

Planning and Highways Committee

Tuesday 5 March 2024 at 2.00 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Glynis Chapman (Joint Chair), Alan Woodcock (Joint Chair), Mike Chaplin, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Peter Price, Ibbby Ullah, Sophie Wilson, Cliff Woodcraft and Garry Weatherall

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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 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.

Attending Meetings

Meetings of the Council have to be held as physical meetings and are open to the public. If you would like to make a representation to the Planning and Highways Committee, please email committee@sheffield.gov.uk by 9am 2 working days before the meeting and state which application you wish to speak on. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk as this will assist with the management of attendance at the meeting.

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend. Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made. Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.hodgetts@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
5 MARCH 2024**

Order of Business

- 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 - 14)
Minutes of the meeting of the Committee held on 9th January 2024.
- 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 15 - 16)
Report of the Head of Planning.
- 7a. Planning Application No. 23/00777/FUL - Within The Curtilage Of KFC, 236 Queens Road, Highfield, Sheffield, S2 4DL** (Pages 17 - 38)
- 7b. Planning Application No. 22/04338/FUL - Dore Moor Nursery, Brickhouse Lane, Sheffield, S17 3DQ** (Pages 39 - 94)
- 7c. Planning Application No. 23/03216/FUL - The Coach House, 306 Dobbin Hill, Sheffield, S11 7JG** (Pages 95 - 110)
- 7d. Planning Application No. 22/00877/FUL - Land Between 5 And 21, Holmhirst Road, Sheffield, S8 0GU** (Pages 111 - 144)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 145 - 160)
Report of the Head of Planning.
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 2nd April 2024 at 2pm in the Town Hall.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, 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 Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim General Counsel by emailing david.hollis@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 9 January 2024

PRESENT: Councillors Glynis Chapman (Joint Chair), Alan Woodcock, Mike Chaplin, Roger Davison, Tony Downing, Barbara Masters, Laura Moynahan, Peter Price, Ibby Ullah, Garry Weatherall, Henry Nottage (Substitute Member) and Richard Williams (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Bernard Little. Councillor Henry Nottage acted as substitute.
- 1.2 An apology for absence was received from Councillor Cliff Woodcraft. Councillor Richard Williams acted as substitute.

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 Councillor Laura Moynahan declared a personal interest in Agenda Item No. 7c, Application No. 23/00777/FUL - Within the curtilage of KFC, 236 Queens Road, Highfield, Sheffield, S2 4DL as the objector at the meeting was known to her. Councillor Moynahan declared that she had not given an opinion or made up her mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.2 Councillor Richard Williams declared a personal interest in Agenda Item No. 7b, Application No. 23/02023/FUL - Nook Lane Junior School, Nook Lane, Sheffield, S6 6BN as the Ward Member. Councillor Williams declared that he had met with constituents prior to the meeting, therefore would take no part in the discussion and voting thereon and would leave the meeting.

4. MINUTES OF PREVIOUS MEETING

- 4.1 **RESOLVED:-** that the minutes of the meeting of the Committee held on 7th November 2023 were approved as a correct record.

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

6a. APPLICATION NO. 23/02023/FUL - NOOK LANE JUNIOR SCHOOL, NOOK LANE, SHEFFIELD, S6 6BN

- 6a.1 Councillor Richard Williams left the meeting for the duration of the item.
- 6a.2 An additional representation, along with the officer response was included within the Supplementary Report which was circulated at the meeting.
- 6a.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6a.4 The Committee considered the report and recommendation 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.
- 6a.5 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of a 2.4m high perimeter fence at Nook Lane Junior School, Nook Lane, Sheffield, S6 6BN (Application no. 23/02023/FUL).

6b. PLANNING APPLICATION NO. 23/02734/FUL - LAND AT THE JUNCTION OF SCARSDALE ROAD AND DERBYSHIRE LANE, AND LAND OPPOSITE 105 - THE CROSS SCYTHES, 145 DERBYSHIRE LANE, SHEFFIELD, S8 8TF

- 6b.1 Councillor Richard Williams returned to the meeting.
- 6b.2 Additional representations, along with the officer response and an update on the National Planning Policy Framework 2023, including the 4 year housing supply, were included within the Supplementary Report which was circulated and summarised at the meeting.

- 6b.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6b.4 James Norton attended the meeting and spoke in support of the application.
- 6b.5 The Committee considered the report and recommendation 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 at the meeting.
- 6b.6 A discussion took place regarding condition 15 regarding the maintenance of the green roof and officers confirmed that there would be no issue with extending the maintenance period from 5 years to the lifetime of the development, the final wording to be approved by the Co-Chairs. It was moved by Councillor Henry Nottage and seconded by Councillor Garry Weatherall. A vote took place by a show of hands and the motion was passed and it was:
- 6b.6 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, including the amended condition 15, for the erection of 7 dwellinghouses with associated parking and landscaping at land at the junction of Scarsdale Road and Derbyshire Lane and land opposite 105 - The Cross Scythes, 145 Derbyshire Lane, Sheffield, S8 8TF (Application no. 23/02734/FUL).
- 6c. PLANNING APPLICATION NO. 23/00777/FUL - WITHIN THE CURTILAGE OF KFC, 236 QUEENS ROAD, HIGHFIELD, SHEFFIELD, S2 4DL**
- 6c.1 An additional representation, along with the officer response, a replacement of condition 15, and an update on the National Planning Policy Framework 2023, were included within the Supplementary Report which was circulated and summarised at the meeting.
- 6c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6c.3 Simon Ogden attended the meeting and spoke against the application.
- 6c.4 Rachael Martin attended the meeting and spoke in support of the application.
- 6c.5 The Committee considered the report and recommendation 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 at the meeting.

- 6c.6 A discussion took place regarding the relationship of the application with the River Sheaf and concerns regarding the vehicular access and bin storage and it was moved by Councillor Barbara Masters and seconded by Councillor Weatherall that the application be deferred for a site visit to better understand the relationship between the proposals and the adjacent River Sheaf, and to further consider the layout of the scheme in respect of bin storage and vehicular access. On being put to the vote by a show of hands, the motion was passed and it was:
- 6c.7 **RESOLVED:-** That an application for the erection of a single-storey building for use as a restaurant and drive thru (Use Class Eb and Sui Generis) with associated car parking and landscaping works (Amended Drawings 16.08.2023) within the curtilage of KFC, 236 Queens Road, Highfield, Sheffield, S2 4DL (Application no. 23/00777/FUL) be DEFERRED pending a site visit and for officers to discuss concerns in respect of bin storage and vehicular access.
- 6d. PLANNING APPLICATION NO. 22/02691/FUL - 51-57 HIGH STREET AND GROUND AND FIRST FLOOR OF 59-73 HIGH STREET, CITY CENTRE, SHEFFIELD, S1 2GD**
- 6d.1 Additional representations, along with the officer response, an amended condition and additional condition and an update on the National Planning Policy Framework 2023, including the 4 year housing supply, were included within the Supplementary Report which was circulated and summarised at the meeting.
- 6d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6d.3 Matthew Sobic attended the meeting and spoke in support of the application.
- 6d.4 The Committee considered the report and recommendation 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 at the meeting.
- 6d.5 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally subject to legal agreement, for the reasons set out in the report and supplementary report, now submitted, for the demolition of building and erection of a 40-storey co1iving residential tower (Sui Generis) comprising 428 x units with ancillary/communal space (1 x 4-bed cluster, 37 x 5-bed clusters, 37 x 6-bed clusters, 1 x 7-bed cluster and 1 x 10-bed cluster), change of use of basement/ground/first floor and part of second floor of 59-73 High Street to commercial (Use Class E) and co1iving residential accommodation (Sui Generis) comprising 20 x studios with ancillary/communal space, and hard and soft landscaping works/reconfiguration of King Street/Angel Street at 51-57 High Street and ground and first floor of 59-73 High Street, City Centre, Sheffield, S1

2GD (Application no. 22/02691/FUL).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

8. DATE OF NEXT MEETING

- 8.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 6th February 2024 at 2pm In the Town Hall.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 05/03/2024

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Sarah Hull 2039183

Summary:

Reasons for Recommendations

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

Recommendations:

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	23/00777/FUL (Formerly PP-11952761)
Application Type	Full Planning Application
Proposal	Erection of a single-storey building for use as a restaurant and drive thru (Use Class Eb and Sui Generis) with associated car parking and landscaping works (Amended Drawings 16.08.2023)
Location	Within The Curtilage Of KFC 236 Queens Road Highfield Sheffield S2 4DL
Date Received	07/03/2023
Team	South
Applicant/Agent	ID 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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

1595-001 Rev C - Landscape Masterplan published 21.02.2024
AMA-21694-ATR002 - Service Vehicle Tracking published 25.08.23
A101 revision N - Proposed Location Plan and Site Plan published 21.02.2024
A102 revision H - Proposed Plans and Elevations published 21.02.2024
A103 revision B - Bin Store Details published 21.02.2024
AMA/21694/ATR003 - Existing Site Access Tracking published 21.02.2024
A104 Rev A - Existing and Proposed Street Scene - published 21.02.2024

Reason: In order to define the permission.

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

3. No development shall commence until a ground gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

4. Any intrusive investigation recommended in the Ground Gas Risk Assessment Desktop Study 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 the development being commenced. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

5. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

6. Unless it can be shown not to be feasible or viable 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.

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

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

8. No 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.

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

9. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

10. 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.

11. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

12. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been

submitted to and approved in writing by the Local Planning Authority and the building 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.

13. The building shall not be used, until full details of a comprehensive delivery and servicing management plan have been submitted to and approved in writing by the Local Planning Authority. The management plan needs to include as a minimum, details of how car parking spaces are to be left vacant to allow for service/delivery vehicles to manoeuvre within the site, and likely servicing and delivery times. Thereafter, all commercial deliveries and servicing shall be carried out in accordance with those 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.

14. 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.

15. 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.

16. 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.

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Note / 03/04/2023 / Andrew Moseley Associates) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 62.08 metres above

Ordnance Datum (AOD)

- A water entry strategy shall be put in place for the development
- Flood resistance and resilience measures shall be included within the development

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 and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided via water entry.

18. Before the use of the commercial unit commences details of a waste and litter strategy which shall include measures including mesh panels to railing panels to prevent litter from the site entering the adjacent River Sheaf, and servicing, external inspection and litter picking across the site, shall have been submitted to and approved by the Local Planning Authority. The use shall then be operated in accordance with the approved details thereafter.

Reason: In the interests of preventing pollution of the River Sheaf.

Other Compliance Conditions

19. No amplified sound shall be played within the commercial use hereby permitted at above background levels.

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

20. The external PA system shall only be used when ordering food and beverages and in an emergency in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary:

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

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

21. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of nearby hotel and school 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 fume extract terminating.
- 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 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.

22. The building and external seating areas shall be used for the above-mentioned purpose only between 06:00hours and 23:00hours on any day.

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

23. 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.

24. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on 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.

25. 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.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning

Policy Framework.

2. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. 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.
4. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
 - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
 - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
6. The applicant is advised that separate permission is required for the signage on the new building and car park.

Site Location



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LOCATION AND PROPOSAL

Members will recall that this application was presented to the Planning & Highways Committee on 9th January 2024 where it was resolved to defer a decision on the application to allow for officers to further explore the relationship of the development (in particular bin storage location) to the adjacent River Sheaf Walk, to seek greater clarity on the acceptability of the access arrangements for two-way movements and to allow for a site visit to take place.

Officers have met with the applicants and their agents to discuss the above, and the outcome is an amended layout which relocates the bin store onto the Queens Road frontage and replaces it with a small area of landscaping, seating and cycle parking adjacent to the River Sheaf Walk. The bin store relocation has resulted in the number of car parking spaces for the development by 2 (from 10 to 8). It is confirmed that the bin store will serve both the existing KFC facility on the site, and the proposed Dunkin Donuts unit.

These matters are explained further in the relevant sections of the report below.

The application relates to a site located within the curtilage of KFC on the corner of Queens Road and Charlotte Road with the proposal utilising an area of existing car park to the southwest of the KFC restaurant. The site is in a prominent location which fronts onto Queens Road, a strategic road into and out of the city centre. The surrounding area is predominantly commercial. Directly opposite on Queens Road is a retail park consisting of units such as Asda, Poundstretcher and Home Bargains. Diagonally opposite the crossroad junction on Queens Road is also a B&Q superstore. To the rear of the site, and across the River Sheaf is a residential complex with series of blocks of student flats.

The site is located within Flood Risk Zone 3 and is within an allocated Housing Area as defined in the Sheffield Unitary Development Plan. It is also noted that within the Draft Emerging Sheffield Plan the site will be within a Flexible Use Zone, however limited weight is afforded to this as although the Draft Sheffield Plan was submitted to Government on the 06 October 2023, the Plan is not currently adopted.

The proposal will see the erection of a separate single storey building within the car park of the KFC. The new unit will be used as a restaurant and drive through (Use Class Eb and Sui Generis) and will utilise part of the existing car park for its customers by providing 6 parking spaces and 2 disabled parking spaces along with external cycle hoops, proposed landscaping works and external seating.

RELEVANT PLANNING HISTORY

There is no directly relevant history for the proposed new unit, however there is history for the site dating back to 1977 when the site was originally a garage for servicing vehicles, to the erection of the KFC restaurant and drive through in 1998 under 98/00721/OUT. There have been subsequent applications for signage, changes to the restaurant and electric vehicle charging points.

In 2004 an application for a 4/6 storey block of flats under 04/00848/FUL was

submitted and refused owing to street scene concerns and inadequate living conditions.

REPRESENTATIONS

Originally Submitted Proposal

Following publicity of the original submission, 30 representations were received objecting to the proposal including from the Sheaf and Porter River Trust, who consider that a second fast food takeaway probably represents an over development creating congestion and conflict. The Trust goes on to suggest that in its current layout the proposal degrades and obscures visibility and accessibility of the river.

They suggested improvements to the existing riverside walk including providing wayfinder signage, clearing the riverbank of invasive species and altering the layout of the restaurant so that seating is provided by the riverside walk instead of close to Queens Road.

The majority of the representations received are from members of the Sheaf and Porter Rivers Trust, and though raising no objection to the principle of redeveloping the site, they reiterate the feedback provided by the Sheaf and Porter River Trust.

Other comments received include:

- Encourage people to make an event of going for a walk and a doughnut rather than driving.
- Concerned about the amount of generated litter.
- Environmental improvements suggested to the river within their ownership to demonstrate Biodiversity net gain.
- The river can be a lovely feature of sitting for customers.
- No more fast-food outlets needed.
- The site owner should be obligated as a condition to repair, de-weed and maintain the river wall.
- Health concerns for those using the current proposed seating area as a result of Queens Road being a busy throughfare and would not sit near the road due to particulates from the vehicles.
- Too many opportunities for public access to green space and active travel have been missed in the past, especially along the Sheaf.

Amended Proposals

Following the publication of amendments, a second round of notification began on 25.08.2023. A further 22 representations were received, including a second comment from Sheaf and Porter Rivers Trust, Sheffield and Rotherham Wildlife Trust, Councillors Ruth Mersereau, Douglas Johnson and Martin Phipps. On letter of support was received.

Objections

Sheaf and Porter Rivers Trust reiterates its previous comments, with the main

objections being to the restaurant layout not facing the riverside, public seating area best placed near the riverside, repair of the retaining wall, a new river sheaf walk sign and environmental improvements to the river. The Trust then goes on to raise that should public artwork contribution be merited that an arch to clarify public access would be welcomed. It is also mentioned that the placement of the cycle parking would likely attract theft.

Sheffield and Rotherham Wildlife Trust are supportive of the previous comments made by the Sheaf and Porter Rivers Trust and object to the application. They raise concern with the siting of the proposed building which they feel will obscure the river and assert that it is an opportunity for biodiversity improvements that make use of the river. They request that a biodiversity report is provided.

Additional individual objections received following the re-notification largely reiterate the previous comments and comments made by the Sheaf and Porter Rivers Trust.

Councillors Ruth Mersereau, Douglas Johnson and Martin Phipps, in summary raise the following concerns:

- The drive-thru facility would encourage more motor traffic.
- The active travel route from Charlotte Road to East Bank Road would be disrupted by drivers entering and existing the site.
- Support the Sheaf and Porter Rivers Trust objections.
- This application to increase motor traffic and hard surfacing is at odds with the climate and nature emergency declared by Sheffield City Council.
- The application has potential conflicts with Sheffield City Council's Waterways Strategy, Development Framework and National Planning Policy Framework.
- Quality and siting of the cycle parking is unacceptable and insufficient.
- Would like to see the removal of the additional 'drive-thru' aspect as well as the bigger car park.
- Would like to see infrastructure that enables walking and cycling to the site.
- Wish to see a revised application which shows:-
 - improving the open space will be a priority.
 - evidence of extending the city's green network.
 - a more significant biodiversity net gain; and
 - allows public access to the waterway

Support

- Would be a valuable addition to the area.

Other comments received include:

- The plans do not take proper consideration of the previous objections.
- Poor siting of bike parking with inadequate bicycle hoops.

PLANNING ASSESSMENT

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. As mentioned previously, the Draft Sheffield Plan has been submitted to the Government for examination in October 2023 and therefore has limited weight, additionally the National Planning Policy Framework revised in 2021 (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.

The most important Local Plan policies should be considered as out-of-date according to paragraph 11(di) of the NPPF. This is that 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 proposed. In this instance, the site does not fall within a protected area and is not an asset of importance.

In this context the following assessment will consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.

Land Use

The application falls within a Housing Area as identified in the Unitary Development Plan (UDP). The UDP pre-dates the most up to date Use Classes Order, with UDP policy H10 listing Housing (previously C3 Use) as the preferred use and Food and Drink Outlets (previously A3 Use) as acceptable. Food and drink outlets (excluding public houses and take aways) fall within use class E - Commercial, Business and Service. However, the drive through and take away element of the proposal makes this a sui generis development – falling outside an identified use class.

Policy CS30 of the Core Strategy 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' part c) requires the Queens Road corridor to be non-residential and to accommodate business, industry, retail and leisure outlets not appropriate for the city centre or district centres.

This site is currently a Class E Use for a KFC restaurant and drive through, therefore the addition of a new restaurant and drive through unit is in line with the acceptable uses identified within policy H10 and CS30 c).

Flood Risk/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 are discouraged from areas with a high probability of flooding. It also aims to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, using Sustainable drainage systems (Suds), de-culverting watercourses wherever 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 165 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 173 states that when determining applications, LPAs should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 174 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

Flood Risk Sequential Test

The site lies within flood zone 3 and a sequential test hasn't already been done for the proposed development, as such a sequential test is required. The purpose of the sequential test is to guide development to areas at lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where the development could take place. The sequential test also considers the flood risk vulnerability of the site and the land uses.

In this instance, the search area for the sequential test has been limited to the area around the site which follows the Central Area Flexible Use Zone to the Flexible Use Zone from the emerging Sheffield Plan policy map which stretches from the edge of the city centre at St Marys Gate along Queens Road and finishes around the crossroads with Bramall Lane and Myrtle Road. Resultantly, the sites included in the sequential test are based around Queens Road and Bramall Lane.

Several sites were identified but discounted as they were either too small for the proposed development or intended for housing. Therefore, having reviewed the sequential test document, the Local Authority are satisfied the test has been passed in this instance.

There is no requirement in this instance to apply the exceptions test as the development represents a 'less vulnerable' use.

Flood Risk Assessment

A Flood Risk Assessment (FRA) has been submitted. FRAs are detailed technical studies on flood risk at a site and its surroundings. Their purpose is to assess whether development will be safe for its lifetime and can be delivered without increasing flood risk elsewhere.

The FRA is considered acceptable following consultation with the Environment Agency subject to conditions relating to the finished floor levels. The finished floor levels of the building are set at 62.08 metres above Ordnance Datum (AOD). The landscape masterplan shows the car parking areas adjacent to the proposed new building (excluding any kerb heights) to be around 61.80 – 62.20 with a slight overall change in land levels across the site. However, access into the building is level, and the land level changes are not considered to result in significant concern.

Design

Core Strategy Policy CS 74 'Design Principles' seeks to promote high quality development and it says that development should take advantage of and enhance the townscape and landscape character of the city's districts. UDP Policy BE5 'Building Design' says that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings, which is followed up through Policy H14 'Conditions on Development in Housing Areas' part a) which requires buildings to be well designed with buildings of a scale and nature appropriate to the site.

Chapter 12 of the NPPF aligns with the UDP and Core Strategy Policies and states good design is a key aspect of sustainable development and should contribute positively to making places better for people. 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 the NPPF and so can be afforded significant weight.

This application proposes the partial loss of an area which is currently an otherwise unattractive and underutilised piece of tarmac being used as a car park. It has no architectural merit and therefore loss of a portion of the car park is considered acceptable in principle.

The proposal is for a single storey building set back from Queens Road, with parking to the east between the building and the existing KFC unit. The proposed building will be positioned near an existing three storey building to the south of the site which is currently a furniture and carpet shop.

The site is within an existing car park serving a KFC unit, and with the River Sheaf Walk running along the western boundary. These factors constrain the area available for the new building, customer parking and drive thru lane.

However Queens Road is a wide street with a somewhat open character as a result of many buildings being set back from the road edge particularly within the retail park opposite. On the western side of the road buildings are more commonly built to back edge of footpath and in the order of three storeys high. The site could accommodate a building of some scale in this context.

The scale and massing of the proposed single storey building, with its prominent elevation a side elevation of 4.8m wide, is considered to be somewhat under scaled for such a location fronting a wide arterial route and this plot would comfortably accommodate a building of a larger scale. The constraints of an existing drive through facility with circulation areas is acknowledged and limits greater scale to a degree.

The scale of the building, with the layout including a side elevation (albeit glazed) facing the main Queens Road frontage, represents something of a missed opportunity. Whilst this is considered a negative element of the scheme the side elevation does not lack interest, and the positioning of the seating area will add some activity to the Queens Road frontage. In addition the new seating area and planting

adjacent to the River Sheaf Walk will add interest here and potentially activity. The bin store on the Queens Road frontage is not a preferred solution however its relocation has enabled improvements to the relationship to the Sheaf Walk and the bin store itself is now contained within a brick housing with climbing plants on the Queens Road frontage, where the slight reduction in land levels also minimises its impact.

Overall, it could not reasonably be argued that this detracts from the appearance of the street given the site at present is an underused, quite bleak car park area.

The elevational details follow the corporate branding of Dunkin with a mixture of brick and cladding, with the front elevation being largely glazed and sections of the side elevation also being glazed where customers would sit inside the restaurant.

The main building will incorporate a dark grey or black brick and a large podium like feature will be clad in a light buff colour. Materials will be conditioned so that detail is provided and discharged.

Views to the riverside walk will still be available from Queens Road, with the building location maintaining its visibility. The building is cuboid in shape, with its narrowest elevation facing toward the highway and therefore minimising screening of the riverside walk, the number of leaderboards was reduced from three to two to further mitigate screening of the walk from Queens Road and whilst it is recognised that some visibility will be lost, it is also recognised that as discussed previously, a larger building would usually be expected in a plot of this size and location which would result in more significant screening of the riverside walk. In this instance, views of the walk are still available, and it is readily visible from Charlotte Road where the main entrance to the walk is and therefore the building is, on balance considered a reasonable response to context.

Overall the drawings, indicate a building that is typical of drive through/fast food facilities across the country and which, whilst somewhat under scaled for the location does relate to the neighbouring KFC unit and commercial appearance of the vicinity. It has no significant impact on the visibility and existing or future usability of the riverside walk. The overall siting of the proposal and its scale and massing whilst of a smaller scale than would usually be expected is appropriate for this location.

By the nature of the development, car parking will be a dominant feature of the proposal, however this is supplemented by soft landscaping, along the boundary to Queens Road which also consists of a knee rail fence. This represents an enhancement of the existing situation.

Core Strategy Policy CS73 'The Strategic Green Network' seeks to open up Sheffield's main river corridors, maintaining and enhancing them where possible.

The riverside walk has previously been provided and runs along the River Sheaf at the back of the site. The adjacent building at 264 Queens Road forms the end of this stretch of the River Sheaf Walk, and a gap in the existing knee rail fence fronting onto Queens Road forms an informal path for pedestrians across the car park onto Queens Road. The existing riverside walk was constructed to a standard with the

intention of being adopted in the future once more of the riverside walk is completed, however it is not currently adopted.

As such, it is not considered reasonable to require additional alterations or improvements to the riverside walk, as it is already constructed to sufficient standard. It is noted that other developments along the River Sheaf have required works to be undertaken to continue development of the route in the form of a section of riverside walk, however in these instances there was no existing riverside walk.

In this instance, requiring significant enhancement (including improved signage or works to the river bank) or maintenance of an existing section of walkway that does not currently form part of a defined route is not considered reasonable or proportionate in this context.

The applicant has however confirmed a willingness to provide mesh panels to the riverside railings and provide a waste and litter strategy which would provide details of servicing, external inspection and litter picking across the site. This is in response to concerns about the riverside stewardship issues raised by the Sheaf and Porter Trust and in recognition of the nature of the activity proposed. This is considered a proportionate response.

Therefore, it is considered that the overall design of the proposal is acceptable in this instance subject to finer details being controlled through conditions on any approval, complying with Policies H10, H14, BE5, CS74 and the NPPF.

Living Conditions

Policy H14 'Conditions on Development in Industry and Business Areas' part k) requires that new development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The NPPF at paragraph 135 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 135 so should be given significant weight.

The closest neighbouring properties to the application site are blocks of flats to the rear (north/west) of the site, across the River Sheaf. The building itself is of a scale that will not create any adverse overbearing or overshadowing.

The flats are at a raised land level to the building with sufficient separation between to ensure no unacceptable loss of amenity shall occur.

Owing to the location of the site adjacent to Queens Road, there are fairly high levels of traffic noise in the area. However, there is the potential for adverse levels of noise later into the evening when traffic reduces, from sorting of waste materials within the site, the speaker/ordering post, and also from externally mounted plant and equipment. Relevant conditions on any approval can ensure appropriate hours of operation and for the sorting and removal of waste materials and also details of any

external plant/equipment.

Therefore, the proposal is not considered to impact adversely on the amenities of occupiers of any nearby neighbouring property, complying with H14 part k) and paragraph 135 of the NPPF.

Highways

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

UDP Policy BE9 'Design for Vehicles' requires that new developments should provide safe, and adequate parking provision including space to manoeuvre. UDP Policy H14 'Conditions on Developments in Housing Areas' part d) requires that proposals would provide safe access to the highway network and appropriate off-street parking.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 115 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.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 111 and 112 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.

It is proposed to utilise the existing access point from Charlotte Road, with the same vehicular path being taken for customers to both KFC and Dunkin, before the routes split with vehicles for Dunkin continuing toward the southern area of the site. This is acceptable in principle and following the deferral of the decision at the January Committee meeting tracking information has been provided demonstrating that the access functions adequately with two-way movement.

Identified pedestrian routes within the site will allow pedestrian access to the building from the riverside walk and from the direction of Charlotte Road meanwhile access from Queens Road will be via a gap in the knee rail fence toward the southern corner of the site.

The plans indicate that there shall be 6 parking spaces with an additional 2 disabled parking spaces. Cycle parking is proposed externally within the site near the riverside walk.

Vehicle tracking has been submitted which shows a delivery and a refuse vehicle turning within the site. Whilst it is acknowledged that this does rely on some of the

car parking spaces being empty to enable the vehicles to turn within the site before delivering products/picking up waste, this is acceptable and has been shown to work for other similar scenarios relating to convenience stores/food outlets. A service/delivery management plan can be controlled through condition on any approval which will detail how they will 'cone off' areas of parking, use banksmen when manoeuvring and likely servicing outside of the peak hours.

No alterations are proposed to the riverside walk as it is already constructed to an adoptable standard. The level of parking accommodation and site layout are considered acceptable and will not adversely impact on highway safety, complying with H14 part d), BE9, CS51 and the NPPF.

Sustainability

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

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

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' requires all new buildings to achieve a high standard of energy efficiency, making the best use of solar energy, passive heating and cooling, natural light and ventilation.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 157 stating that the planning system should support the transition to a low carbon future in a changing climate.

The site is located in the main urban area, on previously developed land, which is served by sustainable forms of transport and within walking distance of local housing and other local commercial/retail facilities.

It is confirmed in the submitted planning statement that the proposed building comprises sustainable materials providing a high standard of energy efficiency in accordance with new (2022) Building Design Standards. However, no greater detail is provided therefore compliance with the aims of the policy will and can be secured by condition.

Policy CS67 requires all developments to significantly limit surface water run-off, and to utilise Sustainable Urban Drainage Systems (SUDS) where feasible and practical, including the use of permeable paving on sites of less than 1 hectare.

A submitted drainage strategy plan outlines that as the site is currently developed, with an existing drainage infrastructure in place and that the site's existing impermeable area will not be changing there is no requirement to provide attenuation. The strategy also states that a new foul water and drainage layout will

be created to connect into the existing drainage infrastructure as the changes to the site are small.

The Lead Local Flood Authority (LLFA) advise that this unacceptable and that local and national policies apply which require discharge to the highest available in the hierarchy, in this instance discharge to the river Sheaf as per the National Planning Policy Framework (NPPF), this was fed back to the agent alongside additional advice that surface water discharge should be limited and incorporate a SUDS system so that it is in line with policy CS67.

At the time of writing this matter is unresolved but this is not a barrier to determining the application as the details can reasonably be required and approved under an appropriate planning condition.

Overall, it is considered that the proposal meets or is capable of meeting the local sustainability policy requirements in CS63, CS64 and CS67 and the NPPF.

Landscaping and Ecology

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected.

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 policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 135 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

At present the site does not contain any trees as it is an existing car park. There is a strip of low-level shrub planting on the southern boundary with 264 Queens Road which shall be removed to allow access along the side of the building for staff and maintenance. The amended drawings include a landscape plan that shows two trees with an area of shrubs below to the boundary fronting onto Queens Road, along with the greening of the bin store. Providing new tree planting here is considered a positive aspect of the scheme. There is also a small hedge proposed to the northern elevation of the site following relocation of the bin store, facing toward the riverside walk.

Detail of the planting has been provided and indicates that the trees will be Sorbus (Rowan), the hedge will be a low Fagus (Beech) and the shrubbed areas will be a mixture of small shrubs such Hebes, Viburnum and Cotoneaster no taller than 40cm but will provide some level of habitat and benefit for wildlife.

No ecological assessment was provided during the application. The applicant's Planning Statement states it was not provided due to the existing use and site

treatment which is currently an area of hard surfacing used as a car park and therefore has no benefit to wildlife. Further to this, the development site is already likely to benefit from a low ecological baseline. A landscape scheme has been submitted, with detail provided showing a mixture of trees and low shrubs proposed, subsequently a condition will secure the implementation and maintenance of the landscaping.

Land Contamination

The site has a previous industrial use and as such may be contaminated.

Therefore a suite of land contamination conditions will be added to any approval to ensure that appropriate measures/mitigation are taken.

Community Infrastructure Levy

CIL has been formally introduced in Sheffield; it applies to all new floor space and places a levy on all new development unless exemption can be proved, or the development is less than 100sqm. The money raised is put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc.

A CIL Additional Information form has been submitted as part of the application and as the development does not include 100 square metres gross internal area, it is therefore not CIL liable.

SUMMARY AND RECOMMENDATION

In accordance with Paragraph 11(di) 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.

Amended plans have been received which slightly amend the layout and provide some soft landscaping which will deliver some benefit. The scheme proposes a development with some shortcomings in terms of layout and scale, but these are considered a missed opportunity rather than harmful to the street scene and accepted given the constraints of the site being within a car park to an existing operating facility. This therefore represents an enhancement of the site with the introduction of soft landscaping on the frontage and utilises previously developed but currently under used land which is acceptable in land use terms.

There will be no adverse impact on ecology, landscaping, highway safety matters, or on the amenities of the closest neighbouring properties, subject to appropriate conditions for mitigation measures/improvements. An existing riverside walk will remain and shall be available for members of the public to use. No alterations to the walk were sought it is already constructed to an adoptable standard.

It is therefore recommended in this instance that planning permission is granted subject to relevant conditions.

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Case Number	22/04338/FUL (Formerly PP-11731060)
Application Type	Full Planning Application
Proposal	Hybrid planning application for (i) the demolition of Dore Moor Garden Centre, and (ii) the construction of an Integrated Retirement Community (IRC) of up to 125 Extra Care units (Use Class C2) with ancillary communal and care facilities and green space consisting of: (a) A full planning application for 63 Extra Care units (C2); the Village Centre; means of access; landscaping and open space; and all other associated works and infrastructure; and, (b) An outline planning application (all matters reserved except for access) for up to 62 Extra Care units (C2) with ancillary communal space, landscaping and all other associated works and infrastructure
Location	Dore Moor Nursery Brickhouse Lane Sheffield S17 3DQ
Date Received	02/12/2022
Team	City Centre and Major Projects
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Consider that the proposal constitutes inappropriate development in the Green Belt, which would result in substantial harm to the openness of the Green Belt and would be contrary to the purposes of including land within the Green Belt. 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, and DN Policy 2 of the Dore Neighbourhood Plan.
- 2 The Local Planning Authority consider that the proposal would result in a substantial harmful impact to the spatial and visual character and landscape in this location, having a detrimental impact on the Area of High Landscape

Value, the Green Belt, and the setting of the Peak District National Park. This would be contrary to Policy GE8 of the UDP and Paragraphs 180 and 182 of the National Planning Policy Framework.

- 3 The Local Planning Authority consider that the proposal owing to its scale, siting, form and layout results an incongruous development that represents general overdevelopment of the site. The proposal would result in poor outlooks afforded to some of the units within the proposed development, resulting in unacceptable living conditions for future residents. This would be contrary to Policies GE4 and H15 of the UDP, Core Strategy Policy CS74 and Paragraph 135 of the National Planning Policy Framework.

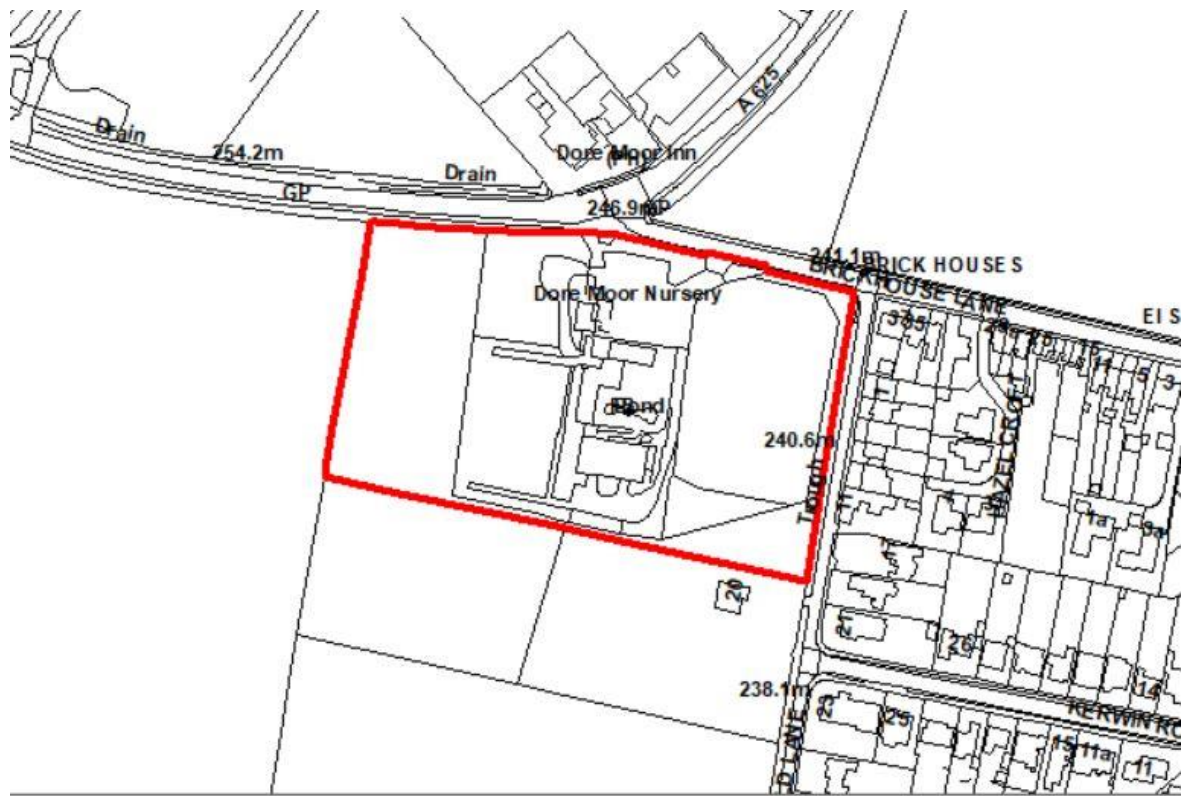
Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application does not follow the pre-application advice given, or show sufficient regard for the (policy) requirements set out within that advice, so an agreed solution has not been sought on this occasion.
2. 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, dwg ref. 2458-URB-ZZ-XX-DR-A-208900-P00
Illustrative Masterplan, dwg ref. 452-UW-P-003 Rev C
Application Elements, dwg ref. 2458-URB-ZZ-XX-DR-A-208901-P00
Site Block Plan as Proposed, dwg ref. 2458-URB-ZZ-XX-DR-A-208903-P01
Site Demolition Plan as Proposed, dwg ref. 2458-URB-ZZ-XX-DR-A-208904-P00
Site Sections as Proposed, dwg ref. 2458-URB-ZZ-XX-DR-A-208350-P00
Height Parameter Plan as Proposed, dwg ref. 2458-URB-ZZ-XX-DR-A-208905-P00
Access Principles as Proposed, dwg ref. 2458-URB-ZZ-XX-DR-A-208906-P00
Design and Access Statement (November 2022)
Design Commitment Statement (November 2022)
Block 1 Ground & First Floor Plan as Proposed, dwg ref. 2458-URB-B1-ZZ-DR-A208150-P00
Block B1 Second Floor Plan and Roof Plan Proposed, dwg ref. 2458-URB-B1-ZZ-DR-A-208151-P00
Block B1 Elevations & Section as Proposed, dwg ref. 2458-URB-B1-ZZ-DR-A208250-P00
Block 2 Ground, First, Second Floor & Roof Plan as Proposed, dwg ref. 2458-URBB2-ZZ-DR-A-208150-P00
Block 2 Elevations & Section as Proposed, dwg ref. 2458-URB-B2-ZZ-DR-A-208250- P00
Block B3 Ground, First, Second Floor & Roof Plan as Proposed, dwg ref. 2458-URBB3-ZZ-DR-A-208150-P00
Block 3 Elevations & Section as Proposed, dwg ref. 2458-URB-B3-ZZ-DR-

A-208250- P00
Bin Store - Type 1 Plans & Elevations as Proposed, dwg ref. 2458-URB-BS1-ZZ-DR-A-208150-P00
Bin Store - Type 2 Plans & Elevations as Proposed, dwg ref. 2458-URB-BS2-ZZ-DR-A-208150-P00
Bin Store - Type 3 Plans & Elevations as Proposed, dwg ref. 2458-URB-BS3-ZZ-DR-A-208150-P00
Bin Store - Type 4 Plans & Elevations as Proposed, dwg ref. 2458-URB-BS4-ZZ-DR-A-208150-P00
Bin Store - Type 6 Plans & Elevations as Proposed, dwg ref. 2458-URB-BS6-ZZ-DR-A-208150-P00
VC Bin Store Plans as Proposed, dwg ref. 2458-URB-BS7-ZZ-DR-A-208150-P00
VC Bin Store Elevations as Proposed, dwg ref. 2458-URB-BS7-ZZ-DR-A-208151- P00
Cottage Type BU Plans, Elevations & Sections as Proposed, dwg ref. 2458-URB-BU-ZZ-DR-A-208150-P00
Cottage Type S3 Plans, Elevations & Sections as proposed, dwg ref. 2458-URB-S3- ZZ-DR-A-208150-P00
Cottage Type S4 Plans, Elevations & Sections as proposed, dwg ref. 2458-URB-S4- ZZ-DR-A-208150-P00
Substation Building floor plan & elevations as proposed, dwg ref. 2458-URB-SS-ZZ-DR-A-208150-P00
Village Centre Ground Floor Plan as Proposed, dwg ref. 2458-URB-VC-00-DR-A-208150-P00
Village Centre First Floor Plan as Proposed, dwg ref. 2458-URB-VC-01-DR-A-208150-P00
Village Centre Second Floor Plan as Proposed, dwg ref. 2458-URB-VC-02-DR-A-208150-P00
Village Centre Undercroft Plan as Proposed, dwg ref. 2458-URB-VC-BS-DR-A-208150-P00
Village Centre Roof Plan as Proposed, dwg ref. 2458-URB-VC-RF-DR-A-208150- P00
Village Centre Elevations as Proposed - Sheet 1, dwg ref. 2458-URB-VC-ZZ-DR-A-208250-P00
Village Centre Elevations as Proposed - Sheet 2, dwg ref. 2458-URB-VC-ZZ-DR-A- 208251-P00
External Levels Sheet 1 of 2 dwg ref: FW1984-C-500-01 (P2)
External Levels Sheet 2 of 2 dwg ref: FW1984-C-500-02 (P2)

Site Location



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LOCATION AND PROPOSAL

The application relates to a site which is located on the junction of Hathersage Road and Brickhouse Lane (to the north of the site), with Newfield Lane running along the eastern boundary. Immediately to the south of the site is a small dwelling at Newfield Farm. Beyond the western boundary of the site is a large open field.

The site comprises of approximately 2.5 hectares of land, which fall into three main sections. The section in the centre of the site is occupied by a garden centre building, with associated outbuildings and structures and car parking to the front. The eastern section of land is an open field with mature landscaped boundary, and the western section contains a small plantation.

The overall site is approximately 205 metres wide (east to west) and 107-123 metres deep (north to south). There is a natural fall in topography from the northwest corner of the site, down to the southeast corner of the site by approximately 10 metres in total.

The site is located within Sheffield's Green Belt, and an Area of High Landscape Value. The Peak District National Park boundary is approximately 1 km to the west of the site.

Permission is sought for a hybrid application, to include:

- a) the demolition of Dore Moor Garden Centre, and
- b) the construction of an Integrated Retirement Community (IRC) of up to 125 Extra Care units (Use Class C2) with ancillary communal and care facilities and green space consisting of:
 - i. A full planning application for 63 Extra Care units (C2); the Village Centre; means of access; landscaping and open space; and all other associated works and infrastructure; and
 - ii. An outline planning application (all matters reserved except for access) for up to 62 Extra Care units (C2) with ancillary communal space, landscaping and all other associated works and infrastructure.

The full application is located within the eastern portion of the site and consists of 63 units, which are made up of 24 units within the Village Centre Building, 12 units within Block B1, 9 units within Block B2, and 9 units within Block B3, resulting in 54 apartments. 9 bungalows/dormer bungalows are then proposed, identified as Blocks B1a, b, c, d and B2a.

The Village Centre Building is approximately 72 metres long x 20 metres deep, over 4 storeys, featuring an undercroft/basement level of car parking, a communal area to the ground floor, and two levels of accommodation above, totalling 27 units, with a pitched roof above.

The three apartments Block B1, B2 and B3, all propose 3 floors of accommodation with 3 units per floor.

Car parking is provided dispersed throughout the site, along with bin storage.

The outline element is located to the western portion of the site, with an indicative layout accompanying the outline element showing up to 62 units. This demonstrates a possible site layout, massing and design of the proposal which vary between 2 storey dwellings and 3 storey apartment blocks. Again, car parking is distributed across the site.

The outline and full elements each amount to an approximate 50/50 split of the site area.

PLANNING HISTORY

Planning permission was granted in 1995 for the alterations and extensions to a nursery and provision of a means of vehicular access and car parking accommodation. Application No. 94/01435/FUL.

Advertisement consent was granted in 1996 for the installation of signage to the building. Application No. 96/00041/ADV.

In 1997, planning permission was granted for the erection of shop and toilets, pergola, covered area and glass canopy. Application No. 97/00617/FUL.

Planning permission was then granted in 2006 for installation of a new ramp and alterations to the fenestration of the buildings. Application No. 06/01242/FUL.

A pre-application enquiry was submitted in 2022 for the erection of a retirement village with ancillary communal and care facilities (Approximately 140 units in total). The advice given was that any proposal for housing (including C2 extra car housing) would unlikely be considered favourably owing to an overriding conflict with Green Belt policy.

SUMMARY OF REPRESENTATIONS

The application has been publicised through the posting of site notices, notice in the local newspaper and individual neighbour notification letters to the closest properties.

One Neutral comment has been submitted:

- This raises concerns about Just Build Homes, and the comments received in support of the application, by people not seeming to realise it's a retirement home.

In total 357 letters of support have been received.

The vast majority of these letters are from residents who live in Sheffield, but not within the immediate area, and have been submitted through a third party named "Just Build Homes". However, there are several comments from residents who live on the adjacent streets (Kerwin Road/Kerwin Drive/Brickhouse Lane). The comments received below are a summary of the main points raised:

General

- Any new homes are better than none, lots of people are struggling to find a home, so many are struggling with location and price.
- Something needs to be done to resolve the housing crisis, with more starter homes and more affordable housing needed.
- There aren't enough homes and the ones being built are the larger homes for families. We need more of all types of homes, and to build more homes for the future generations.
- It's difficult for young people to get onto the property ladder also it's become more difficult for young people to get into university and get a well-paid job.
- The more homes that get built the cheaper they are and its fair everyone can gets a chance to buy a house, not at ridiculous prices and be forced to buy something cheap in an area where they don't want to live.
- More houses are needed across the country regardless of where they are.
- Sheffield is a very diverse city and in order for this to continue we need to be able to make sure there are enough homes for all different demographics.
- When I get to that age would be nice to be looked after, and people should have the ability to live in the area if that's what they choose to do.
- There is a population swell and people are living longer, and we don't cater to that growth, so if there are new homes built near facilities like banks, chemists and a need for it in commercial demand this is acceptable.
- There are plenty of greenfield sites.
- There is a lot of regulation and red tape, making it harder and harder to develop.

This Location/Proposal

- The development will help bring more people to the area, it will be a positive especially in such a nice area to live.
- This development will contribute to driving the local economy and ultimately provide more affordable homes for people, as private rent is too expensive.
- This development will help keep people in Sheffield and not moving out to Doncaster or Rotherham, to keep people in the area they grew up in.
- The proposal utilities brownfield land and is well designed and good quality retirement properties and communities like this are desperately needed in Dore.
- Allowing older people to downsize from larger houses and still remain living in the area, thereby releasing those larger homes for new families wanting to move into the area.
- The location of this proposed retirement village will allow residents access to both the peak District and the local community.
- The proposed site is already partly developed, and from the plan the new development doesn't extend beyond existing property on Newfield Lane. Although the scale and height of the proposed buildings should be reduced in consideration of the local community.
- The focus of development in the city centre of Sheffield has caused harm in the South West of the city where provision for growing families and aging populations is poor.

- This development does not breach the 5 purposes of the Green Belt published by Sheffield City Council in 2014, particularly that there is an existing (albeit smaller) development on the site.
- There is a need for this type of development in Dore. The plans seem sensitive to the environment, it won't impact on the facilities in Dore i.e.. access to GP surgery (it can't be any worse than it is at the moment), and should the GP / Dentist situation not be addressed anyway?
- Regarding the pressure on the amenities and damaging the 'village atmosphere', do shops not want more customers, more people using shops and other local services would improve them. Dore is a suburb of Sheffield no longer a village.
The "Dangerous" roads and junctions need to be dealt with anyway.
- Should the bus service be simply tolerated? Perhaps if more people used it, it would be improved.
- I think there has not been much development in and around this area and the demand is there.
- Whilst services (doctors, dentists, buses, etc) are under pressure, this is true across the nation. It would be helpful if the developer could provide an estimation of additional requirement – suspect it will be low as most will be from existing residents.

Provision of Retirement Homes

- Providing retirement homes allows elderly people to have a good quality of life but have that independence too and be able to call on someone, living in an environment with help available to them.
- There's a shortage of elderly person homes, with queues for the waiting lists, causing property prices to go up.
- This proposed Retirement Community development will enable residents to live independently yet benefit socially and emotionally from the care and leisure facilities available so hopefully delaying the need for our busy NHS services.
- Living in a community with like-minded people will help to reduce loneliness in the elderly, good for their mental health, and will help them to avoid dementia. There will be plenty of interaction and keeping an eye on each other.
- Looking to the future we need more infrastructure to care for an increasingly elderly population. The developers have committed to the buildings being low carbon & the site is brownfield, such as heat pumps to provide under floor heating and having PV roof panels.
- These homes are going to be accessible which is very important as you get older, some of the housing designs elsewhere are not practical for the elderly.
- Old houses are not in great condition and there is a need for more new homes which have less maintenance for the elderly. We need sustainable housing properties that are well-insulated, and energy-efficient.
- This development is good support for the elderly especially when their family members have other commitments and are working, making it difficult to look after them.

- The proposals will benefit local residents as there are not enough bungalows or apartments being built, building a community rather than just a home will be more beneficial.

OBJECTIONS

262 individual representations have been received, the vast majority are from the immediate area and Dore.

Green Belt

- The application is for development in the Green Belt and should be rejected in its entirety on that basis.
- Local and National policies seek to protect the Green Belt from inappropriate development, which by definition is harmful, and only approved in very special circumstances.
- There are no very special circumstances demonstrated which outweigh the harm resulting from this inappropriate development.
- The development does not fall within one of the exceptions listed in National policy, in that it's not an agricultural building, not an outdoor sports or recreational facility, not a proportionate extension or alteration of an existing structure, not a like for like replacement of the current building and does not provide much needed affordable housing. These homes are priced well above the affordability of most elderly people in need of care. There are plenty of brownfield sites in the city that could accommodate such a proposed retirement village.
- This site is not washed over by Green Belt; it is greenbelt adjacent to the Peak District National Park. Green Belt is to prevent urban sprawl.
- The Garden centre is classed as agricultural use which is why it is allowed on Green Belt. This is not a Brownfield site.
- The Peak District National Park boundary is 600metres to the south-west of the site, with the existing buildings complementing the transitional role between the edge of Sheffield and the Park.
- The application site is not contiguous with the built development of Dore and would constitute an entirely separate development outside the western settlement boundary, which in this area is formed by Newfield Lane. There are only isolated buildings to the west of Newfield Lane, and a retirement village would constitute an unacceptable large intrusion into the local landscape, with a severely detrimental effect on the landscape character in the Green Belt and at the edge of the National Park.
- The proposal is contrary to the aims of the Dore Neighbourhood Plan which seeks to respect the setting of the Peak District National Park.
- The site is an Area of High Landscape Value, adjacent to the Peak National Park. The important of this landscape is in its pastoral nature, being part of the gentle transition from urban to rural. To deport this by the insertion of a dense development would destroy the tranquillity and character of this transitional landscape. It would be visible from the National Park.
- Currently 40% of the site is minimally developed with temporary structures, and 60% undeveloped consisting of open grassland. The plan not only covers the footprint of the garden centre, but also the neighbouring

grassland and woodland. The applicant admits that only 40% of this land is previously developed.

- The existing glass single storey and weathered timber constructed buildings on the site have very limited visual impact on the site, and the non-permanent structures, whereby the proposed development will be a major intrusion and enormous visual and physical impact in this area of green space in the Green Belt.
- The wood opposite the site is dedicated to Ethel Haythornthwaite and her husband Gerald the pioneers of the importance of preserving the environment and a lifetimes defence of the countryside of Sheffield and the Peak District. Ethel helped make Green Belts part of government policy in 1955, and Sheffield's first Green Belt.
- In a 2020 Review of Green Belt land SCC noted it critical to consider the impact on the Peak District National Park. The Green Belt on the west of the city forms part of the Peak District 'fringe' landscape, which in turn impacts the setting of the National Park. Open land forms transitional landscapes which the Green Belt protects from urban encroachment that may harm the setting of the National Park. This parcel of land DW3b, was noted to perform strongly against the identified Green Belt purposes.
- This land has a prominent position in the Green Belt, the proposal would completely alter the vista when entering the Peak District or entering Sheffield. It's an area of high landscape value. The visual impact is therefore important in both Green Belt and landscape terms. I would like to question the principle given its location.
- The SaC and SPA are European ecological designations and important.
- Impair views onto open countryside and moorland,
- The Green Belt was designated for the benefit of all - past, present and future generations, to keep the air free, and a place to help the peace of the mind and soul, and health. It must not be destroyed by speculating landowners and developers for the benefit of a few individuals.
- It adjoins land of great beauty that affords wonderful views over to Houndkirk, Blackmoor and the Peak District National Park.
- The 257 page planning statement provided by DLP states that various applications for retirement communities have been granted on Green Belt land however the position of these granted developments are scattered around the country. The current garden centre has no impact on views or light pollution whilst driving in or out of Sheffield on Hathersage Road however this development would be an almighty giant eye sore for everyone visiting or leaving the city to head into the Peak District.
- This proposal is in a highly vulnerable countryside area next to Blacka Moor which is a large and spectacular nature reserve of breath-taking scenery and forms part of a much larger internationally important wild landscape - the Eastern Peak District Moors, designated as a Site of Special Scientific Interest (SSSI). This development is just outside this SSSI and as Paragraph 175B of the Governments National Planning Policy Framework clearly states, 'development on land within or outside a -Site of Special Scientific Interest and which is likely to have an adverse effect on it should not normally be permitted'.
- Newfield Lane acts a boundary between the existing residential area and the Green Belt, this proposal would see an encroachment or urban spawl.

- With the site being in an Area of High Landscape Value, policy requires the protection and enhancement of the landscape as the overriding consideration and maintaining the open character.

Design

- The existing garden centre has a low profile on the site with little visual impact. This whole new development will be a blot on the landscape with up to 4 storey apartment buildings blocking the openness of the area.
- The proposal will tower over the low level 2 storey properties along the opposite side of Newfield lane and surrounding the site.
- The proposal will have a huge footprint on the site where the much smaller nurseys sit, showing a total overdevelopment of the site.
- The development fails to respect the landscape sensitivity of the setting by its visibility; the number and density of units and the height of buildings.
- The proposal fails to respect the existing architectural style of scale of the surrounding area, making poor reference to local vernacular architecture and places buildings of an inappropriate style on the threshold of a National Park.
- On reaching the Dore Moor Inn the countryside just opens up, this development would be totally out of keeping, being the first thing you see when entering Dore/Sheffield.
- The development is not in keeping with the rural and historical theme within the area, and architecturally these buildings are of little merit.
- The proposed 'Village Centre' building is designed with a lack of flexibility for future uses resulting from poor design.
- Inappropriate scale and height for this site which is the gateway to the Peak District National Park, with such a high density scheme (75% more than at Fairthorn Retirement Community).
- The proposals include the destruction of a historic water-trough on Newfield Lane.
- The proposed mixture of materials (frontages in stone, but most secondary elevations in buff brick) is not in keeping with the Dore local plan and not fitting for a development which will be overlooked from the nearby National Park and form the boundary of the Green Belt.
- The trees bordering the site are deciduous and do not form an effective screen for at least 6 months of the year. Moreover, they are not tall enough to screen 3+ storey blocks built on higher ground.
- Unable to identify any consideration within the application of the effect of the proposed development on Dore Moor House Historic Park and Garden, located some 130 metres to the south of the application site. Dore Moor House Historic Park and Garden is locally listed.
- The site is at a prominent spot at the top of the hill that can be seen from the surrounding countryside and literally unmissable from the main Hathersage Road and it can be seen from the National Park.
- This is a hybrid application and detailed plans have only been submitted for the southern half of the site. The northern half of the site, which is more prominent from Hathersage Road has only outline proposals and these could be substantially changed in the future for taller buildings.

Policy

- A Dore Neighbourhood Plan was approved overwhelmingly by Dore residents in a referendum in October 2021 and is now adopted by both Sheffield City Council and the Peak District National park as part of their planning policies. This neighbourhood plan supports the protection of the Green Belt.
- Development on green space is very wrong in this time of climate emergency and environmental destruction.
- The emerging local plan states that Sheffield's future housing targets can be met without building on the Green Belt (except for Norton Aerodrome) and windfall sites which this is not.
- We should be looking at re-using developed areas such as ex-industrial, town centres and ex RAF base in Norton.
- The housing proposed is neither infilling of the village, nor 'limited affordable housing for local community needs'.
- The Green Belt Review scores the area with the highest possible score for robustness of its Green Belt boundary.
- The applicants alternative site selection attempts to justify the application on the grounds that the council have failed to allocate sufficient land to accommodate the need for housing and that the councils review is flawed. However, Sheffield's emerging plan does meet the targets required by 2039.

Provision of Retirement Homes

- There is plenty of this type of housing across Sheffield and within the immediate area, including MHA Fairthorn Retirement Home, Jacob's Gate in Millhouses, Westview Lane in Totley, The McCarthy and Stone developments at Millhouses, Bupa Care Home Broomcroft House on Ecclesall Road South, and the Holt House site, all have vacancies and there is a new one under construction along Twentywell Lane.
- Rightmove lists 66 retirement properties for sale within a 3 mile radius of Dore, some have been on the market since 2020.
- The local need for expensive/luxury retirement properties is not proven and does not address Sheffield's need for affordable homes for older people.
- Reasons for not moving to Fairthorn cited by elderly villagers include maintenance fees and out-of-village position. This proposed development will have maintenance fees and is even further out of the village.
- The proposal has the potential to isolate residents requiring a high car setting.

Living Conditions

- The proposal is right up to the boundary with Newfield Lane, with the site being elevated there will be a loss of light and overshadowing to all adjacent occupiers.
- The large 'Village Centre' and 7 other apartment blocks will totally dwarf and overshadow the existing cottages in Brickhouse Lane and Newfield Lane. They will dominate that area completely.

- The proposed screening is insufficient to mask the intrusion to and from Newfield Lane residents whereby there will be a loss of privacy to nearby residents through overlooking.
- There will be an increase in noise to nearby residents through construction traffic, builders cars, large heavy site vehicles, and then from the amount of future residents and staff on site (possibly 300+).
- Access to existing homes nearby will be difficult during construction.
- The 24 hour lighting (recommended in the police report) will generate excessive light pollution and nuisance to Newfield Lane residents.
- There will be social costs to existing residents through nuisance and impacts including loss of peace and quietude, degradation of ambient conditions, disturbance to the neighbourhood and diminution of local culture.
- The proposal will not deliver an adequate quality of life experience for intended clientele. Site is impacted by traffic noise and fumes and during the winter months the site is very bleak with icy conditions not suitable for the elderly.
- There is existing farm machinery working close up to the boundary, along with animals roaming alongside the boundary creating noise and odours. The existing tree plantation should be maintained for protection of this noise.
- Elderly or disabled persons will be isolated, with no means of reaching the village centre.
- The Village Centre proposes a restaurant and café, which could lead to smells and odours from the commercial kitchen impacting on existing residents.
- There will be increased risks to health, through ambulance call outs and demand for local medical and dental services already in short supply.
- The majority of the site will be either building, road or parking as a result of cramming in as many homes as practical to the extent that this site has hardly any open green space, putting further pressure on local green spaces.

Flooding/Land Drainage

- This proposed development site is on high ground in relation to the village and will have an impact on ground water, substantially increasing the risk of flooding. Currently, Hathersage Road floods at various points as water comes down from Blackamoor and from Longline.
- There will be a detrimental effect on the rear gardens on Kerwin Road. These rear gardens suffer from waterlogging due to the brook which runs down the gardens and the runoff from the moors. Building a development on this scale will create flooding and waterlogging.
- The number of properties will result in further discharge of water into the current water systems which already causes problems in Dore. A "fatberg" style blockage occurred within the last year close to the site, with just the existing load on the sewer. The sewer pipe running along Kerwin Road will not cope with additional flows.
- The addition of 104 car parking spaces, tarmac roads, paving and foundations will increase surface water problems within the site and the sites adjacent.

- There is an existing water course which runs through the site, this proposal will result in the destruction of the natural water course.
- The survey work carried out was in 2022 when there was an official drought, the results aren't representative of normal conditions, whereby there is standing water in the surrounding fields.

Local Amenity

- The local medical and dental facilities do not have capacity to accommodate an increase in local population and are unlikely to do so within the next 5 -7 years.
- GP surgery in Dore is already under pressure to meet demands of community, taking 4 weeks for a routine doctor's appointment. Extra patients by the nature of the age could have complex needs. This could amount to a 16% increase and 185- 250 extra patients.
- Waiting list of Dore dentist on Causeway Head Road is over 3 years long.
- The planning application cites studies showing a reduction in GP visits for residents of housing with care facilities. This is per head and there will still be a net increase in GP visits overall due to the increased population in the area, since not all residents are likely to be currently living in Dore & Totley.
- The proposal will have an impact on the village structure which is disproportionate on local community, public services and shops.
- There are limited local facilities, with no post office, bank or public lavatory.
- Two thriving businesses will be lost, the garden centre and the café, both are valuable services and social spaces for local residents and wider villages in the Peak District for over thirty years.
- There will be the loss of a family business employing 5 full time equivalent jobs.
- The proposed development doesn't have the required infrastructure for its proposed residents.
- By freeing up family homes, there isn't the infrastructure in the local area at present, with oversubscribed local schools and doctors.
- The application site is too far from local services such as shops for elderly residents to access them easily on foot.

Ecology and Landscape

- The existing garden centre and surrounding land is a haven for animals and insects all year around. The proposal would impact on owls, buzzards, bats, badgers, foxes, Curlews, deer, insects, birds, hawks, grouse, newts, cray fish, pink grasshoppers, hedgehogs, weasels, stoats, mice, shrews, roe and red deer, white stag, falcons, herons, Wood Peckers, Jays, House Martins, Swallows and Barn Owls among many others.
- There is a secluded old natural pond on the site which will be lost in the development. It's the only one like it around for frogs, toads, insects and maybe even Great Crested Newts, in addition to other reptiles on the site including snakes and lizards. No study has been undertaken to ascertain whether the pond is a habitat for any protected species.

- Current environmental challenges and government initiatives seek to protect the environment, this proposal is the opposite, removing a field, Green Belt land and green networks.
- The Landscape Strategy document shows the proposed scheme seeks to eradicate all but the native hedgerows bordering the development site resulting in a loss of habitat for flora and fauna.
- We are in a biodiversity crisis, Sheffield City Council have also declared a climate emergency, so why are the developers allowed to build over undisturbed grassland (meadow), woodland and wetland remains on this site? A few token bat boxes and a few trees to replace those felled for the development will not make up for the biodiversity that will be lost.
- This area is currently quite dark at night and the development will lead to 24 hour light pollution that will disturb the rich diversity of wildlife.
- The ecology report is heavily biased towards its client and does not seem to be at all independent. Despite admitting that two hedges qualify for a 'priority habitat' (3.23, 3.24), it then says elsewhere that the hedgerows are 'species poor and of poor structure'.
- There will be the introduction of alien, invasive and otherwise unwanted species to the local environment.
- The proposal will degrade and fragment the green corridor which runs through Dore to towards Ecclesall Woods.

Highways

- Hathersage Road and Brickhouse Lane junction is a notorious accident black spot, with cars exceeding 50mph limit.
- Brickhouse Lane is a quiet residential street, the traffic associated with the proposed development will cause danger, especially to the elderly and young children and cause a major disruption.
- The Dore bus links appear good on paper, but it is poor and cannot be relied upon. There are no buses serving the train station, the Doctors on Dore Road, or direct to the hospitals.
- The distance to the retail facilities is 0.7 miles (1.3 km) which is a 15 to 20 minute walk for a fit individual along an exposed busy road of moderate gradient and would not be possible for those with even minimal infirmity. Car travel would be essential and parking near to the retail facility is extremely limited.
- As there is no right turn onto Brickhouse Lane for any traffic travelling towards Sheffield on the A625, the traffic from this direction would have to turn right at the Cross Lane/Long Line junction. Increasing traffic will only make this worse to a an already dangerous junction.
- There is no pavement, or room for one, where the wood begins at the bottom of Newfield Lane and the extra traffic will be a deterrent to the present recreational users such as walkers, joggers, hobby cyclists and horse riders and for residents to cross the road here. The existing ancient hedgerow will need to be felled and reduced owing to poor visibility.
- Surrounding roads are narrow due to parking and two-way traffic not possible and should not be relied on for overspill carparking.
- There will be a loss of on street parking along Newfield Lane to accommodate the dropped kerb.

- There is insufficient car parking for visitors of the shop, café and restaurant which is not exclusive to residents. Using the Councils Car Parking Guidelines (August 2016) this could amount to 209 spaces for residents and up to 56 staff (direct and indirect).
- The Dedicated Transport Service only mentions local trips and is unlikely to transport residents further afield.
- There are existing parking pressures at weekends with events at Sheffield Tigers Rugby Club and the Pony Club Riding events spilling out onto the surrounding streets, there is no space for further on street parking.
- There is a total lack of parking provision on site, with 136 spaces for 180 residents, 30 full time employees, visitors, care and health workers/ visitors and delivery vehicles. This will create parking and safety issues around Newfield Lane and Brickhouse Lane.
- There are inadequate pavements for a retirement home serving the proposed development.
- It is unlikely that residents will access to bicycle transport, having to have a specific care plan to live on the site.
- Whilst the Crash Map suggests no existing safety issues, the additional vehicles on the road will change.
- Local bus services not reliable or frequent and the M17 Service has recently been suspended.

Other Issues

- There has been a lack of time for commenting over the Christmas break.
- There has been no planning notice posted at the garden centre or nearby.
- Local residents in the immediate vicinity did not get notified of the application.
- The community engagement exercise carried out in July (peak time for retired people to holiday outside of school holidays) revealed more than twice as many respondents raised negative comments rather than positive. The GPS tracking of community engagement leaflet delivery indicates that residents immediately adjacent to the proposed development were not included.
- The support letters are almost exclusively from outside of the Dore and Totley area and drummed up by the developers, all of which are very similar. These are orchestrated by Just Build Homes and many who have commented don't understand what the proposal actually is and that it's for a care home in the Green Belt etc, not just general housing.
- Proposal does not include any affordable housing.
- Is it intended that there is an age limit (70+ year olds)?
- If the scheme is built out and not occupied like other care homes in the area, will the houses be put on the open market?
- Sheffield has a clean air zone, and this development does the opposite. No replacement trees/drainage solutions will adequately or quickly replace the natural absorption of rainwater and air pollutants which currently takes place from the existing landscaping on the site.
- Family homes in Dore may be freed up, but these won't be affordable homes for first time buyers, having high market values.

- There is existing low water pressures in the vicinity, adding further demand will only worsen the situation.
- The alternative site selection concludes that this is the only site across Sheffield that could accommodate an IRC, but instead, this is the only site that meets the developments specifications and timescales.
- The prices of Inspired Village other developments are likely to be 3 times the average house price of homes in Sheffield, with service charges, ground rents etc, it will be out of reach for virtually all Sheffielders.
- Would a positive decision set a precedent for the other green areas on Newfield Lane.
- An alternative site should be looked into off Limb Lane at the Sports Ground.
- Selection of this site is based purely on maximising profit given this is the most expensive part of the city in relation to property prices. It is acknowledged that as the population ages demand for care units as proposed will increase. However, this is not the correct location for such a development in Sheffield.
- Pre-app advice from the Council appears to have been ignored in the current application.
- Concerns raised during the community engagement have not been addressed.
- There is no ecology survey and first and second floor plans have not been submitted.
- The area is an Acorn category 1 - Affluent Achievers where over a fifth of these people are company directors and a higher than usual proportion of people are self-employed. Most incomes are higher than average so there will be little or no chance of getting staff to work in the residential home who will be on wages near the minimum wage from the local population.
- Increased risks of fire for the area and associated demand on local fire services
- Introduction of hazardous materials and vehicles containing hazardous materials to the area; the use of hazardous materials for the development is not mentioned in the sustainability report.
- The development would be on land which was known to be contaminated and the proposed use would be vulnerable to the contamination. Mitigation of suspected or real WWII unexploded ordinance would have to be carried out.
- The Council refused a planning application in 1977 for the erection of 1 bungalow on the site.

Olivia Blake (MP) has objected on the following grounds:

- Concerns about the idea of building a luxury 'retirement village', which does not adequately address our city's housing needs. There is a need for new homes for older residents in Sheffield, but these need to be genuinely affordable for all residents in this city.
- Similar luxury retirements villages across the country regularly have large numbers of vacancies, and this is untenable whereby the city faces an acute need for housing.

- This application does not assist the housing crisis and will have no social housing at all. The only reason this site has been chosen is to maximise profits.
- I have concerns about the large 'service' charges requested through similar developments, which are often extortionate and make such properties even less affordable for prospective residents. I ask the Planning Committee to take the issue of service charge levels into account when deciding on this application.
- This development would infringe upon the Green Belt, which would upset the setting of the National Park and character of the area, extending the reaches of the city closer to the National Park, contrary to the Dore Neighbourhood plan.
- The proposal is essentially for a new neighbourhood in the Green Belt and would be built on a haven for local wildlife.
- This site is completely unsuitable for a development of this scale, and this application would undermine our city's nature and climate ambitions; would- in overriding the Neighbourhood Plan- undermine the ambitions of local people and local democracy; and would not address Sheffield's housing needs.

Councillors Martin Smith, Colin Ross and Joe Otten have all objected to the scheme. Issues raised include:

- This site is in Green Belt and the existing local plan, the emerging local plan, The Dore Neighbourhood Plan and national planning legislation are all very strong on protecting the Green Belt. For this reason alone the application should be rejected.
- The scale & massing of the proposed development is totally inappropriate to the site and the design does not fit in with the character of the surrounding area.
- The argument that this is a developed site within the Green Belt is weak as there is only one permanent building, the rest of the site is either open or has temporary horticultural buildings.
- The site lies adjacent to the commemorative woodland planted in memory of the Haythornthwaites and only a few hundred metres from the National Park.
- The tall 3 storey buildings are totally out of character for this area with its visual impact being very obvious from the National Park.
- This development does not address the housing needs of Sheffield. There are vacancies at Fairthorn and a new large retirement home is under construction on Twentywell Lane.
- This luxury development would not be affordable to many and is likely to have many vacancies like other similar villages across the country.
- There is a demonstrated sufficient supply of housing land in Sheffield, much with planning permission and this must be used first before any thought of going into the Green Belt. Proposal does not meet the test of exceptional circumstances.
- The site is not sustainably located, with a very limited rural bus service, local shops over 1km away down hill and is car reliant.

- The proposal would generate an unacceptable number of traffic movements with existing parking scenarios being a potential for road traffic accidents.
- The site has a wide biodiversity and is a haven for wildlife which would be displaced.
- Individually each point should be sufficient to reject this application but cumulatively they present an overwhelming case for the rejection of this proposal.

Sheffield Wildlife Trust have objected to the proposal on the following grounds:

- The hedgerow gain should not be combined with the habitat loss. A gain is required in both. There is mention of paying a contribution to SCC for off-site mitigation but there is no policy, procedure or tariff in place for this yet. No off-site option has been identified as an alternative to a financial contribution.
- The proposal represents inappropriate development on designated Green Belt land and should therefore be refused as it is contrary to local and national policies.
- The site is not just 'washed over with Green Belt' and only 40% is occupied by the garden centre.

The Peak District National Park Local Planning Authority have objected to the proposal on the following grounds:

- The proposal is of a scale and design that bears no relationship to anything found in the National Park, and there is no reference to the PDNPA Landscape Strategy which describes the landscape and its characteristics.
- The Fridge Landscapes play an important role in protecting the setting, character and wider experience of the National Park. The dense, compact and urban form of the proposed development creates urban qualities in what is more rural character at this point of the landscape, having a detrimental impact on the key characteristics of the landscape and setting of the National Park.
- Further work is required on the Landscape and Visual Impact Assessment (LVIA), particularly from Whitelow Lane.
- The proposal will increase footfall on protected areas and increase domestic animals.
- The proposal will rely on car-borne travel to access the National Park owing to the limited public transport.
- Some of the land is brownfield and has the potential to be developed sensitively, but not the greenfield elements.

The CPRE, Dore Neighbourhood Forum, Dore Village Society all are very lengthy comments, raising similar concerns as those raised above. The main issues raised are summarised below:

Campaign to Protect Rural England (CPRE) Peak District and South Yorkshire Branch have raised the following comments:

First set of comments received January 2023.

- We are guardians of the woodland and commemorative stone opposite the site, which celebrates the success of our founders the Haythornthwaites, and the designation of the city's first Green Belt.
- The site is within a kilometre of The Peak District National Park, with the Green Belt protecting this fine moorland landscape.
- Existing buildings on site are small and single storey, some not permanent, and are only on the central area, and not the 40% of the site which the developer claims as previously developed land. The site is poorly served by transport other than the car.
- The Draft Local Plan does not propose to release the land or change the Green Belt boundary in this area. The Green Belt serves 3 of the 5 national purposes of the Green Belt.
- The applicant describes the Green Belt allocation merely 'washing over' the site and the Council's Green Belt boundary being based on outdated evidence. The Green Belt was reviewed recently as part of the Draft Local Plan, and the urban edge of Sheffield is unmistakably the line of semi-detached 2 storey houses along Newfield Lane.
- The 2, 3 and 4 storey blocks will sit close to and above the treescape and be clearly visible with a complete loss of openness. The proposed buildings will be much more visible than the existing spilling over onto the adjacent open land. This will be clearly visible from the Peak District National Park
- There is little room left for any amenity space, and pressure to remove trees.
- The use of reconstituted artificial stone is not suitable for the area.
- There is a shortfall in housing for older people, but the substantial harm to the openness of the Green Belt, impact on the landscape and rural character at the edge of the National Park make the development completely unacceptable.

A second set of comments have been received in November 2023.

- The submission does not clarify the lawful land use, and the extent of the planning units on the site. The land within the red edged site still has a primary use as a plant nursery then this is not previously developed land.
- The Haythornthwaite memorial wood is a material consideration as a undesignated heritage asset.

Steering Group appointed by the Dore Neighbourhood Forum:

- Dore's Neighbourhood Plan Policy DN6 supports the development of smaller homes with no more than 2 bedrooms in the Housing Area. This site is outside of the Housing Area within the Green Belt.
- The development would attract new residents from very far and wide, reducing the extent to which this development will get people out of large homes in Sheffield, and increasing the number of older people living in Dore and the city.
- The existing Garden Centre meets a genuine need, which is highly valued.

- The site is located within the Green Belt, on a parcel of land which scored highly in the Green Belt review 15/20.
- The need for a retirement development should not trump the location in the Green Belt.
- The site has some previously development land within it, but the site should not be seen as if it was part of a larger brownfield site.
- There are no exceptional circumstances to justify the application.
- All of the Green Belt in this location is within the setting of the Peak District National Park, which is only approximately 1000 metres away. Inserting a retirement village with insensitively spaced prominent tall buildings would be an intrusion into the existing setting of the National Park, and the Parks Natural Zones.
- The Dore community is developing a Green Infrastructure strategy to better expose the Green Belt's essential characteristics and merits, as recommended in the Dore Neighbourhood Plan.
- Ethel Haythornthwaite was a great campaigner and innovator, a Sheffield heroine who has had lasting impact on our local and the nation's landscapes, campaigning for England to create National Parks, with the Peak District to be the first.
- The overall design of the buildings does not reflect the locality and is more intensely developed than any other part of Dore.
- The facilities within Dore are not easily accessible, with a long walk up the hill to come back to the development and an even longer walk to the train station.
- The parking provision on the site is inadequate and there is a potential for accidents near the main entrance of the site given the increased level of traffic.
- No tree belt will screen the intensive tall buildings.

Dore Village Society

- The site is located in the Green Belt, with the emerging Local Plan remaining as Green Belt.
- The site is clearly visible from and close to the Peak District National Park.
- The proposal would neither safeguard nor enhance the natural setting of Dore and would constitute significant urban extension into the natural setting.
- The access for vehicular traffic is close to the junction of Brickhouse Lane and Hathersage Road (A625), which is a dangerous junction. The additional traffic generated from 125 units from occupiers and service traffic cannot be accommodated by Brickhouse Lane.
- Public transport is poor, with the buses infrequent, unreliable and little use to residents of a retirement village. The train station is 1.7 miles away downhill which is not feasible for people whom this proposed retirement village is targeted.
- There is 1 medical practice (part time hours) and 1 dental practice in Dore.

- There are many retirement homes available in the immediate area for sale (45 in January 23).
- The loss of the existing garden centre would have a negative effect on the local economy, with journeys to other garden centres impacting on carbon emissions in this part of Sheffield.

Officer Response to comments

The majority of comments will be responded to in the main body of the report. A response to the other matters raised is given below.

- Just build homes have facilitated the ability for people to comment on the planning application without going through the Council's public access route. All comments received have been uploaded to the file and are taken into consideration in this assessment.
- The timings of the submission are not under the control of the planning department. Site notices were posted a couple of weeks after the letters sent out and extend the time for consultation.
- Ecological surveys have been submitted.
- A full suite of drawings has been submitted.
- A Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment document has been submitted accompanying the application. It recommends a number of risk mitigation measures during intrusive works in all previously undisturbed ground.
- This development would not be required to make S106 contributions towards local facilities such as health and education because it is not of a large enough scale. In this respect the adopted Supplementary Planning Document entitled Community Infrastructure Levy and Planning Obligations sets the following thresholds: - Education contributions for sites of 500+ dwellings, Health contributions for sites of 1000+ dwellings.

PLANNING ASSESSMENT

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan unless material considerations indicate otherwise. For development management decisions in Sheffield, the development plan comprises the Sheffield Core Strategy (adopted March 2009) and 'saved' policies from the Sheffield Unitary Development Plan (1998).

The Council is currently developing a new replacement Local Plan (entitled 'The Sheffield Plan') which will set out planning policies and land use allocations to shape development within Sheffield for a plan period running to 2039. Public consultation on the draft Local Plan commenced in January 2023 and was endorsed by full Council on 6 September 2023. The plan was submitted for examination on 6 October 2023. It is anticipated that the plan will be adopted at the end of 2024. At this stage the Sheffield Plan has very limited weight.

The National Planning Policy Framework (NPPF) revised in 2023 is also a material consideration, whereby the key principle 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 presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. The Council's development plan (UDP and Core Strategy) substantially predates the publication of the NPPF. Paragraph 225 of the NPPF requires 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. The closer a policy in the development plan is to the policies in the NPPF, the greater the weight it may be given.

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. For decision making, this means:

(c) approving development proposals that accord with an up to date development plan without delay; or
d), where there are no relevant development plan policies, or 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 NPPF policies that protect areas or assets of particular importance (As listed at Footnote 7, for example designated SSSIs, Green Belt, Areas of Outstanding Natural Beauty, a National Park, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

Sheffield has an emerging Local Plan that has been submitted for examination. As a result, the new NPPF revised in December 2023 in paragraph 226 requires a minimum 4 year supply of housing (instead of the standard 5 years).

Sheffield's annual local housing requirement is 3,038 homes, taking into account projected household growth, local affordability ratios and the 35% uplift for England's largest towns and cities. The total net 5-year requirement is 15,192 homes. Sheffield is able to demonstrate a net 5-year deliverable supply of 9,165 homes, equating to 3.01 years. Therefore, the Council is currently unable to demonstrate a 4-year supply of deliverable housing sites. Consequently, in accordance with footnote 8 of the Framework the most important policies for determining the application are considered to be out of date and so Paragraph 11d is engaged.

As the site is within a protected area and affects an asset of particular importance, in this instance the Green Belt and the setting of the Peak District National Park,

the so called 'tilted balance' set out in Paragraph 11dii is not automatically triggered. As a result of paragraph 11(d)(i) it is necessary to consider whether the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 makes clear that this refers – among other things – to the policy relating to Green Belts and National Parks.

The following assessment will evaluate the compliance of the proposed development against the existing policies within the UDP and Core Strategy, will consider the weight of these local policies against NPPF policies whilst accounting for the most important policies automatically being out of date because the development proposes a housing scheme and assess the proposals against national policy.

In terms of assessing the level of weight to be attributed to a policy, any harm, or benefits, the terms 'very limited', 'limited', 'moderate', 'significant', and 'substantial' are used within the following report. 'Very limited' being the smallest amount, and 'substantial' being the highest amount of weight.

Housing Land Supply and Density

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.

The updated NPPF in paragraph 11 requires local authorities to plan positively to meet development needs and paragraph 123 requires policies and decisions to promote an effective use of land in meeting the need for homes and other uses.

The majority of CS22 carries very limited weight as the Core Strategy is now more than 5 years old and the NPPF states that the housing requirement must be based on the local housing need figures using the Government's standard methodology.

As stated previously, Sheffield can demonstrate a 3.01 year deliverable supply of housing land.

Housing Delivery Position

The 2022 Housing Delivery Test confirms that 121% of Sheffield's housing requirement has been built over the last 3 years. Therefore, there has not been significant under delivery within Sheffield over this period in relation to the 75% threshold.

Furthermore, the emerging Sheffield Plan indicates that Sheffield's development needs to 2039 will be met within the existing urban areas. The spatial strategy utilises the land available taking account of the need to ensure sustainable patterns of development. Within the emerging Local Plan no exceptional circumstances are considered to exist to justify the release of land from the Green Belt, with the exception of one strategic land release on a predominantly brownfield site at the former Norton Aerodrome for residential use.

The applicant has submitted a comprehensive document regarding Sheffield's 5 year housing supply (prior to the 4 year supply update in the 2023 NPPF). Both this document and the Council's document conclude that the Council does not have a 5-year housing supply, and that the figure is not a marginal position being some way off the required position. At this stage, the applicant's document has not been scrutinised in terms of each individual site or the overall quantity of accommodation proposed, as both sides agree that there is a significant shortfall in the housing supply.

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 paragraph 129 of the NPPF and therefore Policy CS26 is considered to carry significant 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 to this policy.

For a site such as this, which is within a rural area, CS26 part (e) is relevant and states that a range of 30-40 dwellings per hectare is appropriate. The immediate surroundings are generally characterised by much lower density development due to the presence of a high number of large dwellings which are set in reasonable sized plots within the main urban area, and then very sporadically positioned buildings within the Green Belt.

The application site is approximately 2.5 hectares, and the 125 proposed units would give a density of approximately 50 dwellings per hectare. This falls above the suggested range within the CS26 (e). The Council seeks to encourage efficient use of land, with the NPPF using minimum density figures. CS26 states that densities outside the ranges indicated will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area.

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, which is lower.

This site is not an infill or windfall site, the majority of the site is not brownfield land, is not within the main urban area, and is not within a highly accessible location.

Furthermore, the full plans for ½ of the site, and the indicative plans for the Outline Application on the other ½ of the site show that to accommodate 125 units on the

site, a large number are likely to be within 3 and 4 storey apartment blocks, with the whole development indicating a tight knit urban grain pattern of development. This is at odds with the characteristics of the area, and therefore it is concluded that the proposal does not accord with CS26 and CS31 of the Core Strategy and paragraph 129 of the NPPF.

Conclusion

Sheffield could not demonstrate a 5 year supply of housing, nor a 4 year housing supply as set out in the updated NPPF 2023, with a significant shortfall resulting in a 3.01 year supply. However, Housing Delivery Test confirms that 121% of Sheffield's housing requirement has been built over the last 3 years, and the emerging Sheffield Plan indicates that Sheffield's development needs to 2039 will be met within the existing urban areas, with the only exception of Green Belt release at Norton Aerodrome.

The application site is not in a sustainable location, is not an infill site, with only part of the site on brownfield land. To accommodate 125 units on the site would result in a density and character that would be incongruous with surrounding characteristics of the area, conflicting with local and national planning policies. The impacts of the development on the character and appearance of the area are addressed in more detail below.

Green Belt

Introduction

The application site is located in Sheffield Green Belt. Paragraph 142 of the NPPF sets out that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 143 identifying their five key purposes:

- a) to check the unrestricted 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.

Paragraph 145 states that once the Green Belt boundary has established, there is no requirement for it to be reviewed or changed when plans are being prepared or updated.

Paragraph 152 states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 153 advises local planning authorities to give substantial weight 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.

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 154.

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

The site is located within the Green Belt as defined by the UDP, forming part of the fringe to the Peak District National Park.

Policy GE1 'Development in the Green Belt' states that development will not be permitted, except in very special circumstances where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development into the countryside or comprise urban regeneration.

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 GE2 'Protection and Improvement of the Green Belt Landscape' seeks to maintain and enhance those areas with a generally high landscape value and improve poor landscapes in priority areas.

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) 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 house on the same site, providing that the new house is not significantly larger than the one it replaces.

NPPF Paragraph 154 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.

Policies GE1 and GE3 set out a number of exceptions where development in the Green Belt may be acceptable. The objectives of the policies are similar to the objectives of Paragraphs 154 and 155 (i.e. identifying when development is not inappropriate). However, the exceptions set in the NPPF are wider than those set in the local policy, including at Paragraph 154 (g) which refers to the redevelopment of Previously Developed Land (PDL) as one of the exceptions to new buildings being inappropriate development in the Green Belt. As such these Policies are afforded only limited weight.

Paragraph 150 of the NPPF states that local authorities should plan positively to enhance the beneficial use of Green Belts via a number of measures including retaining and enhancing landscapes and improving damaged and derelict land. Whilst this relates to beneficial use it does have some parallels to GE2. Furthermore, the objectives of policy GE2 reflect both design and landscape protection policies at paragraphs 135 (c) and 180 (a and c). As such Policy GE2 has moderate weight.

Policy GE5(a) partly reflects the aims of Paragraph 154(e), however the NPPF refers only to limited infilling in villages and does not include groups of buildings or substantially developed road frontages. Furthermore, GE5 does not reflect all the exceptions set out in the NPPF, notably Paragraph 154(f) which relates to limited affordable housing for local community needs; 154(g) relating to previously developed land; and 155(d) which relates to the re-use of buildings provided they are of permanent and substantial construction. As such this policy has limited

weight.

The reuse of previously developed land (PDL) is encouraged by government policy, and paragraph 123 of NPPF says that strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed land. The redevelopment of previously developed land can also constitute development that is not inappropriate within the Green Belt if it falls within the meaning of paragraph 154(g). The Glossary at Annex 2, to the NPPF defines PDL as: '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*' There is an exclusion for "*land that is or was last occupied by agricultural or forestry buildings*". Under section 336 of the Town and Country Planning Act 1990 "*agriculture*" includes "*horticulture*" and "*fruit growing*", as well as "*market gardens and nursery grounds*".

The applicant details in the planning statement that the proposed development site substantially comprises previously developed land, going on to refer to the site as, it is in large part previously developed land, washed over by the Green Belt. They further identify *a central area within the site (approximately 40%) which is PDL.*

It is acknowledged that some of this central area can be classed as PDL, including the areas of hardstanding for car parking, and the more substantial brick-built buildings, however the greenhouses and polytunnels are within the definition of horticulture (The cultivation of plants, particularly fruit, flowers, ornamental plants and vegetables, usually for sale, either in gardens and smallholdings or on general farms).

Therefore, the area of PDL is only a small part of the site, limited to the central section of the site. It is again highlighted that not all of this central section is classed as PDL, owing to horticulture not falling within the definition of PDL. The remainder of the site comprises an open field and plantation, these elements cannot be classed as previously developed land.

This proposal is for 125 C2 Extra Care Homes within new buildings. The scheme does not seek to re-use any of the existing buildings on the site and encompasses areas which are clearly not PDL. Therefore, the new buildings and the area they occupy, as proposed in this application, which significantly exceed the small central section of PDL cannot be considered to fall within the exception set out in 154 (g) as it far exceeds limited infilling or the complete or partial redevelopment of previously developed land.

Furthermore, the proposal does not meet any of the other exceptions set on in Paragraph 154 and as such is considered inappropriate development in the Green Belt.

The Applicant does not put forward an argument that the proposal is not "inappropriate development" within the Green Belt. It follows that to be acceptable the proposed development would have to demonstrate very special circumstances

which outweigh the harm to the Green Belt (which must be given substantial weight) and any other harm.

In conclusion, the proposal fails to meet any of the exceptions listed in Paragraph 154 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

Policy GE4 'Development and the Green Belt Environment' seeks to ensure that the scale and character of any development which is permitted in the Green Belt is in keeping with the area and wherever possible, conserves and enhances the landscape and natural environment. Paragraphs 154 and 155 of the NPPF allow a number of exceptions provided they preserve openness. The wording of Policy GE4 is different to the wording of the NPPF policies in that it requires development to be 'in keeping' rather than preserving openness. Therefore it has moderate weight.

Dore Neighbourhood Plan (DN) notes in its introduction that the protection of the Green Belt in Dore Neighbourhood Area is important not only because it strongly fulfils the purposes for Green Belt set out in the National Planning Policy Framework, but also because it safeguards the setting of the National Park. DN Policy 2 on the Landscape Sensitivity of the Setting of the Peak District National Park states that: "Development must respect the setting of the Peak District National Park."

The site is located on the western side of Newfield Lane, within the open countryside, and has a rural edge of upland character with enclosed fields, dry stone walls, hedgerows and woodlands. It is enclosed by mature hedgerows and trees which provide screening to the buildings and structures from views into the site.

Paragraph 142 of the NPPF establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Accordingly, openness is one of the essential characteristics of Green Belts which it is necessary to maintain.

Openness

Openness is not defined but can reasonably be taken as the absence of development and a number of factors can be taken into account in assessing the impact of a proposal on the openness of the Green Belt. Openness can comprise both spatial and visual aspects. The duration and remediability of the development and the degree of activity likely to be generated, such as traffic movement, may also be relevant.

In regards to the way the site is currently developed, the PDL amounts to only a small part of the site, and not the whole of the central section of the site. Within this central area is a small brick built single storey building, a range of green houses,

polytunnels, framed sheds and outbuildings. The buildings are low level in nature and their scale, form and use ensure that they do not form prominent features from near or far views. The existing landscaping which runs around much of the perimeter of the site, including the plantation to the west of the site and the open field to the east of the site make up the majority of the site. There are hedgerows around the site, which provide considerable screening to the existing nursery use, reducing the visual impact.

This application seeks permission for 125 units, within bungalows and smaller 2 storey building under pitched roofs, 3 storey apartment blocks under pitched roofs, and the main Village Centre building which stands at 4 storeys under a pitched roof, and over 70 metres long x 20 metres wide. The buildings would occupy a far greater footprint and stretch across the entire site. Their height and extent would hugely exceed the current built form on the site. They are positioned to be tight up to each other, with little space afforded around the building. The proposed development comprising substantial masonry residential buildings with vehicle roads would be very much more substantial and permanent in nature and very much more difficult to return to a state of openness than the existing developed area of the site. As such, it would have a substantial impact on openness.

Furthermore, the increased level of activity experienced by owners/visitors to 125 new units would affect the openness of the site as it is currently used as a garden centre during the day time. The proposal would result in increased activity, movement and light. This will include not only additional vehicle movements, but pedestrian movements and general activity, including light omitting from window openings and from balconies, with main habitable windows at upper floor levels which would be readily visible. This would be especially apparent at night time through light emitted from the buildings, street lighting and car head lights. This type of harm would be permanent and not remediable. These elements will all have an adverse impact on the openness of the Green Belt.

Reference is made by the developers to Fairthorn to the south of the site. This development was allowed within the Green Belt location on the grounds that it didn't occupy a footprint greater than the existing buildings (amalgamated) on the site and was no higher than the existing building. On this basis it is concluded that this is not comparable to this proposal.

Horticulture is an expected feature of the Green Belt and the existing building on site sit quietly in the landscape. The loss of openness of the existing garden centre, the open field, and tree plantation, and erection of up to 125 units would be substantial. This would result in substantial harm to the openness of the Green Belt in this location.

Effect on the Green Belt Purpose:

The 5 purposes of the green belt are set out in Paragraph 143 of the NPPF.

- a) to check the unrestricted 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

In 2020 a Green Belt Review was undertaken as part of the preparation to the emerging Local Plan. The outcomes of which were used to determine the Green Belt boundaries for the long term. The main aim of the review was to assess whether land within the adopted Green Belt (and adjacent land) satisfies the purposes of the Green Belt, and if there had been any change in circumstances since the Green Belt boundary was originally established. This application site forms parcel DW3b, which scored highly in performing the role of the Green Belt, with a total score of 15 out of 20. The Green Belt Review assessed purposes a), b), c), and e) and did not assess purpose d).

In terms of purpose a), the adjacent housing along Newfield Lane is closely arranged and marks a clearly defined suburban edge to Dore and Sheffield. Therefore the Green Belt in this location strongly fulfils the purpose of checking unrestricted sprawl of the urban area of Dore / Sheffield scoring 4 out of 5. When considering purpose b) the site did not score highly with no other nearby towns to merge with, scoring only 1 out of 5.

With regards to purpose c), to assist in safeguarding the countryside from encroachment. The majority of the site is open field and a plantation. The central portion has a horticulture use which is associated with a countryside location. The site strongly fulfils its purpose of safeguarding the countryside from encroachment, scoring 5 out of 5 in the 2020 review.

Purpose e) scored 5 out of 5, in that it's protection strongly encourages the re-use of alternative sites through encouraging the recycling of derelict and other urban land.

The conclusion of the 2020 Green Belt Review scored the site 3 out of 5 for robustness of the Green Belt boundary.

Paragraph 153 of the NPPF requires that substantial weight should be given to any harm to the Green Belt. Accordingly, the harm to the openness and purposes of the Green Belt, in addition to the harm by reason of inappropriateness, carry substantial weight against the application proposal.

Newfield Lane forms a very strong edge between the housing area to the west of Dore and the Green Belt, and this proposal would result in significant encroachment of built form beyond this edge into the Green Belt. The scale, extent and nature of the proposal will create a suburban extension to the built up area, which will be clearly visible from near and far views and will be contrary to the purpose of including land within the Green Belt as set out in Paragraph 143.

The site is visible from a considerable area of land within the Peak District National Park boundary. This includes sections of Whitelow Lane and also includes areas of Houndkirk Moor, which is crossed by several public rights of way, including the Houndkirk Road byway. It is also crossed by multiple informal paths and is open access land for pedestrians. The area is heavily used and highly valued for recreation.

As concluded in the previous section the proposal is not considered to fall within any of the exceptions set out in Paragraph 154. It is accepted that there is a small section within the central portion of the site is PDL but the extent of the development extends well beyond the PDL portion of the site. Notwithstanding this 154(g) allows for the complete or partial redevelopment of the site provided that (a) there is no greater impact on the openness of the Green Belt or (b) the proposal would not cause substantial harm, would reuse PDL and contribute towards meeting an identified affordable housing need. The proposal does not fall within 154(g) because the proposal is not one for redevelopment of PDL, with the majority of the development on land that is not PDL. It has been demonstrated above that the complete redevelopment of the site will result in an intense, dense form of development that will result in substantial harm to the character and openness of the Green Belt from both immediate and longer range views. The development would have a direct impact on 3 out of the 5 purposes of the Green Belt.

Other considerations

Paragraph 153 of the NPPF requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) 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.

The applicant has submitted a number of case studies, which have been cited within their supporting information and reports. No two cases are the same and it is a core principle of the planning system that each proposal is considered on its own merits. Furthermore, officers do not think these are directly comparable to this application.

By their nature, VSC are unique to the specific site and proposal, principally relating to the benefits of the proposal, and are reviewed in the sub-heading below. Individual Councils have different figures for their 5-year housing supply and therefore different levels of weight can be attributed to each policy in the planning balance.

Furthermore, harm that a development would cause can include the impact on the setting of the Peak District National Park, the design, the landscape setting etc, and this is quite clearly not the same for all Green Belt locations within other areas of the country.

Part of the analysis of whether very special circumstances exist is 'can the proposal be carried out elsewhere, and why is it specific to this site'.

An Alternative Site Assessment (ASA) has been submitted. Whilst detailed information hasn't been submitted to explain why 141 of the 148 sites have been discounted, the majority of the sites in Sheffield are in very urban locations. Based on the business model and size requirements of the site, the ASA document takes a reasonable approach and there are no obvious other sites to look at for this particular business model/specification. However, this does not preclude the ability

to change the business model and enter into an agreement with a landowner for a more realistic land price, albeit this may not be possible for extra care homes whereby there is a large quantum of communal facilities and services.

The Social Need submitted by the applicant confirms the Council's own understanding, that there is a need for a variety of elderly persons accommodation within the city, and this is acknowledged in the Council's own evidence.

Furthermore, the Dore Neighbourhood Plan policy DN 6 seeks the development of smaller homes with no more than two bedrooms, although this does specifically relate to within the Dore housing area and not sites within the Green Belt.

A significant number of local representations have pointed out that there are several units within Fairthorn, a retirement development located nearby to the site and within other local retirement homes which are vacant and available for sale. Whilst some of these may not offer the same level of community facilities and services as proposed in this application and are only restricted through a minimum age threshold, there does constantly appear to be a number of units for sale, some of which have been on the market a lengthy period of time. In addition, there is the newly built care home along Twentywell Lane which is nearing completion. Furthermore, it is likely that in this location, the proposal will attract future occupiers from outside of the city boundaries and not necessarily from within Sheffield.

Whether very special circumstances exist.

In carrying out the 'very special circumstances' test, it is important to note that under paragraph 153 of the NPPF, for 'very special circumstances' to exist, the harm by reason of inappropriateness and any other harm resulting from the proposal must be 'clearly' outweighed by other considerations. As assessed in the sections above, the proposal is inappropriate by definition, and the development would cause substantial harm to the openness of the Green Belt, and the fundamental aim and purpose of the Green Belt.

The applicant has put forward a number of Very Special Circumstances. (VSC).

- Providing specialist housing for older persons

The NPPF seeks to significantly boost the supply of housing and meet the needs for various groups, including those older people who might require retirement housing, housing-with-care or care homes. The PPG 'Housing for Older and Disabled People' advises that the need to provide housing for older people is critical, given we are living longer lives and this proportion of the population is increasing.

This proposal for 125 units within an integrated retirement village, will meet a growing need for self-funded occupiers with a variety of care needs who want to stay in their own homes.

The Council does not dispute that there is a shortfall in this type of specialist housing for older persons within the city, and the social benefits would amount to

substantial weight in the planning balance.

- Freeing up family homes, facilitating downsizing and bringing back housing onto the market.

The Council cannot demonstrate a 4 year supply of housing, with the most up to date figure demonstrating only a 3.01 year supply. The provision of an extra 125 units and releasing larger family housing onto the market is a positive, with the applicant affording substantial weight to this. This is broadly agreed by the Council whereby the provision of 125 units will make a helpful contribution.

- NHS and Social Care benefits from the proposals,

Reference to several reports have been detailed in the applicant's submission, which show that people are living longer and that those living in a dedicated living environment enjoyed a reduced risk of health challenges. The proposed Integrated Retirement Village provides a wide range of care requirements, along with communal areas to socialise, eat and drink, spa facilities and treatment rooms which can have a positive impact on older people's health and wellbeing which could reduce the costs to the NHS and Social Care. This is clearly a benefit, although part of that benefit has already been considered through the weight given to providing elderly persons accommodation. Nevertheless, the Councils assigns significant weight to this.

- Economic Benefits

The applicant states that the proposal could generate up to 56 on-going net jobs comprised of 25 direct jobs and 31 indirect/induced jobs. Over a 10-year horizon, the applicant considers this could create approximately 713 net jobs through the construction and supply chain. In addition, there will be an increase in local spending and a boost to the local economy if residents use the local shops and services. The NPPF paragraph 85 requires significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The development would provide additional facilities and services, which are intended to be made available to the wider community. Furthermore, the applicant states that there are also benefits in new homes bonus and council tax payable on properties. The Council places significant weight on the economic benefits of the scheme.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and substantial weight should be given to any harm to the Green Belt as required through paragraph 153 of the NPPF.

The housing benefits and freeing up family homes amount to significant weight whereby the Council cannot demonstrate a 4 year supply. There is also significant weight attached to the economic benefits of the proposal and the benefits to the NHS and Social Care. Substantial weight is given to the provision of specialist

housing for older persons. In considering if these amount to very special circumstances, consideration must be given any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal. VSC will only exist if these clearly outweigh other considerations. The harm to the Green Belt is substantial and has been clearly set out above and the report will go on to consider all other relevant matters.

Paragraph 152 requires a balancing exercise of all harm set against the proposed very special circumstances. This will be carried out in the final Summary and Planning Balance section of the report following consideration of all key elements of the scheme.

Design, Character and Appearance

In general terms, Policy CS74 'Design Principles' of the Core Strategy requires high quality developments, which respect and take advantage of topography, Green Networks, important habitats, woodlands and other natural features, along with contributing to place-making. Policy BE5 'Building Design and Siting' of the UDP also puts forward good design and use of good quality materials, taking advantage of the site's natural and built features. Furthermore, new buildings should complement the scale, form and architectural style of surrounding buildings. These policies are considered to accord with the design principles in paragraph 135 of the NPPF and have significant weight.

Policy GE4 'Development and the Green Belt Environment' seeks to ensure that the scale and character of any development which is permitted in the Green Belt is in keeping with the area and wherever possible, conserve and enhance the landscape and natural environment. Paragraphs 154 and 155 of the NPPF allow a number of exceptions provided they preserve openness. The wording of Policy GE4 is different to the wording of the NPPF policies in that it requires development to be 'in keeping' rather than preserving openness. Therefore it has moderate weight.

Dore Moor House Historic Park & Garden is located close to the southern site boundary. This heritage landscape is identified as a Historic Park and Garden under UDP Policy BE21 and is included in the South Yorkshire Local Heritage List. This heritage landscape asset is not included in the LVIA Assessment. Given the close proximity and visibility of the proposed development, the value and impact on this historic landscape should be fully considered.

At present the site is occupied by the garden centre buildings, a small brick built single storey building, and a range of green houses, polytunnels, framed sheds and outbuildings. The existing landscaping which runs around much of the perimeter of the site, including the plantation to the west of the site, screens the majority of the buildings on the site.

The applicant has submitted a Design Commitment Statement. A master plan for the site has been developed with the site layout based around a Village Centre building which provides all of the communal facilities which is included in the full planning permission element. There is then a mixture of apartment buildings and

smaller bungalows/dormer bungalows. The apartment buildings propose 3 floors of accommodation, under pitched roofs which are located around the Village Centre building, and close to entrance of the site, with the bungalows positioned towards the edges of the site.

In layout terms, the site forms a gateway to the city when approaching on the Hathersage Road from the west. The landscape is largely undeveloped and limited to sporadic low scale buildings within a generally pastoral landscape. Given the scale of the proposed built form, intensity of development and removal and gradual replacement of existing tree cover and vegetation, to facilitate the development, this would have a completely urbanising effect on the locale and detract from the generally undeveloped approach into Sheffield at this point. The sheer scale and density of the development is insensitive to the context of the site, and results in a large proportion of the site being covered by buildings, hard landscaping/highways, with limited space between buildings.

The proposed layout (although partially indicative) has a very suburban character owing primarily to the tight knit urban grain proposed as well as the height of the blocks. This does not reflect or reinforce the rural character of the area, with the scale of development occupying the full application site.

The built form consists of between 1 storey bungalows with pitched roofs, to 3 storey apartment blocks, and then a 4 storey Village Centre building. The bungalows are positioned towards the edges of the site and have a reduced mass, however they are tight up to each other, with little space afforded around them.

When traveling along Brickhouse Lane, viewable at present is the side of the brick building set away from the boundary, with the greenhouses and outbuildings positioned beyond. With the extensive planting in the northwest corner of the site, and along the north boundary there are only fleeting views of the side gable of the brick building and greenhouse roofs beyond, again located well away from the boundary of the site, allowing the buildings to appear smaller in context. Beyond the central portion of previously development land is then the plantation to the west, and the open field with mature planting around the perimeter to the east.

The scale and massing of the proposal when viewed as you enter the site, consists of 3 storey apartment blocks tight to the back edge of the internal highway, with large expanse of elevations. The sheer size of the elevations in comparison to the immediate environs of the site will dominate the views into the site.

Once within the site, the layout is based on drawing visitors to the Village Centre Building. This building is over 70 metres long x 20 metres wide, with 4 storeys of accommodation under a pitched roof. This building is totally at odds with all other structures in the vicinity, which is characterised by two-storey dwellings with a much finer grain of built development.

The design approach has contemporary elements, under slate pitched roofs, reduced eave heights in places, and chimney details. Overall there is a coherent fenestration pattern, a general hierarchy of openings, bay projections and detailing. However, the features as listed above whilst providing interest to the buildings, do

not overcome the fact that, taken as a whole, the scale, massing, form footprint and sheer density of the development presents an awkward and uncharacteristic juxtaposition within the street scene and the surrounding area, where there is a general urbanising of the city's rural setting.

Furthermore, the existing buildings on the site are not an eyesore or blot on the landscape which is in need of improvement. There is established soft landscaping, which does provide screening to the polytunnels, greenhouses and garden centre buildings which are located away from site boundary and have limited harmful impact and sit comfortably as low level development in a rural environment.

In terms of materiality, the material palette proposed includes gritstone, buff brickwork and reconstituted limestone, under slate roofs. Windows are predominantly uPVC with some PPC aluminium feature windows. Doors are to be composite, with PPC aluminium clad dormers and rainwater goods.

Natural gritstone is welcomed, however the use of reconstituted limestone would be alien to the character of the area and an inappropriate material which would not be of adequate quality for such a prominent site.

The proposal is a hybrid scheme, whereby the scale and form of development to the east of the site has been fully detailed and outline consent is sought for the western part of the site. From the information submitted albeit partly in outline form, it can reasonably be concluded that the general scale, massing, form and urban grain is unacceptable and will create a development which is completely out of scale and character with the surrounding local area, resulting in a harmful impact to visual amenity.

Notwithstanding this, the general architectural style, subject to large scale detailing and use of appropriate natural gritstone for the majority of buildings could be considered acceptable in isolation of all other matters.

Landscape Visual Impact Assessment

The site forms part of an Area of High Landscape Value (AHLV) designated under Sheffield UDP Policy GE8. This policy states that in the AHLV it is appropriate to maintain open character and protect special landscape quality. Paragraph 180 of the NPPF seeks to protect and enhance 'valued landscapes' (VL) in a manner commensurate with their statutory status or identified quality in the Local Plan. It also recognises the intrinsic character and beauty of the countryside.

The application is supported by a Landscape and Visual Impact Assessment (LVIA). It notes that the site is 'atypical' of the wider area, given both the commercial use and urbanised context, with the site limiting its contribution to the AHLV, in that it would not compromise the wider purposes of the AHLV, or create harm.

- Landscape Impact

The LVIA refers to the Peak District National Park Landscape Strategy, published

by the National Park Authority in 2009. However, this document has been revised in 2022, with a new edition issued to cover the period 2023-32. The LVIA should be revised to make reference to the most recent edition of this guidance, which is one of the key documents relating to landscape and visual impact given the close proximity and value of the National Park.

The Landscape Strategy notes that smaller improved fields and occasional blocks of coniferous woodland are both characteristic of the Enclosed Gritstone Upland landscape character type where the site is located. These form the majority of the current site area and would be lost as a result of development.

The presence of the memorial plaque to Ethel and Gerald Haythornthwaite is acknowledged in the LVIA, as is the significance of the Green Belt as the first such designation. However, the combined cultural significance and sensitivity of this location is not fully recognised. The site is within the first Green Belt in the country, established to protect the landscape of what became the first National Park in the country, immediately adjacent to both a memorial woodland and plaque commemorating the significance of these designations and the key role of the Haythornthwaites in establishing and protecting them. This cultural significance and value should be adequately incorporated in establishing an accurate landscape baseline and assessing development impact.

The site forms part of an Area of High Landscape Value designated under Sheffield UDP Policy GE8. The LVIA states that the current commercial use of the site limits its contribution to the AHLV and the impact of the proposed development on the AHLV. However, only a small part of the site is currently developed and as stated previously this is of a low level nature and is partly screened from view. The remaining conifer plantation and open field make a limited contribution to the AHLV in a sensitive location close to the Peak District National Park boundary. Urban development over an area more than double the size of the existing garden centre, with a significantly greater volume and height of buildings would have a detrimental impact on the AHLV.

Dore Moor House Historic Park & Garden is located close to the southern site boundary. This heritage landscape is identified as a Historic Park and Garden under UDP Policy BE21 and is included in the South Yorkshire Local Heritage List. This heritage landscape asset is not included in the LVIA Assessment. Given the close proximity and visibility of the proposed development, the value and impact on this historic landscape should be fully considered. In the absence of an adequate assessment and given that the proposal will impact on the rural countryside setting of the heritage asset, the Local Authority conclude that there will be some harm to the asset and that this is contrary to Paragraph 209 of the NPPF.

Therefore, The LVIA should be revised to fully consider these issues, with conclusions regarding landscape impact amended as required. These are likely to be greater than stated in the current LVIA report.

- Visual Impact

The extent of visibility of the site from the surrounding landscape is difficult to

determine from the LVIA, as there is no visibility mapping included in the assessment. However, the site is visible from a considerable area of land within the Peak District National Park boundary. This includes sections of Whitelow Lane, and also includes areas of Houndkirk Moor which is crossed by several public rights of way, including the Houndkirk Road byway. It is also crossed by multiple informal paths and is open access land for pedestrians. The area is heavily used and highly valued for recreation.

The status, sensitivity and value of the National Park landscape is acknowledged in the LVIA. However, the statutory importance of impact on the setting of the National Park is not adequately addressed in terms of baseline or impact, other than in consideration of the AHLV local designation. The importance of this part of the National Park landscape and its setting is further enhanced by its status as a Natural Zone, representing the wildest and least developed areas, with particular importance for recreation associated with adventure and contact with nature. This additional landscape designation is not acknowledged or addressed within the LVIA.

Given the importance of the National Park landscape and its setting, visibility of the development site from the surrounding area should be accurately mapped, and additional viewpoints included as required to adequately represent receptors within this area. This should inform additional assessment of impact on the setting of the National Park, including the Natural Zone.

The AHLV designation includes a requirement to protect and enhance the appearance and character of the Peak National Park and consider the impact of development on land conspicuous from the Park, as well as the landscape within the AHLV boundary. The LVIA should be amended to incorporate additional consideration of impact on the setting of the National Park outlined above as part of impact on the AHLV.

Visibility from the nearby Dore Moor House garden and effects on the setting of this locally listed historic landscape are not assessed in the LVIA. Given the close proximity of the development site and the value and sensitivity of this receptor, views from here should be included. Given the significant visual impact at nearby viewpoint 8, visual impact is also likely to also be significant from the historic garden.

Mitigation of visual impact relies heavily on visual screening provided by retained and new boundary vegetation. Overall, the amount of vegetation on the western boundary with the National Park will be substantially reduced when the conifer plantation is removed. There are concerns about the feasibility of retaining existing boundary trees as shown on current plans, as well as proposed new tree planting very close to new residential buildings in terms of amenity and the pressure for these trees to be removed in the future. New buildings will be substantially taller than existing, with no analysis or other representation of how visible these will be from key viewpoints.

- Other Matters

In terms of duration and remediability, the amount of substantial permanent structures within the existing garden centre is limited. The majority of the existing low-lying buildings comprise greenhouses, polytunnels or other lightweight agricultural structures that are relatively temporary in nature. Much of the developed area comprises macadam or unbound hardstanding. As such it would be relatively simple and rapid to return most of the current developed area to an open state. The proposed development comprising substantial masonry residential buildings with vehicle roads would be very much more substantial and permanent in nature and very much more difficult to return to a state of openness than the existing developed area of the site. As such, it would have a much greater impact on openness in terms of duration and remediability.

Furthermore, there will be a significant increase in general activity associated with the proposed development. General paraphernalia associated with housing, the coming and going of occupiers and visitors predominately through car borne journeys, and the considerable increase in lighting from the buildings, especially those units on upper floor levels with large areas of glazing, from general street lighting, from security lighting and from car head lights.

In conclusion, the submitted LVIA under plays the impacts of the development. The proposal will not be a subtle variation in the landscape with a back drop of the wider built-up area, but would harm this Area of High Landscape Value, and the setting of the Peak District National Park and is contrary to relevant local and national policy in this regard.

Tree and Landscaping

Policy BE6 'Landscape Design' expects good quality design in new developments to provide interesting and attractive environments, integrate existing landscape features and enhance nature conservation. UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected.

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 policies are considered to align with the NPPF, in particular paragraph 135 which expects appropriate and effective landscaping, along with sympathetic developments including landscape setting and are afforded significant weight.

The site is not within a conservation area and does not contain any trees covered by Tree Preservation Orders. (TPO).

A tree survey has been submitted which shows the removal of the majority of the plantation to the western boundary, and landscaping within the centre of the site. It is intended to retain the majority of the groups of trees along the very edge of the site, albeit some of the trees and shrubs within these groups will have to be removed / managed. At the entrance of the site, 3 trees are to be retained which are all category B trees (trees of moderate quality) T2, T3 and T4 which are all

Western Balsam Poplar's which are between 19-20 metres tall and have 10+ years lifespan. In addition, T5, T6, T7 and T8 are located on the corner of Brickhouse Lane and Newfield Lane are also identified as category B trees which are all Western Balsam Poplar's at 19 metres tall and are to be retained.

The proposals seek to create new pockets of soft landscaping dispersed throughout the site. The species proposed for planting within the site interior are similar to those found on many urban residential developments, reflecting the urban scale and character of the proposals. However, these bear little relation to the surrounding landscape context. This could be achieved through selecting trees and planting that better reflect the surrounding agricultural and moorland habitat structures. However, there will be pressure to reduce the amount of existing landscaping along the boundaries of the site owing simply to the close proximity of the proposed new buildings, some of which are within / tight up to the canopies of the trees.

In isolation, there are some trees with significant amenity value on the boundaries that we could require to be retained and negotiations could lead to a more appropriate comprehensive soft landscape scheme, but there will always be pressure to remove trees in the future around the perimeter owing to the close proximity of the development to the trees. This would ultimately lead to further visual intrusion and erosion of the openness of the Green Belt.

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 H15 '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 to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 115 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.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 111 and 112 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. Policy's H15, CS51 and CS53 are afforded significant weight, and BE9 moderate weight.

- Existing and proposed scenario

The existing access serving the garden centre from Brickhouse Lane is to be maintained, and slightly modified to form a T-junction with the carriageway. This provides a 1.8 metre wide pedestrian footpath on either side of a 4.8 metres wide carriageway. 2.4 metre x 43 metre visibility splays are proposed on either side when exiting the site onto Brickhouse Lane which are appropriate in this instance, meeting the guidelines in the South Yorkshire Residential Design Guidance.

A new pedestrian entrance is proposed on to Newfield Lane. Details have been submitted which show a new footway 7 metres in length, with dropped kerb and tactile paving crossing, to connect to the existing footway on the opposite (eastern) side of Newfield Lane.

- Trip generation

In terms of trip generation, the TRICS database has been used for the existing garden centre use. No data is shown for weekday surveys as a garden centre would generate minimal trips during the weekday peaks, with mainly staff arriving and departing. It was agreed that a nominal 7 two-way trips, during AM (08:00-09:00) and PM (17:00-18:00) peak periods would be expected.

An indicative assessment for the proposed 125 units using TRICS shows that there could be 26 two-way vehicle trips during any given peak period for residents, staff, and visitors. Using the applicant's existing sites as an evidence base and calculating the potential trip generation for the site, shows that 23 two-way vehicle trips are anticipated during any given peak period for residents, staff, and visitors.

Taking the higher of the values, this gives a worst-case scenario of an increase of 19 two-way vehicle trips during any given peak period.

A 7-day survey was undertaken in March 2022 to record existing vehicle speeds and flows. This concluded that the average speed immediately to the east of the site access along Brickhouse Lane was 23mph in an eastbound direction, and 25mph in a westbound direction. Daily flows are 267 trips in an eastbound direction, and 598 in a westbound direction.

A review of accidents in the vicinity of the site shows two accidents along the Hathersage Road, one in August 2020 involving two vehicles, and a second in March 2021 involving a single vehicle. This shows that there are no clusters of accidents within the vicinity.

It is anticipated by the developer, based on a working knowledge of their existing sites/operations that there will be approximately 30 full time staff, with 20 on site at one time. Figures submitted show that there are likely to be 20 staff on duty at 13:00, with only 1 night porter from 22:00 until 06:00. Arrival and departures are likely to be staggered throughout the day.

Therefore, based on a TRICS and first principal assessment, there is likely to be a net increase of 19 two-way movements during the AM and PM peak hours. This is considered to minimal and will not impact adversely on the operation or safety of the surrounding highway network within the vicinity of the site.

- Tracking internal roads

Tracking has been provided for an 8.6 metre fire tender, and a 9-metre refuse vehicle, which can access, travel around the site and leave in a forward gear. Refuse will be managed through a private company and a smaller refuse vehicle has been tracked, with appropriately sized servicing bays.

Internal roads are not intended to be adopted but managed by a private arrangement. These are made up of 4.8-metre-wide carriageway running from the junction with Brickhouse Lane to the undercroft parking within the Village Centre Building, with 1.8 metre wide kerbed footways to both sides. Further internal roads comprise of a 5.5-6m shared surface which operates as a one-way system and includes an overrun of a 1.8metre pedestrian route.

- Public Transport/Walking

The site is within a walking distance of 900 metres to the Causeway Head Road shops, and 1.2km to Dore Methodist Church. This equates to an approximate 10-13 minute walking distance for an able bodied person, in a downhill direction from the site.

The closest public transport facilities are the bus stop along Hathersage Road. This bus stop is served by the No. 65 Buxton – Tideswell – Sheffield – Meadowhall route, which is every 2 hours Monday to Sunday, and the No. 271/272 Castleton – Sheffield route which is once an hour all week. There is also a bus stop along Causeway Head Road, served by the 81/82 Dore-Sheffield-Stannington which is every 30 minutes Monday-Saturday and every hour on a Sunday, along with the 181 which travels from Dore to Sheffield, with 3 services into town (2 services back) Monday to Friday.

The nearest train station is Dore and Totley which is approximately 2.7 km away downhill.

Owing to the distance and topography, it is likely that it will be the more active residents that may visit the local shops and facilities on foot only.

A cycle store is proposed to the lower floor of the Village Centre building. This is covered and secure and shows 18 cycle spaces for residents and staff use. There are 3 further external cycle stores for resident's use, providing 24 cycle spaces and 16 short stay cycle spaces within the scheme.

Mobility scooter parking and charging areas are provided within the Village Centre building which are secure and covered.

In addition, a transport service is to be provided to all future residents of the site, which is a dedicated vehicle that can be pre-booked for local journeys and is managed as part of the care package for the facility.

A Travel Plan accompanies the application. The principles and framework of the document are considered acceptable in principle and compliance with this document could be conditioned on any approval with should members be minded to grant.

- Car parking numbers

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 1 bedroom dwelling outside of the city centre, 1 space is required, and for a 2-3-bedroom dwelling outside of the city centre 2 spaces are required as a maximum, with 1 space per 4 units for visitors.

This scheme is not for a traditional housing scheme. Proposed car parking numbers have been established through an evidence base of 6 of the applicant's similar facilities. This shows that 24% of residents did not own a car, 68.5% owned one car, and 7.5% owned two cars. The applicant has confirmed that they intend to limit the number of vehicles kept on the site to one per household as part of the leasehold arrangements. It is estimated that for the 125 units proposed in this scheme, 95 spaces should be sufficient for occupiers, based on the applicant's evidence of 24% of households not having a car.

Staff travel surveys of the applicant's 6 similar sites show that 70% of staff drive to work. Based on a maximum of 20 staff on site at any one time, this equates to 14 parking spaces for staff which is considered a realistic figure.

In total 135 spaces are proposed within the scheme. This allows for 95 spaces for occupants, 14 for staff, and then 26 further spaces available to be used by visitors. 85 of the total spaces are to be provided as part of the full application, with the outline application providing 52 spaces. This allows for more spaces to be provided up front, to accommodate the staff which are to be based within the Village Centre building.

Car parking is all provided as 2.5 metres x 5 metres spaces with 100% of the spaces allocated for electric charging points. Of the 135 spaces, there are 14 disabled spaces located sporadically around the site.

The proposed internal road layout being on the minimal side of acceptance, there are minimal areas for delivery vehicles to pull up and make deliveries. However, this is within the internal arrangements of the site, and may just result in vehicles having to wait/queue within the site for the one-way system.

Conclusion

The predicted trip generation associated with the proposed development is not likely to be so significant as to pose a severe impact on the surrounding highway

network, including at the junction with Brickhouse Lane, or at Hathersage Road which is already used frequently as a route to and from Dore.

This is not considered to be an accessible site location and as such, does encourage car borne journeys. Whilst public transport services in the form of bus stops are within easy walking distance, the services which use these stops are not regular, which would put people off using them, as is the present situation.

The proposed road layout is acceptable in principle, with the amount of car parking not likely to be to a level which will cause unacceptable pressure to park on the adjacent highways which would cause a highway safety issue.

On balance, the proposal complies with UDP, Core Strategy and NPPF policies in relation to highways and transport matters, as listed above.

Living Conditions

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.

Paragraph 135 (f) of the NPPF, which states that 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.

The UDP policy is considered to be consistent with the NPPF in as far as it goes through it must be read in conjunction with other design policies tools, however the NPPF refers to other health, wellbeing toolkits. Significant weight should be given to H15.

Neighbouring Occupiers Living Conditions

The closest neighbouring properties are those which are located along Newfield Lane. These consist of 2 storey properties which are positioned approximately 5 metres away from the back edge of footpath on the opposite side of Newfield Lane, with the exception of No. 11 which is located abutting the footpath. This part of Newfield Lane is served by a relatively narrow footpath along the eastern side, and then approximately 5 metres of vehicular carriageway. At present, the outlook from the front of the properties is over public highway with a backdrop of mature soft landscaping within the application site.

Immediately to the south of the site is Newfield Farm, which is made up of a bungalow with what appears to be habitable space within the roof space which is served by rooflights in the front and rear and a window in the side looking towards the application site.

On the opposite the side of Hathersage Road is the Dore Moor Inn. This does not appear to provide any living accommodation, possibly just management flats.

The proposal is in two elements, the first is the full application which shows a detailed proposal, and the second element is the outline application, with details of layout, scale design and landscaping being reserved for subsequent approval.

Indicative plans have been submitted for the outline element which show a mixture of 2 storey cottages and 3 storey apartment blocks. By the nature of the scheme and being read in conjunction with Phase 1 which shows full details, it can be assumed that they could reasonably be similar in layout.

Whilst there will be views of built development beyond landscaping from existing dwellings along Newfield Lane, which would change the outlook, the proposed development would not have any adverse impact on overshadowing or overbearing to these occupiers. Regarding any potential overlooking between these existing occupiers and future occupiers, Newfield Lane, which is a public highway, sits between them, with between approximately 18 and 22 metres with a band of landscaping. Therefore no significant overlooking will be created.

Newfield Farm is located to the south of the site and appears to be occupied as a single family dwellinghouse. There are windows on the side facing towards the application site. The house is approximately 8.5 metres from the boundary, with the new bungalows as close as 3.5 metres on the other side of the boundary. The plans show soft landscaping along this boundary however, there will inevitably be pressure for this to be thinned out, and views are likely to be obtained from future residents into the immediate curtilage of Newfield Farm. With the development being due north, and the nature of these units being single storey it is unlikely that these will create any adverse overbearing or overshadowing.

With regards to general nuisance, the proposal would cause noise and disturbance during the construction phases and would 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 abutting the site, or within the wider locality, which are often in close proximity to each other.

The impact on air quality would not be to a significant level post construction, and the production and implementation of a Construction Environmental Management Plan (CEMP) could control and limit any potential noise during construction, to ensure that any disturbance would be kept to a minimum.

Future Occupiers Living Conditions

The full application element seeks permission for 63 units, which are made up of 24 units within the Village Centre Building, 12 units within Block B1, 9 units within Block B2 and 9 units within Block B3, resulting in 54 apartments. 9 dwellings are then proposed, identified as Blocks B1a, b, c, d and B2a.

The National Space Standards specify internal space sizes within new dwellings and is suitable for application across all tenures. For a 1 bedroom apartment over 1 storey the minimum standard is 50 square metres, and for a 2 bedroom apartment over 1 storey, the minimum standard is 70 square metres. Typical sizes through

the Village Centre Building and the 3 apartment buildings show over 55 square metres for the 1 bedroom units, and between 71 and 114 square metres for the 2 bedroom units. All apartments are afforded a private balcony or patio area which is a minimum of 7 square metres. Therefore, the internal space standards are exceeded, and in some cases by a significant amount.

Internal communal areas are proposed to the ground floor of the Village Centre Building. These include seating / lounging areas, a dining facility, treatment rooms and a spa/pool. This will allow future occupiers to socialise in communal areas, with the facilities being to a good quality. In addition there is a small area in front of this building annotated as the Village Square on the plan for outside space.

The upper floor units within the apartment blocks have a decent outlook from main habitable windows, however some of the ground floor units within Blocks B2 and B3 are poor. This is particularly apparent whereby car parking is provided abutting the Blocks, and whereby main habitable living rooms and private terraces are adjacent to a line of parking bays. In these cases, the outlook is extremely poor to these individual future occupiers.

The 8 dwellings located within Blocks B1a, b, c and d are all located tight to the site perimeter which is shown to retain the existing landscaping along the eastern boundary, and new planting along the southern boundary. This results in the private terraces within the tree canopies, and in other places less than 1-2 metres away. This results in a very poor outlook which will inevitably result in pressure to prune or remove this landscaping.

It is acknowledged that the level of residential space afforded to residents of these proposed C2 units will not be at the same level expected for more traditional C3 family housing, especially relating to private garden space, however, this doesn't negate the requirement to have an adequate level of amenity for future occupiers. This includes areas of amenity space to enjoy outside and within communal areas inside, but also to have a decent outlook from main habitable windows.

However, it is clear that there are many instances where there is simply an unacceptable outlook afforded to future occupiers, particularly to those units which are positioned close to the site boundary, but also from the ground floor units of the some of the apartment blocks. If this was just the odd scenario, more leniency could perhaps be given. However, this happens on multiple occasions and demonstrates fundamental issues and poor and unacceptable living conditions afforded to future residents.

Therefore the proposal is contrary to policy H15 of the UDP and Paragraph 135 of the NPPF.

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.

NPPF paragraph 180 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment and minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 186 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 186 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.

Local policy aligns with the NPPF and moderate weight is attached, with the NPPF focusing on Biodiversity Net Gain.

The application is accompanied by two ecological assessments. The first is a Preliminary Ecological Appraisal (PEA) which was undertaken in 2021, and a second is the subsequent updated Ecological Appraisal which was carried out in 2022. The latter is based on an update 'walkover survey' and additional bat and barn owl surveys. The information within both surveys provide a sufficient basis for biodiversity net gain (BNG) assessment.

These concluded that no reptiles, including Great Crested Newts were identified. The bat surveys in August 2021 and then May 2022, showed that no bats were recorded emerging from the tearoom building or any other buildings. The site will provide some local foraging habitat for bats, but it is not regarded as being strategically significant in the wider landscape context.

The site is judged to provide habitat for a wide range of birds found in woodland, open country, gardens and urban habitats. The assemblage of breeding birds using the site is assessed as having site level importance only. Any required vegetation clearance or tree felling should be carried out outside of the bird breeding / nesting season (March 1st – August 31st).

No badger setts have been evidenced on site in the 2021 or 2022 survey, whilst some mammal trails are present on the western third of the site, these are likely to just be foraging/commuting.

The 2021 survey showed that barn owls were using buildings 4 and 6, although potential habitat was considered sub-optimal and likely to have been used as a 'day roost'. No evidence of barn owl was found in the 2022 surveys, with just the possibility of the grasslands to the eastern half of the site being used as part of a wider foraging territory.

The Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and the Eastern Peak District Moors Site of Special Scientific Interest (SSSI) are located approximately 1km of the west of the site.

The Council's Ecologist has reviewed the assessments submitted and confirms that the approach and outcome of the proposed development is not assessed as

likely to have any significant impact on designated sites (SAC / SPA / SSSI).

Furthermore, the overall assessment of habitats is acceptable, most are regarded as being in 'poor' condition. Examples of habitats considered to be conservation priorities, such as woodlands, hedgerows, pond and swamp are all considered to be in poor condition.

Biodiversity Net Gain

A Biodiversity Net Gain (BNG) Assessment has been undertaken. The baseline biodiversity value of the habitats at the site has been assessed using Natural England's Biodiversity Metric calculation tool, which includes 'condition assessments' of the habitats found on site. As previously discussed, most are considered to be in poor condition.

The on-site baseline figures indicate an existing score of 6.99 habitat units, and 0.82 hedgerow units for the site. The originally submitted BNG calculations submitted in December 22 suggested a 17% net loss of habitats (1.19 units) and a 227% net gain in hedgerow units (existing hedge comprises non-native / invasive laurel). An acceptable scheme to be policy compliant would need to deliver a 10% net gain in both habitat and hedgerow units. The losses were to be compensated through the provision of off-site habitat compensation funded through a contribution in a Section 106 agreement.

An updated BNG report submitted in December 2023 now proposes a 19% net gain in habitat units and a 227% net gain in hedgerow units on site. Whilst there have been no fundamental changes to the layout of the development, some of the gains in biodiversity appear to have been achieved through tweaks to the proposed grassed areas, changes to the extent and size of trees and the 'landscape buffer' and the addition of four ponds. There appears to be some discrepancies in the report and whilst some of the gains have been achieved through the changes from amenity lawn to neutral grassland and the new ponds, it is not clear where the additional units are provided on site, or whether these would be of suitable quality, in particular the locations of the ponds.

To go from a 17% loss of habitat units, with total on site proposed at 5.80 units, to an increase of 19% gain of habitat units, with a total on site proposed at 8.37 units, there needs to be an increase of some 2.57 habitat units. It is not convincing from the information submitted that this is achievable. At this stage, with the fundamental issues with the application, further information has not been sought to finalise these details. However, securing a Section 106 legal agreement to mitigate for the loss can overcome the issue and make the application policy compliant should members be minded to grant the application.

Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include, (a) giving priority to development in the city centre and other areas that are well served by sustainable forms of transport, (d) designing developments

to increase energy efficiency and reduce energy consumption and carbon emissions, and (e) promoting developments that generate renewable energy.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' requires all new buildings to achieve a high standard of energy efficiency, making the best use of solar energy, passive heating and cooling, natural light and ventilation.

Policy CS65 'Renewable Energy and Carbon Reduction' requires all significant developments to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy and (b) reduce the developments overall predicted carbon dioxide emissions by 20%.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 157 stating that the planning system should support the transition to a low carbon future in a changing climate. The local policies should be afforded significant weight, except for CS65 part (b) which is deemed to be unviable in the wake of changes to Part L of the Building Regulations.

New developments of 5 or more houses are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

In this instance, the site is not within the main urban area, and is not considered to be in a sustainable location. The developer seeks to achieve Net Zero Carbon Target for all its sites. These will include enhanced building fabric specifications which will reduce energy demand, with natural ventilation and passive solar heat gains, energy efficiency improvements to help reduce energy consumption, installing heat pumps to provide clean renewable heat and installation of photovoltaic panels to generate renewable electricity on the site.

A condition on any approval can ensure that 10% of the predicted energy needs are from decentralised and renewable energy sources, or a fabric first approach, through the submission of fully worked up details and calculations.

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 192 seeks opportunities to improve air quality, with significant weight given to UDP policies.

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, which 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.

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 wherever 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 165 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 173 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 175 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

The site does not fall within a high or medium risk flood zone that would affect the principle of the development. The site itself is located within Flood Zone 1 and therefore not at any significant risk of flooding.

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.

Elements such as permeable paving (type C- which is a lined system) can hold water within the site, along with attenuation tanks. These will then have a flow control to slow discharge into the sewer.

Whilst not respecting the hierarchy of dealing with SUD's, the comprehensive drainage strategy, including the newly updated information for rainwater gardens within the site would allow for surface water to be attenuated on site, and then released at suitable rate to the public sewer.

Land Contamination

A Phase I Study and Site Investigation and Interpretive Report have been submitted to accompany the application. The Phase I report is considered satisfactory, and the Investigation report is broadly acceptable, however an updated remediation strategy is required with reference to imported fill. A suite of conditions can be included if members are minded to grant the application.

Community Infrastructure Levy (CIL)

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. This document states that retirement/extra care/sheltered housing/assisted living developments are excluded from the types of development to which the CIL charge is applicable.

In this instance, the proposed 125 extra care retirement units are not CIL chargeable.

Affordable Housing

Policy CS40 Affordable Housing states that in all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. This is supplemented by the SPD.

The SPD requires all housing developments to pay a contribution towards affordable housing, and it defines housing development to include all types of housing, including independent homes for older people, and purpose built student accommodation. It does not include institutional housing which would be wholly or partly affordable, such as care homes.

Footnote 15 defines 'Independent' as meaning a self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use. It may include homes where an element of care is provided as in this instance.

Within the southwest of the city, the requirement is 30% of the gross internal floor area.

A full financial appraisal has been submitted for the proposed scheme and assessed independently by CP Viability, which concludes that whilst the scheme would be able to generate some level of profit for the developer, the scheme could not deliver any contribution towards affordable housing provision in this instance.

A suggestion has been made that the Council may wish to consider a Review Mechanism for this scheme, which would allow viability to be re-assessed.

Therefore, the proposal is policy compliant on viability grounds, having undergone a full financial review. A section 106 legal agreement could ensure that viability is re-assessed should members be minded to grant permission.

Public Art

UDP Policy BE12 'Public Art' encourages the provision of works of public art as an integral part of the design of major developments. A condition is recommended to secure provision of public art within the proposed development if members are minded to grant the application.

SUMMARY AND PLANNING BALANCE

Full planning permission is sought for the demolition of the existing buildings on the site / site clearance, and the erection of 63 Extra Care units (C2) comprising of the Village Centre, the means of access; landscaping and open space; and all other associated works and infrastructure; and then outline planning permission (with all matters reserved except for access) for up to 62 Extra Care units (C2) with ancillary communal space, landscaping and all other associated works and infrastructure.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's Development Plan comprises the saved policies of the Unitary Development Plan (1998) and the Core Strategy (2009).

Paragraph 213 of the NPPF states 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.

The site is identified on the Unitary Development Plan Proposals Map as being within the Green Belt, and an Area of High Landscape Value.

Sheffield has updated its 4 year housing land supply position to reflect the local housing need figure at that date taking account of the 35% urban centres uplift. Using up to date evidence, Sheffield can demonstrate a 3.01 year deliverable supply of housing land.

Therefore, because the Council is currently unable to demonstrate a four-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. Furthermore the Green Belt policies are not fully consistent with the NPPF and as such it is concluded that the most important policies for determining the application are those contained in the NPPF.

In this instance Paragraph 11d(i) is triggered as the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal.

The site is within the Green Belt and does not fall within any of the exceptions set out in paragraphs 154 or 155 of the Framework. As such the development is inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 152). Very Special Circumstances must demonstrate that harm to the Green Belt by reason of inappropriateness plus any other harm is outweighed by the special circumstances. It is highlighted that all harm must be considered not just harm Green Belt harm caused by inappropriateness.

As such it is considered necessary to consider all the harm arising from the proposal vs the benefits and if any of these amount to Very Special Circumstances.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of delivery of housing. Firstly, the provision of 125 additional homes will make a good contribution to meeting the overall current shortfall. Furthermore, these homes are Extra Care Retirement homes, of which there is also a shortage. In addition, there would be economic benefits through expenditure in construction, in the supply chain, and in local spending from residents. Significant weight is attached to the economic, NHS and social care benefits, with substantial weight given to the lack of 4 year housing supply and the provision of elder person accommodation. It is however noted that there is a degree of overlap between a number of benefits set out in the planning statement, and some of the benefits such as social care benefits go hand in hand with the benefit of providing specialist housing for older persons.

The proposal is not considered to create any significant or severe highway safety issues and exceeds the 10% increase requirement for biodiversity net gain in both habitats and hedgerows. Highways would weigh neutral in the balance, Biodiversity enhancement is a policy requirement, although exceedance of 10% would be of some benefit.

The other considerations which have been put forward by the applicant in their supporting statements are cumulatively of limited weight. These include the lack of alternative sites and the provision of services to the wider community.

Turning to the harm caused by the proposal, the site is a prominent Green Belt site in an Area of High Landscape Value, close to the boundary with the Peak District National Park, and within its setting. In this instance, the development would amount to inappropriate development within the Green Belt that fails to meet any of the exceptions set out in 154 and 155. The proposal would substantially and adversely impact on the openness, through urbanisation of this parcel of land and encroachment of urban sprawl into the Green Belt. This would present a tight knit high-density development with increased activity which would impact on the visual character and openness of the Green Belt. Further, the proposal would be contrary to the purposes of including land within the Green Belt. Substantial harm is attributed to these elements, notably the inappropriateness of the development, impact on the openness of the Green Belt and harm to the purposes of including land in the Green Belt.

Furthermore, the scale and mass of the proposals are wholly out of character with the surrounding area, creating a prominent urbanised development in this Green Belt location on the gateway to the Peak District National Park. The proposal would have an unacceptable impact on the character of the area, the Area of High Landscape Value and the setting of the Peak District National Park. This would cause substantial harm.

In addition, there are instances where there is simply an unacceptable outlook afforded to future occupiers, particularly to those units which are positioned close

to the site boundary, but also from the ground floor units of the some of the apartment blocks. This happens on multiple occasions and demonstrates fundamental issues, and poor and unacceptable living conditions afforded to future residents. The density of the development exceeds the guidelines set out in relevant policies. When viewed in combination with the design issues including unacceptable scale and grain of development and the poor amenity provided it is concluded that the proposal represents clear overdevelopment of the site. These issues would amount to substantial harm.

Paragraph 105 of the NPPF seeks to place significant development in sustainable locations which limit the need to travel and offer a genuine choice of transport modes, with the objectives of reducing congestion and emissions and improving air quality and public health. There is a moderate degree of harm to weigh in the balance for the location of the site and its sustainability, however this would not in itself render the scheme unacceptable.

The scheme would also result in some harm to the nearby locally listed heritage asset. Although in the absence of a suitable assessment, it is difficult to accurately quantify this harm.

No affordable housing is being provided, and whilst this is policy compliant through a viability clause, this does the reduce the scale of the benefits of the scheme, and furthermore, no CIL is applicable.

These issues taken individually and collectively demonstrate that the proposal will result in substantial and irreversible harm. The nature of the identified harm goes to the very heart of the principle of development and cannot be adequately mitigated or controlled through reserved matters applications or conditions.

The benefits of the scheme do not amount to very special circumstances and 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, Area of High Landscape Value, setting of the National Park, or the harm caused by overdevelopment of the site and impact on amenity. The very special circumstances that are necessary to justify this inappropriate development in the Green Belt simply do not exist.

Therefore, overall although paragraph 11 of the NPPF promotes a presumption in favour of sustainable development, other sections of the NPPF as listed above provide a clear reason for resisting the development. The adverse impacts of granting development significantly outweigh the benefits.

This application is recommended for refusal.

Case Number	23/03216/FUL (Formerly PP-12517659)
Application Type	Full Planning Application
Proposal	Use of land as part of the residential curtilage of The Coach House, with associated alterations including erection of boundary wall and fencing, landscaping and associated works (Amended Plans)
Location	The Coach House 306 Dobbin Hill Sheffield S11 7JG
Date Received	10/10/2023
Team	South
Applicant/Agent	Paul Bedwell 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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Location Plan - Drawing No. GR/LP/V2/A4/01A published 16th October 2023

Extg & Prop. Wall Elevations - Drawing No. GR/PWE/A3/01 published 10th October 2023

Ext'g & Prop. Site Layouts - Drawing No. GR/EP/SL/V2/A3/01B published 18th January 2024

1.215m High Estate Fence Standard Install Details - Drawing No. J4/01030 as published 10th October 2023

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. Prior to the construction of the dry stone boundary wall, a dry stone wall construction method statement shall be submitted for the Local Planning Authority's approval. The method statement shall set out the construction methods that will be used for the construction of the wall along the eastern boundary, how the materials from the existing wall will be used, and how any additional material required will be sourced to ensure it matches the existing material in stone, coursing and texture.

Reason: In order to ensure an appropriate quality of development and to protect the setting of the adjacent Listed Building at 71-75 Falkland Road

4. Prior to the commencement of the development hereby permitted, a landscape implementation plan shall be submitted to and approved by the Local Planning Authority. The landscape implementation plan shall include details of the tree-pit, species name and species size. On approval, the trees shall be planted in complete accordance with approved details before the extended residential garden is brought into use, and shall be retained thereafter.

Reason: In the interests of the visual amenities of the locality and to provide biodiversity enhancement.

5. Prior to the commencement of the development hereby permitted, 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 thereafter be implemented as approved.

Reason: In the interests of biodiversity of the site.

Other Compliance Conditions

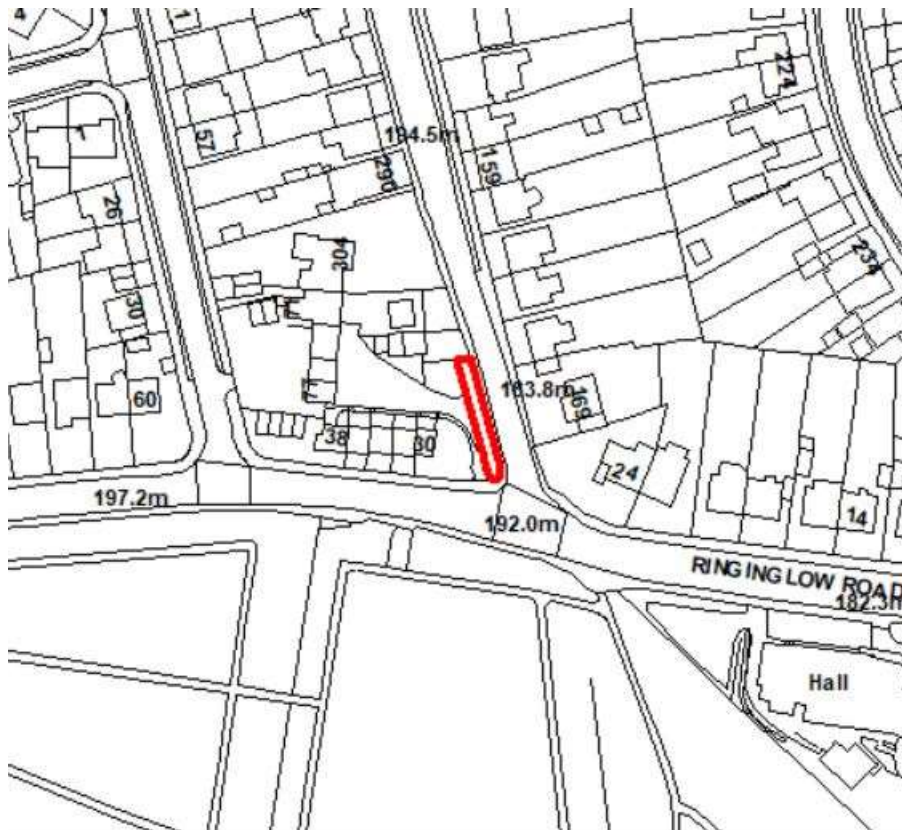
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 Class E and Part 2 (Class A), or any Order revoking or re-enacting that Order, no ancillary or curtilage buildings, swimming pools, enclosures, fences or walls shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interest of protecting the setting of the adjacent Listed Building at 71-75 Falkland Road

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.

Site Location



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LOCATION AND PROPOSAL

The application site relates to a stone-built property on Dobbin Hill, the building itself is not listed although to the west 71-75 Falkland Road and the northwest of No.304 Dobbin Hill are including boundary walls which are visible from the subject site. The dwellinghouse has a more modern double garage fronting the highway to the north which now sees a first floor extension atop it and a garden to the south of the dwelling.

To the west of the site is 71-75 Falkland Road which is Listed and is residential. To the south of the subject dwelling are the properties on Ringinglow Road, between the two sites is an area of private soft landscaping. This is west of the grass verge at the focus of this application. To the east of the subject dwelling and grass verge are the dwellinghouses on Dobbin Hill.

Permission is sought for use of a strip of land as part residential curtilage for the dwellinghouse (No.306) with associated landscaping including the erection of a boundary wall, estate fencing and soft landscaping.

The verge is located along Dobbin Hill and abuts the Ringinglow Road facing private soft landscaped area and pedestrian access as well as the subject site's garden and dwellinghouse. The grass verge houses the lamppost, bollards, street sign and public bin to the southern end. The grass verge measures 3m in width at its widest point and 18m in length from the dwellinghouse narrowing to the highway junction.

A new stone wall and metal estate style fence are proposed to surround approximately 75% of the grass verge. The remaining 25% (closest to the road junction) will be left open. Working northwards, the estate fence will enclose a section of the land at 1.2m in height stopping short of the boundary wall to the west which does not fall within the red line boundary. Between the existing wall and fencing three trees are proposed, these are all native species. The stone wall at 2.5m high proposed will be built to match the existing wall forming the garden boundary and will extend from the area of estate fencing to the rear of the dwelling, connecting to the existing rear boundary wall and set in 150mm from back edge of footpath and the corner of the dwelling.

PLANNING HISTORY

There is limited history of the site in question. The planning history includes:
76/00689/FUL - *alterations to shed and cowstalls to form a dwelling* - Granted
87/02027/LBC - *widening of gateway, rebuilding of gate post and new gate* – Granted Conditionally
02/02632/LBC - *Installation of satellite dish* – Withdrawn
22/03371/FUL - *Demolition of detached garage, erection of a two-storey side extension including integral garage with associated single-storey side link extension and alterations to dwellinghouse (amended description)* – Granted Conditionally

Planning Permission was granted in 2022 for works to the dwelling. Reference has been made in representations that these works have not been carried out according to plans. This assessment will focus on the current application in regard to the grass

verge. Any works associated with the previous approval will not be included in the below assessment but will be investigated separately as necessary.

SUMMARY OF REPRESENTATIONS

Neighbouring occupiers were notified of the proposal by letter. The application was also advertised by way of site notice and newspaper advertisement as it was proposal could affect the setting of the neighbouring listed buildings.

32 comments were received, from 27 addresses. Within the 32 comments there was, 1 comment of support, 1 objection was received from Councillor Shaffaq Mohammed and 1 comment from the Millhouses Ecclesall & Carter Knowle Community Group and the remaining 29 were objections. Objectors also provided photo and video evidence to support their concerns.

Objections

Design

- Detract from the area.
- Will works remove or impact the wall and listed building?
- Concern in regard to the existing boundary wall and those on Ringinglow Road.

Amenity Impact

- Grass verge is used to gather and walk dogs, do not wish to see the loss.
- Do not wish to see loss of bin.
- It was requested access for public retained and not to be fenced off.
- Loss of open feel.
- Historic image shows how restrictive the space once was.
- The development would undermine the amenity space and enjoyment of the space.
- Over-shadowing neighbours and pedestrians as well as over-bearing impacts, specifically 'the wall and fencing would lead to an oppressive and over-bearing street scene'.
- Over-development of The Coach House.

Highway / Traffic

- Parking on the opposite side of the road creates a narrow road, the proposal would further this.
- The development would create a bottleneck seeing a loss of footway (grass verge) risking pedestrian safety.
- Obscure sight lines for vehicles approaching the junction with Ringinglow Road.
- Negatively impact visibility.
- Negative visibility with narrow lane will cause highway issues.
- During heavy traffic and use times concerns expressed are greater (schools and church mentioned).

- In the future, use may change to parking space which is not supported.
- Many objectors requested parking restrictions be put in place.
- Currently being used as parking which has negatively impacted the verge.
- Concerns for pedestrian and cyclist safety.

Loss of green space

- The grass verge is a valuable public open space, object to loss.
- Trees proposed could result in root damage to neighbours and walling.
- Trees would increase leaf litter.
- There is a need for un-manicured spaces for biodiversity for flowers and habitats.

Public/Private Ownership

- Set a precedent that public land can be bought.
- Loss of public space and no public benefit.
- Public land should not be sold off.
- 'Land grabbing'.

Application details

- Concern plans have date 2017 so not up to date.
- Objectors stated the website and lack of email address made commenting difficult.
- Drawings incorrect, specifically not showing street furniture (related to earlier plans – now corrected).
- Council failure to inform all by letter and posting a notice in December not helpful.
- Mock ups inaccurate and misleading and do not want a decision based on these.

Other

- Works which have been undertaken to the dwellinghouse and extension which was approved in 2022 were raised in objections. *As stated above these are not material planning considerations for this application.*
- Construction noise.
- References were made to a grit bin once in situ on the verge which has since gone, concern other furniture will also disappear.

Councillor Shaffaq Mohammed:

- The councillors add that the land adds to amenity value and helps traffic management. Improving biodiversity was also queried.

Millhouses Ecclesall & Carter Knowle Community Group (MECK):

- The land is not 'vacant' as it houses a public bin.

- Concern was raised in regard to 'legitimate interest' and providing evidence of this. As no evidence was submitted as part of the application it is queried as to why the application was valid.

Support

The supporting comment stated the current land is an eye sore and the proposal would reduce over-looking for those gathering on the land into the supporter's property and would take land back to old appearance. A query of adding double yellow lines was also raised here.

PLANNING ASSESSMENT

Policy Context

The planning policies relied upon within this assessment are both National and Local. Many of the local policies align fully with National Planning Policy Framework (NPPF) and as such are afforded significant weight, however there are some local policies which are in partial alignment with the NPPF, reducing the weight (in most cases) they can afford in the decision-making process. In these cases this has been outlined in the assessment.

The below assessment considered policies which cover:

- Land Use.
- Open Space.
- Listed Buildings & Heritage.
- Design.
- Amenity Impact.
- Natural Environment & Landscape.
- Highways.

Land Use

NPPF para 123 states that decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 128 stipulates decisions should support development that makes efficient use of land, taking into account housing types, market conditions, availability of infrastructure as well as well-designed attractive healthy places which maintain an areas character or promoting regeneration and change. UDP H10 'Development in Housing Areas' builds on this with preferred uses and acceptable uses and as such can be given significant weight. While these policies are primarily used for housing and large-scale works, it is important to note them.

The proposed subject dwelling and proposed land fall within a Housing Area under the UDP. Therefore, the proposal is in accordance with H10 where the preferred land use is for housing with open space being acceptable.

Open Space

In regard to open space NPPF para 103 states existing open space, sports and recreational buildings and land, including playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provisions in term of quantity and quality in a suitable location. This aligns in part with Sheffield Core Strategy CS45, CS46 and CS47 which priorities safeguarding open space and sporting and recreational spaces. The Core Strategy also states development would not be permitted where it would result in the loss of open space that is of high quality or of heritage landscape or ecological value or where local people would be denied easy and safe access to a local park or smaller informal open space which is valued or well used.

It is of note that under the NPPF, 'Open Space' is defined as "all open space of public value, including not just land, but also areas of water, which offer important opportunities for sport and recreation and can act as a visual amenity". When considering this application, there is some very limited recreational use of this strip of land however the use is minimal, the loss in value is negligible in policy terms. The strip is limited in size and the proposal sees a section of un-fenced area retained. The retained un-fenced area will still provide some of the same function as the existing space and the street furniture and bin will also be retained. The space is not of sufficient area or dimension to offer beneficial recreational value, though does have some visual merit. In order to be considered Open Space in the terms of the NPPF definition it must meet both of these functions and given the extremely limited recreational value it is not considered that the full weight of this policy should reasonably be applied.

Impact on visual amenity is considered separately below.

Heritage and Listing

The Council has a statutory duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess. UDP Policy BE15 '*areas and buildings of special architectural or historic interest*' does not support development which would harm an area of special character and policy BE18 '*development in areas of special character*' requires development to respect their appearance and character and retain features which contribute to this. These policies align with the importance placed on design, character and heritage in the NPPF. Specifically, paragraph 131 states good design is a key aspect of sustainable development and paragraph 136 looks for development to be sympathetic to the character and history of its surroundings without stifling innovation and change. Para 205 directs any less than substantial harm to heritage assets to be weighed against public benefit.

The dwellinghouse, 306 Dobbin Hill is not a Listed Building nor is it in a Conservation Area or Area of Special Character. The neighbouring properties No.304 Dobbin Hill and 71-75 Falkland Road are listed as stated and highlighted on Historic England and their mapping system. When originally listed in the 1970's the listing description referred to '*Chestnut Cottage and adjoining cottage to left*'. The listing description was later amended in the 1990's and

confirms the 'adjoining' cottage was previously listed as no.306 Dobbin Hill but is now referenced as having an address on Falkland Road. The property referred to as Chestnut Cottage has the address No.304 Dobbin Hill.

Despite not being listed the proposed works and site are visible from Dobbin Hill in the same views as the Listed Building on Falkland Road and as such development must be considered in regard to policies and affecting the setting of a Listed Building.

The proposed fencing is low, unobtrusive and well designed and is not considered to detract from or erode the setting of the Listed Building. The fencing will allow the walling to be visible as well as the green space up to the rear of the Listed Falkland properties. The fencing will sit 200mm from the wall to the west which will ensure this wall will not be eroded or impacted.

The development includes the planting of trees which will provide some screening and obscure some views up to the rear of the Falkland Road dwellings however they are a native species and considered a soft screen. Furthermore, such trees are visible in the locality and are a characteristic of the area. The trees are not considered to cause substantial harm to the assets.

To ensure the views and openness is retained, permitted development rights are recommended to be removed in relation to outbuildings, enclosures and fencing, in the event of planning permission being granted. This means in the future should any fencing or sheds etc wish to be constructed in this location the work would require a planning application, and further consideration would then be given to the impact on the setting of the listed building(s).

Overall, the works are not considered to be harmful to the Listed Buildings and will preserve the assets in accordance with policy and design guidance.

Taking the above into account, and in respect to paragraphs 205-208 of the NPPF, there is no harm to the Listed Building or Conservation Area to be balanced against private/public benefit.

Design

The National Planning Policy Framework (NPPF) paragraph 135 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. Within the Core Strategy policy CS74 'design principles' and Unitary Development Plan (UDP) Policy BE5 'building design and siting' set out principles for development to ensure good design that takes account of its setting and makes use of good quality appropriate materials. UDP Policy H14 'conditions on development in housing areas' looks for all development in housing areas to be well designed and in scale and character with its surroundings. UDP BE15 and BE18 stress the importance of development not causing harm in regard to areas of historic interest and that works should respect the character of the area.

The proposed wall and fence will form a boundary around the new section of garden

and the tree lined verge. There will be a ground level difference between these two elements. The proposed wall will be constructed to mirror the existing wall in regard to height, material and the dry stone appearance. After discussions with the relevant parties, it will be conditioned that the wall is demolished carefully, and the stone re-used where possible to create the new coursing and dry stone wall appearance. This careful construction will ensure a quality build and a seamless in-keeping design. The use of natural stone is appropriate and is sympathetic to the local character. The wall is an appropriate size and scale in design terms and will not detract from the subject dwelling or wider dwellings.

The proposed fencing will extend from the new wall before cutting back at 90 degrees to within 200mm of the existing boundary wall with the green space to the west. This fencing is estate style approx. 1.2m in height and will be black in colour. The height is appropriate, the design lightweight, and the darker colour will blend into the surroundings and not be a contrasting feature.

Overall, the proposed wall, fencing and landscaping is considered an appropriate scale in design terms and will not cause harm to the character of the area. The wall will be constructed in a similar manner to the existing and the introduction of trees is a welcome addition. The proposed materials are appropriate.

Amenity/Impact on Neighbours

Paragraph 135 (f) of the NPPF states that developments should create places with a high standard of amenity for existing and future users. UDP Policy H14 (Criterion 'c') states that development will be permitted provided that the site would not be over-developed or cause serious loss of existing garden space, or deprive residents and neighbours of light, privacy or security.

The proposed works are not considered to cause detrimental impacts to the neighbouring properties. The neighbouring dwellings on Ringinglow Road and Dobbin Hill are sufficiently distant, and the works proposed of such scale that the wall and trees proposed will not cause a loss of light nor will they impact the security of surrounding neighbours.

The proposal will see a new section of garden created for the dwelling. However it is not considered to impact on the existing privacy levels. The garden will be raised at a level higher than those on the eastern side of Dobbin Hill, however the separation is such that worsening privacy concerns are not justified. The proposed garden will back onto the Ringinglow Road dwellings, however the new section of garden is set away from these dwellings and is not considered to introduce over-looking. The proposed trees will provide a buffer and screening to protect any over-looking opportunities from the public highway. It is therefore considered the proposal is in accordance with H14.

The works are a small scale and will not result in a loss of garden or detrimentally impact the living conditions of neighbours. The open leafy feel is considered to be retained.

In terms of the existing amenity use the strip of land provides, the litter bin and street

furniture will be retained, and fencing has been amended and shown on plans to not enclose this section of the verge. There will still be public access to these facilities. In terms of loss of space for the public to walk on/in, the size of this land is minimal, and the loss of this small section is not considered sufficient to warrant concern or refusal. Overall the scheme is therefore acceptable in amenity terms.

Natural Environment & Landscape

NPPF paragraph 136 outlines how trees can make an important contribution to the character and quality of an urban environment and can help mitigate and adapt to climate change. Opportunities to incorporate trees should be taken and measures in place to ensure long-term maintenance. As outlined in NPPF paragraph 136 highways and trees officers should work with Local Planning Authorities and the applicant to ensure the right trees are planted in the right places and are compatible with highways standards. In this case although the land is to be taken out of the highway all parties have been involved with the trees proposed and details and maintenance plans have been agreed to be conditioned to ensure an appropriate outcome.

Paragraph 180 of the NPPF stipulates how works should enhance the natural and local environment, by protecting and enhancing landscapes, minimising impacts on and providing net gains for biodiversity. At a local level, UDP Policy GE11 in part aligns with the NPPF and can be given moderate weight. It highlights the need to protect and enhance the natural environment and measures should be taken to reduce any potential harm on natural features.

The strip of land as existing is grassed which has its own merits and provides some soft-landscaping and biodiversity however it is not a site of significant interest or value in regard to biodiversity and the natural environment. Within the proposal much of the land will be retained as grass, in addition to the three trees proposed. These trees will create an opportunity to increase local habitats and will enhance the natural environment.

Large trees are common in the wider area and form a leafy open feel to the Ringinglow Road/Dobbin Hill junction. It is considered the soft landscaping proposed reflects this and the scheme accords with policies at a local level and national. It therefore is acceptable.

Highway Impact

Guideline 8 of SPG reflects UDP Policy H14 (Criterion 'd') which states that development will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The NPPF paragraph 115 also states, 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 highways officer confirmed the proposal does not raise any objections from a highway safety point of view to the closure of this section of the highway verge.

The existing highway system in the area is not a high-speed area as it is a built up residential area. The junction with Ringinglow Road is wide with mature trees close to the junction. Vehicles can and do park along the eastern side of Dobbin Hill as there are no restrictions such as double yellow lines in place here, resulting in narrowing of this section of the highway. Although acknowledged that the road does narrow due to the parked cars, this fluctuates, and parked cars are not a permanent feature of the street scene. The proposed estate fencing and tree will still allow views and are not considered to obscure views to warrant safety concerns in regard to visibility. With regard to the proposed wall, it is set back from the gable end of the dwellinghouse and thus has no greater impact than the existing.

The existing footpath will be retained. The proposed wall will extend from the gable end of the dwellinghouse but has been demonstrated to be set back from the footway, albeit marginally to ensure the footpath function is retained. The proposed fencing will restrict some access onto the grassed area however it is not considered it would result in the footway becoming a safety concern or endanger pedestrians as the footpath retains appropriate width.

The area is proposed to be used as garden space close the dwellinghouse, trees will line an existing section of the verge and the street furniture is retained unfenced. The area is not proposed to be used for parking vehicles.

As stated in NPPF paragraph 115 an application can only be refused on highway grounds where the impact would be unacceptable including safety and impact on the road network. In this case the proposal is not considered to have a detrimental impact on the road network in and around the locality. In relation to highway safety, the narrowing of the street is outside the parameters of the proposal. The proposed works are not considered to have significant impacts on highway and road safety. The footpath is retained and while it is acknowledged pedestrians use the verge to manoeuvre the footway the loss of this space will not see a loss of footway or endanger pedestrians. The eastern pavement is also retained and functional. It is therefore considered the works accord with NPPF 115 and UDP H14d.

HIGHWAYS CLOSURE

This development will require part (verge area) of the all-purpose Adopted Public Highway known as Dobbin Hill to be stopped up i.e. permanently closed, as shown hatched black on the plan below labelled as 23/03216/FUL/Stopping-Up. Accordingly, if Members are minded to approve this application, they are also requested to confirm that:

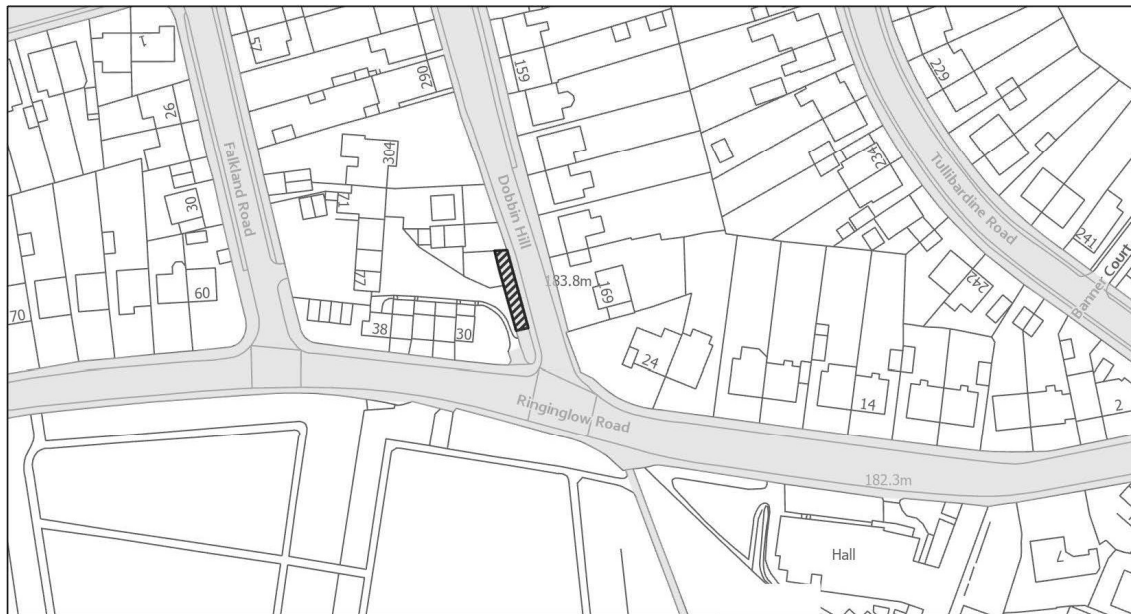
- a. No objections are raised to the proposed stopping-up of the area of highway shown hatched on the plan 23/03216/FUL/Stopping-Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected. And that an agreement is reached, between the City Council's Property Services Division and the applicant, that, on successful completion of the process to stop up the highway, that transfers ownership of any of the land that is currently occupied by the highway and in the ownership of the City Council.

b. Legal Services are authorised to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town & Country Planning Act 1990.



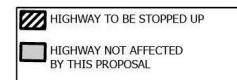
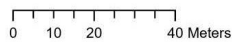
Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

23/03216/FUL/Stopping-Up
Town & Country Planning Act 1990 Section 247
Proposed Closure of Part of Dobbin Hill, Sheffield 11



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Scale: 1:1,000



RESPONSE TO REPRESENTATION

It is considered many of the concerns raised have been acknowledged in the above report, specifically with design, amenity and highways concerns as well as loss of green space. For clarity other matters are commented on below.

This assessment and planning process assess a proposed scheme against relevant planning policy at national and local level. Each application is assessed on its own merit based upon the details given, measurable plans and a site visit amongst other factors. While historic images and visual mock-ups are beneficial, assessment does not rely on these. After initial assessment of publicity undertaken it was later considered further publicity was necessary and this was carried out in accordance with guidance and the Council's Statement of Community Involvement.

Any comment raised in regard to the previously approved dwellinghouse development is not a factor when assessing the acceptability of this proposal. Should there be concern regarding the construction of the approved works this would need to be raised through an enforcement enquiry.

Many comments raised in representations are classed as non-material considerations. Such concerns stated include the 'land grabbing'/ private/public

ownership. Furthermore, possible construction noise, and previous loss of a grit bin are non-material.

The definition of 'vacant' is subjective and it is not felt the housing of a bin is sufficient to say the space is not vacant. In terms of 'legitimate interest', this is not necessary to apply for planning permission and it was considered sufficient information was provided to validate the application, with appropriate ownership certificates completed.

Comments from objectors and supporters have demonstrated a desire for parking and vehicles restrictions in the area, however this is not a request proportionate to this planning application.

SUMMARY AND RECOMMENDATION

Taking into consideration the above assessment, the proposed works are considered in accordance with policies and therefore acceptable. The land use is considered acceptable in this location and not considered to impact the setting of the Listed Building. The works are of an appropriate scale constructed in suitable material with native trees resulting in an in-keeping design which preserves the character of the area and setting of the listed building(s). The existing privacy levels will be retained, and no over-shadowing is expected. As stated under National Planning Policy Framework paragraph 135, the development is considered to contribute to an attractive place and is sympathetic to the local character. The proposal will enhance the local landscape with native planting as para 180 stipulates.

The retention of the street furniture and small area of un-fenced space is a welcomed detail and overall the development forms a functional in keeping proposal which is in accordance with guidance.

Where it is felt appropriate conditions have been put in place to ensure a quality development such as the tree planting and wall building as well as some permitted development rights being removed.

Overall, the proposal accords with National and Local policies and is recommended for conditional approval.

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Case Number	22/00877/FUL (Formerly PP-11083140)
Application Type	Full Planning Application
Proposal	Erection of 14no. 2 bed apartments in 1no. 2/3 storey block with associated car parking and landscaping and formation of vehicular access onto Holmhirst Road (Amended Description)
Location	Land Between 5 And 21 Holmhirst Road Sheffield S8 0GU
Date Received	03/03/2022
Team	South
Applicant/Agent	Self Architects
Recommendation	Grant Conditionally 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 hereby permitted shall be carried out in complete accordance with the following plans and documents, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Drawing No. 3867-SELF-ZZ-XX-M2-A-100 Revision A, (Site Location Plan), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-P-XX-M2-A-101, Revision D (Proposed Site Plan), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-102A, Revision A (Proposed Site Sections), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-102B, Revision B (Proposed Site Sections), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-103, Revision C (Proposed Floor Plans), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-104, Revision A (Proposed Elevations 01), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-105, Revision A (Proposed Elevations 02), as published on the 21st Feb 2024.

Drawing No. 3867-SELF-ZZ-XX-M2-A-106, Revision A (Proposed Street Scene), as published on the 21st Feb 2024.

Eastwood Consulting Engineers - Drawing No. 46541-ECE-XX-XX-DR-C-0002 Revision P01 (Drainage Strategy Plan), as published on the 16th March 2023.

Design & Access Statement Document, as published on the 20th Feb 2024.

The planning agent's emailed correspondence dated and as published on the 22nd Feb 2024.

Reason: In order to define the permission.

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

3. Notwithstanding the details shown on the approved plans, and prior to the development commencing, full drainage details for the site shall have been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.

Reason: To ensure satisfactory drainage arrangements and, to minimise the risk of flooding.

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

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development

commences in order to ensure that the proposed drainage system will be fit for purpose.

5. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

6. No development shall commence until an assessment of how the watercourse culvert running through the site shall be protected from or withstand additional permanent loading has been submitted to and approved by the Local Planning Authority. A post-construction survey of the watercourse will also be required to ensure no damage has occurred during the construction stage and this will need to be submitted to the Local Planning Authority within 3 months of the first occupancy of any of the new apartments.

Reason: In order to fully assess any damage caused to the watercourse culvert caused from the construction works.

7. 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.

8. Notwithstanding the details shown on the approved plans, and prior to any works commencing on site, full details of at least two suitably located bat boxes within the fabric of the building as well as two bird boxes elsewhere within the site shall have been submitted to the Local Planning Authority for written approval. Thereafter, the approved bat box and bird box features shall implemented prior to any of the flats being occupied and then subsequently retained.

Reason: In order to enhance biodiversity at the site and to offset the loss of a mature tree and, to meet the aims of the National Planning Policy Framework.

9. No development shall commence until full details of measures to protect the existing trees and hedges being retained, have been submitted to and

approved in writing by the Local Planning Authority. 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 and hedges 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 and hedges 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.

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 shall be obtained from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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 CS65.

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 during the construction phase 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 nearby residential property.

12. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- arrangements for wheel cleaning of vehicles engaged in the construction

works;

- on site parking/manoeuvring for construction vehicles;
- arrangements for contractor parking.

Thereafter, such facilities shall be provided to the satisfaction of the Local Planning Authority and in place for any period of construction works.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway and highway safety, it is essential that this condition is complied with before any works on site commence.

13. A minimum of 3 months prior to the commencement of development a thorough walkover survey shall be conducted by a qualified Ecologist to establish that no protected species are present on the site. Full details of this survey shall be submitted to the Local Planning Authority. The survey report shall include recommendations for actions/mitigation should protected species/habitat be identified and development shall not commence until the submitted survey and recommendations have been approved.

Reason: In the interests of ensuring that protected species have not established themselves on the site in the period between the granting of permission and the commencement of development.

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

14. Notwithstanding the details shown on the approved plans, full details of all of the site boundary shall have been 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 new building 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.

15. Notwithstanding the details shown on the approved plans and, 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 new apartments shall not be used unless such cycle parking has been provided in accordance with the approved plans/details, 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.

16. The bin collection area shall be screened in accordance with details to have

first been submitted to and approved by the Local Planning Authority and such screening treatment shall be provided prior to occupation of the apartments and thereafter retained.

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

17. Notwithstanding the details shown in the submitted application, full 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.

18. 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:

Windows
Window reveals
Doors
Eaves and verges
Balconies
Entrance canopies
String course
Rain water goods

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

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

19. 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.

20. 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.

21. The Local Planning Authority shall be notified in writing when the landscape

works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

22. The residential accommodation hereby permitted shall not be occupied unless details of any new external lighting at the site have been submitted to and approved by the Local Planning Authority, thereafter (and still prior to any residential accommodation being occupied) the approved lighting details shall be implemented and subsequently retained.

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

23. No apartments shall be occupied unless all the car parking hard-surfaced areas (i.e. all the car parking bays) at the site 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.

24. 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 an approved noise survey of the application site, including an approved method statement for the noise survey.

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.

25. 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.

26. Notwithstanding the details shown on the submitted plans, the proposed ground floor accommodation shall be constructed to be 'flood resilient' in the event of a flood at the site. Prior to any of the apartments being occupied, full details of flood resilient measures shall have been submitted to and approved in writing by the Local Planning Authority and thereafter, those approved flood resilient measures shall be retained.

Reason: In order to minimise the risks of harm to life and/or to property caused by flooding at the site.

27. Notwithstanding the details shown on the approved plans and, before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details and specifications of the electric vehicle charging points for a minimum of 8 car parking bays, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the new apartments shall not be occupied until such time that the approved electric vehicle charging points have been installed. Once installed, the approved vehicle charging points shall be retained.

Reason: In the interests of promoting sustainable forms of transport.

Other Compliance Conditions

28. 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.

29. No buildings/structures shall be erected within 3 metres of the culverted watercourse.

Reason: To ensure no obstruction and maintenance access.

30. The apartments shall not be used unless all redundant accesses have been

permanently stopped up and reinstated to kerb and footway and 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.

31. The apartments shall not be used unless the car parking accommodation for 17 cars and the vehicle turning areas, all as shown on the approved plans have 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 and turning provision in the interests of traffic safety and the amenities of the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. 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

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. 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:

Mrs D Smith
Highways Development Control

Vehicle Crossings
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: 07770 641 761
Email: dawn.smith2@sheffield.gov.uk

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.

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at

epsadmin@sheffield.gov.uk.

6. 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.
7. The applicant is advised to have regard to the security advice contained within the correspondence received from South Yorkshire Police as published on the 22nd March 2022 (on the online file).
8. 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

9. 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.

10. Before any works on site commence, the developer may need to carry out some testing to clarify the precise route of the watercourse, this may result in the development not being able to be built as shown on the approved plans. It is very important therefore that the tests to clarify the precise route of the watercourse be undertaken as soon as possible.
11. 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.

12. The applicant is advised to have regard to the Superfast South Yorkshire

advice/comments contained within the correspondence received from Superfast South Yorkshire, as published on the 11th March 2022 (on the online file).

13. The applicant is advised to have regard to the Norther Powergrid advice/comments contained within the correspondence received from Norther Powergrid, as published on the 11th March 2022 (on the online file).

Site Location



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INTRODUCTION, LOCATION & PROPOSAL

This is a full planning application for the erection of 14 x 2-bedroom apartments in a 3-storey residential block with associated car parking, landscaping and formation of a vehicular access into the site off Holmhirst Road.

The application site is within the Woodseats area of Sheffield and is located off Holmhirst Road close to its junction with Chesterfield Road (the A61). The application site is identified on the Sheffield Unitary Development Plan as being within a Housing Policy Area and adjacent to a District Shopping Policy Area. The characteristics of the area are that of active commercial units fronting Chesterfield Road and the side roads off Chesterfield Road being predominantly residential. The application site is close to frequent public transport links as well as a range of shops and services and is therefore considered to be within a highly sustainable location.

The application site itself is approximately 0.275 hectares and is largely open, with some trees at the perimeter and a scattering of small trees towards the southern and western parts of the site. Much of the ground is covered by lower lying vegetation and scrub, grassed areas and some areas where rubbish has accumulated. The site has an irregular shape and has sloping terrain in parts, with the lowest part being towards the centre of the site.

The application site adjoins Holmhirst Road along the north-eastern boundary where there is terraced housing at the north-west corner and a mixture of commercial uses and housing at the north-east corner. The eastern boundary of the site adjoins the rear of commercial properties that front Chesterfield Road, and these include a large KFC and a large Costa Coffee. Costa coffee has a large open customer car park with 20 parking spaces at the side which backs onto the site. Osmaston Road runs along the south/south-east boundary of the site and there are 3 or 4 houses on Osmaston Road that immediately back on to the application site. Woodseats Medical Centre is located close to the corner of Osmaston Road and Chesterfield Road. The staff and patient car park of the medical centre is accessed from Osmaston Road. Housing on Linburn Road backs on to the west/north-west boundary of the application site.

The site boundary facing Holmhirst Road consists of a 1.8-metre-high concrete post and panel fence. Boundaries along the western edge of the site comprise of a mixture of hedge planting, brick and stone retaining walls to rear gardens.

There is a culverted water course running through the site from south to north-east.

It should be noted that planning permission has previously been granted (in 2012) for an almost identical scheme but that scheme was not implemented.

When this current planning application was originally submitted, it was submitted on the basis that the development was for 14 x 2-bedroomed retirement apartments. The scheme has since been amended such that it is no longer being described as "retirement" apartments. In all other respects, the scheme remains the same.

The new development will incorporate 14 apartments spread over 3 levels (5

apartments each on the ground and first-floor levels and 4 on the second-floor level). Each apartment will have 2 bedrooms, a bathroom, a storage space and an open-plan combined kitchen and lounge.

The apartment nos. 6, 7, 8 and 9 (at first-floor level) and 11, 12 and 13 (all at second-floor level) will all have an external projecting balcony. Apartment no.14 (at second-floor level) will have access to a large roof terrace area.

The apartments labelled as nos. 3, 5, 6, 7, 8, 9, 13 and 14 are all identified as being “mobility homes”.

All the proposed flats have access from a single main entrance at ground floor level and, there is access to a communal internal staircase and a communal lift. The proposed external grounds are to be for communal use, and this includes access to a communal bin storage area.

The site will also incorporate 17 car parking spaces (including 1 designated disabled person’s parking bay). The applicant has also agreed for 50% of the car parking spaces (8) to be provided with electric vehicle charging points. Each flat will be allocated 1 off-street car-parking space and there will be 3 visitor car-parking spaces. The proposal will also incorporate a designated cycle parking area for up to 10 bikes. In addition to the car and cycle parking provision, the site will also include a new turning area suitable for use by a fire appliance and a refuse vehicle.

The proposed materials of the new apartment block are shown as being predominantly red brick with cast stone headers, cills and band courses. Parapets and projecting gables will also incorporate cast stone detailing.

The proposed windows and doors will all be white UPVC and drainpipes and gutters will all be black UPVC. The proposed windows will be installed with a simple hierarchy with ground floor windows larger and then decreasing in size to each floor above. The proposed roofing materials will consist of interlocking concrete tiles of a grey colour.

The submitted plans show a range of hard and soft landscaped areas around the main building and these landscaped areas and features will need to be the subject of a suitably-worded landscape condition.

In terms of the other elements of the planning application, the proposals will include new boundary treatments along the Holmirst Road elevation, and on-site underground surface water tanking as part of the drainage system that is also likely to see some improvement works being carried out to the underground culvert. The development will also (through a Section 106 Legal Agreement) see some off-site biodiversity net gains (BNG) in the wider area.

RELEVANT PLANNING HISTORY (in chronological order)

04/00954/OUT – This was an outline application for a residential development (consisting of 28 x 2-bedroom apartments). This application was withdrawn in June 2004.

11/01967/FUL – This was an application for the erection of 14 apartments in 1 No. 2/3 storey block with associated car parking and landscaping. This application was conditionally approved subject to a Legal Agreement (for a financial contribution towards the provision of public open space in the locality) in February 2012.

22/00877/FUL – This is the current application, now being considered.

Although not on the application site itself, the following applications all relate to immediately adjacent developments on Osmaston Road and therefore might be considered relevant.

11/03102/FUL – This was an application for the erection of two self-contained apartments in a 1 x 2-storey block with associated car parking. This application was conditionally approved in December 2011.

11/00828/FUL – This was an application for the erection of two detached dwellinghouses and associated landscaping. This application was conditionally approved in March 2012.

21/03397/FUL – This was an application for the erection of 2 no. dwellinghouses with parking provision and alterations to existing parking provision and amenity space serving Nos. 2 and 4 Osmaston Road. This application was refused by the Local Planning Authority in June 2022, following a subsequent appeal, the Planning Inspectorate dismissed the appeal in March 2023.

SUMMARY OF REPRESENTATIONS

This application has resulted in a total of 23 representations being received (this includes a representation initially signed jointly by the 3 Ward Cllrs – Cllr Steve Ayris, Cllr Ian Auckland and Cllr Sue Auckland) and also includes a representation from the Sheffield & Rotherham Wildlife Trust. Since signing the initial Cllr representation, Cllr Sue Auckland has been replaced by Cllr Mohammed Maroof.

Of the representations received, 19 have raised objections against the proposal, 3 are in support of the proposal and 1 is neutral. The representations from the 3 ward councillors and the Sheffield Wildlife Trust have both raised objections to the proposals.

The representations have been summarised and the details listed below: -

Councillor Objections: -

- The site has historically provided both ecological and public benefits to the local Woodseats Community. The loss of a Local Wildlife Site is unacceptable without significant compensatory action.
- There are lots of flooding issues in the area and this is understated in the submitted drainage statement. This is an opportunity for further local attenuation within the site, and this needs to be investigated further (including the possibility of opening up the already-blocked culvert).

- The Tree Constraints and Tree Protection plans indicate 17 trees on the site, including the felling of five apple trees. Whilst the Cllrs object to the scheme overall, in the event that the proposals are allowed, the ward Cllrs have requested that a planning condition be imposed that will secure the protection and retention of trees, shrubs and hedges.
- Up-to-date checks should be carried out to ensure that there are no protected species or habitats on the site.
- There is an abundant supply of this type of accommodation in the local area but, there is a lack of affordable or mixed-tenure housing provision.
- The design of the scheme is out of keeping with the predominantly terraced character of the street scene, particularly along Holmhirst Road.
- There will be a biodiversity net loss at the site (particularly in the context of the baseline value of the site calculation prior to the granting of the previous planning application in 2012).
- The development offers little in respect of public open space, low carbon technology, cycle parking provision or electric vehicle charging points.
- The site is in close proximity to Holmhirst Pre-School and, there are concerns that the access/egress point is too close to the junction between Holmhirst Road and Fraser Road and also too close to the Holmhirst Road and Chesterfield Road junction, and that this would impact adversely on the safety of pedestrians and motorists.
- There has been Japanese knotweed on the site in the past, has it now been cleared?

Sheffield & Rotherham Wildlife Trust Objections: -

- The site is part of the Graves Park Beck Local Wildlife Site and therefore is designated for nature conservation instead of development.
- The Sheffield Local Wildlife Site Panel should be consulted to consider whether this portion of the site should still be designated. If the panel decide to recommend retention, then the site should not be developed. If the panel recommend it should be removed, then mitigation/compensation should be given for the rest of the remaining Local Wildlife Site.
- The South Yorkshire Badger Group suspect that there is still an active set on the site, and this needs further investigation.
- There are flooding issues on and around the site, The beck is culverted under the site and suffers from debris as highlighted in the drainage report. It is suggested that the culvert remains, and that surface water is directed into the beck. This would risk pollution (e.g. oil and micro plastics from the car park) running into the beck and the Local Wildlife Site which the Sheffield & Rotherham Wildlife Trust object to. As the new building would not be over the culvert, a far better environmental solution would be to de-culvert the beck and introduce a SUDS pond system for surface water to clean the run-off.

Neighbour Objections: -

Wildlife/Biodiversity

- The site is part of the Graves Park Beck Local Wildlife Site and therefore is designated for nature conservation instead of development. If the site is to be

developed, then some form of mitigation needs to be provided and this should involve favourable management or enhancement of the remaining area of the Local Wildlife Site.

- A high number of trees were removed in the period that Japanese Knotweed was being exterminated at the site. That level of tree clearance will have reduced the ecological value of the site. This earlier clearance of the site will have affected the baseline value of the site. Any ecological compensation and mitigation within the site should therefore reflect this and provide further native tree planting within the green infrastructure of the proposed development.
- The proposed ecological and landscape measures within the Design & Access Statement are ambiguous in whether they will actually be undertaken using words such as 'can be', 'suggested' and 'could be'. These measures therefore need to be conditioned to ensure they are in fact carried out to provide necessary ecological compensation and mitigation.
- Up-to-date checks should be carried out on site to ensure that there are no active setts being used by protected species.
- Why can't the site be used as a wildlife friendly space with food growing potential, or as a community park thereby benefitting the local community?
- There is a wide variety of animals, birds and insects that visit the site.
- The developer should be asked to quantify biodiversity net gains so that there will be positive impact on biodiversity.

Flooding/Drainage

- No objection to the development itself but do have concerns about flooding. What measures are being put in place to manage the watercourse that runs through the site.
- The site is prone to flooding and there are significant risks of polluting the water supply under the site both during and after construction.
- Proper risk assessments should be carried out to ensure that any potential flooding doesn't pose a risk to the occupants of the building (taking into account the higher age range of those future occupants).
- The site is identified as being at high risk of surface water flooding. If the development is allowed, this might result in surface flood water being displaced elsewhere such as Osmaston Road or the nearby Medical Centre and/or Library.
- The survey of the culvert under the site states that the culvert is blocked with debris to the extent that the survey could not be completed. The culvert needs to be unblocked and a proper survey carried out before any development is granted.
- Given the flooding history at this location, it seems inappropriate to be removing trees and scrubland, only to then be replaced with a tarmac carpark and a built structure. Trees and vegetation help mitigate the impacts of flooding.
- The site currently provides an important function for local flood attenuation and, the measures being proposed in the Eastwood Partners report to prevent flooding of the site will exacerbate existing local flooding elsewhere.
- Every time there is heavy rain, the area gets flooded and more recently this has resulted in the need for the medical centre to close. The site serves as a

useful drainage basin, the development of the site will therefore make the flooding issues worsen.

Amenity Issues/Impact on Neighbours

- The proposed development will block out light to neighbouring properties and, will result in overlooking of neighbouring properties and gardens.
- The site offers more to Woodseats and the wider community as a site for wildlife or for community use than this development offers, and for this reason therefore the proposal should not be supported.

Loss of Trees

- There are lots of established trees on the site which will need to be cut down to facilitate a development of this scale.

Design/Character

- The building is poorly located within the site, the new building should be positioned along the site frontage of Holmhirst Road. This would prevent residents having to walk through a car park to get to or from the main building.
- The development will not provide any affordable housing for families and working people that the area needs.
- There is already a large complex of retirement flats in the area (at Troutbeck Road). How can the developer justify constructing more?
- Woodseats deserves a high-quality, highly sustainable development that contributes positively to the wider community.
- There are no meaningful features of the scheme to reduce the development's environmental impact. There are no commitments to the provision of electric car charging points, achieving a biodiversity net gain, or carbon zero construction.
- The development is at odds with the urban grain of the area/Holmhirst Road which consists of mainly terraced housing fronting the street.
- Parking will dominate the views of the site from the street/Holmhirst Road.
- The overall design of the new building is "unremarkable" and takes little opportunity to embrace low carbon technology or materials. There is no mention of photovoltaic or micropower generation or other similar commitments.

Traffic/Transport

- There is no Transport Statement submitted with the application. A development such as this has the potential to generate a significant amount of traffic (particularly by staff and deliveries). This is already a busy junction where there have been several highway safety incidents involving pedestrians.
- Car parking in the area and traffic building up at the junction of Holmhirst Road and Chesterfield Road is already bad, this development will add to the problem, making the situation worse for residents.

- Visitors coming to this development will end up having to park their cars on adjacent streets.
- Whilst easy access to public transport is cited as a positive attribute of the development, residents would first need to negotiate a 1:12 access into and out of the site. And this would be an even bigger issue for those that use wheelchairs or have mobility issues.

Neighbour Support: -

- The development will tidy-up a derelict part of the Woodseats neighbourhood.
- There is a shortage of new housing, particularly in the Woodseats area.
- This development might enable retirees to downsize, thereby creating more capacity for families to buy bigger homes.
- The fact that Graves Park is close-by makes this an ideal development site for housing because the new residents would have green open space within very close walking distance.
- Existing residents will not be losing access to the site because it's been fenced off for such a long time.
- The development of this site will have a positive impact on local families and the wider community.
- The development of the site for housing for the over 55s is very welcome. More retirement villages are needed near to public transport and amenities.
- The proposal will be an improvement to the street scene and the surrounding area, for the past 30 years the site has been overgrown and the victim of fly-tipping.

Neutral Comments: -

- Whilst the site is part of the Graves Park Beck Local Wildlife Site corridor, the site itself is showing signs of deterioration from an aesthetic appearance point of view. If the application is refused, it is hoped that the site would not be left to deteriorate even more and/or become a serious health hazard to both wildlife and the local residents.

Non-Planning Related Comments: -

- This is a plan for making people who already have lots of money even wealthier.
- Despite the site now being blocked off, many locals remember the site when it was used as a community garden and therefore the site has a lot of historical value.
- Many residents have pets that roam the area, there is concern about pet safety during the construction stage of the development.
- There is no public open space being provided on the site and as such, there are no benefits for the wider public.

RESPONSE TO NEIGHBOUR REPRESENTATIONS

The main concerns raised in the submitted representations relate to the loss of a local wildlife site/ecology, flooding issues, highway safety and the type of

accommodation being provided at the site. These issues are addressed in the main “planning assessment” section of this report (see below).

Change of description: -

The application proposal has been amended and therefore, the development is no longer being proposed as retirement homes, these are now proposed as being open-market apartments with no age restrictions. The apartments will all be self-contained and other than external gardens, car parking, a main entrance, lift and stair access, there will be no other communally shared facilities at the site.

PLANNING ASSESSMENT

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 as revised in December 2023 (NPPF) is also 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.

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”.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing, and states, that where the Local Planning Authority cannot demonstrate (in Sheffield’s case) a four-year supply of deliverable housing sites with the appropriate buffer, then the policies which are most important for determining the application will automatically be considered out of date.

Sheffield is currently unable to demonstrate a 4-year supply of deliverable housing sites and therefore, paragraph 11 of the NPPF ‘the tilted balance’ or ‘presumption in favour of sustainable development’ still applies (Sheffield can only demonstrate a 2.86-year supply of deliverable housing sites).

Key Issues

The main issues to be considered are:

- the acceptability of the development in land use policy terms;
- the design of the proposal and its impact on the surrounding street scene;
- the effect on living conditions of future and existing residents;
- drainage/flooding;
- ecology/biodiversity; and whether or not the proposal will lead to any highway safety issues.

Land Use Policy

The application site falls within a Housing Policy Area and also within an area identified as being part of a Local Wildlife Site. The site is also immediately adjacent to properties on Chesterfield Road which fall within the Woodseats District Shopping Centre. Although the site and immediate locality has been prone to flooding issues in more recent years, the site is not identified on the UDP Plan as being within a designated Flood Risk 2 or Flood Risk 3 Area.

In this instance as the site is located within a Housing Policy Area and the proposal is for apartment-type housing, UDP Policies H10 'Development in Housing Areas', H14 'Conditions on Development in Housing Areas' and H5 'Flats, Bed-sitters and Shared Housing' are relevant. Furthermore, because the site is also located within a Local Wildlife Site, the development would need to satisfy UDP Policy GE13 'Areas of Natural History Interest & Local Nature Sites'.

Because there are other known site-specific issues (flooding) and, issues generally associated with new housing developments such as increased traffic/parking and amenity/impact on residents, other policies will also be considered and referenced in the relevant parts of this report.

UDP Policy H10 'Development in Housing Policy Areas' identifies Housing (Class C3) to be the preferred use in Housing Policy Areas. Given that the proposal is to create Class C3 housing, the development will meet the aims and requirements of this policy and therefore, the general principle of the development is considered acceptable.

Despite being acceptable in principle, the proposal must also satisfy UDP Policy H14 'Conditions on Development in Housing Areas' which states that new development or changes of use will be permitted provided that:

- new buildings are well-designed and would be in scale and character with neighbouring buildings;
- the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood;
- it would provide safe access to the highway network and appropriate off-street car-parking and not endanger pedestrians;

- it would not suffer from unacceptable air pollution, noise or other nuisance or risk to health or safety;
- it would provide, where appropriate, an environmental buffer to shield sensitive land uses; and
- it would comply with Policies for the Built & Green Environment, where appropriate.

UDP Policy H5 relates to 'Flats, Bed-Sitters and Shared Housing', this policy states that planning permission will be granted for the creation of flats, bed-sitters and multiple sharing of houses only if:

- a concentration of these uses would not cause serious nuisance to existing residents;
- living conditions would be satisfactory for the occupants of the accommodation and for their immediate neighbours; and
- there would be appropriate off-street car-parking for the needs of the people living there.

The site at present is an overgrown area of land set within a Housing Policy Area that has previously been prone to fly-tipping and, has also been blighted due to the presence of Japanese Knotweed.

This application shows a well-laid out housing development consisting of 14 self-contained 2-bedroom apartments in a single 2/3-storey block with associated parking and landscaping. The living accommodation being provided is considered acceptable and officers are satisfied that there will be no significant highway safety issues.

The site is 0.275 hectares and is within an existing urban area. The site is within close walking distance to regular bus routes and a wide variety of shops and services (on Chesterfield Road) and therefore is very sustainably located.

As the Local Planning Authority is unable to demonstrate a 4-year housing land supply, there is a presumption in favour of sustainable development, particularly where the development is located as in this case in an existing urban area, with good public transport links.

Given that the Core Strategy and UDP planning policies have not changed significantly since the previous planning consent in 2012, this proposal does not raise any new land use issues and therefore, the proposal would still accord with local and national planning policies and Government aspirations of creating more housing.

Density of Development

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy requires housing developments to make efficient use of land, but states that it should be in keeping with the character of the area. In this location near to the Woodseats District Shopping Area the policy suggests a density in the order of 50 to 80 dwellings per hectare would be appropriate. Paragraph 123 of the NPPF also states that planning policies and decisions should promote the effective use of land in

meeting the need for homes and other uses whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

This proposal is for 14 new residential units on a site which is 0.275 hectares, this would therefore result in a density level of approx. 51 dwellings per hectare which is at the lower end of the target range. However, it should be noted that Core Strategy Policy CS26 does permit densities outside the quoted ranges where proposals achieve good design, reflect the character of the area or protect a sensitive area.

In this instance, the building is considered to be well-designed and not out of scale when viewed in the street scene. The site is also constrained due to levels, tree cover and culvert issues. The proposal is not an over-development of the site and, significant levels of trees and landscaping are being retained on site.

For these reasons above, it is considered that the density range of 51 dwellings per hectare is acceptable in this instance.

Design Considerations

UDP Policies BE5 'Building Design and Siting' and H14 'Conditions on Development in Housing Areas' seek to secure high quality developments which are of an appropriate scale, and which enhance the character and appearance of an area.

Core Strategy Policy CS74 (Design Principles) also expects high quality development that respects, takes advantage of, and enhances the distinctive features of the city, its districts and neighbourhoods. It should create a healthy and sustainable environment and transform the character of physical environments that have become run down.

Chapter 12 of the NPPF requires good design, whereby paragraph 131 states that "good design is a key aspect of sustainable development, creates better places in which to live and work and, helps make development acceptable to communities". Paragraph 139 of the NPPF states that development which is not well designed should be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, and not for the short term but over the lifetime of the development.
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- 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.

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 the NPPF and so can be afforded significant weight.

The principle of a two/three-storey building on this site, has been previously established under the 2012 planning consent which is a material consideration. The facing materials being proposed (primarily red brick with stone trims) are also considered acceptable in principle, but it will be necessary for a planning condition to be imposed requiring details of the facing and roofing materials, thereby ensuring that good quality materials will be used.

The proposed layout of the development is such that the apartment block is positioned to minimise overlooking, loss of privacy and overshadowing of existing neighbouring properties and, to facilitate the car parking and turning areas towards the front of the site where pedestrian access can then easily be gained to the main entrance of the building. The communal bin storage area is located where it can easily be accessed by bin collection lorries but not be highly visible to flats or nearby neighbouring residential properties. It is considered that the building sits comfortably on the site and within the street scene, where it is clear that there are variations in ridge heights, and varying separation distances between the adjacent properties.

The landscaped areas within the site will also incorporate visually interesting features (terraces and patios) that help to address the changing ground levels on the site whilst also maximising the amount of usable amenity space.

The introduction of landscaping at the front of the site will help to soften the appearance of the development and, it is considered that the overall development will be a visual improvement to the overgrown nature of the site which has also been the subject of fly-tipping.

The proposed new boundary treatment at the front of the site (fronting Holmhirst Road) will be in the form of a 1.5m high metal railing fence. It is considered that the metal railing fence will be a significant improvement to the current solid concrete blockwork boundary which, is in a state of disrepair, has missing panels and is covered with graffiti. When the scheme is complete, the metal railing fence will also allow views into and out of the site. People passing the site on Holmhirst Road will therefore be able to see some soft landscaping (including mature trees) with car parking and the apartment block beyond. An appropriately worded planning condition will also secure a high-quality landscaping scheme which will create visual interest and enhance this part of the street scene.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets

out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. This is supported by Paragraph 160 of the NPPF and therefore can be given substantial weight.

New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable. It is considered that there is scope to incorporate sources for renewable energy, for example, the flat roof and pitched roof sections of the building could easily accommodate solar panels without adversely affecting the future occupants or existing neighbours of the building. The building could also be built with high levels of insulation and with energy efficient equipment. The applicant has agreed for 50% of the car parking spaces to be provided with electric vehicle charging points. Officers also consider it appropriate for a suitably worded planning condition to be imposed that will help deliver on additional low carbon energy and/or renewables.

It is considered that the new apartment block building is well-designed and, that the overall scheme will represent a significant visual improvement from the site as it is currently.

Subject to the various planning conditions being imposed, officers are satisfied that the proposed development will comply with Policies BE5, H14(a), CS65, CS74, the NPPF and the Council's SPG – Designing House Extensions.

Residential Amenity

The closest 'residential' neighbouring properties to the site are nos. 21 to 29 Holmhirst Road, nos. 3 to 15 Linburn Road and nos. 2 to 6 Osmaston Road.

UDP Policy H14 'Conditions on Development in Housing Areas' requires that (c) the site should not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood. Policy H5 'Flats, Bed-Sitters and Shared Housing' part (a) requires that living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

The guidelines found in the adopted Supplementary Planning Guidance (SPG) on 'Designing House Extensions' relate specifically to new house extensions, however, some of the principles contained within SPG are relevant and are applied as 'best practice' and for the purpose of securing good design of layouts such as minimum window to window separation distances and distances to gardens etc.

The closest proposed windows in the new residential block will have a separation distance of approx. 27 metres to the closest windows of no. 21 Holmhirst Road (the SPG minimum requirement is 21-metres). The distance from the new residential block to the party boundary with no 21 Holmhirst Road is approximately 13.5 metres (SPG guidance states there should be a minimum distance to a neighbour's boundary of at least 10 metres). In this respect therefore, the positioning of the residential block will have a more than adequate separation distance to no. 21 Holmhirst Road. The closest window to window distance from the new residential

block to the properties on Linburn Road will be approximately 28 metres and, there will be a distance to the rear boundaries of properties on Linburn Road of approximately 21 metres. In this respect therefore, the new residential block will have an adequate separation distance to the neighbouring properties on Linburn Road.

The existing neighbouring properties at the rear of the site are nos. 2, 4 and 6 Osmaston Road. The separation distance from the new residential block to the rear elevation of no.4 Osmaston Road is shown as being approximately 14.5 metres. The closest distance from the residential block to the rear boundary of no 4 Osmaston Road is approximately 8 metres. Despite the close proximity of the proposed new residential block to the neighbouring properties on Osmaston Road, it should be noted that both nos. 2 and 4 Osmaston Road were designed, approved and built with obscure glazing at the rear (at first-floor level) so as to minimise direct overlooking and loss of privacy to and from the new apartment block as previously approved. It should also be noted that there is some existing boundary fencing and existing mature landscaping between the application site and the neighbouring properties on Osmaston Road and therefore, there is already some mitigation in place to help minimise overlooking to and from the new residential block onto the existing neighbours living on Osmaston Road. Furthermore, a carefully-worded planning condition for landscaping details should help to secure additional hedge and tree planting between the new apartment block building and those nearby neighbours living on Osmaston Road.

The proposed car parking areas serving the apartment block will be located on the area of the site that is furthest away from the existing neighbouring residents and this should eradicate the impact of noise and car-fume nuisance affecting neighbouring residents.

The proposed development site is in close-proximity to commercial properties with associated plant and also close to Chesterfield Road, and because of these factors, there is a risk that the occupants of the new apartments could potentially be affected by noise and other disturbance such as traffic fumes or odour from these. Appropriate conditions will be imposed that will serve to protect the living conditions of the future occupants of the development – this includes details of a suitable noise attenuation scheme and validation testing of the sound attenuation works.

The proposed bin storage area is also shown as being in a position that is furthest away from existing neighbouring residents, this should ensure that noise, odour and any other nuisance associated with waste bins is kept to a minimum.

The proposed apartments will provide good quality living accommodation for future occupiers. All rooms will benefit from natural light and the internal layouts are reasonably flexible and of good dimensions. Most of the properties on the first and second floor levels of the apartment block will have either an external balcony or an external roof terrace area.

With the exception of the external patio areas which the occupants of each of the ground floor flats will have as their own, all of the remaining garden/amenity areas will be for communal use. The existing trees and shrubs being retained at the site

are quite extensive and will add visual interest for the occupants of the development. The site is also within very close walking distance of Graves Park where there are a wide range of facilities available.

Overall, it is considered that the proposed development will not have a significant impact on existing residents or, on the future occupiers of the proposed units. It is considered that the scheme will accord with UDP Policies H5, H14 and the 'Designing House Extensions' SPG.

Landscaping/Wildlife/Ecology Issues

UDP Policy GE15 'Trees and Woodlands' states that trees and woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

Policy 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 policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 135 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

As previously mentioned, the site is currently very overgrown and has been blighted in the past due to there being a presence of Japanese Knotweed. The applicant has made it clear that there has been a managed programme over a prolonged period of time to clear the site of the Japanese Knotweed. The site is now clear of Japanese Knotweed.

The submitted plans show that many of the original trees and shrubs are being retained and that these will help to soften the appearance of the development and contribute to the natural environment.

As well as being within a Housing Policy Area, all of the site is also identified as being part of a Local Wildlife Site (LWS 183 Graves Park Beck) which is designated for Ancient Woodland indicator species (the wooded sections), 'Red List' plants and Red/Amber List bird species. It should be noted that this development site is only part of the LWS 183 Graves Park Beck Local Wildlife Site (the main part being within Graves Park itself) and that this site does not contain any Ancient Woodland or Red List plants or Red/Amber bird species. An ecological survey had been carried out at the site and the findings showed that there could be an infrequently visited 'outlier' sett, that was more often frequented by foxes and domestic cats. Badgers were at the time of the survey not judged to be a constraint on the site. Given the time lapse from that previous survey, it is now recommended that a planning condition be imposed requiring an 'update survey' be carried out in the event that changes have occurred on site.

Ecology officers have stated that the site has generally deteriorated in recent years and that they are comfortable with the development going ahead on this site. UDP

Planning Policy GE13 states that where developments would decrease the nature conservation value of an Area of Natural History Interest or Local Nature Site, that decrease must be kept to a minimum and compensated for by creation or enhancement of wildlife habitats elsewhere within the site or local area.

All development is required to achieve a 'net gain' in biodiversity in accordance with the NPPF. Biodiversity Net Gain (BNG) is also required under the new Environment Act 2021 and now, the mandatory minimum 10% BNG has come into force through secondary legislation for major developments, which this is.

The applicant has submitted an assessment using the appropriate metric which demonstrates there would be an on-site biodiversity loss following the development and with little opportunity for on-site enhancement to provide the 10% gain necessary, an off-site financial contribution is required and has been agreed.

In this instance, the developer has already agreed to make a financial contribution of £11,031 (as part of a Section 106 legal agreement) which will provide biodiversity enhancements elsewhere in the locality. This agreement has been completed.

The retention (and where applicable introduction) of trees, hedging and grassed areas (as part of a conditioned hard and soft landscaping scheme) will provide an attractive setting for the building (which is good for the future residents) and, it will also encourage new wildlife habitats to be formed which, sits well with Paragraphs 185, 186 and 187 of the NPPF which seeks to ensure that planning policies and decisions contribute to and enhance the natural and local environment by: -

- Providing and seeking net gains for biodiversity.
- Promoting the conservation, restoration and enhancement of priority habitats and ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- Wherever opportunities arise, promoting biodiversity as part of the design element of schemes, especially where this can secure measurable net gains.

In this instance therefore, it is recommended that a suitably-worded planning condition be imposed requiring details of a hard and soft landscaping scheme to be submitted for approval. This will ensure that the development provides an attractive living environment for the future occupants of the proposed residential flats and for existing neighbours. The signed Section 106 Legal Agreement for the site will provide biodiversity enhancements elsewhere in the locality to mitigate the losses on this site and to also be in line with central government requirements for delivering 10% biodiversity net gains (BNG) from new developments.

Highway Matters

Policy H14 'Conditions of Development in Housing Areas' requires a development to provide safe access to the highway network and provide appropriate off-street parking and not endanger pedestrians. This is reinforced through Policy H5 'Flats, Bed-Sitters and Shared Housing', which requires at part (c) there would be appropriate off-street car parking for the needs of the people living there.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. The site is located in a highly sustainable location (close to shops and services and frequent public transport links).

The Council's parking guidelines set out the parking standards, and for a development such as this (flats) the requirements are 1 space per each flat and 1 visitor space for every 4 flats. The parking provision shown on the plans show 17 on-site car parking spaces where the guidelines suggest 18. However, the site is located within a highly sustainable location with good public transport links in operation. Half of the car parking spaces will be provided with electric vehicle charging points. The developer is also providing on-site cycle parking for 10 cycles, and this is intended to promote an alternative mode of transport (for residents and visitors). This scheme is designed to essentially provide 1 car parking space per dwelling and 3 visitor car parking spaces.

Officers are satisfied that the levels of traffic generated by the development will not have a material impact on the adjacent highway network and that the access design is acceptable in terms of visibility and sight lines and enables two way traffic flow via the proposed 5-metre-wide access drive. The gradient of the access drive at 1:12 is also acceptable.

A separate pedestrian route is identified to and from Holmhirst Road which directs pedestrians safely through the car park and to the building entrance.

Officers are satisfied that the proposal is acceptable from a highway safety point of view.

Flood Risk and Drainage Issues

The application site is not located within a Flood Zone 2 or a Flood Zone 3 area, however, it is located in a low spot in the landscape which makes it more susceptible to flooding.

Council records show that there is a culverted watercourse recorded that crosses the site, the Graves Park Beck.

Drainage and flood risk issues has also been a big concern from many of the residents that have raised objections to the proposal.

Paragraph 158 of the NPPF states that plans and developments need to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk.

Paragraph 159 of the NPPF states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. And when new developments are proposed in areas that are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.

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

- Locating and designing development to eliminate unacceptable flood risk.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

Sheffield Core Strategy Policy CS67 'Flood Risk Management' states that the extent and impact of flooding should be reduced and requires new developments to achieve significant reductions in surface water discharge rates. This can readily be achieved through permeable surfacing and the introduction of soft landscaping (particularly on sites that are predominantly hard surfaced). The policy also requires not culverting and not building over watercourses wherever practicable; and encouraging the removal of existing culverting. In this instance, a stand-off distance of a minimum 3 metres is required at each side of the culvert in which no buildings or deep rooting trees are planted.

A Drainage Strategy report has been submitted which show that the drainage approach being taken for this development will include a new surface water attenuation tank being installed underneath the main access drive/turning area, the proposed scheme will also include some SUDS features (permeable paving) and, there is a potential 'dry swale'. Officers recommend that the dry-swale approach be implemented because this would serve as a new overland surface water interception feature designed into the scheme that should help to redirect overflow surface water from the Graves Park Beck back into the culvert. If designed, constructed and managed correctly, this drainage proposal would help to mitigate some of the surface water overflow/flooding issues on the application site and on some of the neighbouring sites further down-stream. It should be noted that this development is unlikely to change some of the flooding issues up-stream of the site i.e. at the medical centre.

Because the proposed building has a finished floor level of 129.1, it will be at least 1-metre lower than the surrounding land/roads/properties. Because of its natural low spot, officers are concerned about the long-term risks of flooding at the site, particularly if there was a culvert blockage in Chesterfield Road or at the Graves Park inlet.

For flood susceptible buildings (if floor levels can't be raised or used for non-residential purposes) the recommendations are:

- 1) Incorporating passive flood protection measures; and
- 2) Incorporating a place of safety.

Passive flood resistance/protection measures are techniques which would mitigate flood risk, but which don't require the prior forecasting and warning of flooding nor rely on people to put them in place. Examples of passive measures would include the raising of finished floor levels or the installation of flood proof doors and windows which are normally closed. In contrast, 'active' measures would include demountable

flood barriers or flood gates which need to be put in place in advance of a flood and therefore would only be effective if a flood is accurately predicted and people are available to implement the measures.

Because the Environment Agency does not perform a flood evacuation role during a flood incident, it is for the council to define what an acceptable place of safety is. The following factors apply for a place of safety for Residential:

- 1) It must be able to accommodate all of the potential occupants of the building; it could for example be a widened corridor or a circulation space in communal buildings.
- 2) It must be freely internally accessible.
- 3) The level of the place of safety (POS) should be set above the forecasted flood level.

- 4) An evacuation plan must be prepared which considers the speed and depth of flooding (bearing in mind there would be no flood warning system). The evacuation plan should take into account the vulnerability of users, such as those with mobility issues.

Based on all of these factors and in order to overcome the flood risks posed for the future occupants of the building, officers recommend that conditions be imposed that will secure passive flood resistance measures to the ground floor level and a suitable place of safety inside the building. There is corridor space at first-floor level that would be freely accessible to all of the residents that could reasonably be used as a place of safety.

Officers also recommend that a condition be imposed requiring full drainage details to be submitted and approved before any works commence on site.

Under Section 23 of the Land Drainage Act 1991, the developer would need to apply to the Lead Local Flood Authority (LLFA) for any proposals that would involve altering, diverting, connecting to or modifying a watercourse (the culvert).

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. The application site lies within CIL Charging Zone 4 with the charge for this development being £50 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 RECOMMENDATION

The proposals are based on a scheme that is not dissimilar to a previously approved planning application in 2012. The proposal is for the erection of 14 x 2-bedroom

apartments in a single 2/3-storey building (with associated parking and landscaping) located in a Housing Policy Area in the Woodseats area of Sheffield.

In addition to being within a Housing Policy Area, the site also forms part of a Local Wildlife Site (LWS 183 Graves Park Beck).

Although not located in a Flood Zone 2 or 3 area, the site is prone to flooding primarily due to its low ground level and regular blockages and lack of capacity to deal with heavy periods of rainfall at the Graves Park Beck (usually resulting in surface water over-flowing onto Chesterfield Road and Osmaston Road and then into the application site).

A series of drainage-related planning conditions would need to be imposed in order to secure drainage improvements at the site and to also make the scheme flood resilient.

In respect of the wildlife/ecology/biodiversity net gain (BNG) issues, the developer has already agreed and signed a Section 106 Legal Agreement which will help mitigate an BNG losses at the site through enhancements being carried out elsewhere in the locality. Officers consider that appropriate planning conditions can be introduced to ensure minimal impact to the wildlife at the site.

Officers are satisfied that the parking and access arrangements are suitable and that the development will not lead to any highway safety issues.

The proposal will provide a well-designed scheme that provides good living accommodation and will not have a significant impact on the living conditions of existing residents.

The site is currently overgrown and has been the subject of fly-tipping in the past and, generally has a dilapidated and unkempt appearance in the street scene. Officers consider that the proposal would lead to a visual improvement within the street scene.

The development will also deliver 14 more homes to the housing stock in Sheffield in a highly sustainable location that is well served by shops and services and good public transport links.

For all of the above-mentioned reasons, it is recommended that this application be conditionally approved and subject to the signed legal agreement.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 5 March 2024

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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

<p>(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof to include replacement dormer windows to front of dwellinghouse (resubmission of planning permission 23/01550/FUL) at 264 Darnall Road, Sheffield, S9 5AN (Case No: 23/03364/FUL).</p>
<p>(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations and extension to roof including raising of ridge height, hip to gable extension, and erection of rear dormer extension to dwellinghouse at 4 Roxton Road, Sheffield, S8 0BD (Case No: 23/02747/FUL).</p>
<p>(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 1x 48 sheet advert and upgrade of 1x existing 48 sheet advert to support digital poster at land at 113 Gower Street, Sheffield, S4 7JW (Case No: 23/02632/ADV).</p>
<p>(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof to form additional habitable space including raising of ridge height and addition of 4 no. rooflights at 4 Oldfield Close, Sheffield, S6 6EN (Case No: 23/02510/FUL).</p>
<p>(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of existing garage and erection of 2 x dwellinghouses with associated landscaping works at 90 Broomspring Lane, Sheffield, S10 2FB (Case No: 23/02242/FUL).</p>
<p>(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the increased ridge height to create habitable room in roofspace and installation of electric sliding gates to front drive at 64 Sandygate Park, Sheffield, S10</p>

5TZ (Case No: 23/01308/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 the erection of 3x dwellinghouses with associated works including access and landscaping at land to rear of 51-55 Knowle Lane, Sheffield, S11 9SL (Case No: 23/01201/FUL).

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification application for the Erection of 15m street pole with associated cabinets (Application for determination if approval required for siting and appearance) (Resubmission of 22/03774/TEL) at land at junction with Park Lane and Broomhall Road, Sheffield, S10 2DU (Case No: 23/00459/TEL).

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements at 45a Brooklands Avenue, Sheffield, S10 4GB (Case No: 23/00198/FUL).

(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of dwellinghouse, and associated landscaping curtilage of 57 Snaithing Lane, Sheffield, S10 3LF (Case No: 22/02392/FUL).

(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of detached garage, erection of dwellinghouse with associated parking at curtilage of 21 Brincliffe Crescent, Sheffield, S11 9AW (Case No: 22/02535/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse a prior notification application for the installation of H3G 15m street pole and additional equipment cabinets (Application to determine if prior approval required for siting and appearance) at Top Road, Sheffield, S35 0AQ (Case No: 22/04179/TEL) has been dismissed.

Officer Comment:-

The main issues identified by the Inspector were the effect of the siting and appearance of the equipment on the character and appearance of the area, and if harmful whether this was outweighed by need, and lack of suitable alternative sites.

The Inspector agreed with officers that the excessive height and bulk of the

mast and necessary equipment would result in significant harm to the character and appearance of the area.

They accepted the need for the facility but agreed with officers that there was insufficient evidence that less harmful alternative sites were not available.

Overall, the Inspector concluded that the benefits of the proposal would not outweigh the harm that would be caused to the character and appearance of the area.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey rear extension to roof terrace area at Flat 7, 3 Kenwood Road, Sheffield, S7 1NP (Case No: 22/03997/FUL) has been dismissed.

Officer Comment:-

The main issue in this case was the effect of the extension on the character and appearance of the Nether Edge Conservation Area (NECA).

The Inspector agreed with officers that the high-level extension would be prominent and incongruous, causing an unacceptable adverse effect on the character and appearance of the NECA.

(iii) To report that an appeal against the delegated decision of the Council to refuse a prior notification for the erection of 20m street pole with associated cabinets (Application for determination if approval required for siting and appearance) at Streetworks, Causeway Head Road, adjacent to junction with Parkers Lane, Dore, Sheffield, S17 3DP (Case No: 22/03772/TEL) has been dismissed.

Officer Comment:-

The main issues identified by the Inspector were the effect of the siting and appearance of the equipment on the character and appearance of the area, and if harmful whether this was outweighed by need, and lack of suitable alternative sites.

The Inspector agreed with officers that the excessive height and bulk of the mast and necessary equipment would result in significant harm to the character and appearance of the area.

They accepted the need for the facility but agreed with officers that there was insufficient evidence that less harmful alternative sites were not available.

(iv) To report that an appeal against the delegated decision of the Council to refuse a prior notification for the erection of 20m streetpole with associated cabinets and ancillary works (Application to determine if approval required for siting and appearance) at junction with Machon Bank Road and Moncrieffe Road, Sheffield, S7 1PE (Case No: 22/03717/TEL) has been dismissed.

Officer Comment:-

The main issues identified by the Inspector were the effect of the siting and appearance of the equipment on the character and appearance of the area, including the Nether Edge Conservation Area (NECA) and if harmful whether this was outweighed by need, and lack of suitable alternative sites.

The Inspector agreed with officers that the excessive height and bulk of the mast and necessary equipment would result in significant harm to the character and appearance of the area and would contrast with the traditional appearance of surrounding buildings harming the significance of the NECA failing to preserve or enhance its character and appearance.

They accepted the need for the facility but agreed with officers that there was insufficient evidence that less harmful alternative sites were not available. The public benefits were not therefore considered to outweigh the harm to the heritage asset.

(v) To report that an appeal against the delegated decision of the Council to refuse a prior notification for the erection of telecommunications base station comprising of 17.5m high column, 3no. antennas, associated GPS module, 1no. equipment cabinet, 1no. meter cabinet and ancillary works (Application to determine if approval required for siting and appearance) at electricity substation at rear of Holmwood Nursing Home 50m along track, Warminster Road, Sheffield, S8 9BN (Case No: 22/03232/TEL) has been dismissed.

Officer Comment:-

The main issue identified by the Inspector was the effect of the siting and appearance of the equipment on the character and appearance of the area.

The Inspector agreed with officers that the form of the mast and necessary equipment would be harmful in the residential context and would represent a dominant and unattractive feature.

He acknowledged the benefits of the proposal but felt these were outweighed by the harm.

(vi) To report that an appeal against the delegated decision of the Council to grant planning permission for the erection of buildings comprising 4 business/industrial units (Use Classes E (g (iii)/B2) with associated car parking and impose condition number(s) 4, 13 and 22 relating to drainage, and condition 18 restricting the use of the approved units at G Morley Ltd, Worthing Road, Sheffield, S9 3JA (Case No: 22/02875/FUL) has been dismissed.

Officer Comment:-

The appellant sought to delete 4 conditions imposed on that planning

permission, the effect of which would be to remove the requirements that:

- full details of a surface water drainage scheme are approved by the Council (condition 4);
- all surface water drainage discharged from parking areas and hard standings into any watercourse, surface water sewer or soakaway system is passed through a petrol/oil interceptor (condition 13);
- the maximum flow rate of surface water discharged from the completed development is restricted to 10 litres per second (condition 22); and
- the use of the approved units is confined to Class B2 (general industry) and Class E, g, iii (light industry) and for no other purpose within Class E (condition 18).

Against that background, the main issue was whether the conditions in dispute were reasonable and necessary having particular regard to the policies of the development plan, the Framework, and the Planning Practice Guidance (PPG).

Surface water drainage details (condition 4)

The Inspector determined that few precise details of the existing and proposed drainage arrangements were before them and that the discharge of surface water to a combined sewer is the last of 4 solutions in the hierarchy of drainage options set out in the PPG. In those circumstances, it seemed reasonable to expect technical evidence in the form of a survey and a drainage strategy to confirm beyond doubt that the site connects to an existing combined sewer and to ensure that other SUDS options have been assessed in accordance with the surface water drainage hierarchy.

Without condition 4, as proposed, there is no certainty that the details of the surface water drainage scheme to serve the development would be acceptable or that the SuDS options have been adequately investigated. On that basis, the proposal conflicted with CS Policy CS67 and the PPG.

Petrol and oil interceptor (condition 13)

Under condition 13, a petrol and oil interceptor is required only if the parking and hard surface areas of the development drain to a watercourse, surface water sewer or soakaway system. The main purpose of such a device is to capture and remove hydrocarbons from surface water runoff before they enter the drainage system. By ensuring cleaner water discharge, the device would prevent pollutants potentially reaching water bodies elsewhere.

Given the historic and approved use of the site for industrial purposes, the potential for pollutants on site such oil and petrol cannot be ruled out. In the absence of firm technical evidence to demonstrate that a device to intercept hydrocarbons is not required due to the method of surface water disposal or inappropriate, condition 13 is reasonable and necessary because it would

prevent pollution of the water environment.

Flow of surface water (condition 22)

Condition 22 places a limit on the maximum flow of surface water from the site to mitigate the risk of flooding. By deleting this condition, as sought, there would be no upper limit to the flow of surface water from the site. Such an approach would be counter to CS Policy CS67, which requires that all developments significantly limit surface water run-off to reduce the extent and impact of flooding.

In this case, much of the site is or would be covered by buildings and hard surfaces and so the flow of surface water during heavy rainfall could be significant. If a maximum threshold for the flow of surface water were not imposed, the development could add to the risk of flooding in conflict with CS Policy CS67.

Use of the approved units (condition 18)

Condition 18 restricts the use of the new units to general industry (Class B2) and light industry (Class E g iii), such that planning permission would be required for any change to another use within Class E of the Use Classes Order (UCO). The appellant considered that condition to be too restrictive because it hinders the opportunity to accommodate and support small businesses in other sectors such as retail wholesalers, gymnasiums, cookery schools, cafes, microbreweries, and woodworking.

However in the absence of condition 18, any of the approved units could, without planning permission, change to a wide range of commercial, business and service uses within Class E through the exercise of permitted development (PD) rights. These other uses would include shops, financial and professional services, restaurants and cafes and offices and other business uses. Gymnasiums, nurseries, and health centres would also fall within Class E.

Most of these services and facilities would be regarded as main town centre uses, as defined in the Glossary of the Framework. Given the industrial character of the site and the immediate area, and its location outside of a recognised town centre, not all Class E uses would necessarily be appropriate or compatible in its context. Furthermore, it is not possible to conclude from the limited evidence provided that a Class E use on the site such as a retail shop would comply with the policies of the Framework insofar as they aim to ensure the vitality of town centres.

The effect of condition 18 is that planning permission would be required for any purpose outside of Class B2 and E g (iii) including those to which the appellant has referred. This arrangement allows such a proposal to be assessed on its own merits in the light of the circumstances prevailing at that time.

The Framework makes clear that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. The PPG also advises that conditions restricting the future exercise of PD rights and conditions restricting future changes of use may not pass the test of reasonableness or necessity. Nevertheless, the Inspector found that condition 18 was justified, necessary and reasonable for the reasons set out above.

Other Matters

The PPG states that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In this case, CS Policy CS67 allows the issue of financial feasibility to be among the considerations in assessing the most appropriate method of surface water disposal under condition 4. There would be some additional cost associated with promoting a fresh planning application for the non-industrial use of any of the approved units. However, the Inspector was not persuaded on the submitted evidence that the expense would be so great as to unreasonably impact on the deliverability of the development.

Conclusion

For reasons set out above, the Inspector found that conditions 4, 13, 18 and 22, taken individually, are reasonable, necessary and that they meet the relevant tests set out in the Framework and the PPG. To delete these conditions, as proposed, would conflict with the development plan, when read as a whole. There were no material considerations, including the policies of the Framework and the advice within the PPG, which indicate that the decision should be taken other than in accordance with the development plan.

For this combination of reasons the appeal was dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the construction of vehicular access and provision of off-street parking to dwellinghouse at 528 Fulwood Road, Sheffield, S10 3QD (Case No: 23/01242/FUL) has been allowed.

Officer Comment:-

The appeal case proceeded concurrently with the appeal made in respect of a similar development proposal at the adjoining property No. 526 Fulwood Road (ref 23/01003/FUL).

The main issues for both were the likely effect of the proposed off-street car parking facilities on the appearance and character of this part of the house frontages on Fulwood Road.

The Inspector was not persuaded that the Council's objections should prevail taking the view that the attractiveness of frontages to the terrace has depended upon individual occupiers' treatment, rather than particular merits of the original layout.

Implementation of permitted car parking areas has not caused significant harm to the street scene in the Inspectors view. He also considered that the Nos. 524 and 522 planning permissions weakened the precedent objection.

The Inspector observed that the proposed off-street parking areas were limited. The resulting need to reverse a car in or out of the proposed parking is not ideal. On balance however, he considered it preferable to parking on the road.

Overall, therefore he determined that the lack of material harm to the street scene results in no significant conflict with national or relevant local policy guidance drawn up to protect against unsightly development and allowed both appeals.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the construction of vehicular access and provision of off-street parking to dwellinghouse at 526 Fulwood Road, Sheffield, S10 3QD (Case No: 23/01003/FUL) has been allowed.

Officer Comment:-

The comments are the same as the previous case (ref 23/01242/FUL) as both appeal cases proceeded concurrently and as it was a joint decision.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to roof of dwellinghouse including raised ridge height, hip to gable extension, dormer window to rear and rooflights to front at 14 Sherwood Glen, Sheffield, S7 2RB (Case No: 23/00836/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the roof alterations on the character and appearance of Sherwood Glen, a street of detached houses of very similar and quite uniform appearance, mostly containing hipped roofs.

The Inspector acknowledged officer's concern about the impact of incorporating a gable roof and raising the roof ridge on this character and appearance but noted that negotiations had reduced this impact, and that gable roofs were not entirely alien to the street scene. They also noted the overall roof height would bridge but not exceed either of the immediate neighbours following the negotiated amendments.

They concluded overall that the changes were in scale and character with neighbouring buildings and would not detract from the appearance of the

property or street.

(iv) To report that an appeal against the Council's failure to give notice of a decision on an application to reduce main tower block from 38 to 35 storeys, re-configuration of window sizes/positions, facade materials of main tower changed from metal cladding to brickwork and accommodation mix revised to 1067no. studios, 10.no 2 beds, 33no. 5 beds, and 10no. 6 beds (Application under Section 73 to vary condition no(s) 2 (approved plans) as imposed by planning permission 21/05354/FUL - Application for alterations to elevations and layout (Application under Section 73 to vary condition 2. (approved plans) and remove condition 21. (Dutch Ramp)), imposed by application 20/04572/FUL - Application to revise the housing mix and change of window material (in places) to UPVC (Application under Section 73 to vary condition 2. (approved plans), 12. (energy needs) & 34. (UPVC windows) (Amended Plans) imposed by planning permission 19/03779/FUL - Demolition of existing buildings and erection of mixed use building up to 12/17/38 storeys to form residential units with ancillary amenities including gymnasium, cinema, common rooms and raised external deck, associated cycle and bin storage and ground floor retail unit (Use Class A1) (Development Accompanied by an Environmental Statement as amended 19th December 2019))) at land bounded by Rockingham Street, Wellington Street and Trafalgar Street, Sheffield, S1 4ED (Case No: 23/00697/FUL) has been allowed.

Officer Comment:-

The inspector confirmed that the only dispute was whether the S73 process can be used in this case, where the proposal seeks to amend condition 2 (approved drawings) to allow the height of the tower to be reduced from 38 to 35 storeys.

The appellant argued that the proposed reduction in height would not alter the operative part of the permission as the description of development refers to development of **up to** 12/17/38 storeys.

The LPA argued that given the application is a full planning permission the approved plans are fundamental to the consideration of what is permitted and that a proposal of a lower height would not accord with the description of development.

The Inspector refers to the Armstrong judgement which rejected the proposition that a S73 could only be made for a minor material amendment. They also refer to the Finey case where it was confirmed that a S73 is directed at conditions and does not permit variation of the 'operative part' of a planning permission and the PPG which states a S73 cannot be used to change the description of development.

The Inspector concluded that the proposed development would still accord with the description of development owing to the use of 'up to' in relation to the height. They state that the proposal would not be fundamentally altered from the original proposal, it would still be a mixed use scheme comprising

residential units in three blocks, albeit one block would be less high. There would be no additional policy considerations or concerns. As such the Inspector concluded that the appeal be allowed.

(v) To report that an appeal against the Council's failure to give notice of a decision on an application to reduce main tower block from 38 to 32 storeys, re-configuration of window sizes/positions, facade materials of main tower changed from metal cladding to brickwork and accommodation mix revised to 1010no. studios, 10.no 2 beds, 30no. 5 beds, and 10no. 6 beds (Application under Section 73 to vary condition no(s) 2 (approved plans) as imposed by planning permission 21/05354/FUL - Application for alterations to elevations and layout (Application under Section 73 to vary condition 2. (approved plans) and remove condition 21. (Dutch Ramp)), imposed by application 20/04572/FUL - Application to revise the housing mix and change of window material (in places) to UPVC (Application under Section 73 to vary condition 2. (approved plans), 12. (energy needs) & 34. (UPVC windows) (Amended Plans) imposed by planning permission 19/03779/FUL - Demolition of existing buildings and erection of mixed use building up to 12/17/38 storeys to form residential units with ancillary amenities including gymnasium, cinema, common rooms and raised external deck, associated cycle and bin storage and ground floor retail unit (Use Class A1) (Development Accompanied by an Environmental Statement as amended 19th December 2019))) at land bounded by Rockingham Street, Wellington Street and Trafalgar Street, Sheffield, S1 4ED (Case No: 23/00696/FUL) has been allowed.

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The appellant argued that the proposed reduction in height would not alter the operative part of the permission as the description of development refers to development of **up to** 12/17/38 storeys.

The LPA argued that given the application is a full planning permission the approved plans are fundamental to the consideration of what is permitted and that a proposal of a lower height would not accord with the description of development.

The Inspector refers to the Armstrong judgement which rejected the proposition that a S73 could only be made for a minor material amendment. They also refer to the Finey case where it was confirmed that a S73 is directed at conditions and does not permit variation of the 'operative part' of a planning permission and the PPG which states a S73 cannot be used to change the description of development.

The Inspector concluded that the proposed development would still accord with the description of development owing to the use of 'up to' in relation to

the height. They state that the proposal would not be fundamentally altered from the original proposal, it would still be a mixed use scheme comprising residential units in three blocks, albeit one block would be less high. There would be no additional policy considerations or concerns. As such the Inspector concluded that the appeal be allowed.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the siting of 4x shipping container buildings for use as a takeaway food/ drink shop with car parking provision (retrospective application) at Chai & Co, 16 Owler Lane, Sheffield, S4 8GA (Case No: 22/03703/FUL) has been allowed.

Officer Comment:-

The case is linked with associated Enforcement appeal ref APP/J4423/C/23/3323990 which was also dismissed.

The Inspector considered that the main issue in both appeals was the impact of the development on the character and appearance of Owler Lane.

The Inspector acknowledged that the introduction of the development subject to both of the two appeals is clearly a contrast to the established pattern of development. However, the site appears for many years to have been vacant waste land and to have last been used for the storage of shipping containers and cars. In that context, the more formal and orderly siting of the containers in the present scheme would appear to represent an innovative scheme which is a visual improvement on the previous use. In the Inspector's view the setting back from the frontage and the painting black of the containers considerably reduces their visual impact on the street scene.

Indeed, the recessive nature of the development tends to enhance the aesthetic character of the terraced blocks on either side.

The Inspector noted that the re-purposing of the containers appears to be a sustainable form of development, which appears to have been used on suitable sites elsewhere in the City. In the particular context of this site, the Inspector considered the development to be an innovative solution to making viable use of land whose former condition must have detracted from the appearance of, and undermined the vitality of, this shopping centre. This appears to be consistent with the encouragement of innovation in the National Planning Policy Guidance.

Overall, therefore the Inspector concluded that the limited harm to the character and appearance of Owler Lane would be outweighed by the benefits of the scheme. As such, the Inspector considered that there was no undue conflict with the aims of the development plan and allowed both appeals granting planning permission for the development and quashing the enforcement notice.

(vii) To report that an appeal against the Committee decision of the Council to

refuse outline planning permission for the erection of up to 92 dwellinghouses and associated vehicular and pedestrian access (all matters reserved except access) at land between Hollin Busk Road, Broomfield Grove and Broomfield Lane, Sheffield, S36 2AQ (Case No: 22/02303/OUT) has been allowed.

Officer Comment:-

The Inspector concluded that owing to the size of the site and number of dwellings proposed, that the development would significantly increase the level of built form in this location. They considered that the proposal would erode the rural, open, verdant countryside character and appearance of the site. However, the development would be seen within the context of the adjacent built up area of Stocksbridge and would not be out of character with the land use in the surrounding area. They concluded the harm would be limited and localised but would be contrary to local and national policies.

The Inspector also considered the fallback permission whereby an application has been approved for a lesser number of dwellings (75) on the site and gave significant weight to this. They concluded that there was no robust reasoning why the western part of the site was more important than the other parts of the site where development has been consented. They considered the difference between the appeal proposal and the fallback position to be limited in nature and localised.

The Inspector attached significant weight to the benefit of providing additional housing in the absence of a 5 year housing land supply. Moderate weight was also attached to the economic, social and environmental benefits of the scheme. On balance, the Inspector concluded that the adverse impacts of the proposal did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the Notice which is the unauthorised material change of use of undeveloped land to Class B8 purposes (storage or distribution including open air storage) at land to the rear of Mirage, 284a Handsworth Road, Sheffield, S13 9BX (Inspectorate Ref: APP/J4423/C/23/3329169).

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the

Council for the unauthorised execution of operational development consisting of: to the front of the Land: the erection of a wooden pergola, fencing, two storage containers clad with timber including over hanging canopies (operating as "chaska grill" and "chaska chai"), the provision of decking enclosed by timber balustrading, the erection of timber frames supporting festoon lighting, and the provision of an extraction flue; and to the rear of the Land, a marquee has been erected at 261 Staniforth Road, Sheffield, S9 3FP (Inspectorate Ref: APP/J4423/C/23/3321591) has been dismissed with corrections to the Notice.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (d) that at the time the notice was issued it was too late for enforcement action to be taken and (f) that the requirements of the notice exceed what is necessary to remedy the breach of control alleged. The Inspector removed reference to the marquee from the Notice. A previous Notice had been served against the provision of a marquee in this location in 2015, and therefore that notice is still extant and can be enforced against.

The appeal was then considered in respect of the remaining unauthorised development.

Ground D Appeal Failed. In order to succeed it had to be shown that the remaining development was substantially completed more than 4 years before the date on which the notice was issued. The relevant date therefore was the 11 April 2019. The appellant did not dispute that the remaining development was sited at the appeal land. Moreover, the appellant's evidence set out that the owner paid and installed the units around the coronavirus outbreak and pandemic, thus there is no evidence provided to support their ground (d) appeal or certainty of dates that they were substantially completed more than 4 years before the date the notice was issued.

Ground F Appeal Failed (The steps required to be taken by the notice exceed what is necessary to achieve its purpose). The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)).

The Inspector stated that requiring the unauthorised developments to be removed would do no more than to remedy the breach that has occurred. Consequently, it cannot be an excessive requirement. The appellant had not produced any substantive evidence to support their ground (f) appeal and that the notice's requirements exceed what is necessary to remedy the breach, or identified any alternative or lesser steps that would do so. Instead, the appellant's case was that they acted in desperation to stave off closure and redundancy and the action is dis-proportional to the development.

Regarding the structures being temporary, the Inspector stated that there was nothing before them to support this or suggest that the unauthorised

development would fall to be permitted development. Moreover, there was no ground (a) appeal for them to consider the planning merits of the case.

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of two front dormer extensions, the provision of a vehicular gate and the increase in height of the wall between the front amenity area and the driveway at 264 Darnall Road, Sheffield, S9 5AN (Inspectorate Ref: APP/J4423/C/23/3325258) has been dismissed.

Officer Comment:-

The appellant appealed against the service of the notice on grounds F (the steps required to be taken by the notice exceed what is necessary to achieve its purpose) and G (that the time given to comply with the notice is too short).

Appeal under Ground F (Failed). The Inspector noted that the appellant's case on ground (f) appears to relate solely to the two front dormers. It is clear from the requirements of the notice that the purpose of the notice is to remedy the breach of planning control, as per s173(4)(a) of the Act. Accordingly, the requirement to remove the two dormers and to reinstate the front roof slope to its condition prior to the taking place of the development does not exceed what is needed to remedy the breach of planning control. In his representations, the appellant included drawings of front dormers of a reduced scale, which they submitted should be acceptable in the local context. (These were subsequently refused in a separate application to the planning department). The appellant chose not to pursue his original ground (a) appeal, and, in the absence of this ground, the courts have held that the planning merits may not be considered by way of ground (f) alone. Therefore, the appeal under Ground F failed.

The appeal under Ground G (Failed) – The Inspector stated that the stipulated period of 6 months appears to be ample time for the carrying out of the requirements of the notice. The appellant did not provide any evidence that such a period is unreasonably short. The Inspector concluded that the appeal on ground (g) fails.

8.0 ENFORCMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the siting of 4 container buildings, decking and seating area, and the change of use of the land to use for the purpose of takeaway hot food and drink use at 14-16 Owler Lane, Sheffield, S4 8GA (Inspectorate Ref: APP/J4423/C/23/3323990) has been allowed.

Officer Comment:- See Officer comments under item 4 (vii)

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

5 March 2024