Further, this would result in a building which had the appearance of back land development that would conflict with the established pattern and grain of development in the Conservation Area.

He considered also that there was a realistic possibility of construction activity impacting on the trees, which contributed to the character of the Conservation Area and in the absence of a professional assessment of this submitted by the applicant he concluded harm was likely.

He noted the benefit of bringing the dilapidated coach house back into use but felt this was insufficient to outweigh the 'less than substantial harm' to the historical significance of the heritage asset. This was in conflict with policies BE15, BE16, BE17 and GE15 of the UDP.

He therefore dismissed that aspect of the appeal, allowing the uncontentious window alterations and conservatory addition.

(v) To report that an appeal against the committee decision of the Council to refuse planning permission for erection of 2no. dwellings with associated parking at Land Between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Case No: 19/03073/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposed development on 1) the character and appearance of the area, 2) the living conditions of occupants of 98 Wheel Lane with regard to outlook and light, and 3) the living conditions of future occupants of house two with regard to garden size.

He considered that the sizeable roofs with dormer windows would be greater

in scale and height to the dwellings on either side and that, due to their overall scale and height, they would be inharmonious with, and would harmfully disrupt, the established stepped roofline which corresponds to the slope of the road. In relation to issue 1) he concluded that the proposed dwellings would cause significant harm to the character and appearance of the area, contrary to Policies H14 and BE5 of the UDP and Policy CS74 of the Core Strategy.

He considered that, due to the difference in levels and the height and projection of the single storey element of house one, it would have a significantly harmful impact on the outlook from 98 Wheel Lane. Given the orientation of the proposed dwelling in relation to the existing dwelling, for these same reasons, he considered there would also be an unacceptable impact on levels of light to the property. In relation to issue 2) he concluded that the proposal would cause significant harm to the living conditions of occupants of 98 Wheel Lane with regard to outlook and light, contrary to Policy H14 of the UDP and Chapter 12 of the NPPF which expects development to achieve a high standard of amenity for existing users.

He considered that the garden on house two would not provide sufficient amenity space for the dwelling which it is intended to serve –noting that it was smaller than the good standard of amenity space that is provided to the majority of existing dwellings in the surrounding area. In relation to issue 3) he concluded that the proposal would have a significantly harmful effect on the living conditions of the future occupants of house two with regard to outdoor amenity space provision, contrary to Policy H14 of the UDP which requires, amongst other things, that new developments are well designed and laid out.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for removal of a 11.70m high monopole and associated equipment cabinets and erection of 20m high monopole with associated equipment cabinets at Telecommunications mast adjacent Pavilion, Angram Bank Recreation Ground, Foster Way, Sheffield, S35 4GE (Case No: 19/03872/FULTEL) has been allowed.

##### Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.

She considered the proposed mast would be a more prominent feature at the junction of Cottam Road and Foster Way and would also protrude above the surrounding built form, trees and street structures. As a result, the mast would be more apparent in its context than the existing mast and would, to some extent, detract from the character and appearance of the area.

She concluded that, while the proposed development would result in some limited harm to the area's character and appearance and there would be limited conflict with Policy LC5 of the UDP and paragraph 127 of the NPPF, this harm would, on balance, be outweighed by the economic and social benefits that would arise as a result of the proposed upgrade which would not be achieved with a mast of a lower height and the proposal would accord with Policy BE14 of the UDP and with paragraphs 112 and 113 of the NPPF where it outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

#### 5.0 CIL APPEALS DECISIONS

Nothing to report

#### 6.0 ENFORCEMENT APPEALS NEW

Nothing to report

#### 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

#### 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

#### 9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*8 December 2020*

